Legislation Details (With Text)

File #:	Res 0649-2015	**Version:** *	**Name:**	Prohibition of differential pay based on gender. (A.6075/S.1)
Type:	Resolution		**Status:**	Adopted
			In control:	Committee on Women's Issues
On agenda:	4/16/2015			
Enactment date:			**Enactment #:**	

Title: Resolution calling upon the New York State Assembly to pass, and the Governor to sign A.6075, which would amend the labor law, in relation to the prohibition of differential pay based on gender.

Sponsors:

Indexes:

Attachments: 1. April 16, 2015 - Stated Meeting Agenda with Links to Files, 2. Committee Report 4/20/15, 3. Hearing Testimony 4/20/15, 4. Hearing Transcript 4/20/15, 5. Committee Report 4/27/15, 6. Hearing Transcript 4/27/15, 7. April 28, 2015 - Stated Meeting Agenda with Links to Files, 8. Hearing Transcript - Stated Meeting 4-28-15, 9. Minutes of the Stated Meeting - April 28, 2015

Date	Ver.	Action By	Action	Result
4/16/2015	*	City Council	Introduced by Council	
4/16/2015	*	City Council	Referred to Comm by Council	
4/20/2015	*	Committee on Women's Issues	Hearing Held by Committee	
4/20/2015	*	Committee on Women's Issues	Laid Over by Committee	
4/20/2015	*	Committee on Civil Service and Labor	Hearing Held by Committee	
4/20/2015	*	Committee on Civil Service and Labor	Laid Over by Committee	
4/27/2015	*	Committee on Women's Issues	Hearing Held by Committee	
4/27/2015	*	Committee on Women's Issues	Approved by Committee	Pass
4/28/2015	*	City Council	Approved, by Council	Pass

Res. No. 649

Resolution calling upon the New York State Assembly to pass, and the Governor to sign A.6075, which would amend the labor law, in relation to the prohibition of differential pay based on gender.

By Council Members Johnson, Cumbo, Arroyo, Chin, Constantinides, Dromm, Gibson, Koslowitz, Levine, Palma, Richards, Rosenthal, Cohen, Rodriguez, Lander, Van Bramer, Williams, Crowley, Kallos and Eugene

Whereas, A.6075/S.1 was introduced in the Assembly on March 12, 2015 by Assembly Member Michelle Titus and in the Senate on January 9, 2015 by State Senator Diane Savino, and would amend the State Labor Law, in relation to the prohibition of differential pay based on gender; and

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Whereas, S.1 passed in the Senate on January 12, 2015; and

Whereas, The Institute for Women's Policy Research ("IWPR") estimates that women in New York State earn 87.6 cents for every dollar earned by men and that in New York State women earn an average of $43,800 annually while men earn an average of $50,000 annually; and

Whereas, IWPR estimates that at this rate, women in New York State will not receive equal pay until the year 2049; and

Whereas, The U.S. Census Bureau estimates that women in New York City earn 82 cents for every dollar earned by men and an average of $58,207 annually, while men earn an average of $70,889 annually; and

Whereas, The estimated annual earnings of women compared to men in New York City vary by profession and for some professions the differential is larger than the national average; and

Whereas, For example, the U.S. Census Bureau estimates that female accountants and auditors in New York City earn 68.7 cents for every dollar earned by male accountants; and

Whereas, The estimated annual earnings of women compared to men in New York City also varies by age; and

Whereas, The U.S. Census Bureau estimates that women over 35 in New York City earn 78.1 cents for every dollar men over 35 earn; and

Whereas, When women in New York City are not paid equal to their male counterparts, not only are their families adversely affected, but the City's economy suffers; and

Whereas, The U.S. Census Bureau estimates that 18.5% of all households in New York City are headed by women and IWPR found that pay inequality for women stifles overall economic growth; and

Whereas, A.6075/S.1 would amend the State Labor Law by tightening the prohibition of differential pay

based on gender; and

Whereas, Currently, although pay differentials based purely on gender are prohibited, the law contains exceptions for differentials based on: seniority, merit, a system that measures earnings by quantity or quality of production, or "any other factor other than sex;" and

Whereas, A.6075/S.1 would amend the final exception by replacing "any other factor other than sex" with a "bona fide factor other than sex, such as education, training, or experience"; and

Whereas, This factor would not be based on or derived from a sex-based differential and would be job-related and consistent with business necessity; and

Whereas, This exception would not apply if an employee could demonstrate that: (i) the employer is using a practice that causes a disparate impact on the basis of gender; (ii) an alternative practice would serve the same business purpose; and (iii) the employer refuses to adopt such an alternative; and

Whereas, A.6075/S.1 would entitle individuals who were paid unequal wages to liquidated damages of up to 300 percent of the amount of unpaid wages; and

Whereas, A.6075/S.1 would prohibit employers from forbidding employees from sharing wage information, which would allow women workers the ability to discover if their wages are unequal to their male counterparts; and

Whereas, A.6075/S.1 would require employers to make any workplace policy concerning the disclosure of wages consistent with all other state and federal laws; and

Whereas, Passage of A.6075 would bolster women's ability to contribute to the growth of the City's economy; and

Whereas, Passage of A.6075 is vital for granting women in this City the wages to which they are

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entitled; now, therefore, be it

Resolved, That the Council of the City of New York urges the New York State Assembly to pass, and the Governor to sign A.6075, which would amend the labor law, in relation to the prohibition of differential pay based on gender.

LS# 3660
LS# 4680
4/6/2015
MA