STATE OF NEW YORK

10002

IN ASSEMBLY

May 1, 2024

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

AN ACT to amend the executive law, in relation to prohibiting retaliation against individuals who request a reasonable accommodation

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Short title. This act shall be known and may be cited as the "reasonable accommodation anti-retaliation act".

§ 2. Legislative findings. The legislature finds and declares that reasonable accommodations are an essential feature of the anti-discrimination provisions of the executive law, including but not limited to, subdivisions 2, 2-a, 3, 10, 14, 18, and 22 of section 296 of the executive law.

The legislature further finds and declares that explicit anti-retaliation protections for accommodation requests will help ensure that individuals maintain full access to the rights, protections, and remedies available under the anti-discrimination provisions of the executive law.

The amendments in this act are declarative of and clarify existing law. This act shall not be construed to mean that the executive law does not already prohibit retaliation for requesting a reasonable accommodation.

§ 3. Subdivision 7 of section 296 of the executive law, as amended by chapter 140 of the laws of 2022, is amended to read as follows:

7. It shall be an unlawful discriminatory practice for any person engaged in any activity to which this section applies to retaliate or discriminate against any person because [~~he or she~~] **such person** has **(i)** opposed any practices forbidden under this article [~~or because he or she has~~]**, (ii)** filed a complaint, testified**,** or assisted in any proceeding under this article**, or (iii) requested a reasonable accommodation under this article**. Retaliation may include, but is not limited to, disclosing an employee's personnel files because [~~he or she~~] **such employee** has **(i)** opposed any practices forbidden under this article [~~or because he or she has~~]**, (ii)** filed a complaint, testified**,** or assisted in any proceeding under this article, **or (iii) requested a reasonable accommodation**

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

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under this article, except where such disclosure is made in the course of commencing or responding to a complaint in any proceeding under this article or any other civil or criminal action or other judicial or administrative proceeding as permitted by applicable law.

§ 4. This act shall take effect immediately and shall apply to all actions filed on or after the effective date.