

PAY EQUITY

The League has long supported the passage of legislation that would implement a state policy of compensating employees equally for work of comparable value. Job titles disproportionately held by women and people of color have traditionally been undervalued and paid less than comparable job titles with the same level of skill and responsibility as judged by gender neutral job evaluation systems commonly used by employers.

The vast majority of workers are employed in the private sector where salaries can be kept secret and employees can be fired for sharing salary information. Without salary information, it is impossible for private sector employees to know whether they are being paid equally for equal work.

EMPLOYMENT IN NEW YORK STATE Statement of Position

As announced by the State Board, November 1982

The League of Women Voters of New York State supports state policies for both public and private sectors of employment to ensure equal pay for equal work and equally evaluated jobs, to encourage affirmative action in hiring and promotion practices and to eliminate sexual harassment.

To achieve equal access and opportunity of employment for women throughout New York State, the League believes it is necessary to educate the public about existing laws and procedures, to improve the enforcement of laws and to fund these efforts adequately.

The League of Women Voters of New York State supports state legislation and regulations that will establish greater equity in wage compensation for comparable jobs. Comparable worth of jobs should be determined by gender-neutral criteria such as responsibility, effort, skill, education and experience required, and the working conditions.

Recent League Activity

In 2016, the League worked with PowHER NY on legislation that would force companies receiving state contracts to disclose wages for all employees. The bill titled "Equal Pay Disclosure With Respect To State Contracts" was aimed at ensuring companies receiving state funds were paying minority groups and women equal wages to their white male colleagues. The League participated in a social media campaign and signed onto a joint memo of support. The bill passed in the Assembly but was not considered by the Senate.

In 2015, on the very first day of session, the Senate passed S.1 (Savino) making equal pay for equal work (for people in the same job title) more enforceable by protecting workers from retaliation if they discuss their compensation with other employees and by increasing liquidated damages to 300% and also tightening the definitions so that it is harder for employers to defend differential compensation. This bill was one of the ones negotiated by Governor Andrew Cuomo as a part of the Women's Equality Agenda. On April 27 the Assembly passed A.6075 (Titus) the

bill that is the same as S.1. The governor is expected to sign this and other Women's Equality bills.

Also on April 27th the Assembly passed a package of equal pay for job titles of comparable worth pay-equity bills that would cover only employees of the state (A.0437, Rosenthal), or of all public employers (A.01574, Jaffee) or of private and public employers (The NYS Fair Pay Act A.06397, Titus) or require a study of the extent of inequity between job titles and of the cost of making corrections (A.5088, Lifton). The League issued memos of support for all of these bills but the Senate did not take up any of them.

The League was invited to participate in a Roundtable discussion about Equal Pay and Pay Equity that was organized by the Assembly Standing Committee on Labor and the Assembly Task Force on Women's Issues on April 27, 2015, the same day that the Assembly passed the package of pay equity bills. The League and other Women's Equality Coalition participants met with experts from Cornell University who shared new research on pay disparities.

The League will continue to support legislation that advances pay equity, and other issues that enable women to be equal participants in the workforce.

Past League Activity

In 2014 LWVNY issued memos of support for the three comparable worth pay equity bills, The NYS Fair Pay Act [A05958 (Heastie), S01491 (Krueger)]; A01729A (Jaffee); and

A00753A (Rosenthal), S01871A (Montgomery) but these bills weren't acted on by the Legislature which saw them as conflicting with the equal pay provisions of the Women's Equality Act (which the Assembly passed in its entirety, but the Senate did not pass). The equal pay section of the Women's Equality Act would prohibit employers from terminating or retaliating against employees who share wage information, a practice that enables wage disparities to persist undetected in the private sector. This would not "Achieve Pay Equity" but would facilitate that objective in the private sector and be an important move toward ending discrimination against traditionally female job titles that have been underpaid for centuries and will continue to be underpaid until equal pay for job titles of comparable worth legislation is in place.

Also in 2014, LWVNY concentrated on building grassroots support for fair pay by participating with other members of the Women's Equality Coalition to have localities issue Proclamations in support of Fair Pay, and to generate letters to the editor on the subject for Equal Pay Day 2014. Leagues succeeded in securing 10 Proclamations, at least 8 letters to the editor, and a great number of Facebook photo posts.

In April of 2011, the Assembly passed the package of pay equity bills as it has done every year since the turn of the century (2000). But before the bills were passed the Republican Assembly members grilled each sponsor with questions which they deemed unanswerable in an attempt to make the sponsors and the issue look foolish. In response the Assembly Democrats held a press

conference so that the sponsor of each bill could explain the issue. An outgrowth of this was that Assemblymember Rosenthal appeared on a television news program concerning pay equity.

December 12, 2011, the Assembly Standing Committees on Labor; Governmental Employees; Governmental Operations; Oversight, Analysis and Investigation; and the Assembly Task Force on Women's Issues held PUBLIC HEARING on PAY EQUITY. The PURPOSE statement for the hearing reads: "Almost 50 years after the passage of the Equal Pay Act (EPA) and Title VII of the Civil Rights Act, women and minorities continue to suffer the consequences of unequal pay. This hearing will examine wage disparities that continue to exist in New York State and discuss ways to eliminate discriminatory practices."

Seventeen testimonies were submitted from individuals and organizations such as the Cornell University Institute for Compensation Studies, the State Bar Association, Hunter College, the YWCA, the Equal Pay Coalition of NYC, the New York State United Teachers, Local 1180 of the Communication Workers of America, the Work and Family Legal Center and the Institute for Women's Policy Research. All of the testimonies spoke in favor of the pay equity reform, except the one from the Business Council. LWVNY submitted testimony as did the New York Pay Equity Coalition (NYSPEC), the Coalition that we work through on this issue. Following the hearing NYSPEC provided technical assistance to Assembly central staff as they revised their package of pay equity bills and introduced and passed them in the 2012 session.

Democratic Women Senators held a roundtable discussion of the Economic Issues facing Women in NY on May 15th, 2012. LWVNY and NYSPEC participated in the discussion, providing information about pay equity, but the discussion was broader, also addressing pregnancy and family status discrimination, reproductive health, domestic violence, human trafficking, etc.

In his January 2013 State of the State, Governor Cuomo introduced his Women's Equality Agenda, which included under the topic of "Achieve Pay Equity" prohibiting employers from terminating or retaliating against employees who share wage information, a practice that enables wage disparities to persist undetected." This section also indicated that current NYS law would be amended to "ensure that women receive the wages they were always entitled to, as well as provide for an additional amount of liquidated damages equal to 300% of the back wages due." Subsequently, LWVNY joined the NY Women's Equality Coalition to work for the principles included in the governor's Women's Equality Agenda (of the 10 points we have positions supporting nine of them).

On the next to the last day of the regularly scheduled Legislative session the Assembly passed A8070 (the omnibus 10 point Women's Equality Act) and the next day (since the Senate Leadership refused to introduce the omnibus bill) the Senate introduced and passed unanimously nine of the points (but not the reproductive choice piece). One of the nine separate bills was S.5872 (Savino) which includes the equal pay provisions described above. The Assembly adjourned without passing any of the individual bills, so there is no "same as" bill to be signed by the Governor.

In 2014 LWVNY issued memos of support for the three comparable worth pay equity bills, The NYS Fair Pay Act [A05958 (Heastie), S01491 (Krueger)]; A01729A (Jaffee); and A00753A (Rosenthal), S01871A (Montgomery) but these bills weren't acted on by the Legislature which saw them as conflicting with the equal pay provisions of the Women's Equality Act (which the Assembly passed in its entirety, but the Senate did not pass). The equal pay section of the Women's Equality Act would prohibit employers from terminating or retaliating against employees who share wage information, a practice that enables wage disparities to persist undetected in the private sector. This would not "Achieve Pay Equity" but would facilitate that objective in the private sector and be an important move toward ending discrimination against traditionally female job titles that have been underpaid for centuries and will continue to be underpaid until equal pay for job titles of comparable worth legislation is in place.

Also in 2014, LWVNY concentrated on building grassroots support for fair pay by participating with other members of the Women's Equality Coalition to have localities issue Proclamations in support of Fair Pay, and to generate letters to the editor on the subject for Equal Pay Day 2014. Leagues succeeded in securing 10 Proclamations, at least 8 letters to the editor, and a great number of Facebook photo posts. (Page down to Proclamations and Photos for the details).

In addition to lobbying for the Women's Equality Agenda LWVNY and NYSPEC will continue to advocate for comparable worth legislation.

Twenty-five years ago, in the spring of 1985 the League became a member of the New York State Committee for Pay Equity, which worked to further the principle of equal pay for jobs of comparable worth and to close the gap of wage discrimination. The state agreed in 1986 to a one-time-only funding pool to cover pay equity adjustment for state employees. The set-asides represented one percent of the gross payroll in 1986-87 and 1987-88.

In the absence of legislation, however, there has been no reexamination of pay equity for those in state service and no extension of pay equity to all those in the private and broader public sector including cities, counties, and school districts.

Pay equity bills have consistently passed the State Assembly since 1998. The League is a key member of the New York State Pay Equity Coalition (NYSPEC), which includes Women on the Job, American Association of University Women (AAUW), National Organization for Women (NOW), New York Women, New York Women's Agenda, New York State United Teachers (NYSUT), United University Professors (UUP), United Public Service Employees Union (UPSEU), Service Employees International Union (SEIU) and District Council 37. This coalition has played an important role in pushing for legislative passage of pay equity reform. Despite the fact that the pay equity bills are consistently passed by the Assembly these bills have been stalled in the Senate.

In October of 2003, the League and its coalition partners met and decided to concentrate efforts on legislation to create the NYS Fair Pay Act. The Fair Pay Act is strongly written enforceable legislation, which, if passed, would provide equal pay for jobs of comparable worth in both the public and private sectors requiring that job titles where people of color and/or women predominate receive equal pay with comparable job titles. Job titles disproportionately held by

women and people of color have traditionally been undervalued and paid less than comparable job titles with the same level of skill and responsibility as judged by job evaluation systems commonly used by employers.

Another important strength of the NYS Fair Pay Act which is particularly important for private sector workers is that it allows employees to voluntarily share salary information without fear of being fired or reprimanded for disclosing information about pay. *The vast majority of workers are employed in the private sector where salaries can be kept secret and employees can be fired for sharing salary information.* Without salary information, it is impossible for private sector employees to know whether they are being paid equally for equal work.

In preparation for legislative advocacy in 2006, our coalition partners UUP and NYSUT passed **resolutions** at their Assemblies to make pay equity an important part of their lobbying package. During the 2007 legislative session, representatives of NYSPEC's member organizations secured sponsorship by the Senate of the "same as" Assembly New York State Fair Pay Act. Senator Craig Johnson a recently elected Democrat was felt to be an appropriate sponsor because of the possible Democratic takeover of the Senate in 2008. Clearly the pay equity reform effort was being stifled by the Republican Senate Majority.

During the 2008 legislative session with the Republicans still holding the majority, NYSPEC held a Gloria Steinem Day for Fair Pay in the Well of the LOB on April 2nd. Gloria Steinem spoke to a very large turnout of roughly 500 people. Many bill sponsors and Democrats from the Senate spoke. A similar event was held in 2009 and 2010 on Equal Pay Day.

The scandal leading to the resignation of Gov. Eliot Spitzer on March 12, 2008 resulted in Lt. Governor David Paterson becoming Governor. With the elections of November 2008 the Democrats started the 2009 legislative session with a two-vote majority in the Senate. With the change in Senate Leadership, **the Senate Labor Committee passed The NYS Fair Pay Act on April 6th, 2009. There were no nay votes!** Then came the coup, and counter coup, and all legislative action ground to a halt.