



## Legislation Text

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**File #:** Int 0983-2018, **Version:** \*

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Int. No. 983

By Council Members Rosenthal, Rose, Rivera, Kallos, Richards, Reynoso, Ayala, Menchaca, Levine, the Public Advocate (Mr. Williams), Perkins, Chin, Adams and Van Bramer

A Local Law to amend the administrative code of the city of New York, in relation to creating a rebuttable presumption that retaliation or discrimination has occurred if a negative employment action occurs within 180 days of a person partaking in a protected activity under the city's human rights law

Be it enacted by the Council as follows:

Section 1. Subdivision 7 of section 8-107 of the administrative code of the city of New York, as amended by local law number 85 for the year 2005, is amended to read as follows:

7. Retaliation. (a) It shall be an unlawful discriminatory practice for any person engaged in any activity to which this chapter applies to retaliate or discriminate in any manner against any person because such person has (i) opposed any practice forbidden under this chapter, (ii) filed a complaint, testified or assisted in any proceeding under this chapter, (iii) commenced a civil action alleging the commission of an act which would be an unlawful discriminatory practice under this chapter, (iv) assisted the commission or the corporation counsel in an investigation commenced pursuant to this title, or (v) provided any information to the commission pursuant to the terms of a conciliation agreement made pursuant to section 8-115 of this chapter. The retaliation or discrimination complained of under this subdivision need not result in an ultimate action with respect to employment, housing or a public accommodation or in a materially adverse change in the terms and conditions of employment, housing, or a public accommodation, provided, however, that the retaliatory or discriminatory act or acts complained of must be reasonably likely to deter a person from engaging in protected activity.

(b) There shall be a rebuttable presumption that an employer retaliated or discriminated against a person if an employer subjects such person to a negative employment action within 180 days of such person engaging

in the activities listed under paragraph (a) of this subdivision. For the purposes of this subdivision, the term “negative employment action” means any adverse action by an employer including, but not limited to, firing, demotion, suspension, harassment, denied promotion, reassignment to less desirable work duties, a negative change in benefits, reduced workplace opportunities, or any other similar adverse treatment.

§ 2. This local law takes effect 120 days after it becomes law.

BAM  
LS 6183  
5/17/18