

# STATE OF NEW YORK

5606

2025-2026 Regular Sessions

## IN ASSEMBLY

February 18, 2025

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

AN ACT to amend the executive law and the labor law, in relation to prohibiting discrimination against any individual with an actual or perceived status as a victim of domestic violence, a sex offense, or stalking

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

- 1 Section 1. Subdivision 22 of section 296 of the executive law, as  
2 added by chapter 176 of the laws of 2019, is amended to read as follows:  
3 22. (a) It shall be an unlawful discriminatory practice for an employ-  
4 er or licensing agency, because of any individual's actual or perceived  
5 status as a victim of domestic violence, a sex offense, or stalking to  
6 refuse to hire or employ or license or to bar or to discharge from  
7 employment such individual or to discriminate against such individual in  
8 compensation or in terms, conditions or privileges of employment.  
9 (b) It shall be an unlawful discriminatory practice for an employer or  
10 employment agency to print or circulate or cause to be printed or circu-  
11 lated any statement, advertisement or publication, or to use any form of  
12 application for employment or to make any inquiry in connection with  
13 prospective employment which expresses, directly or indirectly, any  
14 limitation, specification or discrimination as to an actual or perceived  
15 status as a victim of domestic violence, a sex offense, or stalking, or  
16 any intent to make any such limitation, specification or discrimination;  
17 provided, however, that no provision of this subdivision shall be  
18 construed to prohibit the employer from making any inquiry or obtaining  
19 information for the purpose of providing assistance to, or a reasonable  
20 accommodation in accordance with the provisions of this subdivision to,  
21 a victim of domestic violence, a sex offense, or stalking.  
22 (c)(1) It shall be an unlawful discriminatory practice for an employer  
23 to refuse to provide a reasonable accommodation to an employee who is

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

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1 known by the employer to be a victim of domestic violence, [~~limited to~~  
2 ~~those accommodations set forth in subparagraph two of this paragraph,~~  
3 ~~when such employee must be absent from work for a reasonable time,~~] a  
4 sex offense, or stalking, where such accommodations would enable such  
5 employee to satisfy the essential requisites of a job unless such  
6 [~~absence~~] requested accommodations would cause an undue hardship to the  
7 employer as set forth in subparagraph three of this paragraph, provided,  
8 however that the employer may require an employee to charge any time off  
9 pursuant to this section against any leave with pay ordinarily granted,  
10 where available, unless otherwise provided for in a collective bargain-  
11 ing agreement or existing employee handbook or policy, and any such  
12 absence that cannot be charged may be treated as leave without pay. An  
13 employee who must be absent from work in accordance with subparagraph  
14 two of this paragraph shall be entitled to the continuation of any  
15 health insurance coverage provided by the employer, to which the employ-  
16 ee is otherwise entitled during any such absence.

17 (2) An employer is required to provide a reasonable accommodation to  
18 an employee who is a victim of domestic violence [~~who must be absent~~  
19 ~~from work for a reasonable time~~], a sex offense, or stalking in accord-  
20 ance with the provisions of subparagraph one of this paragraph, such  
21 reasonable accommodation may include, but shall not be limited to,  
22 absence from work for a reasonable time for reasons including, but not  
23 limited to, the following:

24 (i) Seeking medical attention for injuries caused by domestic violence  
25 including for a child who is a victim of domestic violence, a sex  
26 offense, or stalking, provided that the employee is not the perpetrator  
27 [~~of the domestic violence~~] against the child; or

28 (ii) Obtaining services from a domestic violence shelter, program, or  
29 rape crisis center as a result of domestic violence; or

30 (iii) Obtaining psychological counseling related to an incident or  
31 incidents of domestic violence, a sex offense, or stalking, including  
32 for a child who is a victim [~~of domestic violence~~], provided that the  
33 employee is not the perpetrator [~~of the domestic violence~~] against the  
34 child; or

35 (iv) Participating in safety planning and taking other actions to  
36 increase safety from future incidents of domestic violence, a sex  
37 offense, or stalking, including temporary or permanent relocation; or

38 (v) Obtaining legal services, assisting in the prosecution of the  
39 offense, or appearing in court in relation to the incident or incidents  
40 of domestic violence, a sex offense, or stalking.

41 (3) An employer is required to provide a reasonable accommodation [~~for~~  
42 ~~an employee's absence~~] in accordance with the provisions of subpara-  
43 graphs one and two of this paragraph unless the employer can demonstrate  
44 that the employee's absence would constitute an undue hardship to the  
45 employer. A determination of whether such an absence will constitute an  
46 undue hardship shall include consideration of factors such as:

47 (i) The overall size of the business, program or enterprise with  
48 respect to the number of employees, number and type of facilities, and  
49 size of budget; and

50 (ii) The type of operation in which the business, program or enter-  
51 prise is engaged, including the composition and structure of the work-  
52 force.

53 (4) It shall be an unlawful discriminatory practice for an employer to  
54 refuse to or otherwise fail to engage in cooperative dialogue within a  
55 reasonable time with an employee who has requested a reasonable accommo-  
56 dation under this section.

1 (5) An employee who must be absent from work in accordance with the  
2 provisions of subparagraph one of this paragraph shall provide the  
3 employer with reasonable advance notice of the employee's absence,  
4 unless such advance notice is not feasible.

5 ~~[(5)]~~ (6) An employee who must be absent from work in accordance with  
6 the provisions of subparagraph one of this paragraph and who cannot  
7 feasibly give reasonable advance notice of the absence in accordance  
8 with subparagraph four of this paragraph must, within a reasonable time  
9 after the absence, provide a certification to the employer when  
10 requested by the employer. Any person required by subparagraph one of  
11 this paragraph to make reasonable accommodation may require a person  
12 requesting reasonable accommodation pursuant to this paragraph to  
13 provide certification that the person is a victim of domestic violence,  
14 a sex offense, or stalking. Such certification shall be in the form of:

15 (i) A police ~~[report]~~ or court record indicating that the employee or  
16 ~~[his or her]~~ their child was a victim of domestic violence, a sex  
17 offense, or stalking;

18 (ii) ~~[A court order protecting or separating the employee or his or~~  
19 ~~her child from the perpetrator of an act of domestic violence,~~

20 ~~(iii)]~~ Other corroborating evidence, including evidence from the court  
21 or prosecuting attorney ~~[that the employee appeared in court]; [or]~~

22 ~~[(iv)]~~ (iii) Documentation from a medical professional, ~~[domestic~~  
23 ~~violence]~~ victim services provider or advocate, health care provider,  
24 cultural or religious provider, or counselor that the employee or ~~[his~~  
25 ~~or her]~~ their child was ~~[undergoing counseling or treatment for physical~~  
26 ~~or mental injuries or abuse resulting in victimization from]~~ obtaining  
27 assistance for an act of domestic violence, a sex offense, or stalking;  
28 or

29 (iv) Documentation from an attorney or any other professional service  
30 provider from whom the individual seeking a reasonable accommodation or  
31 child has sought assistance in addressing domestic violence, a sex  
32 offense, or stalking.

33 ~~[(6)]~~ (7) Where an employee has a physical or mental disability  
34 resulting from an incident or series of incidents of domestic violence,  
35 a sex offense, or stalking, such employee shall be treated in the same  
36 manner as an employee with any other disability, pursuant to the  
37 provisions of this section which provide that discrimination and refusal  
38 to provide reasonable accommodation of disability are unlawful discrimi-  
39 natory practices.

40 (d) To the extent allowed by law, employers shall maintain the confi-  
41 dentiality of any information and documentation regarding an employee's  
42 status as a victim of domestic violence, a sex offense, or stalking.

43 § 2. The section heading, paragraph b of subdivision 1 and paragraph c  
44 of subdivision 2 of section 201-g of the labor law, the section heading  
45 and paragraph c of subdivision 2 as added by section 1 of subpart E of  
46 part KK of chapter 57 of the laws of 2018 and paragraph b of subdivision  
47 1 as amended by chapter 160 of the laws of 2019, are amended and two new  
48 subdivisions 5 and 6 are added to read as follows:

49 Prevention of sexual harassment and responding to domestic violence,  
50 sex offenses, and stalking.

51 b. Every employer shall adopt the model sexual harassment prevention  
52 policy promulgated pursuant to this subdivision or establish a sexual  
53 harassment prevention policy to prevent sexual harassment that equals or  
54 exceeds the minimum standards provided by such model sexual harassment  
55 prevention policy, which, on and after January first, two thousand twen-  
56 ty-six, shall include guidance on workplace protections for victims of

1 domestic violence, sex offenses, and stalking. Such [~~sexual harassment~~  
2 ~~prevention~~] policy shall be provided to all employees in writing as  
3 required by subdivision two-a of this section. Such model [~~sexual~~  
4 ~~harassment prevention~~] policy shall be publicly available and posted on  
5 the websites of both the department and the division of human rights.

6 c. Every employer shall utilize the model sexual harassment prevention  
7 training program pursuant to this subdivision or establish a training  
8 program for employees to prevent sexual harassment that equals or  
9 exceeds the minimum standards provided by such model training. Such  
10 sexual harassment prevention training shall be provided to all employees  
11 on an annual basis. On and after January first, two thousand twenty-six,  
12 any such training program shall include guidance on workplace  
13 protections for victims of domestic violence, sex offenses, and stalk-  
14 ing.

15 5. On and after January first, two thousand twenty-six, the depart-  
16 ment, in consultation with the division of human rights and the office  
17 for the prevention of domestic violence, shall ensure that the model  
18 sexual harassment prevention guidance document and sexual harassment  
19 prevention policy includes guidance on workplace protections for victims  
20 of domestic violence, sex offenses, and stalking, including language  
21 that: (i) prohibits discrimination by an employer or employment agency  
22 because of an employee or prospective employees status as a victim of  
23 domestic violence, a sex offense or stalking in accordance with subdivi-  
24 sion twenty-two of section two hundred ninety-six of the executive law;  
25 and (ii) prohibits the refusal of an employer to provide a reasonable  
26 accommodation to an employee known to the employer to be a victim of  
27 domestic violence, a sex offense or stalking in accordance with subdivi-  
28 sion twenty-two of section two hundred ninety-six of the executive law.

29 6. On and after January first, two thousand twenty-six, the annual  
30 model sexual harassment training program, mandated by subdivision two of  
31 this section, shall include: (i) an explanation of discrimination on the  
32 basis of one's status as a victim of domestic violence, a sex offense or  
33 stalking consistent with guidance issued by the department in consulta-  
34 tion with the division of human rights and office for the prevention of  
35 domestic violence; (ii) examples of conduct that would constitute unlaw-  
36 ful discrimination because of one's status as a victim of domestic  
37 violence, a sex offense or stalking; (iii) information concerning the  
38 state statutory provisions concerning discrimination because of one's  
39 status as a victim of domestic violence, a sex offense or stalking and  
40 remedies available to victims of such discrimination; and (iv) informa-  
41 tion concerning employees' rights of redress and all available forums  
42 for adjudicating complaints.

43 § 3. This act shall take effect January 1, 2026. Effective immediate-  
44 ly, the addition, amendment and/or repeal of any rule or regulation  
45 necessary for the implementation of this act on its effective date are  
46 authorized to be made and completed on or before such effective date.