

PROGRAM BILL #25

S.

Senate

IN SENATE--Introduced by Sen

--read twice and ordered printed,
and when printed to be committed
to the Committee on

----- A.
Assembly

IN ASSEMBLY--Introduced by M. of A.

with M. of A. as co-sponsors

--read once and referred to the
Committee on

EXECLA
(Relates to unlawful discriminatory
practices because of familial
status)

Exec. familial status; discrim.

AN ACT

to amend the executive law, in
relation to the unlawful discrimina-
tory practice because of familial
status

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

IN SENATE

Senate introducer's signature

The senators whose names are circled below wish to join me in the sponsorship
of this proposal:

s20 Adams	s17 Felder	s63 Kennedy	s25 Montgomery	s23 Savino
s15 Addabbo	s02 Flanagan	s34 Klein	s54 Nozzolio	s29 Serrano
s11 Avella	s08 Fuschillo	s28 Krueger	s55 O'Brien	s51 Seward
s40 Ball	s59 Gallivan	s24 Lanza	s58 O'Mara	s09 Skelos
s42 Bonacic	s12 Gianaris	s39 Larkin	s21 Parker	s14 Smith
s04 Boyle	s41 Gipson	s37 Latimer	s13 Peralta	s26 Squadron
s44 Breslin	s22 Golden	s01 LaValle	s30 Perkins	s16 Stavisky
s38 Carlucci	s47 Griffo	s52 Libous	s61 Ranzenhofner	s35 Stewart-
s50 DeFrancisco	s60 Grisanti	s45 Little	s48 Ritchie	Cousins
s32 Diaz	s06 Hannon	s05 Marcellino	s33 Rivera	s46 Tkaczkyk
s18 Dilan	s36 Hassell-	s43 Marchione	s56 Robach	s53 Valesky
s31 Espaillat	Thompson	s07 Martins	s19 Sampson	s57 Young
s49 Farley	s27 Hoylman	s62 Maziarz	s10 Sanders	s03 Zeldin

IN ASSEMBLY

Assembly introducer's signature

The Members of the Assembly whose names are circled below wish to join me in the
multi-sponsorship of this proposal:

a049 Abbate	a081 Dinowitz	a135 Johns	a133 Nojay	a140 Schimminger
a092 Abinanti	a147 DiPietro	a113 Jordan	a037 Nolan	a087 Sepulveda
a084 Arroyo	a115 Duprey	a094 Katz	a130 Oaks	a065 Silver
a035 Aubry	a004 Englebright	a074 Kavanagh	a069 O'Donnell	a027 Simanowitz
a120 Barclay	a054 Espinal	a142 Kearns	a051 Ortiz	a036 Simotas
a106 Barrett	a109 Fahy	a076 Kellner	a091 Otis	a104 Skartados
a060 Barron	a071 Farrell	a040 Kim	a132 Palmesano	a099 Skoufis
a082 Benedetto	a126 Finch	a131 Kolb	a088 Paulin	a022 Solages
a117 Blankenbush	a008 Fitzpatrick	a105 Lalor	a141 Peoples-	a114 Stec
a062 Borelli	a124 Friend	a013 Lavine	Stokes	a110 Steck
a055 Boyland	a143 Gabryszak	a050 Lentol	a058 Perry	a079 Stevenson
a026 Braunstein	a095 Galef	a125 Lifton	a089 Pretlow	a127 Stirpe
a044 Brennan	a137 Gantt	a102 Lopez, P.	a073 Quart	a011 Sweeney
a119 Brindisi	a007 Garbarino	a123 Lupardo	a019 Ra	a112 Tedisco
a138 Bronson	a077 Gibson	a010 Lupinacci	a098 Rabbitt	a101 Tenney
a046 Brook-Krasny	a148 Giglio	a121 Magee	a012 Raia	a001 Thiele
a093 Buchwald	a080 Gjonaj	a129 Magnarelli	a006 Ramos	a061 Titone
a118 Butler	a066 Glick	a059 Maisel	a134 Reilich	a031 Titus
a103 Cahill	a023 Goldfeder	a064 Malliotakis	a078 Rivera	a146 Walter
a043 Camara	a150 Goodell	a030 Markey	a128 Roberts	a041 Weinstein
a145 Ceretto	a075 Gottfried	a090 Mayer	a056 Robinson	a020 Weisenberg
a033 Clark	a005 Graf	a108 McDonald	a068 Rodriguez	a024 Weprin
a047 Colton	a100 Gunther	a014 McDonough	a072 Rosa	a070 Wright
a032 Cook	a139 Hawley	a017 McKevitt	a067 Rosenthal	a096 Zebrowski
a144 Corwin	a083 Heastie	a107 McLaughlin	a025 Rozic	a002
a085 Crespo	a003 Hennessey	a038 Miller	a116 Russell	a053
a122 Crouch	a028 Hevesi	a052 Millman	a149 Ryan	a086
a021 Curran	a048 Hikind	a015 Montesano	a009 Saladino	
a063 Cusick	a018 Hooper	a136 Morelle	a111 Santabarbara	
a045 Cymbrowitz	a042 Jacobs	a057 Mosley	a029 Scarborough	
a034 DenDekker	a097 Jaffee	a039 Moya	a016 Schimel	

1) Single House Bill (introduced and printed separately in either or
both houses). Uni-Bill (introduced simultaneously in both houses and printed
as one bill. Senate and Assembly introducer sign the same copy of the bill).

2) Circle names of co-sponsors and return to introduction clerk with 2
signed copies of bill and 4 copies of memorandum in support (single house);
or 4 signed copies of bill and 8 copies of memorandum
in support (uni-bill).

1 Section 1. Subdivisions 1 and 1-a of section 296 of the executive law,
2 as amended by chapter 803 of the laws of 1975, paragraph (a) of subdivi-
3 sion 1 as amended by chapter 80 of the laws of 2009, paragraphs (b), (c)
4 and (d) of subdivision 1 as amended by chapter 75 of the laws of 2005,
5 paragraph (e) of subdivision 1 as amended by chapter 166 of the laws of
6 2000, paragraph (g) of subdivision 1 as added by chapter 98 of the laws
7 of 1984 and paragraphs (b), (c) and (d) of subdivision 1-a as amended by
8 chapter 106 of the laws of 2003, are amended to read as follows:

9 1. It shall be an unlawful discriminatory practice:

10 (a) For an employer or licensing agency, because of an individual's
11 age, race, creed, color, national origin, sexual orientation, military
12 status, sex, disability, predisposing genetic characteristics, familial
13 status, marital status, or domestic violence victim status, to refuse to
14 hire or employ or to bar or to discharge from employment such individual
15 or to discriminate against such individual in compensation or in terms,
16 conditions or privileges of employment.

17 (b) For an employment agency to discriminate against any individual
18 because of age, race, creed, color, national origin, sexual orientation,
19 military status, sex, disability, predisposing genetic characteristics,
20 familial status, or marital status, in receiving, classifying, disposing
21 or otherwise acting upon applications for its services or in referring
22 an applicant or applicants to an employer or employers.

23 (c) For a labor organization, because of the age, race, creed, color,
24 national origin, sexual orientation, military status, sex, disability,
25 predisposing genetic characteristics, familial status, or marital status
26 of any individual, to exclude or to expel from its membership such indi-
27 vidual or to discriminate in any way against any of its members or
28 against any employer or any individual employed by an employer.

1 (d) For any employer or employment agency to print or circulate or
2 cause to be printed or circulated any statement, advertisement or publi-
3 cation, or to use any form of application for employment or to make any
4 inquiry in connection with prospective employment, which expresses
5 directly or indirectly, any limitation, specification or discrimination
6 as to age, race, creed, color, national origin, sexual orientation,
7 military status, sex, disability, predisposing genetic characteristics,
8 familial status, or marital status, or any intent to make any such limi-
9 tation, specification or discrimination, unless based upon a bona fide
10 occupational qualification; provided, however, that neither this para-
11 graph nor any provision of this chapter or other law shall be construed
12 to prohibit the department of civil service or the department of person-
13 nel of any city containing more than one county from requesting informa-
14 tion from applicants for civil service examinations concerning any of
15 the aforementioned characteristics, other than sexual orientation, for
16 the purpose of conducting studies to identify and resolve possible prob-
17 lems in recruitment and testing of members of minority groups to insure
18 the fairest possible and equal opportunities for employment in the civil
19 service for all persons, regardless of age, race, creed, color, national
20 origin, sexual orientation, military status, sex, disability, predispos-
21 ing genetic characteristics, familial status, or marital status.

22 (e) For any employer, labor organization or employment agency to
23 discharge, expel or otherwise discriminate against any person because he
24 or she has opposed any practices forbidden under this article or because
25 he or she has filed a complaint, testified or assisted in any proceeding
26 under this article.

1 (f) Nothing in this subdivision shall affect any restrictions upon the
2 activities of persons licensed by the state liquor authority with
3 respect to persons under twenty-one years of age.

4 (g) For an employer to compel an employee who is pregnant to take a
5 leave of absence, unless the employee is prevented by such pregnancy
6 from performing the activities involved in the job or occupation in a
7 reasonable manner.

8 1-a. It shall be an unlawful discriminatory practice for an employer,
9 labor organization, employment agency or any joint labor-management
10 committee controlling apprentice training programs:

11 (a) To select persons for an apprentice training program registered
12 with the state of New York on any basis other than their qualifications,
13 as determined by objective criteria which permit review;

14 (b) To deny to or withhold from any person because of race, creed,
15 color, national origin, sexual orientation, military status, sex, age,
16 disability, familial status, or marital status, the right to be admitted
17 to or participate in a guidance program, an apprenticeship training
18 program, on-the-job training program, executive training program, or
19 other occupational training or retraining program;

20 (c) To discriminate against any person in his or her pursuit of such
21 programs or to discriminate against such a person in the terms, condi-
22 tions or privileges of such programs because of race, creed, color,
23 national origin, sexual orientation, military status, sex, age, disabil-
24 ity, familial status or marital status;

25 (d) To print or circulate or cause to be printed or circulated any
26 statement, advertisement or publication, or to use any form of applica-
27 tion for such programs or to make any inquiry in connection with such
28 program which expresses, directly or indirectly, any limitation, spec-

1 ification or discrimination as to race, creed, color, national origin,
2 sexual orientation, military status, sex, age, disability, familial
3 status or marital status, or any intention to make any such limitation,
4 specification or discrimination, unless based on a bona fide occupa-
5 tional qualification.

6 § 2. Subdivision 3 of section 296 of the executive law is amended by
7 adding a new paragraph (d) to read as follows:

8 (d) Nothing in this subdivision regarding "reasonable accommodation"
9 or in the chapter of the laws of two thousand thirteen which added this
10 paragraph shall alter, diminish, increase, or create new or additional
11 requirements to accommodate protected classes pursuant to this article
12 other than the additional requirements as explicitly set forth in such
13 chapter of the laws of two thousand thirteen.

14 § 3. Paragraph (a) of subdivision 9 of section 296 of the executive
15 law, as amended by chapter 106 of the laws of 2003, is amended to read
16 as follows:

17 (a) It shall be an unlawful discriminatory practice for any fire
18 department or fire company therein, through any member or members there-
19 of, officers, board of fire commissioners or other body or office having
20 power of appointment of volunteer firefighters, directly or indirectly,
21 by ritualistic practice, constitutional or by-law prescription, by tacit
22 agreement among its members, or otherwise, to deny to any individual
23 membership in any volunteer fire department or fire company therein, or
24 to expel or discriminate against any volunteer member of a fire depart-
25 ment or fire company therein, because of the race, creed, color,
26 national origin, sexual orientation, military status, sex [or], marital
27 status, or familial status, of such individual.

1 § 4. Subdivision 13 of section 296 of the executive law, as amended by
2 chapter 196 of the laws of 2010, is amended to read as follows:

3 13. It shall be an unlawful discriminatory practice (i) for any person
4 to boycott or blacklist, or to refuse to buy from, sell to or trade
5 with, or otherwise discriminate against any person, because of the race,
6 creed, color, national origin, sexual orientation, military status, sex,
7 [or] disability, or familial status, of such person, or of such person's
8 partners, members, stockholders, directors, officers, managers, super-
9 intendants, agents, employees, business associates, suppliers or custom-
10 ers, or (ii) for any person wilfully to do any act or refrain from doing
11 any act which enables any such person to take such action. This subdivi-
12 sion shall not apply to:

13 (a) Boycotts connected with labor disputes; or

14 (b) Boycotts to protest unlawful discriminatory practices.

15 § 5. Severability clause. If any clause, sentence, paragraph, subdivi-
16 sion, section or part of this act shall be adjudged by a court of compe-
17 tent jurisdiction to be invalid, such judgment shall not affect, impair
18 or invalidate the remainder thereof, but shall be confined in its opera-
19 tion to the clause, sentence, paragraph, subdivision, section or part
20 thereof directly involved in the controversy in which such judgment
21 shall have been rendered. It is hereby declared to be the intent of the
22 legislature that this act would have been enacted even if such invalid
23 provisions had not been included herein.

24 § 6. This act shall take effect on the ninetieth day after it shall
25 have become a law.