

Gov. Cuomo Announces Equal Pay Executive Orders at NYC State of the State

Governor Andrew Cuomo recently announced two Executive Orders addressing equal pay. The first bans the use of salary history in hiring practices for state employees, and the second requires NYS contractors to report equal pay data.

We applaud the Governor's swift action as we start 2017. On Friday, PowHerNY released [a Call to Action](#) signed by 120 organizations urging all elected officials to prioritize women's equality this legislative season. Governor Cuomo certainly kicked off the year and we will work for continued gains in the months ahead.

What the Executive Orders Include:

[Executive Order 161](#)

Executive Order No. 161 prohibits state entities from asking the salary history of prospective employees. As companies tend to base salary offers on a candidate's prior salary history, this measure will break the cycle of unfair compensation so that individuals, primarily women and minorities, are not disadvantaged throughout the course of their entire career. A candidate for employment at any state entity does not have to provide his or her current compensation, or any prior compensation history, until he or she is extended a conditional offer of employment with compensation. Once a conditional offer has been extended, a state entity may then request and verify compensation information. If a state entity is already in possession of an applicant's prior compensation, the information may not be relied upon in determining the prospective employee's salary, unless required by law or collective bargaining agreement. The Governor's Office of Employee Relations will monitor and oversee this process and train relevant human resources staff from state entities on the requirements of the new measure.

[Executive Order 162](#)

Executive Order No. 162 requires all state contractors to disclose data on the gender, race, ethnicity, job title, and salary of all its employees in all state contracts, agreements, and procurements issued and executed on or after June 1, 2017. Contracts and procurements issued on or after that date must include a provision identifying this additional requirement. Additionally, subcontractors must also provide the same information for their employees. This information will be reported to state agencies and authorities on a quarterly basis for prime contracts having a value in excess of \$25,000, except for prime construction contracts having a value in excess of \$100,000, which

shall be reported on a monthly basis. This will leverage taxpayer dollars to drive transparency and progress toward wage equity.

Source: [Governor Cuomo Presents the 12th Proposal of the 2017 State of the State Agenda: Launching the “New York Promise” Agenda to Advance Social Justice and Affirm New York’s Progressive Values](#), January 9, 2017.