

881--A

Cal. No. 53

2013-2014 Regular Sessions

I N A S S E M B L Y

(PREFILED)

January 9, 2013

Introduced by M. of A. LIFTON, JAFFEE, COLTON, HEVESI, ENGLEBRIGHT, CRESPO, RUSSELL, AUBRY, ROBERTS -- Multi-Sponsored by -- M. of A. JACOBS -- read once and referred to the Committee on Governmental Employees -- advanced to a third reading, amended and ordered reprinted, retaining its place on the order of third reading

AN ACT directing the president of the civil service commission to study and publish a report evaluating wage disparities among public employers

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

1 Section 1. Policy of the state. It is the policy of this state to
2 pursue the establishment of equitable compensation relationships between
3 female-dominated, male-dominated, and other segregated titles to elimi-
4 nate wage disparities in public employment statewide. Compensation
5 relationships are equitable when the primary consideration in negotiat-
6 ing, establishing, recommending, and approving total wages is the equiv-
7 alent value of the job title content in relationship to other job titles
8 and position classifications in civil service.
9 S 2. Definitions. For the purposes of this act,
10 (a) the term "public employer" shall have the same meaning as in
11 subdivision six of section 201 of the civil service law;
12 (b) the term "position classification" shall have the same meaning as
13 in subdivision eleven of section two of the civil service law;
14 (c) the term "equal jobs" shall mean jobs that are equal within the
15 meaning of the Equal Pay Act of 1963, 29 U.S.C. 206(d);
16 (d) the term "equivalent jobs" shall mean jobs or occupations that are
17 equal within the meaning of the Equal Pay Act of 1963, 29 U.S.C.
18 206(d), or jobs or occupations that are dissimilar but whose require-
19 ments are equivalent when viewed as a composite of the skills, effort,
20 responsibilities and working conditions required by the work;

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

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1 (e) the term "comparable worth" shall mean the equivalent value of two
2 or more job titles for the purpose of establishing equivalent compen-
3 sation; and

4 (f) the term "wages" and "wage rates" shall include all compensation
5 in any form that an employer provides to employees in payment for work
6 done or services rendered, including but not limited to base pay, bonus-
7 es, commissions, awards, tips, or various forms of non-monetary compen-
8 sation if provided in lieu of or in addition to monetary compensation
9 and that have economic value to an employee.

10 S 3. The president of the state civil service commission is hereby
11 directed to study and publish a report evaluating among public employers
12 the existence of wage disparities related to the job titles segregated
13 by the gender, race and/or national origin of the employees in the
14 titles. The study and report shall include, but not be limited to:

15 (i) the extent of wage disparities among job titles or position clas-
16 sifications of equal value;

17 (ii) the extent of segregation of job titles or position classifica-
18 tions by gender, race and national origin;

19 (iii) the identification of segregated job titles or position classi-
20 fications that are equivalent and of comparable worth;

21 (iv) the extent of wage disparities in segregated job titles or posi-
22 tion classifications that are equivalent and of comparable worth;

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

26 (vi) the plans for adjusting wage rates and other recommendations to
27 address any wage disparities in both equal jobs and in segregated job
28 titles or position classifications that are equivalent and of comparable
29 worth.

30 S 4. Such study shall use methodologies, such as a systematic point
31 factor job evaluation system, that do not undervalue jobs or position
32 classifications that disproportionately employ women and/or racial
33 and/or national origin minorities to analyze job title or position clas-
34 sification content and equivalent value.

35 S 5. The president of the commission shall use the prescribed method-
36 ology to determine if there are wage disparities in segregated titles
37 based on the equivalent value of the work. The president of the commis-
38 sion shall also, by January 1, 2016, submit the above described
39 published report to the speaker of the assembly, the minority leader of
40 the assembly, the temporary president of the senate, the minority leader
41 of the senate and the governor's office of employee relations.

42 S 6. This act shall take effect immediately.