

S.849-A (Gounardes) / A.233-A (Rosenthal)

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BILL S.849-A (Gounardes) / A.233-A (Rosenthal)
SUBJECT Statute of Limitations for Actions Based on Employment Discrimination
DATE May 25, 2021
OPPOSE

Discrimination in employment based on any protected characteristic is illegal under New York State and federal law. Harassment is a form of employment discrimination. New York State has the strongest laws in the nation protecting workers from discrimination and harassment on the job. These protections explicitly include protection from retaliation for taking part in any lawful activity under state law (including reporting incidences of harassment, participating in any administrative proceedings regarding discrimination, reporting harassment they have witnessed, etc.).

New York's statute of limitations for bringing charges under state law in the case of workplace harassment/discrimination is already three years and is longer than similar federal limits. Over the course of a longer, six-year time frame proposed in this legislation, there can be changes in ownership, management, human resource professionals, etc. that would make adjudicating or resolving a claim of discrimination difficult at best. Statutes of limitations exist for a reason. Memories fade, personnel changes occur – even the definition of what constitutes discrimination and harassment may change.

Extension of this time frame serves no purpose in protecting workers and only makes owning and operating a business in NYS less desirable – putting New York at a competitive disadvantage with the rest of the country. A trend that is already accelerating. For these reasons, The Business Council, on behalf of its more than 2,300 members, opposes this bill.