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OFFICE OF THE STATE COMPTROLLER

February 7, 2022

Honorable Gary Gensler, Chair  
U.S. Securities and Exchange Commission  
100 F Street NE  
Washington, DC 20549

Dear Chair Gensler:

As Comptrollers and Treasurers responsible for overseeing or managing public pension funds in our States and Cities, we write to urge the Securities and Exchange Commission (SEC) to require the inclusion of data related to disability status as part any proposed rulemaking around human capital management and diversity disclosure. We strongly believe that a disability status disclosure requirement for public companies would have a positive effect on diversity and inclusion efforts at our portfolio companies, thereby benefiting shareholders.

According to “Getting to Equal: The Disability Inclusion Advantage,” a [report published](#) by Accenture, Disability:IN and the American Association of People with Disabilities (AAPD), companies that embrace best practices for employing and supporting persons with disabilities have outperformed their peers.<sup>1</sup> This includes 28 percent higher revenue, double the net income and 30 percent higher economic profit margins. Additionally, the report highlights that including people with disabilities increases innovation, improves productivity and fosters a better work environment. Disability inclusion can create a significant opportunity for companies to improve their performance, enhance diversity, and develop a sustainable corporate culture.

Because of these benefits, investors representing more than \$2.8 trillion in combined assets have called on the companies they invest in to take steps to create an inclusive workplace for people with disabilities.<sup>2</sup> The investor statement was an open appeal for companies to adopt best practices for including those with disabilities in their workforces, while enhancing long-term shareholder value. Additionally, CEOs at some of the largest companies in the U.S. have called on their peers to take steps to address disability inclusion.<sup>3</sup>

Currently, we believe there is a lack of information and disclosure by companies regarding their disability inclusion practices and policies. The SEC is in a strong position to further diversity and inclusion efforts and provide shareholders and investors with information they need to make informed decisions by mandating that companies release certain demographic information, including disability status. Such disclosure should include information about the number of employees voluntarily reporting a disability, consistent with the definition of disability in the ADA.

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<sup>1</sup> [https://www.accenture.com/\\_acnmedia/PDF-89/Accenture-Disability-Inclusion-Research-Report.pdf](https://www.accenture.com/_acnmedia/PDF-89/Accenture-Disability-Inclusion-Research-Report.pdf)

<sup>2</sup> <https://disabilityin.org/announcements/investor-statement/>

<sup>3</sup> <https://disabilityin.org/announcements/ceo-letter-on-disability-inclusion/>

We understand The American Association of People with Disabilities and Disability:IN have provided the SEC information related to the materiality and recommendations for disability-related disclosure. We encourage the SEC to consider that information as part of any rulemaking process.

We are grateful for your leadership and appreciate your consideration of this request.

Sincerely,

Thomas P. DiNapoli  
New York State Comptroller

Brad Lander  
New York City Comptroller

Seth Magaziner  
Rhode Island General Treasurer

Shawn T. Wooden  
Connecticut State Treasurer