STATE LAWS PROHIBITING EMPLOYMENT DISCRIMINATION AGAINST THE UNEMPLOYED

(as of June 2016)

Please note that while the information contained herein is up-to-date and accurate to the best of our knowledge, EEAC cannot guarantee that every applicable state or local law or applicable provision of state or local law has been identified and summarized. Accordingly, we recommend that you check the law of the particular state in which you have an interest to ensure compliance.

NEW JERSEY

No employer (nor employer's agent, representative nor designee) shall post an advertisement for any job vacancy including any of the following:

1) any provision stating that qualifications include current employment;

2) any provision stating that an application submitted by an applicant currently unemployed will not be considered or reviewed; OR

3) any provision stating that the employer will only consider or review applications submitted by applicants who are currently employed.

Penalties: First violation = up to $1,000 fine; Second violation = $5,000 fine; Third/Subsequent violations = $10,000 fine.

No private cause of action is established.

N.J. Stat. §§ 34:8B-1 *et seq.* Effective Date: June 1, 2011 EEAC Memo: 11-166

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OREGON

No employer (nor employer's agent, representative, designee nor employment agency) shall publish in print or on the Internet an advertisement for a job vacancy that provides:

(1) the qualifications for a job include current employment;

(2) the employer will not consider or review an application for employment by an applicant currently unemployed; or

(3) the employer will only consider or review applications for employment by applicants currently employed.

Violation of this section is an unlawful practice.

Nothing in this section shall create or authorize a private right of action by an aggrieved person.

In addition to other steps taken to eliminate the unlawful practice, a civil penalty may not exceed $1,000.

Or. Rev. Stat. § 659A.550 Effective Date: March 2012 EEAC Memo: n/a

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DISTRICT OF COLUMBIA

No employer or employment agency shall:

1) Fail or refuse to hire or to consider for employment, an individual as an employee because of the individual's unemployed status; OR

2) Publish in print, on the Internet, or in any other medium, an advertisement or announcement for a job vacancy that includes:

a) any provision stating or indicating that an individual's unemployed status disqualifies the individual for the job; OR

b) any provision stating or indicating that an employment agency will not consider or hire an individual because of the individual's unemployed status.

Retaliation against an individual asserting rights under this chapter is prohibited.

Civil penalties for an offense hereunder are: first violation + $1,000 per claimant; second violation = $5,000 per claimant; and $10,000 per claimant for each subsequent violation, not to exceed $20,000 per violation.

Nothing herein shall be construed as creating, establishing or authorizing a private cause of action.

D.C. Code §§ 13-1361 *et seq.* Effective Date: May 31, 2012 EEAC Memo: n/a

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NEW YORK CITY

An employer, employment agency, or agent thereof shall not base an employment decision with regard to hiring, compensation or the terms, conditions or privileges of employment on an applicant's unemployment.

No employer, employment agency, or agent thereof shall publish in print or in any other medium, an advertisement for any job vacancy containing:

a) any provision stating or indicating that being currently employed is a requirement or qualification for the job; OR

b) any provision stating or indicating that individuals will not be considered for employment based on their unemployment.

Disparate impact hereunder is established when:

1) the commission or person bringing an action demonstrates that a policy or group of policies of an employer, employment agency, or agent thereof results in a disparate impact to the detriment of any group protected by these provisions; and

2) such entity fails to plead and prove as an affirmative defense that each such policy or practice has as its basis a substantially job-related qualification or does not contribute to the disparate impact.

N.Y. Admin. Code §§ 8-102 et seq. Effective Date: June 2013 EEAC Memo: n/a

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