



Legislation Text

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Int. No. 108-A

By Council Members Rose, Chin, Eugene, Johnson, Mendez, Rosenthal, Mealy, Koslowitz, Rodriguez, Kallos, Reynoso, Lander, Williams, Miller, Menchaca, Dromm, Richards, Torres, King, Cumbo, Levin, Arroyo, Van Bramer and Constantinides (by request of the Manhattan Borough President)

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 new subdivisions 30 and 31 to read as follows:

30. (a) The term “caregiver” means a person who provides direct and ongoing care for a minor child or a care recipient.

(b) The term “care recipient” means a person with a disability who: (i) is a covered relative, or a person who resides in the caregiver’s household; and (ii) relies on the caregiver for medical care or to meet the needs of daily living.

(c) The term “covered relative” means a caregiver’s child, spouse, domestic partner, parent, sibling, grandchild or grandparent, or the child or parent of the caregiver’s spouse or domestic partner, or any other individual in a familial relationship with the caregiver as designated by the rules of the Commission.

(d) The term “grandchild” means a child of a caregiver’s child.

(e) The term “grandparent” means a parent of a caregiver’s parent.

(f) The term “parent” means a biological, foster, step- or adoptive parent, or a legal guardian of a caregiver, or a person who stood in loco parentis when the caregiver was a minor child.

(g) The term “sibling” means a caregiver’s brother or sister, including half-siblings, step-siblings and siblings related through adoption.

(h) The term “spouse” means a person to whom a caregiver is legally married under the laws of the state of New York.

(i) The term “child” means a biological, adopted or foster child, a legal ward, or a child of a caregiver standing in loco parentis.

(j) The term “minor child” means a child under the age of 18.

31. The term "domestic partner" means any person who has a registered domestic partnership pursuant

to section 3-240 of the code, a domestic partnership registered in accordance with executive order number 123, dated August 7, 1989, or a domestic partnership registered in accordance with executive order number 48, dated January 7, 1993.

§3. Paragraphs (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, as amended by local law number 85 for the year 2005, 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. This local law shall take effect 120 days after enactment, provided, however, that the city commission on human rights may take any actions necessary prior to such effective date for the implementation of this local law, including, but not limited to, the adoption of any necessary rules.

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