

Introduced by Legislator Mejias

LOCAL LAW NO. -2006

A LOCAL LAW to amend the Administrative Code of the County of Nassau, in relation to the standards of conduct of employment agencies and employers of domestic or household employees placed by employment agencies.

Be it enacted by the county legislature of the county of Nassau, as follows:

Section 1. Legislative findings and intent.

The Legislature finds that the county has the responsibility to act to assure that every individual within this county is afforded an equal opportunity to enjoy a full and productive life, and that the failure to provide such equal opportunity, whether because of discrimination, prejudice, intolerance or inadequate education, training, housing or health care not only threatens the rights and proper privileges of its inhabitants, but menaces the institutions and foundation of a democracy and threatens the peace, order, health, safety and general welfare of the county and its inhabitants.

The placement of domestic or household employees into the homes of employers directly implicates such responsibility. The Legislature is advised that the majority of domestic or household employees in Nassau County are women who, because of race and sex discrimination, language barriers and immigration status, are particularly vulnerable to unfair labor practices, including the risk of abuse and exploitation.

This law seeks to prevent discrimination through the dissemination of information regarding the rights and responsibilities of domestic or household employees and the employment agencies which place them. It is in this way that the law seeks to promote

responsible practices with respect to the placement of domestic or household employees.

§2. Chapter twenty-one of the Nassau County Administrative Code is hereby amended to add a new title C-3, to read as follows:

### Title C-3

#### Domestic Workers and Household Employees

##### §21-9.10.1 Definitions.

“Domestic or household employee” means any person who performs services of a household nature in a private home of the person by whom he or she is employed. The term includes employees such as housecleaners, nannies, governesses, cooks, waiters, butlers, valets, maids, laundresses and chauffeurs of automobiles for family use. It does not include au pairs as defined herein. This listing is illustrative and not exhaustive.

“Au pair” means a person who performs childcare services pursuant to the program administered by the State Department of the United States in a private home of the person by whom he or she is employed.

"Employment agency" means:

- a. any person who, for a fee, procures or attempts to procure:
  - (1) employment or engagements for persons seeking employment or engagements,or
  - (2) employees for employers seeking the services of employees.
- b. any person who, for a fee, renders vocational guidance or counseling services and who directly or indirectly:
  - (1) procures or attempts to procure or represents that he or she can procure employment or engagements for persons seeking employment or engagements;
  - (2) represents that he has access, or has the capacity to gain access, to jobs not otherwise available to those not purchasing his or her services; or
  - (3) provides information or service of any kind purporting to promote, lead to or result in employment for the applicant with any employer other than himself.

"Fee" means anything of value, including any money or other valuable consideration charged, collected, received, paid or promised for any service, or act rendered or to be rendered by an employment agency, including but not limited to money

received by such agency or its agent which is more than the amount paid by it for transportation, transfer of baggage, or board and lodging on behalf of any applicant for employment.

"Person" means any individual, company, society, association, corporation, limited liability corporation or company, limited liability partnership, manager, contractor, subcontractor, partnership, bureau, agency, service, office or the agent or employee of the foregoing.

§21-9.10.2 Statement of employee rights and employer obligations under state and federal law.

a. Every employment agency engaged in the job placement of domestic or household employees shall provide to each applicant for employment as a domestic or household employee and his or her prospective employer, before job placement is arranged, a written statement indicating the rights of such employee and the obligations of his or her employer under state and federal law. Such statement of rights and obligations shall be formulated by the chair of the commission and shall embody provisions of state and federal laws that pertain to domestic or household employees, both in their capacity as workers in New York State and the United States and in their capacity specifically as domestic 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, Haitian Creole and any language the Commission on Human Rights determines the law applies to and/or any language requested by an employment agency, and shall be made available to all employment agencies that are engaged in the job placement of domestic or household employees in Nassau County by being posted on the county website in PDF form and/or distributed to employment agencies that request forms by the chair of commission.

b. Every employment agency engaged in the job placement of domestic or household employees in Nassau County shall keep on file in its principal place of

business for a period of three (3) years a statement, signed by the employer of a domestic or household employee whom the employment agency has placed with such employer, indicating that the employer has read and understands the statement of rights and obligations he or she received pursuant to subdivision a of this section.

§21-9.10.3 Statement of job conditions; records.

a. Every employment agency engaged in the job placement of domestic or household employees in Nassau County shall provide to each applicant for employment as a domestic or household employee a written statement, in a form approved by the commission, of the job conditions of each potential employment position to which the agency recommends that the applicant apply. Each such statement shall fully and accurately describe the nature and terms of employment, including the name and address of the person to whom the applicant is to apply for such employment, the name and address of the person authorizing the hiring for such position, wages, hours of work, the kind of services to be performed and agency fee.

b. Every employment agency engaged in the job placement of domestic or household employees in Nassau County shall keep on file in its principal place of business for a period of three (3) years a duplicate copy of the signed written statement of job conditions required by subdivision (a) of this section.

§21-9.10.4 Enforcement.

The commission shall have the same duties and powers of enforcement as set forth in section 21-9.9 of this chapter.

§21-9.10.5 Violations.

Any employment agency that violates this title shall be subject to a fine not to exceed one thousand dollars by any court of competent jurisdiction.

§3. Effect of invalidity; severability.

If any section, subsection, sentence, clause, phrase or other portion of this local law is, for any reason, declared unconstitutional or invalid, in whole or in part, by any court of competent jurisdiction, such portion shall be deemed severable, and such unconstitutionality or invalidity shall not affect the validity of the remaining portions of this local law, which remaining portions shall continue in full force and effect.

§4. Effective date. This law shall take effect one hundred eighty days after it shall have become a law.