

New York City Department of Consumer and Worker Protection

Notice of Public Hearing and Opportunity to Comment on Proposed Rules

What are we proposing? The Department of Consumer and Worker Protection (“DCWP” or “Department”) is proposing to amend Subchapter H of Chapter 7 of Title 6 of the Rules of the City of New York to implement Local Laws 95, 107, 108, 113, 123, and 124 of 2025. Specifically, this proposed rule would expand the applicability of minimum pay requirements to grocery delivery workers, and would clarify additional requirements of third-party food delivery services, third-party grocery delivery services, and other delivery services.

When and where is the hearing? DCWP will hold a public hearing on the proposed rule. The public hearing will take place at 11:00AM on December 8, 2025. The public hearing will be accessible by phone and videoconference.

- To participate in the public hearing via phone, please dial +1 646-893-7101.
 - Phone conference ID: 458 238 14#
- To participate in the public hearing via videoconference, please follow the online link:
 - Meeting link: <https://tinyurl.com/daj3c6xb>
 - Meeting ID: 264 660 441 306 4
 - Passcode: 8tE36gV2

How do I comment on the proposed rules? Anyone can comment on the proposed rules by:

- **Website.** You can submit comments to DCWP through the NYC rules website at <http://rules.cityofnewyork.us>.
- **Email.** You can email comments to Rulecomments@dcwp.nyc.gov.
- **By speaking at the hearing.** Anyone who wants to comment on the proposed rule at the public hearing must sign up to speak. You can sign up before the hearing by emailing Rulecomments@dcwp.nyc.gov. You can also sign up on the phone or videoconference before the hearing begins at 11:00AM on December 8, 2025. You can speak for up to three minutes. Please note that the hearing is for accepting oral testimony only and is not held in a “Question and Answer” format.

Is there a deadline to submit comments? Yes. You must submit any comments to the proposed rule on or before December 8, 2025.

What if I need assistance to participate in the hearing? You must tell DCWP’s External Affairs division if you need a reasonable accommodation of a disability at the hearing. You must tell us if you need a sign language interpreter. You may tell us by email at Rulecomments@dcwp.nyc.gov. Advance notice is requested to allow sufficient time to arrange the accommodation. Please tell us by December 1, 2025.

Can I review the comments made on the proposed rules? You can review the comments made online on the proposed rules by going to the website at <http://rules.cityofnewyork.us/>. A few days after the hearing, all comments received by DCWP on the proposed rule will be made available to the public online at <http://www1.nyc.gov/site/dca/about/public-hearings-comments.page>.

What authorizes DCWP to make this rule? Sections 1043 and 2203(f) of the New York City Charter and Sections 20-1506(a) and (c), 20-1507(c), 20-1521(a) and (d), and 20-1522(a), (b), (c), and (e) of the New York City Administrative Code authorize the Department of Consumer and Worker Protection to make these proposed rules.

This proposed rule was not included in the Department of Consumer and Worker Protection's regulatory agenda for this Fiscal Year.

Where can I find DCWP's rules? The Department's rules are in title 6 of the Rules of the City of New York.

What laws govern the rulemaking process? DCWP must meet the requirements of section 1043 of the City Charter when creating or changing rules. This notice is made according to the requirements of section 1043 of the City Charter.

Statement of Basis and Purpose of Proposed Rule

The Department of Consumer and Worker Protection ("DCWP") is proposing to amend rules in Subchapter H of Chapter 7 of Title 6 of the Rules of the City of New York to:

- Implement certain provisions of Local Law 123 of 2025, which establishes protections for contracted delivery workers;
- Implement Local Law 124 of 2025, which establishes minimum pay protections for grocery delivery workers;
- Require retention of certain records necessary for the enforcement of Local Laws 107 and 108 of 2025, which require third-party food delivery services and third-party grocery delivery services to provide customers with an opportunity for tipping food delivery workers and grocery delivery workers;
- Require retention of certain records necessary for the enforcement of Local Law 113 of 2025, which establishes rights to written pay statements for contracted delivery workers; and
- Reflect new and amended definitions in Local Laws 95, 123, and 124 of 2025.

Specifically, these proposed new rules would:

- Amend section 7-801, subdivision (a) to add new definitions and to amend or remove certain defined terms;
- Incorporate by reference definitions that are now in the Administrative Code in section 7-801, subdivision (b);
- Incorporate revised defined terms throughout the text of the rule;

- Amend section 7-802 to address coverage under Title 20, Chapter 15;
- Amend section 7-803 to clarify contracted delivery workers' protections from retaliation;
- Amend section 7-804 to clarify delivery services' requirement to provide contracted delivery workers with information about their rights;
- Amend section 7-805 to specify delivery services' recordkeeping and reporting requirements;
- Amend section 7-806 to clarify food delivery workers' delivery distance and route protections;
- Amend section 7-807 to clarify contracted delivery workers' rights to timely payment;
- Amend section 7-808 to clarify contracted delivery workers' rights to insulated food delivery bags; and
- Amend section 7-810 to address dates in the past or obsolete requirements.

In addition, in order to implement Local Law 124, which takes effect January 26, 2026, DCWP proposes to amend section 7-810 to incorporate Local Law 124's requirement that third-party grocery delivery services "make payments to grocery delivery workers retained by such service[s] that meet or exceed the minimum pay requirements for food delivery workers[.]" N.Y.C. Administrative Code § 20-1522(e). DCWP proposes this rule in alignment with the legislative findings set forth in Local Law 124:

The council hereby finds that grocery delivery workers hired, retained, or engaged as independent contractors by third-party grocery delivery services to deliver groceries and other goods from grocery stores and other retail food establishments perform work that is substantially similar to the work performed by food delivery workers hired, retained, or engaged as independent contractors by third-party food delivery services and third-party courier services to deliver food items from food service establishments, and that the working conditions for such grocery delivery workers are substantially similar to the working conditions for such food delivery workers. Both grocery delivery workers and food delivery workers transport, carry, or otherwise enable the conveyance of groceries and similar goods, such as meals, from businesses or other locations directly to customers in New York City. Third-party grocery delivery services, third-party food delivery services, and third-party courier services usually classify both grocery delivery workers and food delivery workers as independent contractors, and thus, both grocery delivery workers and food delivery workers do not receive the same minimum wage and benefits to which they would be entitled if such services classified such workers as employees.

In addition, the council finds that, like a food delivery worker, and unlike a worker performing similar work who is classified as an employee, a grocery delivery worker does not receive workers' compensation benefits from a third-party grocery delivery service that hires, retains, or engages such worker as an independent contractor. The department of consumer and worker protection determined the workers' compensation component of the minimum pay rate for food delivery workers based on the value of the workers' compensation benefits received by delivery workers in New York State who are classified as employees, and provided an adjustment to account for differences in certain federal benefits for employees and independent contractors.

The council finds that food delivery workers and grocery delivery workers incur similar expenses necessary to perform their work that third-party grocery delivery services, third-party food delivery services, and third-party courier services usually do not reimburse, such as the cost of a vehicle or other mode of transportation to deliver goods, and mobile phone expenses. The council finds that phone-related expenses for a food delivery worker are substantially similar to the phone-related expenses for a grocery delivery worker. Although the frequency and necessity of the use of motor vehicles among grocery delivery workers may be higher than such use by food delivery workers, the council finds that vehicle-related expenses for a grocery delivery worker are at least as great as vehicle-related expenses for a food delivery worker.

The council further finds that, based on these substantial similarities between the work performed by and working conditions of grocery delivery workers and food delivery workers, grocery delivery workers have the same need for minimum pay protections as food delivery workers. The council thus finds that the minimum pay rate that a third-party food delivery service or third-party courier service is required to make to a food delivery worker, pursuant to section 7-810 of title 6 of the rules of the city of New York, is applicable in determining the minimum payments that a third-party grocery delivery service should be required to make to a grocery delivery worker.

The council further finds that because the working conditions for grocery delivery workers are substantially similar to the working conditions for food delivery workers, the method for calculating minimum payments for a food delivery worker set forth in section 7-810 of title 6 of the rules of the city of New York may be utilized to calculate minimum payments for a grocery delivery worker. The council finds that the department of consumer and worker protection may adjust such method as applied to grocery delivery workers to account for variations in the working conditions of grocery delivery workers as compared to the working conditions of food delivery workers, including variations in policies and procedures of such services related to trip offers or assignments or worker schedules.

These findings do not limit the authority of the department of consumer and worker protection to establish or amend one or more rates or methods for determining the minimum payments required for food delivery workers or grocery delivery workers.

Local Law 2025/124, Section 1.

Given the Council's finding that "working conditions for grocery delivery workers are substantially similar to the working conditions for food delivery workers" and that "the method for calculating minimum payments for a food delivery worker set forth in section 7-810 of title 6 of the rules of the city of New York may be utilized to calculate minimum payments for a grocery delivery worker," this proposed rule expands the scope of section 7-810 to include grocery delivery workers, permitting application of the same calculations for minimum payments as those applicable to food delivery workers. In particular, this proposed rule continues to provide a choice of two methods for complying with minimum pay requirements: a "standard method," under which on-call time is compensable; and an "alternative method," under which only trip time is compensable, but at a higher rate. At present, no third-party food delivery service or third-party courier service uses the alternative method.

DCWP may, but is not required to, establish by rule a method for applying the food delivery worker minimum pay requirements to grocery delivery workers “that is tailored to the circumstances of such workers, including variations in the working conditions of such workers as compared to the working conditions of food delivery workers.” N.Y.C. Admin. Code 20-1522(e). DCWP welcomes comments from contracted delivery workers, delivery services, and other members of the public about relevant circumstances of grocery delivery workers, including but not limited to “variations in the working conditions of grocery delivery workers as compared to the working conditions of food delivery workers.” *Id.*

DCWP encourages commenters to submit information about their data and methods to support any claims made in comments. DCWP may give less weight to claims that are hypothetical in nature, or that cite statistics that are not supported by a clear description of the underlying data and analysis. For example, if a delivery service wishes to comment about a circumstance relevant to grocery delivery workers, it can support this comment by including specific information about how often such a circumstance arises among the delivery workers it retains and the methods it used to arrive at that conclusion.

DCWP’s Regulatory Authority

Sections 1043 and 2203(f) of the New York City Charter and Sections 20-1506(a) and (c), 20-1507(c), 20-1521(a) and (d), and 20-1522(a), (b), (c), and (e) of the New York City Administrative Code authorize DCWP to make these proposed 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.

Proposed Rule Amendments

Subchapter H of Chapter 7 of Title 6 of the Rules of the City of New York is amended to read as follows:

Subchapter H: [Third-Party Service] Contracted Delivery Workers

§ 7-801 Definitions.

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

(1) "Cancellation" or "Cancelled", when used with respect to a trip or delivery, means that the trip or delivery ends prior to drop-off of an order with the [consumer] customer. When used with respect to trips including multiple deliveries, the terms mean that the trip ends prior to the completion of all planned drop-offs on the trip. The terms encompass cancellation initiated by a [consumer] customer, a [food] contracted delivery worker, or a [third-party food] delivery [service or third-party courier] service.

(2) ["Deactivation" means a third-party food delivery service or third-party courier service ceases to offer shifts or trips to a food delivery worker on a temporary or permanent basis.]

"Direct distance" also known as the "as-the-crow-flies" distance, means the length of a direct path between two locations, without accounting for detours, roads, or geographic obstacles.

(3) "Internal identifier" means a character string comprised of letters, numbers, or symbols that a [third-party food] delivery service [or third-party courier service] assigns to a [food] contracted delivery worker for purposes of uniquely identifying such worker within its records.

(4) "Merchant" means a food service establishment, grocery store or other retail food establishment, or other business that sells or provides goods delivered to a customer by a contracted delivery worker.

(5) "On-call time" means the time a [food] contracted delivery worker is connected to a [third-party food] delivery [service or third-party courier] service's electronic system for arranging or monitoring trips in a status where the [food] contracted delivery worker is available to receive or accept trip offers or assignments with a pickup or drop-off location in New York City and excludes all trip time.

[(5) "Pay period" means a fixed and regularly recurring period of 168 hours or seven consecutive 24-hour periods.]

(6) "Trip" has the same meaning as set forth in § 20-1501 of the Administrative Code, provided that a single trip may encompass multiple deliveries.]

(6) "Routed distance" means the distance a contracted delivery worker would have to travel to follow a defined path that connects two or more locations using a public right of way.

(7) "Trip time" means the span of time between the moment a [food] contracted delivery worker accepts an offer from a [third-party food] delivery [service or third-party courier] service to perform a trip with a pickup or drop-off location in New York City, or receives an assignment to perform such a trip, through the moment such trip is completed or cancelled.

(8) "Utilization rate" means a third-party food delivery service, third-party courier service, or third-party [courier] grocery delivery service's total trip time divided by the sum of its trip time and on-call time.

(b) As used in this subchapter, the following terms have the same meanings as set forth in § 20-1501 of the Administrative Code: ["Food] "contracted delivery worker," "customer," "deactivation," "delivery service," "food delivery worker," "goods," "gratuity," "grocery delivery worker," "food service establishment," "pay period," "retail food establishment," "retained," "third-party courier service," [and] "third-party food delivery service[.]." "third-party grocery delivery service," and "trip."

§ 7-802 Coverage.

(a) [If a third-party food delivery service or third-party courier service offers a trip to a food delivery worker that involves pickup or delivery of goods solely from a business or businesses other than a food service establishment, such trip is covered by Title 20, Chapter 15 of the Administrative Code and this subchapter, except that the requirements of § 20-1521(a)(1) shall not apply to that trip.

(b) If a third-party food delivery service offers a trip to a food delivery worker on behalf of a different third-party food delivery service, a food service establishment, or other business, such trip is covered by Title 20, Chapter 15 of the Administrative Code and this subchapter.

(c) If a third-party courier service offers a trip to a food delivery worker on behalf of a person other than a third-party food delivery service, such trip is covered by Title 20, Chapter 15 of the Administrative Code and this subchapter.

(d) If a third-party food delivery service or third-party courier service offers a trip to a food delivery worker who is physically located in New York City at the time of the offer, for purposes of Title 20, Chapter 15 of the Administrative Code, such trip originates in New York City.

(c)]A delivery service may simultaneously meet the definition of more than one of the following terms: third-party food delivery service, third-party courier service, and third-party grocery delivery service. Such a delivery service must comply with all of the applicable requirements of chapter 15 of title 20 of the Administrative Code and this subchapter.

(b) A contracted delivery worker may simultaneously meet the definition of a food delivery worker and a grocery delivery worker. Such a contracted delivery worker is protected by all applicable provisions of chapter 15 of title 20 of the Administrative Code and this subchapter.

§ 7-803 Retaliation.

(a) "Denial of work opportunities" under § 20-1504 of the Administrative Code and "denial of future work opportunities" under § 20-1508 of the Administrative Code include deactivations or any other act that results in a [food] contracted delivery worker not being offered or assigned a trip, provided however that such terms do not include any act or omission required of a third-party food delivery service or third-party courier service in order to comply with a food delivery worker's maximum distance, bridge, and tunnel specifications in accordance with § 20-1521(c) of the Administrative Code.

(b) If a [third-party food] delivery service [or a third-party courier service] maintains a system in which [food] contracted delivery worker deactivations or trip or shift offers or assignments depend, in whole or in part, on [food] contracted delivery workers' internal or public ratings, it is a retaliatory denial of a work opportunity under § 20-1504 of the Administrative Code and a retaliatory denial of a future work opportunity under § 20-1508 of the Administrative Code when such [third-party food] delivery service [or third-party courier service] downgrades a [food] contracted delivery worker's rating based on the exercise or attempted exercise of a right protected under [Title 20, Chapter 15] chapter 15 of title 20 of the Administrative Code.

(c) It shall constitute retaliation under § 20-1504 of the Administrative Code if a [third-party food] delivery service[, a third-party courier service,] or any other person takes an adverse action against a [food] contracted delivery worker on account of such worker refusing a trip offered or assigned in violation of Section 20-1521 of the Administrative Code.

(d) Each downgrading of a [food] contracted delivery worker's internal or public rating as a result of such worker's exercise or attempted exercise of a right protected under [Chapter 15 of Title 20] chapter 15 of title 20 of the Administrative Code shall constitute a separate instance of retaliation and a separate instance of a violation of § 20-1508(a)(3)(a) of the Administrative Code.

§ 7-804 Notice of Rights.

(a) A [third-party food] delivery service [or third-party courier service] must provide the notice of rights required by § 20-1505 of the Administrative Code to a [food] contracted delivery worker no later than [August 1, 2022] January 26, 2026, or prior to the [food] contracted delivery worker's first trip with a pickup or drop-off location in New York City, whichever is later.

(b) The notice of rights required by § 20-1505 of the Administrative Code must be provided by email and as a link within a text message sent to the [food] contracted delivery worker. In addition to provision by text and email, such notice must also be made continuously available to all active [food] contracted delivery workers through any website, mobile application, or other internet service used by a [food] contracted delivery worker to perform work for a [third-party food] delivery [service or third-party courier] service.

(c) When a [third-party food] delivery [service or third-party courier] service downloads or otherwise uses a notice of rights prepared by the commissioner and made available on the city's website, such [third-party food] delivery [service or third-party courier] service must provide such notice in accordance with any accessibility requirements set forth by the commissioner on the city's website.

(d) If the commissioner updates the information in the notice of rights pursuant to § 20-1505(a) of the Administrative Code, no later than thirty (30) days following the effective date of such update, a [third-party food] delivery service [or third-party courier service] must provide such updated notice to all [food] contracted delivery workers in the manner provided in subdivisions (a) through (c) of this section.

§ 7-805 Recordkeeping.

(a) (1) A request or subpoena for information or records from the Department must be served on a [third-party food] delivery service or [third-party courier service] merchant in writing in person, via mail, or via email. When the Department issues a written request or subpoena for data, information or documents under § 20-1506(a) or (c) of the Administrative Code, a [third-party food] delivery service or [third-party courier service] merchant must provide all responsive data, information, or documents to the Department within thirty (30) days of receiving such request or subpoena. The Department may issue such written request or subpoena for purposes of discharging any of its responsibilities under [§§] chapter 15 of title 20, including but not limited to §§ 20-1506, 20-1507 or 20-1522 of the Administrative Code.

(2) A deadline of more than 30 days may be agreed to on consent by the Department and the [third-party food] delivery service or [third-party courier service] merchant.

(3) A [third-party food] delivery service or [third-party courier service] merchant must provide data, information or documents to the Department in their original format or, if so requested, in the comma-delimited formats and layouts prescribed by the Department in such written request or subpoena.

(4) The Department may issue a notice of violation to a [third-party food] delivery service or [third party courier service] merchant who fails to provide true and accurate electronic records or information by the deadline provided in the written request or subpoena or the deadline agreed to by the parties, provided that any monetary penalties authorized by law for a violation of § 20-1506 of the Administrative Code shall not apply while such written request or subpoena is the subject of a timely-filed pre-compliance review proceeding.

(b) A [third-party food] delivery service or [third-party courier service] merchant must create and maintain contemporaneous, true, and accurate records documenting compliance with the requirements of [Chapter 15 of Title 20] chapter 15 of title 20 of the Administrative Code and any rules promulgated thereunder for a period of three years. If, in the ordinary course of business, any record required to be maintained under this subdivision is created by a person other than such [third-party food] delivery service [or third-party courier service], it is the responsibility of such [third-party food] delivery service [or third-party courier service] to obtain and maintain a copy of such record.

(c) A [third-party food] delivery service [or third-party courier service] must maintain the following data and records:

(1) With respect to all [food] contracted delivery workers, first name, last name, phone number, email address, internal identifier, taxpayer identification number if required to maintain such number under federal or state law, preferred language, first date [hired,] retained [or engaged], and last date [hired,] retained [or engaged].

(2) With respect to the notice of rights, data sufficient to show each email and text message containing the notice of rights that was sent to a [food] contracted delivery worker, the date and time such email or text message was sent, the first name, last name, and internal identifier of the recipient, and the phone number and email address of the recipient.

(3) With respect to the maximum distance, bridge, or tunnel parameters set or updated under § 20-1521(a) - (b) of the Administrative Code, the date, time, and content of every selection of or update to such parameters and the first name, last name, and internal identifier of the food delivery worker who selected or updated such parameters.

(4) With respect to each trip offered or assigned to a [food] contracted delivery worker:

[(i) All information disclosed to a food delivery worker before such worker accepts a trip under Section 20-1521(d) of the Administrative Code, including:

- a. The address(es) where the food, beverage or other goods must be picked up;
- b. The estimated distance for the trip;
- c. The estimated time for the trip or, if disclosed in lieu of estimated time for the trip pursuant to 6 RCNY § 7-806(f) of this subchapter, the expected or required time of the last drop-off on the trip;
- d. The amount of any gratuity(ies) specified by the consumer(s); and
- e. The amount of compensation excluding gratuity to be paid to the food delivery worker for the trip or, if disclosed in lieu of compensation excluding gratuity pursuant to 6 RCNY § 7-806(h), the hourly pay rate applicable to the trip;
- (ii) The date and time that the trip offer was made to the food delivery worker;
- (iii) If different from the date and time that the trip offer was made to the food delivery worker, the date(s) and time(s) that the information required to be disclosed by § 20-1521(d) of the Administrative Code was first disclosed to a food delivery worker;
- (iv) Whether the offer was accepted, declined, or expired, and the date and time at which this status was recorded;
- (v) The route used to generate the estimated trip distance disclosed to a food delivery worker pursuant to § 20-1521(d)(2) of the Administrative Code and the date and time it was generated. Such route must include a sequence of latitude and longitude coordinates;
- (vi) The route distance between the first food service establishment from which the food, beverage or other goods must be picked up on the trip and the last delivery address on the trip;
- (vii) The address(es) of where the food, beverage or other goods must be picked-up and, for the location(s) to which the food, beverage, or other goods must be delivered, the zip code and the latitude and longitude, accurate to a precision of three decimal places;
- (viii) The gratuity the third-party food delivery service or third-party courier service charged to the consumer(s) for the order(s) on the trip;
- (ix) The gratuity the third-party food delivery service or third-party courier service paid to the food delivery worker for the trip;
- (x) The compensation, excluding gratuity, paid to the food delivery worker for the trip. If a third-party food delivery service or third-party courier service compensates a food delivery worker on an hourly basis, the amount of compensation for a trip is the time between the acceptance of an offered trip and its completion or cancellation, multiplied by the hourly payment rate for that trip;

(xi) Whether the trip was completed or cancelled, and the date and time of completion or cancellation; and if cancelled, whether the cancellation was initiated by the food delivery worker, the customer, the business from which the food, beverage, or other good was to be picked-up, or the third-party food delivery service or third-party courier service;

(xii) The first name, last name, and internal identifier of the food delivery worker to whom the offer was made; and

(xiii) Whether each business from which the food, beverage or other goods must be picked up was a food service establishment.]

(i) A copy of the offer or assignment that was communicated to such contracted delivery worker and the date and time such offer or assignment was communicated to such contracted delivery worker, inclusive of any disclosures the delivery service made to such contracted delivery worker that were required under § 20-1521(d) of the Administrative Code. Such copy must record the offer, assignment, or disclosure in the form in which it was communicated to such contracted delivery worker;

(ii) A unique identifier for each order to be delivered on the trip and, for each such order:

(A) The name of the merchant from which the goods must be picked-up;

(B) The address(es) at which the goods must be picked-up;

(C) The address(es) at which the goods must be dropped-off;

(D) The tasks that the contracted delivery worker must perform;

(E) The amount of gratuity specified by the customer, and the date and time such amount was indicated or modified by the customer;

(iii) The route generated pursuant to § 7-806(a) of this subchapter and the date and time it was generated. Such route must include a sequence of latitude and longitude coordinates;

(iv) The direct distance between the first pick-up location of the trip and the final drop-off location of such trip;

(v) If such trip was offered by a third-party food delivery service or third-party courier service, whether the route generated pursuant to § 7-806(a) of this subchapter involved passage over or through any of the bridges or tunnels listed in § 7-806(d)-(e) of this subchapter and if so, which such bridge or tunnel;

(vi) If such trip was offered by a third-party food delivery service or third-party courier service, the bridge, tunnel, or maximum distance parameters that the contracted delivery worker had in effect at the time the trip was offered or assigned;

(vii) The amount of compensation excluding gratuity offered to the contracted delivery worker for the trip and any part thereof;

(viii) Any estimated time for the trip, and any part thereof, that was disclosed to the contracted delivery worker prior to such contracted delivery worker's acceptance of the offer or assignment to perform the trip;

(xix) Any estimated distance for the trip, and any part thereof, that was disclosed to the contracted delivery worker prior to such contracted delivery worker's acceptance of the offer or assignment to perform the trip;

(x) Whether the offer or assignment was accepted, rejected, or expired, and the date and time of acceptance, rejection, or expiration;

(xi) The gratuity the delivery service paid to the contracted delivery worker for the trip, and any part thereof, and the date and time such gratuity was paid;

____ (xii) The compensation, excluding gratuity, paid to the contracted delivery worker for the trip, and any part thereof, and the date and time such compensation was paid. If a delivery service compensates a contracted delivery worker on an hourly basis, the amount of compensation for a trip is the trip time multiplied by the hourly payment rate for that trip;

____ (xiii) Whether the trip was completed or cancelled, and the date and time of completion or cancellation; and if cancelled, whether the cancellation was initiated by the contracted delivery worker, the customer, the merchant, or the delivery service; and

____ (xiv) The first name, last name, and internal identifier of the contracted delivery worker to whom the offer or assignment was made.

(5) With respect to each pay period during which a [food] contracted delivery worker engaged in any trip time or on-call time:

(i) The first name, last name, and internal identifier of the [food] contracted delivery worker;

(ii) The date, time, and amount of any payment made to the [food] contracted delivery worker for the pay period, or any part thereof;

(iii) The start date and time and end date and time of the pay period;

(iv) The minutes of trip time worked by the [food] contracted delivery worker;

(v) The minutes of on-call time worked by the [food] contracted delivery worker;

(vi) The compensation, excluding gratuities, paid to the [food] contracted delivery worker and the basis for such compensation, including rates of pay and units of pay. Such records must distinguish [between] compensation [creditable towards a third-party food delivery service] for trip time or [third-party courier service's obligations under 6 RCNY § 7-810 and any] on-call time from other compensation the [third-party food] delivery service [or third-party courier service] may have paid to the [food] contracted delivery worker;

(vii) The gratuities paid to the [food] contracted delivery worker for trips with a pickup or drop off location in New York City;

(viii) All deductions from, additions to, or adjustments of compensation owed or paid to the [food] contracted delivery worker, itemized by type.

(ix) The minimum pay method chosen for the pay period pursuant to 6 RCNY § 7-810(c).

(6) With respect to each pay period:

(i) The start date and time and end date and time of the pay period;

(ii) The total minutes of trip time for all [food] contracted delivery workers;

(iii) The total minutes of on-call time for all [food] contracted delivery workers;

(iv) The total compensation paid to all [food] contracted delivery workers. Such records must distinguish [between (a)] compensation [creditable towards a third-party food delivery service] for trip time or [third-party courier service's obligation under 6 RCNY § 7-810 and any] on-call time from other compensation the [third-party food] delivery service [or third-party courier service] may have paid to the [food] contracted delivery worker;

(v) The minimum pay method chosen for the pay period pursuant to 6 RCNY § 7-810[(c)].

(7) With respect to each insulated food delivery bag provided to a [food] contracted delivery worker:

(i) The first name, last name, and internal identifier of the worker to whom the delivery bag was provided; and

(ii) The date of provision[, and whether provision was by pickup or whether the third-party food delivery service or third-party courier service sent the insulated delivery bag to the food delivery worker].

(8) With respect to each deactivation of a [food] contracted delivery worker:

(i) The first name, last name, and internal identifier of the worker who was deactivated;

(ii) The date and time of deactivation;

(iii) The date and time of reactivation, if applicable;

(iv) The reason(s) for the deactivation; and

(v) Whether the deactivation was effected through an automatic or a manual process.

(9) With respect to each instance in which a [food] contracted delivery worker engages in trip time or on-call time:

(i) The first name, last name, and internal identifier of the [food] contracted delivery worker;

(ii) The start date and time and end date and time of each span of on-call time;

(iii) The start date and time and end date and time of each span of trip time; and

(iv) The manufacturer, name, and model number of the phone that the [food] contracted delivery worker used to engage in trip time or on-call time.

(10) If the delivery service is a third-party food delivery service, third-party courier service, or third-party grocery delivery service, documentation of the customer-facing ordering, tip solicitation, and checkout process sufficient to demonstrate compliance with § 20-1522(b)(3)-(5) of the Administrative Code, the version of the delivery service's applications reflected by such documentation, and the dates in which such version was in effect for customers placing orders for delivery to or from locations in New York City.

(11) Each statement provided to a contracted delivery worker pursuant to § 20-1523(c) of the Administrative Code and the date and time such statement was provided and, if applicable, the date and time such statement was requested by a contracted delivery worker.

(12) Policies and practices implemented to comply with chapter 15 of title 20 of the Administrative Code and subchapter H of chapter 7 of the Rules, including but not limited to written policies, procedures, manuals, instructions, presentations, training materials, requirements documents, software specifications, application source code, version control logs documenting changes to source code, memoranda, or agreements with third-party vendors.

(13) If the delivery service is a third-party food delivery service or third-party courier service, documentation of the maximum distance, bridge, and tunnel parameter selection process

sufficient to demonstrate compliance with § 20-1521(a) and (b) of the Administrative Code and subdivisions (b), (c), (d), and (e) of § 7-806 of this subchapter, the version of the delivery service's applications reflected by such documentation, and the dates in which such version was in effect for food delivery workers.

(d) In accordance with applicable law and upon receipt of appropriate notice[, a];

(1) A third-party food delivery service or third-party courier service must produce reports to the Department concerning such third-party food delivery service or third-party courier service's operations in New York City for all periods on or after January 1, 2022; provided however, that for all periods between January 1, 2022 and the effective date of this subdivision, a third-party food delivery service or third-party courier service must produce reports only to the extent that such third-party food delivery service or third-party courier service maintained all or part of such records[.] ; and

(2) A delivery service that is not a third-party food delivery service or third-party courier service must produce reports to the Department concerning such delivery service's operations in New York City for all periods on or after January 1, 2024; provided however, that for all periods between January 1, 2024 and January 26, 2026, a delivery service must produce reports only to the extent that such delivery service maintained all or part of such records.

(3) The reports required to be produced pursuant to this subdivision may be required by the Department no more frequently than monthly and must be produced in accordance with a format, layout, and procedure prescribed by the Department, provided that this subdivision shall not be construed as requiring a [third-party food] delivery [service or third-party courier] service to submit reports on orders for which it had no responsibility for facilitating or arranging the delivery or pickup of [food, beverages, or other] goods by a [food] contracted delivery worker. A [third-party food] delivery [service or third-party courier] service must maintain the records used to produce such reports for a period of three years. Such reports may include the following information for each pay period aggregated citywide and by zip code of the pickup or drop-off location in New York City, [food] contracted delivery worker mode of transportation, delivery service line of business, and merchant line of business:

(1) The number of [food] contracted delivery workers who engaged in any trip time;

(2) The number of [food] contracted delivery workers who engaged in any on-call time;

(3) The number of trips with a pickup or drop-off location in New York City;

(4) The minutes of trip time;

(5) The minutes of on-call time;

(6) The total amount paid to [food] contracted delivery workers, [excluding gratuities, creditable towards a third-party food delivery service] distinguishing pay for trip time or [third-party courier service's obligation under 6 RCNY § 7-810;] on-call time from other pay;

(7) The total gratuities paid to [food] contracted delivery workers for trips with a pickup or drop-off location in New York City;

(8) The minimum pay method chosen for the pay period pursuant to 6 RCNY § 7-810[(c)];

- (9) The number of [consumers] customers who received at least one delivery with a pickup or drop-off location in New York City;
 - (10) The number of completed deliveries with a pickup or drop-off location in New York City;
 - (11) The total amount charged to [consumers] customers for the [food, beverage, or other] goods on deliveries with a pickup or drop-off location in New York City;
 - (12) The fees charged to [consumers] customers on orders for delivery with a pickup or drop-off location in New York City;
 - (13) The subscription and membership fees charged to [consumers] customers in New York City;
 - (14) The number of merchants who prepared at least one order for delivery with a pickup or drop-off location in New York City;
 - (15) The [delivery fees, payment processing fees, and other] fees charged to merchants on orders for delivery with a pickup or drop-off location in New York City, itemized by type.
- (e) The Department may prescribe data specifications, including field definitions, record layouts, and uniform codes, for any record required to be maintained pursuant to subdivision (c) or (d) of this section. If prescribed by the Department, a [third-party food] delivery [service or third-party courier] service must maintain the required records in accordance with such specifications.

§ 7-806 Delivery Distance and Route.

[(a) For purposes of § 20-1521(a)(1) of the Administrative Code, maximum distance per trip refers to the route to be travelled from the first pick-up from a food service establishment on a trip to the last drop-off on such trip.]

(a) 1. To comply with § 20-1521(a)-(c) and § 20-1521(d)(2) of the Administrative Code, a delivery service must generate a route that connects all pick-up and drop-off locations on a trip in an ordered sequence, beginning at the first pick-up location of the trip and ending at the final drop-off location of such trip. For purposes of § 20-1521(a)(1) of the Administrative Code, the drop-off location of a trip that is farthest from the first pick-up location of such trip means the final drop-off location within the route generated pursuant to this paragraph.

2. Pursuant to § 20-1521(a)(1) of the Administrative Code and this section, a third-party food delivery service or third-party courier service may not offer or assign a trip to a food delivery worker if the direct distance between the first pickup location of such trip and the final drop-off location of such trip exceeds the maximum distance parameter selected by such food delivery worker. The routed distance is often longer than the direct distance, and the food delivery worker may travel significantly longer on the routed distance and may make multiple stops along the routed distance. By setting a maximum distance parameter, a food delivery worker is not limiting the routed distance. Rather, a food delivery worker is choosing to be nearer to the first pick-up location at the end of the trip.

(b) Pursuant to Subdivisions (a) and (b) of § 20-1521 of the Administrative Code, a third-party food delivery service or third-party courier service must provide a food delivery worker with the

ability to set and update the maximum distance parameter and preferences in respect to the bridges and tunnels listed in subdivisions c and d of this section using the third-party food delivery or third-party courier service's website, mobile application, or other internet service through which trips are offered or assigned to such worker. Such distance, bridge, and tunnel parameters, when set or updated, shall take effect automatically and as soon as practicable, without requirement for review, approval, or any other act by a natural person employed by or acting on behalf of the third-party food delivery service or third-party courier service. The functions to set and modify such parameters must be included within a user interface easily accessible to workers through the website, mobile application, or other internet service and no less accessible than other settings or profile information a food delivery worker can select or input. A food delivery worker must be able to select and deselect the bridges and tunnels listed in subdivisions c and d of this section using a list or map within the user interface.

(c) A third-party food delivery service or a third-party courier service must include the following selectable bridges in the user interface provided to a food delivery worker pursuant to subdivision b:

- (1) Ed Koch Queensboro Bridge;
- (2) Brooklyn Bridge;
- (3) Williamsburg Bridge;
- (4) Manhattan Bridge;
- (5) Broadway Bridge;
- (6) University Heights Bridge;
- (7) Washington Bridge;
- (8) Alexander Hamilton Bridge;
- (9) Macombs Dam Bridge;
- (10) 145th Street Bridge;
- (11) Madison Avenue Bridge;
- (12) Third Avenue Bridge;
- (13) Willis Avenue Bridge;
- (14) Pulaski Bridge;
- (15) Greenpoint Avenue Bridge;
- (16) Kosciuszko Bridge;
- (17) Robert F Kennedy Bridge (Triborough Bridge);
- (18) Bronx Whitestone Bridge;
- (19) Throgs Neck Bridge;
- (20) Verrazzano-Narrows Bridge;

- (21) Marine Parkway-Gil Hodges Memorial Bridge;
- (22) Joseph P. Addabbo Memorial Bridge (North Channel Bridge);
- (23) Henry Hudson Bridge;
- (24) High Bridge;
- (25) George Washington Bridge;
- (26) Bayonne Bridge;
- (27) Goethals Bridge; and
- (28) Outerbridge Crossing.

(d) A third-party food delivery service or a third-party courier service must include the following selectable tunnels in the user interface provided to a food delivery worker pursuant to subdivision b:

- (1) Lincoln Tunnel;
- (2) Holland Tunnel;
- (3) Queens Midtown Tunnel; and
- (4) Hugh L. Carey Tunnel (Brooklyn Battery Tunnel).

(e) If a third-party food delivery service or third-party courier service maintains a policy and practice of never offering or assigning trips that require travel over or through a particular bridge or tunnel identified in subdivisions (c) and (d) of this section, such bridge or tunnel may be omitted from the user interface the third-party food delivery service or third-party courier service provides pursuant to subdivision (b) of this section.

[(f) Pursuant to § 20-1521(d)(2) of the Administrative Code, the estimated time and distance for a trip must include the total time and the total distance for a food delivery worker to complete the trip, including travel to a business from the location where the worker accepted the trip offer, picking up the food, beverage, or other goods for delivery, taking and depositing such delivery at a different location as requested, any waiting time, and any time spent placing the order with a food service establishment or other business, transmitting payment for the order to a food service establishment or other business, or assembling the order. The expected or required time of the last drop-off on a trip may be disclosed in lieu of the estimated time for the trip.]

(f) The requirements of § 20-1521(a)-(c) of the Administrative Code apply to all trips a third-party food delivery service or third-party courier service offers or assigns to a food delivery worker, including trips that do not involve picking up goods from a food service establishment.

(g) When disclosing the estimated distance from the first pick-up location of the trip to the final drop-off location of such trip to a contracted delivery worker pursuant to § 20-1521(d)(2) of the Administrative Code, a delivery service must separately disclose both (a) the direct distance between the first pick-up location of the trip and the final drop-off location of such trip and (b) the routed distance between the first pick-up location of the trip and the final drop-off location of such trip.

(h) (1) When disclosing the estimated time from the first pick-up location of the trip to the final drop-off location of such trip to a contracted delivery worker pursuant to § 20-1521(d)(2) of the Administrative Code, a delivery service must include sufficient time to safely perform all trip responsibilities, including travel along the route generated in accordance with subdivision (a) of this section and performance of all trip responsibilities at each location, including all of the responsibilities specified in the definition of "trip" set forth in section § 20-1501 of the Administrative Code that are applicable to such trip, except for the time needed to travel to the first pick-up location.

(2) In lieu of disclosing the estimated time for a trip pursuant to paragraph (1) of this subdivision, a delivery service may disclose to a contracted worker the expected or required time by which a contracted delivery worker will have completed all work on the trip, provided that such expected or required time includes sufficient time to safely perform all trip responsibilities, including the time required to travel to the first pick-up location, travel along the route generated in accordance with subdivision (a) of this section and perform all trip responsibilities at each location, including all of the responsibilities specified within the definition of "trip" in section § 20-1501 of the Administrative Code that are applicable to such trip.

[(g)] (i) Pursuant to § 20-1521(d)(3) of the Administrative Code, a [third-party food] delivery service [or third-party courier service] that [engages] offers or assigns a trip to a [food] contracted delivery worker [to perform a delivery] must disclose to the [food] contracted delivery worker the amount of any gratuity[, if] specified by [the consumer] any customer, even if such [third-party food] delivery service [or third-party courier service] is not the party who received the order directly from the [consumer] customer.

Example: If a [consumer] customer places an order for delivery with a [third-party food] delivery service, and such [third-party food] delivery service transfers the order to a [third-party food courier] different delivery service that then facilitates the delivery, [such third-party food courier] the delivery service that facilitates the delivery must disclose to the [food] contracted delivery worker the amount of gratuity, if any, specified by the [consumer] customer.

Example: If a [consumer] customer places an order for delivery with a [food service establishment or other business] merchant, and such [food service establishment or other business] merchant transfers the order to a [third-party food] delivery [service or third-party courier] service that then facilitates the delivery, such [third-party food] delivery [service or third-party courier] service must disclose to the [food] contracted delivery worker the amount of gratuity, if any, specified by the [consumer] customer.

[(h)] (j) [A third-party food] When a contracted delivery worker completes a trip, the delivery service [or third-party courier service] must pay [a food] the contracted delivery worker [for a completed trip] no less than the amount of compensation it [discloses] disclosed to such worker pursuant to § 20-1521(d)(4) of the Administrative Code[, in addition to any gratuity owed for such trip]. If, pursuant to subdivision [(h)] (k) of this section, a [third-party food] delivery service [or third-party courier service] discloses an hourly pay rate to a [food] contracted delivery worker, such [third-party food] delivery service [or third-party courier service] must pay such [food] contracted delivery worker for the time such [food] contracted delivery worker spends on

the trip at a rate no less than such hourly pay rate. The pay required by this subdivision must be in addition to any gratuity for such trip.

[(i)] (k) If a [third-party food] delivery service [or a third-party courier service] compensates a [food] contracted delivery worker on an hourly basis, such [third-party food] delivery [service or third-party courier] service must satisfy the requirements of § 20-1521(d)(4) of the Administrative Code by disclosing the hourly pay rate that will be applied to the time such [food] contracted delivery worker spends performing the offered or assigned trip.

[(j)] (l) [For purposes] In any action or proceeding alleging a violation of § 20-1521(a)(1) - (3) of the Administrative Code and this section, a trip offered or assigned to a food delivery worker by a third-party food delivery service or third-party courier service requires travel across a bridge or through a tunnel if the shortest routed distance [route generated by a routing engine selected by the Department for such trip] involves passage over such bridge or through such tunnel, unless such third-party food delivery service or third-party courier service produces contemporaneous records showing that [it provided an alternative route] it disclosed to such food delivery worker the route it generated pursuant to subdivision (a) of this section and that such route did not [requiring] involve passage over such bridge or through such tunnel [to such food delivery worker and that such route was consistent with the time and distance disclosed under § 20-1521(d) of the Administrative Code].

(m) The requirements of § 20-1521 of the Administrative Code and this section apply to any trip that includes a pick-up or drop-off location in New York City.

§ 7-807 Payments to Workers.

(a) For purposes of § 20-1523(a) of the Administrative Code, a [third-party food] delivery service [or third-party courier service] shall be considered to have charged or imposed a fee on a [food] contracted delivery worker for the use of a form of payment selected by such service if (1) the service does not offer a form of payment to a [food] contracted delivery worker free from any fees charged or imposed by a financial intermediary or other person or (2) a fee for payment is charged or imposed on a [food] contracted delivery worker by any parent, affiliate, or subsidiary entity of the [third-party food] delivery [service or third-party courier] service.

(b) A [third-party food] delivery service [or third-party courier service] must calculate compensation owed to a [food] contracted delivery worker for each pay period. The pay period need not coincide with the calendar week but may begin on any day and at any hour of the day. A [third-party food] delivery service [or third-party courier service] must establish a single pay period for all [food] contracted delivery workers it engages. Once the beginning time of the pay period is established, it must remain fixed, and may be changed only if the change is intended to be permanent.

(c) [A third-party food delivery service or third-party courier service must pay all compensation owed to each food delivery worker for a pay period no later than seven (7) calendar days after the end of such pay period.] The requirements of section § 20-1523 of the Administrative Code and this section apply to a contracted delivery worker for any pay period in which such contracted delivery worker engages in trip time.

§ 7-808 Insulated Food Delivery Bags.

(a) A [third-party food] delivery service [or third-party courier service] must no later than seven (7) days following the day of a worker's sixth delivery of goods that are customarily transported in an insulated food delivery bag to or from a location in New York City for that [third-party food] delivery service [or third-party courier service]: (1) make an insulated food delivery bag required by § 20-1524(a)(1) of the Administrative Code available for pickup by a [food] contracted delivery worker or (2) at the request of a [food] contracted delivery worker deliver such a bag to the worker.

(b) In cases of loss, damage, theft, or deterioration, a [third-party] delivery service [or third-party courier service] must make available replacement insulated food delivery bags for a [food] contracted delivery worker at no expense to such [food] contracted delivery worker. However, in no case is a [third-party food] delivery service [or third-party courier service] required to provide more than one replacement bag during a six-month period.

§ 7-809 Reserved.

§ 7-810 Minimum Pay.

(a) [When the Department issues a subpoena for data, information or documents under § 20-1522(a)(2) of the Administrative Code, a third-party food delivery service or third-party courier service must provide all responsive data, information or documents to the Department within 30 days of receiving such subpoena and, if so requested, in the comma-delimited formats and layouts prescribed by the Department in such subpoena]Reserved.

(b) *Standard Method.* A third-party food delivery service[or], third-party courier service, or third-party grocery delivery service must make payments to food delivery workers and grocery delivery workers for their trip time and on-call time in a pay period that meet the individual and aggregate requirements of subparagraphs 1 and 2 of this subdivision.

(1) *Individual requirement.* A third-party food delivery service[or], third-party courier service, or third-party grocery delivery service must pay to a food delivery worker or grocery delivery worker who engages in trip time in a pay period no less than the sum of such food delivery worker's or grocery delivery worker's trip time in that pay period multiplied by the following minimum pay rates:

(i) \$17.96 per hour, for pay periods that start on or after the effective date of this section;

(ii) \$18.96 per hour, adjusted for inflation as set forth in subdivision (g) of this section, for pay periods that start on or after April 1, 2024; and

(iii) \$19.96 per hour, adjusted for inflation annually as set forth in subdivisions (h) and (i) of this section, for pay periods that start on or after April 1, 2025.

(2) *Aggregate requirement.* A third-party food delivery service[or], third-party courier service, or third-party grocery delivery service must pay, in aggregate, to the food delivery workers or grocery delivery workers who engage in trip time or on-call time in a pay period no less than the sum of all such food delivery workers' or grocery delivery workers' trip time and on-call time in that pay period multiplied by the following minimum pay rates:

- (i) \$17.96 per hour, for pay periods that start on or after the effective date of this section;
- (ii) \$18.96 per hour, adjusted for inflation as set forth in subdivision (g) of this section, for pay periods that start on or after April 1, 2024; and
- (iii) \$19.96 per hour, adjusted for inflation annually as set forth in subdivisions (h) and (i) of this section, for pay periods that start on or after April 1, 2025.

(c) *Alternative Method.* Notwithstanding the requirements of subdivision (b) of this section, an eligible third-party food delivery service[or], third-party courier service, or third-party grocery delivery service may use the alternative method specified in this subdivision to determine the minimum payments it must make to food delivery workers or grocery delivery workers for their trip time and on-call time in a pay period.

(1) [For pay periods that begin prior to April 1, 2024, any third-party food delivery service or third-party courier service may use the alternative method specified in this subdivision. For pay periods that begin on or after April 1, 2024, a] A third-party food delivery service[or], third-party courier service, or third-party grocery delivery service may use the alternative method for any pay period in which its utilization rate is greater than or equal to 0.53 and in up to two pay periods per year in which its utilization rate is less than 0.53. For purposes of this subdivision, a year begins with the first pay period that begins on or after April 1 of a calendar year and ends with the last pay period that begins on or before March 31 of the following calendar year. If an eligible third-party food delivery service[or], third-party courier service, or third-party grocery delivery service chooses this alternative method, the method applies to each and every food delivery worker or grocery delivery worker who engages in trip time in the pay period. An eligible third-party food delivery service, [or] third-party courier service, or third-party grocery delivery service that chooses the alternative method for a pay period must document its utilization rate and choice of method no later than when payment is due pursuant to § 20-1523(b) of the Administrative Code and 6 RCNY § 7-807.

(2) An eligible third-party food delivery service[or], third-party courier service, or third-party grocery delivery service that chooses the alternative method must pay to each food delivery worker or grocery delivery worker who engages in trip time in a pay period no less than such food delivery worker's or grocery delivery worker's trip time in that pay period multiplied by the alternative minimum pay rate. Such alternative minimum pay rate is calculated by dividing the minimum pay rate otherwise required by subdivision (b) of this section by 0.60. Such third-party food delivery service[or], third-party courier service, or third-party grocery delivery service is not required to pay a food delivery worker or grocery delivery worker for the pay period if the food delivery worker or grocery delivery worker engages in on-call time but no trip time.

(d) *Bases of Pay.* A third-party food delivery service[or], third-party courier service, or third-party grocery delivery service may fulfill its obligation under subdivision (b) or subdivision (c) of this section using any basis of pay it chooses, including paying an hourly rate, a per-trip rate or other piece rate, a bonus or other lump-sum payment, or any other basis.

Example: In a pay period that begins on [April 1, 2024,] February 2, 2026 5,000 food delivery workers or grocery delivery workers, in aggregate, engage in 55,000 hours of trip time and 45,000 hours of on-call time[.] for a delivery service that is a third-party food delivery service, third-party courier service, or third-party grocery delivery service. Worker A, individually, engages in 30 hours of trip time and 5 hours of on-call time. [Following a

2% inflation adjustment performed by the Department pursuant to subdivision (g) of this section] At that time, the minimum pay rate is \$[19.34] 21.44. The alternative minimum pay rate is \$[19.34] 21.44 divided by 0.60.

Standard Method: The [third-party food] delivery service meets the requirements of both subdivision (b)(1) and subdivision (b)(2) of this section if it pays its food delivery workers or grocery delivery workers as follows:

1. Each food delivery worker or grocery delivery worker is paid at least an amount equal to their trip time multiplied by \$[19.34] 21.44. For instance, worker A receives at least \$[580.20] 643.20, which is \$[19.34] 21.44 multiplied by 30 hours; and

2. The total the [third-party food] delivery service pays for the pay period meets or exceeds the aggregate amount of trip time and on-call time (100,000 hours) multiplied by \$[19.34] 21.44, which equals \$[1,934,000] 2,144,000. Worker A's payment of at least \$[580.20] 643.20 for trip time is credited towards the aggregate requirement and Worker A may, or may not, receive an additional payment.

Alternative Method: The [third-party food] delivery service has a utilization rate of 0.55, which is its trip time (55,000) divided by the sum of its trip time and on-call time (100,000). Since 0.55 is greater than 0.53, the [third-party food] delivery service is eligible under subdivision (c)(1) to use the alternative method to determine the minimum payments it must make to its food delivery workers or grocery delivery workers for the pay period. If the [third-party food] delivery service uses the alternative method, it meets the requirements of subdivision (c) if each food delivery worker or grocery delivery worker is paid at least an amount equal to their trip time multiplied by \$[19.34] 21.44 divided by .60. For instance, worker A receives \$[967.00] 1072.00, which is \$[19.34] 21.44 divided by .60 multiplied by 30 hours.

(e) A third-party food delivery service[or], third-party courier service, or third-party grocery delivery service may not use gratuities paid to a food delivery worker or grocery delivery worker to offset such third-party food delivery service[or], third-party courier service, or third-party grocery delivery service's obligation to pay the food delivery worker or grocery delivery worker the minimum pay required by this section.

(f) A third-party food delivery service[or], third-party courier service, or third-party grocery delivery service may not use amounts paid to a food delivery worker or grocery delivery worker for trips with a pickup and drop-off location outside of New York City to offset such third-party food delivery service[or], third-party courier service, or third-party grocery delivery service's obligation to pay to the food delivery worker or grocery delivery worker the minimum pay required by this section.

(g) The Department shall perform the inflation adjustment required by subdivisions (b)(1)(ii) and (b)(2)(ii) of this section by multiplying \$18.96 by the percent change in the All Items Consumer Price Index for Urban Wage Earners and Clerical Workers for the NY-NJ-PA metro area between December 2022 and December 2023 and rounding to the nearest cent, provided that if the percentage change is zero or negative, the adjustment shall be zero. The Department shall post the Consumer Price Index adjusted minimum pay rate on its website on or before the first day of February 2024.

(h) For pay periods beginning on or after April 1, 2025 and before April 1, 2026, the Department shall perform the inflation adjustment required by subdivisions (b)(1)(iii) and (b)(2)(iii) of this section by multiplying \$19.96 by the percent change in the All Items Consumer Price Index for Urban Wage Earners and Clerical Workers for the NY-NJ-PA metro area between December 2022 and December 2024 and rounding to the nearest cent, provided that if the percentage change is zero or negative, the adjustment shall be zero. The Department shall post the Consumer Price Index adjusted minimum pay rate on its website on or before the first day of February 2025.

(i) Beginning with the minimum pay rate for pay periods that start on or after April 1, 2026, and continuing each calendar year thereafter, the Department shall post the inflation-adjusted minimum pay rate required by subdivisions (b)(1)(iii) and (b)(2)(iii) of this section on or before the first day of February of the calendar year in which the rate will take effect. Such inflation adjustments will be performed by multiplying the minimum pay rate in effect prior to adjustment by the most recent December to December percent change in the All Items Consumer Price Index for Urban Wage Earners and Clerical Workers for the NY-NJ-PA metro area and rounding to the nearest cent, provided that if the percentage change is zero or negative, the adjustment shall be zero.

[(j) In the report the Department must submit to the council and the mayor no later than September 24, 2024 pursuant to § 20-1522(d) of the Administrative Code, the Department will review the base pay, workers' compensation, expense, and multi-apping components of the minimum pay rate, the utilization eligibility threshold for the Alternative Method, and the calculation used to determine the alternative minimum pay rate to determine if adjustments need to be made to the rates set forth in subdivision (b) of this section. As part of such review, the Department may utilize any records and reports that a third-party food delivery service or third-party courier service is required to maintain, produce, or submit to the Department pursuant to 6 RCNY § 7-805, as well as any other information the Department deems relevant.]

**NEW YORK CITY LAW DEPARTMENT
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**CERTIFICATION PURSUANT TO
CHARTER §1043(d)**

RULE TITLE: Amendment of Rules Relating to Contracted Delivery Workers

REFERENCE NUMBER: 2025 RG 084

RULEMAKING AGENCY: Department of Consumer and Worker Protection

I certify that this office has reviewed the above-referenced proposed rule as required by section 1043(d) of the New York City Charter, and that the above-referenced proposed rule:

- (i) is drafted so as to accomplish the purpose of the authorizing provisions of law;
- (ii) is not in conflict with other applicable rules;
- (iii) to the extent practicable and appropriate, is narrowly drawn to achieve its stated purpose; and
- (iv) to the extent practicable and appropriate, contains a statement of basis and purpose that provides a clear explanation of the rule and the requirements imposed by the rule.

/s/ STEVEN GOULDEN
Senior Counsel

Date: October 24, 2025

**NEW YORK CITY MAYOR'S OFFICE OF OPERATIONS
253 BROADWAY, 10th FLOOR
NEW YORK, NY 10007
212-788-1400**

**CERTIFICATION / ANALYSIS
PURSUANT TO CHARTER SECTION 1043(d)**

RULE TITLE: Amendment of Rules Relating to Contracted Delivery Workers

REFERENCE NUMBER: DCWP-64

RULEMAKING AGENCY: Department of Consumer and Worker Protection

I certify that this office has analyzed the proposed rule referenced above as required by Section 1043(d) of the New York City Charter, and that the proposed rule referenced above:

- (i) Is understandable and written in plain language for the discrete regulated community or communities;
- (ii) Minimizes compliance costs for the discrete regulated community or communities consistent with achieving the stated purpose of the rule; and
- (iii) Does not provide a cure period because it does not establish a violation, modification of a violation, or modification of the penalties associated with a violation.

/s/ Francisco X. Navarro
Mayor's Office of Operations

October 24, 2025
Date