



STATE OF NEW YORK  
EXECUTIVE CHAMBER  
ALBANY 12224

VETO # 144

December 23, 2022

TO THE ASSEMBLY:

I am returning herewith, without my approval, the following bill:

Assembly Bill Number 5773, entitled:

“AN ACT to amend the executive law, in relation to equal pay disclosure with respect to state contracts.”

NOT APPROVED

This legislation would amend the Executive Law and create new sections to require the Comptroller, in consultation with the Office of General Services, to issue regulations requiring “all contracting agencies ... to assess the equal pay practices of contractors submitting bids or proposals in connection with the award of a state contract.” It would also require contractors “as a condition upon entering into a contract with the State” to submit equal pay reports that include “a summary of the contractor’s workforce pay averages calculated by job category, gender, race, and ethnicity.”

My administration has made equal pay a priority. While the bill is well-intentioned, it poses a number of technical and legal issues that would be difficult for agencies to overcome. For public authorities that are asked to solicit sealed bids it would be difficult to assess such practices, leading to inconsistencies in application of the mandate. Additionally, the proposed bill’s mandate that a State agency or public authority must now also assess the proposer’s equal pay practices may lead to a reduction in weight being given to diversity practices on purely technical criteria. Finally, issues surrounding confidentiality of the data and any unintended consequences of its disclosure constrain me to veto this legislation.

I will continue to focus on ensuring equal pay is a priority in my administration and look forward to working with the Legislature on ways in which we can strengthen pay equity in the upcoming legislative session.

The bill is disapproved.

*Ruth Hochul*