

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:

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

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

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

10 § 2. (a) The department of civil service shall conduct a study on
11 competitive examinations for public employment held by the state depart-
12 ment of civil service and by municipal commissions to determine whether
13 the contents of such examinations have a discriminatory effect on minor-
14 ity examinees.

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

16 (i) the total number of minority and non-minority competitive examina-
17 tion examinees;

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

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

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

LBD04656-01-3

1 (iv) an investigation on the questions and other contents of compet-
2 itive examinations to determine whether any such questions or other
3 contents have or could have a discriminatory effect on minority exami-
4 nees compared to non-minority examinees, and if so, the nature of such
5 discriminatory effect;

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

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

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

22 § 4. No later than one year after the effective date of this act, the
23 state department of civil service shall deliver a report of its findings
24 of the study conducted pursuant to section two of this act to the gover-
25 nor, the temporary president of the senate, the speaker of the assembly,
26 the minority leader of the senate, and the minority leader of the assem-
27 bly. The contents of such report shall not contain the personally iden-
28 tifiable information of any individual.

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