



NEW YORK STATE SENATOR

Andrea Stewart-Cousins

Senator Stewart-Cousins Announces Legislation to Bar Discrimination Against Unemployed

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Bill Would Level the Playing Field for Unemployed Job Seekers

(Yonkers)- Today, Senator Andrea Stewart-Cousins (35th District- D/WF/I) announced at a press conference in her district office, the introduction of Senate bill 5316. The bill would make the unemployed a "protected class" in New York and make it illegal for employers to deny out-of-work applicants an interview or position solely because they are jobless. It would also prohibit employers from posting job advertisements that discourage the

unemployed from applying to vacant positions.

The bill is co-sponsored in the Assembly by Assemblyman Keith Wright.

Joining Senator Stewart-Cousins at the press conference were several unemployed Westchester residents who said they had all experienced discrimination in some form because they are unemployed. Senator Stewart-Cousins says their experiences are representative of an increasingly common hiring practice throughout New York and the nation.

“It is fundamentally unfair for employers to refuse to hire, or even accept applications from individuals who are out of work. With the unemployment rate in the State still at staggeringly high levels, this prevents people who have lost their jobs through no fault of their own from getting back on their feet. It is discriminatory, it is wrong and it must not continue,” said Senator Stewart-Cousins.

This announcement came on the same day that the New York State Department of Labor is set to release its latest unemployment statistics. Last month, the Department of Labor reported that the unemployment rate in New York State was 8%.

“This legislation levels the playing field in the job market and makes sure that those who have been hit hardest by the recession are not at a disadvantage in the hiring process,” she continued.

On display at the press conference were several job advertisements by New York employers that expressly stated that applicants would only be considered if they were employed. In one case, a Craigslist ad for a building superintendent position in the Bronx stated “You MUST currently be employed as a Superintendent- This is a REQUIREMENT.” Senator Stewart-Cousins’ legislation would make these discriminatory job ads illegal in New York, similar to a

law signed by the Governor of New Jersey in April.

"We have an obligation as legislators, to do what's right and make sure that the unemployed have a fighting chance at being a part of this economic recovery," the Senator added.

A recent study by SUNY Stonybrook Professor Todd Pittinsky and UCLA M.B.A. students Geoffrey C. Ho, Margaret Shih and Daniel Walters also shows that discrimination against the unemployed is a significant issue. The study found that unemployed job applicants are less likely to receive interviews than employed applicants with the same qualifications.

"Our research suggests that the unemployed may have very legitimate concerns about bias against them," said SUNY Stonybrook Professor Todd Pittinsky in a statement. "Perhaps most surprising was that these more negative evaluations occurred even when we clarified for research participants that while the worker was unemployed, it was for no cause of his or her own doing."

The issue has also received nationwide attention. News reports by national sources such as CNN, ABC News and HuffingtonPost have pointed to the growing trend of unemployment discrimination in the job market around the country.

In February, the Equal Employment Opportunity Center held a public meeting on the subject after receiving a letter signed by several members of Congress (including five from New York) urging them to investigate the matter. Several presenters at the meeting confirmed that unemployed job applicants around the country are facing discrimination in the hiring process.

Senator Toby Ann Stavisky co-sponsors the legislation. In a statement, she said: "In this difficult economy it is unconscionable that an unemployed job seeker faces discrimination from potential employers. I am proud to be a co-sponsor of this bill because people seeking

work should be on equal footing -- regardless of employment status -- with all other applicants."

Senator Velmanette Montgomery, also a co-sponsor of S. 5316, released this statement: "In these difficult economic times, when wonderfully capable people have been laid off through no fault of their own, and are not able to immediately find other employment, it is imperative that New York State make a clear statement that discrimination in hiring based on current employment status is illegal and will not be tolerated. I thank and applaud my colleague, Senator Andrea Stewart-Cousins, for drafting this important and compassionate piece of legislation. I am proud to be a co-sponsor."

Senator Jose Serrano, who co-sponsors the bill, said: "Considering the high rate of unemployment in New York, excluding a job applicant based on their unemployment status is not only discriminatory, but nonsensical. This bill will level the playing field, giving those who were laid off for reasons unrelated to job performance the opportunity to compete for and obtain any position that they're fully qualified to hold. I commend Senator Stewart-Cousins for advocating on behalf of unemployed New Yorkers seeking to make positive contributions to our great state."

Another co-sponsor, Senator Michael Gianaris, said: "New Yorkers need jobs and we must do what we can to make it easier for the unemployed to find work. Denying the unemployed the opportunity to find a job turns the world on its head and will only prolong the difficult economic climate we face today. Senator Andrea Stewart-Cousins deserves our thanks for championing this proposal and I look forward to seeing it enacted."

New York State Senator Joe Addabbo is a co-sponsor of S. 5316 and the ranking member of the Senate's Labor Committee. In a statement, Senator Addabbo said, "The unemployment rate in Queens, the city and the state, even the nation overall, is between 8.5 - 9 percent.

While some pundits have noted that the worst of the long recession has ended, many of my people have been seeking jobs for the past year or even 18 months. Those who want to work and weren't laid off through their own fault, but only due to budget cutbacks, must have a level playing field to compete for jobs. Employers who are allowed to advertise for new hires that make jobs available only to those 'currently employed' will just keep our unemployment rate and length of time to find a new job at current all-time high levels. That's why I support Sen. Stewart-Cousins' efforts to change the current New York law that for too long has allowed employers, employment or licensing agencies to continue such an arbitrary, discriminatory practice as targeting the jobless by refusing to hire them."

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