

# 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 Assem-  
bly, do enact as follows:

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

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

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

22 (c) To ensure that no employee with status within one or more  
23 protected class or classes shall be paid a wage at a rate less than the  
24 rate at which an employee without status within the same protected class  
25 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

1 substantially similar work. For the purposes of this paragraph, employ-  
2 ees shall be deemed to work in the same establishment if the employees  
3 work for the same employer at workplaces located in the same geograph-  
4 ical region, no larger than a county, taking into account population  
5 distribution, economic activity, and/or the presence of municipalities.

6 § 3. This act shall take effect immediately.