

## ● HUMAN RIGHTS LAW

*STATUTORY CITATION:* N.Y. Executive Law §§ 290 – 301

*GENERAL SUMMARY:* The Human Rights Law, in part, declares as a civil right the opportunity to obtain employment without discrimination because of age, race, creed, color, national origin, sexual orientation, military status, sex, marital status, or disability. The statute outlaws certain discriminatory practices by employers of 4 or more employees in all pursuits other than domestic service.

### *SPECIFIC TERMS AND CONDITIONS*

**DISCRIMINATORY EMPLOYMENT PRACTICES** — It is unlawful for an employer of 4 or more workers in the state, because of an individual's age, race, creed, color, national origin, sexual orientation, military status, sex, disability, predisposing genetic characteristics, familial status, marital status, or status as a victim of domestic violence, to refuse to hire the individual, to discharge the individual from employment, or to discriminate against the individual in compensation or in the terms, conditions or privileges of employment. The use of any form of job application, or circulation of any employment notice or advertisement, which suggests a preference, specification or similar discrimination with respect to age, race, creed, color, national origin, sexual orientation, military status, sex, disability, predisposing genetic characteristics, familial status, or marital status, unless such distinction is based on a bona fide occupational qualification, is generally prohibited. The term "age" in these provisions of the Human Rights Law applies to and is intended to protect workers 18 years of age and older.

**COMPLAINTS** — At any time within one year after an alleged act of employment discrimination, a person aggrieved by such an act may file a complaint with the state enforcement agency, which has 180 days to determine if it has jurisdiction and, if so, whether there is probable cause to believe the employer or other respondent charged in the complaint has engaged in an unlawful practice. When the agency finds probable cause, it must try to negotiate a conciliation agreement between the complainant and the respondent, but if informal efforts are still unsuccessful 270 days after the complaint is filed, the agency is required to call a public hearing to present formal charges. A final order in the case must be issued no later than 180 days after start of the hearing. If the agency rules in favor of the complainant, the order may require the respondent to take affirmative corrective action (such as hiring, reinstatement or upgrading of the employee or employees involved) and pay compensatory damages to the aggrieved parties.

### *SPECIAL NOTES OR ADVISORIES*

**RETALIATION** — A person may not discharge, discipline or discriminate in any manner against an employee because the employee has filed a complaint, participated in a proceeding, or opposed any practice forbidden under these provisions.

### *ADMINISTRATION AND ENFORCEMENT*

**PRIMARY ENFORCEMENT AGENCY** — *Division of Human Rights, New York Executive Department, Bronx, New York 10458 (718-741-8402).* Division personnel are authorized to investigate charges alleging a violation of the Human Rights Law and to bring such charges on their own initiative. The agency may hold hearings, subpoena witnesses, take sworn testimony, subpoena documents and records, and issue compliance orders, which are enforceable in court. Apart from civil liability, persons found to have willfully violated an order under the Human Rights Law are subject to criminal prosecution.

**SECONDARY OR ASSOCIATED ENFORCEMENT AGENCY** — *None.*

**PRIVATE CIVIL ACTION** — In lieu of filing an administrative complaint with the Human Rights Division, or if a complaint filed with the Division has been dismissed on certain grounds, a person claiming to have been subjected to unlawful employment discrimination may seek damages and other relief in civil court, using private legal counsel or a public legal service provider. The exercise of the right to private civil action, however, precludes filing a complaint with the administrative agency with respect to the same grievance.