S T A T E O F N E W Y O R K

6594--A

2011-2012 Regular Sessions

I N A S S E M B L Y

March 22, 2011

Introduced by M. of A. P. RIVERA -- read once and referred to the Committee on Governmental Operations -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the executive law, in relation to providing state agency affirmative action officers and administrators shall report directly to the head of the state agency employing such officer or administrator, and providing for the powers and duties of such officers and administrators

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

Section 1. The executive law is amended by adding a new section 169-a to read as follows:

S 169-A. AFFIRMATIVE ACTION OFFICERS AND ADMINISTRATORS. 1. EVERY AFFIRMATIVE ACTION OFFICER AND AFFIRMATIVE ACTION ADMINISTRATOR EMPLOYED BY A STATE AGENCY SHALL BE EMPLOYED BY AND REPORT DIRECTLY TO THE HEAD OF SUCH STATE AGENCY, AND SHALL NOT REPORT TO ANY OTHER PERSON OR PART OF ANY DEPARTMENT OF SUCH AGENCY.

2. FOR THE PURPOSES OF THIS SECTION, THE TERM "STATE AGENCY" SHALL MEAN ANY STATE DEPARTMENT, THE STATE UNIVERSITY OF NEW YORK, THE CITY UNIVERSITY OF NEW YORK, AUTHORITY, BOARD, BUREAU, DIVISION, COMMISSION, COMMITTEE COUNCIL, OFFICE OR OTHER GOVERNMENTAL ENTITY PERFORMING A GOVERNMENTAL OR PROPRIETARY FUNCTION OF THE STATE.

3. THE AFFIRMATIVE ACTION OFFICER OR AFFIRMATIVE ACTION ADMINISTRATOR FOR EACH STATE AGENCY SHALL:

(A) ADVISE AND ASSIST THE HEAD OF THE STATE AGENCY IN FORMULATING POLICES RELATING TO WORKFORCE DIVERSITY AND MINORITY AND WOMEN-OWNED BUSINESS ENTERPRISES;

(B) ADVISE THE HEAD OF THE STATE AGENCY REGARDING ANY MEASURES NECESSARY TO ENSURE FULL COMPLIANCE WITH ARTICLE FIFTEEN-A OF THIS CHAPTER;

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

LBD10138-04-1

(C) SERVE AS THE HEAD OF THE STATE AGENCY'S LIAISON WITH ORGANIZATIONS REPRESENTING MINORITY AND WOMEN-OWNED BUSINESS ENTERPRISES AND OTHER ORGANIZATIONS RELATED TO DIVERSITY IN THE AGENCY'S WORKFORCE AND IN AGENCY CONTRACTING; AND

(D) ENGAGE IN OTHER ACTIONS ASSIGNED TO HIM OR HER BY THE HEAD OF THE STATE AGENCY RELATING TO DIVERSITY IN HIRING OR PROMOTION OF THE AGENCY WORKFORCE AND ENCOURAGING DIVERSITY PRACTICES AND COMPLIANCE WITH ARTICLE FIFTEEN-A OF THIS CHAPTER IN PROCUREMENT.

S 2. Subdivision 1 of section 311 of the executive law, as amended by chapter 55 of the laws of 1992, is amended to read as follows:

1. The head of the division of minority and women's business development shall be the director who shall be appointed by the governor and hold office at the pleasure of the commissioner. It shall be the duty of the director of the division of minority and women's business development to assist the governor in the formulation and implementation of laws and policies relating to minority and women-owned business enterprises. THE DIRECTOR SHALL BE DEEMED TO BE EMPLOYED DIRECTLY BY THE COMMISSIONER AND SHALL REPORT DIRECTLY TO THE COMMISSIONER.

S 3. Subdivision 1 of section 311-a of the executive law, as added by section 4 of part BB of chapter 59 of the laws of 2006, is amended to read as follows:

1. There is hereby established within the department of economic development an office of the minority and women-owned business enterprise statewide advocate. The statewide advocate shall be appointed by the commissioner with the advice of the small business advisory board as established in section one hundred thirty-three of the economic development law and shall serve in the unclassified service of the director. The statewide advocate shall be located in the Albany empire state development office. THE STATEWIDE ADVOCATE SHALL BE DEEMED TO BE EMPLOYED DIRECTLY BY THE COMMISSIONER AND SHALL REPORT DIRECTLY TO THE COMMISSIONER.

S 4. Section 312 of the executive law is amended by adding a new subdivision 4-a to read as follows:

4-A. EVERY OFFICER OR EMPLOYEE OF A CONTRACTING AGENCY CHARGED WITH IMPLEMENTING THE PROVISIONS OF THIS ARTICLE SHALL BE EMPLOYED BY AND REPORT DIRECTLY TO THE HEAD OF SUCH CONTRACTING AGENCY, AND SHALL NOT REPORT TO ANY OTHER PERSON OR PART OF ANY DEPARTMENT OF SUCH AGENCY.

S 5. This act shall take effect on the first of January next succeeding the date on which it shall have become a law; provided, however, that the amendments to article 15-A of the executive law, made by sections two, three and four of this act, shall not affect the expiration of such article and shall be deemed to expire therewith.