

# LABOR AND EMPLOYMENT LAW

## INFORMATION MEMO

APRIL 18, 2024

### Out of State, Keep Them in Mind: New York Anti-Discrimination Laws Extend to Nonresident Job Applicants and Employees

New York has long protected its residents from discrimination in the job hiring process with the New York State Human Rights Law (NYSHRL), which was originally passed in 1945. New York City also has its own Human Rights Law (NYCHRL) that further covers discrimination in job hiring.

While these anti-discrimination laws apply to New Yorkers seeking employment within the state, it is not so obvious, however, whether non-residents who are not yet employed in New York can benefit from the protections afforded by these laws. The Court of Appeals—New York’s highest court—recently considered this nuanced question in the matter of *Nafessa Syeed v Bloomberg L.P.*, 2024 NY Slip Op 01330 (Ct App Mar. 14, 2024).

On March 14, 2024, the Court of Appeals unanimously held in *Syeed* that both the New York City and New York State Human Rights Laws do, in fact, protect non-residents “who are not yet employed in the city or state but who proactively sought an actual city- or state-based job opportunity.”<sup>1</sup> In other words, non-residents are protected under anti-discrimination laws when employers fail to hire or promote an employee for discriminatory reasons.

In *Syeed*, Plaintiff (Ms. Syeed) began working for Bloomberg Media as a reporter covering cybersecurity in its Washington, D.C. office in 2014. A few years later, in 2018, a position covering the United Nations opened that was based out of Bloomberg’s New York City office. Ms. Syeed applied for the open position but was not ultimately chosen to fill the role. This was not the first time Ms. Syeed had applied for an open position with Bloomberg in New York City and she alleged to have confirmed her interest to relocate with her team leader. Ultimately, she alleged that she was not selected to fill any of these open positions.

Instead, the vacancy was assumed by a man whom Ms. Syeed claimed had lesser qualifications and practical experience. Two years later, Ms. Syeed left Bloomberg and filed this action in New York State Court as a California resident, alleging sex and race discrimination by denying her promotions. Defendant Bloomberg removed the case from New York State Court to New York Federal Court, where the United States District Court for the Southern District of New York granted Bloomberg’s motion to dismiss. However, on Plaintiff’s appeal, the United States Court of Appeals for the Second Circuit reserved its decision and certified the question of whether the New York City and State Human Rights Laws extend to cover a non-resident, giving New York’s highest court, the Court of Appeals, the opportunity to answer this question.

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<sup>1</sup> The State of New York Court of Appeals Decision in *Nafeesa Syeed v. Bloomberg L.P.* (2024) can be found at the following link: <https://www.nycourts.gov/ctapps/Decisions/2024/Mar24/20opn24-Decision.pdf>.

The Court of Appeals answered in the affirmative and unanimously held that a non-resident who has been discriminately denied a job in New York City or State “loses the chance to work, and perhaps live, within those geographic areas,” which is enough to establish a right of action for non-residents actively seeking employment in New York. The Court decided that neither the New York State nor New York City Human Rights Laws intended to equip employers with a license to discriminate against non-resident job applicants. The case will now return to the Second Circuit, where it is expected to apply this new ruling.

### **Practical Takeaways for Employers**

Employers in New York should always ensure that their hiring practices are non-discriminatory and otherwise compliant with state and federal laws. New York City employers are at a heightened risk of non-resident job seekers utilizing this ruling to file state and city discrimination claims because of the high demand to move and work in New York City.

If you have any questions or would like additional information, please contact [Samuel Dobre](#), [Jason Kaufman](#), [Andrew Delzotto](#), any attorney in Bond’s [labor and employment practice](#), or the Bond attorney with whom you are regularly in contact.

