§ 118. Powers and duties of the director of classification and compensation. 1. General powers and duties. (a) The director of the classification and compensation division shall be charged generally with the duty and shall have the power

(1) to classify and reclassify all positions in the classified civil service of the state;

(2) to allocate and reallocate to an appropriate salary grade specified in section one hundred thirty of this article all positions in the competitive and non-competitive classes of the classified civil service of the state, except temporary, part-time or seasonal positions, and positions the salaries of which are otherwise specifically set forth in a statute.

(b) The director may allocate and reallocate to an appropriate salary grade specified in section one hundred thirty of this article, part-time, temporary and seasonal positions and positions in the labor class.

(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 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. Specific powers and duties. In addition to those elsewhere prescribed, the director shall have the following powers and duties:

(a) To ascertain and record the duties and responsibilities of all positions in the classified civil service of the state, establish

adequate specifications showing the qualifications for and the nature and extent and scope of the duties and responsibilities of such positions, and assign uniform titles to positions that are so substantially similar in the essential character and scope of their duties and responsibilities and in the qualification requirements thereof that the same descriptive title may be used to designate them; that the same qualifications for appointment thereto may be reasonably required; that the same tests of fitness may be established, and that the same rate of compensation may be reasonably applied.

(b) To investigate all matters affecting the classification and compensation of positions, to hear and determine all complaints and grievances with respect to the classification and compensation of positions, and from time to time review the duties, responsibilities, qualification requirements and compensation of positions and to make such revisions in the classification or compensation of positions as changes in the state service may require.

(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 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. Departmental cooperation. The director, and the state civil service commission may request from any state department or agency such assistance as either may require, and each such department or agency shall make available, upon such request, any of its personnel and facilities.