

# STATE OF NEW YORK

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1503

2017-2018 Regular Sessions

## IN SENATE

January 10, 2017

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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:

3 (a) It shall be an unlawful discriminatory practice for any employer,  
4 or an employee or agent thereof, to impose upon a person as a condition  
5 of obtaining or retaining employment, including opportunities for  
6 promotion, advancement or transfers, any terms or conditions that would  
7 require such person to violate or forego a sincerely held practice of  
8 his or her religion, including but not limited to the observance of any  
9 particular day or days or any portion thereof as a sabbath or other holy  
10 day in accordance with the requirements of his or her religion or the  
11 wearing of any attire, clothing, or facial hair in accordance with the  
12 requirements of his or her religion, unless, after engaging in a bona  
13 fide effort, the employer demonstrates that it is unable to reasonably  
14 accommodate the employee's or prospective employee's sincerely held  
15 religious observance or practice without undue hardship on the conduct  
16 of the employer's business. Notwithstanding any other provision of law  
17 to the contrary, an employee shall not be entitled to premium wages or  
18 premium benefits for work performed during hours to which such premium  
19 wages or premium benefits would ordinarily be applicable, if the employ-  
20 ee is working during such hours only as an accommodation to his or her  
21 sincerely held religious requirements. Nothing in this paragraph or  
22 paragraph (b) of this subdivision shall alter or abridge the rights  
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EXPLANATION--Matter in italics (underscored) is new; matter in brackets  
[-] is old law to be omitted.

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1 granted to an employee concerning the payment of wages or privileges of  
2 seniority accruing to that employee.  
3 § 2. This act shall take effect on the sixtieth day after it shall  
4 have become a law.