

STATE OF NEW YORK

4977

2017-2018 Regular Sessions

IN SENATE

March 3, 2017

Introduced by Sens. DIAZ, COMRIE -- read twice and ordered printed, and when printed to be committed to the Committee on Civil Service and Pensions

AN ACT to amend the civil service law, in relation to implementing equal employment opportunity and affirmative action for classified civil service positions in the service of the state

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Article 2 of the civil service law is amended by adding a new title A-1 to read as follows:

TITLE A-1

STATE EQUAL EMPLOYMENT OPPORTUNITY

Section 13. Statement of policy.

13-a. Definitions.

13-b. Equal employment opportunity; duties of president.

13-c. Executive committee for affirmative action.

13-d. Development and implementation of affirmative action programs.

13-e. Affirmative action advisory council.

§ 13. Statement of policy. It shall be the policy of this state that equal employment opportunity be afforded to all persons in and seeking to enter state service, and that affirmative action be provided in the administration of this chapter, in accordance with the requirements of the human rights law (article fifteen of the executive law) and the mandates of Title VII of the federal Civil Rights Act. Accordingly, it shall be the responsibility of the department to enforce the state's policy of ensuring full and equal employment for minorities, women, persons with disabilities and veterans at all classified positions of state service.

§ 13-a. Definitions. For the purposes of this title:

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

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1 1. "Advisory council" shall mean the affirmative action advisory coun-
2 cil established by section thirteen-e of this title.

3 2. "Executive committee" shall mean the executive committee for affir-
4 mative action established by section thirteen-c of this title.

5 3. "State agency" shall have the same meaning as is ascribed to such
6 term by subdivision eleven of section three hundred ten of the executive
7 law, and any public authority or public benefit corporation established
8 pursuant to statute.

9 4. "Veteran" shall have the same meaning as is ascribed to such term
10 pursuant to subdivision three of section three hundred fifty of the
11 executive law.

12 § 13-b. Equal employment opportunity; duties of president. The presi-
13 dent shall:

14 1. issue rules and regulations for the preparation of annual state
15 agency affirmative action plans, and annual statewide goals and objec-
16 tives for the employment of minorities, women, persons with disabilities
17 and veterans. In addition, the department shall provide staff and
18 personnel for the development of comprehensive statewide affirmative
19 action rules, regulations, policies, goals, objectives and implementa-
20 tion strategies;

21 2. in consultation with the executive committee, monitor the implemen-
22 tation of the written affirmative action plans of state agencies on a
23 continuing basis, including the need for revising or amending such
24 plans, and report to the governor and the legislature on a quarterly
25 basis on the progress of incorporating its recommendations for improving
26 and strengthening such plans;

27 3. upon his or her finding of substantial noncompliance by a state
28 agency with the requirements of this title, notify such agency of such
29 finding and propose a remedial plan of action. The state agency shall,
30 within thirty days of receipt of such notification, either accept the
31 president's remedial plan or submit an alternative remedial plan that is
32 acceptable to the president. If the state agency fails to comply with
33 such requirement, the president may assume responsibility for the imple-
34 mentation of a remedial plan of action until he or she is satisfied that
35 the state agency will implement such plan;

36 4. annually prepare and submit to the governor and the legislature a
37 report of the composition of the workforce in state service for each
38 state agency by sex and ethnicity for all job categories, salary grades
39 and civil service classifications. The president shall also conduct
40 studies to identify and resolve problems in eliminating underrepresen-
41 tation and underutilization of minorities, women, persons with disabili-
42 ties and veterans, and promulgate, amend and/or repeal any rules and
43 regulations necessary to ensure equal employment opportunity for minori-
44 ties, women, persons with disabilities and veterans. Furthermore, the
45 president shall make recommendations to the governor and the legislature
46 relating to the adoption or amendment of laws for the same purpose; and

47 5. in consultation with the executive committee, review existing and
48 proposed procedures for the abolition of positions and reductions in the
49 state's workforce, and make recommendations designed to minimize the
50 effects of such procedures on women, minorities, persons with disabili-
51 ties and veterans.

52 § 13-c. Executive committee for affirmative action. 1. There is hereby
53 established in the department an executive committee for affirmative
54 action. The executive committee shall be composed of the following
55 members:

56 (a) the president, who shall be the chair of the executive committee;

1 (b) the commissioner of human rights, who shall be the vice-chair of
2 the executive committee;

3 (c) the secretary to the governor;

4 (d) the appointments secretary to the governor;

5 (e) the secretary of state;

6 (f) the director of the budget;

7 (g) the commissioner of labor;

8 (h) the director of employee relations;

9 (i) the director of the division for women;

10 (j) the chair of the state commission on quality of care and advocacy
11 for persons with disabilities; and

12 (k) the state director of veterans' affairs.

13 2. The executive committee shall advise the governor and legislature,
14 and assist the president in the formulation and coordination of plans,
15 policies and programs relating to affirmative action in state agencies
16 and in ensuring effective implementation of such policies, plans and
17 programs.

18 3. Upon the written request of the executive committee, the head of a
19 state agency shall appear before such committee and report in person on
20 his or her agency's affirmative action program. The executive committee
21 shall schedule such an appearance by the head of each state agency, and
22 each such head shall provide the executive committee with any such data,
23 information and reports as such committee shall request prior to the
24 agency head's appearance.

25 § 13-d. Development and implementation of affirmative action programs.

26 1. Each state agency shall develop a written affirmative action program,
27 which shall include the development of specific goals and timetables for
28 the prompt achievement of full and equal employment opportunity for
29 minorities, women, persons with disabilities and veterans. Each program
30 shall include an analysis of previous agency action to increase employ-
31 ment opportunities for the members of such groups. Every program shall
32 be submitted to the president on or before June first, two thousand
33 eighteen and every third year thereafter. The president shall review
34 and evaluate each program submitted and, where necessary, shall provide
35 assistance to state agencies in improving and implementing such
36 programs.

37 2. The head of each state agency shall designate an employee as his or
38 her agency's full-time affirmative action officer, and shall report the
39 name of such affirmative action officer to the president and the execu-
40 tive committee. Every affirmative action officer shall report directly
41 to the head of the state agency who appointed him or her and shall be
42 provided by the state agency with such staff as shall be necessary to
43 perform his or her duties. The number and level of staff shall be based
44 on such factors as agency size, complexity, need for affirmative action
45 and monies appropriated therefor.

46 3. Annually, on or before March first, each state agency shall submit
47 a report to the executive committee and the president on affirmative
48 action. Every such report shall be in a format established by the presi-
49 dent and include information on the agency's employment actions with
50 respect to minorities, women, persons with disabilities and veterans.
51 The report of each state agency shall identify that agency's achieve-
52 ments, deficiencies, proposed solutions to problems, the need for
53 external assistance and such other information as may be appropriate or
54 requested.

1 4. Every state agency shall cooperate with the president and the execu-
2 utive committee to provide any information, data and reports that may be
3 requested from time to time.

4 5. The division for women, the division of veterans' affairs, the
5 state commission on quality of care and advocacy for persons with disa-
6 bilities and any other state agency designated by the governor shall
7 assist the president and the other state agencies to comply with the
8 provisions of this title, by providing expertise and guidance in their
9 areas of special sensitivity and concern.

10 § 13-e. Affirmative action advisory council. 1. There is hereby estab-
11 lished in the department an affirmative action advisory council. The
12 members of the advisory council shall be the state agency affirmative
13 action officers appointed pursuant to subdivision two of section thir-
14 teen-d of this title. The meetings and proceedings of the advisory coun-
15 cil shall be conducted pursuant to by-laws adopted by its members,
16 subject to the approval of the president.

17 2. The advisory council shall advise the president on all existing and
18 proposed policies, procedures, practices and programs relating to or
19 affecting affirmative action.

20 3. The advisory council shall submit a quarterly report on its activ-
21 ities to the president.

22 § 2. This act shall take effect immediately.