



# This Week in New York

Covering New York State and City Government

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March 2, 2018 Edition



## *In the News – New York State*

### Working People's Days of Action

*As Supreme Court Mulls Janus Case, Labor and Legislative Leaders Rally and Ready to Protect Workers*



**“They want to silence your voice politically. They want to silence your voice politically. You want to know why? Because you speak for the worker. You speak for the middle-class. You speak for the working-families. You speak for the poor. And they want**



**your voice silenced and all they want to hear is the voice of rich, corporate America. Where you are the great equalizer and we need your voice at the table to make Democracy work and we will never let them silence the voice of labor in this country.”**

**- Governor Andrew Cuomo, at Working People’s Day of Action in New York City.**

A U.S. Supreme Court case, Janus v. American Federation of State, County and Municipal Employees (AFSCME), has a high likelihood of impacting public employee unions in New York. On Monday, April 26th, the court heard oral arguments challenging long-standing precedent, set in the 1977 Abood v. Detroit Board of Education case, allowing unions to charge agency fees to employees who are covered by a union contract but are not members of the union. The constitutional attack is based on arguments that such fees violate the plaintiff’s First Amendment rights to free speech. The justices statements, which reflected similar positions to those struck in the Freidrichs v. California Teachers Ass'n case, and their lines of questioning suggest the decisive vote could come from newly appointed Supreme Court Justice Neil Gorsuch. Justice Gorsuch was silent on the bench on Monday.

Anticipating a decision and consequences adverse to public sector unions, New York State labor held a rally on Sunday in New York and a press conference on Monday in Albany to promote workers.

Monday's press conference at the State Capitol was a push for legislation that would streamline the process for an individual to join a public sector union. The bill, S.5778A, also known as the New York state "Card Check" Act, establishes a centralized system for the collection of public-sector union dues, clarifies the formats dues forms can take, sets clear timelines for local governments to notify their employees of their right to union representation, and simplifies the process of switching representation when employees change jobs within government. While state government and the City of New York have systems distinguishing between union dues and agency fee payments, following authority established in Abood, most local jurisdictions, school districts, and public authorities make no distinction in charging the fees.

S.5778A is being sponsored by Manhattan Democrat State Senator Marisol Alcantara, who serves as Chair of the Senate Labor Committee. The bill, which has bipartisan support, passed through the Committee on Civil Services and Pensions on January 16th and is pending further consideration on the State Senate calendar. A same-as companion bill by Assemblymember Peter Abbate of Brooklyn, A.7601A, is similarly situated in that respective house. Republican State Senator Marty Golden of Brooklyn is sponsoring another bill, S.7556, aimed at helping public employee unions by establishing a personal income tax credit for union dues. With this tool unions could further persuade their "agency fee" members of the benefits of full union membership. A companion bill, A.9795 (Abbate), has been introduced in the State Assembly.

New York has one of the highest rates of unionization in the country. Governor Andrew Cuomo's 2018 State of the State address said he would "stand besides public labor unions in their fight for survival" and spare no effort to preserve workers' rights and protect the right to organize and bargain collectively.

## *In the News – New York City*



## **Council Members Announce the Stop Sexual Harassment in NYC Act**

*Legislation will strengthen New York City's Anti-Sexual Harassment Training and Expand Sexual Harassment Protections to All Employees*

The New York City Council this week unveiled the "Stop Sexual Harassment in NYC Act," a package of legislation to strengthen New York City's anti-sexual harassment policies and combat sexual harassment in the workplace.

The 11-bill package was introduced at the joint Committee on Women and Committee on Civil & Human Rights hearing and will expand anti-sexual harassment protections to include all public and private employers in New York.

“All New Yorkers are entitled to a safe, respectful workplace – and this starts with sending a strong message to employers that there is no place for sexual harassment in New York City,” said Speaker Corey Johnson. “With more and more sexual harassment cases being brought to light, it has never been more important for the government to play a role in the movement to end sexual harassment and assault. This City will not be complicit in the abuse or degradation of people in the workplace. I want to thank my Council colleagues for their support in pushing this package of bills forward so that no employee feels unsafe at work.”



Specifics of the bills include:

- Mandating City agencies conduct anti-sexual harassment training for all of their employees (Speaker Johnson). Interactive training would be required at least once a year for all City workers.
- Requiring City agencies to conduct anonymous climate surveys and develop and implement action plans to prevent sexual harassment (Council Member Rosenthal). The Department of Citywide Administrative Services to develop action plans to address survey findings and ensure a workplace environment that does not condone sexual harassment.
- Requiring City agencies to conduct risk assessments to prevent sexual harassment (Council Member Adams). By identifying predictors regarding whether harassment may happen, and by reviewing current agency policies and procedures, each agency will be able to develop and implement an action plan that will mitigate the risk of workplace sexual harassment.
- Mandating City agencies report on sexual harassment complaints (Council Members Levine, Williams, Torres and Cabrera).
- Requiring City contractors to disclose policies and procedures in places to prevent sexual harassment (Council Member Van Bramer).
- Enhancing sexual harassment education and facilitating the complaint process through a robust website (Council Member Ampry-Samuel).
- Expanding sexual harassment protections to all employees (Council Member Powers) In 2015, New York State amended its human rights law to ensure that the State’s sexual harassment laws covered employers with fewer than four employees. This bill will ensure that every employee in the City of New York is entitled to a working environment free from sexual harassment.
- Mandating that private employers conduct anti-sexual harassment training for their employees (Council Member Cumbo and Public Advocate James).

- Requiring employers to post written policies and procedures to prevent sexual harassment (Council Members Cornegy and Cumbo).
- Clarifying in the Human Rights Law that sexual harassment is a form of discrimination the Human Rights Commission has the power to eliminate and prevent (Council Member Rivera).
- Resolution calling upon the United States Congress to pass, and the President to sign S.2203/H.R.4734, known as the “Ending Forced Arbitration of Sexual Harassment Act of 2017,” which prohibits a predispute arbitration agreement from being valid or enforceable if it requires arbitration of a sex discrimination dispute (Council Member Miller).



## Comptroller Stringer Releases New York City Claims Report For FY 2017

### *Claims filed against NYPD decline for third consecutive year and costs for civil rights related settlements fall by double digits*

The number of personal injury and property damage claims (tort claims) filed in 2017 declined 7% from 2016, including a 14% decrease in claims against the NYPD, according to the Annual Claims Report compiled by New York City Comptroller Scott Stringer.

The Annual Claims Report showed that 24,953 new tort claims were filed, down 7% from the 26,862 filed in FY 2016. Despite this decline in number of new claims, the cost of tort settlements in FY 2017 increased nearly 6% to \$675.6 million. This was the fifth consecutive year of rising costs. The Comptroller said.

The cost of non-tort claims (law claims)—such as contract disputes, equitable claims, and refund claims—increased 2% to 6,081 in FY 2017, the report outlined. However, the total amount paid out for the settlement of law claims decreased 10% to \$343.1 million in FY 2017, from \$381.1 million paid out in FY 2016.

### *Claims against the NYPD declined for a third consecutive year*

- The total number of tort claims filed against the NYPD declined to 6,538 in FY 2017 from 7,586 filed in FY 2016.
- The number of police action claims alleging improper conduct – such as false arrest or imprisonment – fell from 4,483 in FY 2016 to 4,099 in FY 2017. That represents a 9% decline.
- The settlement costs rose to \$308.2 million – a 10% increase from \$280.2 million in FY 2016.
- Eleven wrongful conviction claims, which represent 0.27% of 4,014 police claims resolved during FY 2017, accounted for 26% of the total \$308.2 million paid out for settlements involving the NYPD.

***Number and cost of civil rights claims fell by 27% in FY 2017***

- 1,687 civil rights claims were filed against the City, a 27% decrease from 2,318 claims in 2016.
- The cost of civil rights claims decreased by 16%, from \$133.1 million in FY 2016 to \$157.7 million in FY 2017.
- In FY 2017, the Comptroller's Office continued its practice of settling certain claims pre-litigation, including the wrongful conviction claims of Vanessa Gathers, William Vasquez, Amaury Villalobos, and Raymond Mara, as well as the wrongful death claim filed by the Estate of Felix Kumi, a bystander who was killed by an undercover NYPD officer's stray bullet.

***Malpractice claims decreased at New York City Health + Hospitals***

Claims against NYC Health + Hospitals (H+H) include claims for personal injuries such as alleged medical malpractice, slip/trip and fall accidents on hospital property, and property damage sustained on hospital property.

- The number of new malpractice claims filed against H+Hs' acute care hospitals decreased by 17% to 465 claims in FY 2017. That is down from 559 claims filed in FY 2016.
- The two biggest decreases in malpractice claims settled in FY 2017 at acute care hospitals were recorded at Bellevue (from 93 to 67 claims) and Harlem (from 48 to 31 claims) Hospitals.
- Settlements of H+H claims totaled \$95.7 million in 2017, down from \$113.4 million in 2016.

***Borough Breakdown: Bronx***

- *Personal Injury Claims:* The largest number of personal injury claims were resolved in the Bronx (2,298), while claims resolved in Brooklyn resulted in the largest overall payout (\$241.4 million).
- *Property damage claims,* Brooklyn led the boroughs in the number of resolved claims (514), while claims resolved in Queens resulted in the largest overall payout (\$2.9 million).
- The total number of Personal Injury and Property Damage claims filed by borough in FY 2017 were:
  - Bronx with 5,936 Personal Injury and 1,210 Property Damage claims;
  - Brooklyn with 4,273 Personal Injury and 1,817 Property Damage claims;
  - Manhattan with 3,264 Personal Injury and 1,321 Property Damage claims;
  - Queens with 2,307 Personal Injury and 1,808 Property Damage claims; and
  - Staten Island with 468 Personal Injury and 568 Property Damage claims.

## ***Briefs***

### **Massachusetts, Delaware & Puerto Rico Join "States for Gun Safety" Coalition**

Massachusetts Governor Charlie Baker, Delaware Governor John Carney and Puerto Rico Governor Ricardo Rosselló are joining the "States for Gun Safety" coalition, the multi-state anti-gun violence partnership launched last week. The States join New York, Rhode Island, Connecticut, and New Jersey. The new members will work in cooperation with other partner states to enhance intelligence gathering, information sharing, and response efforts related to gun violence. Participating states will leverage collective investigative resources in order to determine comprehensive, coordinated plans for gun violence responses.

## **NYS Comptroller DiNapoli Files Suit Against Wynn Resorts' Board of Directors**

New York State Comptroller Thomas DiNapoli this week announced that, as Trustee of the New York State Common Retirement Fund, he has filed a legal action against officers and directors of Wynn Resorts Ltd. The derivative action alleges that certain officers and directors were aware that former CEO Stephen Wynn repeatedly made unwanted sexual advances towards employees and pressured employees to perform sex acts, yet failed to investigate or hold him accountable. The Comptroller's lawsuit seeks to have Wynn Resorts' take "necessary actions to enhance the Company's governance to comply with applicable laws and to protect Wynn Resorts, its employees, and its stockholders from repeating the harms described" in the complaint.

The lawsuit alleges that the Wynn Resorts board knew of serious allegations against Mr. Wynn, when those allegations surfaced in litigation involving the company and Elaine Wynn (former board member and Mr. Wynn's ex-wife). According to the lawsuit, the board's failure to act on this and other reports of Mr. Wynn's pattern of sexual abuse and harassment of his employees was a breach of their fiduciary duties to the company.

Mr. Wynn resigned in response to public pressure following a published report, based on interviews with more than 150 witnesses. Wynn Resorts' stock value plummeted and the company faces mounting lawsuits, the possible loss of its gaming licenses, and other legal and regulatory sanctions.

## **MWBE Expo Series**

New York State this month will launch the 2018 Regional Minority- and Women-Owned Business Enterprises Opportunities Expo Series. Sponsored by Empire State Development's Division of Minority and Women's Business Development, 12 events are planned across the State to connect MWBEs with New York State agencies, information on state projects, and tools to access state opportunities. The 2018 Expo regional schedule is:

**Capital Region**, Thursday, March 8, Empire State Plaza, Albany.

**Mid-Hudson**, Friday, March 16, Touro College of Osteopathic Medicine, Middletown Campus  
60 Prospect Avenue, Middletown.

**New York City**, Friday, May 25, The Graduate Center, CUNY, 365 5th Avenue, New York.

**Western New York**, Friday, June 1, The University at Buffalo's Educational Opportunity Center  
555 Ellicott Street, Buffalo.

**Southern Tier**, Friday, June 15, Binghamton University, 4400 Vestal Parkway East, Binghamton.

**Long Island**, Tuesday, June 26, Stony Brook University, 100 Nicolls Road, Stony Brook.

**Long Island**, Thursday, June 28, SUNY Old Westbury, 223 Store Hill Road, Old Westbury.

**Central New York** , Thursday, July 10, Crowne Plaza, 701 East Genesee Street, Syracuse.

**Mohawk Valley**, Thursday, July 12, Mohawk Valley Community College, 1101 Floyd Avenue, Rome.

**Finger Lakes**, Tuesday, July 19, Rochester Educational Opportunity Center, 161 Chestnut Street, Rochester.

**North Country**, Tuesday, August 7, Jefferson Community College, 1220 Coffeen Street, Watertown.

**North Country**, Thursday, August 9, Clinton Community College, Stafford Technology Center, 136 Clinton Point Drive, Plattsburgh.

## **Governor Cuomo Announces Actions to Improve Access to IVF and Fertility Services**

### ***DFS to Examine Approaches for Incorporating IVF Coverage into Infertility Mandate***

Governor Andrew Cuomo is directing the Department of Financial Services (DFS) to examine approaches for incorporating IVF coverage into the State's existing infertility coverage mandate. The Superintendent of Financial Services will analyze the insurance premium consequences of in vitro fertilization coverage. In addition, the study will also include a review of current infertility definitions, including required trial and waiting periods, and make recommendations to improve access. The analysis will also include recommendations on any appropriate coverage limitations or treatment requirements.

The Superintendent's study will also examine options for improve access for New Yorkers receiving chemotherapy, radiation, surgery or other medical services that may compromise their fertility. Under current law, all commercial health insurance plans include coverage for most infertility medical services.

## **Mayor de Blasio Announces Construction of Lower East Side NYC Ferry Dock, Opening Summer 2018**

Construction on the Lower East Side's new NYC Ferry landing began with week and is slated to open this summer. The dock is one of four new landings for two new ferry routes planned for this summer for New Yorkers traveling to and from the South Bronx and Lower East Side. The Lower East Side Route will serve nearly one million riders annually traveling to and from Manhattan's Wall Street/Pier 11, Corlears Hook, Stuyvesant Cove, East 34th Street; and Long Island City, in Queens.

The Soundview Route, also launching this summer, will serve an estimated 400,000 riders traveling to and from the Soundview area of the Bronx, East 90th Street, East 34th Street and Wall Street/Pier 11 in Manhattan each year.

## Comptroller Stringer Releases Updated Immigrant Rights Manual

New York City Comptroller Scott M. Stringer this week released an updated 75 page manual on immigrant rights. The manual is available in 10 languages – including Arabic and Urdu for the first time – and is designed to help immigrant New Yorkers understand their legal protections and access a wide range of services that support foreign-born New Yorkers. The manual outlines resources available to all immigrants in the city, provides detailed guidance on recent local, State, and Federal legislation impacting immigrant communities, and offers information about available legal, health, and educational services. The manual is available in: Spanish, Chinese, Korean, Bengali, Arabic, Urdu, Haitian Creole, Russian, French and English.

The updated manual includes resources and information on: public benefits, consumer rights, civic participation, healthcare, language access, citizenship, immigration services, and provides detailed information on deportation and detention, permanent residency, and executive actions impacting immigration. To access the manual: [click here](#).

## Coming Up

### *New York State*

*The Legislature is in session Monday March 5<sup>th</sup> - Wednesday March 7<sup>th</sup>*

### *New York City*

#### *Monday March 5<sup>th</sup>*

*Committee on Finance*, Committee Room – City Hall, 10 a.m.  
Preliminary Budget Hearing

#### *Tuesday March 6<sup>th</sup>*

*Committee on Sanitation and Solid Waste Management*, Committee Room, 250 Broadway, 10 a.m.

*Subcommittee on Landmarks, Public Siting and Maritime Uses*, City Hall, 2:15 p.m.

*Subcommittee on Zoning and Franchises*, Committee Room – City Hall, 2:30 p.m.

*Committee on Higher Education*, Committee Room – City Hall, 2:30 p.m.  
Preliminary Budget Hearing

*Committee on Land Use*, Committee Room – City Hall, 3 p.m.

#### *Wednesday March 7<sup>th</sup>*

*Committee on Rules, Privileges and Elections*, Council Chambers – City Hall, 10:30 a.m.

*City Council State Meeting*, Council Chambers – City Hall, 1:30 p.m.

### ***Thursday March 8<sup>th</sup>***

*Committee on Transportation*, Council Chambers – City Hall, 9:30 a.m.  
Preliminary Budget Hearing

*Committee on Fire and Emergency Management*, Council Chambers – City Hall, 12 p.m.  
Preliminary Budget Hearing

*Committee on For-Hire-Vehicles*, Committee Room – City Hall, 1:30 p.m.  
Preliminary Budget Hearing

*Committee on Transportation*, Council Chambers – City Hall, 3 p.m.  
Preliminary Budget Hearing

*Subcommittee on Capital Budget*, Council Chambers – City Hall, 4 p.m.  
Preliminary Budget Hearing

### ***Friday March 9<sup>th</sup>***

*Committee on Economic Development*, Council Chambers – City Hall, 10 a.m.  
Preliminary Budget Hearing

*Committee on Consumer Affairs and Business Licensing*, Committee Room – City Hall, 11 a.m.  
Preliminary Budget Hearing

*Committee on Small Business*, Council Chambers – City Hall, 1 p.m.  
Preliminary Budget Hearing

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