

4340

2013-2014 Regular Sessions

I N S E N A T E

March 21, 2013

Introduced by Sen. SANDERS -- read twice and ordered printed, and when printed to be committed to the Committee on Investigations and Government 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 ASSEMBLY, 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.