

6723

2013-2014 Regular Sessions

I N   A S S E M B L Y

April 17, 2013

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Introduced by M. of A. ROBINSON, MOSLEY, JAFFEE, SCARBOROUGH, DINOWITZ  
-- Multi-Sponsored by -- M. of A. GOTTFRIED, PERRY, SWEENEY -- read  
once and referred to the Committee on Governmental Operations

AN ACT to amend the executive law, in relation to prohibiting unlawful  
hiring discrimination by employers and employment agencies based upon  
an individual's unemployment status

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

1     Section 1. The executive law is amended by adding a new section 296-c  
2     to read as follows:  
3     S 296-C. UNLAWFUL DISCRIMINATORY PRACTICES IN RELATION TO EMPLOYMENT  
4     AGENCIES; UNEMPLOYMENT STATUS. 1. FOR THE PURPOSES OF THIS SECTION, THE  
5     TERM "UNEMPLOYMENT STATUS" SHALL MEAN AN INDIVIDUAL'S CURRENT OR RECENT  
6     UNEMPLOYMENT.  
7     2. IT SHALL BE AN UNLAWFUL DISCRIMINATORY PRACTICE FOR AN EMPLOYER,  
8     THE EMPLOYER'S AGENT, REPRESENTATIVE OR DESIGNEE OR AN EMPLOYMENT AGENCY  
9     TO BASE AN EMPLOYMENT DECISION WITH REGARD TO HIRING, COMPENSATION OR  
10    THE TERMS THEREOF, CONDITIONS OR PRIVILEGES OF EMPLOYMENT ON THE UNEM-  
11    PLOYMENT STATUS OF THE APPLICANT OR EMPLOYEE.  
12    3. NOTHING IN THIS SECTION SHALL BE CONSTRUED TO PROHIBIT AN EMPLOYER,  
13    THE EMPLOYER'S AGENT, REPRESENTATIVE OR DESIGNEE OR AN EMPLOYMENT AGENCY  
14    FROM PUBLISHING IN PRINT OR ON THE INTERNET AN ADVERTISEMENT FOR A JOB  
15    VACANCY IN THIS STATE THAT CONTAINS A PROVISION:  
16    A. SETTING FORTH QUALIFICATIONS FOR A JOB VACANCY, INCLUDING BUT NOT  
17    LIMITED TO:  
18       (1) HOLDING A CURRENT AND VALID PROFESSIONAL OR OCCUPATIONAL LICENSE,  
19       CERTIFICATE, REGISTRATION, PERMIT OR OTHER CREDENTIAL; OR  
20       (2) A MINIMUM LEVEL OF EDUCATION OR TRAINING, OR PROFESSIONAL, OCCUPA-  
21       TIONAL OR FIELD EXPERIENCE; OR  
22    B. STATING THAT ONLY APPLICANTS WHO ARE CURRENT EMPLOYEES OF THE  
23    EMPLOYER WILL BE CONSIDERED FOR THE POSITION.

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

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1       4. AN EMPLOYER OR EMPLOYMENT AGENCY THAT IS FOUND TO HAVE VIOLATED  
2 THIS SECTION BY THE COMMISSIONER OF LABOR SHALL BE ASSESSED SUCH PENALTY  
3 AS PROVIDED PURSUANT TO SECTION TWO HUNDRED NINETY-NINE OF THIS ARTICLE.  
4       S 2. This act shall take effect immediately.