

STATE OF NEW YORK

8036

2025-2026 Regular Sessions

IN SENATE

May 15, 2025

Introduced by Sen. MAYER -- read twice and ordered printed, and when printed to be committed to the Committee on Investigations and Government Operations

AN ACT to amend the executive law, in relation to liability for unlawful discriminatory practices based upon the conduct of an employee or agent

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. Section 296 of the executive law is amended by adding a new
2 subdivision 1-b to read as follows:

3 1-b. An employer, licensing agency, employment agency, or labor organ-
4 ization shall be liable for an unlawful discriminatory practice based
5 upon the conduct of an employee or agent which is in violation of subdivi-
6 vision one of this section where:

7 (a) the employee or agent exercised managerial or supervisory respon-
8 sibility; or

9 (b) where the violative conduct was carried out by a non-managerial or
10 non-supervisory employee, and the employer, licensing agency, employment
11 agency or labor organization knew of the non-managerial or non-supervi-
12 sor employee's or agent's discriminatory conduct, and acquiesced in such
13 conduct or failed to take immediate and/or appropriate corrective
14 action. An employer, licensing agency, employment agency, or labor
15 organization shall be deemed to have knowledge of a non-managerial or
16 non-supervisory employee's or agent's discriminatory conduct where that
17 conduct was known by another employee or agent who exercised managerial
18 or supervisory responsibility; or

19 (c) the employer, licensing agency, employment agency, or labor organ-
20 ization should have known of the non-managerial or non-supervisory
21 employee's or agent's discriminatory conduct and failed to exercise
22 reasonable diligence to prevent or stop such discriminatory conduct.

23 § 2. This act shall take effect on the one hundred eightieth day after
24 it shall have become a law.

EXPLANATION--Matter in italics (underscored) is new; matter in brackets
[-] is old law to be omitted.

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