



# This Week in New York

Covering New York State and City Government

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## *In the News – New York State*



### It's Over, For Now



When the State Senate adjourned at 1:50 a.m. Thursday morning, the 2018 regular session of the New York State Legislature came to a close. The Assembly finished its business three hours earlier, recessing at the call of the Speaker a little after 11 p.m.

In terms of sheer volume, the session was the most productive in recent years, with 641 bills receiving two-house passage. This number bested 2017 (606 bills passed) and 2016 (618 bills passed).

However, even as the Senate gavel struck the sound block there was an underlying lack of finality, a sense of something left undone. In short, the 2018 New York State legislative session went out like a lamb. No sports betting bill. No overhaul of teacher evaluations. No criminal justice reform. No agreement on school safety issues. No Albany “Big Ugly.”

And now, the much-often-used “landmark” and “historic” descriptors have been replaced by “atrocious” and “I’ll bring them back.”

"I think it would be an atrocity and literally a public safety hazard if the Senate doesn't renew the cameras by the time the children start school in September," Governor Andrew Cuomo said at a press event on Thursday in relation to the Legislature's failure to agree on an extension of New York City's speed cameras authority. "I'll bring them back, I'm going to continue to lobby."

New York City's authority to issue violations using speed cameras in 140 locations near schools expires at the end of July. The Assembly passed legislation that would have expanded the number of speed camera zones to 290. The Senate did not enact a proposal.

With the Governor's pledge comes the opportunity for the Legislature to lift the veil of unfinished business that covers the Capitol. And with the Legislature's return, 2015's 718 bill mark could be in jeopardy, as the questions become when will they return and what issues (besides speed cameras) will come back with them.

## Bills Passed by Both Houses

The Legislature gave final passage to over 350 bills in the closing days of the session. To follow is a sampling of the legislation:

- A208E – Sponsored by M of A Lupardo / Senator Marcellino** -- Provides for pre-employment and random drug and alcohol testing of school bus drivers.
- A716 – Sponsored by M of A Gunther (MS) / Senator Marchione** -- Permits state lottery winners to remain anonymous to the general public.
- A1050A – Sponsored by M of A Stirpe (MS) / Senator Bonacic** -- Relates to establishing a court-appointed special advocates program to aid the family court.
- A7070A – Sponsored by M of A Abbate / Senator Golden** -- Relates to residency requirements for members of municipal departments of sanitation.
- A7899A – Sponsored by M of A Rozic / Senator Savino** -- Relates to the appointment of a standby guardian due to administrative separation.
- A8686A – Sponsored by M of A Barnwell / Senator Addabbo** -- Relates to establishing a commission to be known as the "New York city seawall study commission."
- A9805A – Sponsored by M of A Abinanti / Senator** -- Enacts the "toll payer protection act"; repealer.
- A9966A – Sponsored by M of A Magnarelli / Senator DeFrancisco** -- Relates to a provisional permit for clinical laboratory technology; repealer.
- A10615 – Sponsored by M of A Titus / Senator Young** -- Relates to permitted deductions from wages; extends the effectiveness of such provisions.
- A10768 – Sponsored by M of A Morelle / Senator Golden** -- Relates to extending the empire state commercial production tax credit.
- A10795 – Sponsored by M of A Paulin / Senator Gallivan** -- Gives members of the New York state legislature the ability to solemnize marriages.
- A11121 – Sponsored by M of A Rules (Carroll) / Senator Young** -- Authorizes the commissioner of DMV to require examination of a person involved in an accident caused by a loss of consciousness or awareness.
- A11158 – Sponsored by M of A Rules (Aubry)** -- Authorizes an airport mass transit project at LaGuardia airport.

- A11241 – Sponsored by M of A Rules (Abbate) / Senator Golden** -- Relates to civil service provisional employees in NYC.
- S1124B – Sponsored by Senator Marchione / M of A McDonald** -- Provides for an increase in the rates of compensation for gold star parents.
- S2412D – Sponsored by Senator DeFrancisco / M of A Perry** -- Establishes the commission on prosecutorial conduct.
- S5002 – Sponsored by Senator Bailey / M of A Dinowitz** -- Establishes a committee on safety within the metropolitan transportation authority.
- S6464A – Sponsored by Senator Addabbo / M of A Weprin** -- Enacts the "state workforce injury reduction act."
- S6666 – Sponsored by Senator Amedore / M of A Bronson** -- Relates to authorizing the care and treatment of injured employees by duly licensed or certified acupuncturists under the workers' compensation program.
- S6686 – Sponsored by Senator Ranzenhofer / M of A Kim** -- Relates to damages to contracts occasioned by delay.
- S7134 – Sponsored by Senator Ort / M of A Abbate** -- Relates to providing county correction officers with a special optional twenty year retirement plan.
- S7862 – Sponsored by Senator Golden / M of A Dinowitz** -- Creates an extra transfer for pay-per-ride Metrocard users.
- S8141A – Sponsored by Senator Benjamin / M of A Rosenthal L** -- Requires the MTA to hold public hearings prior to certain transportation facility closures.
- S8380A – Sponsored by Senator Funke / M of A Funke** -- Authorizes paid family leave for bereavement.
- S8805 – Sponsored by Senator Rules / M of A Hooper** -- Relates to salary adjustments according to plan and step-ups or increments.
- S8929 – Sponsored by Senator Golden / M of A Cahill** -- Relates to extending workers' compensation coverage to certain TNC drivers.
- S8987A – Sponsored by Senator Amedore / M of A Amedore** -- Relates to allowing for the use of medical marihuana as an alternative to opioids for pain management and substance use disorder.
- S9089 – Sponsored by Senator Golden / M of A Cusick** -- Relates to correcting the spelling of the Verrazzano-Narrows bridge.
- S9100 – Sponsored by Senator Hannon / M of A Gunther** -- Enacts the drug take back act.



## Paid Family Leave Program

# Legislature Votes to Extend Paid Family Leave to Include Bereavement

Legislation to include time off for bereavement as a part of Paid Family Leave (PFL) was approved by the Senate and Assembly during the last week of session.

Sponsored by Senator Rich Funke and Assemblyman Joseph Morelle, the bill would allow the use of PFL if a family member, as defined by current law, passes away suddenly. In addition, if PFL is used to take care of a family member and that family member passes away, any remaining PFL may be used as bereavement time. The allotted time for bereavement would be 12 weeks, the same as the current provision.

Speaking on the Senate floor in favor the legislation, Senator Funke recounted his experience following the death of his son, Rich Jr., died in 2001, [https://www.youtube.com/watch?v=bjNDojw\\_MM](https://www.youtube.com/watch?v=bjNDojw_MM).

"I went back to work right away," Senator Funke said on the floor of the Senate Wednesday. "I tried to be strong for my family at the time, and that's how I thought I was going to get through this. About a month later, I was crushed by the emotion of it all. This amendment is going to give people the time and flexibility they need to grieve."

According to the sponsors, studies have shown that individuals who have lost a child have stronger grief reactions and a longer and slower bereavement. For those suffering the loss of a spouse or domestic partner, studies have shown that mortality increases anywhere from 40 to 90% in the three months following the death of a spouse and lingers at 15% during the months after.

Proponents assert that the inability to take time to process grief not only has an impact on a person's health and family, it has a profound impact on an individual's ability to carry out normal day-to-day tasks. However, on average, four days are allotted for the death of a spouse or child, according to the Society for Human Resource Management 2016 Paid Leave in the Workplace Survey.

The American Cancer Society notes that if normal mourning does not occur it is called "complicated grief" or "unresolved grief." Unresolved grief can cause severe psychological stress. Grief-related losses cost U.S. companies as much as \$75 billion annually.

"Allowing individuals the necessary time to grieve has long-term benefits in the form of greater employee loyalty, better outcomes, better quality of life for that person, and an overall healthier workforce that has been given the necessary time to mourn their loss," Assembly sponsor Morelle said. The legislation was the Assemblyman last bill of his 27-year career in the Assembly.

The legislation was passed in the Senate (61-1) and by the Assembly (111-32). It now goes to Governor Andrew Cuomo for consideration.

## *In the News – New York City*

# **Paid Parental Leave For NYC’s Public School Teachers**



Mayor Bill de Blasio, United Federation of Teachers President Michael Mulgrew, Office of Labor Relations Commissioner Robert Linn, and Schools Chancellor Richard Carranza this week announced an agreement to provide six weeks of paid parental leave at 100 percent of salary for 120,000 UFT-represented employees – including all New York City public school teachers.

Under the agreement, paid parental leave will be available for the birth of a child for both birth parents and non-birth parents and adoption or foster of a child under the age of 6. Birth parents will be able to combine their current paid sick leave provisions with parental leave for up to 12 to 14 weeks total. It is estimated that more than 4,000 new parents will use this benefit annually. The benefit will begin on September 4, 2018.

The contract covers all of the approximately 79,000 New York City public school teachers, plus UFT-represented school nurses, therapists, guidance counselors, secretaries and others. Eligible full-time and part-time employees may initially claim the benefit after being on payroll for a total of one calendar year. While on leave, they will be paid their full salary.

The new benefit will come at no new cost to New York City taxpayers. The City will contribute approximately \$51 million to the UFT Welfare Fund annually. This will be offset by extending the 2009-2018 UFT collective bargaining agreement by approximately two and one-half months, and fringe benefit and other savings.



## **NYC Comptroller Report: Bullying Rising in NYC Schools**

*Comptroller Report finds Bullying in NYC Schools at All-Time High; Calls for Increased Mental Health Professionals in Schools*

New York City Comptroller Scott Stringer this week called for increased mental health professionals in the City’s schools following a report finding a rise in bullying in City’s schools and “vastly under-resourced” school support.

Comptroller Stringer's new report, "*Safe and Supportive Schools: A Plan to Improve School Climate and Safety in NYC*," presents a review of current data related to school safety. In addition, a new audit revealed operational failures in how the City reports violent incidents in schools to the State and evidence of underreporting of these incidents. Based on the findings of the report and the audit, Comptroller Stringer is calling for increased social supports in City schools, an expansion of social-emotional learning advisories to all schools, and universal school-based mental health services.

Bullying and punitive action found by the policy report includes:

- In 2017, 82 percent of students reported that their peers harass, bully, or intimidate others in their schools, up from 65 percent in 2012.
- One in five students say they personally do not feel safe in or around their school.
- During the 2016-17 school year, students were handcuffed in over 1,800 incidents – including 120 cases involving children age 12 and under.
- In the first half of the 2017-18 school year, school suspensions increased by 20 percent following several years of decline.

In relation to support services, the report found that the city schools are vastly under-resourced:

- One guidance counselor per 375 students and only one social worker per 612 students.
- In the 2016-17 school year, 725 schools serving students across all grades – 45 percent of all schools – had no social worker.

The Comptroller's Office audit found DOE failed to record 21 percent of the sampled "violent or disruptive" incidents in school year 2015-2016 in its incident database, based on a sample of 10 middle and high schools. The audit also found that DOE did not consistently track the necessary disciplinary and referral action information needed to properly assess whether certain incidents should be reported to the State.

According to the Comptroller, the audit found "clear breakdowns" in communication in the reporting and tracking of incidents and actions taken. Specifically, the audit found that across all City public schools, 1,553 schools reported a total of 41,559 incidents – ranging from 1 to 271 incidents per school. 44 schools reported no incidents. Significantly, DOE had no records of corrective action in 83 percent of required student behavioral incidents, including nearly 400 incidents that were classified as serious infractions.

In response, Comptroller Stringer's report calls for expanding small group advisories, increasing in-school social workers and other critical staff as well as mental health services to accommodate students' needs, including:

- Expand the ranks of in-school social workers and other mental health professionals.
- Clarify the role of School Safety Agents and update the Memorandum of Understanding that governs DOE's relationship with NYPD to clearly outline appropriate interventions for specific scenarios involving student misconduct.
- Fund a Comprehensive Mental Health support continuum to provide direct service and targeted interventions for the highest need students and schools including hospital-based mental health partnerships, mobile response teams, and school-based mental health care.

## *Briefs*

### **Wadsworth Center Laboratory and Regeneron Pharmaceuticals, Inc. Aim to Improve Diagnosis of Lyme Disease and Develop New Treatments**

Governor Andrew Cuomo this week announced a public-private research collaboration to advance the diagnosis and treatment of tick-borne diseases. The New York State Department of Health Wadsworth Center Laboratory and Regeneron Pharmaceuticals, Inc. will collaborate to potentially develop improved diagnostics, prophylactics, and therapeutics for the diagnosis and treatment of tick-borne diseases, starting with Lyme disease.

Regeneron and the Wadsworth Center Laboratory will jointly research how the causative agent of Lyme disease, the bacterium *Borrelia burgdorferi*, replicates when a human is bitten by a tick carrying the bacterium, and how the host's immune response is activated. This information will potentially advance the development of improved diagnostics, prophylactics, and new therapeutics. Over the course of five years, Regeneron will invest up to \$48 million in this research and the state will reimburse 50 percent of Regeneron's research costs up to a total reimbursement of \$24 million through the New York State Life Sciences Initiative. Additionally, up to \$6 million will be provided to Wadsworth Center Laboratory through the Life Sciences Initiative.

### **New York State Health Commissioner: “Pros of a Regulated [Legalized Marijuana] Program Outweigh the Cons”**

New York State Health Commissioner Howard Zucker issued a statement this week updating New Yorkers on the status of a much-publicized report on the legalization of marijuana.

“Our border states have already legalized marijuana or are in the process of doing so. The report is being finalized, but it concludes the pros of a regulated program outweigh the cons. The report also concludes that should a regulated program be implemented, special consideration will need to be given to a number of factors including the age of who can purchase marijuana, who can grow and distribute it, the location of dispensaries, and at what rate the product would be taxed. The report raises a number of thoughtful questions and we look forward to delivering it for Governor Cuomo’s review.”

### **New NYC Policy to Reduce Marijuana Arrests**

Mayor Bill de Blasio and Police Commissioner James P. O'Neill this week announced a new policy to reduce unnecessary marijuana arrests. By September 1st, 2018, the majority of New Yorkers found smoking marijuana in public will face criminal summonses instead of arrest. The change is the result of the final report and recommendations produced by the 30-Day Working Group on Marijuana Enforcement that convened in May, and according to NYPD projections, will likely reduce overall marijuana arrests in New York City by about 10,000 per year based on 2017 arrest records and patterns.

New Yorkers will still be subject to arrest if they are on probation or parole, if they have existing criminal warrants, don't have identification, have a recent documented history of violence, or their smoking poses an immediate public safety risk—such as while driving a car.

New York City is also convening a separate Mayoral Task Force to determine the appropriate regulatory framework and identify the public safety, health and financial consequences should the State move forward with legalization. A report is expected by 2019. The work will be coordinated by the Mayor's Office of Criminal Justice and composition will include the Department of Health and Mental Hygiene, the NYPD, the Law Department, Department of Education and others.

## **Comptroller DiNapoli: Brooklyn By the Numbers**

- Population (2017): 2.6 million (31% of City's total population).
- Foreign-born residents (2016): Almost 1 million, representing 36 percent of the total population, 48 percent of the work force and 57 percent of the self-employed entrepreneurs.
- Race/Ethnic Diversity (2016): White (36 percent); Black/African American (30 percent); Hispanics/Latinos (19 percent); and Asians (12 percent).
- Private sector employment (2017): up by 4.4 percent.
- Unemployment rate: fell to 4.6 percent in 2017.

## ***Coming Up***

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

***No meetings scheduled.***

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

#### ***Monday June 25<sup>th</sup>***

***Committee on For-Hire Vehicles***, Council Chambers – City Hall, 10 a.m.

***Committee on Parks and Recreation***, Committee Room – 250 Broadway, 16<sup>th</sup> Floor, 11 a.m.

***Subcommittee on Zoning and Franchises***, Committee Room – City Hall, 11 a.m.

***Committee on Technology***, Committee Room – City Hall, 11 a.m.

***Committee on Environmental Protection***, Committee Room – 250 Broadway, 14<sup>th</sup> Floor, 1 p.m.

***Committee on Juvenile Justice***, Bronx Family Resource Center – 260 E. 161<sup>st</sup> Street, Bronx, 1 p.m.

**Tuesday June 26<sup>th</sup>**

*Committee on Housing and Buildings*, Council Chambers – City Hall, 10 a.m.

**Wednesday June 27<sup>th</sup>**

*Committee on Health*, Council Chambers – City Hall, 10 a.m.

*Committee on Women*, Council Chambers – City Hall, 10 a.m.

*Committee on Transportation*, Benjamin N. Cardozo School of Law Brookdale Center Jacob Burns Moot Court Room – 55 Fifth Avenue, New York, NY 10003, 1 p.m.

*Committee on Education*, Committee Room – 250 Broadway, 16<sup>th</sup> Floor, 2:30 p.m.

*Committee on General Welfare*, Committee Room – 250 Broadway, 16<sup>th</sup> Floor, 2:30 p.m.

**Thursday June 21<sup>st</sup>**

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

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