

# STATE OF NEW YORK

8209

## IN SENATE

April 17, 2020

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

AN ACT to amend the executive law, in relation to establishing the office of racial equity and social justice

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 15-D  
2 to read as follows:

### ARTICLE 15-D

#### OFFICE OF RACIAL EQUITY AND SOCIAL JUSTICE

##### Section 328-e. Definitions.

6 328-f. Office of racial equity and social justice; director,  
7 organization and employees.

8 328-g. Functions, powers and duties of the office.

9 § 328-e. Definitions. As used in this article, the following terms  
10 shall have the following meanings:

11 1. "Office" means the office of racial equity and social justice.

12 2. "Director" means the director of the office of racial equity and  
13 social justice.

14 3. "Equity" means fair and just opportunities and outcomes for all  
15 individuals.

16 4. "Social justice" means every individual deserves to benefit from  
17 the same economic, political and social rights and opportunities, free  
18 from health disparities, regardless of race; socioeconomic status; age;  
19 sex, including on the basis of gender identity or orientation; religion;  
20 disability; or other characteristics.

21 5. "Race" means a social construct that artificially divides people  
22 into distinct groups based on characteristics such as physical appear-  
23 ance, including color; ancestral heritage; cultural affiliation;  
24 cultural history; ethnic classification; and the social, economic and  
25 political needs of a society at a given period.

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

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1 6. "Inequity" means systematic and patterned differences in well-being  
2 that disadvantage one group in favor of another caused by past and  
3 current decisions, systems of power and privilege, and policies.

4 7. "Individual racism" means explicit or implicit pre-judgment bias or  
5 discrimination by an individual based on race.

6 8. "Institutional racism" means policies, practices, and procedures  
7 that work better for some members of a community than others based on  
8 race.

9 9. "Racial equity and social justice" means changes in policy, prac-  
10 tice and allocation of state resources so that race or social justice  
11 constructs do not predict an individual's success, while also improving  
12 opportunities and outcomes for all people.

13 § 328-f. Office of racial equity and social justice; director, organ-  
14 ization and employees. 1. The office of racial equity and social justice  
15 is hereby created within the executive department to have and exercise  
16 the functions, powers and duties provided by the provisions of this  
17 article and any other provision of law.

18 2. The head of the office shall be the director of the office, who  
19 shall serve as the chief equity officer for the state of New York and  
20 shall be designated as management confidential in the noncompetitive  
21 class in accordance with the civil service law. The director shall be  
22 the chief executive officer of and in sole charge of the administration  
23 of the office. The director shall be entitled to receive reimbursement  
24 for expenses actually and necessarily incurred by him or her in the  
25 performance of his or her duties.

26 3. The director may, from time to time, create, abolish, transfer and  
27 consolidate bureaus and other units within the office not expressly  
28 established by law as he or she may determine necessary for the effi-  
29 cient operation of the office, subject to the approval of the director  
30 of the budget.

31 4. The director may appoint, in accordance with the civil service law,  
32 such deputies, assistants, and other officers and employees, committees  
33 and consultants as he or she may deem necessary, prescribe their powers  
34 and duties, fix their compensation, and provide for reimbursement of  
35 their expenses within the amounts appropriated therefor.

36 5. The director may request and receive from any department, division,  
37 board, bureau, commission or other agency of the state or any political  
38 subdivision thereof or any public authority, staff and other assistance,  
39 information, and resources as will enable the office to properly carry  
40 out its functions, powers and duties.

41 § 328-g. Functions, powers and duties of the office. The office shall  
42 have the following functions, powers and duties:

43 1. To act as the official state planning and coordinating office for  
44 changes in policy, practice and allocation of state resources so that  
45 race or social justice constructs do not predict an individual's  
46 success, while also improving opportunities and outcomes for all people,  
47 and performing all necessary and appropriate services required to  
48 fulfill these duties.

49 2. To establish, oversee, manage, coordinate and facilitate the plan-  
50 ning, design and implementation of the state's racial equity and social  
51 justice action plan, such plan shall incorporate and embed racial equity  
52 and social justice principles and strategies into operations, programs,  
53 service policies and community engagement to eliminate inequity, insti-  
54 tutional racism and individual racism in the state, and shall include  
55 racial equity and social justice training for all state employees.

1     3. To advise and assist the state agencies in developing policies,  
2     plans and programs for eliminating institutional racism and improving  
3     racial equity and social justice.

4     4. To perform racial equity and social justice reviews and make recom-  
5     mendations for improving management and program effectiveness pertaining  
6     to racial equity and social justice, including, but not limited to, an  
7     annual racial equity and social justice impact statement which shall  
8     accompany the executive budget.

9     5. To establish, oversee, manage a racial equity and social justice  
10    advisory committee, the composition and duties of such committee as  
11    determined by the director.

12    § 2. This act shall take effect on the thirtieth day after it shall  
13    have become a law.