

864

2013-2014 Regular Sessions

I N A S S E M B L Y

(PREFILED)

January 9, 2013

Introduced by M. of A. WEPRIN -- Multi-Sponsored by -- M. of A. ABBATE, BARRON, BRENNAN, COLTON, GIBSON, HIKIND, LAVINE, MILLER, ORTIZ, RIVERA, ROBERTS, ROBINSON, SALADINO, SCARBOROUGH, STEVENSON, WEISENBERG -- read once and referred to the Committee on Governmental Operations

AN ACT to amend the civil rights law, the executive law and the labor law, in relation to prohibiting discrimination against religious attire

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

1 Section 1. Section 40-c of the civil rights law is amended by adding a
2 new subdivision 3 to read as follows:
3 3. A. NO EMPLOYEE WHO IS EMPLOYED AT A STATE OR MUNICIPAL AGENCY IN A
4 POSITION THAT CUSTOMARILY WEARS A UNIFORM SHALL BE REQUIRED TO WEAR ANY
5 PORTION OF THE UNIFORM THAT CONFLICTS WITH SUCH EMPLOYEE'S RELIGIOUSLY
6 MOTIVATED OR MANDATED GARB OR APPURTENANCES THERETO.
7 B. NO EMPLOYEE WHO IS EMPLOYED BY A STATE OR MUNICIPAL AGENCY SHALL BE
8 REQUIRED TO REMOVE ANY FACIAL HAIR THAT IS WORN BY SUCH EMPLOYEE IN
9 ADHERENCE TO THE EMPLOYEE'S RELIGIOUS TENETS.
10 C. THE PROVISIONS OF THIS SUBDIVISION SHALL NOT APPLY TO ANY INSTANCE
11 IN WHICH THE FAILURE TO WEAR THE APPROVED UNIFORM OR REMOVE THE EXCESS
12 FACIAL HAIR COULD RESULT IN DANGER TO THE EMPLOYEE OR TO THE PUBLIC.
13 S 2. Subdivision 1 of section 296 of the executive law is amended by
14 adding a new paragraph (h) to read as follows:
15 (H) FOR ANY EMPLOYER, LABOR ORGANIZATION OR EMPLOYMENT AGENCY TO
16 DISCHARGE, EXPEL OR OTHERWISE DISCRIMINATE AGAINST ANY EMPLOYEE FOR
17 FAILURE TO WEAR A REQUIRED UNIFORM WHEN SUCH EMPLOYEE IS ATTIRED IN
18 RELIGIOUSLY MOTIVATED OR MANDATED GARB OR APPURTENANCES THERETO, INCLUD-
19 ING FACIAL HAIR; PROVIDED THAT SUCH ATTIRE DOES NOT POSE A DANGER OR
20 HAZARD TO SUCH EMPLOYEE OR THE PUBLIC.

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

LBD03836-01-3

1 S 3. Subdivision 2-a of section 296 of the executive law is amended by
2 adding a new paragraph (b-1) to read as follows:

3 (B-1) TO DISCRIMINATE AGAINST ANY PERSON ATTIRED IN RELIGIOUS GARB OR
4 CLOTHING, AS SUCH TERM IS DESCRIBED IN PARAGRAPH (H) OF SUBDIVISION ONE
5 OF THIS SECTION;

6 S 4. Subdivisions (c), (d) and (e) of section 220-e of the labor law
7 are relettered subdivisions (d), (e) and (f) and a new subdivision (c)
8 is added to read as follows:

9 (C) THAT NO CONTRACTOR, SUBCONTRACTOR, NOR ANY PERSON ON HIS BEHALF
10 SHALL, IN ANY MANNER, DISCRIMINATE AGAINST OR INTIMIDATE ANY EMPLOYEE
11 HIRED FOR THE PERFORMANCE OF WORK UNDER THIS CONTRACT FOR BEING ATTIRED
12 IN RELIGIOUSLY MOTIVATED OR MANDATED GARB OR APPURTENANCES THERETO,
13 INCLUDING FACIAL HAIR, PROVIDED THAT SUCH ATTIRE DOES NOT POSE A DANGER
14 OR HAZARD TO SUCH EMPLOYEE OR THE PUBLIC.

15 S 5. Subdivisions 3 and 4 of section 239 of the labor law are renum-
16 bered subdivisions 4 and 5 and a new subdivision 3 is added to read as
17 follows:

18 (3) THAT NO CONTRACTOR, SUBCONTRACTOR, NOR ANY PERSON ON HIS BEHALF
19 SHALL, IN ANY MANNER, DISCRIMINATE AGAINST OR INTIMIDATE ANY EMPLOYEE
20 HIRED FOR THE PERFORMANCE OF WORK UNDER THIS CONTRACT FOR BEING ATTIRED
21 IN RELIGIOUSLY MOTIVATED OR MANDATED GARB OR APPURTENANCES THERETO,
22 INCLUDING FACIAL HAIR, PROVIDED THAT SUCH ATTIRE DOES NOT POSE A DANGER
23 OR HAZARD TO SUCH EMPLOYEE OR THE PUBLIC;

24 S 6. This act shall take effect immediately.