



NEW YORK STATE SENATOR

Liz Krueger

“Boss Bill” Passes in Assembly with Bipartisan Support; Krueger and Jaffee Call for Senate Vote Before End of Session

LIZ KRUEGER June 19, 2014

| ISSUE: **HEALTH, LABOR, WOMEN'S HEALTH, MEN'S HEALTH, SAFE SEX OR CONTRACEPTIVES/ION**

Sen. Krueger applauded the Assembly's passage today of legislation she sponsors with Assemblymember Ellen Jaffee (D-Suffern) banning employers from discriminating against employees on the basis of their personal reproductive health decisions (A. 8769A / S. 6578B). The bill passed 80-22, with eight Republican members supporting the bill, including Jane Corwin (R-Clarence) who spoke in favor of the bill during floor debate. Sen. Krueger and Assemblymember Jaffee called on the Senate majority's co-leaders to allow a Senate floor vote on the bill before the close of the 2014 session.

Known as the “Boss Bill,” this legislation would close a glaring loophole in New York's existing workplace anti-discrimination laws. The bill's introduction was prompted by the proliferation of more than 100 federal lawsuits by employers seeking to deny their employees the birth control coverage benefits they are guaranteed through their healthcare plans under the federal Affordable Care Act. A large national chain store operating in New York, Hobby Lobby, is among the growing number of employers trying to cut employees off from access to birth control and other reproductive health services and the ability to make their own healthcare decisions. While this legislation would not directly affect employers'

health insurance offerings and covered services, it would prevent discrimination or retaliation against employees for their use of healthcare services and their healthcare decisions, and it would reinforce medical privacy protections for employees.

The United States Supreme Court is expected to hand down a decision imminently in litigation brought by Hobby Lobby seeking to remove contraceptive coverage from the mandated services its health insurance is required to cover under the federal Affordable Care Act. Regardless of the outcome in that case, the Boss Bill would protect all workers, both men and women, from being discriminated against by their employers for their reproductive healthcare decisions or their use of the available range of reproductive care services, whether covered by insurance or otherwise. This would include, for example, women who have become pregnant and are accessing pregnancy-related healthcare services, regardless of their marital status or sexual orientation.

“In New York, in the 21st century, no boss should be able to tell employees whether they can have access to birth control, or whether they have the right to be pregnant,” said Sen. Krueger. “This bill to protect women's and men's basic right to make their own reproductive health decisions passed with bipartisan support in the Assembly today, and it should pass the Senate and go to the governor's desk this year. It would send a deeply disturbing message if it doesn't.”

“With some employers going out of their way to cut off workers' access to reproductive health care, here's the question: will this legislature act to protect employees' right to make their own healthcare decisions?” continued Sen. Krueger. “Yesterday, the Assembly answered with a ‘yes’. I thank my colleague Ellen Jaffee for sponsoring the bill in the Assembly, and I thank the bipartisan majority of assemblymembers who understand that regardless of one's personal feelings on contraception or abortion, discriminating against employees on the basis of their personal healthcare decisions is wrong and has no place in New York State. I

now call upon Senate Majority Co-Leaders Skelos and Klein to bring this bill -- which achieved bipartisan support in the Assembly -- to the floor before the end of session.”

“This legislation guarantees New York women and men the freedom and fundamental right to make personal reproductive health care decisions without fear of reprisal from their employers,” said Assemblymember Jaffee. “The Boss Bill continues New York’s long history of protecting individuals from discrimination in the workplace by strengthening and expanding State law to ensure that an employer cannot retaliate against an employee because the employee or their dependent accessed care related to pregnancy, family planning or any other reproductive health service.”

The federal Affordable Care Act (ACA) requires that health insurance plans cover all FDA-approved birth control methods without out-of-pocket costs and is intended to provide broad-based health insurance coverage to millions of currently uninsured Americans. This represents a huge step forward for women’s health and equality, expanding coverage and eliminating costs for literally millions of women. However, as has been made obvious by the myriad lawsuits from businesses seeking to strip this coverage, some bosses are committed to inserting themselves into their employees’ private healthcare decisions. In addition, news reports and women’s health advocates have recently highlighted a number of examples from across the country of bosses retaliating against employees for their reproductive health care decisions.

New York State has demonstrated a commitment to outlawing discrimination in the workplace by passing laws protecting individuals from various forms of discrimination, but discrimination on the basis of individuals’ reproductive healthcare decisions can fall into a gap in the existing law. To address this, Sen. Krueger’s legislation adds a new Section 203-e to the New York State Labor Law, prohibiting an employer from discriminating against an employee on the basis of the employee’s (or a dependent’s) reproductive health decisions,

including a decision to use or access a particular drug, device or medical service. It also prohibits discrimination based on an employer's personal beliefs about such services, and it prohibits an employer from accessing an employee's personal information regarding the employee's reproductive health decision-making.

Sen. Liz Krueger is a veteran member of the New York State Senate's Democratic Conference, serving as ranking member on the Senate Finance Committee. First elected in 2002, Sen. Krueger represents the 28th Senate District, which includes Manhattan's Upper East Side and East Midtown communities, and is a founding co-chair of the New York State Bipartisan Pro-Choice Legislative Caucus (BPCLC).