S T A T E O F N E W Y O R K

5592--A

2013-2014 Regular Sessions

I N S E N A T E

May 23, 2013

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

AN ACT to amend the labor law, in relation to the New York state equal pay act

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

Section 1. This act shall be known and may be cited as the "New York state equal pay act".

S 2. Subdivision 3 of section 190 of the labor law, as amended by chapter 281 of the laws of 2002, is amended to read as follows:

3. "Employer" includes any person, corporation, limited liability company, or association employing any individual in any occupation, industry, trade, business or service. The term "employer" shall not include a governmental agency, EXCEPT FOR MAYORAL OR NON-MAYORAL AGENCIES OF THE CITY OF NEW YORK OR THE HEALTH AND HOSPITALS CORPORATION OF THE CITY OF NEW YORK OR THE NEW YORK CITY HOUSING AUTHORITY.

S 3. Section 194 of the labor law is amended by adding two new subdivisions 2 and 3 to read as follows:

2. THE PROHIBITION IN SUBDIVISION ONE OF THIS SECTION SHALL APPLY WHERE ANY GROUP OR GROUPS OF EMPLOYEES OF PREDOMINANTLY ONE SEX ARE PAID LESS THAN ANY GROUP OR GROUPS OF EMPLOYEES OF PREDOMINANTLY THE OPPOSITE SEX. THE QUESTION AS TO WHETHER GROUPS ARE PREDOMINANTLY ONE SEX OR THE OTHER SHALL BE A QUESTION OF FACT AND SHALL BE DETERMINED ACCORDINGLY. THERE SHALL BE NO PRESCRIBED MINIMUM PROPORTIONS REQUIRED TO MAINTAIN AN ACTION UNDER THIS SECTION OTHER THAN A SIMPLE MAJORITY OF EMPLOYEES OF ONE SEX OR THE OTHER IN ANY GROUP.

3. A PERSON SEEKING TO ENFORCE SUCH LIABILITY, INCLUDING A REPRESENTATIVE OF EMPLOYEES AGGRIEVED UNDER SUBDIVISION ONE OF THIS SECTION, MAY

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

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SUE EITHER FOR SUCH PERSON OR FOR OTHER PERSONS SIMILARLY SITUATED, OR BOTH, IN ANY COURT OF COMPETENT JURISDICTION.

S 4. This act shall take effect on the thirtieth day after it shall have become a law.