

AGE DISCRIMINATION IN EMPLOYMENT

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NEW YORK

Provisions on older workers enacted by amendments to law against discrimination; ch. 738, approved Apr. 14, 1958, effective July 1, 1958, as amended; commission rulings interpretive of the age provisions of the law against discrimination, issued 1963.	Between 40 and 65 specified in law; however, commission has ruled that discrimination means discrimination based on "over age."	Employers of 4 or more; labor organizations; employment agencies; licensing agencies.	Family employment; domestic service.	For employer or licensing agency: Refusing to hire, employ, or license; barring, discharging; discriminating in promotion, compensation, terms, conditions, or privileges of employment. For labor organization: Excluding from membership; expelling; discriminating in any way against member, employer, or other employees. For employment agency: Discriminating in receiving, classifying, disposing, or acting upon applications, or in referring applicants. For employer, licensing agency, or employment agency: Printing or circulating any statement, advertisement, or publication, using any application form, or making any inquiry which expresses any limitation, specification, or discrimination, or which is made for the purpose of barring or discriminating. (If age is asked, form must state that the law prohibits discrimination because of age.) Discharging, discriminating, or retaliating against person for opposing forbidden practices, filing a complaint, testifying or assisting in proceedings under this act. For any person: Aiding, abetting, inciting, compelling, or coercing the doing of forbidden acts or attempting to do so. Law does not apply to bona fide occupational qualifications in certain cases; fulfilling other statutory requirements or requirement of other governmental agencies; termination of employment of person physically unable to perform his duties; retirement policy when same not a subterfuge; varying of insurance coverage according to age.	State commission for human rights.	Unless a conciliation agreement is made, commission hearing may issue cease-and-desist and affirmative orders enforceable in the courts.	For willfully resisting, preventing, interfering with the commission in its duties or for willful violation of orders, misdemeanor; punishable by imprisonment for not more than 1 year and/or fine of not more than \$500.	Yes.
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