S T A T E O F N E W Y O R K

6170--A

2011-2012 Regular Sessions

I N A S S E M B L Y

March 8, 2011

Introduced by M. of A. WEPRIN, P. RIVERA, REILLY, ORTIZ, ROBINSON, M. MILLER, ROBERTS, SCARBOROUGH, BARRON, STEVENSON, COLTON, LAVINE -- Multi-Sponsored by -- M. of A. ABBATE, BRENNAN, GIBSON, HIKIND, JEFFRIES, SALADINO, WEISENBERG -- read once and referred to the Committee on Governmental Operations -- recommitted to the Committee on Governmental Operations in accordance with Assembly Rule 3, sec. 2 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

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 ASSEMBLY, DO ENACT AS FOLLOWS:

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

3. A. NO EMPLOYEE WHO IS EMPLOYED AT A STATE OR MUNICIPAL AGENCY IN A POSITION THAT CUSTOMARILY WEARS A UNIFORM SHALL BE REQUIRED TO WEAR ANY PORTION OF THE UNIFORM THAT CONFLICTS WITH SUCH EMPLOYEE'S RELIGIOUSLY MOTIVATED OR MANDATED GARB OR APPURTENANCES THERETO.

B. NO EMPLOYEE WHO IS EMPLOYED BY A STATE OR MUNICIPAL AGENCY SHALL BE REQUIRED TO REMOVE ANY FACIAL HAIR THAT IS WORN BY SUCH EMPLOYEE IN ADHERENCE TO THE EMPLOYEE'S RELIGIOUS TENETS.

C. THE PROVISIONS OF THIS SUBDIVISION SHALL NOT APPLY TO ANY INSTANCE IN WHICH THE FAILURE TO WEAR THE APPROVED UNIFORM OR REMOVE THE EXCESS FACIAL HAIR COULD RESULT IN DANGER TO THE EMPLOYEE OR TO THE PUBLIC.

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

(H) FOR ANY EMPLOYER, LABOR ORGANIZATION OR EMPLOYMENT AGENCY TO DISCHARGE, EXPEL OR OTHERWISE DISCRIMINATE AGAINST ANY EMPLOYEE FOR FAILURE TO WEAR A REQUIRED UNIFORM WHEN SUCH EMPLOYEE IS ATTIRED IN RELIGIOUSLY MOTIVATED OR MANDATED GARB OR APPURTENANCES THERETO, INCLUD-

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

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ING FACIAL HAIR; PROVIDED THAT SUCH ATTIRE DOES NOT POSE A DANGER OR HAZARD TO SUCH EMPLOYEE OR THE PUBLIC.

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

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

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

(C) THAT NO CONTRACTOR, SUBCONTRACTOR, NOR ANY PERSON ON HIS BEHALF SHALL, IN ANY MANNER, DISCRIMINATE AGAINST OR INTIMIDATE ANY EMPLOYEE HIRED FOR THE PERFORMANCE OF WORK UNDER THIS CONTRACT FOR BEING ATTIRED IN RELIGIOUSLY MOTIVATED OR MANDATED GARB OR APPURTENANCES THERETO, INCLUDING FACIAL HAIR, PROVIDED THAT SUCH ATTIRE DOES NOT POSE A DANGER OR HAZARD TO SUCH EMPLOYEE OR THE PUBLIC.

S 5. Subdivisions 3 and 4 of section 239 of the labor law are renumbered subdivisions 4 and 5 and a new subdivision 3 is added to read as follows:

(3) THAT NO CONTRACTOR, SUBCONTRACTOR, NOR ANY PERSON ON HIS BEHALF SHALL, IN ANY MANNER, DISCRIMINATE AGAINST OR INTIMIDATE ANY EMPLOYEE HIRED FOR THE PERFORMANCE OF WORK UNDER THIS CONTRACT FOR BEING ATTIRED IN RELIGIOUSLY MOTIVATED OR MANDATED GARB OR APPURTENANCES THERETO, INCLUDING FACIAL HAIR, PROVIDED THAT SUCH ATTIRE DOES NOT POSE A DANGER OR HAZARD TO SUCH EMPLOYEE OR THE PUBLIC;

S 6. This act shall take effect immediately.