

## NYC Extends Employment Protections to Caregivers

On January 5, 2016, NYC Mayor Bill de Blasio signed into law a bill prohibiting employment discrimination based on an individual's actual or perceived status as a caregiver, effective on May 4, 2016. Employers will want to update their employment policies to reflect this change.

### Background

The New York City Human Rights Law prohibits employment discrimination on the basis of age, race, creed, color, national origin, gender, disability, marital status, partnership status, sexual orientation, alienage, citizenship, status as a victim of domestic violence, sex offenses or stalking, and arrest and conviction status.

### Caregivers Become a Protected Class

New York City Mayor Bill de Blasio signed a bill ([Int. No. 0108A-2014](#)) amending the New York City Human Rights Law (NYCHRL) to make "caregiver" status a new protected class and extend its non-discrimination protections to caregivers. As a result, employers may not consider an applicant's or employee's caregiving responsibilities in hiring, promotion, termination or other employment decisions.

**Comment.** As originally proposed, the legislation would have imposed a reasonable accommodation requirement on employers who knew or reasonably should have known that an individual was a caregiver. While the new law does not include such a requirement, employers may still wish to consider employee requests for accommodation pending the issuance of formal enforcement guidance by the New York City Commission on Human Rights (City Commission).



The new law defines "caregiver" as "a person who provides direct and ongoing care for a minor child or care recipient." For these purposes, a "care recipient" is a "covered relative" with a disability, or other person who resides in the caregiver's household, who relies on the caregiver for medical care or to meet the needs of daily living. Broadly defined, a "covered relative" includes a caregiver's child, spouse, domestic partner, parent, sibling, grandchild or grandparent, or the child or parent of the caregiver's spouse or domestic partner, or other

individual in a familial relationship with the caregiver — regardless of age.

The law authorizes the City Commission to adopt rules to implement the new law and to designate additional familial relationships with the caregiver that would be covered by its provisions. Thus, it is likely that most New York City-based employees with caregiving responsibilities will be protected against employment discrimination when the new law takes effect on May 4, 2016.

### In Closing

The new law will expand employment-related protections for employees who are — or are perceived as — caregivers. In light of the newly protected status extended to caregivers, employers will want to consider carefully any employee requests for time off due to caregiving responsibilities.

#### Similar Changes to NY State Law

The New York State Human Rights Law was recently amended to prohibit employment discrimination based on familial status. Unlike the changes to the state law that took effect on January 19, 2016, the amendment to the NYCHRL is not limited to parents or guardians of children under age 18. (See our *For Your Information* from [December 18, 2015](#).)

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