

Dear New Yorkers,

Finding a job and succeeding takes training and hard work. Those efforts are undercut when employers discriminate against workers or applicants because of their race, gender, or other attributes irrelevant to the job.

That's not only unfair, it's illegal. The right to be judged in the workplace based upon job performance is so fundamental that laws are enacted on the federal, state, and local level to prohibit discrimination. Workers are also protected from retaliation in the workplace if they file a complaint.

It's important that victims of job discrimination take the appropriate steps to protect their rights. This brochure discusses the laws that govern employment discrimination and how to file a complaint. If you have questions or need more information, contact the Civil Rights Bureau at (212) 416-8250 or check our website ag.ny.gov/bureau/civil-rights.

Sincerely,

Letitia James



Attorney General
of New York
Letitia James

Resources

Office of the New York State Attorney General Civil Rights Bureau

28 Liberty Street
New York, NY 10005

civil.rights@ag.ny.gov
ag.ny.gov/civil-rights-complaint
(212) 416-8250 or (800) 771-7755
(800) 788-9898 - TTL

New York District Office of the EEOC

33 Whitehall Street, 5th Floor
New York, NY 10004

eeoc.gov/field/newyork
(212) 336-3620 or (800) 669-4000
(800) 669-6820 - TTY

NY State Division of Human Rights

One Fordham Plaza, 4th Floor
Bronx, New York 10458

Regional Offices: dhr.ny.gov
(718) 741-8400

NYC Commission on Human Rights

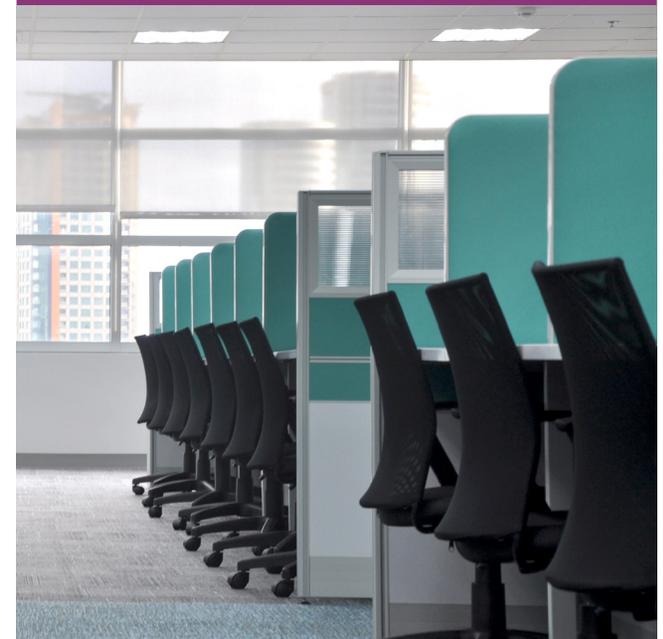
40 Rector Street, 10th Floor
New York, New York 10006

Other bureau offices available at:
nyc.gov/site/cchr/about/contact-us.page
(212) 306-5070
(212) 306-7450 - File a Complaint

The information contained in this brochure is for informational purposes only, and is not intended to provide or be relied upon as legal advice in any particular situation.

Employment Discrimination

Your Right to a Workplace
Free From Discrimination



Office of the New York State
Attorney General

Letitia James



Protection Against Discrimination

Federal, state and, in some communities, local laws prohibit discrimination against job applicants and employees based on race, national origin, gender, religion, disability, and many other categories. It is illegal for an employer to refuse to hire, fail to promote, terminate, pay less, or otherwise treat employees or job applicants differently because they are part of a protected category.

Protection Against Retaliation

Retaliation against employees who complain about discrimination or cooperate with an investigation is also prohibited. That means employees cannot be punished or face negative actions — such as termination or demotion — if they complain or cooperate with investigations.

Laws are Similar, but Different

Laws passed by federal, state, and local governments cover many of the same issues, but have distinct differences. It's important that you understand the differences and know where to file a complaint. You can find a full description of these laws on our website. You should also check with your city, town, or county to see if there is a local human rights law in effect.

What is Protected

Uniformly, the laws prohibit discrimination based on race, national origin, ethnicity, sex, religion, disability, and age. State and many local laws also protect on the basis of sexual orientation, marital status, military status, genetic predisposition, prior arrests, and convictions. New York City also includes status as a victim of domestic violence, stalking, and sex offenses. The federal statutes typically apply to employers with 15 or more employees; the New York State and New York City statutes apply to those with four or more employees. Employment agencies and labor unions must also comply with the laws.

Filing a Complaint

Victims of employment discrimination or retaliation have options:

- Filing a complaint with the employer;
- Filing a charge of discrimination with the U.S. Equal Employment Opportunity Commission (EEOC), the NYS Division of Human Rights, or a local board, such as the NYC Commission on Human Rights (NYCCHR);
- Filing a lawsuit;
- Filing a complaint with the New York State Attorney General's Office.

Each option has different deadlines and ramifications. The decision about which to choose is dependent on such things as the outcome sought, the time period that has passed since the incident occurred, and whether a charge must be filed with an administrative agency before filing a lawsuit.

If you believe you have been subject to employment discrimination or retaliation, you should consult an attorney as soon as possible before proceeding.

Federal Complaints

Before suing under federal laws, an individual must file a charge of discrimination with the EEOC within 300 days of the most recent discriminatory act (federal employees/job applicants must contact an EEO officer where they work/applied within 45 days). The charge will be investigated and the EEOC may attempt to resolve the matter through mediation. If mediation fails or if the EEOC does not find reasonable cause that discrimination/retaliation occurred, it will issue a "right to sue" letter, giving the employee 90 days to file a lawsuit in federal or state court.

The Attorney General

The Attorney General's Office investigates complaints and prosecutes cases alleging a pattern or policy of discrimination that affects many people. The Bureau does not represent individuals, nor does it litigate cases against New York State agencies. However, if you believe that other applicants or employees are experiencing similar discrimination by the same employer, please notify us by filing a complaint.

State and Local Complaints

An individual can file a charge of employment discrimination or retaliation with the New York State Division of Human Rights within one year, or file a lawsuit directly in New York state court within three years of the most recent discriminatory act.

If the incidents occurred in NYC, the complaint can be filed with NYCCHR, with the same time constraints. Both the State Division and the NYCCHR have similar processes. Each will investigate the charge and, if it determines that the charge has merit, hold a hearing.

Alternatively, if a lawsuit is filed, the employee and employer will each produce evidence, including documents and sworn testimony of people with knowledge of the events. If the parties do not reach a settlement, the lawsuit will be resolved by the court or a jury.

Typical Outcomes if Discrimination is Found

An employer may be required to hire, reinstate, or promote an applicant/employee. In addition, an applicant or employee may obtain an award of monetary damages. Examples include back pay, the value of any lost benefits, compensatory damages for pain and suffering, and punitive damages. An employee may also be awarded attorneys' fees and interest on lost wages and benefits. In addition, an employer may be required to change their personnel policies, procedures, and training.

Please Note: Making a complaint to the Attorney General does not satisfy EEOC filing requirements or any other agency or court deadlines. To preserve your legal claims, you may also need to file a discrimination charge with the EEOC, the State Division or the NYCCHR, or file a lawsuit.

To file a complaint, contact the New York State Attorney General's Civil Rights Bureau or complete a complaint form available ag.ny.com/civil-rights-complaint.