

City Council Votes To Ban Discrimination Against Unemployed

by {ga=csalazar}

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NEW YORK — Unemployed job seekers would be protected against discrimination under a bill approved by the City Council.

The bill prohibits employers from discriminating against unemployed job applicants through their hiring practices and bans "help wanted" advertisements that stipulate job seekers must be employed. The Council passed the legislation 44-to-4 on Wednesday.

Supporters of the bill called it the strongest of its kind in the nation, but Mayor Michael Bloomberg said it was "one of the most misguided pieces of legislation" that had come before

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him and said it would likely lead to a spate of lawsuits.

Job seekers could sue in court under the legislation, making it unique among jurisdictions around the country that have similar laws. Applicants could also complain to the city's Commission on Human Rights.

Bloomberg, who said he would veto the bill, said the legislation would "damage lots of small businesses."

"What the bill does is it says if you have been unemployed for a period and you don't get a job you apply for, then you can sue the employer arguing that they were illegally discriminating against you," he said. "I can't think of any rational employer who wouldn't want to know what you've been doing for a period of time."

Council Speaker Christine Quinn, who proposed the bill in her State of the City address last year, said she has the votes to override the veto. "That will not be an issue," she said. "This is a piece of legislation that says you can't discriminate against people who are unemployed."

The Council has overridden 19 mayoral vetoes since 2009.

Supporters of the unemployment discrimination bill, which was introduced last March, say it is badly needed because the jobless rate in the city remains above the national average and because it is also taking longer for the unemployed to find jobs. They also said examples of employers taking employment status into account were brought to their attention during the economic malaise of the past few years. The bill would also prohibit such actions.

"You can't simply say, 'Don't come here I won't hire you because you are unemployed, which is exactly what is happening, and is wrong, and is really putting people in a situation where they're going to be trapped in a box of unemployment potentially forever. And that's just wrong,'" Quinn said in remarks before Wednesday's vote.

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Supporters of the bill include the National Employment Law Project and the Community Service Society of New York.

"For certain groups, having this legislation in place is really important to make sure there are no barriers that would have a disproportionate impact on getting back into the labor market," said Michelle Holder, a senior labor market analyst who has studied unemployment trends in the city.

[In an analysis published in August 2012](#) and based on data from the U.S. Census, Holder found that New Yorkers were out of work an average of 41 weeks in the previous year.

At a June 2012 committee hearing on the bill, a mayoral aide outlined several objections to the bill.

"Adding this category blurs the line between irrational discrimination, which the Human Rights law is supposed to address, and more complicated employment decision-making processes that can legitimately rely on multiple factors," said Bill Heinzen, deputy counselor to the mayor, in his testimony. "Unlike other bases for discrimination ... a person's unemployment status may, in certain situations, be relevant to employers when selecting qualified employees."

Other jurisdictions have passed similar unemployment discrimination laws, including New Jersey and Oregon. President Barack Obama [proposed banning discrimination against the jobless](#) in 2011.

Council Passes Campaign Finance, Gas Station Signage Bills

The Council passed a bill Wednesday that would deregulate certain disclosure requirements by outside membership organizations that spend money on behalf of candidates.

Mayor Michael Bloomberg, who has said he would veto the bill, is joined in his opposition of the legislation by the city's Campaign Finance Board.

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“Disclosure of money is fundamental to the democratic process,” said Amy Loprest, executive director of the NYCCFB, at a hearing on Jan. 15. “A campaign message is a campaign message, no matter where or to which audience it is aimed.”

Currently, organizations have to report as independent expenditures member-to-member mailings of 500-plus pieces that discuss candidates. Speaker Christine Quinn said she is worried that this will have a “chilling effect” on these groups during the 2013 election.

At a press conference just before the bill’s passage, she said that present regulations “limited membership organization’s involvement in the civic process, limited their involvement in talking to their members.”

With the passage of the bill, she said that “we’re in a place where membership organizations can do what we want them to do — engage in the political process.”

When asked if she had enough votes to override the mayor’s veto, she responded with commanding optimism. “You can rest assured that I’ll never let a veto stand,” she said.

The Council also passed a bill that would stipulate that gas stations have road signs that advertise the total selling price of gas.

In remarks before the vote, Quinn spoke of gas stations that trick customers by posting low gas prices that are actually reserved for only those who pay in cash.

“While drivers may appreciate saving a few bucks, the problem is the station’s signs use the most confusing or tiny print possible to state it’s cash only for that discount,” she said.

The legislation, which was introduced by Councilman Lewis Fidler, requires a gas station to either mark that a price is for cash customers only in lettering no less than half the height, width, and thickness of the numbers indicating the price itself; or to advertise the price of gas for both

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cash and non-cash customers.

— *By Pete Fey*