

Intro. Res. No. 1361-2020

Laid on Table 4/28/2020

Introduced by Legislators Richberg, Fleming, Hahn, Spencer, Berland, Sunderman, Calarco and Gonzalez

RESOLUTION NO. 463 -2020, ADOPTING LOCAL LAW NO. 26 -2020, A LOCAL LAW TO AMEND CHAPTER 528 OF THE SUFFOLK COUNTY CODE TO PREVENT DISCRIMINATION BASED ON CERTAIN VISIBLE CHARACTERISTICS

WHEREAS, there was duly presented and introduced to this County Legislature at a meeting held on April 28, 2020, a proposed local law entitled, "**A LOCAL LAW TO AMEND CHAPTER 528 OF THE SUFFOLK COUNTY CODE TO PREVENT DISCRIMINATION BASED ON CERTAIN VISIBLE CHARACTERISTICS**"; now, therefore be it

RESOLVED, that said local law be enacted in form as follows:

LOCAL LAW NO. 26 -2020, SUFFOLK COUNTY, NEW YORK

A LOCAL LAW TO AMEND CHAPTER 528 OF THE SUFFOLK COUNTY CODE TO PREVENT DISCRIMINATION BASED ON CERTAIN VISIBLE CHARACTERISTICS

BE IT ENACTED BY THE COUNTY LEGISLATURE OF THE COUNTY OF SUFFOLK, as follows:

Section 1. Legislative Intent.

This Legislature hereby finds and determines that Suffolk County is dedicated to protecting the rights of its residents and eliminating discrimination and bias in the workplace.

This Legislature also finds and determines that existing laws in Suffolk County provide that it is unlawful to discriminate based on a person's group identity, which includes the actual or perceived race, color, creed, age, national origin, alienage or citizenship status, gender, sexual orientation, disability, marital status, or familial status of any individual, as well as the actual military status of any individual.

This Legislature further finds and determines that the history of our nation is riddled with laws and societal norms that subject those with certain physical attributes, such as protective hairstyles and religious garments, to separate and unequal treatment in professional settings.

This Legislature finds that despite the great strides American society and laws have made to reverse racist ideologies and religious discrimination, protective hairstyles, braids, and religious garments continue to be a source of prejudice that have serious economic consequences for individuals in Suffolk County.

This Legislature determines that Title VII of the Civil Rights Act of 1964 prohibits employers with at least 15 employees from discriminating based on race, color, religion, sex, or national origin, and therefore should protect against discrimination based on one's natural hair texture or decision to wear protective hairstyles or religious garments.

This Legislature also finds that federal courts have held in multiple cases that it is unlawful to discriminate based on an individual's natural hair styling. However, the courts do not take into consideration that natural hair styles come in several different forms such as braids and other protective hairstyles.

This Legislature further finds that Suffolk County should protect residents with protective hairstyles, braids, and religious garments from being unfairly discriminated against because of these visible traits.

Therefore, the purpose of this law is to amend Chapter 528 of the SUFFOLK COUNTY CODE to include protective hairstyles, hair textures, and religious garments as components of group identity under the County Human Rights Law.

Section 2. Amendments.

Chapter 528 of the SUFFOLK COUNTY CODE is hereby amended as follows:

Chapter 528. Human Rights.

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Article II. Unlawful Discriminatory Acts

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§ 528-6. Definitions.

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GENDER – Actual or perceived sex of an individual, or an individual's gender identity, self-image, appearance, behavior or expression, whether or not it is different from that traditionally associated with the legal sex assigned to that individual at birth.

GROUP IDENTITY – The actual or perceived race, color, creed, age, national origin, alienage or citizenship status, gender, sexual orientation, disability, marital status, or familial status of any individual, as well as the actual military status of any individual. This definition shall include visible traits of an individual, such as natural hair texture, protective hairstyles and the donning of religious garments or items.

* * * *

PREMIUM WAGES – Includes overtime pay and compensatory time off, and additional remuneration for night, weekend or holiday work, or for standby or irregular duty.

PROTECTIVE HAIRSTYLE – Includes, but is not limited to, such hairstyles as braids, locks, and twists.

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Section 3. Applicability.

This law shall apply to all actions occurring on or after the effective date of this law.

Section 4. Severability.

If any clause, sentence, paragraph, subdivision, section, or part of this law or the application thereof to any person, individual, corporation, firm, partnership, entity, or circumstance shall be adjudged by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section, or part of this law, or in its application to the person, individual, corporation, firm, partnership, entity, or circumstance directly involved in the controversy in which such order or judgment shall be rendered.

Section 5. SEQRA Determination.

This Legislature, being the State Environmental Quality Review Act (SEQRA) lead agency, hereby finds and determines that this law constitutes a Type II action pursuant to Section 617.5(c)(26) of Title 6 of the NEW YORK CODE OF RULES AND REGULATIONS (6 NYCRR) and within the meaning of Section 8-0109(2) of the NEW YORK ENVIRONMENTAL CONSERVATION LAW as routine or continuing administration and management not including new programs or major reordering of priorities that may affect the environment. The Suffolk County Council on Environmental Quality (CEQ) is hereby directed to circulate any appropriate SEQRA notices of determination of non-applicability or non-significance in accordance with this law.

Section 6. Effective Date.

This law shall take effect immediately upon its filing in the Office of the Secretary of State.

[] Brackets denote deletion of existing language.
___ Underlining denotes addition of new language.

DATED: June 23, 2020

APPROVED BY:

/s/ Steven Bellone
County Executive of Suffolk County

Date: July 9, 2020

After a public hearing duly held on July 6, 2020
Filed with the Secretary of State on July 23, 2020