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 Assembly, do enact as follows:

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

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

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rate at which an employee without status within the same protected class or classes in the same **title and same** establishment is paid for similar work or 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 on the same date and in the same manner as a chapter of the laws of 2019 amending the civil service law relating to equal pay for similar work protections for protected classes, as proposed in legislative bills numbers S. 6436 and A. 7748-A, takes effect.