

## **Find Pay Scale Biased Against Minority Women**

# **EEOC Tells City Local 1180 Managers Should Get Big Raise to End Injustice**

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**By DAN ROSENBLUM**

The de Blasio administration should pay \$246 million to correct systemic discrimination against women and minority managers, according to a recent determination by the U.S. Equal Employment Opportunity Commission.

The EEOC cited evidence that for decades, the city salary structure discriminated against Administrative Managers, a title dominated by African-American and Hispanic women. The EEOC, the de Blasio administration and the union that filed the charge, Communications Workers of America Local 1180, must reach an agreement to avoid a potential Federal lawsuit.

### **'Important Milestone'**

"This EEOC finding is a very important milestone in this union's journey to justice for the members of Local 1180," said its president, Arthur Cheliotas, at an April 7 press conference. "What this finding shows is that the claims that we have been making for years now are valid, legitimate and warrant immediate action on the part of the City of New York."

The issue dates to 1978, when the city set the title's pay rate at \$24,000, according to the local. As the more-senior managers—typically white males—were promoted, the maximum pay for the title increased but those promoted into the job—often minority women—were locked into the base salaries that fell well behind the rate of inflation. Over the years, salaries for some Principal Administrative Associates climbed higher than those of their bosses, which were held at \$53,373. During the same time, maximum pay for managers surpassed \$136,000.

About 1,200 current and former Administrative Managers are affected, according to the local, which represents about 8,200 back-office workers across city agencies.



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**ENDING A JOURNEY FOR JUSTICE?:** Local 1180 President Arthur Cheliotas details a Federal Equal Employment Opportunity Commission finding that the de Blasio administration should pay \$246 million to correct decades of systemic discrimination against Administrative Managers. The city must reach an agreement to avoid a Federal lawsuit.

The de Blasio administration has an April 17 deadline to offer a counter-proposal that would serve as the basis for future negotiations. The Federal finding also proposes a four-year conciliation phase.

### **Mayor Noncommittal**

The process is just beginning," wrote a City Hall spokeswoman, Amy Spitalnick, in an e-mail. "There has not been a hearing and we expect there to be arbitration later this year, where it will be made clear that salaries have been set based on responsibilities and experience. Administrative Managers hold a wide variety of positions across many city agencies, with varying levels of responsibilities—and therefore have a very broad range of salaries."

In his finding on behalf of the EEOC, New York District Director Kevin J. Berry wrote that because the de Blasio administration declined to respond to the discrimination charge, "the commission determines that

the silence is an admission of the allegations in the charge” and found “reasonable cause to believe” the city violated Title VII of the Civil Rights Act of 1964 and the Equal Pay Act of 1963.

Under the EEOC’s proposed revisions, the city would establish a salary scale for Administrative Managers and Principal Administrative Associates to progress from starting to maximum salary; increase minimum managerial salaries to \$92,117, based on the inflation-adjusted figures from 1978; require exams at least every four years; appoint an EEO monitor to give demographic data to Local 1180; add clarity for job descriptions, career pathways and selection criteria; and match tuition aid for members attending classes at the City University of New York’s Murphy Institute.

### **Proposal’s Components**

The recommended award involves \$188.7 million for back pay, \$56.2 million for compensatory damages for members who endured hardships because of lower pay, and at least \$1 million in legal fees. Other costs not calculated into the overall total include those to increase managerial salaries and potential punitive damages, which are likely to be waived.

EEOC spokeswoman and legal advisor Justine Lisser declined to comment specifically on the ruling, but said the commission doesn’t have the authority to change employment laws, punish employers or award relief for victims of discrimination. It can, however, file a lawsuit in U.S. District Court and oversee the conciliation period.

“Ultimately, if there can be a decision and a final agreement met, then further litigation will be avoided and the problem will be remedied,” said Yetta Kurland, a civil-rights attorney who worked on the claim for Local 1180.

Mr. Cheliotis said the fight “ebbed and flowed to a degree” during previous mayoral administrations, but an institutional structure perpetuating discrimination needed to be “dismantled and reorganized.”

### **Business As Usual?**

“I think the city agencies have been acting as they would normally in carrying out their policies, which have had a disparate impact on women of color,” he said.

Brooklyn City Councilman Jumaane Williams condemned the pay disparity. “It’s time our city publicly declares that women, blacks and Latinos are equal to all—including Caucasian men—so I firmly support the commission’s recommendation to pay millions of dollars in back wages and damages,” he said in a statement. “...in 2015, it should by no means be this

difficult to be a woman or person of more color, especially in a ‘majority-minority,’ ‘progressive’ city.”



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**‘A BEACON IN THE WATER’:** Gina Strickland, an Administrative Manager, describes her ‘elation’ with the EEOC determination that could address pay disparities between her and equally-qualified white male counterparts. ‘For me, it’s like a beacon that’s in the water, but I see it,’ she said.

After a 15-year fight, the Office of Collective Bargaining’s Board of Certification in 2009 granted the managers collective-bargaining rights. The union raised the discrimination issue when bargaining with the Bloomberg administration, which retaliated by filing bad-faith-bargaining charges, which were ultimately unsuccessful, according to a former Local 1180 vice president, Linda Jenkins.

The EEOC proceeding complicated Local 1180’s basic wage-contract talks with the de Blasio administration, which had asked for concessions in the event the case went in favor of the local. The local and the city ultimately reached terms conforming to the city contract pattern in February.

### **Reason to Hope**

Gina Strickland, an Administrative Manager and Local 1180 first vice president, was one of those affected. The 30-year city employee said that, like others, she performed well on civil-service promotion exams but “reality hit” when her salary was \$53,000, less than her equally-qualified white counterparts. She was “elated” to hear of the EEOC decision.

“For me, it’s like a beacon that’s in the water, but I see it,” she said. “I’m getting closer, and hopefully de Blasio will do the right thing and meet with us and correct this injustice.”