


in a disparate impact to the detriment of any group protected by the provisions of this subdivision; 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; provided, however, that if the commission or such person who may bring an action demonstrates that a group of policies or practices results in a disparate impact, the commission or such person shall not be required to demonstrate which specific policies or practices within the group results in such disparate impact; provided further, that a policy or practice or group of policies or practices demonstrated to result in a disparate impact shall be unlawful where the commission or such person who may bring an action produces substantial evidence that an alternative policy or practice with less disparate impact is available to such entity and such entity fails to prove that such alternative policy or practice would not serve such entity as well. A "substantially job-related qualification" shall include, but not be limited to, a current and valid professional or occupational license; a certificate, registration, permit, or other credential; a minimum level of education or training; or a minimum level of professional, occupational, or field experience.

§4. This local law shall take effect ninety days after it shall have been enacted into law.

 JEB
 LS #2928
 1/15/13
 6:17 PM

I hereby certify that the above bill was passed by the Council of the City of New York on January 23, 2013 receiving the following votes:

Affirmative..... 44
 Negative..... 4
 Abstentions..... 0


 Michael M. McSweeney, City Clerk,
 Clerk of the Council.

DISAPPROVED

ON THE 22nd DAY OF February 2013

 MAYOR

