



Legislation Text

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By Council Members Mealy, Arroyo, Chin, Crowley, Lancman, Rose, Williams, Cabrera, King, Lander, Miller, Garodnick, Constantinides, Van Bramer, Levine, Barron, Dromm, Eugene, Kallos, Levin, Rosenthal and Rodriguez

A Local Law in relation to establishing an employment discrimination testing program.

Be it enacted by the Council as follows:

Section 1. Investigation of discrimination in employment using testers. a. For a period of one year, the commission on human rights shall organize and conduct no fewer than five investigations of discrimination in employment during which the commission shall use pairs of testers to investigate local employers, labor organizations or employment agencies and employees or agents thereof. Such investigations shall include but not be limited to using matched pairs of testers who shall apply for, inquire about or express interest in the same job and who shall be assigned similar credentials but who shall differ in one of the following characteristics: actual or perceived age, race, creed, color, national origin, gender, disability, marital status, partnership status, sexual orientation or alienage or citizenship status, or other characteristic protected pursuant to title 8 of the administrative code of the city of New York. The first of the investigations shall commence on or before October 1, 2015.

b. On or before March 1, 2017, the commission shall submit to the speaker of the council a report related to employment investigations conducted during the prior 12 month period commencing on October 1, 2015. Such report shall include, but not be limited to: (i) the number of matched pair tests completed; (ii) identification of the industry of the employer where each completed matched pair test was conducted; (iii) the protected class variable used in each matched pair test; (iv) the number of incidents of actual or perceived

discrimination by protected class for each such investigation; and (v) a description of any incidents of discrimination detected in the course of such investigations, provided that the commission shall not be required to report information that would compromise any ongoing or prospective investigation or prosecution.

c. Any incidents of actual or perceived discrimination that occur during such investigations shall be referred to the commission's law enforcement bureau.

d. Nothing herein shall preclude the commission from conducting other such discrimination testing programs or investigations pursuant to the commission's authority under this Code and the New York city charter.

§ 2. This local law shall take effect immediately upon enactment.

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