

3685--B

2013-2014 Regular Sessions

I N   S E N A T E

February 11, 2013

---

Introduced by Sen. SAVINO -- read twice and ordered printed, and when printed to be committed to the Committee on Civil Service and Pensions -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the civil service law, in relation to discriminatory practices where public employers compensate employees of different sexes differently for work that is of comparable worth

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

- 1     Section 1. The civil service law is amended by adding a new section  
2     153 to read as follows:  
3     S 153. WAGE DISCRIMINATION BY SEX PROHIBITED. 1. IT SHALL BE AN  
4     UNLAWFUL DISCRIMINATORY PRACTICE FOR ANY PUBLIC EMPLOYER IN THIS STATE  
5     TO DISCRIMINATE BETWEEN EMPLOYEES IN ITS EMPLOY ON THE BASIS OF SEX, BY  
6     COMPENSATING ANY EMPLOYEE IN ANY OCCUPATION AT A SALARY OR RATE LESS  
7     THAN THE SALARY OR RATE AT WHICH OTHER EMPLOYEES OF THE OPPOSITE SEX ARE  
8     COMPENSATED FOR POSITIONS OR TITLES WHICH HAVE COMPARABLE WORTH AS MEAS-  
9     URED BY THE SKILL, EFFORT AND RESPONSIBILITY NORMALLY REQUIRED IN THE  
10    PERFORMANCE OF WORK AND THE CONDITIONS UNDER WHICH THE WORK IS NORMALLY  
11    PERFORMED.  
12    2. NOTHING IN SUBDIVISION ONE OF THIS SECTION SHALL PROHIBIT DIFFERING  
13    COMPENSATION TO EMPLOYEES WHERE SUCH COMPENSATION IS CALCULATED PURSUANT  
14    TO A BONA FIDE SENIORITY SYSTEM.  
15    3. A PUBLIC EMPLOYER WHO IS IN VIOLATION OF THIS SECTION SHALL NOT, IN  
16    ORDER TO COMPLY WITH THIS SECTION, REDUCE THE COMPENSATION OF ANY  
17    EMPLOYEE OR REDUCE THE RATE OF COMPENSATION FOR ANY POSITION.  
18    4. AN AGREEMENT BY ANY EMPLOYEE TO WORK FOR LESS THAN THE COMPENSATION  
19    TO WHICH THE EMPLOYEE IS ENTITLED UNDER THIS SECTION SHALL NOT BE A BAR

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

LBD02625-04-3

1 TO ANY ACTION TO WHICH THE EMPLOYEE WOULD OTHERWISE BE ENTITLED TO  
2 ENFORCE THE PROVISIONS OF THIS SECTION.

3 5. NOTHING SET FORTH IN THIS SECTION SHALL BE CONSTRUED TO IMPEDE,  
4 INFRINGE OR DIMINISH THE RIGHTS AND BENEFITS WHICH ACCRUE TO EMPLOYEES  
5 THROUGH BONA FIDE COLLECTIVE BARGAINING AGREEMENTS, OR OTHERWISE DIMIN-  
6 ISH THE INTEGRITY OF THE EXISTING COLLECTIVE BARGAINING RELATIONSHIP.

7 6. NO PUBLIC EMPLOYER SHALL BE FOUND TO BE IN VIOLATION OF THIS  
8 SECTION FOR COMPENSATING EMPLOYEES OF DIFFERENT SEXES DIFFERENTLY FOR  
9 WORK THAT IS OF COMPARABLE WORTH DURING THE THREE YEAR PERIOD BEGINNING  
10 ON THE EFFECTIVE DATE OF THIS SECTION, PROVIDED SUCH EMPLOYER HAS INSTI-  
11 TUTED A PLAN THAT WILL LEAD TO COMPLIANCE WITH THIS SECTION AFTER SUCH  
12 THREE YEAR PERIOD EXPIRES.

13 7. AS USED IN THIS SECTION, THE TERM PUBLIC OFFICER OR EMPLOYEE SHALL  
14 NOT INCLUDE THOSE EMPLOYEES IN THE UNCLASSIFIED SERVICE PURSUANT TO  
15 SECTION THIRTY-FIVE OF THIS CHAPTER, EMPLOYEES DEEMED MANAGERIAL OR  
16 CONFIDENTIAL UNDER ARTICLE FOURTEEN OF THIS CHAPTER AND THE OFFICERS OR  
17 EMPLOYEES OF MUNICIPALITIES OR OTHER POLITICAL SUBDIVISIONS OF THE  
18 STATE.

19 S 2. This act shall take effect on the ninetieth day after it shall  
20 have become a law.