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Int. No. 541

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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:

§ 2. Subchapter 7 of Chapter 1 of title 3 of the administrative code of the city of New York is amended 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, department, division, bureau, board or commission 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]; pedagogues of the New York city department of education; agencies headed by boards, commissions, or other multi-member bodies, whether appointed by the mayor or otherwise[, nor to elected officials, nor to]; and other agencies, departments, divisions, bureaus, boards or commissions 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.

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 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 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.

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

(a) Extract from the API any sanitized data requested by the council and make such data available to the council in a machine-readable format within three business days of such request. ;

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

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

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

(e) Install any software requested by the council within three business days of such request.

If a request for data in subparagraphs (a), (d) and (e) cannot be made available to the council within three business days then the office shall provide a detailed explanation to the council and shall provide a timeframe when said data will be made available.

2. Code written and stored by the council within the API is to be saved indefinitely 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.

§ 3. Section 12-208 of chapter 2 of title 12 of the administrative code of the city of New York is amended to read as follows:

§ 12-208 Pay and employment equity data. a. Definitions. Agency. The term "agency" means any agency, department, division, bureau, board or commission 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]; pedagogues of the New York city department of education; agencies headed by boards, commissions, or other multi-member bodies, whether appointed by the mayor or otherwise[, nor to elected officials, nor to]; and other agencies, departments, divisions, bureaus, boards or commissions 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. A unique identifier for each employee (identical for each employee across all data sets, starting with the first data set provided to the council in 2022);

[1]2. Agency;

[2]3. Start date;

4. Start date in current civil service title;

[3]5. Civil service title;

6. Whether the civil service title is a promotional title;

7. Union status per civil service title, including, where applicable, name of the union and job or title category of the unit that is bargaining;

8. Whether the civil service title is for a uniformed position;

9. Minimum educational requirements for the civil service title;

[4]10. Salary range for such title;

[5]11. Business title;

[6]12. Title classification (title description);

[7]13. Job category;

[8]14. Career level;

[9]15. Base salary;

[10]16. The department of citywide administrative services occupational group code and group name;

[11]17. Whether such employee is a managerial or supervisory employee;

[12]18. Minimum number of years of work experience required for such position;

[13]19. Number of years of work experience of such employee;

[14]20. Highest level of education attained by such employee;

[15]21. Gender;

[16]22. Racial group;

[17]23. Ethnicity;

[18]24. Date of birth;

[19]25. Whether such employee is a provisional employee;

[20]26. Whether such employee is full-time, part-time or seasonal;

[21]27. Change in personnel status, including but not limited to, appointed, deceased, decrease, demoted, dismissed, increase, promoted, resigned, retired, terminated and transfer;[and]

[22]28. Whether such employee was previously employed by the city of New York[.];

29. Full leave status history, including the date, amount of leave taken and cause of leave;

30. Total amount of overtime pay per employee, where applicable;

31. Estimated amount of employee benefits paid per civil service title, including a breakout of how many employees are enrolled in the deferred compensation plan and how many employees are enrolled in a city of New York pension plan. The pension plans shall be broken out by tiers; and

32. All data sets made available in all prior years, pursuant to this section.

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.

§ 4. This local law takes effect immediately.

Session 12

MMB
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