

5873

2013-2014 Regular Sessions

I N S E N A T E

June 18, 2013

Introduced by Sens. VALESKY, LITTLE, GOLDEN -- (at request of the Governor) -- read twice and ordered printed, and when printed to be committed to the Committee on Rules

AN ACT to amend the executive law, in relation to unlawful discriminatory practices

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

1 Section 1. Subdivision 5 of section 292 of the executive law, as
2 amended by chapter 481 of the laws of 2010, is amended to read as
3 follows:

4 5. The term "employer" does not include any employer with fewer than
5 four persons in his or her employ except as set forth in section two
6 hundred ninety-six-b of this [title] ARTICLE, PROVIDED, HOWEVER, THAT IN
7 THE CASE OF AN ACTION FOR DISCRIMINATION BASED ON SEX PURSUANT TO SUBDI-
8 VISION ONE OF SECTION TWO HUNDRED NINETY-SIX OF THIS ARTICLE, WITH
9 RESPECT TO SEXUAL HARASSMENT ONLY, THE TERM "EMPLOYER" SHALL INCLUDE ALL
10 EMPLOYERS WITHIN THE STATE.

11 S 2. Severability clause. If any clause, sentence, paragraph, subdivi-
12 sion, section or part of this act shall be adjudged by a court of compe-
13 tent jurisdiction to be invalid, such judgment shall not affect, impair
14 or invalidate the remainder thereof, but shall be confined in its opera-
15 tion to the clause, sentence, paragraph, subdivision, section or part
16 thereof directly involved in the controversy in which such judgment
17 shall have been rendered. It is hereby declared to be the intent of the
18 legislature that this act would have been enacted even if such invalid
19 provisions had not been included herein.

20 S 3. This act shall take effect on the ninetieth day after it shall
21 have become a law.

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

LBD12050-01-3