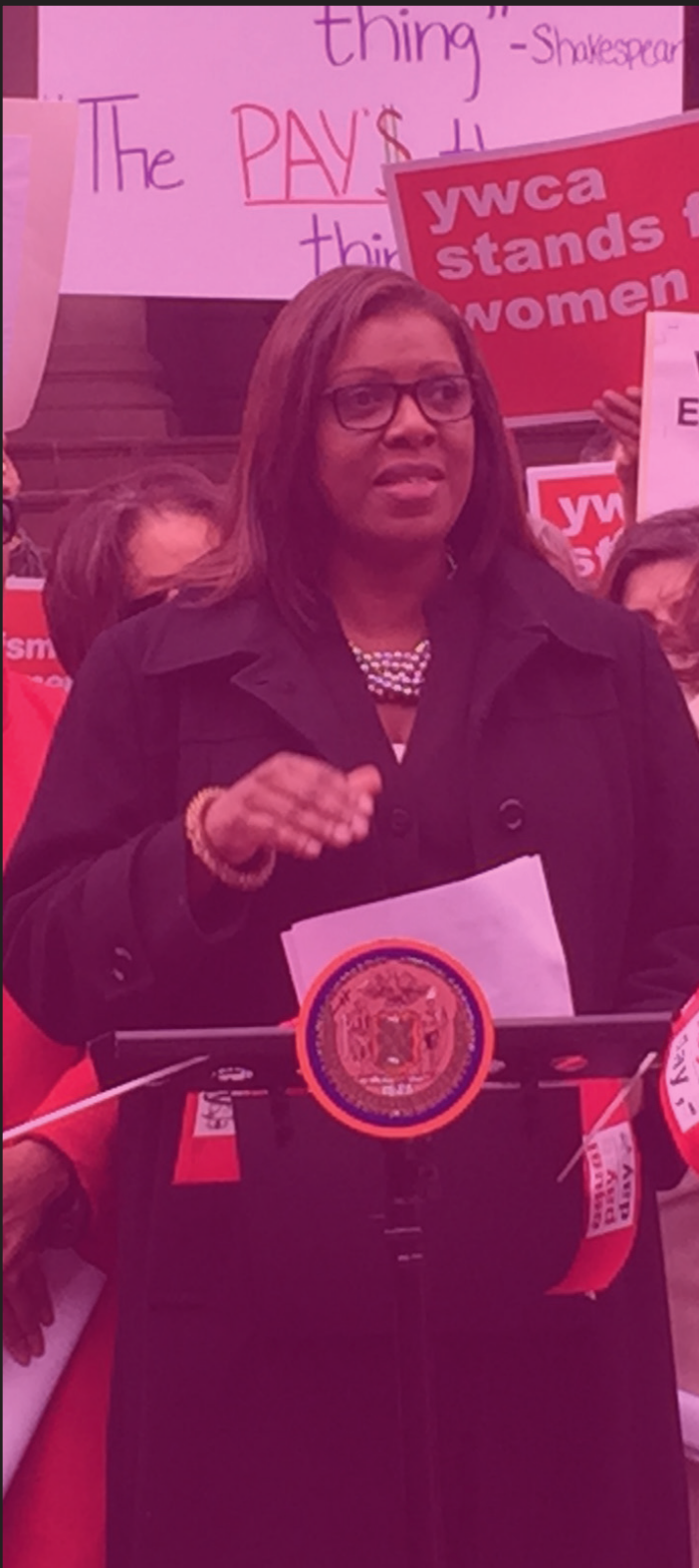


THE PUBLIC ADVOCATE FOR THE CITY OF NEW YORK

Letitia James



POLICY REPORT: ADVANCING PAY EQUITY IN NEW YORK CITY

**An analysis of the gender
wage gap in New York City's
workforce**

New York City Public Advocate
Letitia James

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EXECUTIVE SUMMARY

Over the past several decades, women have made enormous strides advancing in the workforce. Nationally, working mothers are now the single or primary source of income in 40 percent of American households with children.¹ In New York City, women form the backbone of the city's economic growth, making up nearly half of the labor force.² Forty percent of New York City's businesses are also now owned by women.³

Despite these significant gains, women continue to face many barriers in achieving pay equity, earning less on average than their male counterparts in the workforce. A woman in New York State working full-time makes about 87 cents for every dollar a man earns, or a difference of \$6,778 in median annual income.⁴ Altogether, women in New York State earn about \$19.6 billion in wages less than men each year.⁵ The gender wage gap not only affects women but all members of their communities, including the men, children, and families who depend on the important economic contributions of women.

Using American Community Survey data from the U.S. Census Bureau and additional resources, this policy report analyzes the gender wage gap in New York City, broken down by race, educational attainment, and sectors. Our analysis reveals the following key findings about the gender wage gap in New York City:

- Altogether, women in New York City earn about \$5.8 billion less than men in wages each year.⁶
- Women of color are disproportionately hurt by the gender wage gap, with Hispanic, Black or African American, and Asian women experiencing a 54, 45, and 37 percent wage gap (respectively) relative to white men in New York City. This racial disparity is significantly larger in New York City compared to the rest of the country.⁷
- Even among women with a college or post-graduate degree in New York City, the gender wage gap persists at 16 percent and 20 percent, respectively.⁸
- In the health care and social services sector, which employs nearly 481,000 women in New York City, the gender wage gap is 22 percent.⁹
- Women employed in New York City's municipal government face a gender wage gap that is three times larger (18 percent) than the gap experienced by women working in the private for-profit sector (six percent).¹⁰

New York City's wages and policies have failed to keep pace with women's advancement in the workforce. To remove the barriers that women face in achieving pay equity, there is much that the City can do to ensure equality. The Office of the Public Advocate recommends the following policies targeted at the public and private workforce:

- The City should assess and address the gender pay gap in the municipal workforce by creating an Equitable Pay and Opportunity Task Force to collect and analyze disaggregated pay and promotion data and conduct a search for the root causes of lack of pay and employment equity for women employed by the City of New York. The task force should provide concrete, evidence-based recommendations to the Mayor and City Council to eliminate the pay gap and improve the status of women in municipal government. The study must include both a comparable worth analysis of job titles and a regression analysis of pay and promotion rates within and across titles.



- Encourage City contractors to disclose wage information about their employees. This is an important step towards encouraging pay equity beyond the municipal workforce.
- The Mayor should issue an executive order prohibiting City agencies from asking for previous salary information of job applicants, and ensure that agencies provide a salary range to applicants in job announcements and advertisements.
- Urge private employers to discontinue requesting previous salary information from applicants to ensure a fair playing field for women in the workforce.
- Advance family-friendly workplace policies that support working parents such as flexible work arrangements.

These important proposals will advance equitable pay and opportunity for all women, helping to ensure the greater success of families and communities citywide.

WOMEN, FAMILIES, AND THE ECONOMY

Women drive New York City's economy and growth. Together, women make up 52 percent (or 4.4 million individuals) of the city's total population and they represent roughly 49 percent of the city's total labor force.¹¹ Between 2002 and 2012, women-owned businesses increased drastically, and now make up 40 percent of all businesses in New York City.¹² Although the City has increased its efforts to reverse policies that adversely affected Minority and Women-owned Businesses (M/WBEs) and foster greater contracting opportunities for M/WBEs, these entrepreneurs continue to struggle for available opportunities. Despite the increasing presence of women-owned businesses, only 5.3 percent of the City's \$13.8 billion procurement budget in Fiscal Year 2015 went to M/WBEs.¹³

In 2015, Public Advocate Letitia James, in conjunction with Mayor Bill de Blasio, worked to ensure that M/WBEs have a greater role in city housing and economic development projects related to the citywide housing plan. The City announced a new \$10 million predevelopment fund to help emerging businesses secure financing to purchase land and get projects underway, and an additional \$10 million fund to help businesses secure the bonds they need in order to qualify for City projects.¹⁴ To improve the status quo, the City needs to further reduce unnecessary barriers and ensure greater opportunities for M/WBEs.

Increased participation of women within the workforce has also shifted family dynamics dramatically. Mothers are now the single or primary source of income in 40 percent of American households with children, and one-in-five fathers today are primary caregivers.¹⁵ Yet across the country and within New York City, the wage gap remains stubbornly in place and policies have failed to keep pace with women's changing role in society. A woman in New York State working full-time makes about 87 cents for every dollar a man earns, or a difference of \$6,778 in median annual income.¹⁶

Altogether, women in New York State lose about \$19.6 billion in wages each year as a result of the wage gap.¹⁷

The persistent wage gap undermines women's progress in the workforce and has far-reaching consequences for all communities, including men, children, and families. Research consistently shows that women continue to face many barriers in achieving pay equity, earning less on average than their male counterparts. For example, the common practice of employers' use of prior salary history to determine employee pay perpetuates the existing wage inequities women face, and women who may have left the job market due to family responsibilities would have an unfair playing field even before being hired. To address the detrimental effects of this practice, California and Massachusetts have introduced legislation that prohibit employers from seeking the salary histories of job candidates.¹⁸

This report examines the gender wage gap in New York City's labor force and its impact on various groups, and provides key policy recommendations to advance equitable pay and opportunity for women in the workplace.



THE GENDER WAGE GAP IN NEW YORK CITY'S WORKFORCE

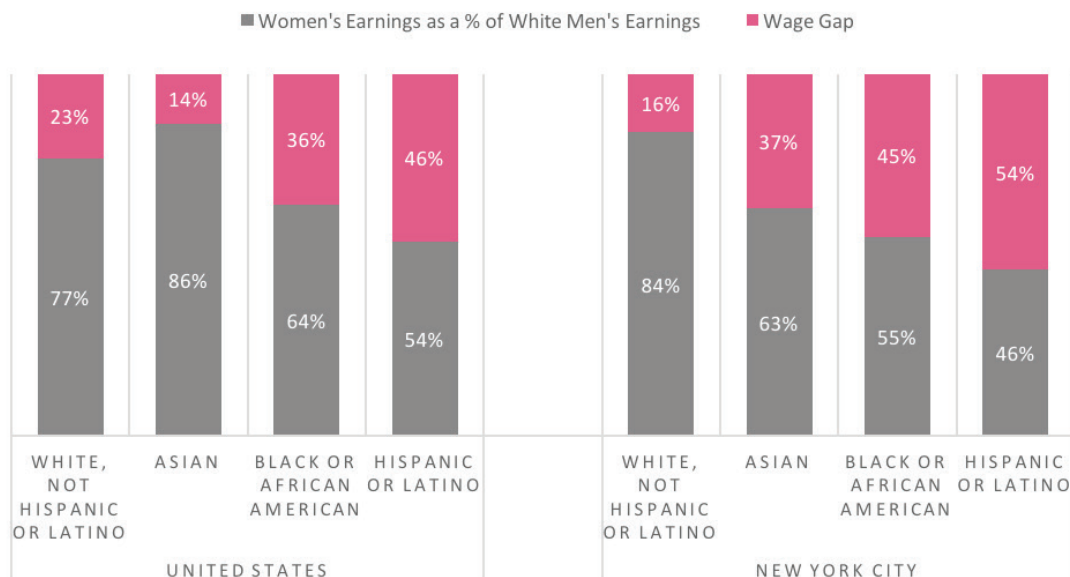
The gender wage gap not only affects women but all members of their communities, including the men, children, and families who depend on the important economic contributions of women. As a result of the wage gap, women in New York City earn about \$5.8 billion in wages less than men each year.¹⁹

The wage gap disproportionately affects women of color, and this racial disparity is greater in New York City compared to the rest of the country (see Figure 1).

For example, a white woman working full-time in New York City earns 84 cents for every dollar a white man earns.²⁰ The wage gap between minority women and white men in New York City is significantly larger:²¹

- A Hispanic woman working full-time earns 46 cents for every dollar a white man earns, a 54 percent wage gap. This wage gap is about eight percentage points larger in New York City compared to the wage gap experienced by Hispanic women at the national level.
- A Black or African American woman working full-time earns 55 cents for every dollar a white man earns, a 45 percent wage gap. This wage gap is about nine percentage points larger in New York City compared to the wage gap experienced by Black or African American women nationally.
- An Asian woman working full-time earns 63 cents for every dollar a white man earns, a 37 percent wage gap. This wage gap is about 23 percentage points larger in New York City compared to the wage gap experienced by Asian women at the national level.

FIGURE 1: MINORITY WOMEN'S MEDIAN ANNUAL EARNINGS BY RACE AS A % OF WHITE MEN'S EARNINGS (U.S. VS. NEW YORK CITY)



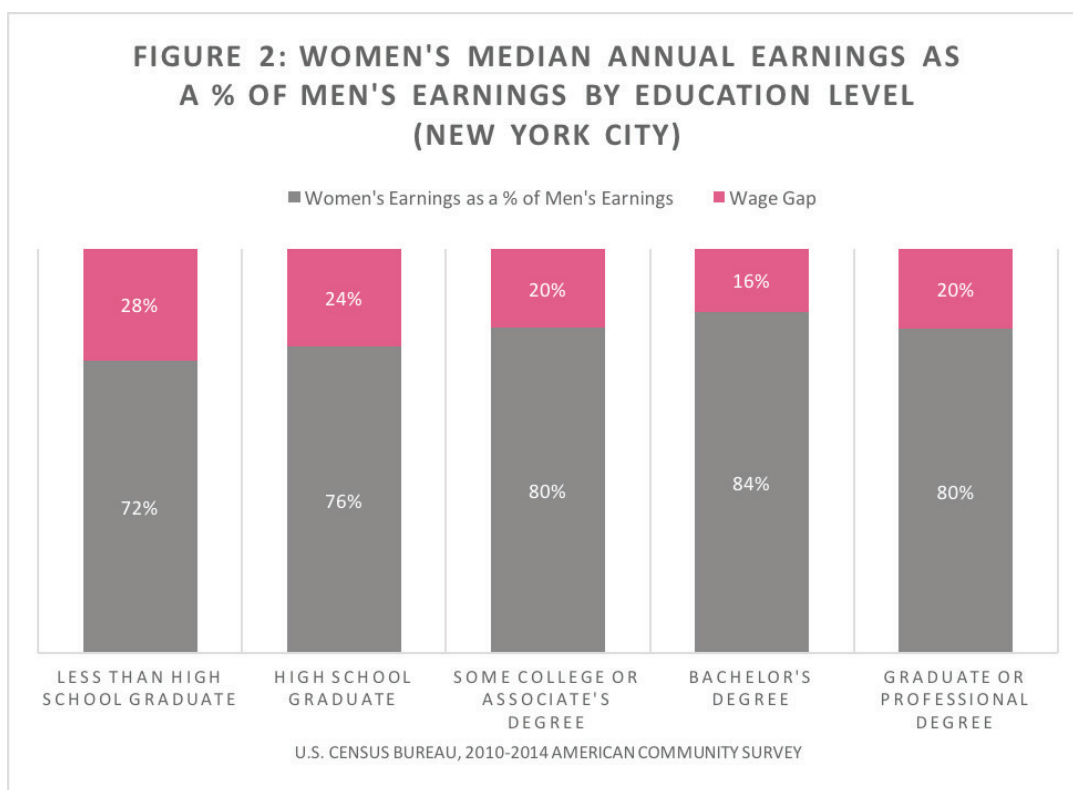
SOURCE: U.S. CENSUS BUREAU, 2010-2014 AMERICAN COMMUNITY SURVEY

An Analysis of the Gender Wage Gap in New York City's Workforce

To put it another way, there is a \$40,439 and \$33,671 gap in median annual earnings for Hispanic and Black or African American women (respectively) relative to white men in New York City.²² The wage gap experienced by minority women undermines their economic security and exacerbates growing economic inequalities endured by communities of color across New York City. While African Americans and Hispanics together make up more than half of the city's population,²³ they are significantly more likely than whites to live in poverty.²⁴

Even as women achieve educational success, they are not fairly compensated compared to their male counterparts.

Girls in New York City's public schools are also more academically successful than ever, outpacing boys in high school completion rates by 11 percentage points.²⁵ Additionally, about 35.9 percent of New York City's population ages 25 and older—or 2.1 million individuals—have a college degree or higher.²⁶ Among women in New York City with a college degree, there remains a 16 percent wage gap with their male counterparts (see **Figure 2**). Between women and men with a graduate or professional degree, there is an even larger wage gap of 20 percent. Given that the wage gap between men and women with only a high school diploma is 24 percent, the data suggests that having a college or post-graduate degree has only modest effects on closing the wage gap for women.²⁹





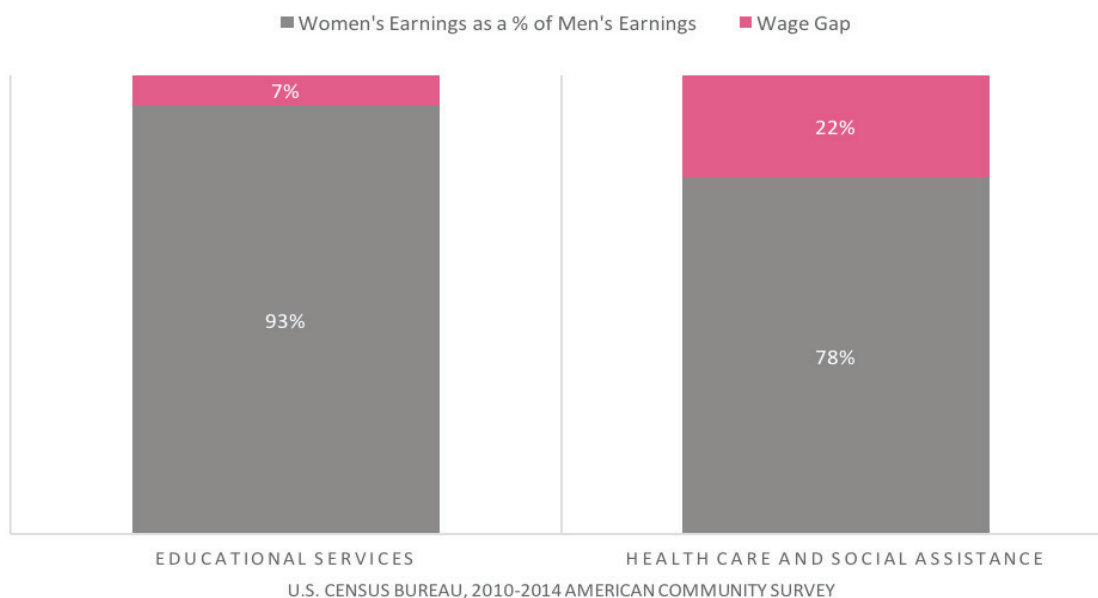
The wage gap disproportionately affects women who are older.

Nationally, the gap between what men and women earn widens as they get older, resulting in a larger wage gap experienced by working women over the age of 54 compared to the wage gap experienced by younger women.³⁰ This age amplification of the wage gap has serious implications for New York City's aging population (residents age 65 and older), which is projected to increase significantly to 1.3 million individuals by 2030.³¹ The wage gap not only threatens women's economic security today, but also their chances for a secure retirement tomorrow.

The wage gap remains staggeringly high within New York City's job sectors where women are most concentrated.

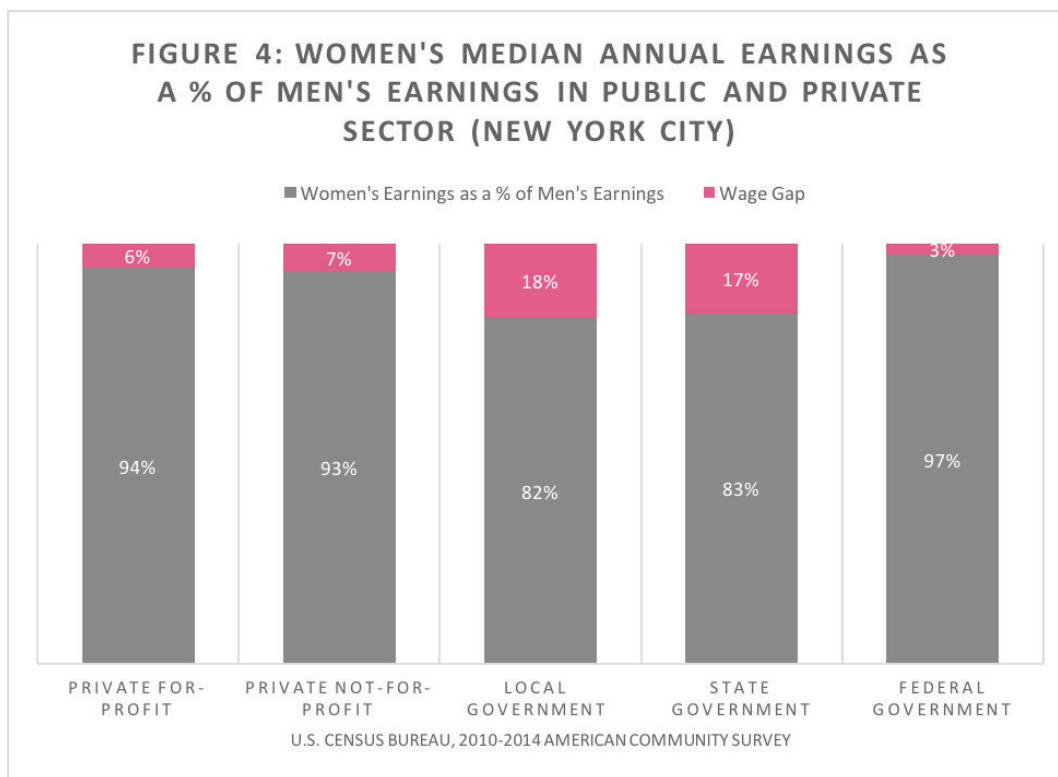
Two in five employed women in New York City are employed in the educational services sector (e.g., teachers) and the healthcare and social assistance sector (e.g., home health aides); together, women make up the majority share of employment in these sectors.³² Despite their significant representation in these sectors, pay inequity persists for women (see **Figure 3**), with the largest wage gap among jobs in the health care and social assistance sector, where women employed full-time earn 78 cents for every dollar their male counterparts earn (a 22 percent wage gap).³³

FIGURE 3: WOMEN'S MEDIAN ANNUAL EARNINGS AS A % OF MEN'S EARNINGS BY TOP SECTORS (NEW YORK CITY)



New York City's private for-profit sector is well ahead of municipal and state governments in closing the wage gap.

Although women make up about 55 percent of the City's municipal workforce, they continue to experience significant challenges in achieving pay equity (see **Figure 4**).³⁴ For example, women employed full-time in New York City's municipal government face a gender wage gap that is three times larger (18 percent) than the gap that is experienced by women working full-time in the private for-profit sector (six percent).³⁵ In the federal government the wage gap is much smaller – only three percent.³⁶ Women employed in New York State government also experience a large wage gap (17 percent).





PERSISTENT INEQUITY IN PAY AND OPPORTUNITY IN THE MUNICIPAL WORKFORCE

Compensation within New York City's municipal government is determined by a fixed civil service pay scale. Despite the fixed pay scale, women employed by the City of New York continue to face significant barriers to equitable pay and opportunity, indicating that prevailing workplace policies and practices in municipal government remain biased against women.

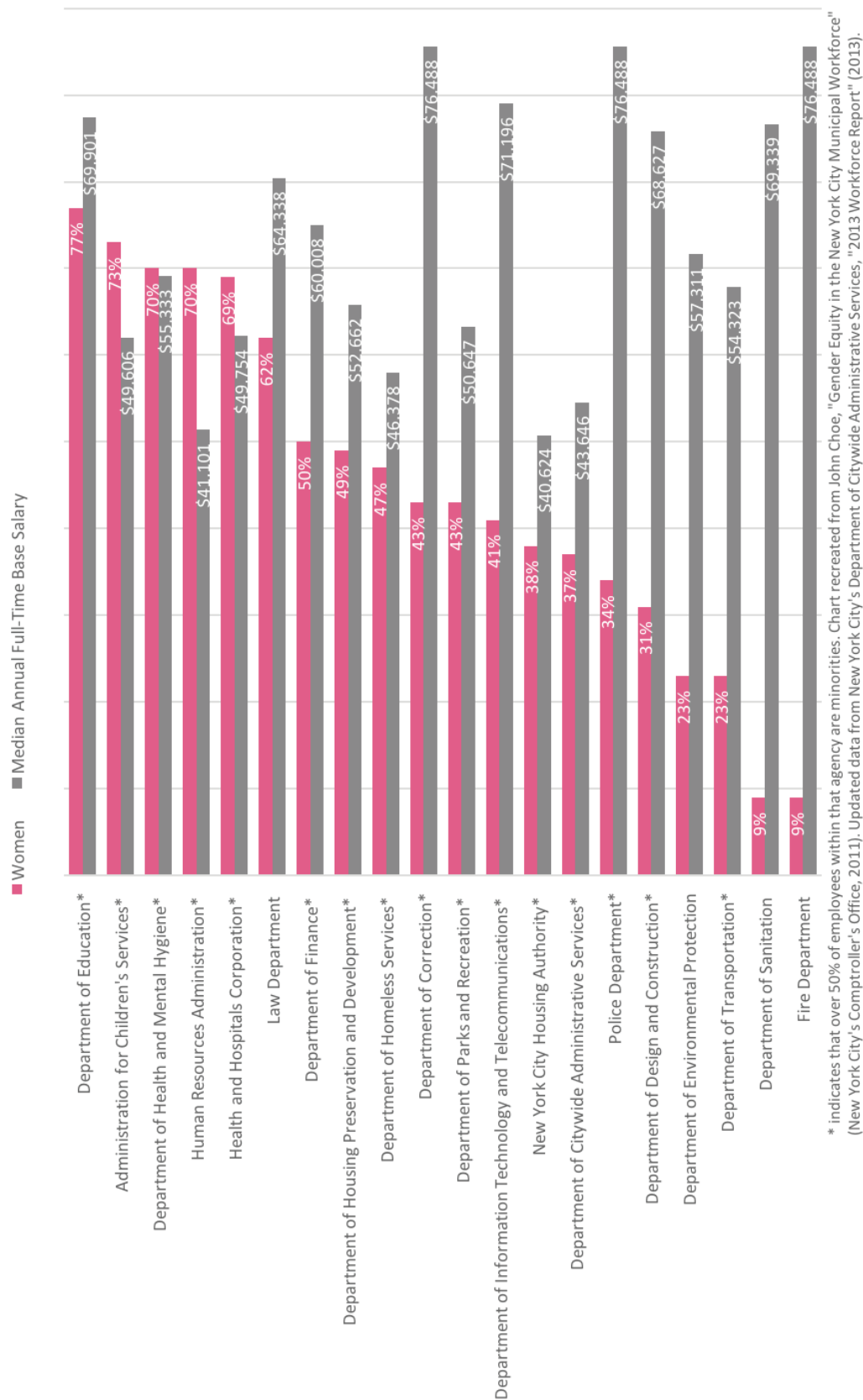
In 2011, the Office of the New York City Comptroller released a report on gender equity among full-time workers employed by the City of New York.³⁷ Examining base salary data, the report found that women on average earned 92 percent of men's earnings, a wage gap of eight percent. When gross salaries—including overtime and other pay—were examined, the gender wage gap more than doubled to 20 percent; this finding suggested that the way overtime and other pay are managed and distributed may have a role in widening the gender wage gap among City employees. The report also found that women with children, in particular, faced a significantly large wage gap compared to men with children, which seems to warrant further investigation into the role of municipal policies and practices that may be biased against working mothers (e.g., the lack of flexible work schedules). Finally, the report found that women tend to be segregated into certain agencies and concentrated in the lowest paying City jobs. The Comptroller's Office called for more in-depth research of these trends in order to understand whether or not they are a result of factors such as individual selection or discriminatory policies and practices.

Using updated figures from New York City's 2013 Workforce Report, **Figure 5** shows the gender distribution and median base salaries in the top 20 City agencies (which captures 98.5 percent of the municipal workforce).³⁸ The 2013 Workforce Report shows:

- The Department of Education and the Administration for Children's Services have the highest overall percentage of women employees (77 and 73 percent, respectively). In contrast, the Fire Department and the Department of Sanitation have the highest percentage of men (91 percent for both agencies).
- Fifty-five percent of all women in municipal government (or 101,850 individuals) are employed by the Department of Education. About 33 percent of women are employed by five agencies: NYC Health and Hospitals Corporation (26,487 women), the Police Department (17,111 women), Human Resources Administration (9,764 women), Administration for Children's Services (4,523 women), and New York City Housing Authority (4,406 women).

The data suggests that women are concentrated within certain City agencies. Without additional information, however, agency data on gender distribution and median base salaries alone is insufficient to determine how the segregation of women across City agencies may contribute to the gender wage gap. Additionally, there may be specific City policies and practices (e.g., work hours, the way promotions are given, or civil servant exams) that play a significant role in driving the gender wage gap. As previously raised by the Office of the New York City Comptroller John Liu, these trends need to be studied more comprehensively, which is challenging to do given the incomplete information on employee compensation currently provided by the City of New York.

FIGURE 5: GENDER DISTRIBUTION AND MEDIAN SALARIES IN TOP 20 MUNICIPAL AGENCIES



* indicates that over 50% of employees within that agency are minorities. Chart recreated from John Choe, "Gender Equity in the New York City Municipal Workforce" (New York City's Comptroller's Office, 2011). Updated data from New York City's Department of Citywide Administrative Services, "2013 Workforce Report" (2013).



A Need for Transparency in Wages for New York City's Municipal Workforce

Government entities can set an example for the private sector by ensuring that compensation is fair and free of bias. Government transparency promotes accountability and provides information that can bring about positive changes in the City of New York. The Office of the Public Advocate is concerned with the City's lack of transparency in this area, and stagnation in addressing equal pay.

An example of this lack of transparency is a recent federal investigation of gender disparity in City employee pay. On December 5, 2013, Communications Workers of America (CWA) Local 1180 filed an Equal Employment Opportunity Commission (EEOC) charge against the City of New York's Department of Citywide Administrative Services alleging violation of federal laws which protect against gender based discrimination in employment.³⁹ The union alleged, based on information in its possession about its members, that the City has engaged in wage suppression in segregated job titles and biased promotional practices that have adversely impacted women, particularly people of color, who serve the City as Administrative Managers.⁴⁰

The EEOC investigated these claims and concluded – based on material provided by the union and some provided by the City – that there was reason to believe that the City had violated federal law. The City however refused to provide the federal government with the full data set requested. The EEOC requested more data from the City in March of 2014, but none was provided. The EEOC then reminded the City on December 11, 2014 to provide the data, and warned that an adverse inference could be made if the City refused. On February 27, 2015, the City formally refused to provide the data sought by the federal government to investigate the claims.⁴¹

On April 1, 2015, the EEOC made a formal finding of “reasonable cause” that the City had violated the Equal Pay Act and Title VII. The City apparently rejected the attempt at conciliation. Although the EEOC encountered a lack of transparency in its attempt at a full investigation, the conclusions the EEOC reached are very troubling and the Public Advocate has a Charter-mandated duty to further investigate the problem. For this reason, the Public Advocate has begun an investigation into disparities in these titles and other City employee titles.

POLICY RECOMMENDATIONS

To advance equitable pay and opportunity in the workplace for women in New York City, the Office of the Public Advocate recommends several policies targeted at the public and private workforce that can be instituted through executive order by the Mayor, as well as positive engagement with the private sector:

- **Creating an Equitable Pay and Opportunity Task Force** composed of individuals with expertise in matters relating to gender equity to 1) administer an employment climate survey that identifies issues and concerns related to gender equity in employment at City agencies 2) collect more detailed data on employee wages (e.g., broken down by gender, job titles, and sufficient biographical data to conduct a regression analysis for root causes) and use that data to conduct a more comprehensive study on the current state of gender pay and employment equity in City agencies and 3) provide recommendations to the Mayor and City Council to advance equitable pay and opportunity for women in municipal government. After conducting a study on pay equity among City employees, the City of New York should make comparable worth adjustments, particularly for City jobs that are predominantly held by women and people of color.
- **Encourage City contractors to disclose information about employee wages by gender at the organizational and job title levels.** This is an important step towards encouraging pay equity beyond the municipal workforce. In 2015, San Francisco was the first in the country to pass an ordinance, entitled the Equal Pay Ordinance, to require its contractors to file pay equity reports that provide data on employee compensation, race, and gender.⁴²
- **Issuing an executive order prohibiting City agencies from asking for previous salary information of job applicants, and ensure that agencies provide a salary range to applicants in job announcements and advertisements.** When employers rely on salary histories to determine compensation, they perpetuate the gender wage gap. Additionally, the City should evaluate its agency hiring and promotion practices to ensure that their system is free of unconscious bias. Instituting such a measure would allow for greater independence, an ability to audit promotional practices, and ensure that applicants have a fair chance.
- **Urge private employers to discontinue requesting previous salary information from job candidates to ensure a fair playing field for women in the workforce.** While New York City's private sectors are ahead of municipal and state governments, the wage gap can still be further closed. Women may be less likely to negotiate salaries than men.⁴³ Removing the role of salary histories would ensure a more equitable hiring process.
- **Advancing family-friendly workplace policies for working parents, such as flexible work schedules.** Family-friendly policies help working parents balance the demands of work and family responsibilities.⁴⁴ However, access to such policies varies significantly by sector, leaving many working parents, especially women, without the tools to succeed in the workplace.⁴⁵ In a 2015 survey conducted by the Office of the New York City Comptroller, 45 percent of respondents report not having access to flexible work arrangements.⁴⁶ At the same time, research shows that certain family-friendly policies yield important benefits to both employers and employees, such as improving workers' health, reducing work-related stress, and increasing worker productivity and retention.⁴⁷



CONCLUSION

Persistent pay inequity and discrimination threatens the city's robust economy and workforce, hurting all communities involved, including men, children, and families. The City must act expediently to advance policies that close the gender wage gap and boost opportunity for all women in the workplace.

The policy recommendations put forth by the Office of Public Advocate are the first of many important steps to remove structural barriers that women face in achieving pay equity. At the municipal level, Public Advocate Letitia James is calling for greater transparency of information around employee compensation that will help inform areas for improvements in policies and practices within City agencies. For the broader city workforce, the Public Advocate will push for a set of workers' protections and family-friendly policies that ensure the success of all women in the workplace.

ACKNOWLEDGEMENTS

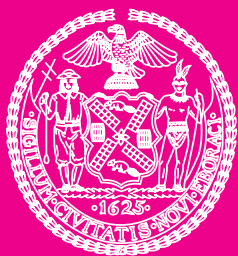
Writing and research for this policy report was led by Hong Van Pham, Policy Intern, and Michelle Kim, Policy Associate. Editorial and research support were provided by Amber Greene, Director of Policy; Amanda Masters, Deputy Counsel for Litigation; Jarret Hova, Counsel and Legislative Director; Molly Thomas-Jensen, Deputy Counsel; Jennifer Levy, General Counsel of Litigation; and Anna Brower, Communications Director. We also acknowledge the research contributions of Josh Kiel, Esq., former Policy Intern.

ENDNOTES

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- 2 U.S. Census Bureau, 2014 American Community Survey 1-Year Estimates, Table DP03.
- 3 Center for an Urban Future, "Breaking Through: Harnessing the Economic Potential of Women Entrepreneurs" (2016).
- 4 U.S. Census Bureau, 2014 American Community Survey 1-Year Estimates, Table S2409: Class of Worker by Sex and Median Earnings in the Past 12 Months (in 2014 Inflation-Adjusted Dollars) for the Full-time, Year-round Civilian Employed Population 16 Years and Over. Data is reported at the individual level and for New York State. The reported median annual earnings for males and females employed full-time is \$51,691 and \$44,913, respectively.
- 5 U.S. Census Bureau, 2014 American Community Survey 1-Year Estimates, Table S2409. Total lost wages were calculated by taking the difference in median annual earnings between males and females (\$6,778) and multiplying it by the number of full-time, employed females (about 2.9 million individuals).
- 6 U.S. Census Bureau, 2014 American Community Survey 1-Year Estimates, Table S2409.
- 7 U.S. Census Bureau, 2010-2014 American Community Survey 5-Year Estimates, Various Tables. Data is reported for White Alone, Not Hispanic or Latino (Table B20017H); Hispanic or Latino (Table B20017I); Black or African American Alone (Table B20017B); and Asian Alone Table (B20017D).
- 8 U.S. Census Bureau, 2010-2014 American Community Survey 5-Year Estimates, Table B20004.
- 9 U.S. Census Bureau, 2010-2014 American Community Survey 5-Year Estimates, Table S2404: Industry by Sex and Median Earnings in the Past 12 Months (in 2014 Inflation-Adjusted Dollars) for the Full-Time, Year-Round Civilian Employed Population 16 Years and Over. Data is reported at the individual level for New York City.
- 10 U.S. Census Bureau, 2010-2014 American Community Survey 5-Year Estimates, Table S2409.
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- 21 U.S. Census Bureau, 2010-2014 American Community Survey 5-Year Estimates, Various Tables: Median Earnings in the Past 12 Months (in 2014 Inflation-Adjusted Dollars) by Sex by Work Experience in the Past 12 Months for the Population 16 Years and Over with Earnings in the Past 12 Months. Data is reported at the individual level and for New York City. Data is reported for White Alone, Not Hispanic or Latino (Table B20017H); Hispanic or Latino (Table B20017I); Black or African American Alone (Table B20017B); and Asian Alone Table (B20017D). The reported median annual earnings for Hispanic or Latino females working full-time is \$33,985; for Black or African American females working full-time is \$40,751; and for Asian females working full-time is \$47,116.; U.S. Census Bureau, 2010-2014 American Community Survey 5-Year Estimates, Table S2002: Median Earnings in the Past 12 Months (In 2014 Inflation-Adjusted Dollars) of Workers by Sex and Women's Earnings as a Percentage of Men's Earnings by Selected Characteristics. Data is reported at the individual level and for the United States. The reported median annual earnings for White Alone, Not Hispanic or Latino males and females is \$54,297 and \$41,670, respectively; for Hispanic or Latino females is \$29,173; Black or African American Alone females is \$34,727; for Asian Alone females is \$46,900.
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- 29 U.S. Census Bureau, 2010-2014 American Community Survey 5-Year Estimates, Table B20004.
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- 31 Center for an Urban Future, "The New Face of New York's Seniors" (2013).
- 32 U.S. Census Bureau, 2010-2014 American Community Survey 5-Year Estimates, Table S2404.
- 33 U.S. Census Bureau, 2010-2014 American Community Survey 5-Year Estimates, Table S2404. The reported median annual earnings for males and females employed full-time in the educational services sector is \$60,031 and \$56,024 respectively; and for males and females employed full-time in the health care and social assistance sector is \$51,524 and \$40,024, respectively.
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