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

5391--A

2013-2014 Regular Sessions

I N  S E N A T E

May 16, 2013

Introduced by Sen. PARKER -- read twice and ordered printed, and when printed to be committed to the Committee on Civil Service and Pensions -- recommitted to the Committee on Civil Service and Pensions in accordance with Senate Rule 6, sec. 8 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

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:

Section 1. Policy of the state. It is the policy of this state to pursue the establishment of equitable compensation relationships between female-dominated, male-dominated, and other segregated titles to eliminate wage disparities in public employment statewide. Compensation relationships are equitable when the primary consideration in negotiating, establishing, recommending, and approving total wages is the equivalent value of the job title content in relationship to other job titles and position classifications in civil service.

S 2. Definitions. For the purposes of this act,

(a) the term "public employer" shall have the same meaning as in subdivision six of section 201 of the civil service law;

(b) the term "position classification" shall have the same meaning as in subdivision eleven of section two of the civil service law;

(c) the term "equal jobs" shall mean jobs that are equal within the meaning of the Equal Pay Act of 1963, 29 U.S.C. 206(d);

(d) the term "equivalent jobs" shall mean jobs or occupations that are equal within the meaning of the Equal Pay Act of 1963, 29 U.S.C. 206(d), or jobs or occupations that are dissimilar but whose requirements are equivalent when viewed as a composite of the skills, effort, responsibilities and working conditions required by the work;

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

LBD02403-02-4

(e) the term "comparable worth" shall mean the equivalent value of two or more job titles for the purpose of establishing equivalent compensation; and

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

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

(i) the extent of wage disparities among job titles or position classifications of equal value;

(ii) the extent of segregation of job titles or position classifications by gender, race and national origin;

(iii) the identification of segregated job titles or position classifications that are equivalent and of comparable worth;

(iv) the extent of wage disparities in segregated job titles or position classifications that are equivalent and of comparable worth;

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

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

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

S 5. The president of the commission shall use the prescribed methodology to determine if there are wage disparities in segregated titles based on the equivalent value of the work. The president of the commission shall also, by January 1, 2016, submit the above described published report to the speaker of the assembly, the minority leader of the assembly, the temporary president of the senate, the minority leader of the senate and the governor's office of employee relations.

S 6. This act shall take effect immediately.