



COMMUNIQUE

FINALLY

A LEVEL PAYING FIELD UNION & CITY SETTLE EEO CASE

By Marci Rosenblum, Communications Director

For two years, the City of New York and the Communications Workers of America Local 1180 have worked to settle claims to compensate members who were paid unfairly based on their gender and race. A stipulation of settlement has finally been signed between parties to settle the litigation.

CWA Local 1180 President Gloria Middleton said that close to 1,600 Administrative Managers — mostly women and minorities represented by the Union — were found by the Equal Employment Opportunity Commission (EEOC) to have been paid less than their white, male counterparts, after the Union filed a complaint in 2013 during the Bloomberg administration.

“Our journey for justice just took a big step forward, and our Administrative Managers, who have stood with the Union during this long fight, will finally get the recognition and restitution they deserve. Our members have served for decades, delivering important public services without the recognition or compensation they were and are entitled to. The fact that someone is female, or black, or Hispanic should make no difference in what they get paid. This case was about equal pay for equal work. We are proud to have represented our members in helping to achieve this important victory in the battle for pay equality,” Middleton said.

The Union and the City, along with the Representative Plaintiffs, have spent the past two years in settlement efforts with the help of the Court’s Magistrate Judge, and parties have recently hashed out the final details that brought about the settlement agreement. With all legal i’s dotted and the t’s crossed on the stipulation of settlement, Middleton said the parties will jointly submit to the Court a motion for approval of the settlement, which is set to give approximately \$5.5 million in back pay, \$5.5 million in annuity payments, additional retroactive pay estimated at approximately \$4 million, and pay increases for members. Additionally, the settlement will include a host of equitable reforms meant to ensure equal pay practices moving forward, including an oversight committee to ensure non-discriminatory pay practices, and annual disclosure of pay data tied to race and gender along the lines of legislation the City Council passed late last year and became law on January 20, 2019.

“The Kurland Group is proud to have represented CWA 1180 in this groundbreaking case. But we could not have done this work without the brave women who put themselves out as the representative plaintiffs,

the fearless leadership of 1180’s President, Gloria Middleton, and the vision of her predecessor Arthur Cheliotos. All who care about pay equity owe a huge debt of gratitude to these pioneers. Our clients were able to negotiate a settlement that not only put money in the hands of their members, but also set the path to remedying pay inequity in the City at large. I am moved by the sacrifices these union members have made for the good of all municipal workers. I hope one day we can look back at this victory as the first step in a journey that put an end to discriminatory pay practices in the City of New York,” said Attorney Yetta Kurland.

In December 2013, Local 1180 filed a complaint with the EEOC alleging that New York City was discriminating against Administrative Managers based upon sex, gender, and race in violation of Title VII of the Civil Rights Act of 1964 and the Equal Pay Act of 1963. The Union hired a statistician who, after adjusting for variables such as time in title and time working for the City, found that female Administrative Managers of color were making almost \$16,000 less than their white male counterparts. Middleton said that equates to approximately \$.69 to the dollar. On November 19, 2014, Local 1180 was forced to file yet another complaint based on the City’s failure to properly maintain records necessary to investigate and prevent unlawful employment practices in compliance with federal law.

On April 1, 2015, the EEOC issued determinations in Local 1180’s favor, finding there was reasonable cause to believe that New York City had engaged in discriminatory pay practices toward Administrative Managers. In addition to recommending that the minimum salary of Administrative Managers be raised, the Commission called for the City to take steps to ensure discrimination did not continue.

Some of these measures include mandatory exams every four years at a minimum, ensuring opportunities for promotion; better oversight and record keeping to monitor any future inequities; and better efforts to inform employees of chances to advance their careers.

“To say this was a long time in coming would be an understatement,” Middleton said. “The Union has been fighting an uphill battle to get remuneration for those Administrative Managers who have been shortchanged in their salaries. However, we are glad to say we were able to work with the City to help bring our journey a major step closer to closure. For years, Local 1180’s members have continued to deliver important public services without the recognition or compensation they deserve. That will now be coming to an end.”

Throughout the process, Local 1180 has held several meetings with Administrative Managers, kept members updated on the Union's website and social media outlets, and has published several stories in the *Communique*.

"We have crossed one extremely important hurdle toward the road to justice for our Administrative Managers," Middleton said. "However, there are so many steps in the court process that now must be adhered to. Our attorney has already put them into motion so we can get to the finish line as quickly as possible."

Local 1180 will be holding another meeting with Administrative Managers toward the end of April, beginning of May, to inform everyone of the specifics, distribute documents, and have Administrative Managers sign the required notice documents. Those who do not attend the meeting will receive the documents in the mail. In order to ensure all settlement proceeds go to the benefit of the members, **90%** of 1,600 class members must sign and return the settlement documents. As soon as preliminary approval from the court has been issued, pertinent notice documents will be disseminated to those members involved.

Middleton said that while the Union is going to move the process along as expeditiously as possible, the length of the judicial process is not in Local 1180's control. Therefore, she said, members should not expect to see any payout before the end of the year.

"We know this has been a frustratingly long process," she said. "Every time we thought we were finished, we weren't. I would be remiss if I did not give a huge shout out to all our Administrative Managers who have stood by the Union and supported us in this long and tedious

fight to equity. Due to your encouragement and determination to see this through to the end, we can proudly say that we have done our due diligence and our Administrative Managers will finally get what they deserve and have worked so hard for."

As Kurland spoke about several years ago when addressing the City Council at a special hearing, "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."

Middleton 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. We have actually changed the course for the future to make sure that all new hires will not have to fight the same battles we did. Steps are in place to make sure of that. One of the most momentous days will be when our members receive their back pay and we have closed this case for good. We can all be proud of the work we have done together to get here," she said. ■