

# STATE OF NEW YORK

5815--A

2023-2024 Regular Sessions

## IN ASSEMBLY

March 23, 2023

Introduced by M. of A. EPSTEIN, COLTON, REYES, TAYLOR, SHIMSKY -- 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 state finance law, in relation to participation by individuals with disabilities with respect to state employment and state contracts

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

1 Section 1. Section 163 of the state finance law is amended by adding a  
2 new subdivision 16 to read as follows:

3 16. a. The commissioner shall submit a report to the governor, the  
4 state comptroller, the state procurement council, the temporary presi-  
5 dent of the senate, the speaker of the assembly, the minority leader of  
6 the assembly, the minority leader of the senate, the chief disability  
7 officer, the chair of the assembly standing committee on people with  
8 disabilities, and the chair of the senate standing committee on disabil-  
9 ities no later than December first, two thousand twenty-four, summariz-  
10 ing data related to the participation of individuals with disabilities  
11 on state contracts subject to the provisions of this section.

12 b. Such report shall include aggregate data on the employment of  
13 individuals with disabilities, their level of participation on such  
14 state contracts, and any policies and practices carried out by state  
15 contractors and subcontractors to promote employment of individuals with  
16 disabilities within their workforce. Such report shall also examine  
17 compliance of state contractors and subcontractors with other equal  
18 opportunity requirements and anti-discrimination laws, in addition to  
19 any other required employment practices compliance with which is deemed  
20 pertinent to be examined by the commissioner.

21 c. In order to effectuate the provisions of this subdivision:

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

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1 (i) Contractors and subcontractors that have entered into a contract  
2 with a state agency shall invite their employees to self-identify as an  
3 individual with a disability. Nothing in this subdivision shall be  
4 deemed to require the disclosure of the status of an individual with a  
5 disability.

6 (ii) Contractors and subcontractors shall submit a report to each  
7 state agency with which they have entered into a contract including the  
8 information required by paragraph b of this subdivision. Workforce  
9 participation by individuals with disabilities throughout the previous  
10 fiscal year shall be reported in the form of aggregate data and shall  
11 not include any personal identifying information.

12 (iii) Each state agency shall compile such information and submit an  
13 aggregate report to the commissioner.

14 d. The information required by this subdivision shall be provided in  
15 such form as prescribed by the commissioner. The commissioner shall  
16 promulgate regulations regarding:

17 (i) The timeline, content, and process by which contractors and  
18 subcontractors shall submit such reports to state agencies;

19 (ii) The timeline, content, and process by which state agencies shall  
20 submit such reports to the office of general services; and

21 (iii) Any other factors the commissioner deems appropriate or neces-  
22 sary to effectuate the requirements of this subdivision.

23 e. For purposes of this subdivision, the following terms shall have  
24 the following meanings:

25 (i) "Commissioner" shall mean the commissioner of the office of gener-  
26 al services.

27 (ii) "Disability" shall have the same meaning as provided in subdivi-  
28 sion twenty-one of section two hundred ninety-two of the executive law.

29 § 2. This act shall take effect on the first of January next succeed-  
30 ing the date upon which it shall have become a law and shall apply to  
31 all contracts with the state entered into on or after such effective  
32 date; provided, however that the amendments to section 163 of the state  
33 finance law made by section one of this act shall not affect the repeal  
34 of such section and shall be deemed repealed therewith.