



# COMMUNIQUE

## EQUAL PAY DAY MARCHES ON

By Edward M. Yood

**Equal Pay Day is a symbolic day dedicated to raising awareness of the gender pay gap. It is generally commemorated in April because on average, a female in the U.S. must work an entire year plus four months of the next year — until April — to earn the same amount that a male worker earned in just 12 months. To further illustrate, in 2016 the average salary for females was just 79% of that of the average male. Equal Pay Day was established to shine a spotlight on these inequities and to formulate a solution that guarantees equal pay for equal work no matter the employee's gender.**

Equal pay for equal work has been an issue for decades, going back to the Equal Pay Act of 1963, which amended the 1938 Fair Labor Standards Act, aimed at abolishing wage disparity based on sex. Specifically, employers were prohibited from discriminating against employees on the basis of gender by paying female employees lower wages than male employees for equal work. By the late 1990s, while the pay discrepancy was not as severe, there was still no equality. Hence, Equal Pay Day was established and first observed in 1996 by the National Committee on Pay Equity, a coalition of women's and civil rights organizations, labor unions, professional associations, and individuals working to eliminate gender- and race-based wage discrimination.

### 1963 EQUAL PAY ACT DID NOT END THE GENDER WAGE GAP

In 1963, when the Equal Pay Act was passed, women earned 59 cents on the average for every dollar earned by men, according to Census figures of median wages of full-time, year-round workers. By 2017, women earned 81.9 cents for every dollar earned by a man, according to the Institute for Women's Policy Research, which also reports that during a working lifetime, this wage disparity costs the average American woman and her family an estimated \$700,000 to \$2 million, impacting Social Security benefits and pensions. So while the gap is narrowing, it still exists.

A year after the Equal Pay Act was passed, the Civil Rights Act reinforced the legal right of women to pay equity in Title VII, which states that, "It shall be an unlawful employment practice for an employer to fail or refuse to hire or discharge any individual, or otherwise to discriminate against any individual, with respect to his compensation, terms, conditions, privileges of employment because of such individual's race, color,

religion, sex, or national origin." That would imply that men and women doing the same job should be earning the same pay. Yet, the game of catch-up is still being played.

That's why, on January 29, 2009, the first law signed by then-President Barack Obama was the Lilly Ledbetter Fair Pay Act, which amended the Civil Rights Act of 1964. It overturned the 2007 Supreme Court case of Ledbetter v. Goodyear that had restricted equal pay rights by requiring the statute of limitations for presenting an equal-pay lawsuit begin on the date the employer makes the initial discriminatory wage decision, not on the date of the most recent paycheck. With this law, the 180-day statute of limitations for filing an equal-pay lawsuit regarding pay discrimination resets with each new paycheck affected by that discriminatory action.

This opened the door for gender- and race-based wage discrimination cases, such as the one Local 1180 filed on behalf of its Administrative Managers. With a union membership of 8,600 active members, of which more than 80% are women and people of color, Local 1180 had a serious case against the City of New York, especially since it's proven that the gender pay gap also disproportionately affects black and Hispanic women.

Local 1180 had been engaged in the struggle for pay equity for women and minorities since the Koch Administration. Koch put in place a number of institutional impediments to the career advancement of women when he saw that with the help of their union, they received the educational credentials and training needed to score well on competitive civil service exams. These women expected to move up the career ladder to good paying managerial jobs as their white male predecessors had done before.

Yet, then-Mayor Koch was no friend of City workers. His arrogant statement, "what I like about provisionals is that I can get rid of them any time I want," clearly defines his position. During his term, in 1989, the New York State Commission on Government Integrity issued a report called "Playing Ball with City Hall: A Case Study of Political Patronage in New York City," that recommended broad changes in New York City's personnel system to insulate it from political pressures and discourage patronage. The Commission found that the Mayor's Talent Bank, although supposedly established in part to open more City jobs to minorities and

women, was systematically used to hire politically-connected applicants. Another reason Local 1180 jumped into action.

Eight hundred, eighty seven CWA Local 1180 members, mostly women of color, had passed the Administrative Manager promotion exam in 1985 and 1986. Instead of following civil service guidelines, Koch and his commissioners illegally changed the title of large numbers of provisional Administrative Managers, most of whom were white men, to provisional Administrative Staff Analysts because the number of people who passed the Administrative Staff Analyst examination was much smaller than the number who passed the Admin Manager exam. This personnel action prevented most of the Union's 887 members from being promoted by replacing provisional Administrative Managers in compliance with civil service law.

Local 1180 took the Koch Administration to court to defend members' rights to career advancement through the civil service system, and proved that this personnel action was unquestionably racist and sexist. Many Local 1180 members were promoted to Administrative Manager as a result.

At that time, the City would not permit the title of Administrative Manager to be unionized, certifying that the title was "managerial and ineligible for collective bargaining." In 1994, CWA 1180 petitioned the NYC Office of Collective Bargaining to represent Administrative Managers. After 15 years, the same group of Administrative Managers who 1180 had battled to be promoted could finally quote from the Wizard of Oz, "there's no place like home." OCB returned them to Local 1180 on April 8, 2009.

## **CWA LOCAL 1180 BATTLES FOR EQUAL PAY FOR ADMINISTRATIVE MANAGERS**

Because of decades of violations of the Equal Pay Act and the 1964 Civil Rights Act, from Mayors Koch through Bloomberg, the salaries of female Administrative Managers had been suppressed compared to their male counterparts. As the preponderance of women and people of color increased in this title, this suppression and inequity expanded.

Local 1180 went to battle again, and in 2015 the federal Equal Employment Opportunity Commission announced their findings, which stated that there was in fact enough evidence that showed past discrimination against women and minority Administrative Managers.

On Equal Pay Day 2017, Local 1180 decorated City Hall in a sea of red, demanding that NYC Mayor de Blasio settle and pay up on the Administrative Manager case, and forced a sitting NYC Mayor for the first time to acknowledge the years of discrimination against women and minority Administrative Managers and agree to settle. Public Advocate Letitia James, a great friend of CWA 1180, helped get the City Council to pass a law prohibiting NYC public sector employers from asking job applicants for salary history data which historically has been used to exclude women. Unfortunately, as we approach Equal Pay Day 2018 (April 10, 2018), the de Blasio Administration still has not paid New York City's debt to 1180's Administrative Managers, and the Union's journey for justice — equal pay for women and minorities — has not yet reached the finished line.