



Testimony of Paul Rodríguez

Acting Counsel to the Mayor

Council Committee on Civil Service and Labor

Hearing on Intro. 1536-2017

April 27, 2017

Good afternoon Chairperson Miller and Members of the Committee on Civil Service and Labor. My name is Paul Rodriguez, and I am the Acting Counsel to the Mayor. I am pleased to be here today to testify about Intro 1536. The proposed bill would amend the City's administrative code to require the Department of Citywide Administrative Services (DCAS) to issue an annual report containing specific pay and employment data, and to provide recommendations to address problems associated with pay and employment equity.

The Mayor is committed to improving equity throughout the City, and we applaud the work of the Council to address issues of pay and employment equity. The Administration was pleased to work with City Council recently on the development of Intro 1253-A, which would extend the mandate of Executive Order 21 to the private sector, and prohibit employers from inquiring about or relying on a prospective employee's salary history when determining the compensation to offer to that individual.

Since 2014, the Administration has made tremendous strides in improving workplace equity. 51% of the de Blasio Administration's senior leadership are women, and 42% of the leadership positions are occupied by people of color. These numbers highlight the Administration's effort to develop a diverse workforce that reflects and represents our City.

In June 2015, Mayor de Blasio issued Executive Order 10, forming the first-ever Commission on Gender Equity, which works to expand opportunities for New Yorkers regardless of sex, gender, or sexual orientation. In January 2016, the Mayor enacted Personnel Order 2016/1, which provided over 20,000 City employees with six weeks of paid time off for maternity, paternity, adoption, and foster care leave, at 100 percent of salary. In March 2016, Executive Order 16 was issued to ensure that City agencies allow employees and the public to use single-sex City facilities consistent with their gender identity.

Moreover, the Administration has consistently advocated for fair wages at the local, state, and national levels. The Mayor's 2014 expansion of the Living Wage Law ensured that City-funded projects provide higher paying jobs. In January 2016, the Mayor announced a minimum wage increase to \$15/hour for all City government employees and for employees who provide contracted work for the City at social service organizations. Universal Pre-K and 3-K for All, an initiative announced this week that expands high-quality early childhood education, are also examples of this Administration's steadfast commitment to support working families. Helping New Yorkers earn a living wage has been, and will always be, a top priority for this Administration.

This Administration has consistently partnered with City Council to pass legislation that promotes equity and benefits working New Yorkers. Thanks to the support of Council, we've given more New York City youth an opportunity to work for the City through the Summer Youth Employment program. We've also created stronger employment protections for all New Yorkers via the expansion of Paid Sick Leave and amendments to the New York City Human Rights Law. The "Stop Credit Discrimination In Employment Act", established under a Human Rights Law amendment in May 2015, prohibits most employers from checking an applicant's credit history to make employment decisions. Likewise, the "Fair Chance Act", established in June 2015, makes it illegal for most employers to ask about the criminal records of job applicants before making an offer. Finally, the "Caregiver Law", established in January 2016, protects employees from termination, demotion, or denial of promotion because of their status as a caregiver –making it easier for New Yorkers caring for the 1.8 million children under age 18, the 1 million people aged 65 and older, and the roughly 900,000 New Yorkers with disabilities, to file workplace discrimination claims.

This week, the Administration expressed its enthusiasm to work with the Council to pass a number of equity bills - Intros. 1500, 1512, and 1520. The bills would require some agencies to create and address the findings of gender and racial equity assessment plans, provide all employees with trainings on implicit bias, discrimination, and cultural competency and structural inequity, and codify the inclusion of gender and racial equity metrics in the Social indicators report. As my colleagues in City government have stated, the Administration is proud to partner with the Council to enact legislation that makes New York City a better and fairer place to live and work.

Intro 1536 would require all city agencies to provide DCAS with specific employee data – date of hire, job category, job title category as determined by federal department of labor and equal employment opportunity commission, job title and initial compensation, job title and current compensation – including bonuses and overtime compensation – start date of current position, total number of hours worked, and gender and race, where available. The bill also requires DCAS to issue a report with disaggregated data from each agency, and to make recommendations to address problems associated with pay and employment equity.

DCAS is an enthusiastic and willing partner in promoting this Administration's equity agenda. DCAS supports City agencies' workforce needs in recruiting, hiring, and training City employees, and is committed to recruiting, developing, and retaining a diverse and inclusive workforce. Through the City's EEO Policy, agencies are committed to protecting the rights of our employees from discriminatory practices. DCAS currently provides a number of reports to City Council that include much of the data requested by Intro 1536. The City's EEO-4 report provides an aggregated summary of the workforce composition of 72 agencies and elected official's offices by race, gender, EEOC recognized job groups and salary ranges; the Citywide Payroll and Civil List reports provide employee names, agency, title, agency start date and salaries; and the Workforce Profile Report contains data for all agencies in the aggregate. We believe that this data, combined with any additional reporting that may be eventually be provided by Intro 1536, would assist the Council in evaluating the demographic makeup of the City workforce. We look forward to working with the City Council to ensure that such reporting protects the privacy and identities of individual City employees, as it pertains to their disclosure of personal demographic information.

The Administration supports actions to address pay and employment equity, and therefore supports the intent of the legislation. Thank you for this opportunity to testify before you today. Again, the Administration is excited to partner with you to craft legislation, regulations, and agency policies that positively impact the City workforce. I look forward answering any questions you may have.



PUBLIC ADVOCATE FOR THE CITY OF NEW YORK

Letitia James

**Testimony of the Public Advocate for the City of New York, Letitia James,
Before the Committee on Civil Service and Labor
April 27, 2017**

Good afternoon. My name is Letitia James and I am the Public Advocate for the City of New York. The heart of my role as Public Advocate is ensuring that the voices of all New Yorkers are heard, particularly when it comes to the government entities and agencies that exist to serve them. And it appears that many of these entities are doing their own workers a grave disservice by consistently paying women less than their male counterparts.

I would like to thank the Chair, Council Member Miller, and his staff, as well as the committee staff, for holding this hearing on this vitally important issue. I would also like to thank Council Member Cumbo for introducing this critical legislation, which my office has been proud to work on since it was first conceived.

Although women make up about 55 percent of the City's municipal workforce, they continue to experience significant challenges in achieving pay equity. For example, women employed full-time in New York City's municipal government face a gender wage gap that is three times larger (18 percent) than the gap that is experienced by women working full-time in the private for-profit sector (six percent).

This City just took a significant step in closing the private sector pay gap by passing legislation I sponsored to ban employers from requesting salary history from potential employees. When it comes to government jobs, however, salary history questions are already banned by Mayoral Executive Order, and, with most payscales covered by collective bargaining, we must look deeper for the sources of the government gender gap.

That is why I am so proud to be the prime co-sponsor of Council Member Cumbo's bill to closely examine why the pay disparity in New York City Government remains so great.

There are certain factors we already know about. For instance, according to a report by former Comptroller John Liu, the pay gap in base salaries was 8%, but when gross salaries—including overtime and other pay—were examined, the gender wage gap more than doubled to 20 percent; this finding suggests that the way overtime and other pay are managed and distributed may have a role in widening the gender wage gap among City employees.

Additionally, the report found that women tend to be segregated into certain agencies and concentrated in the lowest paying City jobs. It is therefore critical to rethink how we value certain jobs and consider closely whether our current metrics are truly fair to the

work and workers involved.

Most critically, perhaps, we know that work rules and workplace policy are inextricably tied to the municipal worker pay gap. We have clear data, for instance, showing that women with children, in particular, faced a significantly large wage gap compared to men with children. Government offices are notorious for enforcing rigid schedules, discouraging telecommuting and are often behind the times on other work rules best practices. These and similar policies and their effect on the pay gap, must be examined closely, and I am glad that, under this legislation, they soon will be.

However, for everything we already know about pay inequity in the municipal workforce, there is too much that we have not yet learned. It is critical that we get to the bottom of this unacceptable government gender gap and implement policies to put an end to it once and for all. We need details, we need data and we need specifics. That is why this legislation is so very important.

I look forward to an interesting and informative discussion of this critical issue and to working with you all on the next steps toward progress.

Thank you for inviting me to this hearing today and giving me the opportunity to testify.



WORKPLACE JUSTICE

EMPLOYER LEADERSHIP TO ADVANCE EQUAL PAY: EXAMPLES OF PROMISING PRACTICES

MAYA RAGHU & CAITLIN LOWELL

In the United States, women are paid only 80 cents for every dollar paid to men, comparing all women working full-time, year-round with their male counterparts. When we compare women of color with white, non-Hispanic men, this gap is much larger. But employers are recognizing that equal pay is a key part of fair employment practices and diverse workforces, which are not only essential for avoiding costly litigation, but also to gain a market advantage. Competitive – and fair– pay is critical for recruiting and retaining a diverse workforce and high performers, particularly for younger women.¹ Consequently, employers of different sizes and in different sectors have begun to implement innovative policies and practices to identify and close gender wage gaps, and advance equal pay for their employees. By modeling proactive approaches, including conducting equal pay audits, embracing salary transparency, and banning the use of negotiation, these employers demonstrate that corporate leadership can make a difference in changing workplace culture to put equal pay at the forefront.

Conducting Equal Pay Audits

The companies and public employers below have announced that they have conducted equal pay audits to uncover and remedy wage gaps. In some cases, the analysis examined both gender and race. Some audits looked at wage gaps within job titles, and others organization-wide wage gaps; some analyses also reviewed the distribution of men and women in jobs across the organization. A few employers have acknowledged the existence of a wage gap or disclosed steps they have taken to correct any pay disparities. Unfortunately, although several companies have announced that they have undertaken equal pay audits, very few have shared details

regarding their methodology, making it difficult to assess the rigor and quality of their analyses. **Unless otherwise noted, the below companies did *not* provide information about their methodology.**

Companies

Amazon: In 2016, Amazon completed an equal pay audit, and announced that women earn 99.9 cents for every dollar earned by men at the company, and people of color earn 100.1 cents for every dollar earned by white employees at the company.²

Apple: Apple conducted an equal pay audit in 2016, and announced that it has achieved equal pay for women and people of color on its staff.³

Buffer: Buffer, a tech start-up, conducted a pay data analysis in 2016 which revealed a gender wage gap – men’s average salaries were \$98,705, compared to women’s average salaries of \$89,205. Buffer announced steps to address its wage gap, including examining its process for determining how employees are placed at an “experience” level, which determines compensation, and hiring more women to address the gender imbalance in its workforce.⁴

Cisco: Cisco, a technology conglomerate, has a unit that regularly reviews employee salaries for gender pay disparities. It announced that its initial gender gap was “a very small percentage” and that it has adjusted pay accordingly.⁵

DDB: DDB, an advertising agency, hired an outside gender-equity certification firm to conduct an equal pay audit that examined pay, promotions, and hiring practices.⁶

Delta Airlines: Delta Airlines conducted an equal pay audit which it says indicated that for administrative employees, women earned 98 cents for every dollar earned by men. For frontline staff, Delta announced that there was pay parity.⁷

Eastern Bank: Massachusetts-based Eastern Bank announced that it regularly reviews its compensation data to ensure that differences in pay among employees in comparable positions



can be accounted for based on experience and performance.⁸

Expedia: Expedia, which owns several online travel brands, announced that it conducted an equal pay audit and that it had no gender pay gap. The audit took into account base salary, bonus and stock-based compensation, and compared employees to those with similar position grades, tenure, and geographic locations.⁹

Facebook: In 2016, Facebook announced that it completed a statistical analysis of its pay data, which revealed that men and women are paid the same.¹⁰

Gap: Gap conducted an internal pay analysis led by its compensation team, which it states was subsequently validated by an outside consultant. The data analyzed by the consultants included annualized salary (in US dollars), gender, full time or part time status (FTE), employee tenure, span of control, level, job code, and geography for all Gap employees worldwide.¹¹ Gap announced that it was paying its employees equal pay for equal work. Gap also has dedicated money to use to make pay adjustments in the event of a wage gap.¹²

Glassdoor: Glassdoor, a job search engine and review site, conducted an equal pay audit and published its methodology and data. Although the analysis revealed a pay gap when comparing all men to all women on staff, Glassdoor stated that when the analysis adjusted for age, performance, department, seniority level, and job title, women had a statistically insignificant advantage. Glassdoor also released the percentage of women on staff overall, in senior leadership and technical positions, and disclosed that the lack of women in senior leadership and technical positions contributed to its overall gender pay gap.¹³

GoDaddy: GoDaddy, a web hosting company, conducted an equal pay audit in September 2015, and announced that on average women were paid 0.28 percent more than men. However, the analysis also revealed that women in management were paid 3.58 percent less than their male counterparts.¹⁴

Intel: Intel, a multinational technology corporation, conducted an equal pay audit in 2015, comparing employees by job type and level education level, experience, performance, and responsibility. Intel reported that it had found no gender wage gap.¹⁵

Microsoft: Microsoft completed an equal pay audit in April 2016 and stated that its female employees make 99.8 cents for every dollar made by male employees, and that racial and ethnic minorities earn \$1.004 for every dollar earned by white employees.¹⁶

Nitsch Engineering: Nitsch Engineering, a Massachusetts-based woman-owned engineering company, states that it reviews pay equity during annual salary review

periods. The company compares an employee's salary to those with similar education, years of experience, job titles, and professional registrations. Managers are required to justify any salary differences, and if needed the executive team will make salary adjustments.¹⁷

Raytheon: Raytheon, a defense contractor, has conducted equal pay analyses over the past 14 years, and states that it has achieved equal pay for men and women. Raytheon also provides managers with on-screen pay comparison tools to assist them in making salary decisions for new hires.¹⁸

Redfin: Redfin, a real estate company, conducted an equal pay analysis that examined every job level with at least five employees in a single location. Redfin published the results of these findings on its website, and reported it did not have a gender pay gap.¹⁹

Salesforce: Salesforce, a cloud computing company, conducted an equal pay audit in 2015. Upon discovering that some women were being paid less than men, Salesforce spent roughly \$3 million to ensure that compensation was equal between men and women on staff. Approximately six percent of employees received salary adjustments, and roughly half of those who received salary adjustments were women.²⁰

SAP: SAP, a software corporation, announced that it had conducted a pay audit of its U.S.-based employees in August 2016 with the assistance of a third-party firm, and found that over 99 percent of its employees in the U.S. are paid equally based on gender. SAP stated that for the less than one percent where the pay was unequal, it increased the compensation of these employees – two-thirds of which were woman and one-third of which were men.²¹

Public Employers

United States: In 2014, the United States Office of Personnel Management (OPM) conducted an equal pay audit of all white collar federal employees. OPM's analysis found that from 1992 through 2012, the gender wage gap in the federal workforce shrank from 30 percent to 13 percent. OPM reviewed the occupational distribution of male and female employees, and determined that the differences in distribution accounted for much of its gender wage gap.²²

California: In 2016, the state conducted a pay audit of the state workforce which found that women make 79.5 cents on the dollar compared to their male counterparts. The analysis did not compare the earnings of men and women in specific occupations.²³

Alexandria, VA: In September 2016, the city of Alexandria, VA, released the results of its equal pay audit of its workforce, which found that on average, female employees earn 94 cents for every dollar earned by male employees. In



leadership positions, women earn two percent more than men. The city released the full data tables from the report.²⁴

Austin, TX: In 2014, Austin released a pay analysis of city employees by gender, ethnicity, and age including analysis broken down by city profession. On average, female employees earned 87 cents for every dollar earned by male employees. The report did not control for performance or seniority within roles.²⁵

Boston, MA: At the behest of its mayor, Boston conducted an analysis of the city workforce, including extensive analysis by department, race, and gender, as well as other factors. The analysis revealed gender and racial wage gaps in several departments, which the city made public.²⁶

New York City, NY: In 2016, New York City's Public Advocate released a report which revealed a gender wage gap in each of the top 20 municipal agencies; these data were publicly released.²⁷

Seattle, WA: In 2013, Seattle's mayor convened a Gender Equity in Pay Task Force to work towards equal pay in the city government, and conducted a gender pay audit finding gender and racial wage gaps, which were publicly disclosed. The Task Force issued a report, which included recommendations outlining how to close gender and racial wage gaps, reduce occupational segregation, reduce implicit bias, hire and retain more female employees, and increase city contracting with women-owned businesses.²⁸

Spokane, WA: Spokane conducted an equal pay audit of city employees and published the data. The analysis revealed a gender pay gap in some areas of city government.²⁹

Promoting Pay Transparency

A culture of secrecy around pay is bad for business not only because it gives cover to discrimination, but also because it leads to poorer performance, employee dissatisfaction and lower motivation, and mistrust of management. Conversely, increasing transparency by allowing employees to discuss compensation, and providing employees with information about pay scales and pay-setting practices, increases the likelihood that employees will believe they are paid fairly, which in turn promotes employee engagement and productivity.³⁰ The following companies have promoted pay transparency through various approaches, including allowing employees to discuss compensation, publishing employee salaries, and creating and disclosing salary ranges or levels for jobs.

Buffer: Buffer has posted each employee's salary in a publicly available spreadsheet, as well as the formula it uses to determine each salary.³¹

Elevations: Elevations, a Boulder, Colorado credit union, posts

its salaries online and sets salaries based on title.³²

GoDaddy: Employees at GoDaddy can compare their salary to that of coworkers in the same position. Each employee's pay statement indicates the salary level and range for their position.³³

Jet.com: In June 2015, Jet.com, an e-commerce company, made its salary data available to its employees and investors on an app.³⁴

Namaste Solar: Namaste Solar, a Colorado-based solar panel installation company, has made salaries transparent and pays every employee the same bonuses.³⁵

SumAll: SumAll, a marketing analytics company based in New York, has posted all employee salaries on an internal network accessible to its employees.³⁶

Whole Foods: Since 1986, Whole Foods has permitted employees to look up the salaries and bonuses of anyone in the company, including the CEO.³⁷

Standardizing Compensation-Setting and Eliminating Salary Negotiation

Setting compensation based on negotiation, rather than predetermined, objective standards and metrics can exacerbate gender and racial wage gaps, and create disparities between new and current employees. The companies below are examples of those that have established compensation structures and practices to increase transparency and reduce discretion in pay-setting, including the use of salary ranges and objective criteria to set compensation, creating fixed salaries based on position or title, and prohibiting negotiation.

Accenture: Accenture, a professional services company, has announced that it has shifted its compensation structure so that certain salaries are now assigned based on job title in a standardized way.³⁸

Elevations: Elevations sets salaries based on title, which has improved retention and recruitment efforts for the company and reduced complaints from employees.³⁹

Fog Creek Software: Fog Creek Software, a project management software company, created eight salary levels for employees. An employee's level is calculated based on experience, scope of responsibility, and skill set. Everyone at the same level makes the same salary. Each employee's level is reviewed annually and recalibrated if necessary.⁴⁰

GoDaddy: GoDaddy developed a new compensation structure which strives to pay the 70th percentile of the market rate for each position, and contains salary brackets for each position. After switching to the new system, GoDaddy adjusted salaries where necessary.⁴¹



Google: Google created a compensation system with salary levels for each position in the company, and pays employees according to those scales. Google reports that although recruiters may ask about a candidate's prior salary as a data point, it does not drive calculation of the salary offer. In 2015, the women who were hired received, on average, a 30 percent larger salary increase than the men hired.⁴²

Jet.com: In June 2015, Jet.com developed a compensation structure with ten levels that sets all employee salaries based on position, and eliminates the use of negotiation for new hires. If job candidates believe their offers are low, Jet.com directs them to the LinkedIn profiles of other employees hired at the same salary level so that job candidates can compare their qualifications.⁴³

Magoosh Inc.: Magoosh, an online test prep company, has a no-negotiation policy for salaries. The company reviews salaries on a quarterly basis and compares its compensation to the market rate at similar firms. Magoosh also raises pay for employees when the company hits revenue milestones.⁴⁴

Mission Produce: Mission, an avocado production and distribution company, has implemented a pay scale using a computer algorithm that flags salaries that are outliers. When implementing the pay scale, it brought all employees up to a set minimum salary.⁴⁵

Reddit: Reddit, a social news aggregation and discussion website, created a pay scale for employees that maps market compensation data against Reddit's existing compensation, jobs and experience levels. Reddit increased its salary cap to ensure that job offers would include salaries on the high end of market rates. Candidates who receive job offers can choose to receive a mix of cash and equity, to provide flexibility without changing the amount of compensation offered. Reddit adjusted the salaries of existing employees with raises or bonuses as needed during the annual review process.⁴⁶

SumAll: SumAll assigns new hires to one of nine salary brackets, which are fixed based on position. SumAll prohibits negotiation during the hiring process; offers are fixed based on the salary formula and are "take it or leave it."⁴⁷

Threshold: At Threshold, a Seattle-based wealth management firm, when new employees are hired, existing employees' salaries are adjusted to ensure that pay remains fair within the company.⁴⁸

Eliminating Unconscious Bias

The companies below are among those that have implemented processes to mitigate the role unconscious bias can play in important employment practices that affect compensation, such as hiring, negotiation, setting starting salaries, and determining promotions.

Chubb: Chubb, an insurance company, has paired its sessions on unconscious bias with performance management training, and uses this training to teach managers how to objectively link performance with business goals.⁴⁹

DDB: DDB has hired a firm to provide unconscious bias trainings to 2,000 of its North American employees.⁵⁰

Facebook: Facebook has developed training materials for its employees to mitigate the effects of unconscious bias, and has made these materials publicly available online. The material covers stereotypes and performance bias, performance attribution bias, competence/likability tradeoff bias, and maternal bias.⁵¹

Google: Google has created the voluntary training Unconscious Bias @ Work, which relies on internal examples and external research to discuss bias in the workplace. Google's training is available online to the public.⁵²

Pfizer: Pfizer, a pharmaceutical company, has given a three-hour workshop on hidden bias to company leaders. Managers are given a "tip sheet" prior to interviewing job candidates to help limit the role unconscious bias plays in the hiring process.⁵³

State Street: State Street, a financial services holding company, began conducting unconscious bias training, for its managers in 2011. Members of the selection committee, which determines executive promotions, are required to participate in the training.⁵⁴

Other Promising Corporate Practices to Advance Equal Pay

Accenture: Accenture has ensured that female employees are part of the board compensation committee, which determines and reviews salaries.⁵⁵

Baker Tilly: Baker Tilly, an accounting and advisory firm, regularly evaluates the compensation of female part-time employees, to ensure they are still being paid at the market rate.⁵⁶

Kimberly-Clark: Kimberly-Clark, a personal care corporation, has an analytics team that conducts regular pay equity analyses. When an analysis revealed that female employees' promotions and pay increases often stalled at the level before director, Kimberly-Clark increased the percentage of women in director-level jobs to 30 percent, from 17 percent in 2010.⁵⁷

Work & CO: Work & CO, a Brooklyn-based digital project design company, requires recruiters to find two strong female job candidates for every male candidate. Recruiting tests for software programmers do not collect gender or race information until applicants complete the technical test online and move onto the next stage of the hiring process.⁵⁸





**Testimony Before the
NYC Council Committee Civil Service and Labor Committee
April 27, 2017
By Beverly Neufeld, President of PowHer New York**

I am Beverly Neufeld, President of PowHer New York (PowHerNY), a statewide network of over 100 organizations working together to accelerate economic equality for New York's women. Thank you for the opportunity to express our strong support to the New York City Council for Int. 1536 which addresses data transparency and equity pay in the municipal workforce.

PowHerNY leads the decade-long Equal Pay Campaign for stronger policies to end gender wage and opportunity discrimination. In that legislation is a critical means to accomplishing a more level playing field, some of PowHerNY's efforts have been directed toward passage of key equalizing laws in New York State including the Women's Equality Act, the Equal Pay Act, NYS Paid Leave Act and Women's Workforce Act. In New York City, we have similarly worked, most recently in support of the salary history ban, soon to be signed into law.

While New York has been a model of effective, progressive leadership for the nation, we are all well aware that more must be done. The bill being discussed today is a critical step toward wage equity for City employees, and ultimately, many more New York workers in the private sector.

Despite laws prohibiting gender wage discrimination in the 1960s, women continue to earn less than men. Federally, the gender earnings ratio for full-time, year-round workers reported in April 2017 is 80 percent. The gap is even greater for African-American women who earn 63 percent of what white men earn and Hispanic women earn 54 percent of what white men earn. In New York State, the overall disparity is one of the smallest at 89 percent, but 66 percent for African-American women and 56 percent for Hispanic women. In New York City, women of color fare at least 10 percentage points worse. These statistics are especially egregious because New York has the second largest population in the nation of women of color.

As the largest employer in the Metropolitan area, the City of New York is in a unique position to address the persistent wage gap. Int. 1536 is an excellent tool to make that happen because, in practical terms, accomplishing gender wage equity means taking concrete steps to examine current practices and data, and finding solutions. Int. 1536 would institute the kind of transparency, data collection, benchmarking, and problem solving necessary to achieve wage equity in city government.

It is important to note that many leading U.S. companies are already instituting similar practices. These employers want to comply with equal pay laws, but also they see leading on equal pay as a way to recruit and retain the best, diverse workforce. It is good for the team and good for the bottom line. The National Women's Law Center has compiled examples of best practices by business and the public sector which include equal pay audits, salary transparency, hiring practices and ending negotiation in hiring. They are detailed in its March 2017 report, Employer Leadership to Advance Equal Pay: Examples of Promising Practices.

The report includes companies and public employers across the nations who conduct equal pay audits to uncover and remedy wage gaps. For example, an equal pay audit by Salesforce, a cloud computing company, uncovered pay disparities which they have since adjusted. Buffer, a tech start-up found a 10% wage gap which they are addressing with adjustments and hiring practices. Amazon, Apple, Cisco, Delta all report that they are analyzing wage data.

On the public front, in California, a 2015 state pay audit of municipal workers uncovered a 20.5 gender wage gap. Alexandria, Virginia's audit found an average gender wage gap of 6%. Boston's city workforce wage analysis showed a gender and racial gap. Seattle started in 2013 with a Gender Equality in Pay Taskforce which made recommendations to remedy wage gaps uncovered by a pay audit. Similarly, Spokane is addressing municipal wage equity.

The City's wage gap is not being questioned. Public Advocate James' 2016 report enumerates significant gender wage gaps in the city workforce, as did Comptroller Liu's 2011 analysis. Recent lawsuits have spotlighted wage inequities and the challenges employees face to prove their case. Many problems are due to past wage setting practices, but there is no excuse not to ensure that equity in pay exists in the NYC workforce moving forward. The only way to ensure that is by reporting and analyzing data, and then addressing problems, as Int. 1536 requires

It is government's obligation to use taxpayer's funds in compliance with equal pay laws. It should also be government's role to be a model employer. Int. 1536 will help New York City do just that. Thank you.

PowHer New York Network

50/50 in 2020 Coalition	MomsRising	ROC New York
9-5 Nat'l Association of Working Women	Nation to Nation Networking	ROC United
A Better Balance	National Association of Female Executives	Take the Lead
AAUW-NYS	National Council of Jewish Women- Lakeville	The Transition Network
Asian Women in Business	National Council of Jewish Women-NY	UN Women Metro NYC Chapter
Atlas DIY	National Domestic Workers Alliance	WNY Women's Foundation
Bella Abzug Leadership Institute	National Federation of Business and Professional Women's Clubs-NYC	Women in Arts & Media Coalition
Catalyst Inc	National Institute for Reproductive Health	Women in Development- NYC
CCI-Center for Children's Initiatives	National Organization of Italian Women	Women in Health Management
Center for Popular Democracy	National Partnership for Women and Families	Women, Chefs & Restaurateurs
Center for the Women of NY	National Women's Law Center	Women's Center for Career Education and Advancement
Centro Civico Cultural Dominicano	New York City Collaboration for Construction Women	Women's City Club of New York
Change Create Transform	New York City Women's March	Women's Fund of Long Island
Chhaya CDC	New York Civil Liberties Union	Women's Organizing Network
Citizen Action of New York	New York Coalition of 100 Black Women	Women's Media Center
Citizen's Committee for Children of NY	New York Immigrant Coalition	Works-In Progress
Community Service Society	New York Paid Leave Coalition	YWCA of New York
CWA Local 1180	New York State Coalition Against Domestic Violence	YWCA Binghamton
Equal Pay, Now!	New York State Coalition	YWCA Brooklyn
Family Values @ Work	Against Sexual Assault	YWCA City of New York
Girls for Gender Equity	New York State Pay Equity Coalition	YWCA Cortland
Hollaback!	New York Women in Communications	YWCA Elmira
Human Rights Project /Urban Justice Center	New York Women in Film and Television	YWCA Genesee County
Inclusion Strategies	New York Women's Agenda	YWCA Greater Capital Region
Institute For The Puerto Rican/Hispanic Elderly, Inc.	New York Women's Bar Association	YWCA Jamestown
International Code Council	New York Women's Chamber of Commerce	YWCA Mohawk Valley
Jewish Women's Foundation of NY	New York Women's Foundation	YWCA Niagara Frontier
Junior League-New York State Public Affairs Committee	Nontraditional Employment for Women	YWCA Northeastern NY
League of Professional Theatre Women	NOW Brooklyn-Queens	YWCA Orange County
League of Women Voters- NYC	NOW-NYC	YWCA Queens
League of Women Voters - NYS	NOW-NYS	YWCA Rochester
Lean In New York	NOW-Westchester	YWCA Syracuse
Legal Momentum	NY Union Child Care Coalition	YWCA Ulster
Levo League	NYC4CEDAW	YWCA Western New York
Make It Work	NYS Women, Inc.	YWCA Westfield
Millennial Ambition	Planned Parenthood NYC	YWCA White Plains
	Raising Women's Voices New York	YWCA Yonkers
		Zonta International Club of NY
		Zonta of Greater Queens



Women's Center for Education and Career Advancement

NEW YORK CITY COUNCIL CIVIL SERVICE & LABOR COMMITTEE TESTIMONY

Thursday, April 27, 2017

My name is Merble Reagon and I am Executive Director at the Women's Center for Education and Career Advancement. I want to thank the NYC Council - Civil Service and Labor Committee for this opportunity to speak in favor Bill #1536.

The Women's Center has worked with more than 40,000 NYC women to prepare them for education and employment that would enable them to support their families and to advance in their careers. We realized early on that many women who worked full-time were not earning adequate income to meet their families' basic expenses.

In 2000, we partnered with other NYC nonprofit agencies to determine exactly how much money specific NYC families need to make ends meet – based on where they live, the number of people in the family and the ages of their children. We produced the first of four NYC Self-Sufficiency Standard Reports that measure how much income NYC working families needed to meet all of their basic needs with no public or private support from other sources. We will release the fifth report in early 2018. Along the way, we also determined that many low-wage working families are eligible for income supports and public benefits that help to help them to survive until they can obtain better-paying work.

The most recent NYC Self-Sufficiency Standard report is titled ***OVERLOOKED AND UNDERCOUNTED; THE STRUGGLE TO MAKE ENDS MEET IN NEW YORK CITY***. We have calculated what it costs for 152 working family types living in each of seven geographic areas of NYC to meet all of their necessary expenses. It also answers the questions – how many NYC households live below the Standard and what are the characteristics of those households.

We believe that it is long past time to shift NYC public policy deliberations from just moving people above poverty to one that addresses how to help working families achieve economic stability and self-sufficiency – based on a real and comprehensive understanding of what they really need to make ends meet.

For that same family of two adults and two young children, to cover all their expenses: housing, food, child care, transportation, taxes and other miscellaneous expenses such as phone and other household expenses, the self-sufficiency income needed in the Bronx is \$80,000 and in NW Brooklyn, \$86,000, with no "extras" such as savings for college and retirement, no food eaten outside the home, no credit card or loan payments, no vacations, etc. [Balance of Brooklyn \$82,000; South Manhattan \$109,000; North Manhattan \$83,000; Queens 86,000 \$, and Staten Island \$82,000]

We examined demographic characteristics to see which NYC groups bear disproportionate burdens of inadequate income, such as race, gender and family composition. These findings will not come as a surprise to most of you. Following are just some of the findings from our report that have informed our support of Bill 1536:

- Contrasted with the Federal Poverty measure (FPL) which defines one in six New Yorkers (17%) or (367,776 households) as "poor", the Standard demonstrates that **more than four in ten (42%) working-age households** (excluding the elderly and disabled), **lack sufficient income**

to meet the minimum costs of living in New York City. This represents nearly one million (941,856) households.

- Moving from statistics to people, that translates to over 2.7 million men, women and children struggling to make ends meet in NYC. Using the official poverty thresholds results in 60% of these New York City households being **overlooked and undercounted**.
- In general, since 2000, the average 4-person family NYC basic needs budget has increased by 45%, while actual median earnings of working adults has increased by just 17%.
- For many households, substantial work effort has failed to yield sufficient income to meet even the minimum costs of basic needs.
- For many households with incomes below the Standard, it is not the occupation they hold, but rather the specific jobs within occupations, that most accounts for their inadequate earnings.
- It is largely inadequate wages, not inadequate work effort, which characterizes the great majority of NYC households below the Self-Sufficiency Standard.
- There is also a racial wage gap, with the median wage of non-White householders being just 61% of the median wage of White householders.
- women and people of color must have considerably more education than their male/White counterparts to achieve the same levels of self-sufficiency. For example, women of color with a bachelor's degree or more have only a slightly lower rate of inadequate incomes than White males with only some college/post-secondary training.
- Moreover, the "returns" to work effort are consistently lower for people of color and single mothers, resulting in higher levels of income inadequacy despite their work effort.

Further, we are aware that there is a comprehensive and wide range of factors that stand in the way of women, people of color and LGBTQ individuals who simply want and deserve equal access to workplace advancement and pay equity/ AKA better jobs and fair wages. Bill #1536 will help to achieve the transparency and data that will enable New York City to work more effectively to eliminate the racial, gender and sexual orientation biases that today obstruct economic opportunity and career advancement for many New York City agency employees.

We applaud the leadership of the Civil Service and Labor Committee of the New York City Council by introducing Bill #1536. We commend your commitment to workplace equity.

For more information:

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<http://www.selfsufficiencystandard.org/node/4>

Testimony of
Arthur Cheliotas, President
New York Administrative Employees
Local 1180
Communications Workers of America, AFLCIO



Before the New York City Council
Committee on Civil Service and Labor
Regarding

**“Intro. 1536 A Local law to amend the
administrative code of the city of New York, in
relation reporting pay and employment equity
data.”**

April 27, 2017

Good Morning Chairman Miller and Committee Members. My name is Arthur Cheliotas and I am the President of CWA Local 1180. I thank you and this committee for inviting me to testify on behalf of our membership in support of Intro. 1536-2017 - A Local law to amend the administrative code of the city of New York, in relation reporting pay and employment equity data.

Local 1180 has been on a journey for justice for women working for the City of New York for over 30 years. Women who demand nothing more than to be paid what their male predecessors earned in real dollars. We fought pervasive institutional discrimination to get them promoted out of the union to managerial positions as Administrative Managers during the Koch administration. But it was only with the help of the Dinkins administration that the largest group of women of color in the city's history were promoted through competitive civil service examinations to the top rank of their occupation series as Administrative Managers. It is the equivalent of being a captain in Police Officer or Firefighter occupation series, there are no further civil service promotional exams.

Their experience during the Giuliani and Bloomberg administrations was frustrating for the new women managers. They were not treated fairly, they were not respected and treated as managers and they certainly were not paid the same as their male predecessors or colleagues. These managers needed a union to fight for them and after a decade of hearings we were certified as their union.

We made sure our members had the academic credentials to do well in these high level positions. We partnered with the Murphy Institute of the City University of New York. They earned bachelors and master's degree in urban studies and public administration. The union paid the tuition for 24 undergraduate and 24 graduate credits. They earned graduate and post graduate certificates in public administration and healthcare administration. Despite their decades of experience in government, scoring well on competitive civil service examinations and academic achievements they were not paid as well as white males doing the same or easier work. Previous administrations ignored our demands for equal pay for these women and stonewalled our efforts to gather data at every turn. We spent many days in court forcing city lawyers to give us the information we needed to evaluate the nature and scope of the inequality we perceived anecdotally but could not quantify.

Local 1180 took on the cause and spent hundreds of thousands of dollars doing the legal research, hiring expert attorneys, statisticians and psychometricians with expertise in regression analysis. We then proceeded to the Federal EEOC with our complaint against the Bloomberg administration. After repeated stalling and stonewalling by the city's attorneys the Federal EEOC found violations of both the Equal Pay Act and Title VII of the Civil Rights Act in April of 2015.

The Federal EEOC determined that over 1,000 Administrative Managers, women and people of color were paid much less than their male predecessor. These women were being offered a starting salary of \$53,373 to do the same work their male predecessors had done for over \$90,000 when accounting for inflation. The Federal EEOC recommended front pay and back pay of \$243 million plus damages and referred the matter to the US Department of Justice for prosecution.

Mayor DeBlasio understood that the bad behavior of previous administrations had to end and we began to work on reaching a settlement last year. We are glad to report that we have reached a settlement of the Federal EEO case which is now pending approval by the US Department of Justice. However there is still much work to do and it is our hope that with legislation like Intro. 1536 the city

will continue to engage in corrective actions that achieve the equal pay we all seek. With affirmative action to meet the requirement of the EPA.

While equal pay for women has been the law of the land since John Kennedy signed the Equal Pay Act in 1963. Progress in achieving equal pay has stalled. Even when women have better academic credentials and experience they continue to be paid less than men doing the same work. Despite the fact that the equal pay act was signed into law in 1963 recent national data reflected in this chart shows over 50 years later women have yet to achieve pay equity.



To better understand the implications of wage inequality reflected in this chart consider this: If a white man and woman and an African American and Hispanic women all began work on January first of 2017.

- The white man would begin to get paid from his first day of work January 1, 2017.
- A white woman, though she started working the same day as the white man, would have to wait until March 25th, 2017 or 84 days later to begin getting paid.
- An African American woman, though she started working the same day as the white man, would have to wait 131 days until May 11th, 2017 to begin getting paid.
- A Hispanic woman, though she started working the same day as the white man, would have to wait until June 10th, 2017 or 161 days to begin getting paid.
- For an Administrative Manager hired at the minimum in 2009, she would have to work 155 days, until June 4th, to begin getting paid, while her male predecessors were paid from January 1st.

Despite working just as hard as or harder than a man, a woman and her family would have to convince their landlord not to collect rent for 3 to 6 months, she would have to buy food and clothing on credit or use food stamps even though she went to work every day like a man. The failure of our pay equity laws to achieve their goal of equal pay for equal work is at the root of high rates of poverty among families many with children headed by women. We cannot solve the inequality we see in this chart and sense all around us unless we quantify and analyze its scope and nature. This analysis begins with collecting the relevant data. It begins with recording the pay and employment equity data proposed in this legislation and then once we have identified where illegal inequality exists taking action to eliminate it.

Growing up in Jamaica, Queens I remember the thick smoggy air especially in the summer when soot accumulated on the window sill from the apartment house incinerators, car and bus emissions. The air is much cleaner now and when I dust my window sill soot is but a memory of my mother complaining that her work was never done. We made great progress since Environmental Protection

Act was passed in 1970. We achieved better quality air and water by collecting data on pollutants and taking action to correct the causes of the pollution.

So while our air and water quality improved, because we monitored air and water quality and then established corrective action programs to reduce pollution we did not do the same for equal pay for women. The result is equal pay remains an abstraction rather than a reality. This legislation can help change equal pay for women from an abstraction into reality.

This progressive city council and administration can make The City of New York a model employer in developing ways the remedy pay inequality and in doing so reduce the great financial liability of violating the Equal Pay Act and Title VII of the Civil Rights Act. It has been established in the Administrative Managers EEOC determination for \$243 million plus damages that these violations carry a heavy fiscal burden that requires a prudent and responsible intervention to mitigate further liability. Continuing to ignore pay inequality subjects our city to much greater liability.

We thank Council Member Laurie Cumbo for introducing this legislation that will work to make the gender wage data for the public sector and city contractors available and transparent. This is the first step to ensure women working in city agencies are receiving equal pay as required under the Equal Pay Act of 1963. Obviously women have waited long enough for equal pay.

Thank you to Chairman I. Daneek Miller and sponsors of this legislation:

The Public Advocate (Ms. James),
Elizabeth S. Crowley,
Ben Kallos,
I. Daneek Miller,
Mark Treyger,
Donovan J. Richards,
Carlos Menchaca,
Rafael Salamanca, Jr.,
Andrew Cohen,
Karen Koslowitz,
Inez D. Barron,

Laurie A. Cumbo,
Jumaane D. Williams,
Helen K. Rosenthal,
Ydanis A. Rodriguez,
Costa G. Constantinides,
Barry S. Grodenchik,
Rory I. Lancman,
Ritchie J. Torres,
Stephen T. Levin,
Rafael L. Espinal, Jr.,
Deborah L. Rose

Yetta G. Kurland
Testimony to the City Council
April 26, 2017

Good afternoon. My name is Yetta Kurland. I am an attorney with the firm The Kurland Group which serves as lead counsel to CWA 1180 in its class action lawsuit seeking to correct discriminatory pay practices by the City toward Non-Managerial Administrative Managers.

The City of New York employs 325,000 workers. That is more than Google, Macy's, Facebook, Barnes and Nobles, and Goldman Sachs, combined.¹

As an Employer the City has had a troubled history with regards to its pay practices towards women and employees of color. To be sure, this problem did not begin with the current Administration, but if not properly addressed it will get worse, causing severe hardship to City Workers and exposing the City to additional liability for breach of its obligations under both Federal and State laws including the Equal Pay Act and Title VII of the Civil Rights Act of 1964 as amended.

To put a human face on this, our clients, predominantly women of color, often tell stories, having worked for the City for 20 or 30 years, after reaching the top position in their field still not making enough money to survive, worrying each month about whether or not they are going to make rent, not being able to provide educational opportunities for their children, having to borrow from their pension to put food on their table, and so on.

To put it in statistical perspective, we analyzed the pay practices for Administrative Managers and found after adjusting for all variables other than race and gender, including time in title and time working for the City, etc., that in 2015 women of color made approximately \$14,000 less than their white male counterparts doing the same job as Administrative Assistant. When we looked at similar job titles where there was significantly more men and white employees we found that white men made approximately \$30,000 more than these women.

Now that we have the data we can begin to address these injustices and create equal employment opportunities for New York City's workforce. But the real setback for these workers, and for other City workers who face similar issues, is that it took us more than three years of protracted affirmative litigation to get that data to be able analyze the problem. Federal laws mandate that the City properly maintain these records specifically for the purpose of addressing discriminatory pay practices. But not only did the Equal Employment Opportunity Commission find in favor of CWA 1180 determining reasonable cause that discriminatory pay practices existed, it also found that the City had violated its obligations under Title VII to maintain information with regards to the race and gender of its employees to allow redress.

That is why this bill is critically important and I applaud the Public Advocate, and the Councilmembers who have spearheaded this initiative. The bad news is that unfortunately the issue of discriminatory pay practices does not begin and end with the Administrative Managers, but the good news is that armed with statistical data we can begin to correct these unfair pay practices and create what I hope will be a model employer in the City of New York.

¹ According to online data Google employs 62,000, Macy's 140,000, Facebook 17,000, Barnes and Nobles 29,000 and Goldman Sachs 33,300.

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Appearance Card

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Name: Merble Reagan

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I represent: Women's Center for Educ & Career Adv.

Address: _____

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Appearance Card

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in favor in opposition

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I represent: CWA 1180

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Name: Paul Rodriguez

Address: City Hall

I represent: Office of the Mayor

Address: City Hall

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