

NYC Enacts New Protections for Uniformed Servicemembers and Veterans

New York City recently enacted a law that adds uniformed service as a protected status under its Human Rights Law. The new protections for active military personnel and veterans against employment and other discrimination will take effect on November 19. Employers should review and, as needed, update their policies and handbooks to ensure compliance.

Background

The [New York City Human Rights Law](#) (NYCHRL) makes it unlawful to discriminate in employment because of a person's actual or perceived age, race, creed, color, national origin, gender, disability, marital status, partnership status, caregiver status, sexual orientation, or alienage or citizenship status. With respect to persons whose status the law protects, it is a discriminatory practice for employers, employment agencies and labor organizations to:

- Represent that any employment or position is not available when in fact it is available
- Refuse to hire or employ, or to bar or to discharge, such person from employment or labor organization membership
- Discriminate against such person in compensation or in terms, conditions or privileges of employment

It is also unlawful for employers, labor organizations and employment agencies to use advertisements, job applications or inquiries in connection with prospective employment that directly or indirectly express any limitation, specification or discrimination as to a protected status.

Until 2016, NYC's veterans were served by the Mayor's Office of Veterans Affairs. In 2016, an independent agency, the Department of Veterans' Services (DVS), was established to expand employment and other opportunities for them. Last year, DVS joined the City Council, the Public Advocate, and the Commission on Human Rights in proposing legislation to extend additional legal protections to veterans and servicemembers.



New Protections

On July 22, NYC enacted a [law](#) that amends the NYCHRL to prohibit discrimination in housing, employment and public accommodations on the basis of actual or perceived uniformed service. By giving current or prior service in the uniformed services a protected status under local law, it expands the legal protections currently available to veterans and servicemembers and creates a new venue where they can bring discrimination claims – the NYC Commission on Human Rights.

Comment. Both federal and state laws protect current service members and veterans against employment discrimination. In addition to broad anti-discrimination provisions, the Uniformed Services Employment and Reemployment Rights (USERRA) and the New York State Human Rights Law provide certain leave, benefits and reinstatement rights.

For these purposes, “uniformed service” means: current or prior service in the United States Army, Navy, Air Force, Marine Corps, Coast Guard, the Commissioned Corps of the National Oceanic and Atmospheric Administration, the Commissioned Corps of the United States Public Health Services, the Army and Air National Guard, the organized militia of the state of New York or the organized militia of any other state, territory or possession of the United States, membership in any reserve component of the United States Army, Navy, Air Force, Marine Corps, or Coast Guard, or being listed on the state reserve list or the state retired list or comparable status for any other state, territory or possession of the United States.

Notwithstanding the NYCHRL’s general proscription against discriminating against a protected class in advertising, recruiting or staffing, the law expressly allows employers to give a preference to uniformed servicemembers and veterans.

In Closing

New protections for active military personnel and veterans against employment and other discrimination will take effect on November 19. NYC employers should update their policies and handbooks to ensure compliance.

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