Pay Equity in the State of New York

A Broken Promise for Those Designated Management/Confidential Employees (M/C)

Remarks by:
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Thank you for the opportunity to speak to you about pay equity, and the lack thereof for the state’s Management/Confidential (M/C) employees. I am Joe Sano, Executive Director of OMCE which is the labor organization that represents state M/Cs.

In April 2009 and 2010, the Paterson Administration withheld the 3% and 4% respectively across-the-board raises for employees of New York State designated as management/confidential employees.

While this withholding affected all M/C employees, male and female, minority and non-minority, let me focus on the specific effect this has on women and the minority workforce.

The original pay withholding actions were taken by the Paterson Administration, however, the Cuomo Administration has taken no action to rectify this destruction of the compensation system for M/C employees. As a matter of fact, the problem has been exacerbated. Pay fairness, pay equity and pay parity for M/Cs will continue to be OMCE’s top priority in dealing with this Administration.

- M/Cs are mostly part of the classified civil service in the competitive and non-competitive class who serve each and every administration. A growing percentage of M/Cs are exempt political appointees.
- Approximately 70% of those serving in a position designated M/C in Grades 18 and below are women and other minority groups. You are probably more familiar with their titles - Keyboard Specialist, Secretary I and II, Budget Examiner, Payroll and Personnel Clerks, Senior Personnel Administrator - to name the most populated titles.

Many of those titles are also designated into other bargaining units. While the duties and responsibilities for the positions are comparable, there exists a salary gap. An M/C Secretary II at Job Rate/Top of Scale for ten (10) years or more makes $53,366 and the CSEA represented secretary makes $55,455. The gap increases as one climbs the listing of salary grades for the three major units of state employees. Over 60% of the treatment team leader positions at OMH/OPWDD are filled by women and other minorities. These first line managers, in addition to all of their client based responsibilities, also supervise PEF represented team members who earn $8400 to $10,900 more than their team leader.

A “green ceiling” has been created. It stifles the recruitment, hiring and retention of women and minority candidates for state M/C jobs. This “green ceiling” is the artificial salary limitation placed on M/C positions by the Division of the Budget.
Women and minority candidates find that because of the artificial manipulation of the compensation system, a promotion to a managerial position can often mean a cut in pay.

It has become common practice that supervisors are making less money than their subordinates. Not through the statutory process of grade assignment by Civil Service’s Classification and Compensation Division but through the actions of Division of the Budget.

1. Why would any minority or woman candidate leave a CSEA or PEF represented position and take an M/C position job? They would not and they are not!

2. In fact, numerous women and minority M/Cs have already retreated to previously held CSEA or PEF represented jobs or are in the process of doing so. We have lost and continue to lose the gains made in recruiting women and minorities into leadership roles!

3. There is no monetary incentive for most women and minority candidates to seek promotion, nor to stay in an M/C position.

4. Civil Service Law §115 carries a guarantee that pay injustice must be addressed. Chapter 10 of the Laws of 2008 put forth and signed into law provided the funding for fair and equitable classification and compensation for all M/Cs. That promise has been broken.

5. The economics of our times have been used as an excuse to stifle the M/C compensation system. The Division of the Budget and the agencies possess many tools to manage the size and cost of the workforce. By April 2014, M/C employees will have five years of 0% across-the-board raises.

6. No one in state service will have given more. We’ve received all of the health insurance cost increases and are scheduled to receive salary increases similar to those guaranteed to CSEA and PEF. Regardless, M/C employees will still be an average of 7% behind their co-workers and perhaps even more if step raises or if statutorily provided increases are again withheld.

7. OMCE remains committed to resolving the M/C pay equity issue. We grasp the economic condition of the state and nation. We also know that M/Cs have been forced to shoulder a higher degree of financial sacrifice than any other group of state employees!
8. Congratulations to Mayor Bloomberg and Massachusetts Governor Deval Patrick, who in 2009 and 2011 respectively, lifted the “green ceiling” hanging over their M/C staffs. Equitable pay systems were restored and women and minorities could once again compete for advancement with the knowledge that a system of fair pay was restored.

9. There is no question that M/C employees are totally demoralized. There are those who speak about opportunities and advancement for women and minorities in a reinvented state government. These opportunities do not exist in the real world of state employment for women and minorities. It is a cruel dilemma to ask dedicated exceptional candidates to take advancement in their field with the knowledge that the new position has been artificially and arbitrarily devalued.

We can re-invent and shuffle the deck of state agencies all we want, yet women and minorities - actually all state employees - understand that advancement or promotion to an M/C job comes with a price most cannot afford to pay.

OMCE will propose legislation to create an M/C Salary Commission (I’ve attached a draft) that will periodically meet to set the compensation and benefits for those designated M/C. Such a commission, modeled after the successful Judicial Salary Commission, could re-establish a fair and just M/C compensation system, free of expedient manipulation, responsive to the needs of all while restoring fairness, equity and a renewed opportunity to a compensation system that is broken. I can only ask for your assistance in fixing it!

Attachments:
A) Effects of M/C Pay Withholding 2011-2012
B) Effects of M/C Pay Withholding 2010-2011
C) Proposed Draft Legislation - M/C Salary Commission
D) “Who Is a Management/Confidential Employee”