STATE OF NEW YORK

6436

2019-2020 Regular Sessions

IN SENATE

June 11, 2019

Introduced by Sen. MONTGOMERY -- read twice and ordered printed, and when printed to be committed to the Committee on Rules

AN ACT to amend the civil service law, in relation to equal pay for similar work protections for protected classes

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

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

(c) The principle of fair and equal pay for similar work **or substantially similar work, when viewed as a composite of skill, effort, and responsibility, and performed under similar working conditions, and without discrimination based on status within a protected class,** shall be followed in the classification and reclassification and the allocation and reallocation of positions pursuant to this article and all positions having the same**, or substantially similar,** title shall be allocated to the same salary grade. **For the purposes of this section, the term "protected class" includes age, race, creed, color, national origin, sexual orientation, gender identity or expression, military status, sex, disability, predisposing genetic characteristics, familial status, marital status, or domestic violence victim status, and any employee protected from discrimination pursuant to paragraphs (a), (b) and (c) of subdivision one of section two hundred ninety-six of the executive law, and any intern protected from discrimination pursuant to section two hundred ninety-six-c of the executive law.**

§ 2. Subdivision 2 of section 118 of the civil service law is amended by adding a new paragraph (c) to read as follows:

(c) To ensure that no employee with status within one or more protected class or classes shall be paid a wage at a rate less than the rate at which an employee without status within the same protected class or classes in the same establishment is paid for similar work or

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

LBD11922-04-9

substantially similar work. For the purposes of this paragraph, employees shall be deemed to work in the same establishment if the employees work for the same employer at workplaces located in the same geographical region, no larger than a county, taking into account population distribution, economic activity, and/or the presence of municipalities.

§ 3. This act shall take effect immediately.