STATE OF NEW YORK

5815--B

Cal. No. 163

2023-2024 Regular Sessions

IN ASSEMBLY

March 23, 2023

Introduced by M. of A. EPSTEIN, COLTON, REYES, TAYLOR, SHIMSKY, BURDICK, WOERNER, SANTABARBARA, CUNNINGHAM, DE LOS SANTOS, WALLACE, RAGA -- Multi-Sponsored by -- M. of A. WALSH -- read once and referred to the Committee on Governmental Operations -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- ordered to a third reading -- passed by Assembly and delivered to the Senate, recalled from the Senate, vote reconsidered, bill amended, ordered reprinted, retaining its place on the order of third reading

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:

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

16. a. The commissioner shall submit a report to the governor, the state comptroller, the state procurement council, the temporary president of the senate, the speaker of the assembly, the minority leader of the assembly, the minority leader of the senate, the chief disability officer, the chair of the assembly standing committee on people with disabilities, and the chair of the senate standing committee on disabilities no later than December first, two thousand twenty-five, summarizing data related to the participation of individuals with disabilities on state contracts subject to the provisions of this section.

b. Such report shall include aggregate data on the employment of individuals with disabilities, their level of participation on such state contracts, and any policies and practices carried out by state contractors and subcontractors to promote employment of individuals with disabilities within their workforce. Such report shall also examine compliance of state contractors and subcontractors with other equal

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

LBD10037-05-4

opportunity requirements and anti-discrimination laws, in addition to any other required employment practices compliance with which is deemed pertinent to be examined by the commissioner.

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

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

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

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

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

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

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

(iii) Any other factors the commissioner deems appropriate or necessary to effectuate the requirements of this subdivision.

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

(i) "Commissioner" shall mean the commissioner of the office of general services.

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

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