

STATE OF NEW YORK

8888

IN SENATE

March 25, 2024

Introduced by Sen. GOUNARDES -- 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 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:

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

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

8 The legislature further finds and declares that explicit anti-retalia-
9 tion protections for accommodation requests will help ensure that indi-
10 viduals maintain full access to the rights, protections, and remedies
11 available under the anti-discrimination provisions of the executive law.

12 The amendments in this act are declarative of and clarify existing
13 law. This act shall not be construed to mean that the executive law
14 does not already prohibit retaliation for requesting a reasonable accom-
15 modation.

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

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

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

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1 ing under this article, or (iii) requested a reasonable accommodation
2 under this article, except where such disclosure is made in the course
3 of commencing or responding to a complaint in any proceeding under this
4 article or any other civil or criminal action or other judicial or
5 administrative proceeding as permitted by applicable law.
6 § 4. This act shall take effect immediately and shall apply to all
7 actions filed on or after the effective date.