



NEW YORK STATE SENATOR

Andrew Gounardes

Sen. Gounardes' Bill to Protect Workplace Discrimination Victims Passes the State Senate

ANDREW GOUNARDES June 12, 2025

| ISSUE: **CIVIL COURT, DISCRIMINATION, WORKPLACE DISCRIMINATION, WORKPLACE HARASSMENT, LABOR PROTECTIONS**



The legislation prevents judges from arbitrarily slashing monetary damages awarded to victims of workplace bias.

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*New York State Senator Andrew Gounardes issued the following statement after **his legislation to protect victims** of workplace bias and discrimination passed the State Senate:*

"For too long, this loophole in our law has let companies get away with treating discrimination suits as just the cost of doing business," said State Senator Andrew Gounardes. "It undermines our Human Rights Law and creates a vicious downward cycle where victims are lowballed and penalties become a slap on the wrist. Workers deserve real justice and accountability, and our law should send a clear message to employers: discrimination is illegal and unacceptable, and our justice system will hold you accountable for it. That's what my bill does."

Background:

New Yorkers who win employment bias lawsuits often receive only a small fraction of the money allotted to them by juries, because civil court judges frequently slash those monetary awards in a seemingly arbitrary way.

The reductions stem from a state law that requires judges to lower verdicts if they "deviate materially from what would be reasonable compensation," a procedure known as remittitur. Judges sort bias claims into generic, predefined categories, relying on prior case law. Cases in which a plaintiff hasn't received medical treatment, for example, might be labeled "garden variety" and assigned a value of \$125,000 or less, no matter what the jury awards the plaintiff.

But these categories have no basis in medical or sociological fact and are simply a result of judges looking at "similar" cases of discrimination, despite each case having its own unique set of circumstances. These decisions routinely result in massive reductions in awards, undermining victims' ability to achieve justice and doing little to encourage employers to change discriminatory practices.

Moises Mendez, for example, was **awarded** a total of \$3 million in damages in 2010 after winning a lawsuit against Starwood Hotels Resorts Worldwide. A judge cut that down to

\$10,000. In 2011, Aubrey Chisolm **won** a racial discrimination suit against Memorial Sloan-Kettering Cancer Center and was granted \$1 million in damages by a jury, only for a judge to reduce the award to \$50,000.

New York is unique in the degree to which judges disregard workplace harassment jury verdicts. In nearby states like New Jersey, Connecticut, Massachusetts, and Pennsylvania, jury verdicts are presumed to be correct absent a clear miscarriage of justice.

This bill (***S.410***) establishes a higher standard for remittiturs in cases involving workplace discrimination, aligning New York with other states and the federal standard for discrimination claims. It states that a court can not overturn a jury verdict, except under exceptional circumstances in which the jury was influenced by prejudice or corruption. Judges would no longer be allowed to categorize awards based on similar characteristics, or be bound by precedent when considering whether to alter an award. The court must give primary consideration to the remedial purpose of the law.

These reforms will curb the arbitrary reduction of damages for workplace harassment victims, so perpetrators of abusive behavior are held fully accountable and victims receive the justice they deserve.

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2025-S410

- Introduced
- - In Committee Assembly
 - In Committee Senate
- - On Floor Calendar Assembly
 - On Floor Calendar Senate
- - Passed Assembly
 - Passed Senate
- Delivered to Governor
- Signed By Governor
-

Relates to certain jury awards in employment discrimination actions

December 31, 2024

In Assembly Committee

Sponsored by **Andrew Gounardes**

Do you support this bill?
