

# STATE OF NEW YORK

7643

## IN SENATE

February 3, 2020

Introduced by Sen. SKOUFIS -- read twice and ordered printed, and when printed to be committed to the Committee on Finance

AN ACT to amend the executive law, the legislative law and the judiciary law, in relation to establishing goals for participation by individuals with disabilities with respect to state employment, state contracts, legislative employment and judicial employment

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

1 Section 1. The executive law is amended by adding a new article 17-c  
2 to read as follows:

### ARTICLE 17-C

#### PARTICIPATION BY INDIVIDUALS WITH DISABILITIES WITH RESPECT TO STATE EMPLOYMENT AND STATE CONTRACTS

##### Section 369-aa. Definitions.

7 369-bb. Participation by individuals with disabilities with  
8 respect to state employment.

9 369-cc. Participation by individuals with disabilities with  
10 respect to state contracts.

11 369-dd. Invitation to self-identify.

12 369-ee. Report.

13 § 369-aa. Definitions. As used in this article, the following terms  
14 shall have the following meanings:

15 1. "covered employer" shall mean a state agency, state contractor or  
16 state subcontractor;

17 2. "disability" shall mean:

18 (a) with respect to an individual:

19 (i) a physical or mental impairment that substantially limits one or  
20 more major life activities of such individual;

21 (ii) a record of such an impairment; or

22 (iii) being regarded as having such an impairment;

23 (b) as used in this article, the definition of "disability" shall be  
24 construed in favor of broad coverage of individuals, to the maximum  
25 extent permitted by law. The question of whether an individual meets the  
26 definition under this article shall not demand extensive analysis;

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

LBD14187-01-9

1 (c) an impairment that substantially limits one major life activity  
2 need not limit other major life activities in order to be considered a  
3 disability;

4 (d) an impairment that is episodic or in remission is a disability if  
5 it would substantially limit a major life activity when active;

6 3. "major life activities" shall mean:

7 (a) caring for oneself, performing manual tasks, seeing, hearing,  
8 eating, sleeping, walking, standing, sitting, reaching, lifting, bend-  
9 ing, speaking, breathing, learning, reading, concentrating, thinking,  
10 communicating, interacting with others, and working; and

11 (b) the operation of a major bodily function, including, but not  
12 limited to, functions of the immune system, special sense organs and  
13 skin, normal cell growth, digestive, genitourinary, bowel, bladder,  
14 neurological, brain, respiratory, circulatory, cardiovascular, endoc-  
15 rine, hemic, lymphatic, musculoskeletal, and reproductive functions. The  
16 operation of a major bodily function includes the operation of an indi-  
17 vidual organ within a body system;

18 4. "physical or mental impairment" shall mean:

19 (a) any physiological disorder, or condition, cosmetic disfigurement,  
20 or anatomical loss affecting one or more body systems such as neurologi-  
21 cal, musculoskeletal, special sense organs, respiratory (including  
22 speech organs), cardiovascular, reproductive, digestive, genitourinary,  
23 immune, circulatory, hemic, lymphatic, skin, and endocrine; or

24 (b) any mental or psychological disorder, such as an intellectual  
25 disability, organic brain syndrome, emotional or mental illness, and  
26 specific learning disabilities;

27 5. "state agency" shall mean: (a)(i) any state department; or (ii) any  
28 division, board, commission or bureau of any state department; or (iii)  
29 the state university of New York and the city university of New York; or  
30 (iv) any public authority or public benefit corporation established  
31 pursuant to statute; and

32 (b) employs fifty or more employees;

33 6. "state contract" shall mean a written agreement or purchase order  
34 instrument, providing for a total expenditure in excess of ten thousand  
35 dollars, whereby a contracting agency is committed to expend or does  
36 expend funds in return for labor, services including but not limited to  
37 legal, financial and other professional services, supplies, equipment,  
38 materials, the acquisition, construction, demolition, replacement, major  
39 repair or renovation of real property and improvements thereon or any  
40 combination of the foregoing, to be performed for, or rendered or  
41 furnished to the contracting agency;

42 7. "state contractor" shall mean any person, corporation, partnership  
43 or joint venture, unincorporated association holding a state contract in  
44 excess of ten thousand dollars and employs fifty or more employees;

45 8. "state subcontract" shall mean a written agreement between a  
46 contractor and a subcontractor:

47 (a) for the purchase, sale or use of personal property or nonpersonal  
48 services (including construction) which, in whole or in part, is neces-  
49 sary to the performance of any one or more state contracts; or

50 (b) under which any portion of the state contractor's obligation under  
51 any one or more state contracts is performed, undertaken, or assumed;  
52 and

53 9. "state subcontractor" shall mean any person, corporation, partner-  
54 ship or joint venture, unincorporated association holding a state  
55 subcontract in excess of ten thousand dollars and employs fifty or more  
56 employees.

1 § 369-bb. Participation by individuals with disabilities with respect  
2 to state employment. 1. All state agencies shall not discriminate  
3 because of physical or mental disability and shall take affirmative  
4 action to employ and advance in employment qualified individuals with  
5 disabilities at all levels of employment, including taking affirmative  
6 action to achieve seven percent employment of individuals with disabili-  
7 ties within each state agency.

8 2. (a) Each state agency shall annually evaluate its employment of  
9 individuals with disabilities.

10 (b) State agencies not meeting the goal of seven percent employment  
11 shall take steps to determine whether and where impediments to equal  
12 employment opportunity exist. When making this determination, each state  
13 agency shall assess its personnel processes, the effectiveness of its  
14 outreach and recruitment efforts, the results of its affirmative action  
15 evaluation, and any other areas that might affect its success in employ-  
16 ment.

17 3. Each state agency shall develop and execute action-oriented  
18 programs designed to correct any areas identified in subdivision two of  
19 this section. These action-oriented programs may include the modifica-  
20 tion of personnel processes to ensure equal employment opportunity for  
21 individuals with disabilities, alternative or additional outreach and  
22 recruitment efforts, and/or other actions designed to correct the iden-  
23 tified problem areas and attain the established goal.

24 4. A state agency's determination that it has not attained the employ-  
25 ment goal established in subdivision one of this section does not  
26 constitute either a finding or admission of discrimination in violation  
27 of this section.

28 5. The employment goal established in subdivision one of this section  
29 shall not be used as a quota or ceiling that limits or restricts the  
30 employment of individuals with disabilities.

31 6. The commissioner of labor, in consultation with the division of  
32 human rights, shall periodically review and update, as appropriate, the  
33 employment goal established in subdivision one of this section.

34 § 369-cc. Participation by individuals with disabilities with respect  
35 to state contracts. 1. All state contracts and all documents soliciting  
36 bids or proposals for state contracts shall contain or make reference to  
37 the following: all state contractors and state subcontractors shall not  
38 discriminate because of physical or mental disability and shall take  
39 affirmative action to employ and advance in employment qualified indi-  
40 viduals with disabilities at all levels of employment, including taking  
41 affirmative action to achieve seven percent employment of individuals  
42 with disabilities within each state contractor and state subcontractor's  
43 workforce.

44 2. State contractors shall include the provisions of subdivision one  
45 of this section in every subcontract in such a manner that the  
46 provisions will be binding upon each state subcontractor as to work in  
47 connection with the state contract.

48 3. The provisions of this section shall not be binding upon state  
49 contractors or state subcontractors in the performance of work or the  
50 provision of services or any other activity that are unrelated, separate  
51 or distinct from the state contract as expressed by its terms.

52 4. The commissioner of general services shall promulgate rules and  
53 regulations to ensure that state contractors and state subcontractors  
54 undertake programs of affirmative action and equal employment opportu-  
55 nity as required by this section including:

1 (a) each state contractor and state subcontractor shall annually eval-  
2 uate its employment of individuals with disabilities;

3 (b) state contractors and state subcontractors not meeting the goal of  
4 seven percent employment shall take steps to determine whether and where  
5 impediments to equal employment opportunity exist. When making this  
6 determination, each state contractor and state subcontractor shall  
7 assess its personnel processes, the effectiveness of its outreach and  
8 recruitment efforts, the results of its affirmative action evaluation,  
9 and any other areas that might affect its success in employment; and

10 (c) each state contractor and state subcontractor shall develop and  
11 execute action-oriented programs designed to correct any areas identi-  
12 fied in paragraph (b) of this subdivision. These action-oriented  
13 programs may include the modification of personnel processes to ensure  
14 equal employment opportunity for individuals with disabilities, alterna-  
15 tive or additional outreach and recruitment efforts, and/or other  
16 actions designed to correct the identified problem areas and attain the  
17 established goal.

18 5. A state contractor or state subcontractor's determination that it  
19 has not attained the employment goal established in subdivision one of  
20 this section does not constitute either a finding or admission of  
21 discrimination in violation of this section.

22 6. The employment goal established in subdivision one of this section  
23 shall not be used as a quota or ceiling that limits or restricts the  
24 employment of individuals with disabilities.

25 7. The commissioner of labor, in consultation with the division of  
26 human rights and commissioner of general services, shall periodically  
27 review and update, as appropriate, the employment goal established in  
28 subdivision one of this section.

29 § 369-dd. Invitation to self-identify. 1. (a) As part of the covered  
30 employer's affirmative action policy, a covered employer shall invite  
31 applicants to inform the employer whether the applicant believes that he  
32 or she is an individual with a disability as defined in section three  
33 hundred sixty-nine-aa of this article. This invitation shall be provided  
34 to each applicant when the applicant applies or is considered for  
35 employment. The invitation may be included with the application materi-  
36 als for a position, but shall be separate from the application.

37 (b) A covered employer shall invite an applicant to self-identify as  
38 required in paragraph (a) of this subdivision using the language and  
39 manner prescribed by the department of labor, in consultation with the  
40 division of human rights, and published on the department of labor's  
41 website.

42 2. (a) At any time after the offer of employment, but before the  
43 applicant begins his or her job duties, a covered employer shall invite  
44 the applicant to inform the employer whether the applicant believes that  
45 he or she is an individual with a disability as defined in section three  
46 hundred sixty-nine-aa of this article.

47 (b) A covered employer shall invite an applicant to self-identify as  
48 required in paragraph (a) of this subdivision using the language and  
49 manner prescribed by the department of labor, in consultation with the  
50 division of human rights, and published on the department of labor's  
51 website.

52 3. A covered employer shall invite each of its employees to voluntar-  
53 ily inform the employer whether the employee believes that he or she is  
54 an individual with a disability as defined in section three hundred  
55 sixty-nine-aa of this article. This invitation shall be extended the  
56 first year the employer becomes subject to the requirements of this

1 section and at five year intervals, thereafter, using the language and  
2 manner prescribed by the department of labor, in consultation with the  
3 division of human rights, and published on the department of labor's  
4 website. At least once during the intervening years between these invi-  
5 tations, the covered employer shall remind its employees that they may  
6 voluntarily update their disability status.

7 4. A covered employer may not compel or coerce an individual to self-  
8 identify as an individual with a disability.

9 5. A covered employer shall keep all information on self-identifica-  
10 tion confidential, and shall maintain it in a data analysis file (rather  
11 than in the medical files of individual employees). The covered employer  
12 shall provide self-identification information to the department of labor  
13 upon request. Self-identification information may be used only in  
14 accordance with this article.

15 6. Nothing in this section shall relieve the covered employer of its  
16 obligation to take affirmative action with respect to those applicants  
17 or employees of whose disability the covered employer has knowledge.

18 § 369-ee. Report. The commissioner of labor shall promulgate rules and  
19 regulations requiring every covered employer to report, one year after  
20 the effective date of this article and annually thereafter, to the  
21 department of labor and the legislature on the representation of indi-  
22 viduals with disabilities within its workforce and the results of  
23 action-oriented plans to improve such representation.

24 § 2. The legislative law is amended by adding a new section 9-a to  
25 read as follows:

26 § 9-a. Participation by individuals with disabilities with respect to  
27 legislative employment. 1. For the purposes of this section, the follow-  
28 ing terms shall have the following meanings:

29 (a) "disability" shall mean:

30 (i) with respect to an individual:

31 (1) a physical or mental impairment that substantially limits one or  
32 more major life activities of such individual;

33 (2) a record of such an impairment; or

34 (3) being regarded as having such an impairment;

35 (ii) as used in this article, the definition of "disability" shall be  
36 construed in favor of broad coverage of individuals, to the maximum  
37 extent permitted by law. The question of whether an individual meets the  
38 definition under this article should not demand extensive analysis;

39 (iii) an impairment that substantially limits one major life activity  
40 need not limit other major life activities in order to be considered a  
41 disability;

42 (iv) an impairment that is episodic or in remission is a disability if  
43 it would substantially limit a major life activity when active;

44 (b) "joint legislative employer" shall mean any legislative entity  
45 with fifty or more employees including but not limited to legislative  
46 commissions, committees, task forces (irrespective of intended or actual  
47 duration), joint legislative commissions, councils or similar bodies  
48 whose membership is comprised of both senators and assembly members, or  
49 which consist of commissioners, or the majority of whose membership is  
50 appointed by one or more of the following: the temporary president of  
51 the senate, the speaker of the assembly, the minority leader of the  
52 senate and/or the minority leader of the assembly, and officers and  
53 employees of the legislative library, legislative health service, legis-  
54 lative messenger service;

55 (c) "legislative employee" shall mean:

56 (i) an officer or employee of the senate;

- 1 (ii) an officer or employee of the assembly; or  
2 (iii) an officer or employee of a joint legislative employer;  
3 (d) "major life activities" shall mean:

4 (i) caring for oneself, performing manual tasks, seeing, hearing,  
5 eating, sleeping, walking, standing, sitting, reaching, lifting, bend-  
6 ing, speaking, breathing, learning, reading, concentrating, thinking,  
7 communicating, interacting with others, and working; and

8 (ii) the operation of a major bodily function, including, but not  
9 limited to, functions of the immune system, special sense organs and  
10 skin, normal cell growth, digestive, genitourinary, bowel, bladder,  
11 neurological, brain, respiratory, circulatory, cardiovascular, endoc-  
12 rine, hemic, lymphatic, musculoskeletal, and reproductive functions. The  
13 operation of a major bodily function includes the operation of an indi-  
14 vidual organ within a body system;

15 (e) "physical or mental impairment" shall mean:

16 (i) any physiological disorder, or condition, cosmetic disfigurement,  
17 or anatomical loss affecting one or more body systems such as neurologi-  
18 cal, musculoskeletal, special sense organs, respiratory (including  
19 speech organs), cardiovascular, reproductive, digestive, genitourinary,  
20 immune, circulatory, hemic, lymphatic, skin, and endocrine; or

21 (ii) any mental or psychological disorder, such as an intellectual  
22 disability, organic brain syndrome, emotional or mental illness, and  
23 specific learning disabilities; and

24 (f) "state legislature" or "legislature" means the legislature of the  
25 state of New York, including any committee, subcommittee, joint commit-  
26 tee, select committee, or commission thereof with fifty or more employ-  
27 ees.

28 2. The state legislature shall not discriminate because of physical or  
29 mental disability and shall take affirmative action to employ and  
30 advance in employment qualified individuals with disabilities at all  
31 levels of employment, including taking affirmative action to achieve  
32 seven percent employment of individuals with disabilities as legislative  
33 employees.

34 3. (a) The speaker of the assembly and the temporary president of the  
35 senate shall annually evaluate the legislature's employment of individ-  
36 uals with disabilities.

37 (b) Upon a finding that the legislature is not meeting the goal of  
38 seven percent employment, the speaker of the assembly and the temporary  
39 president of the senate shall take steps to determine whether and where  
40 impediments to equal employment opportunity exist. When making this  
41 determination, the speaker of the assembly and the temporary president  
42 of the senate shall assess its personnel processes, the effectiveness of  
43 its outreach and recruitment efforts, the results of its affirmative  
44 action evaluation, and any other areas that might affect its success in  
45 employment.

46 4. The speaker of the assembly and the temporary president of the  
47 senate shall develop and execute action-oriented programs designed to  
48 correct any areas identified in subdivision three of this section. These  
49 action-oriented programs may include the modification of personnel proc-  
50 esses to ensure equal employment opportunity for individuals with disa-  
51 bilities, alternative or additional outreach and recruitment efforts,  
52 and/or other actions designed to correct the identified problem areas  
53 and attain the established goal.

54 5. The speaker of the assembly and the temporary president of the  
55 senate's determination that the legislature has not attained the employ-  
56 ment goal established in subdivision two of this section does not

1 constitute either a finding or admission of discrimination in violation  
2 of this section.

3 6. The employment goal established in subdivision two of this section  
4 shall not be used as a quota or ceiling that limits or restricts the  
5 employment of individuals with disabilities.

6 7. The commissioner of labor, in consultation with the division of  
7 human rights, shall periodically review and update, as appropriate, the  
8 employment goal established in subdivision one of this section.

9 8. (a) As part of the legislature's affirmative action policy, it  
10 shall invite applicants to inform the legislature whether the applicant  
11 believes that he or she is an individual with a disability as defined in  
12 subdivision one of this section. This invitation shall be provided to  
13 each applicant when the applicant applies or is considered for employ-  
14 ment. The invitation may be included with the application materials for  
15 a position, but shall be separate from the application.

16 (b) The legislature shall invite an applicant to self-identify as  
17 required in paragraph (a) of this subdivision using the language and  
18 manner prescribed by the department of labor, in consultation with the  
19 division of human rights, and published on the department of labor's  
20 website.

21 9. (a) At any time after the offer of employment, but before the  
22 applicant begins his or her job duties, the legislature shall invite the  
23 applicant to inform the legislature whether the applicant believes that  
24 he or she is an individual with a disability as defined in subdivision  
25 one of this section.

26 (b) The legislature shall invite an applicant to self-identify as  
27 required in paragraph (a) of this subdivision using the language and  
28 manner prescribed by the department of labor, in consultation with the  
29 division of human rights, and published on the department of labor's  
30 website.

31 10. The legislature shall invite each of its employees to voluntarily  
32 inform the legislature whether the employee believes that he or she is  
33 an individual with a disability as defined in subdivision one of this  
34 section. This invitation shall be extended the first year the legisla-  
35 ture becomes subject to the requirements of this section and at five  
36 year intervals, thereafter, using the language and manner prescribed by  
37 the department of labor, in consultation with the division of human  
38 rights, and published on the department of labor's website. At least  
39 once during the intervening years between these invitations, the legis-  
40 lature shall remind its employees that they may voluntarily update their  
41 disability status.

42 11. The legislature may not compel or coerce an individual to self-i-  
43 dentify as an individual with a disability.

44 12. The legislature shall keep all information on self-identification  
45 confidential, and shall maintain it in a data analysis file (rather than  
46 in the medical files of individual employees). The legislature shall  
47 provide self-identification information to the department of labor upon  
48 request. Self-identification information may be used only in accordance  
49 with this section.

50 13. Nothing in this section shall relieve the legislature of its obli-  
51 gation to take affirmative action with respect to those applicants or  
52 employees of whose disability the legislature has knowledge.

53 14. One year from the effective date of this section, the legislature  
54 shall report to the department of labor on the representation of indi-  
55 viduals with disabilities within its workforce and the results of  
56 action-oriented plans to improve such representation.

1 § 3. The judiciary law is amended by adding a new section 219-e to  
2 read as follows:

3 § 219-e. Participation by individuals with disabilities with respect  
4 to judicial employment. 1. For the purposes of this section, the follow-  
5 ing terms shall have the following meanings:

6 (a) "disability" shall mean:

7 (i) with respect to an individual:

8 (1) a physical or mental impairment that substantially limits one or  
9 more major life activities of such individual;

10 (2) a record of such an impairment; or

11 (3) being regarded as having such an impairment;

12 (ii) as used in this article, the definition of "disability" shall be  
13 construed in favor of broad coverage of individuals, to the maximum  
14 extent permitted by law. The question of whether an individual meets the  
15 definition under this article should not demand extensive analysis.

16 (iii) an impairment that substantially limits one major life activity  
17 need not limit other major life activities in order to be considered a  
18 disability.

19 (iv) an impairment that is episodic or in remission is a disability if  
20 it would substantially limit a major life activity when active;

21 (b) "major life activities" shall mean:

22 (i) caring for oneself, performing manual tasks, seeing, hearing,  
23 eating, sleeping, walking, standing, sitting, reaching, lifting, bend-  
24 ing, speaking, breathing, learning, reading, concentrating, thinking,  
25 communicating, interacting with others, and working; and

26 (ii) the operation of a major bodily function, including, but not  
27 limited to, functions of the immune system, special sense organs and  
28 skin, normal cell growth, digestive, genitourinary, bowel, bladder,  
29 neurological, brain, respiratory, circulatory, cardiovascular, endoc-  
30 rine, hemic, lymphatic, musculoskeletal, and reproductive functions. The  
31 operation of a major bodily function includes the operation of an indi-  
32 vidual organ within a body system;

33 (c) "non-judicial employee" shall mean any officer or employee of the  
34 unified court system who is not a judge or justice; and

35 (d) "physical or mental impairment" shall mean:

36 (i) any physiological disorder, or condition, cosmetic disfigurement,  
37 or anatomical loss affecting one or more body systems such as neurologi-  
38 cal, musculoskeletal, special sense organs, respiratory (including  
39 speech organs), cardiovascular, reproductive, digestive, genitourinary,  
40 immune, circulatory, hemic, lymphatic, skin, and endocrine; or

41 (ii) any mental or psychological disorder, such as an intellectual  
42 disability, organic brain syndrome, emotional or mental illness, and  
43 specific learning disabilities.

44 2. The unified court system shall not discriminate because of physical  
45 or mental disability and shall take affirmative action to employ and  
46 advance in employment qualified individuals with disabilities at all  
47 levels of employment, including taking affirmative action to achieve  
48 seven percent employment within the unified court system of individuals  
49 with disabilities as non-judicial employees.

50 3. (a) The chief administrator of the courts shall annually evaluate  
51 the unified court system's employment of individuals with disabilities.

52 (b) Upon a finding that the unified court system is not meeting the  
53 goal of seven percent employment, the chief administrator shall take  
54 steps to determine whether and where impediments to equal employment  
55 opportunity exist. When making this determination, the chief administra-  
56 tor shall assess the unified court system's personnel processes, the



1 effectiveness of its outreach and recruitment efforts, the results of  
2 its affirmative action evaluation, and any other areas that might affect  
3 its success in employment.

4 4. The chief administrator shall develop and execute action-oriented  
5 programs designed to correct any areas identified in subdivision three  
6 of this section. These action-oriented programs may include the modifi-  
7 cation of personnel processes to ensure equal employment opportunity for  
8 individuals with disabilities, alternative or additional outreach and  
9 recruitment efforts, and/or other actions designed to correct the iden-  
10 tified problem areas and attain the established goal.

11 5. The chief administrator's determination that the unified court  
12 system has not attained the employment goal established in subdivision  
13 two of this section does not constitute either a finding or admission of  
14 discrimination in violation of this section.

15 6. The employment goal established in subdivision two of this section  
16 shall not be used as a quota or ceiling that limits or restricts the  
17 employment of individuals with disabilities.

18 7. The commissioner of labor, in consultation with the division of  
19 human rights, shall periodically review and update, as appropriate, the  
20 employment goal established in subdivision two of this section.

21 8. (a) As part of the unified court system's affirmative action poli-  
22 cy, it shall invite applicants to inform the employer whether the appli-  
23 cant believes that he or she is an individual with a disability as  
24 defined in subdivision one of this section. This invitation shall be  
25 provided to each applicant when the applicant applies or is considered  
26 for employment. The invitation may be included with the application  
27 materials for a position, but shall be separate from the application.

28 (b) The unified court system shall invite an applicant to self-identi-  
29 fy as required in paragraph (a) of this subdivision using the language  
30 and manner prescribed by the department of labor, in consultation with  
31 the division of human rights, and published on the department of labor's  
32 website.

33 9. (a) At any time after the offer of employment, but before the  
34 applicant begins his or her job duties, the unified court system shall  
35 invite the applicant to inform the unified court system whether the  
36 applicant believes that he or she is an individual with a disability as  
37 defined in subdivision one of this section.

38 (b) The unified court system shall invite an applicant to self-identi-  
39 fy as required in paragraph (a) of this subdivision using the language  
40 and manner prescribed by the department of labor, in consultation with  
41 the division of human rights, and published on the department of labor's  
42 website.

43 10. The unified court system shall invite each of its employees to  
44 voluntarily inform the unified court system whether the employee  
45 believes that he or she is an individual with a disability as defined in  
46 subdivision one of this section. This invitation shall be extended the  
47 first year the unified court system becomes subject to the requirements  
48 of this section and at five year intervals, thereafter, using the  
49 language and manner prescribed by the department of labor, in consulta-  
50 tion with the division of human rights, and published on the department  
51 of labor's website. At least once during the intervening years between  
52 these invitations, the unified court system shall remind its employees  
53 that they may voluntarily update their disability status.

54 11. The unified court system may not compel or coerce an individual to  
55 self-identify as an individual with a disability.

1 12. The unified court system shall keep all information on self-iden-  
2 tification confidential, and shall maintain it in a data analysis file  
3 (rather than in the medical files of individual employees). The unified  
4 court system shall provide self-identification information to the  
5 department of labor upon request. Self-identification information may be  
6 used only in accordance with this section.

7 13. Nothing in this section shall relieve the unified court system of  
8 its obligation to take affirmative action with respect to those appli-  
9 cants or employees of whose disability it has knowledge.

10 14. One year from the effective date of this section, the unified  
11 court system shall report to the department of labor and the legislature  
12 on the representation of individuals with disabilities within its work-  
13 force and the results of action-oriented plans to improve such represen-  
14 tation.

15 § 4. This act shall take effect on the one hundred eightieth day after  
16 it shall have become a law. Effective immediately, the addition, amend-  
17 ment and/or repeal of any rule or regulation necessary for the implemen-  
18 tation of this act on its effective date are authorized to be made and  
19 completed on or before such effective date.