

# STATE OF NEW YORK

8971

## IN ASSEMBLY

January 6, 2020

Introduced by M. of A. L. ROSENTHAL -- read once and referred to the  
Committee on Governmental Employees

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 Assem-  
bly, do enact as follows:

1 Section 1. Paragraph (c) of subdivision 1 of section 118 of the civil  
2 service law, as amended by a chapter of the laws of 2019 amending the  
3 civil service law relating to equal pay for similar work protections for  
4 protected classes, as proposed in legislative bills numbers S. 6436 and  
5 A. 7748-A, is amended to read as follows:

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

22 § 2. Paragraph (c) of subdivision 2 of section 118 of the civil  
23 service law, as added by a chapter of the laws of 2019 amending the  
24 civil service law relating to equal pay for similar work protections for  
25 protected classes, as proposed in legislative bills numbers S. 6436 and  
26 A. 7748-A, is amended to read as follows:

27 (c) To ensure that no employee with status within one or more  
28 protected class or classes shall be paid a wage at a rate less than the

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

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1 rate at which an employee without status within the same protected class  
2 or classes in the same title and same establishment is paid for similar  
3 work or substantially similar work. For the purposes of this paragraph,  
4 employees shall be deemed to work in the same establishment if the  
5 employees work for the same employer at workplaces located in the same  
6 geographical region, no larger than a county, taking into account popu-  
7 lation distribution, economic activity, and/or the presence of munici-  
8 palities.

9 § 3. This act shall take effect on the same date and in the same  
10 manner as a chapter of the laws of 2019 amending the civil service law  
11 relating to equal pay for similar work protections for protected class-  
12 es, as proposed in legislative bills numbers S. 6436 and A. 7748-A,  
13 takes effect.