S T A T E O F N E W Y O R K

4187

2013-2014 Regular Sessions

I N A S S E M B L Y

February 1, 2013

Introduced by M. of A. ORTIZ, JAFFEE, ROBINSON -- Multi-Sponsored by -- M. of A. HIKIND -- read once and referred to the Committee on Labor

AN ACT to amend the labor law, in relation to domestic workers and household employees

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Subdivision 1 of section 691 of the labor law, as added by chapter 721 of the laws of 2004, is amended to read as follows:

1. Every licensed employment agency under the jurisdiction of the commissioner and engaged in the job placement of domestic workers or household employees shall provide to each applicant for employment as a domestic worker or household employee and his or her prospective employer, before job placement is arranged, a written statement indicating the rights of such worker and employee and the obligations of his or her employer under state and federal law. In the event any such licensed employment agency maintains a website, the text of such written statement shall also be provided on the agency's website. The department shall promulgate rules and regulations detailing what information should be included in such written statement. Such rules and regulations shall require that such statement of rights and obligations embody provisions of state and federal laws that pertain to domestic workers or household employees, both in their capacity as workers and employees in New York state and the United States and in their capacity specifically as domestic workers or household employees in New York state and the United States. Such statement of rights and obligations shall include, but not be limited to, a general description of employee rights and employer obligations pursuant to laws regarding minimum wage, overtime and hours of work, record keeping, social security payments, unemployment insurance coverage, disability insurance coverage and workers' compensation. SUCH STATEMENT OF RIGHTS AND OBLIGATIONS SHALL BE PREPARED IN ENGLISH, SPANISH, CREOLE AND ANY OTHER LANGUAGE DETERMINED BY THE COMMISSIONER TO

EXPLANATION--Matter in ITALICS (underscored) is new; matter in brackets [ ] is old law to be omitted.

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BE SPOKEN AS A PRIMARY LANGUAGE BY A SUBSTANTIAL PERCENTAGE OF SUCH WORKERS OR EMPLOYEES. UPON THE REQUEST OF THE EMPLOYMENT AGENCY, THE COMMISSIONER SHALL PROVIDE TRANSLATION ASSISTANCE TO SUCH AGENCY AND SHALL MAKE SAMPLES OF SUCH STATEMENT PREPARED IN THE REQUIRED LANGUAGE AVAILABLE TO SUCH AGENCY. Every licensed employment agency under the jurisdiction of the commissioner and to which this article applies shall certify that the written statement required by this subdivision conforms to rules and regulations promulgated by the department and shall file a copy of such written statement with the department.

S 2. This act shall take effect on the ninetieth day after it shall have become a law.