



# THE CITY RECORD

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## THE CITY RECORD

**BILL DE BLASIO**

Mayor

**LISETTE CAMILO**

Commissioner, Department of Citywide Administrative Services

**ELI BLACHMAN**

Editor, The City Record

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## PUBLIC HEARINGS AND MEETINGS

See Also: Procurement; Agency Rules

### BOROUGH PRESIDENT - BROOKLYN

#### ■ PUBLIC HEARINGS

**NOTICE IS HEREBY GIVEN** that, pursuant to Section 201 of the New York City Charter, the Brooklyn Borough President, will hold a public hearing on the following matters in the Community Room of Brooklyn Borough Hall, 209 Joralemon Street, Brooklyn, NY 11201, commencing at 6:00 P.M., on August 23, 2018.

### Calendar Item 1 — 29 Jay Street (190344 ZMK, 180345 ZRK)

An application submitted by Forman Ferry, LLC, pursuant to Sections 197-c and 201 of the New York City Charter, for a zoning map amendment to change the western portion of a block bounded by Bridge Street, Jay Street, John Street, and Plymouth Street in Brooklyn Community District 2 (CD 2) from an M1-4/R8A district to M1-6/R8X, and zoning text amendments to modify Sections 123-63 and 123-66 of the New York City Zoning Resolution (ZR) to add R8X to the list of residential districts mapped in the MX-2 Special Mixed Use District, and allow the base street wall height of developments in the rezoning area to be increased based on the street wall heights of adjacent buildings. Such actions would facilitate the development of an approximately 189,500 square-foot building with a commercial Floor Area Ratio (FAR) of 10.0 and a total height of 148 feet, according to the maximum FAR permitted under the M1-6/R8X (MX-2) zoning district, without the inclusion of permissible residential development rights. The envisioned building would contain ground-floor retail and office uses.

Accessibility questions: Inna Guzenfeld (718) 802-3754, [iguzenfeld@brooklynbp.nyc.gov](mailto:iguzenfeld@brooklynbp.nyc.gov), by: Wednesday, August 22, 2018, 1:00 P.M.



a16-23

### CITY PLANNING COMMISSION

#### ■ PUBLIC HEARINGS

**NOTICE IS HEREBY GIVEN** that resolutions have been adopted by the City Planning Commission, scheduling a public hearing on the following matters, to be held at NYC City Planning Commission Hearing Room, Lower Concourse, 120 Broadway, New York, NY, on Wednesday, September 5, 2018 at 10:00 A.M.

**BOROUGH OF THE BRONX**  
**Nos. 1 & 2**  
**599 COURTLANDT AVENUE**  
**No. 1**

**CD 1** **C 180391 PQX**  
**IN THE MATTER OF** an application submitted by the Department of Housing Preservation and Development, pursuant to Section 197-c of the New York City Charter, for the acquisition of property, located at 599 Courtlandt Street (Block 2410, Lot 43) to facilitate an affordable housing development.

**No. 2**

**CD 1** **C 180390 HAX**  
**IN THE MATTER OF** an application submitted by the Department of Housing Preservation and Development (HPD)

- pursuant to Article 16 of the General Municipal Law of New York State for:
  - the designation of property, located at 599 Courtlandt Avenue (Block 2410, Lot 43) as an Urban Development Action Area; and
  - an Urban Development Action Area Project for such area; and
- pursuant to Section 197-c of the New York City Charter for the disposition of such property to a developer to be selected by HPD;

to facilitate a four-story building with approximately eight affordable residential units and commercial space.

**BOROUGH OF BROOKLYN**  
**No. 3**  
**FRIENDS OF CROWN HEIGHTS 17**

**CD 5** **C 170146 PQK**  
**IN THE MATTER OF** an application submitted by the Administration for Children's Services and the Department of Citywide Administrative Services, pursuant to Section 197-c of the New York City Charter, for the acquisition of property, located at 921 Hegeman Avenue (Block 4315, Lot 40), for continued use as a child care facility.

**No. 4**  
**DOT BROOKLYN FLEET SERVICES**

**CD 6** **C 180418 PCK**  
**IN THE MATTER OF** an application submitted by the Department of Transportation and the Department of Citywide Administrative Services, pursuant to Section 197-c of the New York City Charter, for the site selection and acquisition of property, located at 25 14<sup>th</sup> Street (Block 1031, Lots 1, 62, 67, and 71), for a fleet vehicle maintenance and repair facility.

**Nos. 5-10**  
**MARCUS GARVEY VILLAGE**  
**No. 5**

**CD 16** **C 180485 HAK**  
**IN THE MATTER OF** an application submitted by the Department of Housing Preservation and Development (HPD)

- pursuant to Article 16 of the General Municipal Law of New York State for:
  - the designation of properties, located at 763 Thomas S. Boyland Street (Block 3587, Lot 27) and Chester Street (Block 3588, Lots 32, 33, 34, 35 and 36) as an Urban Development Action Area; and
  - an Urban Development Action Area Project for such area; and
- pursuant to Section 197-c of the New York City Charter for the disposition of such property to a developer to be selected by HPD;

to facilitate seven eight- and nine-story mixed-use buildings with approximately 724 affordable housing units, community facility and commercial space.

**No. 6**

**CD 16** **C 180486 PCK**  
**IN THE MATTER OF** an application submitted by the Department of Parks and Recreation and the Department of Citywide Administrative Services, pursuant to Section 197-c of the New York City Charter, for the site selection and acquisition of property, located on Bristol Street between Blake Avenue and Dumont Avenue (Block 3559, p/o Lot 1), for use as a community garden.

**No. 7**

**CD 16** **N 180487 ZRK**  
**IN THE MATTER OF** an application submitted by Brownsville Livonia Associates LLC, pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, modifying Appendix F, for the purpose of establishing a Mandatory Inclusionary Housing area.

Matter underlined is new, to be added;  
Matter ~~struck out~~ is to be deleted;  
Matter within # # is defined in Section 12-10;

\* \* \* indicates where unchanged text appears in the Zoning Resolution.

\* \* \*

**APPENDIX F**  
**Inclusionary Housing Designated Areas and Mandatory Inclusionary Housing Areas**

\* \* \*

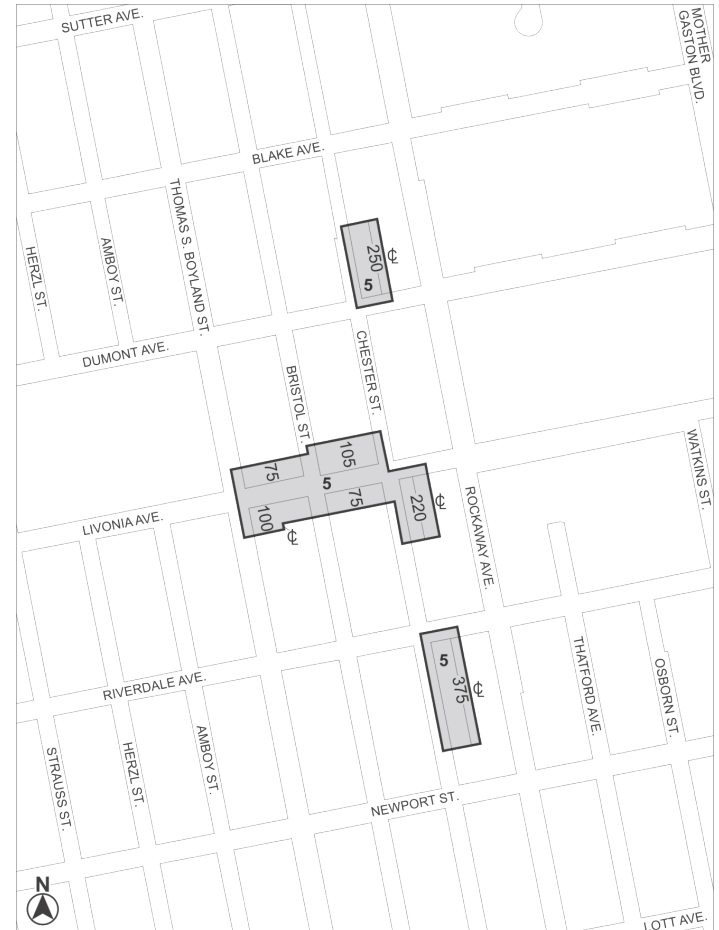
**BROOKLYN**

\* \* \*

**Brooklyn Community District 16**

\* \* \*

Map 4 - [date of adoption]



Mandatory Inclusionary Housing Area see Section 23-154(d)(3)  
Area 5 — [date of adoption] — MIH Program Option 1 and Option 2

**Portion of Community District 16, Brooklyn**

**No. 8**

**CD 16** **C 180488 ZSK**  
**IN THE MATTER OF** an application submitted by Brownsville Livonia Associates LLC, pursuant to Sections 197-c and 201 of the New York City Charter, for the grant of special permits, pursuant to the following sections of the Zoning Resolution:

- Section 74-743(a)(1) - to allow the distribution of lot coverage without regard for zoning lot lines; and
- Section 74-743(a)(2) - to allow for the location of buildings without regard for distance between buildings regulations of Section 23-711 (Standard minimum distance between buildings), and the height and setback regulations of Sections 23-66 (Height and Setback Requirements for Quality Housing Buildings) and 35-65 (Height and Setback Requirements for Quality Housing Buildings);

in connection with a proposed mixed-use development, within a Large-Scale General Development, on property generally bounded by Blake Avenue, Rockaway Avenue, Newport Street, and Thomas S. Boyland Street (Block 3559, Lot 1; Block 3560, Lot 1; Block 3573, Lot 1; Block 3574, Lot 1; Block 3575, Lot 11; Block 3587, Lots 1, 27; Block

3588, Lots 1, 27, 32-36; Block 3589, Lot 21; Block 3601, Lot 26; and Block 3602, Lot 12), in R6, R7-2\*, and R7-2/C2-4\* Districts.

\*Note: The site is proposed to be rezoned by changing an R6 District to R7-2 and R7-2/C2-4 Districts under a concurrent related application for a Zoning Map change (C 180489 ZMK).

Plans for this proposal are on file with the City Planning Commission and may be seen at, 120 Broadway, 31<sup>st</sup> Floor, New York, NY 10271-0001.

No. 9

CD 16 C 180489 ZMK

IN THE MATTER OF an application submitted by Brownsville Livonia Associates LLC, pursuant to Sections 197-c and 201 of the New York City Charter, for the amendment of the Zoning Map, Section No. 17d:

- 1. changing from an R6 District to an R7-2 District, at property bounded by:
a. Chester Street, a line 250 feet northwesterly of Dumont Avenue, a line midway between Chester Street and Rockaway Avenue, and Dumont Avenue;
b. Thomas S. Boyland Street, a line 75 feet northwesterly of Livonia Avenue, Bristol Street, a line 105 feet northwesterly of Livonia Avenue, Chester Street, Livonia Avenue, a line midway between Chester Street and Rockaway Avenue, a line 220 feet southeasterly of Livonia Avenue, Chester Street, a line 75 feet southeasterly of Livonia Avenue, a line midway between Bristol Street and Thomas S. Boyland Street, and a line 100 feet southeasterly of Livonia Avenue;
c. Chester Street, Riverdale Avenue, a line midway between Chester Street and Rockaway Avenue, and a line 375 feet southeasterly of Riverdale Avenue; and
2. establishing within a proposed R7-2 District, a C2-4 District, bounded by Thomas S. Boyland Street, a line 75 feet northwesterly of Livonia Avenue, Bristol Street, a line 105 feet northwesterly of Livonia Avenue, Chester Street, Livonia Avenue, a line midway between Chester Street and Rockaway Avenue, a line 100 feet southeasterly of Livonia Avenue, Chester Street, a line 75 feet southeasterly of Livonia Avenue, a line midway between Bristol Street and Thomas S. Boyland Street, and a line 100 feet southeasterly of Livonia Avenue;

as shown on a diagram (for illustrative purposes only) dated, June 25, 2018.

No. 10

CD 16 C 180490 ZSK

IN THE MATTER OF an application submitted by Brownsville Livonia Associates LLC, pursuant to Sections 197-c and 201 of the New York City Charter, for the grant of a special permit, pursuant to Section 74-532, to waive the number of required accessory residential off-street parking spaces required by Section 25-23, in connection with a proposed mixed-use development within a Large-Scale General Development, on property, generally bounded by Blake Avenue, Rockaway Avenue, Newport Street, and Thomas S. Boyland Street (Block 3559, Lot 1; Block 3560, Lot 1; Block 3573, Lot 1; Block 3574, Lot 1; Block 3575, Lot 1; Block 3587, Lots 1, 27; Block 3588, Lots 1, 27, 32-36; Block 3589, Lot 21; Block 3601, Lot 26; and Block 3602, Lot 12) in R6, R7-2\*, and R7-2/C2-4\* Districts.

\*Note: The site is proposed to be rezoned by changing from an R6 District to R7-2 and R7-2/C2-4 Districts under a concurrent related application, for a Zoning Map change (C 180489 ZMK).

Plans for this proposal are on file with the City Planning Commission and may be seen at, 120 Broadway, 31<sup>st</sup> Floor, New York, NY 10271-0001.

BOROUGH OF MANHATTAN

No. 11

UFBCO CHILD CARE CENTER

CD 12 C 150263 PQM

IN THE MATTER OF an application submitted by the Administration for Children's Services and the Department of Citywide Administrative Services, pursuant to Section 197-c of the New York City Charter, for the acquisition of property, located at 474 West 159<sup>th</sup> Street (Block 2108, Lot 23), for continued use as a child care facility.

No. 12

9 ORCHARD STREET

CD 3 C 180290 ZSM

IN THE MATTER OF an application submitted by Nine Orchard Partners, LLC, pursuant to Sections 197-c and 201 of the New York City Charter, for the grant of a special permit, pursuant to Section 74-711 of the Zoning Resolution, to modify the height and setback requirements of Section 33-40 (HEIGHT AND SETBACK REGULATIONS), to facilitate the construction of a roof deck, chair lift, and stairs on the roof of an existing 13-story building, on a zoning lot containing a landmark designated by the Landmarks Preservation Commission, located at 9 Orchard Street (Block 294, Lots 7 and 8), in a C6-2G District.

Plans for this proposal are on file with the City Planning Commission and may be seen at, 120 Broadway, 31<sup>st</sup> Floor, New York, NY 10271.

Yvette V. Gruel, Calendar Officer
City Planning Commission
120 Broadway, 31<sup>st</sup> Floor, New York, NY 10271
Telephone (212) 720-3370



a21-s5

NOTICE IS HEREBY GIVEN that resolutions have been adopted by the City Planning Commission, scheduling a public hearing on the following matters to be held at NYC City Planning Commission Hearing Room, Lower Concourse, 120 Broadway, New York, NY, on Wednesday, August 22, 2018 at 10:00 A.M.

BOROUGH OF THE BRONX

No. 1

DOHMH MOBILE FOOD VENDOR INSPECTION FACILITY

CD 9 C 180460 PCX

IN THE MATTER OF an application submitted by the Department of Health and Mental Hygiene and the Department of Citywide Administrative Services, pursuant to Section 197-c of the New York City Charter, for the site selection and acquisition of property, located at 1235 Zerega Avenue (Block 3831, Lot 40) for a mobile food vendor inspection facility.

BOROUGH OF BROOKLYN

Nos. 2 & 3

3901 9<sup>TH</sup> AVENUE REZONING

No. 2

CD 12 C 180186 ZMK

IN THE MATTER OF an application submitted by 39 Group Inc, pursuant to Sections 197-c and 201 of the New York City Charter for an amendment to the Zoning Map, Section No. 22c:

- 1. changing from an M1-2 District to an R7A District property bounded by 39<sup>th</sup> Street, New Utrecht Avenue, a line midway between 39<sup>th</sup> Street and 40<sup>th</sup> Street, and 9<sup>th</sup> Avenue; and
2. establishing within the proposed R7A District a C2-4 District bounded by 39<sup>th</sup> Street, New Utrecht Avenue, a line midway between 39<sup>th</sup> Street and 40<sup>th</sup> Street, and 9<sup>th</sup> Avenue;

as shown on a diagram (for illustrative purposes only) dated May 7, 2018, and subject to the conditions of CEQR Declaration E-479.

No. 3

CD 12 N 180187 ZRK

IN THE MATTER OF an application submitted by 39 Group Inc, pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, modifying Appendix F for the purpose of establishing a Mandatory Inclusionary Housing area.

Matter underlined is new, to be added;

Matter struck-out is to be deleted;

Matter within # # is defined in Section 12-10;

\* \* \* indicates where unchanged text appears in the Zoning Resolution

\* \* \*

APPENDIX F

Inclusionary Housing Designated Areas and Mandatory

Inclusionary Housing Areas

\* \* \*

BROOKLYN

\* \* \*

Brooklyn Community District 12

\* \* \*

Map 1 - [date of adoption]

[PROPOSED MAP]



Mandatory Inclusionary Housing Program Area see Section 23-154(d)(3)  
 Area 1 — [date of adoption] — MIH Program Option 1 and Option 2

Portion of Community District 12, Brooklyn

\* \* \*

**No. 4**  
**FRIENDS OF CROWN HEIGHTS 16**

**CD 8** **C 160363 PQK**  
**IN THE MATTER OF** an application submitted by the Administration for Children's Services and the Department of Citywide Administrative Services, pursuant to Section 197-c of the New York City Charter, for the acquisition of property, located at 963 Park Place (Block 1235, Lot 58) for continued use as a child care facility.

**BOROUGH OF QUEENS**  
**Nos. 5 & 6**  
**VARIETY BOYS AND GIRLS CLUB REZONING**  
**No. 5**

**CD 1** **C 180085 ZMQ**  
**IN THE MATTER OF** an application submitted by Variety Boys and Girls Club of Queens, pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 9a, by:

1. changing from an R6B District to an R7X District property bounded by 30<sup>th</sup> Road, a line 200 feet southeasterly of 21<sup>st</sup> Street, 30<sup>th</sup> Drive, and a line 100 feet southeasterly of 21<sup>st</sup> Street; and
2. changing from an R7A District to an R7X District property bounded 30<sup>th</sup> Road, a line 100 feet southeasterly of 21<sup>st</sup> Street, 30<sup>th</sup> Drive, and 21<sup>st</sup> Street;

as shown on a diagram (for illustrative purposes only) dated May 7, 2018 and subject to the conditions of CEQR Declaration E-478.

**Resolution for adoption scheduling August 22, 2018 for a public hearing.**

No. 6

**CD 1** **N 180086 ZRQ**  
**IN THE MATTER OF** an application submitted by Walter Sanchez/ Variety Boys and Girls Club of Queens, Inc., pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, modifying APPENDIX F for the purpose of establishing a Mandatory Inclusionary Housing area.

Matter underlined is new, to be added;  
 Matter ~~struck out~~ is to be deleted;  
 Matter within # # is defined in Section 12-10;  
 \* \* \* indicates where unchanged text appears in the Zoning Resolution

\* \* \*

**APPENDIX F**

**Inclusionary Housing Designated Areas and Mandatory Inclusionary Housing Areas**

\* \* \*

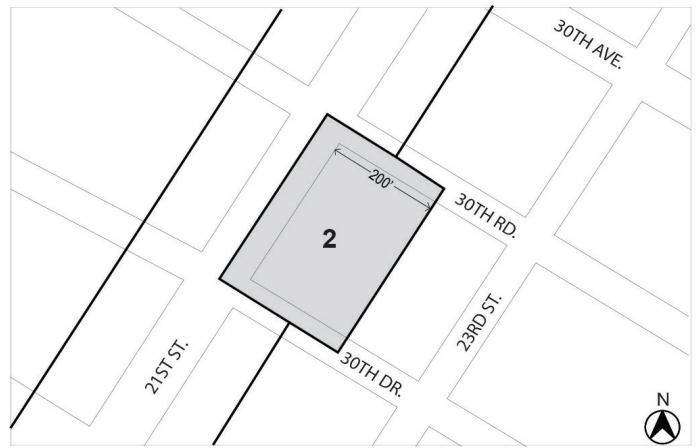
**QUEENS**

\* \* \*

**Queens Community District 1**

\* \* \*

Map 4 - [date of adoption]



Inclusionary Housing designated area  

 Mandatory Inclusionary Housing Program Area see Section 23-154(d)(3)  
 Area 2 — [date of adoption], MIH Program Option 2

Portion of Community District 1, Queens

\* \* \*

**Nos. 7 & 8**  
**11-14 35<sup>TH</sup> AVENUE REZONING**  
**No. 7**

**CD 1** **C 180211 ZMQ**  
**IN THE MATTER OF** an application submitted by Ravi Management, LLC, pursuant to Sections 197-c and 201 of the New York City Charter for an amendment to the Zoning Map, Section No. 9a:

1. changing from an R5 District to an R6A District property bounded by 35<sup>th</sup> Avenue, 12<sup>th</sup> Street, 36<sup>th</sup> Avenue, and a line midway between 11<sup>th</sup> Street and 12<sup>th</sup> Street; and
2. establishing within the proposed R6A District a C1-3 District bounded by 35<sup>th</sup> Avenue, 12<sup>th</sup> Street, 36<sup>th</sup> Avenue, and a line midway between 11<sup>th</sup> Street and 12<sup>th</sup> Street;

as shown on a diagram (for illustrative purposes only) dated May 7, 2018, and subject to the conditions of CEQR Declaration E-480.

No. 8

**CD 1** **N 180212 ZRQ**  
**IN THE MATTER OF** an application submitted by Ravi Management, LLC, pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, modifying APPENDIX F for the purpose of establishing a Mandatory Inclusionary Housing area.

Matter underlined is new, to be added;  
 Matter ~~struck out~~ is to be deleted;  
 Matter within # # is defined in Section 12-10;  
 \* \* \* indicates where unchanged text appears in the Zoning Resolution

\* \* \*

**APPENDIX F**

**Inclusionary Housing Designated Areas and Mandatory Inclusionary Housing Areas**

\* \* \*

**Queens**

\* \* \*

**Queens Community District 1**

\* \* \*

Map 4 – [date of adoption]



 Mandatory Inclusionary Housing Area (see Section 23-154(d)(3))  
 Area 1 — [date of adoption] — MIH Program Option 1 and Option 2

Portion of Community District 1, Queens

**Nos. 9 & 10**  
**ST. MICHAEL'S PARK ELIMINATION**  
**No. 9**

**CD 1** **C 180174 ZMQ**

**IN THE MATTER OF** an application submitted by NYC Department of Parks and Recreation, pursuant to Sections 197-c and 201 of the New York City Charter for the amendment of the Zoning Map, Section Nos. 9c and 9d, by establishing within a former park\* (St. Michael's Park) an R4 District bounded by the northwesterly boundary lines of a former park (St. Michael's Park), the southerly street line of Astoria Boulevard South, the northwesterly street line of Brooklyn Queens Expressway, and the northerly street line of 30<sup>th</sup> Avenue, as shown on a diagram (for illustrative purposes only) dated June 11, 2018.

\*Note: a park (St. Michael's Park) is proposed to be demapped under a concurrent related application (C 180175 MMQ) for changes to the City Map.

**No. 10**

**CD 1** **C 180175 MMQ**

**IN THE MATTER OF** an application submitted by the Department of Parks and Recreation, pursuant to Sections 197-c and 199 of the New York City Charter for an amendment to the City Map involving:

- the elimination of parkland within the area bounded by the Grand Central Parkway, 49<sup>th</sup> Street, 30<sup>th</sup> Avenue and the Brooklyn Queens Expressway; and
- the adjustment of grades and block dimensions necessitated thereby;

including authorization for any acquisition or disposition of real property related thereto, in accordance with Map No. 5027 dated June 7, 2018 and signed by the Borough President.

**BOROUGH OF STATEN ISLAND**

**Nos. 11 & 12**

**SOUTH SHORE OF STATEN ISLAND COASTAL RISK**  
**MANAGEMENT PHASE II**  
**No. 11**

**CD 1, 2, 3** **C 180302 PSR**

**IN THE MATTER OF** an application submitted by the Department of Parks and Recreation and the Department of Citywide Administrative Services, pursuant to Section 197-c of the New York City Charter, for the site selection of approximately 13.2 acres of property (Block 4160, Lots 11, 13, 16, 18, 20, 23, 26, 37, 339, 341, 349, 352, 355, 358; Block 4782, Lot 40; Block 4791, Lots 50, 51, 52, 53, 54, 55, 56, 57, 58, 61, 71, 73, 82, 84, 85, 87, 90; Block 4792, Lots 201, 204, 206, 208, 209, 210; Block 4793, Lots 70, 72, 74, 75, 76, 77; Block 4802, Lots 11, 18, 19; Block 4803, Lot 18), as well as eight sections of street bed located in the area generally bounded by Miller Field to the north, Lower New York Bay to the east, Great Kills Park to the south, and Hylan Boulevard to the west to facilitate the construction of storm surge protection measures, including levees, seawalls and internal drainage areas, in Oakwood Beach and New Dorp Beach.

**No. 12**

**CDs 1, 2, 3** **C 180303 MMR**

**IN THE MATTER OF** an application submitted by the Department of Parks and Recreation, the Department of Citywide Administrative Services and the Department of Transportation, pursuant to Sections 197-c and 199 of the New York City Charter, and Section 5-430 *et seq.*

of the New York City Administrative Code for an amendment to the City Map involving:

- the elimination, discontinuance and closing of Emmet Avenue between Hylan Boulevard and a point 250 feet from Delwit Avenue and between Cedar Grove Avenue and Great Kills Lane; and
- the elimination, discontinuance and closing of Pendale Street between Emmet Avenue and a point 88 feet northeast of Emmet Avenue; and
- the elimination, discontinuance and closing of Bach Street south of Emmet Avenue; and
- the elimination, discontinuance and closing of Great Kills Lane between Emmet Avenue and Cedar Grove Avenue; and
- the elimination, discontinuance and closing of Delwit Avenue between Cedar Grove Avenue and a point 140 feet north of Cedar Grove Avenue; and
- the elimination, discontinuance and closing of Cedar Grove Avenue between Emmet Avenue and Ebbitts Street; and
- the elimination, discontinuance and closing of Adga Street between Roma Avenue and Cedar Grove Avenue; and
- the elimination, discontinuance and closing of New Dorp Lane between Cedar Grove Avenue and the U.S. Bulkhead line; and
- the elimination of Juno Avenue north of Cedar Grove Avenue; and
- the elimination of Todd Place north off Cedar Grove Avenue; and
- the extinguishment of several record streets; and
- the adjustment of grades and block dimensions necessitated thereby;

including authorization for any acquisition or disposition of real property related thereto, in accordance with Map No. 4253 dated May 4, 2018 and signed by the Borough President.

YVETTE V. GRUEL, Calendar Officer  
 City Planning Commission  
 120 Broadway, 31<sup>st</sup> Floor, New York, NY 10271  
 Telephone (212) 720-3370



a8-22

**CITYWIDE ADMINISTRATIVE SERVICES**

■ PUBLIC HEARINGS

**DEPARTMENT OF CITYWIDE ADMINISTRATIVE SERVICES**  
**DIVISION OF CITYWIDE**  
**PERSONNEL SERVICES PROPOSED**  
**AMENDMENT TO CLASSIFICATION**

**PUBLIC NOTICE IS HEREBY GIVEN** of a public hearing to amend the Classification of the Classified Service of the City of New York.

A public hearing will be held by the Commissioner of Citywide Administrative Services, in accordance with Rule 2.6 of the Personnel Rules and Regulations of the City of New York, at 22 Reade Street, Spector Hall, New York, NY 10007, on **August 22, 2018, at 10:00 A.M.**

For more information go to the DCAS website at:  
[http://www.nyc.gov/html/dcass/html/work/Public\\_Hearing.shtml](http://www.nyc.gov/html/dcass/html/work/Public_Hearing.shtml)

**RESOLVED**, That the classification of the Classified Service of The City of New York is hereby amended under the heading FIRE DEPARTMENT [057], as follows:

- I. By including in the Exempt Class, subject to Rule X, the following titles and positions:

Title Code Number	Number of Positions Authorized	Class of Positions
M13385	3#	Executive Program Specialist (FD) # increase from 1 to 3 positions
MXXXXX	3	## Strategic Initiative Specialist (FDNY) ## Maximum tenure of 4 years

II. By including in the Non-Competitive Class, subject to Rule XI, Part I, the following title and positions:

Title Code	Number of Positions Authorized	Class of Positions	Minimum	Maximum
XXXXX	5	Confidential Strategy Planner (FDNY)	\$90,888	\$205,602

Part I positions are designated as confidential or policy influencing under Rule 3.2.3 (b) of the Personnel Rules and Regulations of the City of New York, and therefore are not covered by Section 75 of the Civil Service Law.

III. By including in the Non-Competitive Class, subject to Rule XI, Part I, the following title and positions:

Title Code	Number of Positions Authorized	Class of Positions	Salary Range	New Hire*	Incumbent
Number	Authorized	Class of Positions	Minimum	Minimum	Maximum
XXXXX	15	Investigator (Employee Compliance) (FDNY)	\$39,381	\$45,228	\$84,917
		Assignment Level I	\$39,381	\$45,288	\$60,223
		Assignment Level II	\$47,100	\$54,165	\$68,085
		Assignment Level III	\$56,069	\$64,479	\$84,917

Part I positions are designated as confidential or policy influencing, under Rule 3.2.3 (b) of the Personnel Rules and Regulations of the City of New York, and therefore are not covered by Section 75 of the Civil Service Law.

\* Employees hired into City Service on or after 9/3/16 shall be paid at least the "New Hire Minimum" rate. Upon completion of two years of active or qualified inactive service, such employees shall be paid at least the indicated "Incumbent Minimum" for the applicable title and level that is in effect on the two year anniversary of their original appointments. In no case shall an employee receive less than the stated "New Hire Minimum".

Accessibility questions: DCAS Accessibility (212) 386-0256, accessibility@dcas.nyc.gov, by: Monday, August 20, 2018, 5:00 P.M.

 a20-22

**BOARD OF STANDARDS AND APPEALS**

**■ PUBLIC HEARINGS**

**September 13, 2018, 10:00 A.M.**

**NOTICE IS HEREBY GIVEN** of a public hearing, Thursday morning, September 13, 2018, 10:00 A.M., in Spector Hall, 22 Reade Street, New York, NY 10007, on the following matters:

**SPECIAL ORDER CALENDAR**

**67-13-A**  
 APPLICANT – NYC Department of Buildings, for ESS PRISA II LLC, owner; OTR Media, lessee.  
 SUBJECT – Application June 8, 2018 – Request for a Rehearing to provide new evidence to demonstrate that the advertising sign never existed at the premises as of November 1, 1979, and therefore was never granted legal non-conforming status, pursuant to ZR §42-55.  
 PREMISES AFFECTED – 945 Zerega Avenue, Block 3700, Lot 31, Borough of Bronx.  
**COMMUNITY BOARD #9BX**

**67-13-AIV**  
 APPLICANT – Goldman Harris LLC, for ESS Prisa II LLC, owner; OTR Media Group, Inc. & OTR 945 Zerega LLC, lessee.  
 SUBJECT – Application June 12, 2018 – Appeal of Department of Building’s determinations \*a) denying the registration for an advertising sign, located at 945 Zerega Avenue, Bronx, NY; and (b) revoking permit numbers 201143253 and 210039224 for the aforementioned sign. This is a remand from New York State Supreme Court limited to review of the BSA’s prior resolution in light of its decision in BSA Calendar Numbers 24-12-A and 147-12-A.

**PREMISES AFFECTED – 945 Zerega Avenue, Block 3700, Lot 31, Borough of Bronx.**  
**COMMUNITY BOARD #9BX**

**APPEALS CALENDAR**

**2017-248-A**  
 APPLICANT – Tarter Krinsky & Drogin LLP, for New York Central Line, owner; Outfront Media, LLC, lessee.  
 SUBJECT – Application August 28, 2017 – An administrative appeal challenging the Department of Buildings’ final determination as to whether the NYC Department of Building’s correctly found that the Sign is not exempt, permitted as-of-right, or established as a legal non-conforming use. M1-2 zoning district.  
 PREMISES AFFECTED – Long Island Expressway and 74<sup>th</sup> Street, Block 2814, Lot 4, Borough of Queens.  
**COMMUNITY BOARD #5Q**

**2017-253-A**  
 APPLICANT – Tarter Krinsky & Drogin LLP, for New York Central Line, owner; Outfront Media, LLC, lessee.  
 SUBJECT – Application August 28, 2017 – An administrative appeal challenging the Department of Buildings’ final determination as to whether the NYC Department of Building’s correctly found that the Sign is not exempt, permitted as-of-right, or established as a legal non-conforming use. M1-2 zoning district.  
 PREMISES AFFECTED – Brooklyn Queens Expressway at 34<sup>th</sup> Avenue, Block 125, Lot 1, Borough of Queens.  
**COMMUNITY BOARD #2Q**

**September 13, 2018, 1:00 P.M.**

**NOTICE IS HEREBY GIVEN** of a public hearing, Thursday afternoon, September 13, 2018, 1:00 P.M., in Spector Hall, 22 Reade Street, New York, NY 10007, on the following matters:

**ZONING CALENDAR**

**2016-4239-BZ**  
 APPLICANT – Rothkrug Rothkrug & Spector LLP, for Atlantis Marina and Yacht Club, owner.  
 SUBJECT – Application August 11, 2016 – Special Permit (§73-242) to allow an existing building to be operated as an eating and drinking establishments (Use Group 6), contrary to use regulations (§32-15). C3A (SRD) zoning district.  
 PREMISES AFFECTED – 180 Mansion Avenue, Block 5207, Lot 28, Borough of Staten Island.  
**COMMUNITY BOARD #3SI**

**2016-4335-BZ**  
 APPLICANT – Gerald J. Caliendo, RA, AIA, for 193 Street LLC, Joseph Atarion, President, owner.  
 SUBJECT – Application November 21, 2016 – Variance (§72-21) proposed construction of a two story, two family dwelling contrary to Floor Area Ratio and Maximum Lot Coverage (ZR 23-141), Number of Dwelling Units (ZR 23-22) and Front Yard (ZR 23-45). R3X zoning district.  
 PREMISES AFFECTED – 220-21 137<sup>th</sup> Avenue, Block 13112, Lot 1, Borough of Queens.  
**COMMUNITY BOARD #13Q**

**2017-22-BZ**  
 APPLICANT – Eric Palatnik, P.C., for Crossfit Bridge and Tunnel, owner.  
 SUBJECT – Application January 24, 2017 – Special Permit (§73-36) to operate a physical culture establishment (*CrossFit*) within an existing one-story building. M1-4D zoning district.  
 PREMISES AFFECTED – 16-45 Decatur Street, Block 3555, Lot 74, Borough of Queens.  
**COMMUNITY BOARD #5Q**

**2017-288-BZ**  
 APPLICANT – Akerman, LLP, for JMDH Real Estate Offices, LLC, owner.  
 SUBJECT – Application October 30, 2017 – Special Permit (§73-49) to permit roof top parking on a new four-story accessory parking garage serving a four-story office building contrary to ZR §44-11. M1-1 College Point Special District.  
 PREMISES AFFECTED – 17-10 Whitestone Expressway, Block 4127 & 4148, Lot(s) 20 & 78, Borough of Queens.  
**COMMUNITY BOARD #19Q**

**2018-3-BZ**  
 APPLICANT – Trout Sanders LLP, for Harlem Park Associates, LLC, owner.  
 SUBJECT – Application January 11, 2018 – Variance (§72-21) to permit the development of an integrated educational and medical facility in conjunction with the Ichan School of Medicine at Mount Sinai contrary to ZR §33-432(a) (height and setback); ZR §33-26 (rear yard) and ZR §33-292 (required depth of yard along district boundaries). C4-4 zoning district.  
 PREMISES AFFECTED – 154-160 West 124<sup>th</sup> Street, Block 1908, Lot(s) 60 & 4, Borough of Manhattan.  
**COMMUNITY BOARD #10M**

**2018-61-BZ**

APPLICANT – Jay Goldstein, Esq., for A Shamosh Realty, owner.  
SUBJECT – Application April 27, 2018 – Special Permit (§73-36) to permit the operation of a Physical Cultural Establishment (*Goldfish Swim School*) within a portion of the first floor of an existing building contrary to ZR §42-10. M1-2 zoning district.  
PREMISES AFFECTED – 620 Degraw Street, Block 427, Lot 21, Borough of Brooklyn.

**COMMUNITY BOARD #6BK**

*Margery Perlmutter, Chair/Commissioner*

Accessibility questions: Mireille Milfort (212) 386-0078,  
mmilfort@bsa.nyc.gov, by: Tuesday, September 11, 2018, 4:00 P.M.



← a21-22

**TRANSPORTATION****■ PUBLIC HEARINGS**

**NOTICE IS HEREBY GIVEN**, pursuant to law, that the following proposed revocable consents, have been scheduled for a public hearing by the New York City Department of Transportation. The hearing will be held at 55 Water Street, 9<sup>th</sup> Floor, Room 945, commencing at 2:00 P.M., on Wednesday, August 29, 2018. Interested parties can obtain copies of proposed agreements or request sign-language interpreters (with at least seven days prior notice) at 55 Water Street, 9<sup>th</sup> Floor SW, New York, NY 10041, or by calling (212) 839-6550.

**#1 IN THE MATTER OF** a proposed revocable consent authorizing 1010 Park Avenue Condominium, to construct, maintain and use an ADA ramp on the south sidewalk of East 85<sup>th</sup> Street, between Park Avenue and Madison Avenue, in the Borough of Manhattan. The proposed revocable consent is for a term of ten years from Approval Date by the Mayor and provides among other terms and conditions for compensation payable to the City according to the following schedule: **R.P. # 2445**

From the Approval Date to June 30, 2019 - \$25/per annum

the maintenance of a security deposit in the sum of \$20,000 and the insurance shall be in the amount of Two Million Dollars (\$2,000,000) per occurrence for bodily injury and property damage, One Million Dollars (\$1,000,000) for personal and advertising injury, Two Million Dollars (\$2,000,000) aggregate, and Two Million Dollars (\$2,000,000) products/completed operations.

**#2 IN THE MATTER OF** a proposed revocable consent authorizing Adolfo Suaya Construction LLC, to construct, maintain and use a stoop and fenced-in area on the south sidewalk of Perry Street, between Seventh Avenue south and Greenwich Avenue, in the Borough of Manhattan. The proposed revocable consent is for a term of ten years from Approval Date by the Mayor and provides among other terms and conditions for compensation payable to the City according to the following schedule: **R.P. #2447**

From the Date of Approval by the Mayor to June 30, 2029 - \$25/per annum

the maintenance of a security deposit in the sum of \$5,000 and the insurance shall be in the amount of Two Million Dollars (\$2,000,000) per occurrence for bodily injury and property damage, One Million Dollars (\$1,000,000) for personal and advertising injury, Two Million Dollars (\$2,000,000) aggregate, and Two Million Dollars (\$2,000,000) products/completed operations.

**#3 IN THE MATTER OF** a proposed revocable consent authorizing Ahn Y. Lee-McKechine and Joseph R. McKechinie, Jr., to construct, maintain and use two retaining walls on the south sidewalk of 43<sup>rd</sup> Street, between 4<sup>th</sup> and 3<sup>rd</sup> Avenues, in the Borough of Brooklyn. The proposed revocable consent is for a term of ten years from Approval Date by the Mayor and provides among other terms and conditions for compensation payable to the City according to the following schedule: **R.P. # 2444**

From the Approval Date to June 30, 2019 - \$3,000/per annum

For the period July 1, 2019 to June 30, 2020 - \$3,053  
For the period July 1, 2020 to June 30, 2021 - \$3,106  
For the period July 1, 2021 to June 30, 2022 - \$3,159  
For the period July 1, 2022 to June 30, 2023 - \$3,212  
For the period July 1, 2023 to June 30, 2024 - \$3,265  
For the period July 1, 2024 to June 30, 2025 - \$3,318  
For the period July 1, 2025 to June 30, 2026 - \$3,371  
For the period July 1, 2026 to June 30, 2027 - \$3,424  
For the period July 1, 2027 to June 30, 2028 - \$3,477  
For the period July 1, 2028 to June 30, 2029 - \$3,530

the maintenance of a security deposit in the sum of \$5,000 and the insurance shall be in the amount of Two Million Dollars (\$2,000,000) per occurrence for bodily injury and property damage, One Million Dollars (\$1,000,000) for personal and advertising injury, Two Million

Dollars (\$2,000,000) aggregate, and Two Million Dollars (\$2,000,000) products/completed operations.

**#4 IN THE MATTER OF** a proposed revocable consent authorizing Argus Community, Inc., to continue to maintain and use a stoop and a fenced-in area on the east sidewalk of St. Nicholas Avenue, north of 145<sup>th</sup> Street, in the Borough of Manhattan. The proposed revocable consent is for a term of ten years from July 1, 2018 to June 30, 2028 and provides among other terms and conditions for compensation payable to the City according to the following schedule: **R.P. #1656**

From July 1, 2018 to June 30, 2018 - \$25/per annum

the maintenance of a security deposit in the sum of \$1,000 and the insurance shall be in the amount of Two Million Dollars (\$2,000,000) per occurrence for bodily injury and property damage, One Million Dollars (\$1,000,000) for personal and advertising injury, Two Million Dollars (\$2,000,000) aggregate, and Two Million Dollars (\$2,000,000) products/completed operations.

**#5 IN THE MATTER OF** a proposed revocable consent authorizing Clifton Joseph, to continue to maintain and use a fenced-in area on the south sidewalk of McKinley Avenue, west of Autumn Avenue, in the Borough of Brooklyn. The proposed revocable consent is for a term of ten years from July 1, 2018 to June 30, 2028 and provides among other terms and conditions for compensation payable to the City according to the following schedule: **R.P. #2032**

For the period July 1, 2018 to June 30, 2028 - \$100/per annum

the maintenance of a security deposit in the sum of \$1,500 and the insurance shall be in the amount of Two Million Dollars (\$2,000,000) per occurrence for bodily injury and property damage, One Million Dollars (\$1,000,000) for personal and advertising injury, Two Million Dollars (\$2,000,000) aggregate, and Two Million Dollars (\$2,000,000) products/completed operations.

**#6 IN THE MATTER OF** a proposed revocable consent authorizing Crescent 110 Equities LLC, to construct, maintain and use tree pit light receptacles, together with electrical sockets and electrical conduits under the east sidewalk of Frederick Douglass Circle and, under the south sidewalk of West 111<sup>th</sup> Street, in the Borough of Manhattan. The proposed revocable consent is for a term of ten years from approval Date by the Mayor and provides among other terms and conditions for compensation payable to the City according to the following schedule: **R.P. #2449**

From the Approval Date to June 30, 2019 - \$4,030/per annum

For the period July 1, 2019 to June 30, 2020 - \$4,101  
For the period July 1, 2020 to June 30, 2021 - \$4,172  
For the period July 1, 2021 to June 30, 2022 - \$4,243  
For the period July 1, 2022 to June 30, 2023 - \$4,314  
For the period July 1, 2023 to June 30, 2024 - \$4,385  
For the period July 1, 2024 to June 30, 2025 - \$4,456  
For the period July 1, 2025 to June 30, 2026 - \$4,527  
For the period July 1, 2026 to June 30, 2027 - \$4,598  
For the period July 1, 2027 to June 30, 2028 - \$4,669  
For the period July 1, 2028 to June 30, 2029 - \$4,740

the maintenance of a security deposit in the sum of \$5,000 and the insurance shall be in the amount of Two Million Dollars (\$2,000,000) per occurrence for bodily injury and property damage, One Million Dollars (\$1,000,000) for personal and advertising injury, Two Million Dollars (\$2,000,000) aggregate, and Two Million Dollars (\$2,000,000) products/completed operations.

**#7 IN THE MATTER OF** a proposed revocable consent authorizing DJI Land II LLC, to construct, maintain and use fenced-in planted areas with steps, and a snowmelt system on and under the north sidewalk of East 80<sup>th</sup> Street, between Madison Avenue and Park Avenue, in the Borough of Manhattan. The proposed revocable consent is for a term of ten years from Approval Date by the Mayor and provides among other terms and conditions for compensation payable to the City according to the following schedule: **R.P. #2446**

From the Approval Date to June 30, 2019 - \$1,734/per annum

For the period July 1, 2019 to June 30, 2020 - \$1,765  
For the period July 1, 2020 to June 30, 2021 - \$1,796  
For the period July 1, 2021 to June 30, 2022 - \$1,827  
For the period July 1, 2022 to June 30, 2023 - \$1,858  
For the period July 1, 2023 to June 30, 2024 - \$1,889  
For the period July 1, 2024 to June 30, 2025 - \$1,920  
For the period July 1, 2025 to June 30, 2026 - \$1,951  
For the period July 1, 2026 to June 30, 2027 - \$1,982  
For the period July 1, 2027 to June 30, 2028 - \$2,013  
For the period July 1, 2028 to June 30, 2029 - \$2,044

the maintenance of a security deposit in the sum of \$10,000 and the insurance shall be in the amount of Two Million Dollars (\$2,000,000) per occurrence for bodily injury and property damage, One Million Dollars (\$1,000,000) for personal and advertising injury, Two Million Dollars (\$2,000,000) aggregate, and Two Million Dollars (\$2,000,000) products/completed operations.

**#8 IN THE MATTER OF** a proposed revocable consent authorizing Federal Reserve Bank of New York, to continue to maintain and use bollards and guard booth; the bollards are located along Liberty, Williams, Nassau Streets and Maiden Lane, the guard booth is located at, Louise Nevelson Plaza, in the Borough of Manhattan. The proposed revocable consent is for a term of ten years from July 1, 2018 to June 30, 2028 and provides among other terms and conditions for compensation payable to the City according to the following schedule: **R.P. #1632**

- For the period July 1, 2018 to June 30, 2019 - \$23,857
- For the period July 1, 2019 to June 30, 2020 - \$23,927
- For the period July 1, 2020 to June 30, 2021 - \$23,997
- For the period July 1, 2021 to June 30, 2022 - \$24,067
- For the period July 1, 2022 to June 30, 2023 - \$24,137
- For the period July 1, 2023 to June 30, 2024 - \$24,207
- For the period July 1, 2024 to June 30, 2025 - \$24,277
- For the period July 1, 2025 to June 30, 2026 - \$24,347
- For the period July 1, 2026 to June 30, 2027 - \$24,417
- For the period July 1, 2027 to June 30, 2028 - \$24,487

the maintenance of a security deposit in the sum of \$100,000 and the insurance shall be in the amount of Two Million Dollars (\$2,000,000) per occurrence for bodily injury and property damage, One Million Dollars (\$1,000,000) for personal and advertising injury, Two Million Dollars (\$2,000,000) aggregate, and Two Million Dollars (\$2,000,000) products/completed operations.

**#9 IN THE MATTER OF** a proposed revocable consent authorizing the Gabrielli Brookville LLC, to continue to maintain and use a force main, together with manholes under, across and along Rockaway Boulevard and under and along 182<sup>nd</sup> Street, in the Borough of Queens. The proposed revocable consent is for a term of ten years from July 1, 2018 to June 30, 2028 and provides among other terms and conditions for compensation payable to the City according to the following schedule: **R.P. #2012**

- For the period July 1, 2018 to June 30, 2019 - \$4,281
- For the period July 1, 2019 to June 30, 2020 - \$4,356
- For the period July 1, 2020 to June 30, 2021 - \$4,431
- For the period July 1, 2021 to June 30, 2022 - \$4,506
- For the period July 1, 2022 to June 30, 2023 - \$4,581
- For the period July 1, 2023 to June 30, 2024 - \$4,656
- For the period July 1, 2024 to June 30, 2025 - \$4,731
- For the period July 1, 2025 to June 30, 2026 - \$4,806
- For the period July 1, 2026 to June 30, 2027 - \$4,881
- For the period July 1, 2027 to June 30, 2028 - \$4,956

the maintenance of a security deposit in the sum of \$8,500 and the insurance shall be in the amount of Two Million Dollars (\$2,000,000) per occurrence for bodily injury and property damage, One Million Dollars (\$1,000,000) for personal and advertising injury, Two Million Dollars (\$2,000,000) aggregate, and Two Million Dollars (\$2,000,000) products/completed operations.

**#10 IN THE MATTER OF** a proposed revocable consent authorizing Hearst Communications, Inc., to construct, maintain and use the accessibility ramp on the east sidewalk of Ninth Avenue between West 54<sup>th</sup> and West 55<sup>th</sup> Streets, in the Borough of Manhattan. The proposed revocable consent is for a term of ten years from Approval Date by the Mayor and provides among other terms and conditions for compensation payable to the City according to the following schedule: **R.P. #2448**

From the Approval Date to June 30, 2029 - \$25/per annum

the maintenance of a security deposit in the sum of \$5,000 and the insurance shall be in the amount of Two Million Dollars (\$2,000,000) per occurrence for bodily injury and property damage, One Million Dollars (\$1,000,000) for personal and advertising injury, Two Million Dollars (\$2,000,000) aggregate, and Two Million Dollars (\$2,000,000) products/completed operations.

**#11 IN THE MATTER OF** a proposed revocable consent authorizing Uri Aminov and Ludmila Aminov, to continue to maintain and use a walled-in planted areas on the east sidewalk of Kent Street, north of 80<sup>th</sup> Drive, in the Borough of Queens. The proposed revocable consent is for a term of ten years from July 1, 2018 to June 30, 2028 and provides among other terms and conditions for compensation payable to the City according to the following schedule: **R.P. #2023**

From July 1, 2018 to June 30, 2018 - \$644/per annum

the maintenance of a security deposit in the sum of \$1,500 and the insurance shall be in the amount of Two Million Dollars (\$2,000,000) per occurrence for bodily injury and property damage, One Million Dollars (\$1,000,000) for personal and advertising injury, Two Million Dollars (\$2,000,000) aggregate, and Two Million Dollars (\$2,000,000) products/completed operations.

**#12 IN THE MATTER OF** a proposed revocable consent authorizing The Minister, Elders & Deacons of the Reformed Protestant Dutch Church of the City of New York, to continue to maintain and use steps on the east sidewalk of Second Avenue, between East 6<sup>th</sup> and East 7<sup>th</sup>

Streets, in the Borough of Manhattan. The proposed revocable consent is for a term of ten years from July 1, 2018 to June 30, 2028 and provides among other terms and conditions for compensation payable to the City according to the following schedule: **R.P. #2022**

- For the period July 1, 2018 to June 30, 2019 - \$219
- For the period July 1, 2019 to June 30, 2020 - \$223
- For the period July 1, 2020 to June 30, 2021 - \$227
- For the period July 1, 2021 to June 30, 2022 - \$231
- For the period July 1, 2022 to June 30, 2023 - \$235
- For the period July 1, 2023 to June 30, 2024 - \$239
- For the period July 1, 2024 to June 30, 2025 - \$243
- For the period July 1, 2025 to June 30, 2026 - \$247
- For the period July 1, 2026 to June 30, 2027 - \$251
- For the period July 1, 2027 to June 30, 2028 - \$255

the maintenance of a security deposit in the sum of \$1,000 and the insurance shall be in the amount of Two Million Dollars (\$2,000,000) per occurrence for bodily injury and property damage, One Million Dollars (\$1,000,000) for personal and advertising injury, Two Million Dollars (\$2,000,000) aggregate, and Two Million Dollars (\$2,000,000) products/completed operations.

a9-29

## PROPERTY DISPOSITION

### CITYWIDE ADMINISTRATIVE SERVICES

■ SALE

The City of New York in partnership with PropertyRoom.com posts vehicle and heavy machinery auctions online every week at: <https://www.propertyroom.com/s/nyc+fleet>

All auctions are open to the public and registration is free.

Vehicles can be viewed in person by appointment at: Kenben Industries Ltd., 1908 Shore Parkway, Brooklyn, NY 11214. Phone: (718) 802-0022

m30-s11

### OFFICE OF CITYWIDE PROCUREMENT

■ NOTICE

The Department of Citywide Administrative Services, Office of Citywide Procurement is currently selling surplus assets on the internet. Visit <http://www.publicsurplus.com/sms/nycdcas.ny/browse/home>

To begin bidding, simply click on 'Register' on the home page.

There are no fees to register. Offerings may include but are not limited to: office supplies/equipment, furniture, building supplies, machine tools, HVAC/plumbing/electrical equipment, lab equipment, marine equipment, and more.

Public access to computer workstations and assistance with placing bids is available at the following locations:

- DCAS Central Storehouse, 66-26 Metropolitan Avenue, Middle Village, NY 11379
- DCAS, Office of Citywide Procurement, 1 Centre Street, 18th Floor, New York, NY 10007

j2-d31

### HOUSING PRESERVATION AND DEVELOPMENT

■ PUBLIC HEARINGS

All Notices Regarding Housing Preservation and Development Dispositions of City-Owned Property, appear in the Public Hearing Section.

jjy6-j7



## POLICE

### ■ NOTICE

#### OWNERS ARE WANTED BY THE PROPERTY CLERK DIVISION OF THE NEW YORK CITY POLICE DEPARTMENT

The following list of properties is in the custody of the Property Clerk Division without claimants:

Motor vehicles, boats, bicycles, business machines, cameras, calculating machines, electrical and optical property, furniture, furs, handbags, hardware, jewelry, photographic equipment, radios, robes, sound systems, surgical and musical instruments, tools, wearing apparel, communications equipment, computers, and other miscellaneous articles.

Items are recovered, lost, abandoned property obtained from prisoners, emotionally disturbed, intoxicated and deceased persons; and property obtained from persons incapable of caring for themselves.

#### INQUIRIES

Inquiries relating to such property should be made in the Borough concerned, at the following office of the Property Clerk.

#### FOR MOTOR VEHICLES (All Boroughs):

- Springfield Gardens Auto Pound, 174-20 North Boundary Road, Queens, NY 11430, (718) 553-9555
- Erie Basin Auto Pound, 700 Columbia Street, Brooklyn, NY 11231, (718) 246-2030

#### FOR ALL OTHER PROPERTY

- Manhattan - 1 Police Plaza, New York, NY 10038, (646) 610-5906
- Brooklyn - 84th Precinct, 301 Gold Street, Brooklyn, NY 11201, (718) 875-6675
- Bronx Property Clerk - 215 East 161 Street, Bronx, NY 10451, (718) 590-2806
- Queens Property Clerk - 47-07 Pearson Place, Long Island City, NY 11101, (718) 433-2678
- Staten Island Property Clerk - 1 Edgewater Plaza, Staten Island, NY 10301, (718) 876-8484

j2-d31

## PROCUREMENT

### "Compete To Win" More Contracts!

*Thanks to a new City initiative - "Compete To Win" - the NYC Department of Small Business Services offers a new set of FREE services to help create more opportunities for minority and women-owned businesses to compete, connect and grow their business with the City. With NYC Construction Loan, Technical Assistance, NYC Construction Mentorship, Bond Readiness, and NYC Teaming services, the City will be able to help even more small businesses than before.*

- Win More Contracts at [nyc.gov/competetowin](http://nyc.gov/competetowin)

*"The City of New York is committed to achieving excellence in the design and construction of its capital program, and building on the tradition of innovation in architecture and engineering that has contributed to the City's prestige as a global destination. The contracting opportunities for construction/construction services and construction-related services that appear in the individual agency listings below reflect that commitment to excellence."*

#### HHS ACCELERATOR

To respond to human services Requests for Proposals (RFPs), in accordance with Section 3-16 of the Procurement Policy Board Rules of the City of New York ("PPB Rules"), vendors must first complete and submit an electronic prequalification application using the City's Health and Human Services (HHS) Accelerator System. The HHS Accelerator System is a web-based system maintained by the City of New York for use by its human services Agencies to manage procurement. The process removes redundancy

by capturing information about boards, filings, policies, and general service experience centrally. As a result, specific proposals for funding are more focused on program design, scope, and budget.

Important information about the new method

- Prequalification applications are required every three years.
- Documents related to annual corporate filings must be submitted on an annual basis to remain eligible to compete.
- Prequalification applications will be reviewed to validate compliance with corporate filings, organizational capacity, and relevant service experience.
- Approved organizations will be eligible to compete and would submit electronic proposals through the system.

The Client and Community Service Catalog, which lists all Prequalification service categories and the NYC Procurement Roadmap, which lists all RFPs to be managed by HHS Accelerator may be viewed at <http://www.nyc.gov/html/hhsaccelerator/html/roadmap/roadmap.shtml>. All current and prospective vendors should frequently review information listed on roadmap to take full advantage of upcoming opportunities for funding.

#### Participating NYC Agencies

HHS Accelerator, led by the Office of the Mayor, is governed by an Executive Steering Committee of Agency Heads who represent the following NYC Agencies:

Administration for Children's Services (ACS)  
 Department for the Aging (DFTA)  
 Department of Consumer Affairs (DCA)  
 Department of Corrections (DOC)  
 Department of Health and Mental Hygiene (DOHMH)  
 Department of Homeless Services (DHS)  
 Department of Probation (DOP)  
 Department of Small Business Services (SBS)  
 Department of Youth and Community Development (DYCD)  
 Housing and Preservation Department (HPD)  
 Human Resources Administration (HRA)  
 Office of the Criminal Justice Coordinator (CJC)

To sign up for training on the new system, and for additional information about HHS Accelerator, including background materials, user guides and video tutorials, please visit [www.nyc.gov/hhsaccelerator](http://www.nyc.gov/hhsaccelerator)

## ADMINISTRATION FOR CHILDREN'S SERVICES

### ■ AWARD

*Services (other than human services)*

**ANALYTICAL STUDIES CONSULTING** - Competitive Sealed Proposals - Judgment required in evaluating proposals - PIN# 06816P0001006 - AMT: \$240,000.00 - TO: Fordham University, 400 Westchester Avenue, New York, NY 10604.

◀ a21

## CHIEF MEDICAL EXAMINER

### PROCUREMENT

#### ■ INTENT TO AWARD

*Goods*

**EXTENSION FOR FISHER BASIC LAB SUPPLIES** - Negotiated Acquisition - Other - PIN# 81619ME008 - Due 8-23-18

OCME have deemed its necessary to further extend the Contract Agreement with Fisher Scientific Company LLC, to provide basic lab supplies.

To prevent the disruption of provision of basic medical and lab supplies currently used by the OCME labs.

*Use the following address unless otherwise specified in notice, to secure, examine or submit bid/proposal documents, vendor pre-qualification and other forms; specifications/blueprints; other information; and for opening and reading of bids at date and time specified above.*

*Chief Medical Examiner, 421 East 26th Street, 10th Floor, New York, NY 10016. Mai Mikhaeil (212) 323-1704; Fax: (212) 323-1790; [mmikhaeil@ocme.nyc.gov](mailto:mmikhaeil@ocme.nyc.gov)*

a16-22

**CITYWIDE ADMINISTRATIVE SERVICES**

**OFFICE OF CITYWIDE PROCUREMENT**

■ AWARD

*Services (other than human services)*

**GLASS AND WINDOW REPAIR AND REPLACEMENT** - Renewal - PIN#85615B0014001R001 - AMT: \$500,000.00 - TO: Window-Fix, Inc., 337 87th Street, Brooklyn, NY 11232-2511.

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**COMPTROLLER**

**ASSET MANAGEMENT**

■ AWARD

*Services (other than human services)*

**INVESTMENT MANAGEMENT AGREEMENT** - Renewal - PIN#01511814203IE - AMT: \$42,855,000.00 - TO: Dimensional Fund Advisors, LP, 6300 Bee Cave Road, Building One, Austin, TX 78746-5833.

● **MANAGER OF MANAGERS SERVICES** - Renewal - PIN#01511814304EM - AMT: \$4,106,000.00 - TO: Progress Investment Management Company, LLC, 33 New Montgomery Street, Suite 1900, San Francisco, CA 94105.

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**CORRECTION**

■ INTENT TO AWARD

*Goods*

**PERSONAL BODY ALARM SYSTEM** - Sole Source - Available only from a single source - PIN#3-0408-0035-2019 - Due 8-24-18 at 11:00 A.M.

Person 2 Person Communications, LLC., is the exclusive approved Ascom/Tateco distributor in the Northeastern district market, which includes New York City. Person 2 Person Communications, LLC., solely support and service the Teleprotect system which is installed and operating in the NYCDC facilities. The Teleprotect Ascom A51 personal body alarm systems provide the safety and security of the uniform staff who patrol DOC's jails.

Since 1997, the uniform staff of DOC has been using the Teleprotect Ascom A51 personal body alarm system (Teleprotect). The system has provided reliable services and confidence for the correction officers who work in potentially dangerous situations. The infrastructure for the Teleprotect is already in place throughout DOC. Special features of the product line include transmitters that are capable of general alarm, man down feature, and pull cord capable. The personal body alarm unit has watch tour capabilities utilizing infrared or radio frequency transmitters; head end receivers and modules are interchangeable.

DOC has invested a lot of time and million of dollars for the successful implementation and reliability of the system to ensure the safety and security throughout DOC's facilities.

Any firm which believes it can provide the required goods and/or services in the future, is invited to express interest, via email, to Io.wong@doc.nyc.gov. The vendor must have specific expertise to provide Personal Body Alarm System as stated above.

*Use the following address unless otherwise specified in notice, to secure, examine or submit bid/proposal documents, vendor pre-qualification and other forms; specifications/blueprints; other information; and for opening and reading of bids at date and time specified above.*

*Correction, 75-20 Astoria Boulevard, Suite 160, East Elmhurst, NY 11370. Io Wong (718) 546-0694; Fax: (718) 278-6205; io.wong@doc.nyc.gov*

a17-23

**DESIGN AND CONSTRUCTION**

**AGENCY CHIEF CONTRACTING OFFICER**

■ SOLICITATION

*Construction/Construction Services*

**NYPD 100TH PRECINCT POWER RECOVERY AND UPGRADE-BOROUGH OF QUEENS** - Competitive Sealed Bids - PIN#85018B0010 - Due 10-2-18 at 2:00 P.M.

PROJECT NO. SANDELEC5/DDC PIN: 8502017PD0011C

Bid document deposit-\$35.00 per set-company check or money order only-no cash accepted-late bids will not be accepted. There will be an Optional Pre-Bid Walk-Thru on Tuesday, September 11, 2018, at 10:00 A.M., at the NYPD 100th Precinct, located at 9224 Rockaway Beach Boulevard, Queens, NY 11693. Special Experience Requirements. Prime Contractor to be an Electrician as specified in the contract documents. Bid documents are available at: <http://ddcbiddocuments.nyc.gov/inet/html/contrbid.asp>. This project is subject to Hire NYC.

As of August 2017, the New York City Mayor's Office of Contract Services (MOCS) has launched the Procurement and Sourcing Solutions Portal (PASSPort), a new procurement system that will replace the paper - VENDEX process. All organizations intending to do business with the City of New York should complete an online disclosure process to be considered for a contract.

Since you have submitted a bid to NYC Dept. of Design and Construction, we are requesting that you create an account and enroll in PASSPort and file all disclosure information. Paper submissions, including Certifications of No Change to existing VENDEX packages will not be accepted in lieu of complete online filings. You can access PASSPort from the following link: <http://www.nyc.gov/passport>.

This contract is subject to the Project Labor Agreement ("PLA") entered into between the City and the Building and Construction Trades Council of Greater New York ("BCTC") affiliated Local Unions. For Further Information, see Volume 2 of the Bid Documents.

Companies certified by the New York City Department of Small Business Services as Minority- or Women-Owned Business Enterprises ("M/WBE") are strongly encouraged to submit a bid. This procurement is subject to Minority-Owned and Women-Owned Business Enterprises (MWBE) participation goals as required by Local Law 1 of 2013. All respondents will be required to submit an M/WBE Participation Plan with their response. For the MWBE goals, please visit our website, at <http://ddcbiddocuments.nyc.gov/inet/html/contrbid.asp>, see "Bid Opportunities". For a list of companies certified by the NYC Department of Small Business Services, please visit [www.nyc.gov/buycertified](http://www.nyc.gov/buycertified). To find out how to become certified, visit [www.nyc.gov/getcertified](http://www.nyc.gov/getcertified) or call the DSBS certification helpline at (212) 513-6311.

*Use the following address unless otherwise specified in notice, to secure, examine or submit bid/proposal documents, vendor pre-qualification and other forms; specifications/blueprints; other information; and for opening and reading of bids at date and time specified above.*

*Design and Construction, 30-30 Thomson Avenue, Long Island City, NY 11101. Brenda Barreiro (718) 391-1041; [csb\\_projectinquiries@ddc.nyc.gov](mailto:csb_projectinquiries@ddc.nyc.gov)*

Accessibility questions: Disability Services Facilitator (718) 391-2815, email, at [DDCEEO@ddc.nyc.gov](mailto:DDCEEO@ddc.nyc.gov), by: Friday, September 21, 2018, 5:00 P.M.



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**ENVIRONMENTAL PROTECTION**

**PURCHASING MANAGEMENT**

■ AWARD

*Goods and Services*

**NEARPOINT SOFTWARE SUPPORT/MAINTENANCE** - Innovative Procurement - Other - PIN#9300025 - AMT: \$53,877.93 - TO: Shi International Corp, 290 Davidson Avenue, Somerset, NJ 08873.

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**HEALTH AND MENTAL HYGIENE**

■ AWARD

*Human Services/Client Services*

**CHILDREN'S SERVICES, MEDICAL AND MENTAL HEALTH** - BP/City Council Discretionary - PIN# 18FN030401R0X00 - AMT: \$296,875.00 - TO: National Institute for Reproductive Health Inc, 14 Wall Street, Suite 3B, New York, NY 10005-2141.

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**AGENCY CHIEF CONTRACTING OFFICER**

■ INTENT TO AWARD

*Services (other than human services)*

**WESTCHESTER COUNTY DEPARTMENT OF LABS AND RESEARCH** - Government to Government - PIN# 19EN011601R0X00 - Due 8-31-18 at 11:30 A.M.

Department of Health and Mental Hygiene will enter into a Government to Government agreement with Westchester County, to analyze and test the Office of Public Health Engineering water samples. Westchester County's Department of Laboratories and Research is a New York State ELAP accredited laboratory, which will perform the required analytical testing on drinking water (tap), bottled water, surface/ground water, wastewater, soils, and solids, for metals, nitrates, volatile organic chemicals, and trihalomethanes. Any vendor that believes they can provide this required service for future procurements, please submit an expression of interest, via email to Mrs. Napolitano at [Mnapolitano@health.nyc.gov](mailto:Mnapolitano@health.nyc.gov), no later than 8/27/2018 at 11:30 A.M.

Use the following address unless otherwise specified in notice, to secure, examine or submit bid/proposal documents, vendor pre-qualification and other forms; specifications/blueprints; other information; and for opening and reading of bids at date and time specified above.

*Health and Mental Hygiene, 42-09 28th Street, 17th Floor, Queens, NY 11101-4132. Marcella Napolitano (347) 396-6680; Fax: (347) 396-6759; [mnapolitano@health.nyc.gov](mailto:mnapolitano@health.nyc.gov)*

a15-21

**HOUSING AUTHORITY**

**PROCUREMENT**

■ SOLICITATION

*Goods*

**SMS C-FOLD PAPER TOWELS** - Competitive Sealed Bids - PIN#67434 - Due 9-13-18 at 12:00 P.M.

This is a RFC for 3-year(s) Blanket Order Agreement. The awarded bidder/vendor agrees to have C-Fold Paper Towels readily available for delivery, within 10 days after receipt of order on an "as needed basis" during the duration of the contract period. The quantities provided are estimates based on current usage, and the New York City Housing Authority, may order less or more depending on our needs. All price adjustable RFC'S are fixed for one year after award date. One price adjustment per year will be allowed with MFC. Supporting documentation only. Samples may be required to be provided within 10 days of request. Failure to do so will result in bid being considered non-responsive.

Interested firms are invited to obtain a copy on NYCHA's website. To conduct a search for the RFC number; vendors are instructed to open the link: <http://www1.nyc.gov/site/nycha/business/isupplier-vendor-registration.page>. Once on that page, make a selection from the first three links highlighted in red: New suppliers for those who have never registered with supplier, current NYCHA suppliers and vendors for those who have supplied goods or services to NYCHA in the past but never requested a login ID for supplier, and Login for registered suppliers if you already have an supplier ID and password. Once you are logged into supplier, select "Sourcing Supplier," then "Sourcing Homepage" and then reference the applicable RFC PIN/solicitation number.

Suppliers electing to obtain a non-electronic paper document will be subject to a \$25 non-refundable fee; payable to NYCHA by USPS-Money Order/Certified Check only for each set of RFC documents requested. Remit payment to NYCHA Finance Department, at 90 Church Street, 6th Floor; obtain receipt and present it to the Supply Management Procurement Group; RFC package will be generated at the time of request.

Use the following address unless otherwise specified in notice, to secure, examine or submit bid/proposal documents, vendor pre-qualification and other forms; specifications/blueprints; other information; and for opening and reading of bids at date and time specified above.

*Housing Authority, 90 Church Street, 6th Floor, Cubicle# - 6-624, New York, NY 10007. Vanessa Butcher (212) 306-4684; Fax: (212) 306-5109; [vanessa.butcher@nycha.nyc.gov](mailto:vanessa.butcher@nycha.nyc.gov)*



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*Goods and Services*

**SMD INFORMATION TECHNOLOGY RISK ASSESSMENT SERVICES** - Request for Proposals - PIN#67445 - Due 9-21-18 at 2:00 P.M.

The New York City Housing Authority (NYCHA), by issuing this Solicitation, seeks proposals from qualified external consulting firms to conduct an information technology ("IT") risk assessment and to prepare a formal report and recommendations following the risk assessment, under the direction of NYCHA's Director of Internal Audit and Assessment ("IA and A"), as detailed more fully within Section II of this Solicitation.

Prospective Proposers may submit, via email, written questions concerning this Solicitation to NYCHA's Coordinator, Meddy Ghabaee, at [meddy.ghabaee@nycha.nyc.gov](mailto:meddy.ghabaee@nycha.nyc.gov), and copy Jacques Barbot at [jacques.barbot@nycha.nyc.gov](mailto:jacques.barbot@nycha.nyc.gov), by 12:00 P.M., on August 28, 2018. Questions submitted in writing must include the Proposer's name, the name, title, address, telephone number and email address of the individual to whom responses to the Proposer's question should be provided.

Interested firms are invited to obtain a copy of the RFP on NYCHA's website. To conduct a search for the RFP number; vendors are instructed to open the link: <http://www1.nyc.gov/site/nycha/business/isupplier-vendor-registration.page>. Once on that page, please make a selection from the first three links highlighted in red: New suppliers for those who have never registered with iSupplier, current NYCHA suppliers and vendors for those who have supplied goods or services to NYCHA in the past but never requested a login ID for iSupplier, and Login for registered suppliers if you already have an iSupplier ID and password. Once you are logged into iSupplier, select "Sourcing Supplier," then "Sourcing" followed by "Sourcing Homepage" and then reference the applicable RFP PIN/solicitation number.

Proposer shall electronically upload a single .pdf containing its Proposal, which may not exceed 4G, into iSupplier. Instructions for registering for iSupplier can be found, at <http://www1.nyc.gov/site/nycha/business/isupplier-vendor-registration.page>. After Proposer registers for iSupplier, it typically takes 24 to 72 hours for Proposer's iSupplier profile to be approved. It is Proposer's sole responsibility to leave ample time to complete iSupplier registration and submit its Proposal through iSupplier before the Proposal Submission Deadline. NYCHA is not responsible for delays caused by technical difficulty or caused by any other occurrence. NYCHA will not accept Proposals via email or facsimile. The submission of attachments containing embedded documents or proprietary file extensions is prohibited.

In addition to submitting the Proposal through iSupplier as described above, Proposer shall submit: (i) one (1) signed original hardcopy of its Proposal package labeled as "Original" and signed by a principal or officer of the Proposer who is duly authorized to commit the Proposer to fulfilling the Proposal, and (ii) ten (10) hardcopies of its Proposal package and one (1) complete and exact copy of the Proposal on a flash drive in Microsoft Office (2010 version or later) or Adobe pdf format. If there are any differences between the signed original hardcopy and any of the other hardcopies (or the electronic copy of the Proposal), the material in the signed original hardcopy will prevail.

Use the following address unless otherwise specified in notice, to secure, examine or submit bid/proposal documents, vendor pre-qualification and other forms; specifications/blueprints; other information; and for opening and reading of bids at date and time specified above.

*Housing Authority, 90 Church Street, New York, NY 10007. Meddy Ghabaee (212) 306-4539; [meddy.ghabaee@nycha.nyc.gov](mailto:meddy.ghabaee@nycha.nyc.gov)*

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**SUPPLY MANAGEMENT**

■ SOLICITATION

*Goods*

**PAINT BRUSH, COVER, FRAME** - Competitive Sealed Bids - PIN#67448 - Due 9-6-18 at 12:00 P.M.

This is a RFQ for 3-year blanket order agreement. The awarded bidder/vendor agrees to have SMD PAINT BRUSH, COVER, FRAME readily available for delivery within 15 days after receipt of order on an "as needed basis" during the duration of the contract period. The quantities provided are estimates based on current usage, and the New York City Housing Authority, may order less or more depending on our

needs. All price adjustable RFQ'S are fixed for one year after award date. One price adjustment per year will be allowed with mfg. supporting documentation only. Please note: NYCHA reserves the right to make award by class as indicated. Samples may be required to be provided within 10 days of request. Failure to do so will result in bid being considered non-responsive.

Interested firms are invited to obtain a copy on NYCHA's website. To conduct a search for the RFQ number; vendors are instructed to open the link: http://www1.nyc.gov/site/nycha/business/isupplier-vendor-registration.page. Once on that page, make a selection from the first three links highlighted in red: New suppliers for those who have never registered with iSupplier, current NYCHA suppliers and vendors for those who have supplied goods or services to NYCHA in the past but never requested a login ID for iSupplier, and Login for registered suppliers if you already have an iSupplier ID and password. Once you are logged into iSupplier, select "Sourcing Supplier," then "Sourcing Homepage" and then reference the applicable RFQ PIN/solicitation number.

Suppliers electing to obtain a non-electronic paper document will be subject to a \$25 non-refundable fee; payable to NYCHA by USPS-Money Order/Certified Check only for each set of RFQ documents requested. Remit payment to NYCHA Finance Department, at 90 Church Street, 6th Floor; obtain receipt and present it to the Supply Management Procurement Group; RFQ package will be generated at the time of request

Use the following address unless otherwise specified in notice, to secure, examine or submit bid/proposal documents, vendor pre-qualification and other forms; specifications/blueprints; other information; and for opening and reading of bids at date and time specified above.

Housing Authority, 90 Church Streets, 6th Floor, Cubical 6-758, New York, NY 10008. Aleksandr Karmanskiy (212) 306-4718; Fax: (212) 306-5108; alexsandr.karmanskiy@nycha.nyc.gov



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**HUMAN RESOURCES ADMINISTRATION**

■ AWARD

Services (other than human services)

**SUPPORT FOR BOMGAR CLOUD SOFTWARE 2018-2021** - Intergovernmental Purchase - Other - PIN#18GSEMI28801 - AMT: \$55,981.30 - TO: Compulink Technologies, Inc., 260 West 39th Street, Suite 302, New York, NY 10018.

Term: 8/1/2018 - 7/31/2021.

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**NYC & COMPANY**

LICENSING

■ SOLICITATION

Goods and Services

**MANUFACTURE, SALE AND DISTRIBUTION OF PRODUCTS BEARING THE CITY'S INTELLECTUAL PROPERTY** - Request for Proposals - PIN#NYCCO-2018-011 - Due 9-11-18 at 4:00 P.M.

In accordance with Section 1-13 of the Rules of the Franchise and Concession Review Committee ("FCRC"), NYC and Company Inc., on behalf of the NYC Department of Small Business Services ("SBS"), intends to issue a significant Request for Proposals ("RFP") for licensing rights or the right to act as licensing agent for the manufacture, sale and distribution of products bearing the City's intellectual property, specifically the rights to use City trademarks commercially in Canada.

There will be a recommended Pre-Proposal Conference, on August 23rd, 2018, at 1:00 P.M. EST. We will be meeting at NYC and Company's offices, located at 810 Seventh Avenue, 3rd Floor, New York, NY 10019. If you are considering responding to this RFP, please make every effort to attend this recommended Pre-Proposal Conference. In the case that you are not able to attend the Pre-Proposal Conference in person, please feel free to join the Pre-Proposal Conference via Skype. For all of the details concerning access to the conference via Skype, please contact Christina Rowley.

This RFP is also available for download on NYC and Company's website. To download the RFP, visit www.nycgo.com/licensing-rfp and click on the International RFP link. Once you have filled in your information, click on the "download" link that appears. Hard copies of the RFP can be obtained, at no cost, between the hours of 9:00 A.M.

and 4:00 P.M., excluding weekends and holidays at the NYC and Company's office.

TELECOMMUNICATION DEVICE FOR THE DEAF (TDD) (212) 504-4115.

Use the following address unless otherwise specified in notice, to secure, examine or submit bid/proposal documents, vendor pre-qualification and other forms; specifications/blueprints; other information; and for opening and reading of bids at date and time specified above. NYC & Company, 810 7th Avenue, 3rd Floor, New York, NY 10019. Christina Rowley (212) 484-5437; crowley@nycgo.com

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**NYC HEALTH + HOSPITALS**

■ SOLICITATION

Human Services/Client Services

**RISK ANALYSIS AND SECURITY ASSESSMENT SERVICES** - Request for Proposals - PIN#038-0027A - Due 9-14-18 at 3:00 P.M.

NYC Health plus Hospitals is looking for a vendor to provide annual information risk analysis and security assessment services for all of its facilities, entities, units, programs, and data centers, with a focus on electronic sensitive data, including but not limited to electronic Protected Health Information ("ePHI") as defined by the implementing regulations of the Health Insurance Portability and Accountability Act ("HIPAA") of 1996.

The requested risk analysis and security assessment services are broken down into the following seven activities:

1. HIPAA Enterprise-wide Risk Analysis (Application and ePHI Focused)
2. HIPAA Compliance Assessment, including the OCR Audit Protocol
3. Management Plan for addressing identified risks
4. Application Security - Penetration Testing
5. Infrastructure Security - Internal Penetration Testing (including server)
6. Infrastructure Security - Perimeter/DMZ Penetration Testing
7. Vendor Risk Assessment

Use the following address unless otherwise specified in notice, to secure, examine or submit bid/proposal documents, vendor pre-qualification and other forms; specifications/blueprints; other information; and for opening and reading of bids at date and time specified above.

NYC Health + Hospitals, 160 Water Street, Floor 13, New York, NY 10038. Mitchell Jacobs (646) 458-8661; jacobsm1@nychhc.org

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**PARKS AND RECREATION**

■ VENDOR LIST

Construction Related Services

**PREQUALIFIED VENDOR LIST: GENERAL CONSTRUCTION, NON-COMPLEX GENERAL CONSTRUCTION SITE WORK ASSOCIATED WITH NEW YORK CITY DEPARTMENT OF PARKS AND RECREATION ("DPR" AND/OR "PARKS") PARKS AND PLAYGROUNDS CONSTRUCTION AND RECONSTRUCTION PROJECTS.**

DPR is seeking to evaluate and pre-qualify a list of general contractors (a "PQL") exclusively to conduct non-complex general construction site work involving the construction and reconstruction of DPR parks and playgrounds projects not exceeding \$3 million per contract ("General Construction").

By establishing contractor's qualification and experience in advance, DPR will have a pool of competent contractors from which it can draw to promptly and effectively reconstruct and construct its parks, playgrounds, beaches, gardens and green-streets. DPR will select contractors from the General Construction PQL for non-complex general construction site work of up to \$3,000,000.00 per contract, through the use of a Competitive Sealed Bid solicited from the PQL generated from this RFQ.

The vendors selected for inclusion in the General Construction PQL will be invited to participate in the NYC Construction Mentorship. NYC Construction Mentorship focuses on increasing the use of small NYC contracts, and winning larger contracts with larger values. Firms participating in NYC Construction Mentorship will have the

opportunity to take management classes and receive on-the-job training provided by a construction management firm.

DPR will only consider applications for this General Construction PQL from contractors who meet any one of the following criteria:

- 1) The submitting entity must be a Certified Minority/Woman Business enterprise (M/WBE)\*;
- 2) The submitting entity must be a registered joint venture or have a valid legal agreement as a joint venture, with at least one of the entities in the joint venture being a certified M/WBE\*;
- 3) The submitting entity must indicate a commitment to sub-contract no less than 50 percent of any awarded job to a certified M/WBE for every work order awarded.

\* Firms that are in the process of becoming a New York City-Certified M/WBE, may submit a PQL application and submit a M/WBE Acknowledgement Letter, which states the Department of Small Business Services has begun the Certification process.

Application documents may also be obtained online at: <http://a856-internet.nyc.gov/nycvendononline/home.asap>; or <http://www.nycgovparks.org/opportunities/business>.

Use the following address unless otherwise specified in notice, to secure, examine or submit bid/proposal documents, vendor pre-qualification and other forms; specifications/blueprints; other information; and for opening and reading of bids at date and time specified above.

*Parks and Recreation, Olmsted Center Annex, Flushing Meadows-Corona Park, Flushing, NY 11368. Alicia H. Williams (718) 760-6925; Fax: (718) 760-6885; dmwbe.capital@parks.nyc.gov*

j2-d31

**CAPITAL PROJECTS**

■ INTENT TO AWARD

*Construction Related Services*

**ENVIRONMENTAL ENGINEERING SERVICES** - Renewal - PIN# 84614P0001003R001 - Due 9-4-18 at 4:30 P.M.

The New York City Department of Parks and Recreation, Capital Projects Division, intends to renew the Citywide Consultant Environmental Services contract with Woodard and Curran Engineering PA PC, located at 709 Westchester Avenue, Suite L2, White Plains, NY 10604.

Use the following address unless otherwise specified in notice, to secure, examine or submit bid/proposal documents, vendor pre-qualification and other forms; specifications/blueprints; other information; and for opening and reading of bids at date and time specified above.

*Parks and Recreation, Olmsted Center, Room 60, Flushing Meadows-Corona Park, Flushing, NY 11368. Grace Fields-Mitchell (718) 760-6687; Fax: (718) 760-6885; grace.fields-mitchell@parks.nyc.gov*

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**CONTRACTS**

■ SOLICITATION

*Construction/Construction Services*

**RECONSTRUCTION OF THE HENRY HUDSON ENTRANCE** - Competitive Sealed Bids - PIN# Q099-317M - Due 9-14-18 at 10:30 A.M.

The Reconstruction of the Henry Hudson Entrance located on 111th Street between 53rd and 56th Avenues in Flushing Meadows-Corona Park, Borough of Queens.

E-PIN# 84618B0216.

This procurement is subject to participation goals for MBEs and/or WBEs, as required by Local Law 1 of 2013. This Contract is subject to Apprenticeship Program Requirements. Bid Security: Bid Bond in the amount of 10 percent of Bid Amount or Bid Deposit in the amount of 5 percent of Bid Amount. The cost estimate range is: \$3,000,000.00 to \$5,000,000.00.

To request the Plan Holder's List, please call the Blue Print Room, at (718) 760-6576.

To manage your vendor name and commodity codes on file with the City of New York, please go to New York City's Procurement and Sourcing Solutions Portal (PASSPort), at <https://a858-login.nyc.gov/osp/a/t1/auth/saml2/sso>. To manage or update your email, address or contact information, please go to New York City's Payee Informational Portal, at <https://a127-pip.nyc.gov/webapp/PRDPCW/SelfService>.

Bid documents are available for a fee of \$25.00 in the Blueprint Room, Room #64, Olmsted Center, from 8:00 A.M. to 3:00 P.M. The fee is payable by company check or money order to the City of New York,

Parks and Recreation. A separate check/money order is required for each project. The company name, address and telephone number as well as the project contract number must appear on the check/money order. Bidders should ensure that the correct company name, address, telephone and fax numbers are submitted by your company/messenger service when picking up bid documents.

Use the following address unless otherwise specified in notice, to secure, examine or submit bid/proposal documents, vendor pre-qualification and other forms; specifications/blueprints; other information; and for opening and reading of bids at date and time specified above.

*Parks and Recreation, Olmsted Center, Room 64, Flushing Meadows-Corona Park, Flushing, NY 11368. Kylie Murphy (718) 760-6855; kylie.murphy@parks.nyc.gov*

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**REVENUE**

■ SOLICITATION

*Services (other than human services)*

**TENNIS FACILITY AT THE PARADE GROUND IN PROSPECT PARK** - Competitive Sealed Proposals - Judgment required in evaluating proposals - PIN# B68-IT-2018 - Due 9-28-18 at 3:00 P.M.

In accordance with Section 1-13 of the Concession Rules of the City of New York, the New York City Department of Parks and Recreation ("Parks") is issuing, as of the date of this notice, a significant Request for Proposals ("RFP") for the operation, maintenance, and management of a year-round tennis facility, at the Parade Ground in Prospect Park, Brooklyn.

There will be a recommended proposer site tour on Friday, September 14th, 2018, at 11:00 A.M. We will be meeting at the proposed concession site (Block # 5051 and Lot #1), which is located at, 50 Parkside Avenue, Brooklyn, NY 11226. If you are considering responding to this RFP, please make every effort to attend this recommended meeting. All proposals submitted in response to this RFP must be submitted no later than Friday, September 28th, 2018, at 3:00 P.M.

Hard copies of the RFP can be obtained, at no cost, commencing on Friday, August 17th, 2018 through Friday, September 28th, 2018, between the hours of 9:00 A.M. and 5:00 P.M., excluding weekends and holidays, at the Revenue Division of the New York City Department of Parks and Recreation, which is located at 830 Fifth Avenue, Room 407, New York, NY 10065.

The RFP is also available for download, on Friday, August 17th, 2018 through Friday, September 28th, 2018, on Parks' website. To download the RFP, visit <http://www.nyc.gov/parks/businessopportunities>, and click on the "Concessions Opportunities at Parks" link. Once you have logged in, click on the "download" link that appears adjacent to the RFP's description.

For more information or to request to receive a copy of the RFP by mail, prospective proposers may contact Eric Weiss, Project Manager, at (212) 360-3483, or at [eric.weiss@parks.nyc.gov](mailto:eric.weiss@parks.nyc.gov).

**TELECOMMUNICATION DEVICE FOR THE DEAF (TDD)** (212) 504-4115.

Use the following address unless otherwise specified in notice, to secure, examine or submit bid/proposal documents, vendor pre-qualification and other forms; specifications/blueprints; other information; and for opening and reading of bids at date and time specified above.

*Parks and Recreation, The Arsenal, Central Park, 830 Fifth Avenue, Room 407, New York, NY 10065. Eric Weiss (212) 360-3483; Fax: (917) 849-6639; eric.weiss@parks.nyc.gov*

a17-30

**M5-F-R-2018 RENOVATION, OPERATION AND MAINTENANCE OF A WATERFRONT RESTAURANT AT THE BATTERY, MANHATTAN** - Request for Proposals - PIN# M5-F-R-2018 - Due 10-1-18 at 3:00 P.M.

In accordance with Section 1-13 of the Concession Rules of the City of New York, the New York City Department of Parks and Recreation ("Parks") is issuing, as of the date of this notice a significant Request for Proposals ("RFP") for the renovation, operation and maintenance of a waterfront restaurant, at The Battery, Manhattan.

There will be a recommended On-Site Proposer Meeting and Site Tour on Friday, September 7, 2018, at 11:00 A.M. A second On-Site Proposer Meeting and Site Tour will be offered on Tuesday, September 18, 2018, at 11:00 A.M. We will be meeting at the proposed concession site (Block #3 and Lot #1), which is located at, The Battery and is accessible via South Street or State Street and Water Street. We will meet in front of the concession's main entrance, at the northwest side of the building. If you are considering responding to this RFP, please make every effort to attend one of these recommended meetings and site tours. All proposals submitted in response to this RFP must be submitted no later than Monday, October 1, 2018, at 3:00 P.M.

Hard copies of the RFP can be obtained, at no cost, commencing on August 21, 2018 through October 1, 2018, between the hours of 9:00 A.M. and 5:00 P.M., excluding weekends and holidays, at the Revenue Division of the New York City Department of Parks and Recreation, which is located at, 830 Fifth Avenue, Room 407, New York, NY 10065.

The RFP is also available for download, on August 21, 2018 through October 1, 2018, on Parks' website. To download the RFP, visit http://www.nyc.gov/parks/businessopportunities, and click on the "Concessions Opportunities at Parks" link. Once you have logged in, click on the "download" link that appears adjacent to the RFP's description.

For more information or to request to receive a copy of the RFP by mail, prospective proposers may contact Jocelyn Lee, Project Manager, at (212) 360-3407, or at [jocelyn.lee@parks.nyc.gov](mailto:jocelyn.lee@parks.nyc.gov).

TELECOMMUNICATION DEVICE FOR THE DEAF (TDD) (212) 504-4115

Use the following address unless otherwise specified in notice, to secure, examine or submit bid/proposal documents, vendor pre-qualification and other forms; specifications/blueprints; other information; and for opening and reading of bids at date and time specified above.

Parks and Recreation, The Arsenal, Central Park, 830 Fifth Avenue, Room 407, New York, NY 10065. Jocelyn Lee (212) 360-3407; [jocelyn.lee@parks.nyc.gov](mailto:jocelyn.lee@parks.nyc.gov)

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**POLICE**

■ AWARD

*Services (other than human services)*

**PREEMPLOYMENT PSYCHOLOGICAL ASSESSMENT -**

Innovative Procurement - Other - PIN#95000001 - AMT: \$150,000.00 - TO: Tri State Counseling and Mediation LCSW PLLC, 38 West 32nd Street, Suite 1511, New York, NY 10001-3875.

Procured via the Innovative Method for MWBE Micro-Purchases.

◀ a21

**TRANSPORTATION**

**STATEN ISLAND FERRY**

■ AWARD

*Services (other than human services)*

**TUGBOAT ASSIST AND TOWING SERVICES FOR NYCDOT**

- Competitive Sealed Bids - PIN#84118MBSI162 - AMT: \$853,800.00 - TO: Miller's Launch, Inc, 15 Murray Hulbert Avenue, Staten Island, NY.

◀ a21

**CONTRACT AWARD HEARINGS**

**NOTE: LOCATION(S) ARE ACCESSIBLE TO INDIVIDUALS USING WHEELCHAIRS OR OTHER MOBILITY DEVICES. FOR FURTHER INFORMATION ON ACCESSIBILITY OR TO MAKE A REQUEST FOR ACCOMMODATIONS, SUCH AS SIGN LANGUAGE INTERPRETATION SERVICES, PLEASE CONTACT THE MAYOR'S OFFICE OF CONTRACT SERVICES (MOCS) VIA E-MAIL AT [DISABILITYAFFAIRS@MOCS.NYC.GOV](mailto:DISABILITYAFFAIRS@MOCS.NYC.GOV) OR VIA PHONE AT (212) 788-0010. ANY PERSON REQUIRING REASONABLE ACCOMMODATION FOR THE PUBLIC HEARING SHOULD CONTACT MOCS AT LEAST THREE (3) BUSINESS DAYS IN ADVANCE OF THE HEARING TO ENSURE AVAILABILITY.**



**AGING**

■ PUBLIC HEARINGS

**NOTICE IS HEREBY GIVEN** that a Contract Public Hearing, will be held on Friday, August 31, 2018, at the Department for the Aging, 2 Lafayette Street, 4<sup>th</sup> Floor Conference Room, Borough of Manhattan, commencing at 10:00 A.M., on the following:

**IN THE MATTER OF** a proposed contract between the City of New York Department for the Aging and Selfhelp Community Services, Inc., located at 520 Eighth Avenue, 5<sup>th</sup> Floor, New York, NY 10018, for the provision of senior services (e.g., case management and case assistance), for Holocaust survivors living at or below the poverty line. The program will be serving all Community Districts in the boroughs of the Bronx, Brooklyn, Manhattan, and Queens. The contract term shall be from July 1, 2018 to June 30, 2019. The contract amount is \$250,000. The proposed contract will have an EPIN of: 12519L0006001 and DFTA PIN of: 12519DISC6XF.

The proposed contract is being funded through discretionary funds, pursuant to Section 1-02 (e) of the Procurement Policy Board Rules.

A draft copy of the proposed contract is available for public inspection at the Office of the Department for the Aging, Contract Procurement and Support Services, 2 Lafayette Street, Room 400, New York, NY 10007, on business days, from August 21, 2018 to August 31, 2018, excluding holidays, from 10:00 A.M. to 4:00 P.M.

Anyone who wishes to speak at this Public Hearing should request to do so in writing. The written request must be received by the Agency within 5 business days after publication of this notice. Written request to speak should be sent to Erkan Solak, Agency Chief Contracting Officer, at the Department for the Aging (DFTA), 2 Lafayette Street, Room 400, New York, NY 10007. If DFTA receives no written requests to speak within the prescribed time, DFTA reserves the right not to conduct the Public Hearing.

Accessibility questions: Naeemah Doldron (212) 602-7749, [nadoldron@aging.nyc.gov](mailto:nadoldron@aging.nyc.gov), by: Wednesday, August 29, 2018, 10:00 A.M.



◀ a21

**NOTICE IS HEREBY GIVEN** that a Contract Public Hearing, will be held on Friday, August 31, 2018, at the Department for the Aging, 2 Lafayette Street, 4<sup>th</sup> Floor Conference Room, Borough of Manhattan, commencing at 10:00 A.M., on the following:

**IN THE MATTER OF** a proposed contract between the City of New York Department for the Aging and Riverdale Senior Services, Inc., located at 2600 Netherland Avenue, Bronx, NY 10463, for the provision of Social Adult Day Care services (non-medical adult day care services to individuals with cognitive or physical limitations). The program will be serving the borough of the Bronx, Community Districts 7 and 8. The contract term shall be from July 1, 2018 to June 30, 2019. The contract amount is \$117,284. The proposed contract will have an EPIN of: 12519L0008001 and PIN of: 12519DISC11B.

The proposed contract is being funded through discretionary funds, pursuant to Section 1-02 (e) of the Procurement Policy Board Rules.

A draft copy of the proposed contract is available for public inspection at the Office of the Department for the Aging, Contract Procurement and Support Services, 2 Lafayette Street, Room 400, New York, NY 10007, on business days, from August 21, 2018 to August 31, 2018, excluding holidays, from 10:00 A.M. to 4:00 P.M.

Anyone who wishes to speak at this Public Hearing should request to do so in writing. The written request must be received by the Agency within 5 business days after publication of this notice. Written request to speak should be sent to Erkan Solak, Agency Chief Contracting Officer, at the Department for the Aging (DFTA), 2 Lafayette Street, Room 400, New York, NY 10007. If DFTA receives no written requests to speak within the prescribed time, DFTA reserves the right not to conduct the Public Hearing.

Accessibility questions: Avery Fraser (212) 602-4277, [afraser@aging.nyc.gov](mailto:afraser@aging.nyc.gov), by: Tuesday, August 28, 2018, 10:00 A.M.



◀ a21

**NOTICE IS HEREBY GIVEN** that a Contract Public Hearing, will be held on August 31, 2018, at the Department for the Aging (DFTA), 2 Lafayette Street, 4<sup>th</sup> Floor Conference Room, Borough of Manhattan, commencing at 10:00 A.M. on the following:

**IN THE MATTER OF** one (1) proposed contract between the City of New York Department for the Aging and the New York Foundation for Senior Citizens, Inc., located at 11 Park Place, Suite 1416, New York, NY 10007, for the provision of NY Connects services for older adults in

New York City. The term of this contract will be from April 1, 2018 to March 31, 2019, with no renewal options. The contract amount is \$655,711 and the proposed contract will service the borough of Manhattan. The contract has an E-PIN of: 12519R0001003.

The proposed contract has been selected by the Required/Authorized Source Selection Method, pursuant to Section 1-02 (d)(2) of the Procurement Policy Board Rules.

Anyone who wishes to speak at this Public Hearing should request to do so in writing. The written request must be received by the Agency within 5 business days after publication of this notice. Written request to speak should be sent to Erkan Solak, Agency Chief Contracting Officer, at the Department for the Aging, 2 Lafayette Street, Room 400, New York, NY 10007. If no written requests to speak are received within the prescribed time period, DFTA reserves the right not to conduct the Public Hearing.

A draft copy of the proposed contract available for public inspection at the Office of the Department for the Aging, Contract Procurement and Support Services, 2 Lafayette Street, Room 400, New York, NY 10007, on business days, from August 21<sup>st</sup> to August 31, 2018, excluding holidays, from 10:00 A.M. to 4:00 P.M.

Accessibility questions: Michelle Biondi (212) 602-7747, by: Friday, August 24, 2018, 3:00 P.M.



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## AGENCY RULES

### CONSUMER AFFAIRS

#### ■ NOTICE

#### Notice of Adoption of Rules

**NOTICE IS HEREBY GIVEN, PURSUANT TO THE AUTHORITY VESTED IN** the Commissioner of the Department of Consumer Affairs by Sections 20-a, 1043, and 2203(f) of the New York City Charter, and Chapters 8, 9, 12, and 13 of Title 20 and Section 22-507 of the New York City Administrative Code, and in accordance with the requirements of Section 1043 of the New York City Charter, of the adoption of an amendment to Chapter 7 of Title 6 of the Rules of the City of New York to implement and clarify procedures of the Office of Labor Policy and Standards, clarify provisions of the Earned Safe and Sick Time Act, and to provide guidance to covered employers and protected workers.

#### Statement of Basis and Purpose of Rules

These rules were proposed on June 29, 2018. The required public hearing was held on July 30, 2018. The Department of Consumer Affairs received public comments on the proposed rules. As a result of those comments, the rules were amended as follows:

- § 7-106 was amended to read “full hourly minimum wage”
- § 7-108 was amended to read

Taking an adverse action includes, but is not limited to threatening, intimidating, disciplining, discharging, demoting, suspending, or harassing an employee, reducing the hours of pay of an employee, informing another employer than an employee has engaged in activities protected by the OLPS laws and rules, discriminating against the employee, including actions related to perceived immigration status or work authorization, and maintenance or application of an absence control policy that counts protected leave as an absence that may lead to or result in an adverse action.

- § 7-201(b) was amended to add “Such person may be considered an employee under the Earned Safe and Sick Time Act and this subchapter.”

In March 2016, the Mayor signed into law local law 104 of 2015, which enacted Section 20-a of the New York City Charter, establishing the Office of Labor Standards (herein referred to as “Office of Labor Policy and Standards” or “OLPS”). The Mayor designated the Department of Consumer Affairs as the agency in which OLPS would be established. Pursuant to Section 20-a of the New York City Charter, OLPS is tasked with, among many things, enforcing municipal labor laws, such as the Earned Sick Time Act, Chapter 8 of Title 20 of the Administrative Code of the City of New York, the Mass Transit Benefits Law, Chapter 9 of

Title 20 of the Administrative Code of the City of New York, the Grocery Workers Retention Law, Section 22-507 of the Administrative Code of the City of New York, the Fair Workweek Law, Chapter 12 of Title 20 of the Administrative Code of the City of New York, and the Deductions Law, Chapter 13 of Title 20 of the Administrative Code of the City of New York.

These rules amend Chapter 7 of Title 6 of the Rules of the City of New York to establish uniform practices and procedures for the enforcement of the laws enforced by OLPS, where possible. Specifically, these rules:

- Contain a definitions section applicable to certain rules and laws enforced by OLPS.
- Mandate that the rules shall be liberally construed to accomplish the OLPS mandate in Section 20-a of the Charter, with the understanding that they do not supersede any other provision of the OLPS laws and rules, the Freelancers Law and rules, or the Transportation Benefits Law and rules.
- Contain a severability clause that, in the event any provision is deemed invalid or inapplicable in a particular circumstance, maintains the validity and applicability of the remaining rules.
- Clarify that OLPS resources and the rights protected by OLPS extend to persons regardless of immigration status.
- Clarify that OLPS will maintain confidential the identity of complainants and witnesses to the extent possible.
- Clarify that joint employers are individually and jointly liable for violations of laws enforced by OLPS and satisfaction of fines and restitution.
- Clarify how employers in a joint employer relationship should determine the number of employees they have.
- Clarify how to calculate lost earnings for the calculation of damages when an employee is paid a flat rate or performs more than one job for the same employer.
- Clarify how employers must satisfy any obligation to post a notice or other writing required by the laws enforced by OLPS.
- Define what may constitute retaliation, including adverse actions taken by employers against employees.
- Clarify that both direct and indirect evidence are acceptable to establish a causal connection between an adverse action and the exercise, attempted exercise, or anticipated exercise of rights.
- Clarify that the burden of proof for retaliation is whether protected activity was a “motivating factor” for an adverse action.
- Clarify the procedures for investigations of alleged violations of laws enforced by OLPS.
- Clarify that OLPS may issue a notice of violation for failure to comply with a request for information.
- Clarify what constitutes proper service of process.
- Clarify that a failure to maintain records creates an inference in favor of OLPS.
- Clarify that a policy or practice that denies a right established or protected by the laws enforced by OLPS constitutes a violation of the applicable provision of the OLPS law or rule for each employee subjected to the policy or practice.
- Harmonize the Displaced Grocery Worker Rules with new Rules for the Office of Labor Policy and Standards.
- Delete the definition of “appropriate notice,” contained in the Displaced Grocery Worker rules, which is revised and included in the rules for the Office of Labor Policy and Standards.
- Delete provisions regarding the posting of notice of change in control by incumbent grocery employers in the Displaced Grocery Worker rules, which is revised and included in the rules for the Office of Labor Policy and Standards.
- Delete provisions regarding enforcement procedures contained in the Displaced Grocery Worker rules, which are included in the rules for the Office of Labor Policy and Standards.
- Place the Transportation Benefits rules in Subchapter C of Chapter 7 and renumber the rules accordingly.
- Place the Freelance Worker rules in Subchapter E of Chapter 7 and renumber the rules accordingly.
- Correct a typo in the Deductions rules, contained in Subchapter G of Chapter 7.

Additionally, these rules clarify parts of the Earned Safe and Sick Time Act, Specifically, these rules:

- Include references to safe time, including adding “safe” to the definitions section.
- Clarify that the definition of domestic worker as contained in the Earned Safe and Sick Time Act is limited to employees who are solely and directly employed by individuals or private families for domestic work and does not include workers who are employed, solely or jointly, by agencies.
  - o When enacting the Earned Sick Time Act, the City Council relied on a definition of domestic worker from Section 2 of the state Labor Law, which, at the time, only included employees of individual households. The state Labor Law’s definition exempts workers employed by agencies or other third-party employers who provide companionship services, as defined by Federal regulations issued, pursuant to the Fair Labor Standards Act (FLSA). Subsequent to the enactment of the Earned Sick Time Act, the definition of “companionship services” contained in the FLSA regulation was changed to extend the minimum wage and overtime protections of the FLSA to more workers, including home health aides employed by agencies. This change created ambiguity in the definition of “domestic worker” under the City’s Earned Sick Time Act.
  - o The legislative history of the Earned Sick Time Act makes clear that the City Council intended only employees of individual households to be covered by the definition of “domestic worker.” The clarification made by this rule will preserve that legislative intent.
  - o A narrow definition of domestic worker is consistent with enhancing and expanding rights—safe and sick leave as well as other labor rights—to workers historically excluded from protections because a narrow definition of “domestic worker” means that more workers are included in the group of workers that receives a full forty hours of paid safe and sick time per year.
- Delete the definition of “temporary help firm,” which is in substance included in the rules for the Office of Labor Policy and Standards.
- Delete the rule about joint employers, which is revised and included in the rules for the Office of Labor Policy and Standards.
- Delete the rule that protections of the Earned Sick Time Act extend to all workers, regardless of immigration status, which is revised and included in the rules for the Office of Labor Policy and Standards.
- Delete provisions about how to calculate payment for sick time when an employee is paid on a piecework basis.
- Add a provision about how to calculate payment for sick time when an employee is paid a flat rate.
- State that an employer’s written sick time policies must be contained in one writing and they must be distributed, rather than posted or distributed, to employees.
- Clarify that an employer that provides paid time off (PTO) for use as sick time must state so in its written policy.
- Clarify that a Department writing does not constitute an employer’s written sick time policy.
- Delete the procedures by which the Department may file a notice of hearing for an employer’s failure to respond to a notice of investigation and request for information, which is revised and included in the rules for the Office of Labor Policy and Standards.
- Delete the enforcement procedures, which are revised and included in the rules for the Office of Labor Policy and Standards.
- Delete the retaliation provisions, which are revised and included in the rules for the Office of Labor Policy and Standards.

Sections 1043, 2203(f), 20-a of the New York City Charter and Chapters 8, 9, 12, and 13 of Title 20 and Section 22-507 of the New York City Administrative Code authorize the Department of Consumer Affairs OLPS to make these rules.

New material is underlined.  
[Deleted material is in brackets.]

“Shall” and “must” denote mandatory requirements and may be used interchangeably in the rules of this Department, unless otherwise specified or unless the context clearly indicates otherwise.

## Final Rule

Section 1. Subchapter A of Chapter 7 of Title 6 of the Rules of the City of New York is amended to read as follows:

### Subchapter A: Office of Labor Policy and Standards

#### § 7-101 Definitions.

- (a) As used in this subchapter, the following terms have the following meanings:

“Employee” means any person who meets the definition of “employee,” as defined by Section 20-912 of the Code, “eligible grocery employee,” as defined by Section 22-507 of the Code, “fast food employee,” as defined by Section 20-1201 or 20-1301 of the Code, or “retail employee,” as defined by Section 20-1201 of the Code.

“Employer” means any person who meets the definition of “employer,” as defined by Section 20-912 of the Code, “successor grocery employer” or “incumbent grocery employer,” as defined by Section 22-507 of the Code, “fast food employer,” as defined by Section 20-1201 or 20-1301 of the Code, or “retail employer,” as defined by Section 20-1201 of the Code.

“Freelancers Law and rules” means Chapter 10 of Title 20 of the Code and Subchapter E of this chapter.

“OLPS laws and rules” means Chapters 8, 12, and 13 of Title 20 and Section 22-507 of the Code and Subchapters A, B, D, F, and G of this chapter.

“Transportation Benefits Law and rules” means Chapter 9 of Title 20 of the Code and Subchapter C of this chapter.

- (b) As used in the OLPS laws and rules, the following terms have the following meanings:

“Code” means the Administrative Code of the City of New York.

“Department” means the New York City Department of Consumer Affairs.

“Director” means the director of the office of labor standards established, pursuant to Section 20-a of the charter.

“Joint employer” means each of two or more employers who has some control over the work or working conditions of an employee or employees. Joint employers may be separate and distinct individuals or entities with separate owners, managers and facilities. A determination of whether or not a joint employment relationship exists will not often be decided by the application of any single criterion; rather the entire relationship shall be viewed in its totality.

“Office” means the office of labor standards established, pursuant to Section 20-a of the New York City Charter and referred to as the Office of Labor Policy and Standards.

“Supplements” means all remuneration for employment paid in any medium other than cash, or reimbursement for expenses, or any payments which are not ‘wages’ within the meaning of the New York State Labor Law, including, but not limited to, health, welfare, non-occupational disability, retirement, vacation benefits, holiday pay, life insurance, and apprenticeship training.

“Temporary help firm” means an employer that recruits and hires its own employees and assigns those employees to perform work or services for another organization to: (i) support or supplement the other organization’s workforce; (ii) provide assistance in special work situations including, but not limited to, employee absences, skill shortages, or seasonal workloads; or (iii) perform special assignments or projects.

“Work week” means a fixed and regularly recurring period of 168 hours or seven consecutive 24 hour periods; it may begin on any day of the week and any hour of the day, and need not coincide with a calendar week.

“Written” or “writing” means a hand-written or machine-printed or printable communication in physical or electronic format, including a communication that is maintained or transmitted electronically, such as a text message.

#### § 7-102 Construction.

This chapter shall be liberally construed to permit the Office to accomplish the purposes contained in Section 20-a of the New York City Charter. The provisions of this subchapter shall not be construed to supersede any other provision of the OLPS laws and rules, the Freelancers Law and rules, or the Transportation Benefits Law and rules.

#### § 7-103 Severability.

The rules contained in this chapter shall be separate and severable. If any word, clause, sentence, paragraph, subdivision, section, or portion of these rules or the application thereof to any person, employer,



employee, or circumstance is contrary to a Local, State or Federal law or held to be invalid, it shall not affect the validity of the remainder of the rules or the validity of the application of the rules to other persons or circumstances.

#### **§ 7-104 Complainants and Witnesses.**

- (a) All people, regardless of immigration status, may access resources provided by the Office.
- (b) Any person who meets the definition of employee in Section 7-101 of this subchapter is entitled to the rights and protections provided by this Subchapter to employees and any applicable provision of the OLPS laws and rules, regardless of immigration status.
- (c) The Office shall conduct its work without inquiring into the immigration status of complainants and witnesses.
- (d) The Office shall maintain confidential the identity of a complainant or natural person providing information relevant to enforcement of the OLPS laws and rules and the Transportation Benefits Law and rules, unless disclosure is necessary for resolution of the investigation or matter, or otherwise required by law, and the Office, to the extent practicable, notifies such complainant or natural person that the Office will be disclosing such person's identity before such disclosure.
- (e) For purposes of effectuating subdivision (d) of this section, the Office shall keep confidential any information that may be used to identify, contact, or locate a single person, or to identify an individual in context.

#### **§ 7-105 Joint Employers.**

- (a) Joint employers are individually and jointly liable for violations of all applicable OLPS laws and rules and satisfaction of any penalties or restitution imposed on a joint employer for any violation thereof, regardless of any agreement among joint employers to the contrary.
- (b) A joint employer must count every employee it employs for hire or permits to work, whether joint or not, in determining the number of employees employed for hire or permitted to work for the employer. For example, a joint employer who employs three workers from a temporary help firm and also has three permanent employees under its sole control has six employees for purposes of the OLPS laws and rules.

#### **§ 7-106 Determining Damages Based on Lost Earnings.**

- (a) The following provisions apply to the extent necessary in circumstances described in paragraphs (1) and (2) below for the calculation of damages based on lost earnings in an administrative enforcement action:
  - (1) When an employer pays a flat rate of pay for work performed, regardless of the number of hours actually worked, an employee's hourly rate of pay shall be based on the most recent hourly rate paid to the employee for the applicable pay period, calculated by adding together the employee's total earnings, including tips, commissions, and supplements, for the most recent work week in which no sick time or other leave was taken and dividing that sum by the number of hours spent performing work during such work week or forty hours, whichever amount of hours is less.
  - (2) If an employee performs more than one job for the same employer or the employee's rate of pay fluctuates for a single job, the hourly rate of pay shall be the rate of pay that the employee would have been paid during the time that employee would have been performing work but for the employee's absence.
- (b) If the methods for calculating the hourly rate described in subdivision (a) produce an hourly rate that is below the full hourly minimum wage, then the employee's lost earnings shall be based on the full hourly minimum wage.

#### **§ 7-107 Required Notices and Postings.**

- (a) For any notice created by the Office that is made available on the City's website and that is then required by a provision of the OLPS laws and rules to be provided to an employee or posted in the workplace, an employer must provide and/or post such notice in English and in any language spoken as a primary language by at least five percent of employees at the employer's location, provided that the Director has made the notice available in such language. Employers covered by the Earned Safe

and Sick Time Act, Chapter 8 of Title 20 of the Code, are required to comply with this subdivision in addition to the requirement, pursuant to Section 20-919 of the Code that an employer provide the notice of rights in an employee's primary language.

- (b) (1) For any notice that is not created by the Office and made available on the City's website, that is required to be provided to an employee and/or posted in the workplace by a provision of the OLPS laws and rules, an employer must provide and/or post such notice in English and in any language that the employer customarily uses to communicate with the employee.  
(2) For any notice that is not created by the Office and made available on the City's website, that is required to be posted in the workplace by a provision of the OLPS laws and rules, an employer must post such notice in English and in any language that the employer customarily uses to communicate with any of the employees at that location.
- (c) Any notice, policy, or other writing that is required by a provision of the OLPS laws and rules to be personally provided to an employee must be provided by a method that reasonably ensures personal receipt by the employee and that is consistent with any other applicable law or rule that specifically addresses a method of delivery.
- (d) Any notice, policy, or other writing that is required to be posted, pursuant to a provision of the OLPS laws and rules must be posted in a printed format in a conspicuous place accessible to employees where notices to employees are customarily posted, pursuant to State and Federal laws and, except for notices created by the Office, in a form customarily used by the employer to communicate with employees.
- (e) An employer that places employees to perform work off-site or at dispersed job-sites, such as in private homes, building security posts, or on delivery routes, must comply with any applicable requirement to post a notice, policy or other writing contained in the OLPS laws and rules by providing employees with the required notice personally upon commencement of employment, within fourteen (14) days of the effective date of any changes to the required posting, and upon request by the employee, in addition to the requirements in subdivision (c) of this section.

#### **§ 7-108 Retaliation.**

- (a) No person shall take any adverse action against an employee that penalizes an employee for, or is reasonably likely to deter an employee from, exercising or attempting to exercise rights under the OLPS laws and rules or interfere with an employee's exercise of rights under the OLPS laws and rules.
- (b) Taking an adverse action includes, but is not limited to threatening, intimidating, disciplining, discharging, demoting, suspending, or harassing an employee, reducing the hours of pay of an employee, informing another employer than an employee has engaged in activities protected by the OLPS laws and rules, discriminating against the employee, including actions related to perceived immigration status or work authorization, and maintenance or application of an absence control policy that counts protected leave as an absence that may lead to or result in an adverse action.
- (c) An employee need not explicitly refer to a provision of the OLPS laws and rules to be protected from an adverse action.
- (d) The Office may establish a causal connection between the exercise, attempted exercise, or anticipated exercise of rights protected by the OLPS laws and rules and an employer's adverse action against an employee or a group of employees by indirect or direct evidence.
- (e) For purposes of this section, retaliation is established when the Office shows that a protected activity was a motivating factor for an adverse action, whether or not other factors motivated the adverse action.

#### **§ 7-109 Enforcement and Penalties.**

- (a) The Office may open an investigation to determine compliance with laws enforced by the Office on its own initiative or based on a complaint, except as otherwise provided by Section 20-1309 of Chapter 13 of Title 20 of the Code.

- (b) Whether it was issued in person, via mail, or, on written consent of the employer, email, an employer must respond to a written request for information or records by providing the Office with true, accurate, and contemporaneously-made records or information within the following timeframes, except as provided in subdivision (c) of this section, subdivision (c) of Section 20-924 of the Code, Section 7-213 of this title or other applicable law:
- (1) For an initial request for information or records, the employer shall
- i. Within ten (10) days of the date that the request for information was received by the employer provide the following information, if applicable:
- A. the employer's correct legal name and business form;
- B. the employer's trade name or DBA;
- C. the names and addresses of other businesses associated with the employer;
- D. the employer's Federal Employer Identification Number;
- E. the employer's addresses where business is conducted;
- F. the employer's headquarters and principal place of business addresses;
- G. the name, phone number, email address, and mailing address of the owners, officers, directors, principals, members, partners and/or stockholders of more than 10 percent of the outstanding stock of the employer business and their titles;
- H. the name, phone number, email address, and mailing address of the individuals who have operational control over the business;
- I. the name, phone number, email address, and mailing address of the individuals who supervise employees;
- J. the name and contact information of the individual who the office should contact regarding an investigation of the business and an affirmation granting authority to act; and
- ii. Within fourteen (14) days of the date of that the initial request for information or records was received, provide the remaining information or records requested in that initial request.
- (2) For all requests for information or records after the initial request, an employer must respond within the timeframe prescribed by the Office in the request, which shall not exceed fourteen (14) days from the date that the request was received by the employer, unless a longer timeframe has been agreed to by the Office.
- (3) Upon good cause shown, the Director may extend response timeframes required, pursuant to this subdivision.
- (c) An employer shall respond to a written request for information or records by providing the Office with true, accurate, and contemporaneously-made records or information in a lesser amount of time than provided in paragraphs 2 and 3 of subdivision b of this section if agreed to by the parties or the Office has reason to believe that:
- (1) The employer will destroy or falsify records;
- (2) The employer is closing, selling, or transferring its business, disposing of assets or is about to declare bankruptcy;
- (3) The employer is the subject of a government investigation or enforcement action or proceeding related to wages and hours, unemployment insurance, workers' compensation, discrimination, OLPS laws and rules, the Freelancers Law and rules, or the Transportation Benefits Law and rules; or
- (4) More immediate access to records is necessary to prevent or remedy retaliation against employees.
- (d) In accordance with applicable law, the Office may resolve or attempt to resolve an investigation at any point

- through settlement upon terms that are satisfactory to the Office.
- (e) The Office may issue a notice of violation to an employer who fails to provide true and accurate information or records requested by the Office in connection with an investigation.
- (f) An employer who fails to timely and fully respond to the request for information or records that is the subject of a notice of violation issued under subdivision (e) of this section on or before the first scheduled appearance date is subject to a penalty of five hundred dollars, in addition to any penalties or remedies imposed as a result of the Office's investigation.
- (g) The employer may cure a notice of violation issued in accordance with subdivision (e) of this section without the penalty imposed in connection with subdivision (f) by:
- (1) producing the requested information or records on or before the first scheduled appearance date; or
- (2) resolving, to the satisfaction of the Office on or before the first scheduled appearance date, the investigation that is the basis for the request for information or records.
- (h) A finding that an employer has an official or unofficial policy or practice that denies a right established or protected by the OLPS laws and rules shall constitute a violation of the applicable provision of the OLPS laws and rules for each and every employee subject to such policy or practice.

#### **§ 7-110 Service.**

Service of documents issued by the Office to employers, including written requests for information or records and notices of violation, shall be made in a manner reasonably calculated to achieve actual notice to the employer. The following are presumed to be reasonably calculated to achieve actual notice: (i) personal service on the employer; (ii) personal service on the employer by regular first-class mail, certified mail, return receipt requested, or private mail delivery services, such as UPS, to an employer's last known business address; or (iii) if an employer has so consented, facsimile, email, including an attachment to an email.

#### **§ 7-111 Recordkeeping.**

- (a) An employer's failure to maintain, retain, or produce a record that is required to be maintained under the OLPS laws and rules that is relevant to a material fact alleged by the Office in a notice of violation issued, pursuant to a provision of the OLPS laws and rules creates a reasonable inference that such fact is true, unless a rebuttable presumption or other adverse inference is provided by applicable law.
- (b) An employer that produces records to the department or Office in response to a request for information affirms that the records produced are true and accurate.

§ 2. Subchapter B of Chapter 7 of Title 6 of the Rules of the City of New York is amended to read as follows:

#### **Subchapter B: Earned Safe and Sick Time**

#### **§ [7-01] 7-201 Definitions.**

- (a) As used in this chapter, the terms "calendar year," ["domestic worker,"] "employee," "employer," "health care provider," "paid safe/sick time," "safe time," and "sick time" shall have the same meanings as set forth in Section 20-912 of the Administrative Code.
- (b) As used in the Earned Safe and Sick Time Act and in this subchapter, the term "domestic worker" means a person who provides care for a child, companionship for a sick, convalescing or elderly person, housekeeping, or any other domestic service in a home or residence whenever such person is directly and solely employed to provide such service by an individual or private household. The term "domestic worker" does not include any person who is employed by an agency whenever such person provides services as an employee of such agency, regardless of whether such person is jointly employed by an individual or private household in the provision of such services.
- (b) As used in this chapter, the term "temporary help firm" means an organization that recruits and hires its own employees and assigns those employees to perform work or services for another organization to: (i) support or supplement the other organization's workforce; (ii) provide assistance in special work situations including, but not limited to, employee absences, skill shortages or

seasonal workloads; or (iii) perform special assignments or projects.]

**§ [7-02] 7-202 Business Size.**

- (a) Business size for an employer that has operated for less than one year shall be determined by counting the number of employees performing work for an employer for compensation per week, provided that if the number of employees fluctuates between less than five employees and five or more employees per week, business size may be determined for the current calendar year based on the average number of employees per week who worked for compensation for each week during the 80 days immediately preceding the date the employee used safe time or sick time.
- (b) Business size for an employer that has operated for one year or more is determined by counting the number of employees working for the employer per week at the time the employee uses safe time or sick time, unless the number of employees fluctuates, in which case business size may be determined for the current calendar year based on the average number of employees per week during the previous calendar year. For purposes of this [subdivision]section, “fluctuates” means that at least three times in the most recent calendar quarter the number of employees working for an employer fluctuated between less than five employees and five or more employees.

**§ [7-03] Joint Employers and Temporary Help Firms.**

- (a) Where two or more employers have some control over the work or working conditions of an employee, the employers may be treated as a “joint employer” of the employee for purposes of complying with Chapter 8 of Title 20 of the Administrative Code (“the Earned Sick Time Act”). Joint employers may be separate and distinct entities with separate owners, managers and facilities.
- (b) Every employer deemed to be a joint employer must count each employee jointly employed in determining the number of employees performing work for compensation for the employer under the Earned Sick Time Act. For example, an employer who jointly employs three workers and also has three employees under its sole control has six employees for purposes of the Earned Sick Time Act and must provide paid sick time.
- (c) In discharging their joint obligations under the Earned Sick Time Act, joint employers may allocate responsibility for the requirements of such Act among themselves.
- (d) Except as limited by subdivision (f) of this section, all covered joint employers are responsible, individually and jointly, for compliance with all applicable provisions of the Earned Sick Time Act and satisfaction of any penalties imposed for any violation thereof, regardless of any agreement among joint employers.
- (e) If an employee is employed jointly by two or more joint employers, all of the employee’s work for each of the joint employers will be considered as a single employment for purposes of accrual and use of sick time under the Earned Sick Time Act.
- (f) Notwithstanding any other provision of this section, where a temporary help firm places a temporary employee in an organization, the temporary help firm shall be solely responsible for compliance with all of the provisions of the Earned Sick Time Act for that temporary employee. For example, a temporary help firm that has 100 employees placed in several different organizations must provide paid sick time to each of its employees placed at the other organizations, regardless of the size of the organization where the temporary help firm places the employee.]

**§ [7-04] 7-203 Employees. [**

- (a) An employee is entitled to the protections of the Earned Sick Time Act regardless of immigration status.
- (b) [An individual is “employed for hire within the City of New York for more than eighty hours in a calendar year” for purposes of Section 20-912(f) of the Administrative Code if the individual performs work, including work performed by telecommuting, for more than eighty hours while the individual is physically located in New York City, regardless of where the employer is located.
- i. Example: An individual who only performs work while physically located outside of New York City, even if the employer is based in New York City, is not “employed for hire within the City of New York”

for purposes of Section 20-912(f) for hours worked outside New York City.

- ii. Example: An individual performs twenty hours of work in New Jersey and sixty hours of work in New York City in a calendar year. The twenty hours of work performed by the employee in New Jersey do not count towards the employee’s eighty hours of work for purposes of Section 20-912(f).

**§ [7-05] 7-204 Minimum increments and fixed intervals for the use of safe time and sick time.**

- (a) Unless otherwise in conflict with State or Federal law or regulations, an employee may decide how much earned safe time or sick time to use, provided however, that an employer may set a minimum increment for the use of safe time and sick time, not to exceed four hours per day, provided such minimum increment is reasonable under the circumstances.
- (i) Example: An employee has worked eighty hours and more than one hundred twenty calendar days have passed since the employee’s first day of work for the employer. The employer has set a minimum increment of four hours per day for use of safe time and sick time. The employee has not yet accrued four hours of time, but is entitled to use the time he or she has already accrued. Under these circumstances, it would not be “reasonable under the circumstances” for the employer to require the employee to use a minimum of four hours of safe time or sick time as the minimum increment.
- (ii) Example: An employee is scheduled to work from 8:00 A.M. to 4:00 P.M. Mondays. She schedules a doctor’s appointment for 9:00 A.M. on a Monday and notifies her employer of her intent to use sick time and return to work the same day. The employer’s written sick time policies require a four hour minimum increment of sick time used per day. If she does not go to work before her appointment, she should appear for work by 12:00 P.M.
- (b) An employer may set fixed periods of thirty minutes or any smaller amount of time for the use of accrued safe time or sick time beyond the minimum increment described in subdivision (a) of this section and may require fixed start times for such intervals.
- Example: The employee in Example (ii) of subdivision (a) of this section arrives to work at 12:17 P.M. Under her employer’s written sick time policies, employees must use sick time in half-hour intervals that start on the hour or half-hour. The employer can require the employee to use four-and-a-half hours of her accrued sick time and require her to begin work at 12:30 P.M. Similarly, if the employee wanted to leave work at 8:40 A.M. to go to her 9:00 A.M. doctor’s appointment, the employer could require the employee to stop work at 8:30 A.M.

**§ [7-06] 7-205 Employee notification of use of safe time or sick time.**

- (a) An employer may require an employee to provide reasonable notice of the need to use safe time or sick time.
- (b) An employer that requires notice of the need to use safe time or sick time where the need is not foreseeable shall provide a written policy that contains procedures for the employee to provide notice as soon as practicable. Examples of such procedures may include, but are not limited to, instructing the employee to: (1) call a designated phone number at which an employee can leave a message; (2) follow a uniform call-in procedure; or (3) use another reasonable and accessible means of communication identified by the employer. Such procedures for employees to give notice of the need to use safe time or sick time when the need is not foreseeable may not include any requirement that an employee appear in person at a worksite or deliver any document to the employer prior to using safe time or sick time.
- (c) In determining when notice is practicable in a given situation, an employer must consider the individual facts and circumstances of the situation.
- (d) An employer that requires notice of the need to use safe time or sick time where the need is foreseeable shall have a written policy for the employee to provide reasonable notice. Such policy shall not require more than seven days’ notice prior to the date such safe time or sick time is to begin. The employer may require that such notice be in writing.

§ [7-07] **7-206 Documentation from licensed health care provider.**

- (a) When an employee's use of sick time results in an absence of more than three consecutive work days, an employer may require reasonable written documentation that the use of sick time was for a purpose authorized under Section 20-914(a) of the Administrative Code. Written documentation signed by a licensed health care provider indicating the need for the amount of sick time taken shall be considered reasonable documentation. "Work days" as used in this subdivision and in Section 20-914(a)(2) of the Administrative Code means the days or parts of days the employee would have worked had the employee not used sick time.
- (b) If an employer requires an employee to provide written documentation from a licensed health care provider when the employee's use of sick time resulted in an absence of more than three consecutive work days, the employee shall be allowed a minimum of seven days from the date he or she returns to work to obtain such documentation. The employee is responsible for the cost of such documentation not covered by insurance or any other benefit plan.(a)
- (c) If an employee provides written documentation from a licensed health care provider in accordance with subdivision (a) of this section, an employer may not require an employee to obtain documentation from a second licensed health care provider indicating the need for sick time in the amount used by the employee.

§ [7-08] **7-207 Domestic workers.**

- (a) Domestic workers who have worked for the same employer for at least one year and who work more than 80 hours in a calendar year will be entitled to two days of paid safe/sick time per year, as provided in this section.
- (b) The two days of paid safe/sick time must be calculated in the manner that paid days of rest for domestic workers are calculated, pursuant to New York State Labor Law Section 161(1).
- (c) A domestic worker described in subdivision (a) of this section is entitled to two days of paid safe/sick time on the next date that such domestic worker is entitled to a paid day or days of rest under New York State Labor Law Section 161(1), and annually thereafter.
- (d) Safe time and [Sick] sick time accrued by a domestic worker will carry over to the next calendar year.

§ [7-09] **7-208 Rate of pay for Safe Time and Sick Time.**

- (a) Except as provided in subdivision (b) of this section, when using paid safe/sick time, an employee shall be compensated at the same hourly rate that the employee would have earned at the time the paid safe/sick time is taken.
- (b) If the employee uses paid safe/sick time during hours that would have been designated as overtime, the employer is not required to pay the overtime rate of pay.
- (c) An employee is not entitled to compensation for lost tips or gratuities, provided, however, that an employer must pay an employee whose hourly rate of pay or salary is based in whole or in part on tips or gratuities at least the full minimum wage.
- (d) For employees who are paid on a commission (whether base wage plus commission or commission only), the hourly rate of pay shall be the base wage or minimum wage, whichever is greater.[]
- (e) For employees who are paid on a piecework basis (whether base wage plus piecework or piecework only), the employer shall calculate the employee's rate of pay by adding together the employee's total earnings from all sources for the most recent workweek in which no sick time was taken and dividing that sum by the number of hours spent performing the work during such workweek. For purposes of this subdivision, "workweek" means a fixed and regularly recurring period of 168 hours, or seven consecutive 24-hour periods.[] When an employer pays a flat rate of pay for work performed, regardless of the number of hours actually worked, an employee's hourly rate of pay shall be based on the most recent hourly rate paid to the employee for the applicable pay period, calculated by adding together the employee's total earnings, including tips, commissions, and supplements, for the most recent work week in which no safe time or sick time or other leave was taken and dividing that sum by the number of hours spent

performing work during such work week or forty hours, whichever amount of hours is less.

- (f) If an employee performs more than one job for the same employer or the employee's rate of pay fluctuates for a single job, the rate of pay shall be the rate of pay that the employee would have been paid during the time the employee used the safe time or sick time.
- (g) An employer is not required to pay cash in lieu of supplements for safe time or sick time used if remuneration for employment includes supplements. The fact that an employer pays cash in lieu of supplements to an employee does not relieve the employer of the requirements of the Earned Safe and Sick Time Act. [For the purposes of this subdivision, "supplements" has the same meaning as provided in Section 220(5)(b) of New York State Labor Law.]
- (h) Under no circumstance can the employer pay the employee less than the minimum wage for paid safe/sick time.

§ [7-10] **7-209 Payment of safe/sick time.**

- (a) Safe time and [Sick] sick time must be paid no later than the payday for the next regular payroll period beginning after the safe time or sick time was used by the employee.
- (b) If the employer has asked for written documentation or verification of use of safe time or sick time, pursuant to Section 20-914([c]a), 20-914(b) or 20-914(d) of the Administrative Code, the employer is not required to pay safe time or sick time until the employee has provided such documentation or verification.

§ [7-11] **7-210 Employer's sale of business.**

- (a) If an employer sells its business or the business is otherwise acquired by another business, an employee will retain and may use all accrued safe time and sick time if the employee continues to perform work within the City of New York for the successor employer.
- (b) If the successor employer has fewer than five employees, and the former employer had more than five employees, the employee is entitled to use and be compensated for unused safe time and sick time accrued while working for the former employer, until such safe time and sick time is exhausted.
- (c) A successor employer must provide employees with its written safe time and sick time policies at the time of sale or acquisition, or as soon as practicable thereafter, which shall include a policy that complies with this section.

§ [7-12] **7-211 Employer's Written safe time and sick time policies.**

- (a) Every employer shall maintain written safe time and sick time policies in a single writing and follow such written safe time and sick time policies except as allowed in subdivision (d) of this section.
- (b) Every employer must distribute [or post] its written [policies on] safe time and sick time [and follow such written sick time] policies personally upon commencement of employment, within 14 days of the effective date of any changes to the policy, and upon request by the employee.
- (c) An employer's written safe time and sick time policies must meet or exceed all of the requirements of the Earned Safe and Sick Time Act and this chapter and state at a minimum:
- (1) The employer's method of calculating safe time and sick time as follows:
- (i) If an employer provides employees with an amount of safe time and sick time that meets or exceeds the requirements of the Earned Safe and Sick Time Act on or before the employee's 120th day of employment and on the first day of each new calendar year, which for the purposes of this section is defined as "frontloaded safe time and sick time," then the employer's written safe time and sick time policy must specify the amount of frontloaded safe time and sick time to be provided;
- (ii) If the employer does not apply frontloaded safe time and sick time, then the employer's written safe time and sick time policy must specify when accrual of safe time and sick time starts, the rate at which an employee accrues

safe time and sick time and the maximum number of hours an employee may accrue in a calendar year;

- (2) The employer's policies regarding the use of safe time and sick time, including any limitations or conditions the employer places on the use of safe time and sick time, such as:
    - (i) Any requirement that an employee provide notice of a need to use safe time and sick time and the procedures for doing so in accordance with Section 7-205 of this chapter;
    - (ii) Any requirement for written documentation or verification of the use of safe time and sick time in accordance with Sections [20-914(c)] 20-914(a)(2), 20-914(b)(2), or 20-914(d) of the Administrative Code, and the employer's policy regarding any consequences of an employee's failure or delay in providing such documentation or verification;
    - (iii) Any reasonable minimum increment or fixed period for the use of accrued safe time and sick time; [and]
    - (iv) Any policy on discipline for employee misuse of safe time and sick time under Section [7-16] 7-215 of this Title; and
    - (v) A description of the confidentiality requirements of Section 20-921 of the Administrative Code.
  - (3) The employer's policy regarding carry-over of unused safe time and sick time at the end of an employer's calendar year in accordance with Section 20-913(h) of the Administrative Code; and,
  - (4) If an employer uses a term other than "safe/sick time" or "safe and sick time" to describe leave provided by the employer to meet the requirements of the Earned Safe and Sick Time Act, the employer's policy must state that such leave may be used by an employee for any of the purposes set forth in the Earned Safe and Sick Time Act without any condition prohibited by the Earned Safe and Sick Time Act. Terms used to describe such leave may include, but are not necessarily limited to, "paid time off" ("PTO"), vacation time, personal days, or days of rest.
- (b) Employers must provide written notice of sick time policies using a delivery method that reasonably ensures that employees receive the policies. For example, an employer may comply with this subdivision by:
- (1) distributing the policies to each employee personally, by regular mail or by email;
  - (2) distributing through company newspapers or newsletters, inclusion with paychecks, inclusion in employee handbooks or manuals, or posting on the company intranet;
  - (3) posting the policies in a conspicuous place where notices to employees are customarily posted; or
- using any means of distribution or posting that the employer uses in order to comply with Section 195(5) of the New York State Labor Law.]
- [(c)] (d) Nothing in this chapter shall prevent an employer from making exceptions to its written safe time and sick time policy for individual employees that are more generous to the employee than the terms of the employer's written policy.
- [(d)] (e) Requirements relating to an employer's additional and separate obligation to provide employees with a Notice of Rights under the Earned Safe and Sick Time Act are set forth in Section 20-919 of the Administrative Code. An employer may not distribute the Notice of Rights required by Section 20-919 of the Administrative Code [instead] or any other department writing in lieu of distributing or posting its own written safe time and sick time policies as required by this section.
- [(e)] (f) An employer that has not provided to the employee a copy of its written [policy] safe time and sick time policies along with any forms or procedures required by the employer related to the use of safe time and sick time shall not deny safe time or sick time or payment of safe time or sick time to the employee based on non-compliance with such a policy.

§ [7-13] 7-212 Employer records.

- (a) Employers must retain records demonstrating compliance with the requirements of the Earned Safe and Sick Time Act, including records of any policies required, pursuant to this Chapter, for a period of three years unless otherwise required by any other law, rule or regulation.
- (b) An employer must maintain, in an accessible format, contemporaneous, true, and accurate records that show, for each employee:
  - (1) The employee's name, address, phone number, date(s) of start of employment, date(s) of end of employment (if any), rate of pay, and whether the employee is exempt from the overtime requirements of New York State labor laws and regulations;
  - (2) The hours worked each week by the employee, unless the employee is exempt from the overtime requirements of New York State labor laws and regulations and has a regular work week of forty hours or more;
  - (3) The date and time of each instance of safe time or sick time used by the employee and the amount paid for each instance;
  - (4) Any change in the material terms of employment specific to the employee; and
  - (5) The date that the Notice of Rights as set forth in Section 20-919 of the Administrative Code was provided to the employee and proof that the Notice of Rights was received by the employee.
- (c) If the [department] office issues a [subpoena or document demand] written request for information or records, an employer shall provide the [department] office with [access to records documenting its compliance with the requirements of the Earned Sick Time Act and the provisions of this chapter] such information or records, upon appropriate notice, at the department's office.
- [(d)] Alternately, [in the absence of a subpoena or document demand,] an employer shall provide the [department] office with access to such information or records upon appropriate notice and at a mutually agreeable time of day at the employer's place of business.
- [(e)] (d) "Appropriate notice" shall mean 30 days' written notice, unless the employer agrees to a lesser amount of time, the office's request for the information or records is a second or subsequent request made to the same employer during the same investigation or case as the first request, or the [department] office has reason to believe that:
  - (1) the employer will destroy or falsify records;
  - (2) the employer is closing, selling or transferring its business, disposing of assets or is about to declare bankruptcy;
  - (3) the employer is the subject of a government investigation or enforcement action or proceeding related to wages and hours, unemployment insurance, workers' compensation, [or] discrimination, or an OLPS law or rule; or
  - (4) more immediate access to records is necessary to prevent retaliation against employees.
- (f) The [department] office will make two attempts by letter, email or telephone to arrange a mutually agreeable time of day for the employer to provide access to its records in accordance with subdivision (d) of this section. If these attempts are not successful, the [department] office may set a time to access records at the employer's place of business during regular business hours, upon two days' notice.
- [(g)] An employer's failure to maintain, retain or produce a record otherwise required to be maintained under these rules that is relevant to a material fact alleged by the department in a notice of hearing issued, pursuant to the Earned Sick Time Act or these rules creates a reasonable inference that such fact is true. ]

§ [7-14] 7-213 Enforcement and Penalties.[

- (a) The department may issue a notice of violation after conducting an investigation, pursuant to Section 20-924(c) of the Administrative Code.
- (b) Additionally, the department may issue a notice of violation to an employer who fails to respond to a complaint or provide information requested by the Department in connection with a complaint, as required

by Section 20-924(c) of the Administrative Code, or who fails to provide records or access to records as required by Section 20-920 of the Administrative Code provided that:

- (1) the department makes two written attempts to obtain the response to the complaint, requested information or records, or access to records; and
- (2) the department notifies the employer that failure to respond to the complaint, or provide requested information, records or access to records will result in a notice of violation charging the employer with failure to maintain, retain, or produce records and failure to comply with the requirements of the Earned Sick Time Act.

(c) An employer who fails to respond to the notice of violation issued under subdivision (b) of this section on or before the hearing date is subject to a penalty of five hundred dollars, in addition to any penalties or remedies imposed as a result of the department's investigation of the complaint.

(d) The employer may cure a notice of violation issued in accordance with subdivision (b) of this section without the penalty imposed in connection with subdivision (c) by:

- (3) producing the requested information or records on or before the first scheduled hearing date; or
- (4) resolving to the satisfaction of the department on or before the first scheduled hearing date the employee complaint that is the basis for the request for a response to the complaint.

(e) The department may conduct an investigation on its own initiative where the department has reason to believe that the facts and circumstances of an employer's practices related to the Earned Sick Time Act warrant investigation, including where:

- (1) the employer has a history of non-compliance with the Earned Sick Time Act, including failure to comply with settlements or orders of the department, or the department has reason to believe that the employer engages in a pattern of violations of the Earned Sick Time Act;
- (2) the department has reason to believe that the employer fails to pay minimum wage, prevailing wage, engages in discriminatory practices or retaliation, misclassifies employees as independent contractors or denies undocumented employees sick time required under the Earned Sick Time Act; or

the investigation is part of a coordinated enforcement effort with other State, Local or Federal agencies to protect employee rights.]

[(f) (a) A finding that an employer has an official or unofficial policy or practice of not providing or refusing to allow the use of safe time or sick time as required under the Earned Safe and Sick Time Act constitutes a violation of Section 20-913 of the Administrative Code for each and every employee affected by the policy and will be subject to penalties as provided in Section 20-924(e) of the Code.

[(g) (b) For purposes of Section 20-924(e) of the Administrative Code, penalties shall be imposed on a per employee basis.

[(h) (c) If an employer, as a matter of policy or practice, does not allow accrual of safe time and sick time as required under the Earned Safe and Sick Time Act, the relief granted to each and every employee affected by the policy or practice must include either application of 40 hours of safe time and sick time to the employee's safe time and sick time balance or, where such information is known, application of the number of hours of safe time and sick time the employee should have accrued to the employee's safe time and sick time balance, provided that such balance does not exceed 80 hours.

#### § [7-15] 7-214 Accrual, Hours Worked and Carry Over.

- (a) If an employee is scheduled and available to work for an on-call shift and is compensated for the scheduled time regardless of whether the employee works, the scheduled time constitutes hours worked for the purposes of accrual under the Earned Safe and Sick Time Act.
- (b) For employees who are paid on a piecework basis, accrual of safe time and sick time is measured by the actual length of time spent performing work.
- (c) For employees who are paid on a commission basis, accrual of safe time and sick time is measured by the actual length of time spent performing work.

(d) For employees with indeterminate shift lengths (e.g. a shift defined by business needs), an employer shall base the hours of safe time or sick time used upon the hours worked by the replacement employee for the same shift. If this method is not possible, the hours of safe time or sick time must be based on the hours worked by the employee when the employee most recently worked the same shift in the past.

(e) If an employee is rehired within six months of separation from employment and had not reached the required 120 days to begin using accrued safe time and sick time under Section 20-913(d)(1) of the Administrative Code at the time the employee separated from employment, upon resumption of employment, the employee shall be credited at least his or her previous calendar days towards the 120 day waiting period. For the purposes of this subdivision, "waiting period" shall mean the time period described in Section 20-913(d)(1) of the Administrative Code between the start of employment [or the effective date of the Earned Sick Time Act, whichever is later,] and the 120th calendar day following the start of employment or July 30, 2014, [the effective date of the Earned Sick Time Act,] whichever is later, except for that an employer is not required to allow an employee to begin to use safe time before May 5, 2018.

(f) An employee may carry over up to 40 hours of unused safe and sick time from one calendar year to the next, unless the employer has a policy of paying employees for unused safe time and sick time at the end of the calendar year in which such time is accrued and providing the employee with an amount of paid safe time and sick time that meets or exceeds the requirements of the Earned Safe and Sick Time Act for such employee for the immediately subsequent calendar year on the first day of such year in accordance with Section 20-913(h) of the Administrative Code. Regardless of the number of hours an employee carried over from the previous calendar year, an employer is only required to allow employees to accrue up to 40 hours of safe time and sick time in a calendar year. If an employee's safe time and sick time balance exceeds 40 hours in a single calendar year, an employer is only required to allow the employee to use up to 40 hours in such calendar year.

Example: An employee accrues 40 hours of safe time and sick time in calendar year one and uses 20 hours of safe time and sick time in calendar year one. She carries over 20 hours from calendar year one to calendar year two, accrues 40 hours in calendar year two, and does not use any hours in calendar year two. Her safe time and sick time balance at the end of calendar year two is 60 hours (20 hours from calendar year two plus 40 hours from calendar year one). She may carry over 40 of those 60 hours into calendar year three and accrue another 40 hours in calendar year three.

#### § [7-16] 7-215 Employee Abuse of Safe Time and Sick Time.

An employer may take disciplinary action, up to and including termination, against an employee who uses safe time or sick time provided under the Earned Safe and Sick Time Act for purposes other than those described in [section] Sections 20-914(a) and Section 20-914(b) of the Administrative Code. Indications of abuse of safe time and sick time may include, but are not limited to a pattern of: (1) use of unscheduled safe time and sick time on or adjacent to weekends, regularly scheduled days off, holidays, vacation or pay day, (2) taking scheduled safe time and sick time on days when other leave has been denied, and (3) taking safe time and sick time on days when the employee is scheduled to work a shift or perform duties perceived as undesirable.

#### § [7-17] Retaliation.

- (a) For the purposes of Section 20-912(p) of the Earned Sick Time Act, "an adverse employment action" means any act that is reasonably likely to deter an employee from exercising rights guaranteed under the Earned Sick Time Act.
- (b) The department may establish a causal connection between an employee's exercise of rights guaranteed under the Earned Sick Time Act and an employer's adverse employment action indirectly, such as with evidence that the protected activity was followed closely by the adverse employment action, or directly, with evidence of retaliatory animus directed towards an employee by an employer. Retaliation is established when the department shows that a protected activity was a motivating factor for an adverse employment action, even when other factors also motivated the adverse employment action.]

§ 3. Subchapter C of Chapter 7 of Title 6 of the Rules of the City of New York is amended to read as follows:

**Subchapter C: Transportation Benefits**

**§ [8-01] 7-301 Definitions.**

As used in this chapter and, where applicable, in the Transportation Benefits Law, the following terms have the following meanings:

“Chain business” means a group of establishments that share a common owner or principal who owns a majority of each establishment where such establishments (i) engage in the same business or (ii) operate, pursuant to franchise agreements with the same franchisor as defined in general business law Section 681.

“Commuter highway vehicle” means a “commuter highway vehicle” as such term is defined in Section 132(f)(5)(B) of the Internal Revenue Code.

“Cure period” means the ninety-day period immediately following a finding of a first violation.

“Department” means the Department of Consumer Affairs of the City of New York.

“Employee” means an “employee,” “manual worker,” “railroad worker,” “commission salesman,” or “clerical or other worker” as such terms are defined in § 190 of the New York State Labor Law. “Employee” does not include partners, sole proprietors, independent contractors, or two-percent shareholders of S-corporations.

“Employer” means an “employer” as such term is defined in § 190 of the New York State Labor Law and that employs twenty or more full-time employees in New York City. The common owner or principal of a chain business shall be considered the employer of the full-time employees of such chain business.

“First violation” means the first finding by the administrative tribunal that a particular employer has violated the Transportation Benefits Law since July 1, 2016.

“Full-time employee” means an employee who has worked an average of 30 hours or more per week in the most recent four weeks as of any date of counting, any portion of which was in New York City, for a single employer.

“Earnings” shall have the same meaning as the term “gross income” as used in § 132 of the Internal Revenue Code.

“Month” means an employer’s regularly established fiscal month.

“Recidivist violation” means any new finding by the administrative tribunal that a particular employer has violated the Transportation Benefits Law, after the first finding by the administrative tribunal that the employer had violated the Transportation Benefits Law since July 1, 2016.

“Subsequent violation” means each continuous thirty-day period after the expiration of the cure period, or after the finding of a recidivist violation by the administrative tribunal, in which the employer has not demonstrated to the department’s satisfaction that it is complying with the Transportation Benefits Law.

“Temporary help firm” means an employer that recruits, hires and supplies employees to perform work or services for another organization to: (i) support or supplement the other organization’s workforce; (ii) provide assistance in special work situations including, but not limited to, employee absences, skill shortages or seasonal workloads; or (iii) perform special assignments or projects.

“Transportation Benefits Law” means Chapter 9 of Title 20 of the Administrative Code of the City of New York.

“Transportation fringe benefits” means qualified transportation fringe benefits, other than qualified parking, that may be purchased using pre-tax earnings in accordance with § 132 of the Internal Revenue Code.

“Week” means an employer’s regularly established payroll week.

**§ [8-02] 7-302 Determination of Size of Employer.**

- (a) An employer’s number of full-time employees is determined by calculating the average number of full-time employees for the most recent consecutive three-month period, provided that for an employer that has operated for less than three months, the number of full-time employees is determined by calculating the average number of full-time employees per week for the period of time in which the employer has been in operation.
- (b) Full-time employees at all of an employer’s or a chain business’s locations in New York City shall be counted in determining the number of full-time employees of the employer.

**§ [8-03] 7-303 Temporary Help Firms.**

- (a) Where a temporary help firm supplies a full-time employee to another organization, the temporary help firm shall be the employer of the full-time employee for purposes of the Transportation Benefits Law and must comply with its provisions, regardless of the size of the other organization.
- (b) To determine the number of hours worked each week by an employee working for a temporary help firm, the employer must aggregate the number of hours worked by the employee in the most recent four weeks at all placements.

**§ [8-04] 7-304 Employee Eligibility.**

- (a) An employer must offer its full-time employees the opportunity to use pre-tax earnings to purchase transportation fringe benefits by January 1, 2016, or four weeks after such employee’s commencement of employment as a full-time employee of the employer, whichever is later.
- (b) If an employer’s work force is reduced to fewer than 20 full-time employees, the employer must continue to offer the opportunity to use pre-tax earnings to purchase transportation fringe benefits to full-time employees who were employer’s full-time employees before the work force was reduced.

**§ [8-05] 7-305 Maximum Deductions.**

Employers must offer full-time employees the opportunity to use the maximum amount of pre-tax earnings permitted under Federal law for the purchase of transportation fringe benefits.

**§ [8-06] 7-306 Recordkeeping Requirements.**

Employers must retain records for two years sufficient to demonstrate (i) that each full-time employee eligible for transportation fringe benefits, pursuant to the Transportation Benefits Law and this chapter was offered the opportunity to use pre-tax earnings to purchase transportation fringe benefits in accordance with this chapter; or (ii) records sufficient to demonstrate that the employer provides, at the employer’s expense, a transit pass or similar form of payment for transportation on public or privately-owned mass transit or in a commuter highway vehicle at the maximum Federal transportation fringe benefit amount that may be excluded from pre-tax earnings. Employers may use the form provided by the department and available on the department’s website to document compliance.

**§ [8-07] 7-307 Employer-Funded Transportation Benefits.**

- (a) As an alternative to offering the opportunity to use pre-tax earnings to purchase transportation fringe benefits, an employer may provide at the employer’s expense a transit pass or similar form of payment for transportation on public or privately-owned mass transit or in a commuter highway vehicle.
- (b) If the employer-provided transit pass or similar form of payment is less than the maximum transportation fringe benefit that may be excluded from pre-tax earnings under Federal law, then the employer must offer employees the opportunity to use pre-tax earnings to purchase transportation fringe benefits for an amount equal to the difference between the value of the employer-provided transit pass or similar form of payment and the maximum amount that may be excluded from gross earnings under Federal law.

**§ [8-08] 7-308 Financial Hardship Exemption**

- (a) The department may waive the requirements of the Transportation Benefits Law for an employer if such employer demonstrates to the department’s satisfaction that offering the opportunity to use pre-tax earnings to purchase transportation fringe benefits would be a financial hardship for such employer.
- (b) To qualify for a waiver, an employer must present compelling evidence that complying with the Transportation Benefits Law would be impracticable and create a severe financial hardship.

**§ [8-09] 7-309 Enforcement and Penalties**

- (a) The department may issue a notice of violation, pursuant to Section 20-926(b) of the Administrative Code.
- (b) Any employer found to be in violation of the Transportation Benefits Law will be liable for a civil penalty of two-hundred fifty dollars payable to the City of New York for the first violation, for any and each subsequent violation, and for any and each recidivist violation.

- (c) A civil penalty will not be imposed on an employer for the first violation if the employer demonstrates to the satisfaction of the department within the cure period that it is complying with the Transportation Benefits Law.
- (d) For the purposes of this section, "satisfaction of the department" with reference to an employer's compliance with the Transportation Benefits Law means proof that the employer has offered its full time employees the opportunity to use pre-tax earnings to purchase transportation fringe benefits or that the employer provides, at the employer's expense, a transit pass, or similar form of payment, for transportation on public or privately-owned mass transit or in a commuter highway vehicle at the maximum Federal transportation benefit amount that may be excluded from pre-tax earnings.
- (e) An employer seeking to demonstrate that it is complying with the Transportation Benefits Law may do so by submitting the compliance form provided by the department and available on the department's website. The department may require submission of additional information, including documentary evidence, reasonably necessary to prove that a first violation was cured within the cure period.

§ 4. Chapter 10 of Title 6 of the Rules of the City of New York is renumbered as Subchapter D of Chapter 7 of Title 6 and is amended to read as follows:

**Subchapter D: Displaced Grocery Workers**

**§ [10-01] 7-401 Definitions.**

- (c) As used in this chapter, the following terms have the same meanings as set forth in Section 22-507 of the Administrative Code: "change in control," "City," "department," "eligible grocery employee," "grocery establishment," "incumbent grocery employer," "person," "successor grocery employer," and "transitional employment period."
- (d) As used in this chapter, the following terms shall have the following meanings:

**"Appropriate notice"** means 30 days' written notice to the grocery employer, unless the grocery employer agrees to a lesser amount of time or the department has reason to believe that:

- (i) the grocery employer will destroy or falsify records;
- (ii) the grocery employer is closing, selling, or transferring its business, disposing of assets, or is about to declare bankruptcy;
- (iii) the grocery employer is the subject of a government investigation or enforcement action or proceeding related to wages and hours, unemployment insurance, workers' compensation, discrimination, or paid sick leave; or
- (iv) more immediate access to records is necessary to prevent retaliation against employees for exercising their rights under the Grocery Worker Retention Act. ]

**"Continuous employment"** means uninterrupted employment. Separations from employment six months or less in duration for any reason, including, but not limited to, transfer from a grocery establishment that is subject to a change in control to a grocery establishment with the same incumbent grocery employer, paid or unpaid leaves of absence, paid or unpaid time off, and work schedule changes, shall not constitute interruptions in employment.

**"Grocery employer"** means incumbent grocery employers and successor grocery employers.

**"Grocery Worker Retention Act"** means Section 22-507 of the Administrative Code.

**§ [10-02] 7-402 Eligible Grocery Employees.**

- (a) For purposes of the definition of "eligible grocery employee" in Section 22-507(a) of the Administrative Code, "a period" means "a period of continuous employment."
- (b) For purposes of Section 22-507(a) of the Administrative Code, "confidential employee" means "confidential employee" as defined in the Federal Labor Management Relations Act, 22 U.S.C.A. § 4102(6).
- (c) An employee's length of continuous employment at a grocery establishment with the same incumbent grocery employer as the grocery establishment subject to a change in control preceding an employee's transfer to the grocery establishment subject to a change in control shall count towards that employee's continuous employment at the grocery establishment subject to the change in control.

**§ [10-03 Incumbent grocery employer's posting of notice of change in control.**

The incumbent grocery employer may meet the posting requirement of Section 22-507(b)(1)(B) of the Administrative Code by posting the required notice of change in control conspicuously in prominent and accessible places customarily frequented by the employees at the grocery establishment subject to a change in control. Each incumbent grocery employer must take reasonable steps to ensure that such notice is not altered, defaced, or covered by other material.]

**§ [10-04] 7-403 Determining Seniority.**

For purposes of Section 22-507(b)(3) of the Administrative Code, an employee attains seniority as a result of that employee's length of continuous employment in the grocery establishment subject to a change in control, regardless of job position and regardless of full-time or part-time status, or, in the case of an employee transferred to a grocery establishment subject to a change in control, that employee's total length of continuous employment in any of the incumbent grocery employer's grocery establishments.

**§ [10-05] 7-404 Recordkeeping.**

- (a) Grocery employers must retain records demonstrating compliance with the requirements of the Grocery Worker Retention Act for a period of three years unless otherwise required by any other law, rule, or regulation.
- (b) Incumbent grocery employers must maintain, in an accessible format, contemporaneous, true, and accurate records that document:
  - (1) The list of eligible grocery employees required under Section 22-507(b)(1)(A) of the Administrative Code, the date the list was provided to the successor grocery employer, and written proof that the list was provided to the successor grocery employer; and
  - (2) The notice of change in control required under Section 22-507(b)(1)(B) of the Administrative Code, the date it was posted, and proof of posting.
- (c) Successor grocery employers must maintain, in an accessible format, contemporaneous, true, and accurate records that document:
  - (1) The list of eligible grocery employees received by the successor grocery employer, pursuant to Section 22-507(b)(1)(A) of the Administrative Code and the date it was received, and the names of those eligible employees retained for the transitional employment period, pursuant to Section 22-507(b)(2) of the Administrative Code;
  - (2) The preferential hiring list required under Section 22-507(b)(3) of the Administrative Code, the date eligible employees on the preferential hiring list were given the right of first refusal to jobs that become available during the transitional employment period, and proof that the right of first refusal was given; and
  - (3) The written performance evaluations as required under Section 22-507(b)(5) of the Administrative Code.

**§ [10-06] 7-405 Enforcement.**

- (a) [If the department issues a subpoena or document demand upon appropriate notice, a grocery employer must provide the department with access to records documenting its compliance with the requirements of the Grocery Worker Retention Act and the provisions of this chapter at the department's office.
- (b) ]If the grocery employer fails to timely respond to [the subpoena or document demand issued], written request for information or records from the department, a grocery employer must provide the department with access to records and at a mutually agreeable time of day at the employer's place of business. ]
- (c) ] (b) The department will make two attempts by any combination of letter, email, or telephone to arrange a mutually agreeable time of day for the grocery employer to provide access to its records in accordance with subdivision (b) of this section. If these attempts are not successful, the department may set a time to access records at the grocery employer's place of business during regular business hours, upon two days' notice to the grocery employer. ]
- (d) A grocery employer's failure to maintain, retain, or produce, pursuant to a subpoena or document demand by the department any record otherwise required to be maintained under these rules that is relevant to a material fact alleged by the department in a notice of violation issued, pursuant to the Grocery Worker



Retention Act or these rules will create a reasonable inference that such fact is true.

- (e) The department, after conducting an investigation, pursuant to Section 22-507(d)(1)(A) of the Administrative Code, may issue a notice of violation for any violation of the Grocery Worker Retention Act.
- (f) Additionally, the department may issue a notice of violation to a grocery employer who fails to provide records or access to records as required by Section 10-05 of this chapter, provided that the department notifies the grocery employer that failure to provide requested information, records, or access to records may result in a notice of violation charging the grocery employer with failure to maintain, retain, or produce records as required by the Grocery Worker Retention Act.
- (g) A grocery employer who fails to respond to the notice of violation issued under subdivision (f) of this section on or before the hearing date is subject to a penalty of five hundred dollars, in addition to any penalties or remedies imposed as a result of the department's investigation of the complaint.]
- (c) [(h)] The grocery employer may cure a notice of violation issued to a grocery employer for failure to provide requested information, records or access to records as required by Section 7-405 of this chapter [in accordance with subdivision (f) of this section] without penalty by producing the requested information or records on or before the first scheduled hearing date.
- (d) [(i)] The department may settle a complaint at any time prior to the conclusion of an adjudication. Prior to settling any complaint filed by an eligible grocery employee, pursuant to Section 22-507(d)(1), the department shall provide each complainant with notice of the proposed settlement.
- (e) [(j)] A complainant who intends to opt out of a settlement, pursuant to Section 22-507(d)(1)(E) of the Administrative Code must do so in writing to the department.
- [(k)] A complainant who intends to withdraw his or her complaint with the department, pursuant to Section 22-507(d)(2) of the Administrative Code must do so in writing to the department prior to bringing a civil action.

§ 5. Chapter 12 of Title 6 of the Rules of the City of New York is renumbered as Subchapter E of Chapter 7 of Title 6 and is amended to read as follows:

**Subchapter E: Freelance Workers**

**§ [12-01] 7-501 Definitions.**

- (a) As used in this chapter, the terms "director," "freelance worker," and "hiring party" shall have the same meanings as set forth in Section 20-927 of the Administrative Code.
- (b) As used in this chapter, the term "adverse action" means any action by a hiring party, their actual or apparent agent, or any other person acting directly or indirectly on behalf of a hiring party, that would constitute a threat, intimidation, discipline, harassment, denial of a work opportunity, or discrimination, or any other act that penalizes a freelance worker for, or is reasonably likely to deter a freelance worker from, exercising or attempting to exercise any right guaranteed under Chapter 10 of Title 20 of the Administrative Code ("the Freelance Isn't Free Act").

**§ [12-02] 7-502 Coverage.**

A freelance worker is entitled to the protections of the Freelance Isn't Free Act regardless of immigration status.

**§ [12-03] 7-503 Contract Value.**

- (a) For purposes of Section 20-928(a) of the Administrative Code, the value of a contract between a freelance worker and hiring party, either by itself or when aggregated with all other agreements for services between the same hiring party and freelance worker during the 120 days immediately preceding the agreement that constitutes the contract, shall include the reasonable value of all actual or anticipated services, costs for supplies, and any other expenses under the contract.
- (b) For purposes of Section 20-933(b) of the Administrative Code, the value of the underlying contract between a freelance worker and hiring party shall include the reasonable value of all services performed and/or anticipated, and reasonable costs for supplies and any other expenses reasonably incurred by the freelance worker.

**§ [12-04] 7-504 Retaliation.**

- (a) Retaliation shall include but is not limited to any adverse action relating to perceived immigration status or work authorization.
- (b) A freelance worker may establish a causal connection between the exercise of rights guaranteed under the Freelance Isn't Free Act and a hiring party's adverse action either circumstantially, such as with evidence that the protected activity was followed closely by the adverse action, or directly, with evidence of an intention by a hiring party to retaliate against a freelance worker. For purposes of Section 20-930 of the Administrative Code, retaliation may be established when a freelance worker shows that the exercise or attempt to exercise any right under the Freelance Isn't Free Act was a motivating factor for an adverse action, even if other factors also motivated the adverse action.
- (c) Any person who denies a work opportunity to a freelance worker who exercises or attempts to exercise any right guaranteed under the Freelance Isn't Free Act, or that takes any action reasonably likely to deter a freelance worker from exercising or attempting to exercise any such right, shall be liable for retaliation regardless of whether that person previously has been a party to a contract with the freelance worker or has been the subject of a complaint by the freelance worker.

**§ [12-05] 7-505 Waivers of Rights.**

- (a) Any contract entered into by a hiring party and freelance worker shall not include any prospective waiver or limitation of rights under the Freelance Isn't Free Act. Any such waiver or limitation shall be invalid as a matter of law.
- (b) If a contract includes language that waives or limits a freelance worker's right to participate in or receive money or any other relief from any class, collective, or representative proceeding, said waiver or limitation is void.
- (c) Wherever a hiring party asks a freelance worker to waive or limit, via contract, any other procedural right normally afforded to a party in a civil or administrative action, any such contractual waivers and limitations are void under Section 20-935 of the Administrative Code. Such rights include but are not limited to procedural rights of parties to a civil action established by the New York Civil Practice Law and Rules, the Federal Rules of Evidence, and the Federal Rules of Civil Procedure.
- (d) A freelance worker has the right to disclose the terms of a contract with a hiring party to the director. Any private contractual agreement that purports to waive or limit a freelance worker's right to communicate the terms of such a contract to the director is void as against public policy.

§ 6. The definition of "valid authorization" in Section 7-701(b), Subchapter G of Chapter 7 of Title 6 of the Rules of the City of New York is amended to read as follows:

"Valid authorization" means a written authorization from a fast food employee to deduct wages from the fast food employee's paycheck for remittance to a not-for-profit that complies with Section 20-1302 of the New York City Administrative Code and Sections [15-03] 7-702 and 7-703 of these Rules.

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**ADMINISTRATION FOR CHILDREN'S SERVICES**

■ NOTICE

**Music and Performing Arts Program Concept Paper**

In advance of the release of a Request for Proposals (RFP), the New York City Administration for Children's Services (ACS) is releasing a concept paper setting forth the services and requirements for potential, qualified vendors to provide a Music and Performing Arts Program

offered through the Division of Youth and Family Justice (DYFJ), to youth in Detention and those adjudicated in the NYC Family Court and placed in the custody of ACS in Non-Secure Placement (NSP).

The concept paper will be posted on the ACS website, www.nyc.gov/acs, from August 27, 2018 through October 11, 2018. All comments in response to the concept paper should be in writing, via email to: Music-CP@acs.nyc.gov, by October 11, 2018.

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**HOUSING PRESERVATION AND DEVELOPMENT**

■ NOTICE

**REQUEST FOR COMMENT REGARDING AN APPLICATION FOR A CERTIFICATION OF NO HARASSMENT**

Notice Date: August 13, 2018

To: Occupants, Former Occupants, and Other Interested Parties

Table with 4 columns: Property, Address, Application #, Inquiry Period. Lists various addresses in Manhattan and Queens with their respective application numbers and dates.

Authority: SRO, Administrative Code §27-2093

Before the Department of Buildings can issue a permit for the alteration or demolition of a single room occupancy multiple dwelling, the owner must obtain a "Certification of No Harassment" from the Department of Housing Preservation and Development ("HPD") stating that there has not been harassment of the building's lawful occupants during a specified time period.

The owner of the building identified above has applied for a Certification of No Harassment. If you have any comments or evidence of harassment at this building, please notify HPD at CONH Unit, 100 Gold Street, 6th Floor, New York, NY 10038, by letter postmarked not later than 30 days from the date of this notice or by an in-person statement made within the same period.

a13-21

**REQUEST FOR COMMENT REGARDING AN APPLICATION FOR A CERTIFICATION OF NO HARASSMENT**

Notice Date: August 13, 2018

To: Occupants, Former Occupants, and Other Interested Parties

Property: Address Application # Inquiry Period

92 Berry Street, Brooklyn 93/18 October 4, 2004 to Present

Authority: Greenpoint-Williamsburg Anti-Harassment Area, Zoning Resolution §§23-013, 93-90

Before the Department of Buildings can issue a permit for the alteration or demolition of a multiple dwelling in certain areas designated in the Zoning Resolution, the owner must obtain a "Certification of No Harassment" from the Department of Housing Preservation and Development ("HPD") stating that there has not been harassment of the building's lawful occupants during a specified time period.

The owner of the building identified above has applied for a Certification of No Harassment. If you have any comments or evidence of harassment at this building, please notify HPD at CONH Unit, 100 Gold Street, 6th Floor, New York, NY 10038, by letter postmarked not later than 30 days from the date of this notice or by an in-person statement made within the same period.

a13-21

**REQUEST FOR COMMENT REGARDING AN APPLICATION FOR A CERTIFICATION OF NO HARASSMENT**

Notice Date: August 13, 2018

To: Occupants, Former Occupants, and Other Interested Parties

Table with 4 columns: Property, Address, Application #, Inquiry Period. Lists 453 West 36th Street, Manhattan with application 99/18 and date June 21, 2004 to Present.

Authority: Special Hudson Yards District, Zoning Resolution §93-90

Before the Department of Buildings can issue a permit for the alteration or demolition of a multiple dwelling in certain areas designated in the Zoning Resolution, the owner must obtain a "Certification of No Harassment" from the Department of Housing Preservation and Development ("HPD") stating that there has not been harassment of the building's lawful occupants during a specified time period.

The owner of the building identified above has applied for a Certification of No Harassment. If you have any comments or evidence of harassment at this building, please notify HPD at CONH Unit, 100 Gold Street, 6th Floor, New York, NY 10038, by letter postmarked not later than 30 days from the date of this notice or by an in-person statement made within the same period.

a13-21

**CHANGES IN PERSONNEL**

DEPARTMENT OF EDUCATION ADMIN FOR PERIOD ENDING 07/13/18

Table with 7 columns: NAME, TITLE, NUM, SALARY, ACTION, PROV EFF DATE, AGENCY. Lists personnel changes for SOCCI, SOKKER, SOLANO, SOLIMAN.

DEPARTMENT OF EDUCATION ADMIN FOR PERIOD ENDING 07/13/18

Table with 7 columns: NAME, TITLE, NUM, SALARY, ACTION, PROV EFF DATE, AGENCY. Lists personnel changes for SOLOMON, SOLOVYOVA, SOMERVILLE, SONG, SONI.



