

SPONSORS MEMO:

**NEW YORK STATE ASSEMBLY
MEMORANDUM IN SUPPORT OF LEGISLATION
submitted in accordance with Assembly Rule III, Sec 1(e)**

BILL NUMBER: A755A

SPONSOR: Paulin (MS)

TITLE OF BILL:

An act to amend the executive law, in relation to prohibiting employers from discriminating against victims of domestic violence or stalking based upon status as a domestic violence victim

PURPOSE OR GENERAL IDEA OF BILL:

To help protect victims of domestic violence or stalking from discrimination with regard to hiring and employment practices so they may have the ability to deal with the unique circumstances of their lives, achieve financial independence from their abuser and participate more fully in the economy.

SUMMARY OF SPECIFIC PROVISIONS:

Section one amends paragraph (a) of subdivision one of section 296 of the executive law, as amended by chapter 75 of the laws of 2005, by adding domestic violence victim status to the list of protected classes who shall not be discriminated against by an employer or licensing agency in terms of hiring or employment practices. Section one also amends paragraph (a) by making a small grammatical change by redacting the phrase "of any individual" from line 7 and replacing it with the phrase "an individual's" on lines 4-5.

Section two amends section 292 of the executive law by adding a new subdivision 34 which defines the term "domestic violence victim."

JUSTIFICATION:

This bill is intended to protect the economic viability of victims of domestic violence and to support their efforts to gain independence from their abusers. Many women stay with their abuser because they lack alternative financial resources for themselves and their children. Escaping an abusive relationship often depends on financial independence, which means finding and keeping a job. It is not unusual for a victim of domestic violence to need time away from work to confer with an attorney or domestic violence counselor, appear in court, seek medical attention, arrange for alternative housing or recuperate from injuries. Often a victim of domestic violence is embarrassed or fears losing her job and, therefore, is reluctant to inform her employer of the circumstances of her life. It is not unusual for a victim of domestic violence to be terminated from her job or demoted because she needs time of or flexible hours as a protective measure. This legislation will make it unlawful for an employer or licensing agency to discriminate against victims of domestic violence in hiring or employment practices, helping to ensure the safety as well as the economic viability of victims.

The city of New York recently amended title 8 of the administrative code by making it an unlawful discriminatory practice for an employer to refuse to hire, discharge from employment or discriminate against an individual in compensation or other employment practices because of such individual's actual or perceived status as a victim of domestic violence, realizing that the change in the code is economically beneficial to both the city and the individual victims of domestic violence.

PRIOR LEGISLATIVE HISTORY:

A.1222A, 2007 AND 2008 passed Assembly. A.4611-C, 2005 referred to codes, and 2006 ordered to third reading.

FISCAL IMPLICATION:

None to the state. This bill would be financially beneficial to individuals and to employers by reducing job turnover.

EFFECTIVE DATE:

Immediately.
