



Legislation Text

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Proposed Int. No. 702-A

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A Local Law to amend the administrative code of the city of New York, in relation to prohibiting employment discrimination on the basis of having a tattoo

Be it enacted by the Council as follows:

Section 1. Section 8-10 of the administrative code of the city of New York, as amended by local law 32 for the year 2022, is amended by adding a new definition of “tattoo” in alphabetical order to read as follows:

Tattoo. The term “tattoo” means any mark on the body of a person made with indelible ink or pigments injected beneath the outer layer of the skin.

§ 2. Section 8-107 of the administrative code of the city of New York is amended by adding a new subdivision 33 to read as follows:

33. Applicability; tattoos. a. Unlawful discriminatory practices against persons with tattoos. (1) It shall be an unlawful discriminatory practice for an employer to take the following actions based a person having one or more tattoos:

(a) Represent that any employment or position is not available when in fact it is available;

(b) Refuse to hire or employ such person;

(c) Bar or discharge from employment such person; or

(d) Otherwise discriminate against such person in compensation, or in terms, conditions or privileges of employment;

(2) It shall be an unlawful discriminatory practice for a labor organization to, because of a person

having one or more tattoos, exclude or to expel from its membership such person, to represent that membership is not available when it is in fact available, or to discriminate in any way against any of its members or against any employer or any person employed by an employer;

(3) It shall be an unlawful discriminatory practice for an employment agency to, because of a person having one or more tattoos, receive, classify, dispose or otherwise act upon applications for its services, including by representing to such person that any employment or position is not available when in fact it is available, or in referring an applicant or applicants for its services to an employer or employers; or

(4) It shall be an unlawful discriminatory practice for any joint labor-management committee controlling apprentice training programs or an employee or agent thereof to, because of a person having one or more tattoos, discriminate against any person in such person's pursuit of such program or to discriminate against such a person in the terms, conditions or privileges of such program.

b. Nothing in this subdivision shall prevent a covered entity from requiring that a person covers one or more visible tattoos during hours of employment.

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

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