

# STATE OF NEW YORK

8036

2025-2026 Regular Sessions

## IN SENATE

May 15, 2025

Introduced by Sen. MAYER -- 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 liability for unlawful discriminatory practices based upon the conduct of an employee or agent

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

1 Section 1. Section 296 of the executive law is amended by adding a new  
2 subdivision 1-b to read as follows:

3 1-b. An employer, licensing agency, employment agency, or labor organ-  
4 ization shall be liable for an unlawful discriminatory practice based  
5 upon the conduct of an employee or agent which is in violation of subdivi-  
6 vision one of this section where:

7 (a) the employee or agent exercised managerial or supervisory respon-  
8 sibility; or

9 (b) where the violative conduct was carried out by a non-managerial or  
10 non-supervisory employee, and the employer, licensing agency, employment  
11 agency or labor organization knew of the non-managerial or non-supervi-  
12 sor employee's or agent's discriminatory conduct, and acquiesced in such  
13 conduct or failed to take immediate and/or appropriate corrective  
14 action. An employer, licensing agency, employment agency, or labor  
15 organization shall be deemed to have knowledge of a non-managerial or  
16 non-supervisory employee's or agent's discriminatory conduct where that  
17 conduct was known by another employee or agent who exercised managerial  
18 or supervisory responsibility; or

19 (c) the employer, licensing agency, employment agency, or labor organ-  
20 ization should have known of the non-managerial or non-supervisory  
21 employee's or agent's discriminatory conduct and failed to exercise  
22 reasonable diligence to prevent or stop such discriminatory conduct.

23 § 2. This act shall take effect on the one hundred eightieth day after  
24 it shall have become a law.

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

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