# STATE OF NEW YORK

7634

2023-2024 Regular Sessions

# IN SENATE

August 16, 2023

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

AN ACT to direct the department of civil service to conduct a study on competitive examinations for public employment to determine whether the contents of such examinations have a discriminatory effect on minority examinees; and providing for the repeal of such provision upon expiration thereof

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

Section 1. For the purposes of this act the following terms shall have the following meanings:

(a) "agency" means any department, board, bureau, commission, division, office, council, committee, public benefit corporation or public authority at least one of whose members is appointed by the governor.

(b) "competitive examination" means competitive examinations for public employment held by the state department of civil service and by municipal commissions, as such term is defined by section two of the civil service law.

§ 2. (a) The department of civil service shall conduct a study on competitive examinations for public employment held by the state department of civil service and by municipal commissions to determine whether the contents of such examinations have a discriminatory effect on minority examinees.

(b) Such study shall include, but not be limited to:

(i) the total number of minority and non-minority competitive examination examinees;

(ii) a comparison of competitive examination results for minority examinees compared to non-minority examinees;

(iii) an agency by agency, and municipality by municipality, breakdown containing the percentage of minority employees hired each year compared to non-minorities;

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

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(iv) an investigation on the questions and other contents of competitive examinations to determine whether any such questions or other contents have or could have a discriminatory effect on minority examinees compared to non-minority examinees, and if so, the nature of such discriminatory effect;

(v) an investigation of ancillary factors contributing to competitive examinations having a discriminatory effect on minority examinees compared to non-minority examinees, including, but not limited to accessibility to competitive examination locations, times competitive examinations are held, accessibility to competitive examination preparation courses and study materials, and technological barriers; and

(vi) any other information the president of the department of civil service shall deem necessary.

§ 3. The department of civil service may request, and is authorized to receive, any information from any agency that is relevant and material to the completion of the study under section two of this act. Such information received by the department of civil service shall be subject to the same requirements for confidentiality and limitations on use, if any, as are applicable to such agency's use of such information and may only be utilized by the department and the commissioner of civil service for purposes authorized by this act.

§ 4. No later than one year after the effective date of this act, the state department of civil service shall deliver a report of its findings of the study conducted pursuant to section two of this act to the governor, the temporary president of the senate, the speaker of the assembly, the minority leader of the senate, and the minority leader of the assembly. The contents of such report shall not contain the personally identifiable information of any individual.

§ 5. This act shall take effect immediately and shall expire and be deemed repealed two years after such date.