

864--A

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. WEPRIN, SCARBOROUGH, CAHILL, PAULIN, SCHIMEL --  
Multi-Sponsored by -- M. of A. ABBATE, BARRON, BRENNAN, COLTON, COOK,  
GABRYSZAK, GIBSON, HIKIND, HOOPER, LAVINE, MILLER, MOSLEY, ORTIZ,  
PERRY, RIVERA, ROBERTS, ROBINSON, SALADINO, SOLAGES, STEVENSON, WEIS-  
ENBERG -- read once and referred to the Committee on Governmental  
Operations -- committee discharged, bill amended, ordered reprinted as  
amended and recommitted to said committee

AN ACT to amend the executive law, in relation to prohibiting discrimi-  
nation against religious attire

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

1     Section 1. Paragraph (a) of subdivision 10 of section 296 of the exec-  
2     utive law, as amended by chapter 539 of the laws of 2002, is amended to  
3     read as follows:  
4     (a) It shall be an unlawful discriminatory practice for any employer,  
5     or an employee or agent thereof, to impose upon a person as a condition  
6     of obtaining or retaining employment, including opportunities for  
7     promotion, advancement or transfers, any terms or conditions that would  
8     require such person to violate or forego a sincerely held practice of  
9     his or her religion, including but not limited to the observance of any  
10    particular day or days or any portion thereof as a sabbath or other holy  
11    day in accordance with the requirements of his or her religion OR THE  
12    WEARING OF ANY ATTIRE, CLOTHING, OR FACIAL HAIR IN ACCORDANCE WITH THE  
13    REQUIREMENTS OF HIS OR HER RELIGION, unless, after engaging in a bona  
14    fide effort, the employer demonstrates that it is unable to reasonably  
15    accommodate the employee's or prospective employee's sincerely held  
16    religious observance or practice without undue hardship on the conduct  
17    of the employer's business. Notwithstanding any other provision of law  
18    to the contrary, an employee shall not be entitled to premium wages or  
19    premium benefits for work performed during hours to which such premium

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

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1 wages or premium benefits would ordinarily be applicable, if the employ-  
2 ee is working during such hours only as an accommodation to his or her  
3 sincerely held religious requirements. Nothing in this paragraph or  
4 paragraph (b) of this subdivision shall alter or abridge the rights  
5 granted to an employee concerning the payment of wages or privileges of  
6 seniority accruing to that employee.

7 S 2. This act shall take effect immediately.