

6170

2011-2012 Regular Sessions

I N A S S E M B L Y

March 8, 2011

Introduced by M. of A. WEPRIN -- read once and referred to the Committee
on Governmental Operations

AN ACT to amend the civil rights law, the executive law and the labor
law, in relation to prohibiting discrimination against religious
attire

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

1 Section 1. Section 40-c of the civil rights law is amended by adding a
2 new subdivision 3 to read as follows:

3 3. NO PERSON SHALL, ON ACCOUNT OF BEING ATTIRE IN RELIGIOUSLY MOTI-
4 VATED OR MANDATED GARB OR APPURTENANCES THERETO, INCLUDING FACIAL HAIR,
5 PROVIDED THAT SUCH ATTIRE DOES NOT POSE A DANGER OR HAZARD TO SUCH
6 PERSON OR OTHER PERSONS AND PROVIDED, FURTHER, THAT IN THE CASE OF
7 PUBLIC SAFETY OFFICIALS, THE PROHIBITION AGAINST ANY SUCH ATTIRE THAT
8 COVERS THE FACE SHALL NOT CONSTITUTE DISCRIMINATION UNDER THIS SECTION,
9 BE SUBJECTED TO ANY DISCRIMINATION IN HIS OR HER CIVIL RIGHTS, OR TO ANY
10 HARASSMENT, AS DEFINED IN SECTION 240.25 OF THE PENAL LAW, IN THE EXER-
11 CISE THEREOF, BY ANY OTHER PERSON OR BY ANY FIRM, CORPORATION OR INSTI-
12 TUTION, OR BY THE STATE OR ANY AGENCY OR SUBDIVISION OF THE STATE.

13 S 2. Subdivision 1 of section 296 of the executive law is amended by
14 adding a new paragraph (h) to read as follows:

15 (H) FOR ANY EMPLOYER, LABOR ORGANIZATION OR EMPLOYMENT AGENCY TO
16 DISCHARGE, EXPEL OR OTHERWISE DISCRIMINATE AGAINST ANY PERSON ATTIRE IN
17 RELIGIOUSLY MOTIVATED OR MANDATED GARB OR APPURTENANCES THERETO, INCLUD-
18 ING FACIAL HAIR; PROVIDED THAT SUCH ATTIRE DOES NOT POSE A DANGER OR
19 HAZARD TO SUCH PERSON OR OTHER PERSONS AND PROVIDED, FURTHER, THAT IN
20 THE CASE OF PUBLIC SAFETY OFFICIALS, THE PROHIBITION AGAINST ANY SUCH
21 ATTIRE THAT COVERS THE FACE SHALL NOT CONSTITUTE DISCRIMINATION UNDER
22 THIS SECTION.

23 S 3. Subdivision 2-a of section 296 of the executive law is amended by
24 adding a new paragraph (b-1) to read as follows:

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

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1 (B-1) TO DISCRIMINATE AGAINST ANY PERSON ATTIRED IN RELIGIOUS GARB OR
2 CLOTHING, AS SUCH TERM IS DESCRIBED IN PARAGRAPH (H) OF SUBDIVISION ONE
3 OF THIS SECTION;

4 S 4. Subdivisions (c), (d) and (e) of section 220-e of the labor law
5 are relettered subdivisions (d), (e) and (f) and a new subdivision (c)
6 is added to read as follows:

7 (C) THAT NO CONTRACTOR, SUBCONTRACTOR, NOR ANY PERSON ON HIS BEHALF
8 SHALL, IN ANY MANNER, DISCRIMINATE AGAINST OR INTIMIDATE ANY EMPLOYEE
9 HIRED FOR THE PERFORMANCE OF WORK UNDER THIS CONTRACT FOR BEING ATTIRED
10 IN RELIGIOUSLY MOTIVATED OR MANDATED GARB OR APPURTENANCES THERETO,
11 INCLUDING FACIAL HAIR, PROVIDED THAT SUCH ATTIRE DOES NOT POSE A DANGER
12 OR HAZARD TO SUCH PERSON OR OTHER PERSONS AND PROVIDED, FURTHER, THAT IN
13 THE CASE OF PUBLIC SAFETY OFFICIALS, THE PROHIBITION AGAINST ANY SUCH
14 ATTIRE THAT COVERS THE FACE SHALL NOT CONSTITUTE DISCRIMINATION UNDER
15 THIS SECTION;

16 S 5. Subdivisions 3 and 4 of section 239 of the labor law are renum-
17 bered subdivisions 4 and 5 and a new subdivision 3 is added to read as
18 follows:

19 (3) THAT NO CONTRACTOR, SUBCONTRACTOR, NOR ANY PERSON ON HIS BEHALF
20 SHALL, IN ANY MANNER, DISCRIMINATE AGAINST OR INTIMIDATE ANY EMPLOYEE
21 HIRED FOR THE PERFORMANCE OF WORK UNDER THIS CONTRACT FOR BEING ATTIRED
22 IN RELIGIOUSLY MOTIVATED OR MANDATED GARB OR APPURTENANCES THERETO,
23 INCLUDING FACIAL HAIR, PROVIDED THAT SUCH ATTIRE DOES NOT POSE A DANGER
24 OR HAZARD TO SUCH PERSON OR OTHER PERSONS AND PROVIDED, FURTHER, THAT IN
25 THE CASE OF PUBLIC SAFETY OFFICIALS, THE PROHIBITION AGAINST ANY SUCH
26 ATTIRE THAT COVERS THE FACE SHALL NOT CONSTITUTE DISCRIMINATION UNDER
27 THIS SECTION;

28 S 6. This act shall take effect immediately.