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

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-Sponsored 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 ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Section 296 of the executive law is amended by adding a new subdivision 20 to read as follows:

20. (A) IT SHALL BE AN UNLAWFUL DISCRIMINATORY PRACTICE FOR AN EMPLOYER TO:

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

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

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

(3) SUCH CONDUCT HAS THE PURPOSE OR EFFECT OF UNREASONABLY INTERFERING WITH THE INTERN'S WORK PERFORMANCE BY CREATING AN INTIMIDATING, HOSTILE, OR OFFENSIVE WORKING ENVIRONMENT; OR

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

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

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

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

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

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

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

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

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

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

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

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

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

S 3. This act shall take effect immediately.