

8242

2013-2014 Regular Sessions

I N A S S E M B L Y

November 6, 2013

Introduced by M. of A. ROSENTHAL, MILLMAN, LUPARDO, GALEF, ABINANTI,
SKARTADOS, OTIS, SKOUFIS, BUCHWALD, BORELLI, MONTESANO -- Multi-Spon-
sored by -- M. of A. DenDEKKER, RODRIGUEZ -- read once and referred
to the Committee on Governmental Operations

AN ACT to amend the executive law and the administrative code of the
city of New York, in relation to unlawful discriminatory practices and
interns

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

1 Section 1. Section 296 of the executive law is amended by adding a new
2 subdivision 20 to read as follows:
3 20. (A) IT SHALL BE AN UNLAWFUL DISCRIMINATORY PRACTICE FOR AN EMPLOY-
4 ER TO:
5 (I) ENGAGE IN UNWELCOME SEXUAL ADVANCES, REQUESTS FOR SEXUAL FAVORS,
6 OR OTHER VERBAL OR PHYSICAL CONDUCT OF A SEXUAL NATURE TO AN INTERN
7 WHEN:
8 (1) SUBMISSION TO SUCH CONDUCT IS MADE EITHER EXPLICITLY OR IMPLICITLY
9 A TERM OR CONDITION OF THE INTERN'S EMPLOYMENT;
10 (2) SUBMISSION TO OR REJECTION OF SUCH CONDUCT BY THE INTERN IS USED
11 AS THE BASIS FOR EMPLOYMENT DECISIONS AFFECTING SUCH INDIVIDUAL; OR
12 (3) SUCH CONDUCT HAS THE PURPOSE OR EFFECT OF UNREASONABLY INTERFERING
13 WITH THE INTERN'S WORK PERFORMANCE BY CREATING AN INTIMIDATING, HOSTILE,
14 OR OFFENSIVE WORKING ENVIRONMENT; OR
15 (II) SUBJECT AN INTERN TO UNWELCOME HARASSMENT BASED ON AGE, SEX,
16 RACE, CREED, COLOR, SEXUAL ORIENTATION, MILITARY STATUS, DISABILITY,
17 PREDISPOSING GENETIC CHARACTERISTICS, MARITAL STATUS, DOMESTIC VIOLENCE
18 VICTIM STATUS, RELIGION OR NATIONAL ORIGIN, WHERE SUCH HARASSMENT HAS
19 THE PURPOSE OR EFFECT OF UNREASONABLY INTERFERING WITH THE INTERN'S WORK
20 PERFORMANCE BY CREATING AN INTIMIDATING, HOSTILE, OR OFFENSIVE WORKING
21 ENVIRONMENT.

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

LBD11954-01-3

1 (B) NOTHING IN PARAGRAPH (A) OF THIS SUBDIVISION SHALL CREATE AN
2 EMPLOYMENT RELATIONSHIP BETWEEN AN EMPLOYER AND AN INTERN.

3 (C) FOR PURPOSES OF THIS SUBDIVISION, "INTERN" SHALL MEAN ONE WHO
4 ENGAGES IN UNPAID WORK IN ORDER TO GAIN EXPERIENCE OR KNOWLEDGE IN A
5 PARTICULAR FIELD OR AREA.

6 S 2. Section 8-107 of the administrative code of the city of New York
7 is amended by adding a new subdivision 22 to read as follows:

8 22. INTERNS. (A) IT SHALL BE AN UNLAWFUL DISCRIMINATORY PRACTICE FOR
9 AN EMPLOYER TO:

10 (1) ENGAGE IN UNWELCOME SEXUAL ADVANCES, REQUESTS FOR SEXUAL FAVORS,
11 OR OTHER VERBAL OR PHYSICAL CONDUCT OF A SEXUAL NATURE TO AN INTERN
12 WHEN:

13 (I) SUBMISSION TO SUCH CONDUCT IS MADE EITHER EXPLICITLY OR IMPLICITLY
14 A TERM OR CONDITION OF THE INTERN'S EMPLOYMENT;

15 (II) SUBMISSION TO OR REJECTION OF SUCH CONDUCT BY THE INTERN IS USED
16 AS THE BASIS FOR EMPLOYMENT DECISIONS AFFECTING SUCH INDIVIDUAL; OR

17 (III) SUCH CONDUCT HAS THE PURPOSE OR EFFECT OF UNREASONABLY INTERFER-
18 ING WITH THE INTERN'S WORK PERFORMANCE BY CREATING AN INTIMIDATING,
19 HOSTILE, OR OFFENSIVE WORKING ENVIRONMENT; OR

20 (2) SUBJECT AN INTERN TO UNWELCOME HARASSMENT BASED ON AGE, SEX, RACE,
21 CREED, COLOR, SEXUAL ORIENTATION, MILITARY STATUS, DISABILITY, PREDIS-
22 POSING GENETIC CHARACTERISTICS, MARITAL STATUS, DOMESTIC VIOLENCE VICTIM
23 STATUS, RELIGION OR NATIONAL ORIGIN, WHERE SUCH HARASSMENT HAS THE
24 PURPOSE OR EFFECT OF UNREASONABLY INTERFERING WITH THE INTERN'S WORK
25 PERFORMANCE BY CREATING AN INTIMIDATING, HOSTILE, OR OFFENSIVE WORKING
26 ENVIRONMENT.

27 (B) NOTHING IN PARAGRAPH (A) OF THIS SUBDIVISION SHALL CREATE AN
28 EMPLOYMENT RELATIONSHIP BETWEEN AN EMPLOYER AND AN INTERN.

29 (C) FOR PURPOSES OF THIS SUBDIVISION, "INTERN" SHALL MEAN ONE WHO
30 ENGAGES IN UNPAID WORK IN ORDER TO GAIN EXPERIENCE OR KNOWLEDGE IN A
31 PARTICULAR FIELD OR AREA.

32 S 3. This act shall take effect immediately.