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LEGAL ALERT



Legal Alert: New York Human Rights Law Amended to Prohibit Discrimination against Victims of Domestic Violence

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New York State recently joined a handful of other states by enacting legislation prohibiting discrimination against victims of domestic violence. On July 7, 2009, New York Governor David A. Paterson signed into law an amendment to the New York Human Rights Law to include an individual's status as a "victim of domestic violence" in the list of characteristics protected from discrimination. Other protected characteristics include age, race, creed, color, national origin, sexual orientation, military status, sex, disability, predisposing genetic characteristics, and marital status. The new provision is similar to a provision in the New York City Administrative Code, which was amended in 2001 to prohibit discrimination against victims of domestic violence.

Definition of Domestic Violence: The law defines a victim of domestic violence as an individual who has been subject to acts that would constitute a "family offense" under New York's Family Court Act. Such acts include disorderly conduct, harassment, stalking, criminal mischief, menacing, reckless endangerment, assault or attempted assault between spouses or former spouses or between parent and child or between members of the same family or household. Other states, including Florida, Illinois, North Carolina and Washington as well as the District of Columbia, have enacted laws designed to protect employees who are victims of domestic violence.

Expanded Penalties: Governor Paterson also signed into law an act that expands the penalties for violation of the state Human Rights Law. The act provides for a \$50,000 civil penalty to be paid to the state by anyone found to have committed an unlawful discriminatory act. If the discrimination is found to be willful, wanton or malicious, the penalty is \$100,000. Previously, the penalty only applied to violations of the housing discrimination provisions. The penalty is to be paid in addition to any other damages imposed for violations of the antidiscrimination provisions. The expanded penalty provisions apply to acts occurring on or after July 6, 2009.

Employers' Bottom Line:

Employers may need to revise their antidiscrimination policies to ensure that they comply with the revised law. Additionally, employers may need to train managers and/or supervisors to ensure they are aware of the protection for victims of domestic violence. The expanded penalty provisions significantly increase the potential cost of failure to comply with the law's requirements. If

you have any questions regarding the new law or other labor or employment related issues, please contact the Ford & Harrison attorney with whom you usually work or Kenneth D. Stein, New York City Managing Partner, at kstein@fordharrison.com or 212-453-5900.