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

7143

I N S E N A T E

March 31, 2016

Introduced by Sen. DIAZ -- read twice and ordered printed, and when printed to be committed to the Committee on Higher Education

AN ACT to amend the education law, in relation to requiring the hiring of a professional search firm with a history of recruiting minority candidates

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

Section 1. The education law is amended by adding a new section 355-d to read as follows:

S 355-D. PROFESSIONAL SEARCH FIRM SELECTION. 1. FOR ANY POSITION AT A STATE-OPERATED INSTITUTION IN THE STATE UNIVERSITY THAT REQUIRES THE HIRING OF A PROFESSIONAL SEARCH FIRM TO ASSIST IN THE RECRUITMENT OF CANDIDATES, THE HIRING INSTITUTION SHALL SELECT A PROFESSIONAL SEARCH FIRM WITH A DEMONSTRATED HISTORY OF RECRUITING MINORITY CANDIDATES. SUCH SEARCH FIRM SHALL BE APPROVED BY THE STATE UNIVERSITY TRUSTEES. THE STATE UNIVERSITY TRUSTEES SHALL PROVIDE FOR THE APPROVAL PROCESS FOR SUCH SEARCH FIRMS.

2. POTENTIAL SEARCH FIRMS SHALL BE REQUIRED TO PROVIDE TO THE STATE UNIVERSITY TRUSTEES ANY DOCUMENTS DETAILING HOW SUCH FIRMS ENSURE AND PURSUE DIVERSITY IN RECRUITING CANDIDATES FOR POSITIONS IN HIGHER EDUCATION AS WELL AS OTHER EMPLOYMENT SECTORS. SUCH DOCUMENTS SHALL INCLUDE THE ETHNIC AND RACIAL BREAKDOWN OF ALL POTENTIAL CANDIDATES SUBMITTED BY THE FIRMS TO THEIR CLIENTS FOR NO LESS THAN THE PRECEDING FIVE YEARS. SEARCH FIRMS SHALL ALSO PROVIDE THE ETHNIC AND RACIAL BREAKDOWN OF THE FINAL CANDIDATE HIRED BY THEIR CLIENTS. THE NAMES OF CANDIDATES AND THE SEARCH FIRMS' CLIENTS PROVIDED TO THE STATE UNIVERSITY TRUSTEES MAY BE REDACTED IF A SEARCH FIRM'S CONTRACT WITH A CLIENT IS CONFIDENTIAL OR IF CANDIDATES HAVE REQUESTED THEIR NAMES BE KEPT CONFIDENTIAL.

S 2. Paragraph g of subdivision 2 of section 355 of the education law, as amended by chapter 552 of the laws of 1985, is amended to read as follows:

g. To appoint the head of each state-operated institution in the state university upon the recommendation made to them by the council of such institution in accordance with the rules and standards established by

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

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the state university trustees; or if such recommendation is not made or does not comply with such rules and standards, then to make such appointment as is by them deemed necessary; to prescribe the functions, powers, and duties of the head of each such institution; and to appoint or provide for the appointment of the members of the instructional and administrative staffs, and such other employees as may be necessary, at each state-operated institution upon the recommendation of the head thereof and prescribe or provide for the prescription of their duties; AND TO PROVIDE FOR THE PROCESS OF SELECTION OF A PROFESSIONAL SEARCH FIRM AS NEEDED TO ASSIST IN THE RECRUITMENT OF SUCH POSITIONS AND THE APPROVAL OF SUCH FIRM BY THE STATE UNIVERSITY TRUSTEES PURSUANT TO SECTION THREE HUNDRED FIFTY-FIVE-D OF THIS ARTICLE.

S 3. This act shall take effect immediately.