

5151

2011-2012 Regular Sessions

I N S E N A T E

May 3, 2011

Introduced by Sen. KRUEGER -- read twice and ordered printed, and when printed to be committed to the Committee on Labor

AN ACT to amend the labor law, in relation to prohibiting discrimination against unemployed job applicants

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

- 1 Section 1. The labor law is amended by adding a new section 215-d to
2 read as follows:
3 S 215-D. DISCRIMINATION AGAINST UNEMPLOYED APPLICANTS FOR EMPLOYMENT.
4 1. NO EMPLOYER OR EMPLOYER'S AGENT, REPRESENTATIVE, OR DESIGNEE SHALL
5 DISCRIMINATE AGAINST AN APPLICANT ON THE BASIS OF THAT APPLICANT'S
6 CURRENT EMPLOYMENT STATUS.
7 2. NO EMPLOYER OR EMPLOYER'S AGENT, REPRESENTATIVE, OR DESIGNEE SHALL
8 PUBLISH, IN PRINT OR ON THE INTERNET, AN ADVERTISEMENT FOR ANY JOB
9 VACANCY THAT CONTAINS ONE OR MORE OF THE FOLLOWING:
10 (A) ANY PROVISION STATING OR SUGGESTING THAT THE QUALIFICATIONS FOR A
11 JOB INCLUDE CURRENT EMPLOYMENT;
12 (B) ANY PROVISION STATING OR SUGGESTING THAT THE EMPLOYER OR EMPLOY-
13 ER'S AGENT, REPRESENTATIVE, OR DESIGNEE WILL NOT CONSIDER OR REVIEW AN
14 APPLICATION FOR EMPLOYMENT SUBMITTED BY ANY JOB APPLICANT CURRENTLY
15 UNEMPLOYED; OR
16 (C) ANY PROVISION STATING OR SUGGESTING THAT THE EMPLOYER OR EMPLOY-
17 ER'S AGENT, REPRESENTATIVE, OR DESIGNEE WILL ONLY CONSIDER OR REVIEW
18 APPLICATIONS FOR EMPLOYMENT SUBMITTED BY JOB APPLICANTS WHO ARE CURRENT-
19 LY EMPLOYED.
20 3. ANY EMPLOYER WHO VIOLATES THIS SECTION SHALL BE SUBJECT TO A CIVIL
21 PENALTY IN AN AMOUNT NOT TO EXCEED FIVE THOUSAND DOLLARS FOR THE FIRST
22 VIOLATION AND TEN THOUSAND DOLLARS FOR EACH SUBSEQUENT VIOLATION,
23 COLLECTIBLE BY THE COMMISSIONER.
24 S 2. This act shall take effect immediately.

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

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