

**LOCAL LAWS
OF
THE CITY OF NEW YORK
FOR THE YEAR 2019**

No. 172

Introduced by Council Members Lander, Rosenthal, Rose, Chin, Brannan, Kallos, Reynoso, Powers, Van Bramer, Ayala, Menchaca, Perkins, Rivera, Richards, Levin, the Public Advocate (Mr. Williams), Ampry-Samuel, Levine, Adams, Cumbo and Espinal.

A LOCAL LAW

To amend the administrative code of the city of New York, in relation to protections for workers under the city's human rights law

Be it enacted by the Council as follows:

Section 1. Section 8-102 of the administrative code of the city of New York, as amended by local law 98 for the year 2018, is amended to read as follows:

Employer. For purposes of subdivisions 1, 2, 3, 11-a, and 22, subparagraph 1 of paragraph a of subdivision 21, [and] paragraph e of subdivision 21 *and subdivision 23* of section 8-107, the term "employer" does not include any employer [with] *that has* fewer than four persons in the employ of such employer *at all times during the period beginning twelve months before the start of an unlawful discriminatory practice and continuing through the end of such unlawful discriminatory practice*, provided however, that in an action for unlawful discriminatory practice based on a claim of gender-based harassment pursuant to subdivision one of section 8-107, the term "employer" shall include any employer, including those with fewer than four persons in their employ. For purposes of this definition, (i) natural persons [employed as independent contractors to carry out work] *working as independent contractors* in furtherance of an employer's business enterprise [who are not themselves employers] shall be counted as persons in the employ of such

employer and (ii) the employer's parent, spouse, domestic partner or child if employed by the employer are included as in the employ of such employer.

§ 2. Paragraph (f) of subdivision 1 of section 8-107 of the administrative code of the city of New York, as amended local law 63 for the year 2018, is amended to read as follows:

(f) The provisions of this subdivision [shall] *do* not govern the employment by an employer of the employer's parents, spouse, domestic partner, or children; provided, however, that such family members shall be counted as persons employed by an employer for the purposes of the definition of employer set forth in section 8-102.

§ 3. Subdivision 23 of section 8-107 of the administrative code of the city of New York, as added by local law number 9 for the year 2014, is amended to read as follows:

23. *Additional provisions relating to employment.* The [provisions]*protections* of this chapter relating to employees [shall] apply to interns, *freelancers and independent contractors.*

§ 4. This local law takes effect 90 days after it becomes law.

THE CITY OF NEW YORK, OFFICE OF THE CITY CLERK, s.s.:

I hereby certify that the foregoing is a true copy of a local law of The City of New York, passed by the Council on September 12, 2019 and returned unsigned by the Mayor on October 15, 2019.

MICHAEL M. McSWEENEY, City Clerk, Clerk of the Council.

CERTIFICATION OF CORPORATION COUNSEL

I hereby certify that the form of the enclosed local law (Local Law No. 172 of 2019, Council Int. No. 136-A of 2018) to be filed with the Secretary of State contains the correct text of the local law passed by the New York City Council, presented to the Mayor and neither approved nor disapproved within thirty days thereafter.

STEPHEN LOUIS, Acting Corporation Counsel.