

# **SUSPENSION**

## **A RESOLUTION TO BE SUBMITTED BY LEGISLATORS SAVAGE, GRANT, MILLER-WILLIAMS, BURKE & LOUGHRAN**

### **RE: Supporting Executive Order Concerning Pay Equity Certification on County Contracts**

WHEREAS, on October 28, 2014, County Executive Mark C. Poloncarz issued Executive Order #13, titled "Pay Equity Certification on County Contracts," that effective January 1, 2015, will mandate that "all Erie County offices, departments and administrative units, including but not limited to the Division of Purchase, fully implement a requirement in all bids, requests for proposals and other contract solicitations that the contractor submit an Erie County Equal Pay Certification which certifies the contractor's compliance with Federal Equal Pay Law and New York State Equal Pay Law;" and

WHEREAS, this undertaking represents sound public policy for Erie County, is laudable because it advances a just endeavor in working to guarantee pay equality, and most importantly, the County Executive's order justifiably enforces what is already the law of the land; and

WHEREAS, indeed, the Equal Pay Act of 1963, together with the Civil Rights Act of 1964 (Title VII) at the Federal level, coupled with Equal Pay Law at the State level, correctly outlaw the onerous and inequitable act of bias in workplace wages where the jobs of men and women are similar and comparative, have equivalent qualifications and hiring requirements, and demonstrate equal skill sets and responsibilities; yet even with the enactment of these laws, wages for women remain strikingly lower than wages for men, as stated in the executive order; and

WHEREAS, studies have clearly shown the difficulties that remain in enforcement of equal pay laws, which clearly call for forward-thinking remedies like the issuance of this executive order; and sadly, the results of pay inequity have been significant for women – and are a societal shortcoming across the Country and in every State – in terms of buying power for women, who on average, are paid at about 77% of their male counterparts, impacts social mobility and housing and forces far too many women to remain in poverty, affects overall levels of health when wages are limited, negatively affects psychology and social interactions, and have myriad and insidious effects on the children of women, among other consequences of workplace wage inequity; and

WHEREAS, this executive order is sensible and reasonable, it is not time-consuming nor cumbersome, it expects a straightforward certification and uncomplicated verification – it is a measured system that should not take a significant amount of time to follow in order to do business with Erie County; and the positive resulting benefits from this executive order for women and their families are significant and will reverse a decades-old scheme that is hurtful and proven to be unjust; and this executive order’s enactment is also a reaffirmation, and an acknowledgement, of Erie County government’s commitment to workplace equality; and

WHEREAS, this Legislative Body has a positive history of standing up for women, has unanimously called for strong action to enforce pay equity laws on a number of occasions, and the Erie County Legislature has always stood for the rule of law; and

WHEREAS, on May 3, 2007 this Legislature unanimously approved INTRO 9-8 in support of the NYS Fair Pay Act, highlighting the *“consequences of inequitable pay differentials,”* with the end result of pay inequality being that workers continue to be *“undervalued and have been paid less than comparable jobs with the same level of skill and responsibility;”* and on April 24, 2008 this Body unanimously approved INTRO 8-1, which declared: *“equal pay for an individual’s talent, experience, education or contribution is an ideal of American Democracy that must be attained without wage discrimination of any circumstance;”* and this Honorable Body has also memorialized Women’s Pay Equity Day which is commemorated in the month of April of each year; and

WHEREAS, the issuance of Executive Order #13 represents a common sense approach – and one that appropriately enforces what already is law and implements a verification process – as well as sending a clear message about equity and propriety; and the executive order formally incorporates into Erie County government policy what is right, correct and just.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature goes on record in full support of Executive Order #13, “Pay Equity Certification on County Contracts,” promulgated by County Executive Mark C. Poloncarz that aims to remedy workplace wage inequity and bias, and thus, reverse wage differentials that disproportionately and negatively affect women; and be it further

RESOLVED, that this Honorable Body further requests from the administration, and specifically from the director of the Office of Equal Employment Opportunity, periodic status updates concerning the planning, implementation, and measured outcomes of this executive order; and be it further

RESOLVED, that the Clerk of the Legislature forward certified copies of this resolution to the Erie County Executive, the Honorable Mark C. Poloncarz; the Office of Equal Employment Opportunity, Mr. Jesse L. Burnette, Director; the NYS Association of Counties, Mr. Stephen J. Acquario, Executive Director (540 Broadway, Albany, NY 12207); to the WNY Delegation to the New York State Legislature; and to any individual or organization deemed appropriate.

Fiscal Impact: None for Resolution.

