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SENATE BILL 138

52ND LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2016

INTRODUCED BY

Michael S. Sanchez

AN ACT

RELATING TO EMPLOYMENT; ENACTING A NEW SECTION OF THE HUMAN RIGHTS ACT TO PROHIBIT INITIAL APPLICATION FOR EMPLOYMENT INQUIRIES RELATING TO AN APPLICANT FOR EMPLOYMENT'S DATE OF BIRTH, YEAR OF GRADUATION OR SOCIAL SECURITY NUMBER.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

SECTION 1. A new section of the Human Rights Act is enacted to read:

"~~[NEW MATERIAL]~~ PROHIBITED INITIAL APPLICATION FOR EMPLOYMENT INQUIRIES.--An employer shall not make an inquiry or request information relating to an applicant for employment's date of birth, year of graduation or social security number on an initial application for employment. An employer may only make an inquiry or request information relating to an applicant for employment's date of birth, year of graduation or social

underscored material = new
~~[bracketed material]~~ = delete

underscoring material = new
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1 security number if necessary to verify a bona fide occupational
2 qualification reasonably necessary to the normal operation of
3 the particular business or enterprise after the applicant has
4 been offered a position. An inquiry or request for information
5 relating to an applicant for employment's date of birth, year
6 of graduation or social security number prior to an applicant
7 being offered a position is evidence of an unlawful, age-based
8 discriminatory practice pursuant to Section 28-1-7 NMSA 1978."

9 SECTION 2. EFFECTIVE DATE.--The effective date of the
10 provisions of this act is July 1, 2016.