



# This Week in New York

## Covering New York State and City Government

A Publication of Pitta Bishop Del Giorno & Giblin LLC  
October 26, 2012 Edition

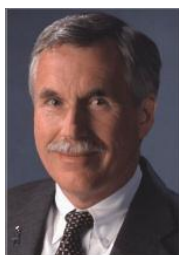


## *In the News – New York State*

### **A New Era In Mental Health**

As New York readies to embark into a new era for servicing the mental health needs of its citizens, the Cuomo administration confirmed this week that Office of Mental Health (OMH) Commissioner Michael Hogan will not be part of the transition.

According to published reports, an administration spokesman indicated that Commissioner Hogan is planning to retire. Although no formal statement has been released, Commissioner Hogan posted what is being termed as a “farewell message” on the OMH’s website.



Commissioner Hogan

“Because of a planned transition that will soon be announced, this will likely be my last OMH News message as Commissioner,” Commissioner Hogan wrote in the monthly newsletter. “Working in the biggest, best (and most complicated!) state mental health agency in the country has been the pinnacle of a long career. Over the past five years, we have seen continuous challenges and made spectacular advances.”

New York State has a multi-faceted mental health system that serves almost 1 million individuals each year. OMH operates psychiatric centers across the State, and also regulates, certifies, and oversees more than 4,500 programs, which are operated by local governments and nonprofit agencies. These programs include various inpatient and outpatient programs, emergency, community support, residential, and family care programs.

Commissioner Hogan’s decision comes at a time when New York is seeking major changes in how it protects and serves its mentally disabled community. Earlier this year the Legislature approved a bill to create the Justice Center for the Protection of People with Special Needs, Governor Andrew Cuomo’s initiative to reform how the state protects New Yorkers in State operated, certified, or licensed facilities and programs. The legislation is one of the few two-house bills still awaiting Governor Cuomo’s formal consideration.

In addition, the State has requested a Medicaid waiver from the federal Center for Medicare & Medicaid Services (CMS) to facilitate moving the state’s developmentally disabled from a fee-for-service care model to a managed care model. The Office of People with Development Disabilities has taken the lead on the *People First* initiative.

Commissioner Hogan was first appointed by Governor Eliot Spitzer and confirmed by the Senate in March of 2007. He has previously served as Ohio's director of Mental Health from 1991-2007 and Commissioner of the Connecticut DMH from 1987-1991. His resume includes:

- Chair, President George Bush's New Freedom Commission on Mental Health in 2002-2003.
- Member, served on National Institute of Mental Health (NIMH) National Advisory Mental Health Council, (1994-1998).
- President, the National Association of State Mental Health Program Directors (2003-2005).
- Board President, National Association of State Mental Health Program Directors' Research Institute (1989-2000).

He is a graduate of Cornell University, earned a M.S. degree from the State University College in Brockport NY, and a Ph.D. from Syracuse University. During his career, Commissioner Hogan has received leadership awards from the National Governor's Association, the National Alliance on Mental Illness, the Campaign for Mental Health Reform, the American College of Mental Health Administration and the American Psychiatric Association.

## **Governor Cuomo Establishes New York State Center for Recruitment and Public Service**



*New Center Replaces the Governor's Appointments Office with a New Recruitment Organization within the Office of General Services*

Governor Andrew M. Cuomo this week announced the creation of the New York State Center for Recruitment and Public Service (RPS), a new enterprise housed within the Office of General Services (OGS), to replace the Governor's Appointments Office. RPS will reorganize the state government's existing appointment process and will oversee hiring and placement for approximately 5,000 unpaid positions and 2,000 staff positions that were previously under appointments.

OGS released a "pre-solicitation Statement of Work" to serve as advance notice for review and planning for vendors who may be interested. The text of the statement follows:

OGS will soon be publishing a Request for Proposals seeking responses from professional recruitment and management firms to support the establishment and operation of the NYS Center for Recruitment & Public Service. The mission of this new organization is to create a best-in-class enterprise within the Office of General Services to provide talent acquisition and management services to all New York State Executive Department agencies. The initial focus of the Center's activities will be the recruitment of talent from outside state government to fill the state's executive and/or technical talent needs and support in standing up the new organization and transfer knowledge related to best practices and private industry strategies.

According to Governor Cuomo, the chosen firm will also coordinate with OGS to help the state build its own recruiting operation so that New York state government can compete with the private sector and become an "employer of choice."

To further update the appointments process, the firm will also help RPS build the New York State Recruitment Portal - an online, interactive website for interested candidates to explore and apply to positions. The portal will serve as a platform to showcase state agencies, public service, and career opportunities. It will provide keyword search capability, be able to store multiple resume formats to facilitate automatic submission to recruiters based on position title or occupational category, and include online chat sessions with recruiters.

"The New York State Center for Recruitment and Public Service is a natural fit for the Office of General Services and will complement the enterprise services already at OGS including real estate, strategic sourcing, business services and fleet management," OGS Commissioner RoAnn Destito explained.

Interested vendors are advised to register for notification of the full RFP at the following link: <https://online.ogs.ny.gov/vendorregnet/Default.aspx>.

## **Soaring Health Care Costs Highlight Need To Address Childhood Obesity**

New York State is facing a growing obesity problem that costs nearly \$12 billion a year, New York State Comptroller Thomas P. DiNapoli said in a speech this week to the Association of New York State Youth Bureaus.

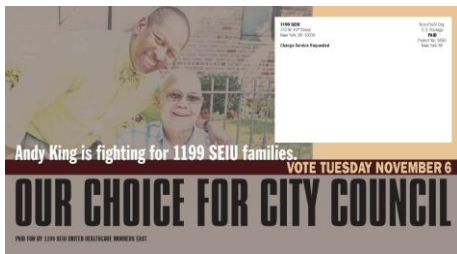
New York's Medicaid program – funded by federal, state and local tax dollars – spends more than \$4.3 billion a year as a result of obesity, the Office of the State Comptroller estimates. The costs include obesity-related treatment for diseases such as diabetes and heart disease. In addition, private health insurance and Medicare pay out an estimated \$7.5 billion more for obesity-related expenditures each year in New York.

The Comptroller also noted that obesity may soon overtake tobacco consumption as America’s leading preventable cause of death, according to state Department of Health (DOH). The state’s policy response should be commensurate with that threat, the Comptroller urged.

The State Health Department has proposed a new initiative, to be funded with federal dollars, to provide intensive behavioral counseling for an estimated 5 percent of Medicaid beneficiaries who are obese.

## *In the News – New York City*

# Campaign Finance Board Releases First Independent Expenditure Filing



### *1199 SEIU Weighs in on Bronx City Council Race Triggering Daily Disclosure Requirement*

The City Campaign Finance Board this week released the first filing submitted under the Board’s new Independent Expenditure filing requirement. Effective May 16, 2012, independent expenditures, as well as information about the independent spender and its source of funds, must be reported to the Campaign Finance Board.

1199 SEIU was the first to submit a filing under the new requirement, detailing its advocacy on behalf of Bronx City Council candidate Andy King. The union spent \$4,511.93 for mailers. Expenditures included \$1,000 to Bencom LLC for design, graphics, and photography; and \$2,917.85 to Consolidated Color Press Inc. for printing. 1199’s filing was completed on October 24<sup>th</sup>, in accordance with the daily disclosure requirement. It was released yesterday by the Board via email and is posted on the Board’s website.

EXPENDITURES				
Communication Description: Member-to-member mail		Date: 10/23/2012	Type: Mass Mailing	
City of Communication: 001-000-C-11-01				
Expenditure Date	Vendor	Vendor Address	Purpose	Amount
10/23/2012	Bencom, LLC	828 Broadway, 903, New York, NY 10010	Design / Graphics / Photography	\$1,000.00
Campaign: King, Andrew L.		Allocation Amount: \$1,000.00		
Expenditure Date	Vendor	Vendor Address	Purpose	Amount
10/23/2012	Consolidated Color Press Inc.	307 Seventh Ave, 802, New York, NY 10001	Printing	\$2,917.85
Campaign: King, Andrew L.		Allocation Amount: \$2,917.85		

The independent spending disclosure rules follow the same calendar as the campaign filings: Friday, October 26 is the deadline to disclose activity from October 2 to October 22. Daily disclosures are required from October 23 to November 5. A filing is then due December 3 for any activity through November 29<sup>th</sup>.

For the November 2012 Special Election in the Bronx, all disclosure statements submitted by independent spenders can be found on the Board's website ([http://www.nycfb.info/act-program/ie\\_disclosure.aspx?sm=press\\_ie2](http://www.nycfb.info/act-program/ie_disclosure.aspx?sm=press_ie2)). Starting in 2013, information about independent expenditures will be displayed along with campaign disclosure in the CFB Searchable Database.

Attached please find a copy of the Board's Guidelines on Independent Expenditure Reporting.

## Sick Leave Bill: Revised & Revisited

The negotiations on the controversial New York City "Sick Leave Bill" continue as advocates work to refine the legislation. A hearing scheduled this week was postponed, giving proponents time to further fine-tune the measure.

According to published reports, the bill's chief sponsor Councilwoman Gale Brewer is looking at ways to provide business owners with different options to provide the benefit to their employees.

"A menu of options is a really good way to do it," the Councilwoman told *The Insider*.

Councilmember Brewer's office provided a list of amendments now in the bill, including:

- Extending the time-off mandate, except without pay, to businesses with fewer than five employees.
- Providing a one-year grace period for businesses with fewer than 20 employees, including new businesses formed in the future.
- Determining the size of businesses based upon full-time equivalents rather than by counting all individual workers. For example, a business with 6 employees each of whom works a 30-hour week would be considered a business of fewer than 5 employees (180 hours divided by 40 hours per employee equals 4.5 employees.)
- Allowing any type of paid leave—vacation, personal days, etc.—to count for purposes of complying with the law.
- Permitting businesses to allot paid sick time at the beginning of the year, rather than through the accrual process outlined in the law, if they prefer.

- Providing businesses with some flexibility in determining time increments by which workers may use their sick time. For example, a business can require workers to take at least half a day off when they call in sick. A worker missing less than half a day cannot be required to use an entire paid sick day.
- Maintaining that workers who volunteer for shifts with higher rates of pay will earn their standard pay rate if they take sick time during those shifts.
- Stipulating that worker protections in the bill apply only to sick time and do not extend to other disciplinary actions.
- Assuring that businesses will not need to change bookkeeping practices to comply with the law.
- Providing model policies, notices and forms will be available for businesses through an online resource.
- Providing that during declared public emergencies, businesses that are under the jurisdiction of the public service commission do not have to comply with the provisions of the bill.
- Clarifying that work-study students will not be covered by the bill.

This week's hearing has been rescheduled for November 15<sup>th</sup>. Council Speaker Christine Quinn has yet to allow a vote on the legislation, questioning its impact on the City's business community.

## *In Brief*

### **Beer Summit Specifics**

Governor Andrew Cuomo's much publicized "Beer Summit" held this week included the following initiatives:

- **Regulatory Reform.** The following regulatory reforms will be implemented immediately: 1) Ending prohibition against multiple manufacturing licenses at the same location; 2) Allowing craft manufacturers to sell bottles when they are conducting tastings; 3) Allowing beer and cider producers to obtain temporary permits to sell at special events/street fairs; 4) Reducing the SLA three-year manufacturers' marketing license from \$750 to \$125/year.; 5) Reducing license application requirements for manufacturers; and 6) Eliminating Duplicative License for Distilleries and Breweries.

- **Promotion and Tourism:** The State will provide \$1 million dollars for a new advertising campaign to promote the industry. The state will increase funding - leveraged on an industry match – by up to \$2 million, bringing the total marketing campaign to \$5 million. In addition, a working group led by Secretary to the Governor Larry Schwartz will coordinate specialized, annual marketing events – similar to Restaurant Week and trade shows – that partner restaurants and hotels across the state with producers of New York-produced wine, beer, spirits and food. The State will promote New York State-produced beer, wine, spirits and cider at the annual State Fair as well as “ensure” that alcoholic beverages sold at New York Racing Association tracks are produced in New York.
- **Single Point of Government Contact:** A “one-stop shop” will be established within Empire State Development, so the industry has a single point of contact and place to call for all assistance. Designated staff from the agencies involved in regulating manufacturers and licensees, including the State Liquor Authority, Department of Agriculture & Markets, Tax and Finance Department, Labor Department, Department of Energy Conservation, Health Department, and Transportation Department, would coordinate with the one-stop-shop to respond to inquiries, host educational and training programs, and resolve problems for the licensees.

## **PepsiCo Announces Plan to Modernize and Expands its Headquarters in Westchester**

### ***1,250 construction jobs to be created as result of the modernization and facility overhaul***

Governor Andrew M. Cuomo today announced that PepsiCo will renovate its headquarters in Purchase, keeping the food and beverage company’s 1,100 jobs in New York State. Throughout the duration of the project, which involves the complete redevelopment of 420,000 square feet of office space, approximately 1,250 local construction jobs will be created.

PepsiCo relocated its worldwide headquarters from New York City to Purchase in 1970. The facility has been operational for 42 years with minimal renovations. This project will enable the company to increase the capacity of the facility by up to 15 percent and upgrade outdated technology, bandwidth and telephone infrastructure. The renovation of the Purchase office space will begin in the first quarter of 2013.

Through Empire State Development (ESD), the State is providing PepsiCo with \$4 million in Excelsior tax credits to leverage its \$243 million investment to maintain its worldwide headquarters in Westchester. In addition to the financial incentives offered by New York State, the Westchester County IDA approved sales tax exemptions for PepsiCo.

## **Mayor Bloomberg Signs Legislation Expanding the Boundaries of the Far Rockaway Empire Zone**

Mayor Michael Bloomberg this week signed legislation adding 54.9 acres of contiguous land to Far Rockaway Empire Zone within the borough of Queens. The Measure was sponsored by Council Member James Sanders et al.

“The Empire Zone Program is a New York State program that was designed to attract new businesses to New York and enable existing businesses to expand and create jobs through a mix of State tax credits,” Mayor Bloomberg said. “This boundary amendment will add 54.9 acres of contiguous land to the Zone which will allow for the continued progress of the Arverne by the Sea development. By extending the current Empire Zone, we will help generate significant economic activity throughout Far Rockaway through hundreds of construction, retail, and commercial employment opportunities.”

## ***Coming Up***

### ***New York State***

*No Meetings the week of October 29th*

### ***New York City***

#### ***Monday October 29<sup>th</sup>***

***Committee on Immigration, 250 Broadway-Committee Rm, 14<sup>th</sup> fl, 10 a.m.***

*T2012-5362 - Oversight - How NYC Can Support Beneficiaries of Deferred Action for Childhood Arrivals (DACA).*

***Committee on Juvenile Justice, 250 Broadway- Hearing Rm, 16<sup>th</sup> fl, 1 p.m.***

*T2012-5431- Oversight - Re-examining ACS' Resident Advocacy Program.*

***Committee on Waterfronts, 250 Broadway- Committee Rm, 16<sup>th</sup> fl, 1 p.m.***

***Committee on Civil Service and Labor, 250 Broadway- Committee Rm, 14<sup>th</sup> fl, 1 p.m.***

*Res 1352-2012-Resolution calling upon employers in New York City to hire more workers over 55 years of age.*

***Committee on Cultural Affairs, Libraries, and International Intergroup Relations, 70 Lincoln Center Plaza, New York- Lincoln Center, 2 p.m.***

*T2012-5347- Tour: Lincoln Center*



## ***Tuesday October 30<sup>th</sup>***

***Subcommittee on Planning, Dispositions, and Concessions, City Hall- Committee Rm, 9:30 a.m.***

T2012-5424-Oversight - The Impact of Modern Technology on the City's Buses and Subways.

***Committee on Land Use, City Hall- Committee Rm, 9:45 a.m.***

T2012-5422- Oversight - "Access to Mammography and other Health Services for Women with Disabilities."

***Committee on Finance, City Hall- Committee Rm, 10 a.m.***

T2012-5444-Resolution approving the new designation and changes in the designation of certain organizations to receive funding in the Expense Budget.

***City Council Stated Meeting, City Hall- Council Chambers, 1:30 p.m.***

T2012-5356- Oversight – The New York City Police Department and Its Use of Stop, Question and Frisk.

## ***Wednesday October 31<sup>st</sup>***

***Committee on Transportation, 250 Broadway- Committee Rm, 14<sup>th</sup> fl, 10 a.m***

Int 0923-2012- In relation to allowing the taxi and limousine commission to replace hybrid electric vehicles with electric vehicles or any other vehicle model which has fewer emissions than electric vehicles.

Int 0929-2012-A- In relation to posting information on the exterior of vehicles for hire.

Int 0930-2012- In relation to reporting of data regarding taxi and for hire vehicle inspections by the taxi and limousine commission.

***Committee on Finance, City Hall- Council Chambers, 10 a.m.***

T2012-5385 - Oversight – Examining the issues concerning the SOHO BID.

***Committee on Cultural Affairs, Libraries, and International Intergroup Relations and Committee on Lower Manhattan Redevelopment , 90 West St, New York, 1 p.m.***

T2012-5443 - Tour: 9/11 Museum Construction Site

***Committee on Small Businesses and Committee on Veterans, 60 Madison Ave, New York- Workforce1 Veterans Career Center, 7<sup>th</sup> fl, 1 p.m.***

***Committee on Environmental Protection, 250 Broadway- Committee Rm, 16<sup>th</sup> fl, 1 p.m.***

Int 0887-2012- In relation to the creation of a sustainable energy systems web portal.

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