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Int. No. 982-A

Council Members Cabán, Farías, Brooks-Powers, Restler, Hanif, Ossé, Hudson, Krishnan, Avilés, Sanchez, Banks, Won, Williams, Louis, Marte, Nurse, Hanks, Gutiérrez, De La Rosa, Schulman, Stevens, Brannan, Narcisse and Brewer

A Local Law to amend the administrative code of the city of New York, in relation to pay data reporting by private employers

Be it enacted by the Council as follows:

Section 1. Chapter 2 of title 12 of the administrative code of the city of New York is amended by adding a new section 12-208.2 to read as follows:§ 12-208.2 Pay equity analysis of the private workforce. a. Definitions. As used in this section, the following terms have the following meanings:

Designated agency. The term "designated agency" means the department, office or other administrative body that is designated by the mayor pursuant to subdivision b of this section.

Covered employer. The term "covered employer" means an employer with 200 or more employees. In determining the number of employees working for an employer, all employees performing work for compensation on a full-time, part-time or temporary basis shall be counted, provided that where the number of employees who work for an employer for compensation per week fluctuates, employer size may be determined by counting the highest total number of employees concurrently employed at any point during the reporting year.

Employee. The term "employee" means any "employee" as defined in subdivision 2 of section 190 of the labor law who is employed for hire within the city of New York, but not including those who are employed by (i) the United States government; (ii) the state of New York, including any office, department, independent agency, authority, institution, association, society or other body of the state including the legislature and the

judiciary; or (iii) the city of New York or any local government, municipality or county or any entity governed by section 92 of the general municipal law or section 207 of the county law.

Employer. The term "employer" means any "employer" as defined in subdivision 3 of section 190 of the labor law, but not including (i) the United States government; (ii) the state of New York, including any office, department, independent agency, authority, institution, association, society or other body of the state including the legislature and the judiciary; or (iii) the city of New York or any local government, municipality or county or any entity governed by general municipal law section 92 or county law section 207.

b. Pay report. 1. No later than 1 year after the effective date of the local law that added this section, the mayor shall designate an agency that shall conduct a pay equity study of the private workforce, which shall include the creation and execution of a system to collect the information required under this section from covered employers.

2. No later than 1 year after an agency is designated to conduct the pay equity study pursuant to paragraph 1 of this subdivision, such agency shall develop a standardized fillable form, which may be electronic or web-based, for covered employers to submit pay reports pursuant to paragraph 3 of this subdivision. The designated agency shall design the form such that all required fields must be completed prior to submission. The designated agency shall provide an option for covered employers to submit the form anonymously, provided however that the signed statement required pursuant to subdivision c of this section shall identify such covered employer.

3. No later than 1 year after the designated agency publishes the standardized form pursuant to paragraph 2 of this subdivision, and annually thereafter, all covered employers shall submit to the designated agency a pay report. Such pay report shall include current information corresponding with the categories of information required by the equal employment opportunity commission in the EEO-1 component 2 reporting requirements for reporting years 2017 and 2018, provided however that the designated agency may adopt modifications including but not limited to inclusion of reporting options accounting for different gender

identities. Such pay report shall also include an option for a covered employer to provide explanatory remarks regarding any of the information contained in the report. No such pay report shall require the covered employer to provide an individual employee's personal information to the designated agency.

c. Statement of accuracy of information. Each covered employer shall separately submit to the designated agency a signed statement by an authorized agent of the covered employer confirming the submission of the pay report and the accuracy of the information contained in such report.

d. Publication. The designated agency shall publish annually on its website a list of the covered employers that are not in compliance with subdivision c of this section, provided that the designated agency shall not publish on such list a name of any covered employer who was not first notified of their noncompliance and provided at least 30 days to comply.

e. Reserved.

f. Reserved.

g. Reserved.

h. Penalties. 1. Any covered employer who violates subdivision c of this section shall be liable for a civil penalty as follows:

(a) For the first offense, a covered employer that violates subdivision c of this section shall be subject to a written warning for such violation if such employer provides, within 30 days of the service of summons, documentation indicating that such violation has been cured. For such first offense, an employer shall be subject to a civil penalty of $1,000 if such employer does not provide such documentation within 30 days of the service of summons.

(b) For any subsequent offense, a covered employer that violates subdivision c of this section shall be subject to a civil penalty of $5,000.

§ 2. This local law takes effect immediately.

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