

**LOCAL LAWS  
OF  
THE CITY OF NEW YORK  
FOR THE YEAR 2019**

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**No. 18**

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Introduced by Council Members Cumbo, the Public Advocate (Ms. James), and Council Members Miller, Rosenthal, Koslowitz, Rose, Adams, Gibson, Kallos, Constantinides, Lander, Van Bramer, Powers, Cabrera, Ampry-Samuel, Rivera, Torres, Lancman, Levin, Brannan, Treyger, Cohen, King, Moya, Williams, Eugene, Barron and Ulrich.

**A LOCAL LAW**

**To amend the administrative code of the city of New York, in relation to reporting of pay and employment equity data**

*Be it enacted by the Council as follows:*

Section 1. Declaration of legislative intent and findings. The council finds that it should be the policy of this city to pursue the establishment of equitable compensation relationships between female-dominated, male-dominated, and other segregated titles to eliminate pay disparities in public employment citywide. Pay disparities within the city workforce threaten the terms, conditions and privileges of city employment. Such disparities can exist based on gender, race or other protected category enumerated in the city of New York's human rights law. The council hereby finds and declares that in order to find and eliminate pay disparities in public employment citywide, it is necessary for the council, pursuant to the charter of the city of New York, to exercise its powers of investigation and oversight over city agencies through access to and analysis of such agencies' pay and employment data. The council, through its committee system will provide an avenue for public engagement on the issue of pay disparity within the city workforce. The council

through its committee system and legislative division will provide for the release of findings and analysis on pay disparity.

§ 2. Chapter 1 of title 3 of the administrative code of the city of New York is amended by adding a new subchapter 7 to read as follows:

#### *SUBCHAPTER 7*

#### *OFFICE OF DATA ANALYTICS*

§ 3-170 *General. a. As used in this subchapter, the following terms have the following meanings:*

*Agency. The term “agency” means any agency, 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.*

*Director. The term “director” means the director of the office of data analytics.*

*Machine-readable format. The term “machine-readable format” means a non-proprietary format that permits automated processing.*

*Office. The term “office” means the office of data analytics.*

*Open source analytics library. The term “open source analytics library” means the website where the source code for data analytics projects are shared and maintained by the mayor’s office of data analytics.*

*b. All agencies shall cooperate with the office as may be necessary and proper to ensure compliance with this subchapter. The office may request information from any agency it deems necessary to enable it to properly carry out its functions.*

*c. The director may promulgate such rules as are necessary to carry out the provisions of this subchapter.*

*§ 3-171 Pay and employment equity data. a. Within 60 days following receipt of the data from the department of citywide administrative services pursuant to section 12-208, the office, in consultation with the department of information technology and telecommunications, shall make such data available to the council for 90 days through an application programming interface (API) in a machine-readable format as either comma separated value (CSV) or JavaScript Object Notation (json) for which the office shall provide a key to the council.*

*b. 1. The office shall issue a report to the mayor and speaker of the council 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. Pay bands for such report as required by paragraph 1 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.*

*c. Ninety days after the second annual report is issued pursuant to subdivision b 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 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.*

*d. The office shall conduct further analysis with relevant agencies where instances of disparities exist. Such analysis shall be included in the annual report as required pursuant to subdivision b of this section.*

*e. 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 to the mayor and speaker of the council based on disparities identified in subdivision d of this section. Such recommendations shall be included in the annual report as required pursuant to subdivision b of this section.*

§ 3. Chapter 2 of title 12 of the administrative code of the city of New York is amended by adding a new section 12-208 to read as follows:

*§ 12-208 Pay and employment equity data. a. Definitions. As used in this section, the term “agency” means any agency, 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.*

*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:*

- 1. Agency;*
- 2. Start date;*
- 3. Civil service title;*
- 4. Salary range for such title;*
- 5. Business title;*
- 6. Title classification (title description);*
- 7. Job category;*
- 8. Career level;*
- 9. Base salary;*
- 10. The department of citywide administrative services occupational group code and group name;*
- 11. Whether such employee is a managerial or supervisory employee;*
- 12. Minimum number of years of work experience required for such position;*
- 13. Number of years of work experience of such employee;*
- 14. Highest level of education attained by such employee;*

15. *Gender;*
  16. *Racial group;*
  17. *Ethnicity;*
  18. *Date of birth;*
  19. *Whether such employee is a provisional employee;*
  20. *Whether such employee is full-time, part-time or seasonal;*
  21. *Change in personnel status, including but not limited to, appointed, deceased, decrease, demoted, dismissed, increase, promoted, resigned, retired, terminated and transfer; and*
  22. *Whether such employee was previously employed by the city of New York.*
- c. No later than 90 days following receipt of the data collected pursuant to subdivision b of this section, the department of citywide administrative services shall provide such data to the office of data analytics.*
- d. All agencies shall cooperate with the department as may be necessary and proper to ensure compliance with this subdivision. The department 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.*
- e. The commissioner may promulgate such rules as are necessary to carry out the provisions of this section.*

§ 4. This local law takes effect immediately.

THE CITY OF NEW YORK, OFFICE OF THE CITY CLERK, s.s.:

I hereby certify that the foregoing is a true copy of a local law of The City of New York, passed by the Council on December 20, 2018 and returned unsigned by the Mayor on January 24, 2019.

MICHAEL M. McSWEENEY, City Clerk, Clerk of the Council.

CERTIFICATION OF CORPORATION COUNSEL

I hereby certify that the form of the enclosed local law (Local Law No. 18 of 2019, Council Int. No.633-A of 2018) to be filed with the Secretary of State contains the correct text of the local law passed by the New York City Council, presented to the Mayor and neither approved nor disapproved within thirty days thereafter.

STEVEN LOUIS, Acting Corporation Counsel.