



1 subsistence benefits, or (iv) tend to a situation presenting imminent threat to the safety or health  
2 of the family member.

3 Child. The term “child” means a biological, adopted or foster child, a legal ward, or a  
4 child of a caregiver standing in loco parentis.

5 Family member. The term “family member” means an employee’s child, spouse,  
6 domestic partner, parent, sibling, grandchild or grandparent; the child or parent of an employee’s  
7 spouse or domestic partner; any other individual related by blood to the employee; and any other  
8 individual whose close association with the employee is the equivalent of a family relationship.

9 Family offense matter. The term “family offense matter” means acts or threats of  
10 disorderly conduct, harassment in the first degree, harassment in the second degree, aggravated  
11 harassment in the second degree, sexual misconduct, forcible touching, sexual abuse in the third  
12 degree, sexual abuse in the second degree as set forth in subdivision 1 of section 130.60 of the  
13 penal law, stalking in the first degree, stalking in the second degree, stalking in the third degree,  
14 stalking in the fourth degree, criminal mischief, menacing in the second degree, menacing in the  
15 third degree, reckless endangerment, strangulation in the first degree, strangulation in the second  
16 degree, criminal obstruction of breathing or blood circulation, assault in the second degree,  
17 assault in the third degree, an attempted assault, identity theft in the first degree, identity theft in  
18 the second degree, identity theft in the third degree, grand larceny in the fourth degree, grand  
19 larceny in the third degree or coercion in the second degree as set forth in subdivisions 1, 2 and 3  
20 of section 135.60 of the penal law between spouses or former spouses, or between parent and  
21 child or between members of the same family or household.

1 Flexible work arrangement. The term “flexible work arrangement” means a work  
2 structure that alters the employer’s regular terms and conditions of employment with respect to  
3 work schedule, duties or location. The term includes:

- 4 1. A modified work schedule;
- 5 2. Additional shifts or hours;
- 6 3. Changes in days of work or start and end times for the work day or a work shift;
- 7 4. Permission to exchange work shifts with other employees;
- 8 5. Limitations on availability;
- 9 6. Part-time employment;
- 10 7. Job sharing arrangements;
- 11 8. Working from home or another location;
- 12 9. Reductions or changes in work duties;
- 13 10. Reductions or changes in on-call shifts; and
- 14 11. Part-year employment.

15 Grandchild. The term “grandchild” means a child of an employee’s child.

16 Grandparent. The term “grandparent” means a parent of an employee’s parent.

17 Inconsistent with business operations. The term “inconsistent with business operations”  
18 means an action that would cause the employer to violate a law, statute, ordinance, code or  
19 governmental executive order; a significant and identifiable burden of additional costs to the  
20 employer; or a significant and identifiable detrimental effect on the employer’s ability to meet  
21 organizational demands, including:

- 22 1. A significant inability of the employer, despite best efforts, to reorganize work among  
23 existing employees;

1 2. An inability to recruit additional staff;

2 3. A significant detrimental effect on business performance;

3 4. A significant inability to meet customer needs or demands;

4 5. Planned corporate or organizational changes to the business; or

5 6. A significant insufficiency of work during the periods the employee proposes to work.

6 Interactive process. The term “interactive process” means a timely and good faith process  
7 involving the employer and employee to assess the feasibility of a request for a flexible work  
8 arrangement to meet the employee’s needs.

9 Minor child. The term “minor child” means a child under the age of 18.

10 Parent. The term “parent” means a biological, foster, step- or adoptive parent, or a legal  
11 guardian of an employee, or a person who stood in loco parentis when the employee was a minor  
12 child.

13 Personal health emergency. The term “personal health emergency” means an emergency  
14 involving the health status of the employee including, but not limited to, an acute injury or illness  
15 that requires the employee to seek emergency medical treatment.

16 Sexual offense. The term “sexual offense” shall mean an act or threat of an act that may  
17 constitute a violation of article 130 of the penal law.

18 Sibling. The term “sibling” means an employee's brother or sister, including half-siblings,  
19 step-siblings and siblings related through adoption.

20 Spouse. The term “spouse” means a person to whom an employee is legally married  
21 under the laws of the state of New York.

22 Stalking. The term “stalking” shall mean an act or threat of an act that may constitute a  
23 violation of section 120.45, 120.50, 120.55, or 120.60 of the penal law.

1           § 20-1252 Notice of schedule. Except as otherwise provided by law, an employer shall  
2 provide each employee expected to work hours on a schedule determined by the employer with a  
3 work schedule in writing upon hiring that includes the number of hours, times and locations that  
4 the employee is expected to work.

5           § 20-1253 Right to request a flexible working arrangement. a. 1. Except as otherwise  
6 provided by law, an employee may request a flexible work arrangement at any time, protected  
7 from retaliation by section 20-1205.

8           2. The employee shall put such request in writing.

9           3. The employee is entitled to an interactive process no more than once in each calendar  
10 quarter; but an employer may choose to engage in such process more frequently.

11           b. Upon receiving a written request for a flexible work arrangement, an employer must  
12 engage in an interactive process regarding the request and consider in good faith whether it can  
13 be granted, including whether proposed changes would be inconsistent with business operations.  
14 If the employer needs clarification, the employer shall explain what further information is needed  
15 and give the employee a reasonable time to produce the information. No employee has to  
16 produce information that is otherwise protected from disclosure.

17           c. The employer shall consider and respond to employee requests as follows:

18           1. The employer shall provide a written response;

19           2. In the event of a denial, the employer's written response shall provide an explanation  
20 for the denial and the reason for the decision, including whether the request was inconsistent  
21 with business operations.

22           3. The employer shall notify the employee of the decision to grant or deny the request in  
23 writing within 14 days of the request.

1           § 20-1254 Right to receive a temporary change from the work schedule in the event of  
2 certain emergencies. a. An employer shall grant an employee a temporary change to the  
3 employee's work schedule relating to a caregiving emergency, personal health emergency or the  
4 employee or a family member having been the victim of a family offense matter, a sexual  
5 offense or stalking under the following circumstances:

6           1. The employer is only required to grant such a change four times in a calendar year and  
7 for one business day per request.

8           2. An employee who requires such a change:

9           (a) Shall notify his or her employer or direct supervisor as soon as the employee becomes  
10 aware of the need for the change;

11           (b) Shall notify the employer that the temporary change to the work schedule is due to  
12 caregiving emergency, personal health emergency or the employee or a family member having  
13 been the victim of a family offense matter, sexual offense or stalking;

14           (c) Need not put such notice in writing; and

15           (d) Remains protected from retaliation by section 20-1205.

16           b. On receiving the request, the employer shall notify the employee:

17           1. Of how many such temporary changes the employee has used in the calendar year, as  
18 soon as is practicable; and

19           2. That the requested change may be designated as and count toward leave under the  
20 federal family medical leave act; and

21           3. If the employee requests a change for a reason that qualifies for leave under the federal  
22 family medical leave act, whether the leave will be so designated, within five business days of  
23 receipt of the request.

1 d. An employee may request a change due to a personal health emergency only if the  
2 employee (i) has not yet accrued paid sick leave under applicable laws or has exhausted all  
3 available paid sick leave or (ii) paid sick leave does not otherwise apply to the situation.

4 e. An employee may request a change due to a caregiving emergency only (i) if the  
5 employee has not yet accrued paid sick leave under applicable laws or has exhausted all  
6 available paid sick leave or (ii) if paid sick leave does not otherwise apply to the situation.

7 f. No employee must produce information that is otherwise protected from disclosure.

8 g. If the employee has received a temporary change to the employee's work schedule for  
9 a third time in a calendar year, the employer shall notify the employee that the employee is only  
10 able to make one more temporary change for that calendar year.

11 § 2. This local law takes effect on the later of 180 days after it becomes law or the date  
12 that a local law amending the New York city charter and the administrative code of the city of  
13 New York in relation to establishing general provisions governing fair work practices and  
14 requiring certain fast food employers to provide advance notice of work schedules to employees  
15 and to provide schedule change premium compensation when hours are changed after required  
16 notices, as proposed in an introduction for the year 2016, takes effect, except that the  
17 commissioner of consumer affairs shall take such measures as are necessary for the  
18 implementation of this local law, including the promulgation of rules, before such date.

19 MC/ADW  
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