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**CONFIDENTIAL ATTORNEY-CLIENT
PRIVILEGED MEMORANDUM**

DATE: April 22, 2014

TO: HANYC Labor Relations Members and General Members Who Are Bound to the Industry-Wide Collective Bargaining Agreement (“IWA”) General Managers, Human Resource Directors and Controllers

FROM: Kane Kessler, P.C.
Labor and Employment Law Department

RE: New York City Human Rights Law Amendment

On March 26, 2014, the New York City Council unanimously passed a bill which will expand the coverage of New York City Human Rights Law to include interns. The law was drafted in response to the October 2013 dismissal by the United States District Court for the Southern District of New York of *Wang v. Phoenix Satellite Television US, Inc.*, a case in which an unpaid intern brought suit under New York City Human Rights law, alleging she was subjected to quid pro quo and hostile environment sexual harassment by a manager. The Court dismissed the case on the basis that Wang, an unpaid intern, was not an employee of Phoenix and thus was not protected by the provisions of New York City Human Rights Law.

The new law which will become effective on June 14, 2014, 60 days after it was signed by the Mayor, defines an intern as “an individual who performs work for an employer on a temporary basis whose work: (a) provides training or supplements training given in an educational environment such that the employability of the individual performing the work may be enhanced; (b) provides experience for the benefit of the individual performing the work; and (c) is performed under the close supervision of existing staff. The term shall include such individuals without regard to whether the employer pays them a salary or wage.” The new law further states that the provisions of the New York City Human Rights law that apply to employees shall apply to interns. Similar legislation has also been introduced at the state level.

In response to this new legislation, employers should review their anti-discrimination and harassment policies to ensure they also apply to interns. If you have any questions about New York City Human Rights Law, please do not hesitate to contact David Rothfeld, Judith Stoll, Lois Traub, Robert L. Sacks, Niki Franzitta or Alex Soric of the Firm’s Labor & Employment practice group.

cc: Joseph E. Spinnato, Esq.
Geoffrey A Mills, Chairman

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