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

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:

Section 1. The executive law is amended by adding a new section 296-c to read as follows:

S 296-C. UNLAWFUL DISCRIMINATORY PRACTICES IN RELATION TO EMPLOYMENT AGENCIES; UNEMPLOYMENT STATUS. 1. FOR THE PURPOSES OF THIS SECTION, THE TERM "UNEMPLOYMENT STATUS" SHALL MEAN AN INDIVIDUAL'S CURRENT OR RECENT UNEMPLOYMENT.

2. IT SHALL BE AN UNLAWFUL DISCRIMINATORY PRACTICE FOR AN EMPLOYER, THE EMPLOYER'S AGENT, REPRESENTATIVE OR DESIGNEE OR AN EMPLOYMENT AGENCY TO BASE AN EMPLOYMENT DECISION WITH REGARD TO HIRING, COMPENSATION OR THE TERMS THEREOF, CONDITIONS OR PRIVILEGES OF EMPLOYMENT ON THE UNEMPLOYMENT STATUS OF THE APPLICANT OR EMPLOYEE.

3. NOTHING IN THIS SECTION SHALL BE CONSTRUED TO PROHIBIT AN EMPLOYER, THE EMPLOYER'S AGENT, REPRESENTATIVE OR DESIGNEE OR AN EMPLOYMENT AGENCY FROM PUBLISHING IN PRINT OR ON THE INTERNET AN ADVERTISEMENT FOR A JOB VACANCY IN THIS STATE THAT CONTAINS A PROVISION:

A. SETTING FORTH QUALIFICATIONS FOR A JOB VACANCY, INCLUDING BUT NOT LIMITED TO:

(1) HOLDING A CURRENT AND VALID PROFESSIONAL OR OCCUPATIONAL LICENSE, CERTIFICATE, REGISTRATION, PERMIT OR OTHER CREDENTIAL; OR

(2) A MINIMUM LEVEL OF EDUCATION OR TRAINING, OR PROFESSIONAL, OCCUPATIONAL OR FIELD EXPERIENCE; OR

B. STATING THAT ONLY APPLICANTS WHO ARE CURRENT EMPLOYEES OF THE 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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4. AN EMPLOYER OR EMPLOYMENT AGENCY THAT IS FOUND TO HAVE VIOLATED THIS SECTION BY THE COMMISSIONER OF LABOR SHALL BE ASSESSED SUCH PENALTY AS PROVIDED PURSUANT TO SECTION TWO HUNDRED NINETY-NINE OF THIS ARTICLE.

S 2. This act shall take effect immediately.