

**Testimony of
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Local 1180
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**New York City Council Joint Committee
Hearing on
Intro. 633
April 23, 2018**

Good afternoon Chair Miller, Chair Eugene, and to all the members of these two great committees. My name is Gloria Middleton, President of the Communications Workers of America, Local 1180. I am here to speak on Intro 633, a Local Law to amend the administrative code of the City of New York regarding the reporting of pay and employment equity data. I emphasize the word **Equity**, as that is what I am here to talk about this afternoon. Equity for all New York City workers, especially for women and minorities.

My Local consists of 8,600 active members and 6,200 retirees, of which 80% are women and people of color. I speak today for all of my members who believe in an even playing field where they work providing public services to all New Yorkers. They ask for nothing more than to advance their careers through an equitable competitive civil service system where they can use their experience, skills, and knowledge ... a system in practice and not just theory ... that offers all workers equal opportunity based on what they know, not their gender or race.

We are reminded every day by the me too, black lives matter, and times up movements that despite the passage of the civil rights and equal pay acts as the law of the land more than a half century ago, the legacy of racism and misogyny lingers in American culture and the City of New York. These movements are an echo of the words of our first African American woman to be a member of Congress, Shirley Chisolm, who said.

“**Racism** is so universal in this country, so widespread, and deep-seated, that it is invisible because it is so **normal**.”

And in 1969 she said this about sexism,

“Prejudice against women is still acceptable. There is very little understanding yet of the immorality involved in double pay scales and the classification of most of the better jobs as ‘for men only.’”

Unfortunately, for the last 4 years the progressive government of the City of New York has yet to analyze and correct what has for too long been accepted as normal by defending – and thereby perpetuating – unlawful and immoral discrimination in its own personnel practices and policies. The city

has been paying women and minorities less than whites and men doing comparable work.

Time is up. This legislation confirms that this progressive City Council does not fear conducting an analysis of the discrimination that will lead to corrective action to end this lawlessness by the City government itself.

Detractors, despite **claiming** to support a progressive city government, are using the excuse that the liability and potential cost to the taxpayer may be too burdensome. Therefore, they claim, it would be easier to have the City continue violating the law. Again, even after 50 years the wisdom of Shirley Chisholm sums it up well:

“When morality comes up against profit, it is seldom profit that loses.”

In December 2013, Local 1180 filed charges with the federal EEOC against the Bloomberg Administration, claiming the suppression of wages for Administrative Managers we were certified to represent a few years earlier by the Office of Collective Bargaining. These Administrative Managers had been in the City’s Managerial Pay Plan before they had Local 1180 as their

union and it appeared that the minimum salaries had been suppressed once women and people of color started being placed in the title. When they were in the Managerial Pay Plan, they didn't have a union representing them. The minimum wage was suppressed while the maximum wage for the title increased. We also noticed that women of color were at the minimum while men and whites generally tended to be at the maximum. The salary range started at \$53,000 per annum and went to more than \$150,000.

The City's Office of Labor Relations refused to negotiate with us to establish a new salary range for Administrative Managers. We filed, and won, a number of improper labor practices charges against the Bloomberg Administration. After more than a year of negotiations, mediation, and finally binding arbitration, the Arbitrator agreed that the salary had been suppressed and awarded an increase in the minimum salary to \$63,949 for Administrative Managers, but made no determination regarding the issue of discrimination against women and people of color.

While the City was engaging in improper labor practices in negotiations, they were also stonewalling by not providing Local 1180 with the data we

needed to confirm our suspicions about discrimination or to show us that our claims were unfounded.

We expected the Bloomberg Administration's strong resistance to our request for data as we continued with the charges at the federal EEOC. We were surprised, as was the judge, by the City's vigorous opposition from a supposed progressive administration committed to government transparency. When we requested pay and employment equity data, we were inundated with nothing more than rhetoric—but no actual data. Transparency that might lead to accountability on the issue of equal pay for equal work apparently didn't fit into the vision of a new progressive administration.

The City rejected our FOIL request, so we went to court. A New York Supreme Court Judge forced the City to release the EEO data that would allow us to analyze the levels of discrimination agency by agency.

In April 2015, the US EEO Commission found in our favor that there was reasonable cause to believe there was widespread discrimination against women and people of color in the title of Administrative Manager throughout all City agencies, including NYCHA.

The EEOC calculated that the disparity over time was worth **MORE THAN \$246 MILLION**. As I said on the steps of City Hall on April 3, 2018, with more than 200 Local 1180 members by my side, we are willing to work with this Administration to fix this problem, but it will take both sides cooperating in order to bring this case to a resolution. We are in settlement talks with the City to make our Administrative Managers whole, and have negotiated a process to ensure the salaries do not become stagnant and inequitable.

This is why we **MUST** amend the administrative code of the City of New York in the reporting of pay and employment equity data. The salary of all City employees **is already** available online. Adding gender and racial data will let us all know whether the City is meeting it's publicly stated goals on pay equity and racial discrimination.

The City should lead by example and meet the standards it requires others to follow. It is particularly hypocritical that the City requires similar data reporting from contractors doing business **with** the City and **in** the City, enforces anti-discrimination laws against all employers, yet permits its own City agencies to violate laws.

In some instances, the private sector is doing much better. Corporations who take pay equity and racial discrimination seriously, and not just rhetorically and theoretically, are taking action. There was a report on 60 Minutes last Sunday where a CEO named Marc Benioff of Salesforce, a Corporation with \$10 billion in revenue annually, had an earnest desire to achieve pay equity in his company. He gathered the data and did an audit of his company to see if there was a persistent pay gap between women and men doing the same job. Guess what? The audit consistently showed through all departments that there was a wage and pay gap for women vs men. If a multi-billion dollar corporation is willing to do this to achieve pay equity, then shouldn't the supposed most progressive City in the United States be willing to do the same?

Mayor Bill de Blasio pledged in his first State of the City address of his second term to enact policies to make New York City the “fairest big city in America.” So, what’s taking so long?

TIME’S UP - use Intro 633 to make that happen.

Last year Mayor de Blasio said that it is QUOTE “unacceptable that we’re still fighting for equal pay for equal work. The simple fact is that women and people of color are frequently paid less for the same work as their white, male counterparts.”

TIME’S UP - use Intro 633 to make that happen.

As the bill exists now, we must make some changes to achieve the goals in the original proposal:

1. Establish a Pay and Equity Commission that shall be under the jurisdiction of the Council’s Committee on Governmental Operations
2. Provide information as set forth in Intro 633 to the Council, the Public Advocate, and the Mayor on matters of pay equity.

3. Review and analyze this list in order to eliminate gaps in pay and job inequities
4. Recommend legislative, regulatory, and other changes to agency policies to address issues associated with pay and employment equity

The Public Advocate's report published in March of this year regarding pay inequities in New York City's Mayoral agencies is further proof that we need a change.

Honorable Chairs Miller and Eugene, TIME'S UP.

We need to make this change NOW. Thank you for your time.