

STATE OF NEW YORK

5069

2019-2020 Regular Sessions

IN SENATE

April 5, 2019

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

AN ACT to amend chapter 403 of the laws of 2018, directing the president of the civil service commission to study and publish a report evaluating wage disparities among public employers, in relation to directing the department of civil service to study and publish such report

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

1 Section 1. Chapter 403 of the laws of 2018, directing the president of
2 the civil service commission to study and publish a report evaluating
3 wage disparities among public employers, is amended to read as follows:

4 Section 1. Policy of the state. It is the policy of this state to
5 pursue the establishment of equitable compensation [~~relationships~~
6 ~~between female-dominated, male-dominated, and other segregated~~] in civil
7 service titles to eliminate wage disparities in public employment state-
8 wide. Compensation relationships are equitable when the primary consid-
9 eration in negotiating, establishing, recommending, and approving total
10 wages is the equivalent value of the job title content in relationship
11 to other job titles and position classifications in civil service.

12 § 2. Definitions. For the purposes of this act,

13 (a) the term "public employer" shall [~~have the same meaning as in~~
14 ~~subdivision six of section 201 of the civil service law~~] mean those
15 employers with offices and positions in the classified service of the
16 state and its civil divisions;

17 (b) the term "position classification" shall have the same meaning as
18 in subdivision [~~eleven~~] 11 of section [~~two~~] 2 of the civil service law;

19 (c) the term "equal jobs" shall mean jobs that are equal [~~within the~~
20 ~~meaning of the Equal Pay Act of 1963, 29 U.S.C. 206(d)~~] based on an
21 examination of the qualifications for and the nature and purpose of the
22 work, organization and supervisory relationships and basic duties and
23 responsibilities;

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

LBD11102-01-9

(d) the term "equivalent jobs" shall mean jobs or occupations ~~[that are equal within the meaning of the Equal Pay Act of 1963, 29 U.S.C. 206(d), or jobs or occupations]~~ that are dissimilar but whose requirements are equivalent when viewed as a composite of the ~~[skills, effort, responsibilities and]~~ job qualifications, kind of work performed, the level of responsibility for that work, the skills utilized, the effort required, and the working conditions required by the work;

(e) the term "comparable worth" shall mean the equivalent value of two or more job titles for the purpose of establishing equivalent compensation; ~~[and]~~

(f) the term "wages" and "wage rates" shall ~~[include all]~~ mean the compensation in any form that an employer provides to employees in payment for work done or services rendered~~[, including but not limited to base pay, bonuses, commissions, awards, tips, or various forms of non-monetary compensation if provided in lieu of or in addition to monetary compensation and that have economic value to an employee.]~~ that is reflected on line three of the Federal W-2 Wage and Tax Statement;

(g) the term "classified service" shall have the same meaning as in section 40 of the civil service law; and

(h) the term "segregated job title or position classification" shall mean any title or classification in which the total percentage of employees of a particular gender or race/ethnicity identification in the title is greater than the percentage of that gender or race/ethnicity identification in the employ of the public employer.

§ 3. The ~~[president of the state]~~ department of civil service ~~[commission]~~ is hereby directed to study and publish a report evaluating among public employers the existence of wage disparities related to the job titles segregated by the gender~~[, race and/or national origin]~~ and race/ethnicity identification of the employees in the titles. The study and report shall include, but not be limited to:

(a) ~~[the extent of wage disparities among]~~ identification of segregated job titles or position classifications of equal value including the percentages used to make such identification;

(b) the extent of segregation of job titles or position classifications by gender~~[, race and national origin]~~ and race/ethnicity identification;

(c) the identification of ~~[segregated]~~ civil service job titles or position classifications that are equivalent and of comparable worth;

(d) the extent of wage disparities in ~~[segregated]~~ civil service job titles or position classifications that are equivalent and of comparable worth;

(e) the need for adjustment of wage rates for equivalent job titles or position classifications to provide compensation of comparable worth; and

(f) ~~[the plans for]~~ recommendations for adjusting wage rates and other recommendations to address any wage disparities in both equal jobs and in ~~[segregated]~~ civil service job titles or position classifications that are equivalent and of comparable worth.

§ 4. ~~[Such study shall use methodologies, such as]~~ The department of civil service shall determine the appropriate methodology for the study, which may include a systematic point factor job evaluation system~~[, that do].~~ The methodology shall not undervalue jobs or position classifications that disproportionately employ women and/or ~~[racial and/or national origin]~~ racial/ethnic minorities to analyze job title or position classification content and equivalent value.

1 § 5. The [~~president of the~~] department of civil service [~~commission~~]
2 shall use the [~~prescribed~~] selected methodology to determine if there
3 are wage disparities in [~~segregated~~] civil service titles based on the
4 equivalent value of the work by gender or race/ethnicity. The [~~president~~
5 ~~of the~~] department of civil service [~~commission~~] shall [~~also, by January~~
6 ~~1, 2019,~~] submit the above described published report to the speaker of
7 the assembly, the minority leader of the assembly, the temporary presi-
8 dent of the senate, the minority leader of the senate and the governor's
9 office of employee relations no later than three years after the effec-
10 tive date of this act.

11 § 6. The office of information and technology services shall provide
12 assistance to the department of civil service for the conduct and analy-
13 sis of the study required by this act.

14 § 7. Every public employer as defined herein shall provide all
15 requested assistance to the president of the civil service commission in
16 the conduct of the study required by this act. Upon the request of the
17 department, it shall be the duty of each public employer to provide the
18 department of civil service the name of each appointee or employee in
19 the classified service, the title and character of such office or
20 employment, the wage rate, the gender and race/ethnicity information and
21 any other related information so requested to conduct the study. It
22 shall be the duty of each officer of the public employer to comply with
23 and aid in all proper ways in carrying into effect the provisions of
24 this study. Each employee of a public employer shall be provided with a
25 sufficient period of time during normal scheduled work, not to exceed
26 four hours on an annual basis, to participate in this study to evaluate
27 wage disparities among public employers.

28 § 8. This act shall take effect immediately.

29 § 2. This act shall take effect immediately and shall be deemed to
30 have been in full force and effect on and after the effective date of
31 chapter 403 of the laws of 2018.