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

1197

2015-2016 Regular Sessions

I N A S S E M B L Y

January 8, 2015

Introduced by M. of A. CORWIN, KOLB, OAKS, MALLIOTAKIS, KEARNS, SIMANOWITZ, O'DONNELL -- Multi-Sponsored by -- M. of A. BARCLAY, BORELLI, CERETTO, CROUCH, DiPIETRO, DUPREY, FINCH, GIGLIO, GOODELL, GUNTHER, HAWLEY, JOHNS, LUPINACCI, McDONOUGH, McKEVITT, McLAUGHLIN, MONTESANO, PALMESANO, PALUMBO, RA, RAIA, SKARTADOS, STEC, TEDISCO, WALTER -- read once and referred to the Committee on Governmental Operations

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:

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

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

S 2. Severability clause. If any clause, sentence, paragraph, subdivision, section or part of this act shall be adjudged by a court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section or part thereof directly involved in the controversy in which such judgment shall have been rendered. It is hereby declared to be the intent of the legislature that this act would have been enacted even if such invalid provisions had not been included herein.

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

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

LBD04591-01-5