

We care!

Your guide to the
Domestic Workers'
Bill of Rights



**MAKING
POLICY
PUBLIC**

Who is a domestic worker?

Domestic workers are nannies, housekeepers, and elder care providers who take care of the most important parts of their employers' lives. We care for loved ones and keep homes clean, healthy, and safe.

Our work makes all other work possible.

In some homes, our work is truly valued. But, in too many, we are mistreated, earning well below minimum wage, and denied rest and meal breaks, overtime pay, paid vacation, and sick leave. Too many of us have been abused and exploited.

For too long, domestic workers were denied basic legal rights and protections. Our work has been invisible and devalued. This is why we came together in New York State to pass the nation's first Domestic Workers' Bill of Rights.

What is the Domestic Workers' Bill of Rights?

The Domestic Workers' Bill of Rights is a law passed in 2010 that recognizes domestic work as real work. The law includes new rules about pay, time off, and other important workplace protections.

Under this law, a domestic worker is someone who works in another person's home and:

- ✓ Cares for children or a sick or elderly person,
- ✓ Is a housekeeper, or
- ✓ Does other work in or around the home (like gardening or repair work).

The law applies to *all* domestic workers, regardless of immigration status.

The law does *not* apply to:

- ✗ Workers who babysit or provide other household services every once in a while, but not every week or on a regular schedule.
- ✗ Relatives who care for family members.

Learn more about this historic law.

Exercise your right

to be treated with dignity and respect!

What rights does the law give domestic workers?

- ✓ You are protected from sexual harassment at work.
- ✓ You are protected from harassment at work based on your gender, race, national origin, religion, or sexual orientation.
- ✓ If you work more than 40 hours in one week, you have the right to overtime pay for the extra hours you work that week. (For live-in workers, overtime starts after 44 hours.)
- ✓ You have the right to one day off (24 hours) every week. If you agree to work that day, you must be paid an overtime rate.
 - ✓ Overtime pay must be at least 1 ½ times your normal hourly rate.
 - ✓ After you work for an employer for one year, you have the right to paid days off. The number of days depends on how many hours per week you work during a typical week.

If you work this many hours:

Up to 20 hours per week
20 to 30 hours per week
30 or more hours per week

You have the right to this many days off:

1 paid day off per year
2 paid days off per year
3 paid days off per year

Domestic workers in New York State have rights under other laws too.

They include:

- ✓ The right to be paid at least the minimum wage, which is now \$7.25/hour.
- ✓ The right to one additional hour of pay at minimum wage if you work more than 10 hours in a day.
- ✓ The right to at least a 30-minute lunch break for every work day of 6 or more hours.
- ✓ The right to complain to employers and government agencies about pay and working conditions without being retaliated against.

Full-time workers have the right to:

- ✓ Workers' compensation insurance, paid for by the employer. This helps cover your medical and living expenses if you are hurt at work.
- ✓ Disability benefits insurance, paid for by you. This insurance provides some money if you miss more than 7 days of work because you are hurt outside of work, get sick, or cannot work due to pregnancy.

There are an estimated 200,000 domestic workers in New York State.

Employers are required to provide certain things under the law, too. They have to:

- ✓ Pay you every week for your work.
- ✓ Keep accurate records of the hours you work and how much you are paid for them.
- ✓ Write down and tell you how much you will be paid per hour, based on what you have both agreed to; how much you will get paid for overtime; and on what day of the week you will be paid.
- ✓ Keep a written list of all deductions from your pay, such as meals, lodging, income tax withholding, Social Security, Medicare, health insurance, and automatic savings programs.
- ✗ Employers can't charge you for work supplies or uniforms or if you break household items or equipment.
- ✓ Provide unemployment insurance for workers who earn more than \$500 in three months.
- ✗ This cannot come out of your pay and must be paid for by the employer.

The Domestic Workers' Bill of Rights applies to all workers regardless of immigration status.

How to use your rights

You and your employer should talk about and decide on the following things, and put them in writing:

- ✓ What all your duties and responsibilities will be.
- ✓ How much you will get paid, per hour. (This must be at least minimum wage, which is now \$7.25/hour.)
- ✓ How much you will get paid for overtime hours. (This must be at least 1 1/2 times your normal hourly rate.)
- ✓ What days of the week you will have off. (You must be allowed to take at least one day off per week.)
- ✓ What day of the week will be your payday.

Every time you get a paycheck

Make sure this information is written down and included with your paycheck:

- ✓ Number of regular and overtime hours you worked.
- ✓ How much you are paid per hour.
- ✓ How you are paid—by the hour, shift, day, or week.
- ✓ The total amount you have earned.
- ✓ A list of any credits your employer claims for meals or lodging.
- ✓ A list of all the deductions, which should be for your benefit, such as income tax withholding, Social Security, Medicare, health insurance, or automatic savings programs.
- ✓ Your employer's name, address, and phone number.

Every week

- ✓ Take (at least) 1 day off!

After 3 months

- ✓ If you are a U.S. citizen or legal permanent resident, check to make sure that your employer is paying for unemployment insurance; and
- ✓ If you are full-time, check to make sure that your employer is paying for workers' compensation insurance.

After 1 year

- ✓ Take your paid days off!

The Domestic Workers' Bill of Rights is the first law of its kind in the nation!

What to do if your rights are violated

First speak with your employer about the issue. If your working conditions don't improve, here are next steps:

If this happens:

This is what you can do about it:

If your employer refuses to provide you with your pay for hours worked, overtime, or paid time off

You can file a complaint with the New York State Department of Labor
(888) 52-LABOR
www.labor.ny.gov/legal/domestic-workers-bill-of-rights.shtm

If your employer takes away your travel documents

You can file a complaint with the US Department of Labor
(866) 4-USA-DOL
www.dol.gov

If your employer sexually harasses you, or harasses you based on gender, race, national origin, religion, or sexual orientation

You can file a complaint with the New York State Division of Human Rights
(718) 741-8400
www.dhr.ny.gov

If your employer is not paying for workers' compensation insurance and you work full-time

You can complain to the New York State Workers' Compensation Board
(877) 632-4996
www.wcb.ny.gov

Remember that employers are prohibited from firing you or doing other things to retaliate against you for complaining verbally or filing a complaint.

To file a complaint, you do not need to show proof of your immigration status. The laws protect you, regardless of your status.

It took more than 6 years of organizing to pass the historic Domestic Workers' Bill of Rights!

For more help and information

For more help and information about your rights and how you can use them, contact Domestic Workers United, an organization of Caribbean, Latina, and African women, and women of African descent, working as nannies, housekeepers, and elder care providers in New York, who are organizing for power, respect, fair labor standards, and to help build a movement to end exploitation and oppression for all.

Domestic Workers United
www.domesticworkersunited.org
(212) 481-5747

DWU worked in partnership with other domestic worker organizations in New York to pass the Domestic Workers' Bill of Rights.

Adhikaar: Nepali, Tibetan, and South Asian domestic workers
www.adhikaar.org
(718) 937-1117

Cidadão Global: Brazilian domestic workers
www.cidadaoglobal.org

Damayan Migrant Workers Association: Filipino domestic workers
www.damayanmigrants.org
(212) 564-6057

Haitian Women for Haitian Refugees: Haitian domestic workers
haitianwomen.wordpress.com
(718) 462-0791

Unity Housecleaners - Workplace Project: Latina domestic workers on Long Island
www.workplaceprojectny.org
(516) 565-5377

What is the Domestic Workers' Bill of Rights?

The Domestic Workers' Bill of Rights is a law passed in 2010 that recognizes the work of nannies, housekeepers, and caregivers as real work. The law includes new rules about pay, time off, and other protections.

¿Qué es la Carta de Derechos de las Trabajadoras de Casa?

La Carta de Derechos de las Trabajadoras de Casa es una ley que se aprobó en 2010 y que reconoce el trabajo de niñeras, trabajadoras de limpieza y acompañantes como trabajo real. La ley incluye reglas nuevas sobre paga, tiempo libre y otras protecciones.

¿Qué derechos les da esta ley a las trabajadoras de casa?

- ✓ Si trabaja más de 40 horas por semana, tiene derecho a que le paguen las horas extra que haya trabajado. (Para trabajadoras internas, el tiempo extra comienza después de 44 horas.) La paga por tiempo extra debe ser como mínimo 1 ½ veces su salario regular por hora.
- ✓ Tiene derecho a un día libre (24 horas) por semana. O si acepta trabajar ese día, le deben pagar el salario por horas extra.
- ✓ Está protegida del acoso sexual en el trabajo.
- ✓ Está protegida del acoso por género, raza, origen nacional o religión en el trabajo.
- ✓ Después de trabajar un año para un empleador, tiene derecho a días libres pagos. El número de días depende de cuántas horas trabaje en una semana típica.

Si trabaja:	Tiene derecho a:
Hasta 20 horas por semana	1 día libre pago cada año
20 a 30 horas por semana	2 días libres pagos cada año
30 horas o más por semana	3 días libres pagos cada año

Las trabajadoras domésticas en el Estado de Nueva York tienen también derechos que les reconocen otras leyes. Éstos incluyen:

- ✓ El derecho a recibir por lo menos el salario mínimo, que es de \$7.25/hora.
- ✓ El derecho a una hora adicional de paga según el salario mínimo si trabajan más de 10 horas en un día.
- ✓ El derecho a por lo menos 30 minutos para el almuerzo por cada día de 6 horas o más.
- ✓ El derecho a reclamar por sus condiciones de trabajo y paga a empleadores y agencias de gobierno sin que se puedan tomar represalias en su contra.

Las trabajadoras a tiempo completo tienen derecho a:

- ✓ Seguro de compensación al trabajador, pagado por el empleador. Esto ayuda a cubrir sus gastos médicos y sus gastos básicos si sufre un accidente de trabajo.
- ✓ Seguro de incapacidad, pagado por usted. Este seguro le paga una compensación si falta más de 7 días al trabajo porque sufrió un accidente fuera del trabajo, se enfermó o el embarazo le impide trabajar.

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- If you work this many hours: You have the right to this many days off:
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Find out more at www.domesticworkersunited.org or call (212) 481-5747

Ano ang Domestic Workers' Bill of Rights?

Ang Domestic Workers' Bill of Rights ay pinagtibay na batas noong 2010 upang pahalagahan ang trabaho ng mga nanny, housekeeper, at caregiver bilang tunay na trabaho. Sakop ng batas ay mga bagong patakaran tungkol sa sahod, time off at ibang mga proteksyon.

Ano ang mga karapatan na binibigay ng batas sa mga manggagawa sa tahanan?

- ✓ Kung nagtatrabaho ka lampas ng 40 na oras sa isang linggo, may karapatan ka sa obertaym na sahod sa mga karagdagang oras sa linggong iyon. (Para sa mga naninirahang manggagawa, naguumpisa ang obertaym pagkatapos ng 44 na oras.) Ang obertaym na sahod ay dapat 1 ½ beses ng iyong karaniwang orasan na bayad.
- ✓ May karapatan ka sa isang araw (24 na oras) na walang pasok sa isang linggo. Kung pumayag ka na magtatrabaho sa araw na iyon, kinakailangang bayaran ka ng pang-obertaym na sahod.
- ✓ Protektado ka mula sa panliligalig na sekswal sa trabaho.
- ✓ Ikaw ay protektado mula sa panliligalig base sa iyong kasarian, lahi, bansang pinagmulan, relihiyon sa trabaho.
- ✓ Pagkaraan ng isang taon ng pagtatrabaho sa tagapagpagawa o employer, ikaw ay may karapatan sa bayad na mga araw na walang pasok. Ang bilang ng mga raw ay depende sa kung gaano karaming oras bawat linggo ka nagtatrabaho sa karaniwang linggo.

Kung ika'y nagtatrabaho ng:
Hanggang 20 oras bawat linggo
20-30 oras bawat linggo
30 oras o mahigit bawat linggo

May karapatan ka sa mga araw:
1 araw na bayad na walang pasok
2 araw na bayad na walang pasok
3 araw na bayad na walang pasok

Ang mga manggagawa sa tahanan dito sa New York ay may mga karapatan batay sa iba pang mga batas. Kasama nito'y:

- ✓ Ang karapatan na binabayaran ng hindi bababa sa minimum na pasahod na \$7.25 kada oras.
- ✓ Ang karapatan sa isang karagdagang oras ng bayad na minimum wage kung ika'y nagtatrabaho ng higit sa 10 oras sa isang araw.
- ✓ Ang karapatan na magkaroon ng hindi kukulang 30-minuto na lunch break sa bawat araw na nagtatrabaho ka ng 6 na oras o mahigit ng 6 na oras.
- ✓ Ang karapatan na magreklamo ayon sa mga pamalakad sa trabaho o suweldo sa employers at mga ahensiya ng gobyerno na hindi sila maghiganti sa iyo.

Ang mga full time na mga manggagawa ay may karapatan sa:

- ✓ Workers' compensation insurance na binabayaran ng employer. Ito'y tutulong upang bayaran ang mga panggamot at pangkabuhayang gastos sa panahong madisgrasya ka sa trabaho.
- ✓ Disability benefits insurance na binabayaran mo. Itong insurance na ito'y magbibigay ng konting kabayaran kung hindi ka makapasok ng mahigit na 7 araw dahil nadigrasya ka sa labas ng trabaho, magkasakit, o hindi makapagtrabaho dahil buntis.

Kisa ki Deklarasyon Dwa Moun Ki Ap Travay Kay Moun?

Deklarasyon Dwa Moun Ki Ap Travay Kay Moun se yon lwa ki te pase nan lane 2010 ki rekonèt travay yon moun ki ap fè bebisit, moun ki ap okipe kay, ak moun ki ap bay swen kòm yon travay reyèl. Lwa a gen ladan nouvo regleman sou salè, konje, ak lòt pwoteksyon.

Ki dwa lwa a bay moun ki ap travay kay moun?

- ✓ Lwa a proteje w kont asèlman seksyèl nan travay ou.
- ✓ Lwa a pwoteje w kont asèlman seksyèl nan travay ou ki baze sou sèks ou, ras ou, peyi kote ou soti, osinon relijyon ou.
- ✓ Si w'ap travay pou plis pase 40 èdtan nan yon semèn, ou gen dwa pou touche pou lè ou travay anplis nan semèn nan. (Pou travayè ki ap fè "dòmli leve", tan anplis la kòmnanse apre 44 èdtan). Pou tan anplis la, yo dwe peye w yon fwa edmi kòb ou touche nan lè nòminal ou.
- ✓ Ou gen dwa pou yon jou konje (24 èdtan) pa semèn. Oswa, si ou dakò travay jou sa a, se pou yo peye w selon jan yo peye pou tan anplis.
- ✓ Apre ou fin travay pou yon anplwayè pou plis ke yon lane, ou gen dwa pran jou konje epi yo peye w. Konbyen jou depann de konbyen èdtan ou travay pa semèn pandan yon semèn travay nòminal.

Si ou travay:	Ou gen dwa a jou sa yo kòm jou san travay e peye:
Jiska 20 èdtan pa semèn	1 jou konje peye pa ane
Ant 20 a 30 èdtan pa semèn	2 jou konje peye pa ane
Ant 30 èdtan ou plis pa semèn	3 jou konje peye pa ane

Moun ki ap travay kay moun nan Eta New York gen lòt dwa. Pami yo:

- ✓ Dwa pou touche omwens salè minimòm, \$7.25 pou chak èdtan.
- ✓ Dwa pou yo touche yon èdtan anplis a menm salè minimòm lan si yo travay plis ke 10 èdtan pa jou.
- ✓ Dwa pou yon poz manje midi pou omwens 30 minit chak jou yo travay pou 6 èdtan ou plis.
- ✓ Dwa pou plenyen bay anplwayè yo ak bay lòt ajans leta de kondisyon travay yo ak de salè yo san moun pa pran revanj kont yo.

Moun ki travay anplen (omwens 40 èdtan) gen dwa a:

- ✓ Asirans pou konpanse travayè, ke enplwayè yo peye pou yo. Li ede ou ak depans medikal ansanm ak depans ou fè pou viv si yon bagay mal rive ou na travay la.
- ✓ Asirans pou jwenn benefis si ou vin enfim ou byen pou lòt rezon sante (Disability), ke ou peye pou tèt ou. Ansirans sa a ka bay ou konpansasyon si ou rate plis ke 7 jou travay paske yon bagay te rive ou andeyò travay la, oubyen ou malad osinon ou pa ka travay paske ou ansent.

Pou plis enfòmasyon kontakte Fanm Ayisyen Pou Refjje Ayisyen Haitian Women for Haitian Refugees (718) 462-0791 www.haitianwomen.wordpress.com

Alamin ang mga iba sa www.damayanmigrants.org o tumawag sa (212) 564-6057

न्यूयॉर्क राज्यमा घरेलु कामदारहरुको कानून अन्तरगत पनि अन्य अधिकारहरु छन्। यी हुन्:

- ✓ कर्मचारी न्यूनतम \$७.२५ प्रति घण्टा पार्ने अधिकार छ।
- ✓ एक दिनमा १० घण्टा भन्दा बढि काम गरेमा धेरै १ घण्टाको ज्याला न्यूनतम ज्यालाको दरमा पार्ने अधिकार छ। (जस्तै: ११ घण्टा काम गर्दा १२ औं घण्टाको पैसा पार्नुपर्छ।)
- ✓ दिनमा ६ घण्टा वा बढि काम गर्नु भन्दा कम्तीमा ३० मिनेटको खाना खाने समय पार्ने अधिकार छ।
- ✓ तपाईंलाई कानको अवस्था र ज्याला सम्बन्धित कित नबुझेमा यी विषयमा रोजगारदाता सँग वा सरकारी संस्थाबाट उजुरी गर्न तपाईं माथि बदला लिन नपाइने अधिकार छ।

घरेलु कामदारको बिल अफ राइट्स भनेको के हो?

घरेलु कामदारको बिल अफ राइट्स भनेको सन् २०१० मा पास भएको कानून हो। यो कानूनले घर भित्र काम गर्ने कामदार पनि अरु कामदार जस्तै हो भन्ने पहिचान गराएको छ। यस कानूनले ज्याला, बिदा र अरु सुरक्षा सम्बन्धी नयाँ नियमहरु पारित गरेको छ।

घरेलु कामदारलाई कानूनले के अधिकार दिएको छ?

- ✓ यदि तपाईं एक हप्तामा ४० घण्टा भन्दा बढि काम गर्नुलेख भने तपाईंले ओभर टाइमको ज्याला पाउनुलेख। त्यहि घरमा नै बसेर (लिभ इन) काम गर्नुलाई ४४ घण्टा माथि ओभर टाइम पार्ने अधिकार छ। दैनिक ओहोर दोहोर (लिभ आउट) गर्नुलाई ४० घण्टा माथि ओभर टाइम पार्ने अधिकार छ। ओभर टाइमको ज्याला कतिमा नियमित घण्टाको दर भन्दा डेढ गुणाको हिसाबले पार्ने अधिकार छ।
 - ✓ हप्ताको १ दिन (२४ घण्टा) बिदा पार्ने तपाईंको अधिकार छ। यदि तपाईंले काम गर्न मजबूर गरेमा ओभरटाइमको हिसाबले नियमित दरको डेढ गुणाको हिसाबले पार्ने तपाईंको अधिकार छ।
 - ✓ काममा यौन पीडाबाट सुरक्षित हुन पाउने तपाईंको अधिकार छ।
 - ✓ तपाईंलाई सिद्ध, जाति, राष्ट्रियता वा धर्मको आधारमा दिइने दुखबाट सुरक्षित हुन पाउने अधिकार छ।
 - ✓ एउटै कामदारसँग नियमित एक वर्ष काम गरेमा सशुल्क बिदा पाउने छ। यो बिदा हप्तामा कति घण्टा काम गरेको हो त्यसको आधारमा हुनेछ। जस्तै:
- | कति घण्टा काम: | कति दिन बिदा: |
|-----------------------------|----------------------------|
| हप्तामा २० घण्टा सम्म | १ दिन सशुल्क बिदा १ वर्षमा |
| हप्तामा २०-३० घण्टा | २ दिन सशुल्क बिदा १ वर्षमा |
| हप्तामा ३० घण्टा भन्दा माथी | ३ दिन सशुल्क बिदा १ वर्षमा |

फुल-टाइम काम गर्ने कामदारहरुको निम्न अधिकार छन्।

- ✓ रोजगारदाताले कितै क्षतिपूर्ति बीमा- यसले तपाईं काममा घाइते हुनु भन्दा तपाईंको ओषधि उपचार र अन्य खर्च बेहोर्न मद्दत गर्छ।
- ✓ तपाईंलाई आफै कितै डिसएबिलिटी बेंडिफिट बीमा- यदि तपाईंको काम बाहिर घाइते पार, बिरामी पार वा गर्भवती पार ७ दिन भन्दा बढि काम कुट्दो भने यस बीमा बाट केही क्षतिपूर्ति दिइनेछ।

There are 200,000 domestic workers in New York State. They make the work of other New Yorkers possible.

In 2010, the Domestic Workers' Bill of Rights gave domestic workers major new rights and protections under the law.

But there's more work to do! Domestic workers still lack many of the rights that other workers have, including the right to form a union.

You can help protect domestic workers' rights and join the struggle for respect, dignity, and greater rights in New York State and across the United States.

Domestic Workers United and our partners are:

- ✓ Educating domestic workers and employers about domestic worker rights
- ✓ Training domestic workers to negotiate for better wages and working conditions
- ✓ Providing job training for domestic workers to learn new skills and get certification
- ✓ Joining with other organizations to continue to pass local and national laws that will guarantee domestic workers more rights

Join Domestic Workers United today and organize to build power, respect, fair labor standards, and to help build a movement to end exploitation and oppression for all!

Making Policy Public is a program of the Center for Urban Pedagogy (CUP). CUP partners with policy advocates and graphic designers to produce foldout posters that explain complicated policy issues, like this one. makingpolicypublic.net

COLLABORATORS

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THE CENTER FOR URBAN PEDAGOGY (CUP)

CUP is a nonprofit that uses design and art to increase meaningful civic engagement.

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DWU



DOMESTIC WORKERS UNITED

Founded in 2000, Domestic Workers United is an organization of Caribbean, Latina, and African women, and women of African descent, working as nannies, housekeepers, and elder care providers in New York, who are organizing for power, respect, fair labor standards, and to help build a movement to end exploitation and oppression for all.

www.domesticworkersunited.org

DAMON LOCKS

Damon Locks's work often revolves around people and their landscape. He works in a combination of drawing, photography, digital manipulation, and silk screening. He began his schooling at SVA in NYC as an illustration major but later transferred to the School of The Art Institute of Chicago where he received his BFA in fine arts.

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