



COMMUNIQUE

UNION SETTLES WITH CITY ON EEO CASE

By Marci Rosenblum, Local 1180 Communications Director

For years, women and minorities in New York City have been paid significantly less than their white, male counterparts. CWA Local 1180 members are well aware of this problem and know that the Union has been fighting an uphill battle to get remuneration for those Administrative Managers who have been shortchanged in their salaries. Even the Equal Employment Opportunity Commission (EEOC) sided with the Union in finding that there was reasonable cause to determine that discrimination had occurred.

The battle has been a long one, starting back in December 2013 when Local 1180 filed a claim on behalf of its 800 Administrative Managers, alleging that the City had engaged in discriminatory pay practices and was underpaying these workers. A year and a half later, in April 2015, the EEOC found in favor of Local 1180 and invited the City to engage in conciliation to remedy the injustice. The City refused and the matter was referred to the U.S. Department of Justice (DOJ).

In order to cover all bases and make sure members did not forfeit any of their rights to remuneration down the road, Local 1180 also brought suit in New York State Court, first to compel the City to turn over necessary data that would prove these unfair pay practices, and then, along with five representative plaintiffs, to recover damages through a class action under state and city human rights laws.

Local 1180 President Arthur Cheliotos said the Union attempted to negotiate with the City on behalf of the Administrative Managers to settle the matter in an effort to avoid protracted litigation that could last years. On April 4, 2017, parties came up with the broad strokes outlining what they hoped would be a settlement agreement. This occurred only after exhaustive legal effort and substantial attempts by the Union that lasted almost four years. In fact, only hours before hundreds of 1180 members began filing to City Hall for the annual Pay Equity Day press conference sponsored by PowHer New York, to continue its efforts to bring awareness to this issue, Cheliotos received a call from Mayor Bill de Blasio reassuring him that his administration was willing to settle with the terms the Union had negotiated.

Local 1180 Counsel Yetta Kurland advised the Court that the City and Union had in fact agreed to the basic terms of a settlement. She asked that the matter be sent to a magistrate to expedite final settlement

terms and memorialize the settlement in a stipulation that could be so ordered by the Court.

“There are a lot of legalities here that still need to be dealt with,” Cheliotos said. “Since the DOJ issued its right to sue to the Union, we now have to include our Title VII claims in the action. Our hope is that the City will continue to cooperate to quickly to submit to the Court a stipulation with the terms of our memorandum of understanding.”

Kurland, who along with Cheliotos testified before the City Council recently, said, “As an employer, the City has had a troubled history regarding its pay practices toward women and employees of color. To be sure, this problem did not begin with the current administration, but if not properly addressed it will become worse, causing severe hardship to City workers and exposing the City to additional liability for breach of its obligations under both federal and state laws.

“To put a human face on this, our clients, predominantly women of color, often tell stories of having worked for the City for 20 or 30 years, reaching the top position in their fields, but still not making enough money to survive, worrying each month about whether they are going to make rent, be able to provide educational opportunities for their children, or borrow from their pension to put food on their table.”

Kurland said that the Union analyzed the pay practices for Administrative Managers and found that after adjusting for all variables other than race and gender, including time in title and time working for the City, that in 2015 women of color made approximately \$14,000 less annually than their white, male counterparts doing the same job. When the Union looked at similar job titles where there were significantly more male and white employees, it was discovered that white men made approximately \$30,000 annually more than these women of color.

“This has been a long journey for Administrative Managers,” Cheliotos said. “The first step came with organizing and joining the Union. After joining, the Union demanded data from the Bloomberg Administration and went to court to get a New York State judge to force the City to turn it over. We did the research, retained experts and attorneys, and filed a complaint with the Federal EEOC in 2013.

“In April 2015, the EEOC found previous City administrations had discriminated against women and people of color working as Administra-

tive Managers by paying them far less than their white, male predecessors. The EEOC referred the case to the DOJ for court action. Reaching a settlement with the City, however, means that our members will not have to wait for years of litigation in federal court. Our members have earned the right to be paid fairly and equitably for the important work they do making New York work for all New Yorkers," Cheliotas said.

Kurland said that CWA Local 1180's fight is not just for their own members, but for other City workers facing similar situations.

"Not only has the Union worked to improve the quality of life for its own members, but also has been actively involved with, and taken a leadership role in, creating legislation to stop this practice from happening to other City workers," she said.

Cheliotas said the Union has had the tremendous support of numerous City government officials like Public Advocate Letitia James who filed an amicus brief with the Court on behalf of Local 1180 demanding that the requested EEO data be released.

"Everyone deserves to be fairly compensated for their work, which is why I strongly supported CWA 1180's case against the City alleging that it had engaged in discriminatory pay practices against women and people of color. I also introduced legislation banning New York City employers from inquiring about the salary history of job seekers, which was enacted into law in May. It is only by standing together and demanding fairness for all workers that wage equity can be achieved. I am proud to stand with CWA 1180 to help ensure that all New York City workers, regardless of their gender, race, or ethnicity, receive equal pay for their work. Delivering on the promise of economic justice makes our City better," James said.

City Councilwoman Helen Rosenthal, who joined Local 1180 on the steps of City Hall for the April rally, agrees.

"It was great to hear the cheers of your workers upon learning that their work is valued as it should be. And, as you said, equal pay must be codi-

fied to ensure that women who work for the city are consistently paid at the same rate paid to men," Rosenthal said.

This settlement also will allow the Union's work to continue with long-standing programs to help members earn college degrees, and gain the skills and knowledge they need to be effective and productive City workers. "Local 1180 members are bright and talented, and score well on civil service tests; our struggle to advance their careers continues. Just one day after rallying for wage equality on Equal Pay Day, the Union is making new strides in closing the gender wage and opportunity gap," Cheliotas said.

Cheliotas said NYC Council Member Laurie Cumbo also has supported Local 1180 and other City workers in the fight for pay justice by introducing ground-breaking legislation that would require gender wage data for the public sector and City contractors to be made available and transparent to the public.

"Without first identifying where wage inequality exists, we cannot hope to successfully and adequately work to eliminate gender wage disparities. Transparency in wage data is the only way we will be able to engage in proactive solutions to correct the injustice women in both the public and private sector face and hold employers accountable for discriminatory patterns of wage suppression. Council Member Cumbo's legislation will be the first step in addressing discrimination and inequality in the workplace for public and private sector employees," Cheliotas said.

This legislation was introduced on April 5 at a meeting of the City Council, and if passed will give all women and minorities working in City government or for City contractors the information they need to pursue pay equity. It also will provide City Managers with the information they need to introduce programs that will end pay inequality.

"We have reached an important milestone in our Journey to Justice for our Administrative Managers and all who will become Administrative Managers in the future," Cheliotas said.