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I N S E N A T E

March 2, 2016

Introduced by Sen. AVELLA -- 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 discrimination against religious attire

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

1 Section 1. Paragraph (a) of subdivision 10 of section 296 of the executive law, as amended by chapter 539 of the laws of 2002, is amended to  
2 read as follows:  
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4 (a) It shall be an unlawful discriminatory practice for any employer,  
5 or an employee or agent thereof, to impose upon a person as a condition  
6 of obtaining or retaining employment, including opportunities for  
7 promotion, advancement or transfers, any terms or conditions that would  
8 require such person to violate or forego a sincerely held practice of  
9 his or her religion, including but not limited to the observance of any  
10 particular day or days or any portion thereof as a sabbath or other holy  
11 day in accordance with the requirements of his or her religion OR THE  
12 WEARING OF ANY ATTIRE, CLOTHING, OR FACIAL HAIR IN ACCORDANCE WITH THE  
13 REQUIREMENTS OF HIS OR HER RELIGION, unless, after engaging in a bona  
14 fide effort, the employer demonstrates that it is unable to reasonably  
15 accommodate the employee's or prospective employee's sincerely held  
16 religious observance or practice without undue hardship on the conduct  
17 of the employer's business. Notwithstanding any other provision of law  
18 to the contrary, an employee shall not be entitled to premium wages or  
19 premium benefits for work performed during hours to which such premium  
20 wages or premium benefits would ordinarily be applicable, if the employ-  
21 ee is working during such hours only as an accommodation to his or her  
22 sincerely held religious requirements. Nothing in this paragraph or  
23 paragraph (b) of this subdivision shall alter or abridge the rights  
24 granted to an employee concerning the payment of wages or privileges of  
25 seniority accruing to that employee.

26 S 2. This act shall take effect on the sixtieth day after it shall  
27 have become a law.

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