

1999 DRAFTING REQUEST

Assembly Amendment (AA-ASA1-AB133)

Received: **06/26/99**

Received By: **malaigm**

Wanted: **Soon**

Identical to LRB:

For: **Assembly Democratic Caucus 6-5619**

By/Representing: **Scott Adrian**

This file may be shown to any legislator: **NO**

Drafter: **malaigm**

May Contact:

Alt. Drafters:

Subject: **Employ Priv - family leave
Discrimination**

Extra Copies:

Pre Topic:

No specific pre topic given

Topic:

Labor package #1

Instructions:

See Attached

Drafting History:

| <u>Vers.</u> | <u>Drafted</u> | <u>Reviewed</u> | <u>Typed</u> | <u>Proofed</u> | <u>Submitted</u> | <u>Jacketed</u> | <u>Required</u> |
|--------------|---------------------|---------------------|--------------------|----------------|--------------------------|--------------------------|-----------------|
| /? | malaigm 06/27/99 | jgeller 06/27/99 | | _____ | | | |
| /1 | | | hhagen 06/27/99 | _____ | lrb_docadmin 06/28/99 | lrb_docadmin 06/28/99 | |

FE Sent For:

<END>

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| /? | malaigm 06/27/99 | ygeller 06/27/99 | | _____ | | | |
| /1 | | | hhagen 06/27/99 | _____ | lrb_docadmin 06/28/99 | | |

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|--------------|----------------|-----------------|--------------|----------------------------|------------------|-----------------|-----------------|
| /? | malaigm | 1 6/27 jg | | <i>[Signature]</i> 6/27 | | | |

FE Sent For:

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Labor (Scott Adrian, 6-9639)

Package Amendments:

Package #1

- JFC • Expand the benefits of Wisconsin's Family and Medical Leave Law by lowering the threshold for eligible business from the current 50 employees to 40 employees.
- JFC • Pay equity for women in public and private sectors

103,10 (1)(c)

Package #2

- JFC ~~GO~~ • Impose a 5 year ban on corporations from receiving any state grants or any other state aid if that corporation rescinds any previously negotiated employee health benefits or pension plans.
- GO ~~JFC~~ • End all prison industries programs by the end of the biennium.
- JFC • Teaching of labor history in schools.
- GO • Repeal Vrakas Motion #192, weakening prevailing wage law.

Stand-alone Amendments:

- JFC • Minimum Wage increase to \$6.55/hour
- GO • Repeal Owens Motion #237, relating to "payroll protection."

Miscellaneous (Tanya Bjork, 6-5616)

Campaign Finance Reform Package Amendment:

- GO [• Restore \$750,000 to CFR fund in the second year of the biennium (paid for by eliminating ATM property tax exemption)
- Maintain current law for WCEF check-off
- Maintain current law regarding the deductibility of campaign contributions (fiscal estimate is \$120,000 savings over the biennium).

Stand-alone Amendments:

- GO • Maintain current law for "Percent for the Arts" program
- GO • Maintain current law for 10 day waiting period between the date of rate tariff filing and effective date when a telecommunications utility can begin charging for a new service
- GO • Restore the Minnesota-Wisconsin Boundary Area Commission and restore funds back to water resources account of the conservation fund

LABOR BUDGET AMENDMENTS – Drafting Instructions

All Amendments are to be drafted to the Republican substitute amendment to AB 133.

Amendment 1 by request of Rep. Bob Turner

~~Increasing the state minimum wage as proposed in the Chvala/Balow bill (LRB-2648/1) to \$6.55 an hour for general (non-opportunity) employees, \$6.10 for opportunity employees, \$3.55 for tipped non-opportunity employees, \$3.40 for opportunity employees, \$6.25 for agriculture employees over 18 and \$5.70 for agriculture employees under 18. Also, require DWD to revise the minimum wage specified above annually within 30 days after then federal department of health and human services publishes its annual revision of the poverty line. In addition, eliminate the requirements that DWD, in determining the living wage, consider the effect of such an increase on job creation, retention and expansion, on the availability of entry level jobs and on regional economic conditions within this state. No fiscal impact.~~

Amendment 2 by request of Rep. Bob Turner

1. Expand the benefits of Wisconsin's Family and Medical Leave Law by lowering the threshold for eligible business from the current 50 employees to 40 employees. No fiscal impact.
2. Make it an unlawful practice for an employer to discriminate between male and female employees by compensating employees of different sexes differently for work that is of comparable worth to the employer. The worth of various jobs would be measured by the skill, effort, and responsibility normally required in the performance of work and the conditions under which the work is normally performed. Compensation systems based on seniority, merit or quantity or quality of production without regard to sex would be exempt from the provisions of this bill. Employers would not be permitted to comply with this bill by reducing the compensation of any employee or of any position.
3. Make it a violation to pay an employee less than the rate of pay for an employee of the opposite sex for comparable work. It would specify that an employer in violation would be prohibited from reducing the compensation of an employee in order to achieve comparable pay and would provide that an agreement between an employer and employee which results in less pay for comparable work would not be a bar to an action by the employee. The bill acknowledges the integrity of the collective bargaining relationship and collective bargaining agreements.

Pay
equity

Pay
equity

4. Language to assure public employees, regardless of sex, working in positions of comparable worth are paid the same by adopting these provisions:
- Provide that discrimination in salary because of sex shall be an unlawful discriminatory practice;
 - Define the unlawful discriminatory practice as a practice whereby employees in a particular position or title are paid at a salary or rate lower than that which other employees of the opposite sex in a comparable position or title are compensated;
 - Define comparable worth as measured by skill, effort, and responsibility normally required in the performance of work and conditions under which work is normally performed;
 - Prohibit an employer in violation of this section to reduce the compensation of any employee or position in order to comply with this section;
 - Provide that this section shall not prohibit different compensation pursuant to a seniority system and;
 - Provide that this section shall not impede, infringe or diminish the rights and benefits contained in a collective bargaining agreement or diminish the integrity of an existing bargaining agreement.

Amendment 3 by request of Rep. Bob Turner

MGD →

1. Impose a 5 year ban on corporations from receiving any state grants or any other state aid if that corporation rescinds any previously negotiated employee health benefits or pension plans. No fiscal impact.
2. End all prison industries programs by the end of the biennium. No fiscal impact other than potential revenue gain.
3. Require that every school board's instructional program in state, national, and world history include information on the history of organized labor in America and the collective bargaining process. No fiscal impact. (Lehman bill - AB 130)
4. Repeal Vrakas **Motion #192**, weakening prevailing wage law to return to JFC position (motion #458)

Amendment 4 by request of Rep. Lee Meyerhofer

Repeal Owens **Motion #237**, relating to DOA, DOT and public works contracts.

With these notes, I have attached copies of the New York summaries where the language for the prevailing wage law (Items 2, 3 & 4 in amendment 2) was taken. In addition, copies of the Republican motions to be deleted are also attached.

Any questions relating to the drafting of these amendments please contact Scott Adrian at 6-9639 or at home at 280-9289. In addition, I can be reached by cell at 345-0422.

Text of New York State Bill A05031

S T A T E O F N E W Y O R K

5031

1999-2000 Regular Sessions

I N A S S E M B L Y

February 22, 1999

Introduced by M. of A. DiNAPOLI, MAZZARELLI, HOCHBERG, CHRISTENSEN, WEINSTEIN, NOLAN, COOK -- Multi-Sponsored by -- M. of A. COLMAN, COLTON, CYMBROWITZ, GALEF, GLICK, GOTTFRIED, GRANNIS, GROMACK, HILL, HOYT, KOON, MATUSOW, McLAUGHLIN, PHEFFER, SMITH, STRINGER -- read once and referred to the Committee on Governmental Operations

AN ACT to amend the executive law, in relation to making it a discriminatory practice to compensate employees of different sexes differently for work that is of comparable worth

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 Section 1. Section 296 of the executive law is amended by adding a new
2 subdivision 21 to read as follows:

3 21. (A) IT SHALL BE AN UNLAWFUL DISCRIMINATORY PRACTICE FOR AN EMPLOY-
4 ER TO DISCRIMINATE BETWEEN EMPLOYEES IN THE SAME PLACE OF BUSINESS ON
5 THE BASIS OF SEX, BY COMPENSATING ANY EMPLOYEE IN ANY OCCUPATION IN THIS
6 STATE AT A SALARY OR RATE LESS THAN THE SALARY OR RATE AT WHICH HE OR
7 SHE COMPENSATES ANY EMPLOYEE OF THE OPPOSITE SEX FOR JOBS WHICH HAVE
8 COMPARABLE WORTH AS MEASURED BY THE SKILL, EFFORT AND RESPONSIBILITY
9 NORMALLY REQUIRED IN THE PERFORMANCE OF WORK AND THE CONDITIONS UNDER
10 WHICH THE WORK IS NORMALLY PERFORMED.

*with regard
to sex*

11 (B) NOTHING IN PARAGRAPH (A) OF THIS SUBDIVISION SHALL PROHIBIT
12 DIFFERING COMPENSATION TO EMPLOYEES WHERE SUCH COMPENSATION IS CALCU-
13 LATED PURSUANT TO:

- 14 (1) A BONA FIDE SENIORITY SYSTEM;
- 15 (2) A MERIT SYSTEM; OR
- 16 (3) A SYSTEM THAT MEASURES EARNINGS BY QUANTITY OR QUALITY OF
17 PRODUCTION.

18 (C) AN EMPLOYER WHO IS IN VIOLATION OF THIS SUBDIVISION SHALL NOT, IN
19 ORDER TO COMPLY WITH THIS SUBDIVISION, REDUCE THE COMPENSATION OF ANY
20 EMPLOYEE OR REDUCE THE RATE OF COMPENSATION FOR ANY POSITION.

EXPLANATION--Matter in ITALICS (underscored) is new; matter in brackets { } is old law to be omitted.

LBD07050-01-9

A. 5031

2

1 (D) AN AGREEMENT BY ANY EMPLOYEE TO WORK FOR LESS THAN THE COMPEN-
2 SATION TO WHICH THE EMPLOYEE IS ENTITLED UNDER THIS SUBDIVISION SHALL
3 NOT BE A BAR TO ANY ACTION TO WHICH THE EMPLOYEE WOULD OTHERWISE BE
4 ENTITLED TO ENFORCE THE PROVISIONS OF THIS SUBDIVISION.

5 (E) NOTHING SET FORTH IN THIS SUBDIVISION SHALL BE CONSTRUED TO
6 IMPEDE, INFRINGE OR DIMINISH THE RIGHTS AND BENEFITS WHICH ACCRUE TO
7 EMPLOYEES THROUGH BONA FIDE COLLECTIVE BARGAINING AGREEMENTS, OR OTHER-

8 WISE DIMINISH THE INTEGRITY OF THE EXISTING COLLECTIVE BARGAINING
9 RELATIONSHIP.

10 (F) NO EMPLOYER SHALL BE FOUND TO BE IN VIOLATION OF THIS SUBDIVISION
11 FOR COMPENSATING EMPLOYEES OF DIFFERENT SEXES DIFFERENTLY FOR WORK THAT
12 IS OF COMPARABLE WORTH DURING THE THREE YEAR PERIOD BEGINNING ON THE
13 EFFECTIVE DATE OF THIS SUBDIVISION, PROVIDED SUCH EMPLOYER HAS INSTI-
14 TUTED A PLAN THAT WILL LEAD TO COMPLIANCE WITH THIS SUBDIVISION AFTER
15 SUCH THREE YEAR PERIOD EXPIRES.

16 S 2. This act shall take effect 90 days after it shall have become a
17 law.

.SO DOC A 5031

END

BTXT

1999

Bill A05031

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New York State Assembly

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New York State Bill A05031

All available information for bill A05031, except its text, is supplied in this document. You may jump to a particular item by selecting from the menu below, or you may simply scroll down through this document. To view the bill text, select the last item from the menu below.

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Summary of Bill A05031

BILL NO A05031

SPONSOR DiNapoli

COSPNSR Mazzarelli, Hochberg, Christensen, Weinstein, Nolan, Cook

MLTSPNSR Clark, Cohen M, Colman, Colton, Cymbrowitz, Dinowitz, Englebright, Galef, Glick, Gottfried, Grannis, Gromack, Hill, Hoyt, Koon, Matusow, McLaughlin, Pheffer, Smith, Stringer

Amd S296, Exec L

Makes it a discriminatory practice to compensate employees of different sexes differently for work that is of comparable worth; specifically provides when differing compensation is permissible; provides for phase-in.

Actions on Bill A05031

BILL NO A05031

02/22/1999referred to governmental operations

03/23/1999reported referred to codes

03/30/1999reported

04/08/1999advanced to third reading cal.207

04/12/1999passed assembly

04/12/1999delivered to senate

04/12/1999REFERRED TO INVESTIGATIONS, TAXATION AND GOVERNMENT OPERATIONS

Votes on Bill A05031

BILL: A05031 DATE: 04/12/1999 MOTION:

YEA/NAY: 142/002

| | | | | | | | | | | | | | |
|---------|----|---------|----|---------|----|---------|---|---------|----|---------|---|---------|----|
| Abbate | Y | Christe | Y | Englebr | Y | Hikind | Y | Mayerso | ER | Ramirez | Y | Thiele | Y |
| Acampor | Y | Clark | Y | Espail | Y | Hill | Y | Mazzare | Y | Ravitz | Y | Tocci | Y |
| Alfano | Y | Cohe A | Y | Eve | Y | Hochber | Y | McEneny | Y | Rhodd-C | Y | Tokasz | Y |
| Arroyo | ER | Cohe M | Y | Farrell | Y | Hoyt | Y | McLaugh | Y | Rivera | Y | Tonko | Y |
| Aubry | Y | Colman | Y | Faso | NO | Jacobs | Y | Miller | Y | Robach | Y | Towns | ER |
| Bacalle | Y | Colton | Y | Ferrara | ER | John | Y | Millman | Y | Sanders | Y | Townsen | Y |
| Barraga | Y | Connell | Y | Fessend | Y | Johnson | Y | Mills | Y | Scarbor | Y | Vann | Y |
| Bea | Y | Conte | Y | Flanaga | Y | Kaufman | Y | Morelle | Y | Schimmi | Y | Vitalia | Y |
| Boyland | Y | Cook | Y | Galef | Y | Kirwan | Y | Murray | Y | Scozzaf | Y | Warner | Y |
| Boyle | Y | Crouch | Y | Gantt | Y | Klein | Y | Nesbitt | Y | Seaman | Y | Weinste | Y |
| Bragman | Y | Cymbrow | Y | Glick | Y | Koon | Y | Nolan | Y | Seddio | Y | Weisenb | Y |
| Brennan | Y | Daly | Y | Gottfri | Y | Labriol | Y | Norman | Y | Seminer | Y | Weprin | Y |
| Brodsky | Y | D'Andre | NO | Grannis | Y | Lafayet | Y | Nortz | ER | Sidikma | Y | Wertz | Y |
| Brown | Y | Darcy | Y | Green | Y | Lentol | Y | Oaks | Y | Smith | Y | Winner | Y |

Burling Y Davis Y Greene Y Little Y O'Conne Y Spano Y Wirth Y
 Butl DJ Y Denis Y Griffit Y Lopez Y Ortiz Y Stephen Y Wright Y
 Butl MW Y Destito Y Gromack Y Luster Y Ortloff ER Stranie Y Young Y
 Cahill Y Diaz Y Gunther Y Magee Y Parment Y Stringe Y Mr Spkr Y
 Calhoun Y DiNapol Y Harenbe Y Magnare Y Perry Y Sull EC Y
 Canestr Y Dinga Y Hayes Y Manning Y Pheffer Y Sull F Y
 Carrozz Y Dinowit Y Herbst Y Markey Y Prentis Y Sweeney Y
 Casale Y Doran Y Higgins Y Matusow Y Pretlow Y Tedisco Y

Memo on Bill A05031

BILL NUMBER: A5031

PURPOSE OR GENERAL IDEA OF BILL:

The purpose of the bill is to ameliorate the inequity that has been caused by the continuing bias against women, most frequently in female dominated occupations, that has led to female employees being compensated at a lesser rate than their male counterparts for comparable work.

SUMMARY OF SPECIFIC PROVISIONS:

This bill would make it an unlawful discriminatory practice under Section 296 of the Executive Law for an employer to discriminate between male and female employees by compensating employees of different sexes differently for work that is of comparable worth to the employer. The worth of various jobs would be measured by the skill, effort and responsibility normally required in the performance of work and the conditions under which the work is normally performed.

Compensation systems based on seniority, merit or quantity or quality of production without regard to sex would be exempt from the provisions of this bill. Employers would not be permitted to comply with this bill by reducing the compensation of any employee or of any position. Employers would not be found to be in violation of this law for three years, as long as they were taking steps to implement a comparable worth standard.

EFFECTS OF PRESENT LAW WHICH THIS BILL WOULD ALTER:

Currently, the Human Rights Law, as interpreted by the courts and the Human Rights Division, protects against discriminatory compensation for the same or substantially similar jobs, but not for jobs that may be quite different from one another but are nonetheless of comparable worth to the employer.

JUSTIFICATION:

A recent AFL-CIO poll found that 94 percent of women identified pay equity as the primary concern among working women. According to the Bureau of Labor Statistics, in 1996 the median weekly pay of full-time working women was 75 percent of the median pay for men. Women of color have an even lower median wage. Women employed in so-called "pink collar" occupations (such as office workers, aides, nurses and librarians) often receive compensation that is 20-30 percent less than male co-workers in "blue collar" occupations (maintenance workers, groundskeepers, etc.).

A January 1998 Assembly hearing on comparable worth and pay equity issues yielded several suggestions that would help resolve some of the problems resulting from gender-based wage discrimination in the

workplace, much of it historic and resistant to change. Of these suggestions, the one that would have the greatest impact on the problem is to explicitly prohibit gender-based wage setting in female-dominated job classifications in the Human Rights Law and make it an unlawful discriminatory practice to engage in such discrimination. Complaints against these types of unlawful practices

could then be brought to the Human Rights Division or to a court of competent jurisdiction, as provided in Section 297 of the Executive Law.

PRIOR LEGISLATIVE HISTORY:

1998: A.9821 - Passed Assembly.

FISCAL IMPLICATIONS FOR STATE AND LOCAL GOVERNMENTS:

To be determined.

EFFECTIVE DATE:

Ninety days after it shall have become a law.

Bill A05031

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New York State Bill A05147

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Summary of Bill A05147

BILL NO A05147

SPONSOR Nolan

COSPNSR DiNapoli, Hoyt, Christensen, Cook, Weinstein

MLTSPNSR Cohen M, Colton, Englebright, Koon, Magnarelli, Stringer

Amd S194, Lab L

Makes provision with respect to the discriminatory practice of compensating employees of different sexes differently for work that is of comparable worth; bars an employer in violation to reduce anyone's rate of compensation; provides that an employee's agreement to accept less compensation shall not bar an enforcement action; also provides three years for compliance plan and protects collective bargaining agreements.

Actions on Bill A05147

BILL NO A05147

02/23/1999referred to labor
03/23/1999reported referred to codes
03/30/1999reported
04/08/1999advanced to third reading cal.208
04/12/1999passed assembly
04/12/1999delivered to senate
04/12/1999REFERRED TO LABOR

Votes on Bill A05147

BILL: A05147 DATE: 04/12/1999 MOTION:

YEA/NAY: 142/002

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|---------|----|---------|----|---------|----|---------|---|---------|----|---------|---|---------|----|
| Abbate | Y | Christe | Y | Englebr | Y | Hikind | Y | Mayerso | ER | Ramirez | Y | Thiele | Y |
| Acampor | Y | Clark | Y | Espail | Y | Hill | Y | Mazzare | Y | Ravitz | Y | Tocci | Y |
| Alfano | Y | Cohe A | Y | Eve | Y | Hochber | Y | McEneny | Y | Rhodd-C | Y | Tokasz | Y |
| Arroyo | ER | Cohe M | Y | Farrell | Y | Hoyt | Y | McLaugh | Y | Rivera | Y | Tonko | Y |
| Aubry | Y | Colman | Y | Faso | NO | Jacobs | Y | Miller | Y | Robach | Y | Towns | ER |
| Bacalle | Y | Colton | Y | Ferrara | ER | John | Y | Millman | Y | Sanders | Y | Townsen | Y |
| Barraga | Y | Connell | Y | Fessend | Y | Johnson | Y | Mills | Y | Scarbor | Y | Vann | Y |
| Bea | Y | Conte | Y | Flanaga | Y | Kaufman | Y | morelle | Y | Schimmi | Y | Vitalia | Y |
| Boyland | Y | Cook | Y | Galef | Y | Kirwan | Y | Murray | Y | Scozzaf | Y | Warner | Y |
| Boyle | Y | Crouch | Y | Gantt | Y | Klein | Y | Nesbitt | Y | Seaman | Y | Weinste | Y |
| Bragman | Y | Cymbrow | Y | Glick | Y | Koon | Y | Nolan | Y | Seddio | Y | Weisenb | Y |
| Brennan | Y | Daly | Y | Gottfri | Y | Labriol | Y | Norman | Y | Seminer | Y | Wepriu | Y |
| Brodsky | Y | D'Andre | NO | Grannis | Y | Lafayet | Y | Nortz | ER | Sidikma | Y | Wertz | Y |

| | | | | | | | | | | | | | |
|---------|---|---------|---|---------|---|---------|---|---------|----|---------|----|---------|---|
| Brown | Y | Darcy | Y | Green | Y | Lentol | Y | Oaks | Y | Smith | Y | Winner | Y |
| Burling | Y | Davis | Y | Greene | Y | Little | Y | O'Conne | Y | Spano | Y | Wirth | Y |
| Butl DJ | Y | Denis | Y | Griffit | Y | Lopez | Y | Ortiz | Y | Stephen | Y | Wright | Y |
| Butl MW | Y | Destito | Y | Gromack | Y | Luster | Y | Ortloff | ER | Stranie | Y | Young | Y |
| Cahill | Y | Diaz | Y | Gunther | Y | Magee | Y | Parment | Y | Stringe | Y | Mr Spkr | Y |
| Calhoun | Y | DiNapol | Y | Harenbe | Y | Magnare | Y | Perry | Y | Sull | EC | Y | |
| Canestr | Y | Dinga | Y | Hayes | Y | Manning | Y | Pheffer | Y | Sull | F | Y | |
| Carrozz | Y | Dinowit | Y | Herbst | Y | Markey | Y | Prentis | Y | Sweeney | Y | Y | |
| Casale | Y | Doran | Y | Higgins | Y | Matusow | Y | Pretlow | Y | Tedisco | Y | Y | |

Memo on Bill A05147

BILL NUMBER: A5147

PURPOSE OR GENERAL IDEA OF BILL:

The bill would make provision with respect to the discriminatory practice of compensating employees of different sexes differently for work that is of comparable worth.

SUMMARY OF SPECIFIC PROVISIONS:

Section 1 of the bill would amend 194 of the Labor Law so that it would be a violation to pay an employee less than the rate of pay for an employee of the opposite sex for comparable work. It would specify that an employer in violation of this Section would be prohibited from reducing the compensation of an employee in order to achieve comparable pay and would provide that an agreement between an employer and employee which results in less pay for comparable work would not be a bar to an action under this Section by the employee. The bill acknowledges the integrity of the collective bargaining relationship and collective bargaining agreements. Lastly, the bill would allow employers a three year period from the date of enactment to achieve compliance, in the interim they would have to institute a plan to achieve compliance by the end of that three year period.

JUSTIFICATION:

Presently, the Labor Law bars disparate pay for the same work when the discrimination is based on sex. This amendment would protect those employees who perform comparable work but are paid less.

The Labor Committee co-sponsored a recent hearing dealing with the topic of pay equity. Testimony was received concerning troubling situations where the work of females was compensated at a rate considerably less than the comparable work of their male colleagues. Testimony was presented regarding school nurses and secretaries who were paid less than the maintenance and grounds keeping staff at the same workplace, although the training, responsibility and skills of the female staff surpassed that of the male staff. Additional legislation is needed to ensure that pay equity is achieved.

PRIOR LEGISLATIVE HISTORY:

same as A.9824 of 1998

FISCAL IMPLICATIONS:

Not determined.

EFFECTIVE DATE:

Ninety days after enactment.

Bill A05147

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New York State Bill A04171

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Summary of Bill A04171

BILL NO A04171

SPONSOR Grannis

COSPNSR Greene, Vitaliano, Colman, Espaillat, Englebright

MLTSPNSR Brennan, Cohen A, Cohen M, Colton, Davis, Dinowitz, Gottfried, Harenberg, John, Koon, Magnarelli, Mazzarelli, McEneny, Pheffer, Ramirez, Rhodd-Cummings, Stringer, Sweeney, Tocci, Weinstein

Am'd SS115 & 118, add S119, Civ Serv L

Seeks to comply with the federal equal pay act of 1963 by implementing a state policy of compensating employees in state service equally for work of comparable value by eliminating wage inequality in job titles having been segregated by sex, race or national origin; requires the president of the civil service commission to report annually to the legislature and the governor on those segregated titles for which wage disparity exists; mandates governor to appropriate monies to ensure wage disparities are corrected.

Actions on Bill A04171

BILL NO A04171

02/08/1999referred to governmental employees
03/23/1999reported
03/25/1999advanced to third reading cal.180
04/12/1999passed assembly
04/12/1999delivered to senate
04/12/1999REFERRED TO CIVIL SERVICE AND PENSIONS

Votes on Bill A04171

BILL: A04171 DATE: 04/12/1999 MOTION:

YEA/NAY: 140/003

| | | | | | | | | | | | | | |
|---------|----|---------|---|---------|----|---------|---|---------|----|---------|---|---------|----|
| Abbate | Y | Christe | Y | Englebr | Y | Hikind | Y | Mayerso | ER | Ramirez | Y | Thiele | Y |
| Acampor | Y | Clark | Y | Espaill | Y | Hill | Y | Mazzare | Y | Ravitz | Y | Tocci | Y |
| Alfano | Y | Cohe A | Y | Eve | Y | Hochber | Y | McEneny | Y | Rhodd-C | Y | Tokasz | Y |
| Arroyo | ER | Cohe M | Y | Farrell | Y | Hoyt | Y | McLaugh | Y | Rivera | Y | Tonko | Y |
| Aubry | Y | Colman | Y | Faso | NO | Jacobs | Y | Miller | Y | Robach | Y | Towns | ER |
| Bacalle | Y | Colton | Y | Ferrara | ER | John | Y | Millman | Y | Sanders | Y | Townsen | Y |
| Barraga | Y | Connell | Y | Fessend | Y | Johnson | Y | Mills | Y | Scarbor | Y | Vann | Y |
| Bea | Y | Conte | Y | Flanaga | Y | Kaufman | Y | Morelle | Y | Schimmi | Y | Vitalia | Y |
| Boyland | Y | Cook | Y | Galef | Y | Kirwan | Y | Murray | Y | Scozzaf | Y | Warner | Y |
| Boyle | Y | Crouch | Y | Gantt | Y | Klein | Y | Nesbitt | Y | Seaman | Y | Weinste | Y |
| Bragman | Y | Cymbrow | Y | Glick | Y | Koon | Y | Nolan | Y | Seddio | Y | Weisenb | Y |

| | | | | | | |
|------------|------------|-----------|-----------|------------|-----------|-----------|
| Brennan Y | Daly Y | Gottfri Y | Labriol Y | Norman Y | Seminer Y | Weprin Y |
| Brodsky Y | D'Andre NO | Grannis Y | Lafayet Y | Nortz ER | Sidikma Y | Wertz AB |
| Brown Y | Darcy Y | Green Y | Lentol Y | Oaks Y | Smith Y | Winner Y |
| Burling NO | Davis Y | Greene Y | Little Y | O'Conne Y | Spano Y | Wirth Y |
| Butl DJ Y | Denis Y | Griffit Y | Lopez Y | Ortiz Y | Stephen Y | Wright Y |
| Butl MW Y | Destito Y | Gromack Y | Luster Y | Ortloff ER | Stranie Y | Young Y |
| Cahill Y | Diaz Y | Gunther Y | Magee Y | Parment Y | Stringe Y | Mr Spkr Y |
| Calhoun Y | DiNapol Y | Harenbe Y | Magnare Y | Perry Y | Sull EC Y | |
| Canestr Y | Dinga Y | Hayes Y | Manning Y | Pheffer Y | Sull F Y | |
| Carrozz Y | Dinowit Y | Herbst Y | Markey Y | Prentis Y | Sweeney Y | |
| Casale Y | Doran Y | Higgins Y | Matusow Y | Pretlow Y | Tedisco Y | |

Memo on Bill A04171

BILL NUMBER: A4171

PURPOSE OR GENERAL IDEA OF BILL:

This bill intends to assure that public employees, regardless of sex, working in positions of comparable worth are paid the same.

SUMMARY OF SPECIFIC PROVISIONS:

This bill would:

- provide that discrimination in salary because of sex shall be an unlawful discriminatory practice;
- define the unlawful discriminatory practice as a practice whereby employees in a particular position or title are paid at a salary or rate lower than that which other employees of the opposite sex in a comparable position or title are compensated;
- define comparable worth as measured by skill, effort and responsibility normally required in the performance of work and conditions under which work is normally performed;
- prohibit an employer in violation of this section to reduce the compensation of any employee or position in order to comply with this section;
- provide that an employer cannot be found to be in violation of this section where a plan has been instituted to lead to compliance of this section for a three year period for public employers following enactment;
- provide that this section shall not prohibit different compensation pursuant to a seniority system; and,
- provide that this section shall not impede, infringe or diminish the rights and benefits contained in a collective bargaining agreement or diminish the integrity of an existing bargaining agreement.

EFFECTS OF PRESENT LAW WHICH THIS BILL WOULD ALTER:

Current law does not have the protections provided in this proposal.

JUSTIFICATION:

A recent public hearing held by a number of Assembly committees revealed troubling situations where women who were performing work comparable to their male counterparts were paid substantially less in salary. In

particular, there was testimony that school nurses and secretaries were paid less than maintenance and grounds keepers of the same employer, although the required training, responsibilities and skills of the nurses and secretaries surpassed that of the male staff. Salaries for positions of comparable worth must be comparable. Discrimination based on stereotyped gender roles is inappropriate. This legislation is needed to assure that pay equity in the public sector is achieved.

PRIOR LEGISLATIVE HISTORY:

1998: A.9822 (Katz) - Passed Assembly

Bill A04171

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New York State Assembly

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State of Wisconsin
1999 - 2000 LEGISLATURE

LRBb1361/1
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ADC

ASSEMBLY AMENDMENT,
TO ASSEMBLY SUBSTITUTE AMENDMENT 1,
TO 1999 ASSEMBLY BILL 133

1 At the locations indicated, amend the substitute amendment[✓] as follows:

2 1. Page 1080, line 2: after that line insert:

3 "SECTION 2005d. 103.10 (1) (c)^X of the statutes is amended to read:

4 103.10 (1) (c) Except as provided in sub. (14) (b), "employer" means a person
5 engaging in any activity, enterprise or business in this state employing at least 50
6 40[✓] individuals on a permanent basis. "Employer" includes the state and any office,
7 department, independent agency, authority, institution, association, society or other
8 body in state government created or authorized to be created by the constitution or
9 any law, including the legislature and the courts."

History: 1987 a. 287; 1989 a. 228; 1991 a. 39; 1993 a. 446; 1995 a. 27 s. 9130 (4); 1997 a. 3, 156.

10 2. Page 1092, line 20: after that line insert:

11 (11) "SECTION 20~~0~~³33r. 111.36 (1) (a)^X of the statutes is amended to read:

