



Legislation Text

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**File #:** Int 1161-2025, **Version:** \*

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Int. No. 1161

By Council Members Louis, Schulman, Narcisse and Brannan

A Local Law to amend the administrative code of the city of New York, in relation to the reporting and analysis of pay and employment equity data concerning city contractors

Be it enacted by the Council as follows:

Section 1. Section 3-170 of the administrative code of the city of New York, as amended by local law number 29 for the year 2023, is amended by adding new definitions of “city contractor” and “contract” in alphabetical order to read as follows:

City contractor. The term “city contractor” means any individual, sole proprietorship, partnership, joint venture, corporation, or other form of doing business that enters into a contract with an agency.

Contract. The term “contract” means any written agreement, purchase order, or instrument whereby the city is committed to expend or does expend funds in return for an interest in real property, work, labor, services, supplies, equipment, materials, construction, construction-related service, or any combination of the foregoing.

§ 2. Subdivisions c, d, e, and f of section 3-171 of the administrative code of the city of New York, as amended by local law number 29 for the year 2023, are amended to read as follows:

c. 1. The office shall issue a report to the mayor and the speaker of the council on the data specified in subdivision b of section 12-208 no later than May 31, 2020, and no later than May 31 annually thereafter, and shall post such report on the open source analytics library. Such report shall include aggregated data from each agency showing the frequency of full-time, part-time and seasonal employees by agency, EEO-4 job group, pay band, racial group, ethnicity and gender in a format that prevents the disclosure of the racial group, ethnicity and gender of any employee, while maximizing the level of detail at which such data is reported.

2. The office shall issue a separate report to the mayor and the speaker of the council on the data specified in subdivision c of section 12-208 no later than 90 days after annual receipt of such data from the department of citywide administrative services, and shall post such report on the open source analytics library. Such report shall include aggregated data from each city contractor showing the frequency of full-time, part-time, and seasonal employees by city contractor, pay band, racial group, ethnicity, and gender in a format that prevents the disclosure of the racial group, ethnicity, and gender of any employee, while maximizing the level of detail at which such data is reported.

3. Pay bands for [such report as] the reports required by [paragraph] paragraphs 1 and 2 of this subdivision shall be for \$2,500, \$5,000 and \$10,000; however, the department of citywide administrative services, in conjunction with the office, may determine by rule other appropriate pay bands, if any, that will maximize the level of detail at which data is reported.

d. 1. Ninety days after the second annual report is issued pursuant to paragraph 1 of subdivision c of this section, the office, in conjunction with the department of citywide administrative services, shall conduct an annual analysis of the data collected pursuant to subdivision b of section 12-208, including comparisons with data from previous years, in order to identify potential disparities based on gender, race or other protected classes as identified in section 8-101, in the following areas:

1. Pay;
2. Employment rates; and
3. Retention rates.

2. Ninety days after the second annual report is issued pursuant to paragraph 2 of subdivision c of this section, the office, in conjunction with the department of citywide administrative services, shall conduct a separate annual analysis of the data collected pursuant to subdivision c of section 12-208. Such analysis shall be included in the annual report required pursuant to paragraph 2 of subdivision c of this section, and shall include comparisons with data from previous years, in order to identify potential disparities based on gender, race or

other protected classes as identified in section 8-101, in the following areas:

1. Pay;

2. Employment rates; and

3. Retention rates.

e. The office shall conduct further analysis with relevant agencies where instances of disparities [exist] have been identified through the annual analysis required pursuant to paragraph 1 of subdivision d of this section. Such analysis shall be included in the annual report [as] required pursuant to paragraph 1 of subdivision c of this section.

f. 1. The department of citywide administrative services shall [be required to] make recommendations on the development and implementation of pay, employment and retention equity action plans for agencies to the mayor and speaker of the council based on disparities identified [in] through the annual analysis required pursuant to paragraph 1 of subdivision d and pursuant to subdivision e of this section. Such recommendations shall be included in the annual report [as] required pursuant to paragraph 1 of subdivision c of this section.

2. Each year, the department of citywide administrative services shall post on its website a report that includes a description of the analysis conducted pursuant to paragraph 2 of subdivision d of this section in a format that prevents the disclosure of the identity of any employee.

§ 3. Section 12-208 of the administrative code of the city of New York, as amended by local law number 29 for the year 2023, is amended to read as follows:

§ 12-208 Pay and employment equity data. a. Definitions. As used in this section, the following terms have the following meanings:

Agency. The term “agency” means any agency, office, department, division, or bureau, the head of which holds office upon appointment of the mayor and those units within the executive office of the mayor designated by the mayor to be covered by the provisions of chapter 16 of the charter. Such term does not include agencies headed by boards, commissions, or other multi-member bodies, whether appointed by the

mayor or otherwise, nor to elected officials, nor to other agencies the heads of which are appointed by officials other than the mayor or by multi-member bodies.

City contractor. The term “city contractor” means any individual, sole proprietorship, partnership, joint venture, corporation, or other form of doing business that enters into a contract with an agency.

Contract. The term “contract” means any written agreement, purchase order, or instrument whereby the city is committed to expend or does expend funds in return for an interest in real property, work, labor, services, supplies, equipment, materials, construction, construction-related service, or any combination of the foregoing.

b. No later than November 30, 2019, and on or before November 30 annually thereafter, each agency, to the extent the department of citywide administrative services does not already have such information, shall provide to the department of citywide administrative services information relevant to pay and employment equity. Such information for each current and former employee within such agency, shall be as of the date of hire and shall, to the extent such information is available, include the data set forth in paragraphs 1 through 30 of this subdivision. Such data shall include a unique identifier for each employee, other than with respect to employee benefits. Each such identifier shall be identical for each such employee across all data sets starting with the first data set provided to the council in 2024.

1. Agency;
2. Start date;
3. Start date in current civil service title;
4. Civil service title;
5. Whether the civil service title is a promotional title;
6. Union status per civil service title, including, where applicable, name of the union and job or title category of the bargaining unit;
7. Whether the civil service title is a uniformed position;
8. Salary range for such title;

9. Business title;
10. Title classification (title description);
11. Job category;
12. Career level;
13. Base salary;
14. The department of citywide administrative services occupational group code and group name;
15. Whether such employee is a managerial or supervisory employee;
16. Minimum number of years of work experience required for such position;
17. Number of years of work experience of such employee;
18. Highest level of education attained by such employee;
19. Gender;
20. Racial group;
21. Ethnicity;
22. Date of birth;
23. Whether such employee is a provisional employee;
24. Whether such employee is full-time, part-time or seasonal;
25. Change in personnel status, including but not limited to, appointed, deceased, decrease, demoted, dismissed, increase, promoted, resigned, retired, terminated and transfer; and
26. Whether such employee was previously employed by the city [of New York];
27. Total amount of leave taken;
28. Total amount of overtime pay per employee, where applicable;
29. Estimated amount of annual employee benefits paid per civil service titles; and
30. All data sets made available in all prior years pursuant to this [section] subdivision, except that the unique identifier required by this subdivision [b] shall only be required for data sets provided for 2024 and

thereafter.

c. No later than 1 year after the effective date of the local law that added this subdivision, and annually thereafter, each city contractor shall provide to the department of citywide administrative services information relevant to pay and employment equity. Such information for each current and former employee of such city contractor shall be as of the date of hire, and shall, to the extent such information is available, include the data set forth in paragraphs 1 through 21 of this subdivision. Such data shall include a unique identifier for each employee. Each such identifier shall be identical for each such employee across all data sets made available pursuant to this subdivision.

1. Start date;

2. Job title;

3. Salary range for such title;

4. Base salary;

5. Career level;

6. Whether the employee is a member of a union, including, where applicable, name of the union and job or title category of the bargaining unit;

7. Whether such employee is a supervisory employee;

8. Minimum number of years of work experience required for such position;

9. Number of years of work experience of such employee;

10. Highest level of education attained by such employee;

11. Gender;

12. Racial group;

13. Ethnicity;

14. Date of birth;

15. Whether such employee is full-time, part-time or seasonal;

16. Change in personnel status, including but not limited to deceased, decrease, demoted, dismissed, hired, increase, promoted, resigned, retired, terminated, and transfer;

17. Whether such employee was previously employed by the city;

18. Total amount of leave taken;

19. Total amount of overtime pay, where applicable;

20. Estimated amount of annual employee benefits paid; and

21. All data sets made available in all prior years pursuant to this subdivision.

[c.] d. The data collected pursuant to subdivision b of this section shall include pedagogues of the department of education. Such data may be provided in the format in which it is retained by the department of education.

[d.] e. No later than 90 days following the receipt of the data collected pursuant to [subdivision] subdivisions b and c of this section, the department of citywide administrative services shall provide such data to the office of data analytics for publication, reporting, and analysis of such data pursuant to section 3-171.

[e.] f. All agencies shall cooperate with the department of citywide administrative services as may be necessary and proper to ensure compliance with this [subdivision] section. The department of citywide administrative services may request from any agency, including the office of payroll administration and financial information services agency, information it deems necessary to enable it to properly carry out its functions.

[f.] g. The commissioner of citywide administrative services may promulgate such rules as are necessary to carry out the provisions of this section.

§ 4. This local law takes effect immediately.

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