



State of New York

Executive Chamber

No. 162

EXECUTIVE ORDER

ENSURING PAY EQUITY BY STATE CONTRACTORS

WHEREAS, State law requires employers to provide equal employment opportunities to all workers and expressly prohibits employers from discriminating against employees or job applicants on the basis of race, creed, color, national origin, sex, age, disability or marital status;

WHEREAS, State law further provides that women must be paid the same salaries as men for performing the same work;

WHEREAS, the State of New York spends billions of dollars annually in contracts with vendors throughout the state who retain thousands of employees each year;

WHEREAS, Article 15-A of the Executive Law, requires government contractors to report on the composition of the workforce used in the performance of State contracts for services, commodities, and construction;

WHEREAS, the data produced by contractors pursuant to Article 15-A of the Executive Law does not specifically include salary information for contracted employees and as a result cannot be used for identifying inequities in salary payments;

WHEREAS, federal data shows that women are currently still paid less than men for performing similar work and racial and ethnic minorities are paid less than their counterparts for performing similar work;

WHEREAS, State government has a responsibility to lead and ensure that this pattern of discriminatory wage practices is confronted and addressed and does not perpetuate in New York State; and

WHEREAS, the collection of additional information related to the compensation of individuals performing work on State contracts is critical to ensure that workers are being provided equal opportunities to work on State contracts and are being paid similarly for performing the same work.

NOW, THEREFORE, I, ANDREW M. CUOMO, Governor of the State of New York, by virtue of the authority vested in me by the Constitution and laws of the State of New York do hereby order as follows:

A. Definitions

1. As used herein, the following terms shall have the same meanings as are set forth in Section 310 of the Executive Law: "Contractor," "State agency," "State authority," and "State contract."

2. "Subcontract" shall mean any agreement between a prime contractor on a State contract and any entity providing goods to, or performing services for, such prime contractor in connection with such state contract.

B. Agency and Authority Responsibilities

1. State agencies and authorities shall include a provision in all State contracts, agreements, and procurements issued and executed on or after June 1, 2017 requiring contractors to agree to include detailed workforce utilization reports to include, in addition to the equal employment opportunity information, as is currently required to be included in such reports, the job title and salary of each employee of a contractor performing work on a State contract, or of each employee in the contractor's entire workforce if the contractor cannot identify the individuals working directly on a State contract.
2. In addition, State agencies and authorities shall include a provision in all State contracts, agreements, and procurements issued and executed on or after June 1, 2017 imposing the same requirement on all subcontractors for their employees.
3. Such information shall be reported to State agencies and authorities on a quarterly basis for all 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 report on a monthly basis.
4. Such information shall be reported in such form and in such manner as shall be required by the New York State Department of Economic Development which will be reported to all agencies and authorities by June 1, 2017.

GIVEN under my hand and the Privy Seal of the
State in the City of Albany this ninth
day of January in the year two thousand
seventeen.



BY THE GOVERNOR

William J. Mahoney
Secretary to the Governor