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

8664

2011-2012 Regular Sessions

I N A S S E M B L Y

October 14, 2011

Introduced by M. of A. STEVENSON -- Multi-Sponsored by -- M. of A. CRESPO -- read once and referred to the Committee on Economic Development

AN ACT to amend the general business law, in relation to the prohibition of certain requirements for employment applicants

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

Section 1. The general business law is amended by adding a new section 390-d to read as follows:

S 390-D. PROHIBITION OF CERTAIN REQUIREMENTS FOR EMPLOYMENT APPLICANTS. 1. AN EMPLOYER, OFFERING EMPLOYMENT IN THE STATE OF NEW YORK, SHALL NOT REQUIRE AN APPLICANT TO BE CURRENTLY EMPLOYED TO BE CONSIDERED FOR ANY TYPE OF EMPLOYMENT SUCH EMPLOYER IS OFFERING OR OFFERING ON BEHALF OF A THIRD PARTY.

2. FOR PURPOSES OF THIS SECTION THE TERM "EMPLOYER" MEANS ANY PERSON CONDUCTING A BUSINESS OR EMPLOYING ANOTHER WITHIN THE STATE OF NEW YORK, INCLUDING BUT NOT LIMITED TO INDIVIDUALS, PARTNERSHIPS, CORPORATIONS OR ANY OTHER TYPE OF BUSINESS ENTITY SEEKING TO EMPLOY AN INDIVIDUAL OR OFFERING EMPLOYMENT ON BEHALF OF A THIRD PARTY.

3. VIOLATION OF SUBDIVISION ONE OF THIS SECTION SHALL BE A MISDEMEANOR PUNISHABLE BY A FINE OF UP TO TEN THOUSAND DOLLARS.

4. ANY PERSON WHO HAS BEEN INJURED BY REASON OF ANY VIOLATION OF THIS SECTION MAY BRING AN ACTION FOR RECOVERY OF ACTUAL DAMAGES. THE COURT MAY AWARD REASONABLE ATTORNEYS' FEES AND COURT COSTS TO A PREVAILING PLAINTIFF.

S 2. This act shall take effect on the first of November next succeeding the date on which 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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