

EMPLOYMENT UPDATE

MARTIN CLEARWATER & BELL LLP

Employers Beware: New York City Establishes Discrimination Testing Program

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On April 20, 2015, Mayor Bill de Blasio signed legislation (Bill 690-A) establishing “an employment discrimination testing program.” The law involves the use of two individual testers, with similar qualifications, but from different protected categories, who will test for discrimination by applying for the same job with the same employer.

The City Commission on Human Rights will conduct no fewer than five tests during a one year period. Testing is to commence on or before October 1, 2015. Any actual or perceived incidents of discrimination revealed as a result of the “testing” will be referred to the Commission’s law enforcement bureau.

Although employers must always adopt practices to prevent and prohibit discrimination in hiring and employment, employers located in New York City may now be subjected to testing by simulated applicants without notice or warning. For appropriate guidance on how to plan for and ensure compliance with the newly passed legislation, employers should speak with one of the attorneys in Martin Clearwater & Bell’s Employment and Labor Practice Group.

If you have any questions or concerns regarding employment law related questions, please contact Greg Reilly at (212) 916-0920 or gregory.reilly@mcblaw.com or Adam Guttell at (212) 916-0938 or adam.guttell@mcblaw.com.

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