

2650

2013-2014 Regular Sessions

I N   S E N A T E

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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 ASSEM-  
BLY, 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 taxpay-  
23    ers 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

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

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1 of the state to provide equal pay for [equal] SIMILAR work AND FOR WORK  
2 OF COMPARABLE VALUE, and regular increases in pay in proper proportion  
3 to increase of ability, increase of output and increase of quality of  
4 work demonstrated in service.

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

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

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

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

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

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

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

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

52 S 4. This act shall take effect immediately.