

Governor Hochul Signs a Series of Bills Amending New York Labor and Employment Law

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New York Governor Kathy Hochul signed a bill last month that amended the New York State's Human Rights Law to state that interns are protected from unlawful discrimination based on gender identity or expression. Since 2014, the New York State Human Rights Law has protected interns from unlawful discrimination based on their protected class status. In 2019, gender identity or expression was added as a protected class throughout the Human Rights Law, except in the intern provision. The newly enacted law appears purposed to correct an unintended oversight and to underscore that gender identity or expression is a protected class for interns.

On September 6, 2023, Governor Hochul signed into law three additional bills designed to provide employees with additional protection and benefits. The first bill amended the Penal Law to add wage theft as one of the methods by which larceny is committed. Under the law, an employer commits wage theft when the employer fails to pay its employees the minimum wage rate, overtime, or promised wage if greater than the minimum wage rate and overtime.

The second bill amended Section 201-d of the New York Labor Law and prohibits an employer from disciplining employees who refuse to: (i) attend an employer-sponsored meeting where the primary purpose of said meeting is to communicate the employer's opinion concerning religious or political matters; or (ii) listen to speech or view communications whose purpose is to communicate the employer's opinion concerning religious or political matters.

The law defines "political matters" as "elections for political office, political parties, legislation, regulation and the decision to join or support any political party or political, civic, community, fraternal, or labor organization." In addition, the law defines "religious matters" as "religious affiliation and practice and the decision to join or support any religious organization or association."

The law does not prohibit:

- (i) an employer from communicating to its employees any information that the employer is required by law to communicate, but only to the extent of such legal requirement;
- (ii) an employer from communicating to its employees any information that is necessary for such employees to perform their job duties;
- (iii) an institution of higher education from meeting with or participating in any communications with its employees that are part of coursework, any symposia, or an academic program at such institution;
- (iv) casual conversations between employees or between an employee and an agent of an employer, provided participation in such conversation is not required; or
- (v) a requirement limited to the employer's managerial and supervisory employees.

Employers are responsible for posting a sign in the workplace, where notices are normally posted, informing employees of their rights under this section.

The third bill amends Section 15 of the Workers' Compensation Law by increasing the minimum benefits for injured workers who cannot work under Workers' Compensation laws. The chart below lists the compensation for permanent or temporary partial disability or for permanent or temporary total disability due to an accident or disablement resulting from an occupational disease:

Years	Monetary Benefit Per Week
January 1, 2024-January 1, 2025	\$275, except if the employee's wages at the time of injury are less than \$275 per week, the employee shall receive his or her full wages.
January 1, 2025-July 1, 2026	\$325, except if the employee's wages at the time of injury are less than \$325 per week, the employee shall receive his or her full wages
July 1, 2026-July 1 of each succeeding year	1/5 of the New York State average weekly wage for the year in which it is reported, except if the employee's weekly wages are equal to or less than 1/5 of the New York State average weekly wage for the year in which it is reported, the employee shall receive his or her full wages.

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Topics

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