

FEDERAL COURT REINFORCES LIMITED GEOGRAPHIC SCOPE OF NYC'S ANTI-DISCRIMINATION LAWS

Insights
Feb 26, 2019

A New York federal court recently reinforced the limited geographic scope of the New York City Human Rights Law, a city law which provides broader anti-discrimination and anti-retaliation protections to employees than the New York State Human Rights Law and federal anti-discrimination laws. Courts have long held that New York City Human Rights Law (NYCHRL) claims are limited to those claims where the alleged discriminatory conduct had a “discriminatory impact” *within* New York City. The Eastern District of New York federal court reaffirmed this principle in response to a plaintiff who attempted to stretch the jurisdictional bounds of the NYCHRL to encompass a claim where the alleged discriminatory conduct occurred far from the five boroughs of New York City (*Amaya v. Ballyshear LLC*).

EMPLOYEE TRIES TO DRAG SOUTHAMPTON CONFLICT INTO NYC'S RANGE

The case began when Nelly Amaya, a Long Island resident who formerly worked as a housekeeper at Michael Bloomberg's Southampton Residence, Ballyshear, filed a lawsuit in the federal court alleging that she had been discriminated and retaliated against in violation of the NYCHRL. Even though Amaya alleged that the discriminatory conduct occurred at Ballyshear—well outside of New York City—she argued that four connections to New York City satisfied the discriminatory impact requirement to bring the conduct within the purview of the NYCHRL:

- the decision to hire and fire her was made in New York City;

Related People



Melissa Camire

Partner

212.899.9965



Justin Reiter

Partner

212.899.9985

- she attended several meetings in the corporate defendants' New York City office;
- supervisors in the New York City office interacted with her during the course of her employment; and
- there was a possibility that she might work at other locations within New York City.

Service Focus

Employment Discrimination and Harassment

Litigation and Trials

COURT REFUSES TO EXTEND RANGE OF NYC LAW

The court rejected each of Amaya's four arguments and granted the defendants' motion to dismiss. In rejecting Amaya's first argument that the decision to hire and fire her was made in New York City, the court noted that the New York Court of Appeals had previously rejected this argument. Accordingly, it reaffirmed that "the location of an employment decision concerning a non-resident employee does not sufficiently impact the terms and conditions of employment within New York City so as to implicate a NYCHRL cause of action."

With respect to Amaya's second argument that she attended several meetings at the corporate defendants' Manhattan office, the court noted that the "location of employment-related meetings does not adequately impact the terms and conditions of employment within New York City, regardless of the number of meetings or whether any employment-related decisions were rendered." The court similarly rejected as overbroad Amaya's argument that a discriminatory impact in New York City could be established by the fact that supervisors in the New York City Office interacted with her during the course of her employment. Accepting that argument, it held, would "expand the scope of the NYCHRL to cover all decisions of New York City-based employers regardless of the location of their employees."

Finally, the court held that the mere possibility that Amaya could have been asked to work at other locations within New York City was "plainly inadequate" to meet the impact requirement of the NYCHRL. In viewing Amaya's contentions collectively, the court held that the impact of the alleged discrimination occurred "exclusively on Long Island." Because Amaya failed to establish subject matter jurisdiction, the court dismissed her NYCHRL claim.

WHAT DOES THIS DECISION MEAN FOR EMPLOYERS?

The court's decision in *Amaya* should help employers sleep a little better at night. Although the NYCHRL is more favorable for employees than comparable state and federal anti-discrimination laws, the court's dismissal of Amaya's claim once again reaffirms that the statute's limited geographic reach. If you have questions, please contact your Fisher Phillips attorney or any attorney in our [New York City office](#).

This Legal Alert provides information about a specific federal decision. It is not intended to be, and should not be construed as, legal advice for any particular fact situation.