

5391--A

2013-2014 Regular Sessions

I N   S E N A T E

May 16, 2013

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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:

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.