

2251

2013-2014 Regular Sessions

I N   A S S E M B L Y

(PREFILED)

January 9, 2013

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Introduced by M. of A. STEVENSON -- Multi-Sponsored by -- M. of A.  
ARROYO, CRESPO, GOTTFRIED, ROBERTS -- 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 ASSEM-  
BLY, DO ENACT AS FOLLOWS:

1     Section 1.    The general business law is amended by adding a new  
2     section 390-d to read as follows:  
3     S 390-D. PROHIBITION OF CERTAIN REQUIREMENTS FOR EMPLOYMENT APPLI-  
4     CANTS. 1. AN EMPLOYER, OFFERING EMPLOYMENT IN THE STATE OF NEW YORK,  
5     SHALL NOT REQUIRE AN APPLICANT TO BE CURRENTLY EMPLOYED TO BE CONSIDERED  
6     FOR ANY TYPE OF EMPLOYMENT SUCH EMPLOYER IS OFFERING OR OFFERING ON  
7     BEHALF OF A THIRD PARTY.  
8     2. FOR PURPOSES OF THIS SECTION THE TERM "EMPLOYER" MEANS ANY PERSON  
9     CONDUCTING A BUSINESS OR EMPLOYING ANOTHER WITHIN THE STATE OF NEW YORK,  
10    INCLUDING BUT NOT LIMITED TO INDIVIDUALS, PARTNERSHIPS, CORPORATIONS OR  
11    ANY OTHER TYPE OF BUSINESS ENTITY SEEKING TO EMPLOY AN INDIVIDUAL OR  
12    OFFERING EMPLOYMENT ON BEHALF OF A THIRD PARTY.  
13    3. VIOLATION OF SUBDIVISION ONE OF THIS SECTION SHALL BE A MISDEMEANOR  
14    PUNISHABLE BY A FINE OF UP TO TEN THOUSAND DOLLARS.  
15    4. ANY PERSON WHO HAS BEEN INJURED BY REASON OF ANY VIOLATION OF THIS  
16    SECTION MAY BRING AN ACTION FOR RECOVERY OF ACTUAL DAMAGES. THE COURT  
17    MAY AWARD REASONABLE ATTORNEYS' FEES AND COURT COSTS TO A PREVAILING  
18    PLAINTIFF.  
19    S 2. This act shall take effect on the first of November next succeed-  
20    ing 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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