STATE OF NEW YORK

7720

2023-2024 Regular Sessions

IN SENATE

October 20, 2023

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

AN ACT to amend the labor law, in relation to establishing a model neurodiversity awareness training program

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

Section 1. The labor law is amended by adding a new section 201-j to read as follows:

§ 201-j. Neurodiversity awareness training. 1. a. The department shall consult with the division of human rights and the department of health to produce a model training program on neurodiversity awareness.

b. Such model neurodiversity awareness training program shall be interactive and include:

(i) a definition, explanation, and examples of neurodiversity consistent with guidance issued by the department in consultation with the division of human rights and the department of health;

(ii) examples of conduct designed to help participants understand and appreciate the differences in cognitive processing and neurodevelopmental conditions of neurodiverse individuals;

(iii) information concerning best practices to avoid inequity and foster a safe, supportive workplace for neurodiverse individuals;

(iv) information regarding the impact ignorance of neurodiversity may have on individuals across the state;

(v) information concerning employees' rights of redress and all available forums for adjudicating complaints; and

(vi) any other information the department, the division of human rights and the department of health deems relevant and appropriate for such a course.

c. The model training program created pursuant to this section, and any equivalent program shall be reviewed and reapproved by the department and the division of human rights on a biennial basis.

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

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2. The commissioner shall prepare templates of the model neurodiversity awareness training program created pursuant to subdivision one of this section. The commissioner shall determine, in his or her discretion, which languages to provide in addition to English, based on the size of the New York state population that speaks each language and any other factor that the commissioner shall deem relevant. All such templates shall be made available to employers in the state upon an employer's request.

3. Every employer shall utilize the model training program on neurodiversity awareness pursuant to this section or establish a training program for employees to provide neurodiversity awareness that equals or exceeds the minimum standards provided by such model training. Such neurodiversity awareness training shall be provided to all employees on an annual basis.

4. The department may promulgate any rules or regulations necessary for the purposes of carrying out the provisions of this section.

5. As used in this section, the term "neurodiversity" means the range of differences in individual brain function and behavioral traits, regarded as part of normal variation in the human population.

§ 2. This act shall take effect on the one hundred eightieth day after it shall have become a law. Effective immediately, the department of labor, in consultation with the division of human rights and the department of health, is authorized to create the model neurodiversity awareness training program pursuant to section 201-j of the labor law, as added by section one of this act.