

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 redesi-
41 gnations 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.