

# STATE OF NEW YORK

8405

2023-2024 Regular Sessions

## IN ASSEMBLY

December 13, 2023

Introduced by M. of A. CUNNINGHAM -- read once and referred to the  
Committee on Labor

AN ACT to amend the labor law, in relation to establishing an immigrant  
workers' bill of rights

The People of the State of New York, represented in Senate and Assem-  
bly, do enact as follows:

1 Section 1. The labor law is amended by adding a new article 19-E to  
2 read as follows:

### ARTICLE 19-E

#### IMMIGRANT WORKERS' BILL OF RIGHTS

##### Section 697. Definitions.

##### 698. Immigrant workers' bill of rights.

7 § 697. Definitions. As used in this article, the following terms shall  
8 have the following meanings:

9 1. "Mobile application" shall mean a type of application software  
10 designed to run on a mobile device, such as a smartphone or computer  
11 tablet.

12 2. "Temporary protected status" shall have the same meaning as set  
13 forth in section 1254a of title 8 of the United States code.

14 § 698. Immigrant workers' bill of rights. 1. No later than March  
15 first, two thousand twenty-five, the commissioner, in coordination with  
16 the department's division of immigrant policies and affairs, the divi-  
17 sion on human rights, and community and labor organizations deemed  
18 appropriate by the commissioner, shall provide on the department's  
19 website in English and such other languages as deemed appropriate by the  
20 commissioner information about rights under relevant federal and state  
21 law that apply to employees, prospective employees or independent  
22 contractors in the state. Such information shall indicate which rights  
23 apply to workers regardless of immigration status and shall also include  
24 information about the right to organize a union.

25 2. An employer shall:

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

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1 (a) provide to each employee employed by such employer, no later than  
2 August first, two thousand twenty-five, and thereafter on or before an  
3 employee's first day of work, the information described in subdivision  
4 one of this section; and

5 (b) conspicuously post the information described in subdivision one of  
6 this section at an employer's place of business in an area accessible  
7 and visible to employees employed by such employer.

8 3. The information required to be provided by an employer pursuant to  
9 subdivision two of this section shall be in English and any language  
10 spoken as a primary language by at least five percent of employees  
11 employed by such employer, if the commissioner has made the information  
12 available in such language.

13 4. An employer shall make available online or on its mobile applica-  
14 tion the information described in subdivision one of this section for  
15 employees to view if such means are regularly used to communicate with  
16 such employer's employees.

17 5. Any employer who violates any provision of this section shall be  
18 liable for a civil penalty of five hundred dollars, except that with  
19 respect to a first violation, the commissioner shall notify such employ-  
20 er of such violation and request that action be taken to correct such  
21 violation within thirty days and shall afford such employer an opportu-  
22 nity to contest the commissioner's finding. A proceeding to recover any  
23 civil penalty authorized pursuant to this subdivision may be brought by  
24 the commissioner in any court of competent jurisdiction or within any  
25 agency of the state designated to conduct such proceedings.

26 6. No later than April first, two thousand twenty-five, the depart-  
27 ment's division of immigrant policies and affairs, in coordination with  
28 the department and community and labor organizations deemed appropriate  
29 by the department, shall conduct outreach regarding the information  
30 described in subdivision one of this section to employees, prospective  
31 employees, and independent contractors in the state. Such outreach shall  
32 include, but not be limited to, the following:

33 (a) Contact information for the New York state office for new Ameri-  
34 cans hotline;

35 (b) Resources and contact information for immigration legal services  
36 and the department's division of immigrant policies and affairs;

37 (c) Information on what to expect if immigration enforcement authori-  
38 ties come to an individual's workplace; and

39 (d) Information regarding federal eligibility requirements of tempo-  
40 rary protected status following designations, extensions, and redesign-  
41 ations of such status pursuant to section 1254a of title 8 of the  
42 United States code.

43 7. Community outreach and education efforts pertaining to the informa-  
44 tion described in subdivisions one and six of this section shall be  
45 conducted via the internet, print media, and public transportation  
46 advertisements. Community outreach described in subdivision six of this  
47 section shall include, but not be limited to, distributing outreach  
48 materials at humanitarian emergency response and relief centers, emer-  
49 gency shelters, respite centers, and asylum seeker resource navigation  
50 centers. The department's division of immigrant policies and affairs  
51 shall create such outreach materials in English and such other languages  
52 as deemed appropriate by the commissioner.

53 § 2. This act shall take effect immediately.