

6183

2015-2016 Regular Sessions

I N A S S E M B L Y

March 16, 2015

Introduced by M. of A. RUSSELL -- read once and referred to the Committee on Governmental Operations

AN ACT to amend the executive law, in relation to prohibiting discrimination based on familial status

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

1 Section 1. Subdivision 1 of section 296 of the executive law, as
2 amended by chapter 803 of the laws of 1975, paragraph (a) as amended by
3 chapter 80 of the laws of 2009, paragraphs (b), (c) and (d) as amended
4 by chapter 75 of the laws of 2005, paragraph (e) as amended by chapter
5 166 of the laws of 2000 and paragraph (g) as added by chapter 98 of the
6 laws of 1984, is amended to read as follows:
7 1. It shall be an unlawful discriminatory practice:
8 (a) For an employer or licensing agency, because of an individual's
9 age, race, creed, color, national origin, sexual orientation, military
10 status, sex, disability, predisposing genetic characteristics, marital
11 status, [or] domestic violence victim status, OR FAMILIAL STATUS, to
12 refuse to hire or employ or to bar or to discharge from employment such
13 individual or to discriminate against such individual in compensation or
14 in terms, conditions or privileges of employment.
15 (b) For an employment agency to discriminate against any individual
16 because of age, race, creed, color, national origin, sexual orientation,
17 military status, sex, disability, predisposing genetic characteristics,
18 [or] marital status, OR FAMILIAL STATUS, in receiving, classifying,
19 disposing or otherwise acting upon applications for its services or in
20 referring an applicant or applicants to an employer or employers.
21 (c) For a labor organization, because of the age, race, creed, color,
22 national origin, sexual orientation, military status, sex, disability,
23 predisposing genetic characteristics, [or], marital status OR FAMILIAL
24 STATUS of any individual, to exclude or to expel from its membership

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

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1 such individual or to discriminate in any way against any of its members
2 or against any employer or any individual employed by an employer.

3 (d) For any employer or employment agency to print or circulate or
4 cause to be printed or circulated any statement, advertisement or publi-
5 cation, or to use any form of application for employment or to make any
6 inquiry in connection with prospective employment, which expresses
7 directly or indirectly, any limitation, specification or discrimination
8 as to age, race, creed, color, national origin, sexual orientation,
9 military status, sex, disability, predisposing genetic characteristics,
10 [or] marital status, OR FAMILIAL STATUS, or any intent to make any such
11 limitation, specification or discrimination, unless based upon a bona
12 fide occupational qualification; provided, however, that neither this
13 paragraph nor any provision of this chapter or other law shall be
14 construed to prohibit the department of civil service or the department
15 of personnel of any city containing more than one county from requesting
16 information from applicants for civil service examinations concerning
17 any of the aforementioned characteristics, other than sexual orien-
18 tation, for the purpose of conducting studies to identify and resolve
19 possible problems in recruitment and testing of members of minority
20 groups to insure the fairest possible and equal opportunities for
21 employment in the civil service for all persons, regardless of age,
22 race, creed, color, national origin, sexual orientation, military
23 status, sex, disability, predisposing genetic characteristics, [or]
24 marital status OR FAMILIAL STATUS.

25 (e) For any employer, labor organization or employment agency to
26 discharge, expel or otherwise discriminate against any person because he
27 or she has opposed any practices forbidden under this article or because
28 he or she has filed a complaint, testified or assisted in any proceeding
29 under this article.

30 (f) Nothing in this subdivision shall affect any restrictions upon the
31 activities of persons licensed by the state liquor authority with
32 respect to persons under twenty-one years of age.

33 (g) For an employer to compel an employee who is pregnant to take a
34 leave of absence, unless the employee is prevented by such pregnancy
35 from performing the activities involved in the job or occupation in a
36 reasonable manner.

37 S 2. Subdivision 1-a of section 296 of the executive law, as amended
38 by chapter 803 of the laws of 1975, paragraphs (b), (c) and (d) as
39 amended by chapter 106 of the laws of 2003, is amended to read as
40 follows:

41 1-a. It shall be an unlawful discriminatory practice for an employer,
42 labor organization, employment agency or any joint labor-management
43 committee controlling apprentice training programs:

44 (a) To select persons for an apprentice training program registered
45 with the state of New York on any basis other than their qualifications,
46 as determined by objective criteria which permit review;

47 (b) To deny to or withhold from any person because of race, creed,
48 color, national origin, sexual orientation, military status, sex, age,
49 disability, [or] marital status, OR FAMILIAL STATUS, the right to be
50 admitted to or participate in a guidance program, an apprenticeship
51 training program, on-the-job training program, executive training
52 program, or other occupational training or retraining program;

53 (c) To discriminate against any person in his or her pursuit of such
54 programs or to discriminate against such a person in the terms, condi-
55 tions or privileges of such programs because of race, creed, color,

1 national origin, sexual orientation, military status, sex, age, disabil-
2 ity [or], marital status OR FAMILIAL STATUS;

3 (d) To print or circulate or cause to be printed or circulated any
4 statement, advertisement or publication, or to use any form of applica-
5 tion for such programs or to make any inquiry in connection with such
6 program which expresses, directly or indirectly, any limitation, spec-
7 ification or discrimination as to race, creed, color, national origin,
8 sexual orientation, military status, sex, age, disability [or], marital
9 status, OR FAMILIAL STATUS, or any intention to make any such limita-
10 tion, specification or discrimination, unless based on a bona fide occu-
11 pational qualification.

12 S 3. Paragraph (a) of subdivision 9 of section 296 of the executive
13 law, as amended by chapter 106 of the laws of 2003, is amended to read
14 as follows:

15 (a) It shall be an unlawful discriminatory practice for any fire
16 department or fire company therein, through any member or members there-
17 of, officers, board of fire commissioners or other body or office having
18 power of appointment of volunteer firefighters, directly or indirectly,
19 by ritualistic practice, constitutional or by-law prescription, by tacit
20 agreement among its members, or otherwise, to deny to any individual
21 membership in any volunteer fire department or fire company therein, or
22 to expel or discriminate against any volunteer member of a fire depart-
23 ment or fire company therein, because of the race, creed, color,
24 national origin, sexual orientation, military status, sex [or], marital
25 status, OR FAMILIAL STATUS, of such individual.

26 S 4. Subdivision 13 of section 296 of the executive law, as amended by
27 chapter 196 of the laws of 2010, is amended to read as follows:

28 13. It shall be an unlawful discriminatory practice (i) for any person
29 to boycott or blacklist, or to refuse to buy from, sell to or trade
30 with, or otherwise discriminate against any person, because of the race,
31 creed, color, national origin, sexual orientation, military status, sex,
32 [or] disability, OR FAMILIAL STATUS, of such person, or of such person's
33 partners, members, stockholders, directors, officers, managers, super-
34 intendants, agents, employees, business associates, suppliers or custom-
35 ers, or (ii) for any person wilfully to do any act or refrain from doing
36 any act which enables any such person to take such action. This subdivi-
37 sion shall not apply to:

38 (a) Boycotts connected with labor disputes; or

39 (b) Boycotts to protest unlawful discriminatory practices.

40 S 5. This act shall take effect on the thirtieth day after it shall
41 have become a law.