

New York State Senate And Assembly Each Pass Domestic Workers' Bill of Rights; Governor Pledges To Sign The Bill Into Law

By David S. Rich*

On July 1, 2010, the New York State Senate passed, by a 35-26 vote, the self-styled Domestic Workers Bill of Rights, Bill S2311E. That same day, the New York State Assembly passed, by a 90-38 margin, a Domestic Workers Bill of Rights, Bill A01470B, closely resembling the State Senate's version. New York State Governor David Paterson has promised to sign the Domestic Worker Bill of Rights (the "Bill") into law.

The Bill will grant substantial rights and protections to New York State's domestic workers, who number approximately 200,000 in the New York City area alone. Correspondingly, the Bill will impose significant new requirements on families or individuals who employ, in their homes, housekeepers, nannies, or companions to the sick or the elderly.

Among other rights and safeguards which the Domestic Workers Bill of Rights will bestow on New York's domestic workers are that the Bill:

- Will render it a violation of the New York State Human Rights Law for any person who employs a domestic worker to subject her or him to quid pro quo sexual harassment or to hostile work environment sexual, racial, or religious harassment;
- Will define a domestic worker's legal day of work as eight hours;
- Will prohibit any person who employs a domestic worker from requiring her or him to work more than 40 hours in a week, or 44 hours in a week for a domestic worker who resides in the home of her or his employer, unless the worker is paid for overtime work at not less than 1½ times her or his normal wage rate;
- Will require that every domestic worker receive at least 24 consecutive hours of rest in each calendar week, unless the worker voluntarily agrees to work on that day of rest and is paid at the overtime rate for doing so;
- Will provide that after one year of work for the same household, a domestic worker will be entitled to three days of paid vacation per calendar year;
- Will require every person who employs a domestic worker to pay him or her not less than New York State's minimum wage, which is currently \$7.15 per hour; and
- Will require every person who employs a domestic worker to provide him or her with disability benefits coverage, even if the domestic worker is employed for fewer than 40 hours per week.

The Bill provides that it will take effect 90 days after the Governor signs it into law.

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