3737

2015-2016 Regular Sessions

I N   S E N A T E

February 17, 2015
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Introduced by Sen. LANZA -- read twice and ordered printed, and when
    printed to be committed to the Committee on Labor

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

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

 1   Section 1. Short title. This act shall be known and may be cited as
 2 the "New York state equal pay act".
 3   S 2. Subdivision 3 of section 190 of the labor law, as amended by
 4 chapter 281 of the laws of 2002, is amended to read as follows:
 5   3. "Employer" includes any person, corporation, limited liability
 6 company, or association employing any individual in any occupation,
 7 industry, trade, business or service. The term "employer" shall not
 8 include a governmental agency, EXCEPT FOR MAYORAL OR NON-MAYORAL AGEN-
 9 CIES OF THE CITY OF NEW YORK OR THE HEALTH AND HOSPITALS CORPORATION OF
10 THE CITY OF NEW YORK OR THE NEW YORK CITY HOUSING AUTHORITY.
11   S 3. Section 194 of the labor law is amended by adding two new subdi-
12 visions 2 and 3 to read as follows:
13   2. THE PROHIBITION IN SUBDIVISION ONE OF THIS SECTION SHALL APPLY
14 WHERE ANY GROUP OR GROUPS OF EMPLOYEES OF PREDOMINANTLY ONE SEX ARE PAID
15 LESS THAN ANY GROUP OR GROUPS OF EMPLOYEES OF PREDOMINANTLY THE OPPOSITE
16 SEX. THE QUESTION AS TO WHETHER GROUPS ARE PREDOMINANTLY ONE SEX OR THE
17 OTHER SHALL BE A QUESTION OF FACT AND SHALL BE DETERMINED ACCORDINGLY.
18 THERE SHALL BE NO PRESCRIBED MINIMUM PROPORTIONS REQUIRED TO MAINTAIN AN
19 ACTION UNDER THIS SECTION OTHER THAN A SIMPLE MAJORITY OF EMPLOYEES OF
20 ONE SEX OR THE OTHER IN ANY GROUP.
21   3. A PERSON SEEKING TO ENFORCE SUCH LIABILITY, INCLUDING A REPRESEN-
22 TATIVE OF EMPLOYEES AGGRIEVED UNDER SUBDIVISION ONE OF THIS SECTION, MAY
23 SUE EITHER FOR SUCH PERSON OR FOR OTHER PERSONS SIMILARLY SITUATED, OR
24 BOTH, IN ANY COURT OF COMPETENT JURISDICTION.
25   S 4. This act shall take effect on the thirtieth day after it shall
26 have become a law.

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