STATE OF NEW YORK

7355

2023-2024 Regular Sessions

IN ASSEMBLY

May 18, 2023

Introduced by M. of A. SIMONE, McDONALD -- (at request of the Division of Human Rights) -- read once and referred to the Committee on Governmental Operations

AN ACT to amend the executive law, in relation to adding gender identity or expression as a protected class of the human rights law

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

Section 1. Paragraphs a, b, and c of subdivision 2 of section 296-c of the executive law, as separately amended by chapters 202 and 748 of the laws of 2022, are amended to read as follows:

a. refuse to hire or employ or to bar or to discharge from internship an intern or to discriminate against such intern in terms, conditions or privileges of employment as an intern because of the intern's age, race, creed, color, national origin, citizenship or immigration status, sexual orientation, **gender identity or expression,** military status, sex, disability, predisposing genetic characteristics, marital status, or status as a victim of domestic violence;

b. discriminate against an intern in receiving, classifying, disposing or otherwise acting upon applications for internships because of the intern's age, race, creed, color, national origin, citizenship or immigration status, sexual orientation, **gender identity or expression,** military status, sex, disability, predisposing genetic characteristics, marital status, or status as a victim of domestic violence;

c. print or circulate or cause to be printed or circulated any statement, advertisement or publication, or to use any form of application for employment as an intern or to make any inquiry in connection with prospective employment, which expresses directly or indirectly, any limitation, specification or discrimination as to age, race, creed, color, national origin, citizenship or immigration status, sexual orientation, **gender identity or expression,** military status, sex, disability, predisposing genetic characteristics, marital status or status as a

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

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victim of domestic violence, or any intent to make any such limitation, specification or discrimination, unless based upon a bona fide occupational qualification; provided, however, that neither this paragraph nor any provision of this chapter or other law shall be construed to prohibit the department of civil service or the department of personnel of any city containing more than one county from requesting information from applicants for civil service internships or examinations concerning any of the aforementioned characteristics, other than sexual orientation, for the purpose of conducting studies to identify and resolve possible problems in recruitment and testing of members of minority groups to ensure the fairest possible and equal opportunities for employment in the civil service for all persons, regardless of age, race, creed, color, national origin, citizenship or immigration status, sexual orientation, military status, sex, disability, predisposing genetic characteristics, marital status or status as a victim of domestic violence;

§ 2. Paragraph b of subdivision 3 of section 296-c of the executive law, as separately amended by chapters 202 and 748 of the laws of 2022, is amended to read as follows:

b. subject an intern to unwelcome harassment based on age, sex, race, creed, color, sexual orientation, **gender identity or expression,** military status, disability, predisposing genetic characteristics, marital status, status as a victim of domestic violence, national origin, or citizenship or immigration status, or where such harassment has the purpose or effect of unreasonably interfering with the intern's work performance by creating an intimidating, hostile, or offensive working environment.

§ 3. This act shall take effect immediately.