

## 1992 FINAL SUMMARY

NEW YORK

S6935

APPROVED

### PRO-CONSUMER PROVISIONS PROHIBIT EMPLOYMENT DISCRIMINATION

SPONSOR : LACK  
COMMITTEE : SENATE LABOR

As amended, would prohibit discrimination based on employee engaging in certain legal activities off work premises, without use of employer's equipment, and during non-working hours. Would protect political activities, legal use of consumable products, legal recreational activities, and membership in union. Would provide exemptions for activity which creates conflict of interest, is violation of public officers law, violates collective bargaining agreement concerning ethics, conflict of interest or official discharge of duties, violates local laws, is deemed by employer to constitute habitually poor performance, incompetency or misconduct, or violates contractual obligation of employee, if making income over certain level, to devote all working hours to single employer. Would exempt religious associations. Would exempt actions pursuant to an established substance abuse or alcohol program. B-print also specifies that protection does not apply to individual reporting to work with blood alcohol level higher than that for drunk driving. Would authorize employers to offer or impose insurance policies that make distinctions based on employee's activities. C-print also would allow individual professional service contracts to include permission for employer to limit off-duty activities of individual employee. Would take effect immediately. (But see chapter amendment S9030, which makes law effective 1/1/93. See also chapter amendment A12380.)

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As introduced, did not specify various types of protected activities and did not include insurance provision. Did not include all exemptions.

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02/04/92

Introduced and referred to Senate Labor Committee.

05/12/92

TIFL 0025476

Senate Labor Committee reported S6935 as amended (A-print) to floor; bill is #1113 on calendar.

05/26/92  
S6935 reached top of calendar, but was laid aside. It may be considered at later date.

06/03/92  
S6935 was amended slightly (B-print).

06/09/92  
S6935 was amended further (C-print). It remains on Senate third reading.

06/16/92  
Senate passed S6935, sending it to Assembly Labor Committee.

06/22/92  
S6935 was substituted for its companion, A9399, on Assembly calendar. Assembly passed S6935 on third reading by vote of 146-2.

06/23/92  
S6935 was transmitted to Governor Cuomo.

06/24/92  
S6935 was recalled from Governor.

07/02/92  
Chapter amendments to S6935 were passed by legislature; see A12380 and S9030.

07/09/92  
S6935 was returned to Governor Cuomo; he has 10 days to act on bill or it dies.

07/17/92  
House leadership recalled S6935 from Governor.

07/24/92  
S6935 was re-transmitted to Governor Cuomo. He has through 8/5 to act on bill or it dies.

08/03/92  
Deadline for action has been extended at Governor's request until 8/12.

08/11/92  
Governor's office announced that S6935 was signed by Governor Cuomo on 8/7 as Chapter 776. Governor also signed chapter amendments: A12380 providing additional exemption for Attorney General's office, and S9030, changing effective date to 1/1/93.

**TIFL 0025477**