

HOW TO FILE A COMPLAINT

If you believe you have been discriminated against based on your military status, you can file a complaint with the New York State Division of Human Rights.

A complaint must be filed with the Division within one year of the alleged discriminatory act.

To file a complaint:

- Visit the Division's website, at WWW.DHR.NY.GOV, and download a complaint form. Completed complaints must be signed before a notary public, and returned to the Division (by mail or in person).
- Stop by a Division office in person.
- Contact one of the Division's offices, by telephone or by mail, to obtain a complaint form and/or other assistance in filing a complaint.

For more information or to find the regional office nearest to your home or place of employment, visit our website at: WWW.DHR.NY.GOV.

SOME EXAMPLES:

You're looking at potential apartments and a landlord asks if you're in the military. You tell the landlord you're in the Reserves. The landlord then declines to rent to you. Is this unlawful?

It is unlawful in New York State to refuse to rent to otherwise qualified active duty military or a member of the Reserves based solely upon military status.

You return from service overseas and need to utilize a wheelchair based upon your disability. You cannot access your workstation at your place of employment as the wheelchair doesn't fit into the existing workstation. You are otherwise qualified to perform all aspects of your job responsibilities. What rights do you have?

Your employer has a duty to provide you with a reasonable accommodation based upon your disability. This means that the employer must modify the workstation to permit you access, unless the employer can demonstrate that providing access is an undue hardship.

You and a group of other service members go out to a nightclub. Some, but not all, are in uniform. The bouncer denies you access, claiming the nightclub is full. One hour later, you and your group are still waiting outside and you've observed a few dozen others go in. Is this unlawful?

If the nightclub denied you and your group access based upon your military status, then this would be unlawful.



Division of
Human Rights

Discrimination Based Upon **MILITARY STATUS** And Against **VETERANS** With Disabilities

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WWW.DHR.NY.GOV

The Human Rights Law

The New York State Human Rights Law prohibits discrimination based upon military status.

Additionally, the Human Rights Law has long protected persons with disabilities, including veterans, in employment, housing, and public accommodations.

Service Members with Disabilities Face Special Challenges

The Division of Human Rights helps to ensure that injured service members return to civilian life by strictly enforcing New York's broad prohibition against discrimination based upon disability.

New York State is among those states expanding disability laws to afford its constituents the broadest protection possible.

Service members returning from combat with disabilities may for the first time in their lives experience discrimination.

One example is an employer refusing to hire veterans with disabilities believing that they'll need more time off for doctor's visits or will cost the company more in medical premiums.

Another example is a landlord not permitting veterans with disabilities to modify their apartments to accommodate their disabilities.

Many service members return with psychological disabilities rather than overt physical ones. For example, large numbers of veterans returning from overseas have Post Traumatic Stress Disorder, which is a recognized disability.

Military Status is defined as a person's participation in the military service of the United States or the military service of another state, including the Armed Forces of the United States, the Army National Guard, the Air National Guard, the New York Naval Militia, and the New York Guard.

Reserved Armed Forces is defined as service other than permanent, full-time service in the military forces of the United States, including service in the United States Army Reserve, the United States Naval Reserve, the United States Marine Corps Reserve, the United States Air Force Reserve, and the United States Coast Guard Reserve.

Organized Militia of the State is defined as service other than permanent, full-time service in the military forces of the State of New York, including but not limited to the New York Army National Guard, the New York Air National Guard, the New York Naval Militia, and the New York Guard.

The Human Rights Law protects returning veterans with disabilities as they re-enter the employment and housing markets, and the Division is here to make sure that the Human Rights Law is strongly enforced.

Retaliation for Filing a Complaint is Unlawful

The Human Rights Law prohibits retaliation for the filing of a complaint of discrimination or for opposing practices that are discriminatory.

Retaliation is also prohibited after the filing of a complaint with the Division or during the time the complaint is pending.

Retaliation claims can be filed and adjudicated as separate and independent complaints.