The New York City Council

City Hall
New York, NY 10007

Legislation Details (With Text)

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Type:	Introduction			**Status:**	Enacted
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Title: A Local Law to amend the administrative code of the city of New York, in relation to amending the reporting of pay and employment equity data

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Indexes: Report Required

Attachments: 1. Summary of Int. No. 541-A, 2. Summary of Int. No. 541, 3. Int. No. 541, 4. June 16, 2022 - Stated Meeting Agenda, 5. Hearing Transcript - Stated Meeting 6-16-22, 6. Minutes of the Stated Meeting - June 16, 2022, 7. Committee Report 9/22/22, 8. Hearing Testimony 9/22/22, 9. Hearing Transcript 9/22/22, 10. Pay Equity in NYC Report - September 2022, 11. Proposed Int. No. 541-A - 1/27/23, 12. Committee Report 2/2/23, 13. Hearing Transcript 2/2/23, 14. Committee Report - Stated Meeting, 15. February 2, 2023 - Stated Meeting Agenda, 16. Hearing Transcript - Stated Meeting 2-2-23, 17. Minutes of the Stated Meeting - February 2, 2023, 18. Int. No. 541-A (FINAL), 19. Fiscal Impact Statement, 20. Mayor's Letter, 21. Local Law 29

Date	Ver.	Action By	Action	Result
6/16/2022	*	City Council	Introduced by Council	
6/16/2022	*	City Council	Referred to Comm by Council	
9/22/2022	*	Committee on Civil Service and Labor	Hearing Held by Committee	
9/22/2022	*	Committee on Civil Service and Labor	Laid Over by Committee	
9/22/2022	*	Committee on Civil and Human Rights	Hearing Held by Committee	
9/22/2022	*	Committee on Civil and Human Rights	Laid Over by Committee	
2/2/2023	*	Committee on Civil Service and Labor	Amendment Proposed by Comm	
2/2/2023	*	Committee on Civil Service and Labor	Amended by Committee	
2/2/2023	A	Committee on Civil Service and Labor	Approved by Committee	Pass
2/2/2023	*	Committee on Civil Service and Labor	Hearing Held by Committee	
2/2/2023	A	City Council	Approved by Council	Pass
2/2/2023	A	City Council	Sent to Mayor by Council	
2/21/2023	A	Mayor	Hearing Held by Mayor	
2/21/2023	A	Mayor	Signed Into Law by Mayor	
2/21/2023	A	City Council	Recved from Mayor by Council	

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Int. No. 541-A

By Council Members Louis, Gutiérrez, Hudson, De La Rosa, Sanchez, Farías, Hanif, Menin, Brannan, Cabán, Avilés, Nurse, Velázquez, Rivera and Gennaro

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

Be it enacted by the Council as follows:

Section 1. Subchapter 7 of chapter 1 of title 3 of the administrative code of the city of New York, as added by local law number 18 for the year 2019, is amended to read as follows:

SUBCHAPTER 7

OFFICE OF DATA ANALYTICS

§ 3-170 General. a. Definitions. As used in this subchapter, 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.

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.

Censored data. The term "censored data" means any data which is subject to redaction or withholding due to concerns that it may reveal personally identifying information, or any other legal concerns that may prohibit its distribution.

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Sanitized data. The term "sanitized data" means any data generated with or without the use of censored data that does not reveal personally identifying information and is not legally prohibited from publication for any other reason.

Open source analytics library. The term "open source analytics library" means the website, and any other platform, 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 the annual 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 permanently 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;or a secure virtual machine interface to which authorized users, designated by the council, will be provided access.

b. 1. The office, in consultation with the department of information technology and telecommunications, shall:

(a) Provide data requested by the council and make such data available to the council in a machine-readable format within 7 business days of such request;

(b) Provide an account with access to such data for each individual identified by the council;

(c) Enable data sharing capabilities between all access accounts provided to the council;

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(d) Deliver any external data prepared by the council to all of the accounts requested by the council in the format that such data was prepared in, within 7 business days of such request; and

(e) Install software requested by the council within 7 business days of such request, provided that, if the office determines, in consultation with the department of information technology and telecommunications, that such software presents a security risk, the office shall notify the council and identify in writing the details of such risk and propose alternative software within 7 business days.

2. If data is not provided or delivered pursuant to subparagraphs (a) or (d) within 7 business days, the office shall provide a detailed explanation to the council and a timeframe when such data will be provided or delivered, as applicable.

3. Code written and stored by the council shall be saved for 7 years for retrieval and usage by the council in its discretion.

[b.] c. 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.] d. Ninety days after the second annual report is issued pursuant to subdivision [b] 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 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.] e. 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] c of this section.

[e.] f. 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] e of this section. Such recommendations shall be included in the annual report as required pursuant to subdivision [b] c of this section.

§ 2. Section 12-208 of the administrative code of the city of New York, as added by local law number 18 for the year 2019, is amended to read as follows:

§ 12-208 Pay and employment equity data. a. Definitions. As used in this section, 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.

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;

[4.] 8. Salary range for such title;

[5.] 9. Business title;

[6.] 10. Title classification (title description);

[7.] 11. Job category;

[8.] 12. Career level;

[9.] 13. Base salary;

[10.] 14. The department of citywide administrative services occupational group code and group name;

[11.] 15. Whether such employee is a managerial or supervisory employee;

[12.] 16. Minimum number of years of work experience required for such position;

[13.] 17. Number of years of work experience of such employee;

[14.] 18. Highest level of education attained by such employee;

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[15.] 19. Gender;

[16.] 20. Racial group;

[17.] 21. Ethnicity;

[18.] 22. Date of birth;

[19.] 23. Whether such employee is a provisional employee;

[20.] 24. Whether such employee is full-time, part-time or seasonal;

[21.] 25. Change in personnel status, including but not limited to, appointed, deceased, decrease, demoted, dismissed, increase, promoted, resigned, retired, terminated and transfer; [and;]

[22.] 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, except that the unique identifier requireed by subdivision b shall only be required for data sets provided for 2024 and thereafter.

c. The data collected pursuant to subdivision b 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.

[c.] d. 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.] e. 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.] f. The commissioner may promulgate such rules as are necessary to carry out the provisions of this

section.

§ 3. This local law takes effect immediately.

Session 12
MMB/NC/JG
LS #6171, 6174, 6236
1/25/23; 1:25 p.m.

Session 11
NJC
LS #17915, 17918, 18030
9/7/21