## 4574

2009-2010 Regular Sessions

IN ASSEMBLY

February 5, 2009

- Introduced by M. of A. P. RIVERA, POWELL, ARROYO, RAMOS, HOOPER, ORTIZ, N. RIVERA, GREENE, J. RIVERA, DIAZ, PERRY, PERALTA, ESPAILLAT, WRIGHT -- Multi-Sponsored by -- M. of A. ALFANO, AUBRY, BENJAMIN, BOYLAND, CAHILL, COOK, FARRELL, PEOPLES, SWEENEY -- read once and referred to the Committee on Governmental Employees
- AN ACT to amend the civil service law, in relation to requiring certain state agencies to employ a competitive class affirmative action officer or administrator

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

- 1 Section 1. Article 2 of the civil service law is amended by adding a 2 new title A-1 to read as follows:
  - TITLE A-1 STATE AFFIRMATIVE ACTION OFFICERS AND ADMINISTRATORS SECTION 12. DEFINITION.

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12-A. AFFIRMATIVE ACTION OFFICERS AND ADMINISTRATORS.

8 12. DEFINITION. FOR THE PURPOSES OF THIS ARTICLE, "STATE AGENCY" S SHALL HAVE THE SAME MEANING AS IS ASCRIBED TO SUCH TERM BY PARAGRAPH (A) 9 10 OF SUBDIVISION ELEVEN OF SECTION THREE HUNDRED TEN OF THE EXECUTIVE LAW. S 12-A. AFFIRMATIVE ACTION OFFICERS AND ADMINISTRATORS. 11 1. EVERY 12 AFFIRMATIVE ACTION OFFICER OR AFFIRMATIVE ACTION ADMINISTRATOR EMPLOYED BY THE STATE OR A STATE AGENCY SHALL BE DEEMED TO BE IN STATE SERVICE IN 13 A COMPETITIVE POSITION. THE DEPARTMENT BY RULE AND REGULATION 14 SHALL 15 ESTABLISH OUALIFICATIONS AND EXAM FOR EMPLOYMENT AND PROMOTION WITHIN THE AFFIRMATIVE ACTION CLASSIFICATION. 16

17 2. EVERY AFFIRMATIVE ACTION OFFICER AND AFFIRMATIVE ACTION ADMINISTRA-18 TOR EMPLOYED BY A STATE AGENCY SHALL BE EMPLOYED BY AND REPORT DIRECTLY

EXPLANATION--Matter in ITALICS (underscored) is new; matter in brackets
[] is old law to be omitted.

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2 3 DEPARTMENT SHALL, WITHIN SIX MONTHS OF THE EFFECTIVE DATE OF 3. THE4 THIS SUBDIVISION, ESTABLISH A CONTINUING EDUCATION PROGRAM FOR AFFIRMA-5 TIVE ACTION OFFICERS AND AFFIRMATIVE ACTION ADMINISTRATORS IN STATE 6 SERVICE. SUCH PROGRAM SHALL PROVIDE INFORMATION ON AND A COURSE OF 7 INSTRUCTION IN THE NECESSARY SKILLS FOR AFFIRMATIVE ACTION OFFICERS AND 8 ADMINISTRATORS, AND THE LAW, RULES AND REGULATIONS RELATING TO AFFIRMA-TIVE ACTION, EQUAL EMPLOYMENT OPPORTUNITY AND HUMAN RIGHTS. EVERY AFFIR-9 10 MATIVE ACTION OFFICER AND AFFIRMATIVE ACTION ADMINISTRATOR SHALL SUCCESSFULLY COMPLETE AFFIRMATIVE ACTION CONTINUING EDUCATION AT 11 LEAST ONCE EVERY CALENDAR YEAR. THE DEPARTMENT SHALL SCHEDULE AND PROVIDE FOR 12 THE PROVISION OF SUCH PROGRAM IN EACH REGION OF THE STATE AT LEAST TWICE 13 14 A MONTH.

EVERY STATE AGENCY WHICH EMPLOYS ONE HUNDRED OR MORE EMPLOYEES 15 4. 16 SHALL EMPLOY A FULL-TIME AFFIRMATIVE ACTION OFFICER OR FULL-TIME AFFIR-MATIVE ACTION ADMINISTRATOR. PROVIDED, THAT NO PERSON SHALL BE REQUIRED 17 TAKE AN EXAMINATION FOR A COMPETITIVE POSITION OF AFFIRMATIVE ACTION 18 ТΟ 19 OFFICER OR AFFIRMATIVE ACTION ADMINISTRATOR UNTIL THE CONTINUING EDUCA-20 TION PROGRAM ESTABLISHED PURSUANT TO SUBDIVISION THREE OF THIS SECTION 21 SHALL HAVE BEEN AVAILABLE FOR NOT LESS THAN TEN MONTHS. THE EXAMINATIONS FOR THE COMPETITIVE POSITIONS OF AFFIRMATIVE ACTION OFFICER AND AFFIRMA-22 TIVE ACTION ADMINISTRATOR SHALL BE INTERNALLY PREPARED BY THE DEPART-23 MENT, IN CONSULTATION WITH A COMMITTEE, ESTABLISHED BY THE DEPARTMENT, 24 25 COMPOSED OF ETHNICALLY AND GENDER DIVERSE EXAMINATION WRITERS. A MAJORI-TY OF THE MEMBERS OF SUCH COMMITTEE SHALL BE PERSONS HOLDING PERMANENT 26 27 COMPETITIVE POSITIONS IN STATE SERVICE.

5. EACH STATE AGENCY AFFIRMATIVE ACTION OFFICER OR STATE AGENCY AFFIR-28 29 MATIVE ACTION ADMINISTRATOR SHALL APPOINT SUCH NUMBER OF DEPUTY AFFIRMA-TIVE ACTION OFFICERS OR DEPUTY AFFIRMATIVE ACTION ADMINISTRATORS AS 30 SHALL BE NECESSARY TO ENABLE THE STATE AGENCY AFFIRMATIVE ACTION OFFICER 31 32 OR STATE AGENCY AFFIRMATIVE ACTION ADMINISTRATOR TO PERFORM HIS OR HER 33 PURSUANT TO THIS TITLE. EVERY DEPUTY AFFIRMATIVE ACTION OFFICER DUTIES AND DEPUTY AFFIRMATIVE ACTION ADMINISTRATOR SHALL REPORT DIRECTLY TO THE 34 35 STATE AGENCY AFFIRMATIVE ACTION OFFICER OR STATE AGENCY AFFIRMATIVE ACTION ADMINISTRATOR. A DEPUTY AFFIRMATIVE ACTION OFFICER OR DEPUTY 36 37 AFFIRMATIVE ACTION ADMINISTRATOR SHALL BE PRESENT AT, ACTIVELY ENGAGED 38 AND CONSULTED ON THE RECRUITMENT, APPOINTMENT AND PROMOTION OF INEMPLOYEES IN CLASSIFIED POSITIONS IN THE STATE AGENCY. 39 SUCH PARTIC-40 THE APPOINTMENT AND PROMOTION OF CLASSIFIED EMPLOYEES BY IPATION IN DEPUTY AFFIRMATIVE ACTION OFFICERS AND DEPUTY AFFIRMATIVE ACTION ADMIN-41 ISTRATORS SHALL INCLUDE THE ACTIVE INVOLVEMENT AND PRESENCE OF SUCH AN 42 OFFICER OR ADMINISTRATOR AT EVERY INTERVIEW, FOLLOW-UP INTERVIEW 43 AND DETERMINATION OF THE PERSON TO BE APPOINTED OR PROMOTED TO A CLASSIFIED 44 45 POSITION OF STATE SERVICE IN THE AGENCY.

S 2. This act shall take effect on the ninetieth day after it shall have become a law; provided, that subdivision 4 of section 12-a of the civil service law, as added by section one of this act, shall take effect on the one hundred eightieth day after it shall have become a law; provided, further, that any act or acts necessary to implement the provisions of this act on its effective date are authorized and directed to be completed on or before such date.