

7057

I N S E N A T E

April 26, 2012

Introduced by Sen. BALL -- read twice and ordered printed, and when printed to be committed to the Committee on Civil Service and Pensions

AN ACT to amend the civil service law, in relation to implementing a state policy of setting salaries on the basis of comparability of value of the work

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 Section 1. Section 115 of the civil service law, as added by chapter
2 790 of the laws of 1958, is amended to read as follows:
3 S 115. Policy of the state. IT IS THE POLICY OF THE STATE OF NEW YORK
4 TO COMPLY WITH THE LETTER AND SPIRIT OF THE FEDERAL "EQUAL PAY ACT OF
5 1963," PUB. L. 88-38 (29 U.S.C. S 206) WHICH REQUIRES THAT EMPLOYEES OF
6 BOTH SEXES RECEIVE EQUAL PAY FOR EQUAL WORK, THE FEDERAL "CIVIL RIGHTS
7 ACT OF 1964," PUB. L. 88-352 (42 U.S.C. S 2000E-2) WHICH PROHIBITS
8 DISCRIMINATION ON THE BASIS OF SEX, RACE AND NATIONAL ORIGIN IN ALL
9 TERMS OF EMPLOYMENT, SECTION FORTY-C OF THE CIVIL RIGHTS LAW, WHICH
10 PROHIBITS DISCRIMINATION ON THE BASIS OF RACE, CREED, COLOR, NATIONAL
11 ORIGIN, SEX, SEXUAL ORIENTATION OR MARITAL STATUS AND ARTICLE FIFTEEN OF
12 THE EXECUTIVE LAW, WHICH PROHIBITS DISCRIMINATION ON THE BASIS OF SEX,
13 RACE, SEXUAL ORIENTATION OR NATIONAL ORIGIN IN ALL TERMS OF EMPLOYMENT.
14 CONSISTENT WITH THESE LAWS, IT IS THE POLICY OF THE STATE TO ENSURE A
15 FAIR, NON-BIASED WAGE STRUCTURE FOR ITS EMPLOYEES IN WHICH SEX, RACE,
16 SEXUAL ORIENTATION OR NATIONAL ORIGIN IS NOT A CONSIDERATION EITHER
17 DIRECTLY OR INDIRECTLY IN DETERMINING THE PROPER COMPENSATION FOR A
18 TITLE IN STATE SERVICE, NOR IN DETERMINING THE PAY FOR ANY INDIVIDUAL OR
19 GROUP OF EMPLOYEES. In order to attract unusual merit and ability to
20 the service of the state of New York, to stimulate higher efficiency
21 among the personnel, to provide skilled leadership in administrative
22 departments, to reward merit and to insure to the people and the taxpayers
23 of the state of New York the highest return in services for the
24 necessary costs of government, it is [hereby declared to be] the policy
25 of the state to provide equal pay for [equal] SIMILAR work AND FOR WORK
26 OF COMPARABLE VALUE, and regular increases in pay in proper proportion

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

LBD15400-01-2

1 to increase of ability, increase of output and increase of quality of
2 work demonstrated in service.

3 S 2. Paragraph (c) of subdivision 1 of section 118 of the civil
4 service law, as added by chapter 790 of the laws of 1958, is amended to
5 read as follows:

6 (c) The principle of fair and equal pay for similar work AND FOR WORK
7 OF COMPARABLE VALUE shall be followed in the classification and reclas-
8 sification and the allocation and reallocation of positions pursuant to
9 this article and all positions having the same title shall be allocated
10 to the same salary grade. COMPARABLE VALUE SHALL BE DETERMINED BY
11 COMPARING JOB TITLES ON THE BASIS OF STANDARDS WHICH INCLUDE THE COMPOS-
12 ITE OF SUCH BASIC ELEMENTS OF A JOB AS THE KNOWLEDGE, SKILLS, ACCOUNT-
13 ABILITY, MENTAL OR PHYSICAL STRESS AND EFFORT, EXTRAORDINARY DANGERS AND
14 RESPONSIBILITIES NORMALLY REQUIRED TO SATISFACTORILY PERFORM THE JOB.
15 THE PRINCIPLE OF FAIR AND EQUAL PAY FOR WORK OF COMPARABLE VALUE
16 REQUIRES THAT CONSIDERATION OF SEX, RACE, SEXUAL ORIENTATION OR NATIONAL
17 ORIGIN SHALL NOT INFLUENCE DIRECTLY OR INDIRECTLY THE ESTABLISHMENT OF
18 SALARIES.

19 S 3. The civil service law is amended by adding a new section 119 to
20 read as follows:

21 S 119. COMPARABILITY OF VALUE OF WORK; SEGREGATED JOB TITLES REVIEWED
22 AND ADJUSTED. 1. THE LEGISLATURE FINDS THAT DESPITE THE POLICY OF THE
23 STATE AS DECLARED IN SECTION ONE HUNDRED FIFTEEN OF THIS TITLE, JOB
24 TITLES WHICH ARE SEGREGATED BY SEX, RACE OR NATIONAL ORIGIN MAY HAVE
25 BEEN UNDERVALUED AND ASSIGNED WAGES WHICH DO NOT REFLECT THE RELATIVE
26 WORTH OF THE JOB. IT IS THE INTENT OF THE LEGISLATURE TO REMEDY SUCH
27 UNDERVALUATION AND TO CORRECT SUCH DISPARITIES.

28 2. FOR PURPOSES OF THIS SECTION "SEGREGATED TITLES (X)" MEANS TITLES
29 OR ANY CLASS OF TITLES IN WHICH THE NUMBER OF INCUMBENTS OF A SEX, RACE
30 OR NATIONAL ORIGIN IS GREATER THAN THE SUM OF THE PERCENTAGE OF THAT
31 SEX, RACE OR NATIONAL ORIGIN IN THE STATE SERVICE (P) PLUS TWENTY
32 PERCENT OF THAT PERCENTAGE (.2(P)). THIS IS REPRESENTED BY THE FORMULA
33 $(X = P + .2(P))$.

34 3. THE PRESIDENT SHALL, BY JANUARY FIRST OF EACH YEAR, SUBMIT TO THE
35 LEGISLATURE AND THE OFFICE OF EMPLOYEE RELATIONS, A LIST SHOWING, BY
36 EMPLOYEE ORGANIZATION AND FOR MANAGEMENT/CONFIDENTIAL EMPLOYEES, THOSE
37 SEGREGATED TITLES FOR WHICH A DISPARITY EXISTS BASED ON THE COMPARABILI-
38 TY OF THE VALUE OF THE WORK. THE PRESIDENT SHALL ALSO SUBMIT TO THE
39 LEGISLATURE, THE OFFICE OF EMPLOYEE RELATIONS AND THE DIVISION OF THE
40 BUDGET ALONG WITH THE LIST, AN ESTIMATE OF THE APPROPRIATION NECESSARY
41 TO CORRECT SUCH DISPARITIES.

42 4. BEGINNING WITH THE BUDGET REQUESTS FOR THE SECOND FISCAL YEAR
43 COMMENCING AFTER THE EFFECTIVE DATE OF THIS SECTION, THE GOVERNOR SHALL
44 INCLUDE THE APPROPRIATION NECESSARY TO ENSURE THAT SALARIES ARE SET IN
45 ACCORDANCE WITH SUBDIVISION ONE OF THIS SECTION AND SECTION ONE HUNDRED
46 FIFTEEN, AND PARAGRAPH (C) OF SUBDIVISION ONE OF SECTION ONE HUNDRED
47 EIGHTEEN OF THIS TITLE.

48 5. NO SALARY SHALL BE REDUCED TO ACHIEVE COMPARABLE COMPENSATION UNDER
49 THE PROVISIONS OF THIS SECTION.

50 S 4. This act shall take effect immediately.