



Legislation Details (With Text)

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Int. No. 863

By Council Members Brewer, Dromm, Gentile, Gonzalez, Jackson, James, Koppell, Lander, Mendez, Palma, Rose, Vann, Williams, Wills, Rodriguez, Nelson, Levin, Barron, Mark-Viverito and Chin

A Local Law to amend the administrative code of the city of New York, in relation to prohibiting employment discrimination based on an individual's actual or perceived status as a caregiver.

Be it enacted by the Council as follows:

Section 1. Section 8-101 of chapter one of title eight of the administrative code of the city of New York, as amended by local law number 10 for the year 2008, is amended to read as follows:

§8-101 Policy.

In the city of New York, with its great cosmopolitan population, there is no greater danger to the health, morals, safety and welfare of the city and its inhabitants than the existence of groups prejudiced against one another and antagonistic to each other because of their actual or perceived differences, including those based on

race, color, creed, age, national origin, alienage or citizenship status, gender, sexual orientation, disability, marital status, partnership status, caregiver status, any lawful source of income, status as a victim of domestic violence or status as a victim of sex offenses or stalking, whether children are, may be or would be residing with a person or conviction or arrest record. The council hereby finds and declares that prejudice, intolerance, bigotry, and discrimination, bias-related violence or harassment and disorder occasioned thereby threaten the rights and proper privileges of its inhabitants and menace the institutions and foundation of a free democratic state. A city agency is hereby created with power to eliminate and prevent discrimination from playing any role in actions relating to employment, public accommodations, and housing and other real estate, and to take other actions against prejudice, intolerance, bigotry, discrimination and bias-related violence or harassment as herein provided; and the commission established hereunder is hereby given general jurisdiction and power for such purposes.

§2. Section 8-102 of chapter one of title eight of the administrative code of the city of New York is amended by adding a new subdivision 26 to read as follows:

26. (a) The term “caregiver” means a person who is a contributor to the ongoing care of a child or children for whom the person has assumed parental responsibility, or the ongoing care of a person or persons in a dependent relationship with the caregiver who suffer(s) from a disability.

(b) The term “dependent relationship” means the relationship of a caregiver to a person who is related by blood, legal custody, marriage, or to his or her domestic partner, as defined in section 3-240 of the administrative code of the city of New York, or to a person with whom the caregiver lives in a familial relationship.

§3. Subparagraphs (a), (b), (c), and (d) of subdivision 1 of section 8-107 of chapter one of title eight of the administrative code of the city of New York are amended to read as follows:

1. Employment. It shall be an unlawful discriminatory practice:

(a) For an employer or an employee or agent thereof, because of the actual or perceived age, race, creed,

color, national origin, gender, disability, marital status, partnership status, caregiver status, sexual orientation or alienage or citizenship status of any person, to refuse to hire or employ or to bar or to discharge from employment such person or to discriminate against such person in compensation or in terms, conditions or privileges of employment.

(b) For an employment agency or an employee or agent thereof to discriminate against any person because of such person's actual or perceived age, race, creed, color, national origin, gender, disability, marital status, partnership status, caregiver status, sexual orientation or alienage or citizenship status in receiving, classifying, disposing or otherwise acting upon applications for its services or in referring an applicant or applicants for its services to an employer or employers.

(c) For a labor organization or an employee or agent thereof, because of the actual or perceived age, race, creed, color, national origin, gender, disability, marital status, partnership status, caregiver status, sexual orientation or alienage or citizenship status of any person, to exclude or to expel from its membership such person or to discriminate in any way against any of its members or against any employer or any person employed by an employer.

(d) For any employer, labor organization or employment agency or an employee or agent thereof to declare, print or circulate or cause to be declared, printed or circulated any statement, advertisement or publication, or to use any form of application for employment 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, gender, disability, marital status, partnership status, caregiver status, sexual orientation or alienage or citizenship status, or any intent to make any such limitation, specification or discrimination.

§4. Section 8-107 of chapter one of title eight of the administrative code of the city of New York is amended by adding a new subdivision 21 to read as follows:

21. Applicability; caregivers.

(a) Requirement to make reasonable accommodation to the needs of caregivers. Any person prohibited by the provisions of this section from discriminating on the basis of caregiver status shall make reasonable accommodation as defined in subdivision eighteen of section 8-102 of this chapter to enable a caregiver to satisfy the essential requisites of a job or enjoy the right or rights in question provided that the caregiver status is known or should have been known by the employer.

§5. This local law shall take effect upon enactment.

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