STATE OF NEW YORK

9176

IN ASSEMBLY

February 12, 2024

Introduced by M. of A. BURDICK -- read once and referred to the Committee on Governmental Operations

AN ACT to commit New York state to becoming a model employer for people with disabilities

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

Section 1. Definitions. As used in this act:

(a) "State agency" shall have the same meaning as that term in section 74 of the public officers law;

(b) "State officers and employees" shall have the meaning given to "officer or employee of a state agency" in section 74 of the public officers law;

(c) "Chief Disability Officer" or "CDO" shall mean the chief disability officer described in section 4-b of the executive law; and

(d) "ACCES-VR" shall mean Adult Career and Continuing Education Services-Vocational Rehabilitation within the education department.

§ 2. Policy statement. The state of New York shall establish best practices to reduce, and eventually eliminate, the gap between working people with disabilities and working people without disabilities, as well as endeavor to increase recruitment, hiring, retention, and the career advancement of people with disabilities in the state workforce.

§ 3. Responsibilities. (a) Each state agency within the state of New York shall, in collaboration with the Office of the Chief Disability Officer, develop an annual plan at the agency. The plan shall detail the steps the agency will take to improve the hiring of people with disabilities and disability inclusiveness, as well as improve the percentage of people with disabilities hired at each agency. These plans shall be submitted to the CDO six months from the effective date of this act, and updated annually thereafter.

(b) The CDO shall collect data from each state agency on an annual basis, based on voluntary self-disclosure, and shall also report, to the best of its ability, an initial baseline number of employees with disabilities within the state workforce. The CDO shall report and evaluate the state's progress on improving the employment rate of state employees

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

LBD14441-01-4

with disabilities annually, beginning 18 months after the effective date of this act.

(c) The CDO, in collaboration with the Division of Human Rights, the Office of Employee Relations, and the Department of Civil Service, shall advise all agencies on disability policy and compliance with state and federal disability rights laws to support all agencies related to recruitment, hiring, advancement and retention of employees with disabilities, and training of state employees and managers on disability-related issues.

(d) Each state agency shall utilize best efforts and practices, with the support of the CDO, to recruit, hire, retain, and promote career advancement of individuals with disabilities, and to adopt best practices and strategies that will promote the recruitment, hiring, advancement and retention of employees with the most significant disabilities including the use of supported employment, individual placement with support services, customized employment, the employment of persons with disabilities program described in section 55-b of the civil service law and the employment of veterans with disabilities by the state program described in section 55-c of the civil service law, internships, and job shadowing.

(e) The CDO, in cooperation with the Office of Information Technology Services, Office of Employee Relations, and Department of Civil Service shall review the state's web-based hiring portal for accessibility for applicants with disabilities.

(f) The CDO, in cooperation with ACCES-VR and the Commission for the Blind, shall seek opportunities to partner with their private sector partners to match individuals with disabilities to private sector jobs.

§ 4. Training. (a) The Chief Disability Officer, in collaboration with the Division of Human Rights, the Office of Language Access, the Office of Employee Relations, and the Department of Civil Service, shall develop a disability awareness training to build and sustain a culture of inclusion in the workplace; said training shall include discussion of rights to reasonable accommodation in the workplace. The CDO and these agencies shall develop and implement training to ensure that human resources and hiring managers are provided training in disability rights, hiring, and workplace policies, and best practices that promote a diverse and inclusive workforce and issue clear, written directives prohibiting discrimination against qualified individuals with disabilities. The Office of Employee Relations shall ensure that such training is made available to state agencies covered by this act.

(b) All officers and employees of a state agency who are new to state service shall participate in a training within sixty days of commencing their employment, effective immediately upon completion of training materials. Every officer and employee of a state agency shall participate in this training every three years following their initial training session pursuant to this act, however, officers and employees of a state agency who work in the Executive Chamber shall participate in a training every two years following their initial training session pursuant to this act.

§ 5. Agency disability contacts. (a) The Director or Commissioner of each state agency shall, within 30 days of the effective date of this act, designate an employee or employees who will be responsible for overseeing the development, implementation, monitoring, and evaluation of strategies to recruit, hire, retain, and promote career advancement of people with disabilities, and who will serve as a contact person for the Office of the Chief Disability Officer, ACCES-VR, the Commission for

the Blind, and other organizations that represent job seekers with disabilities.

(b) Each agency's disability contact shall make best efforts to utilize the resources, services, and funding available through ACCES-VR and the Commission for the Blind for work-based learning experiences, internships, and trainings for high school and college students with disabilities including youth with significant disabilities.

§ 6. Consultation. The Chief Disability Officer shall ensure continued development and implementation of policies adopted to meet the goals of this act in consultation with the Office for People with Developmental Disabilities, the Office of Mental Health, the Department of Labor, the Department of Civil Service, ACCES-VR, the Commission for the Blind and other organizations that represent job seekers with disabilities.

§ 7. Construction. This act shall not be construed to require any state employee or candidate for state employment to disclose disability status involuntarily. This act shall not create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the state of New York, its departments, agencies, or entities, it officers, employees or agents, or any other person.

§ 8. This act shall take effect immediately.