



This Week in New York

Covering New York State and City Government

A Publication of Pitta Bishop & Del Giorno LLC

September 28, 2018 Edition



In the News – State

NEW YORK RANKS 30TH OUT OF 50 STATES FOR ITS MATERNAL DEATH RATE AND IS HOME TO RACIAL DISPARITIES THAT LEAVE BLACK WOMEN 4X MORE LIKELY TO DIE FROM PREGNANCY RELATED COMPLICATIONS THAN WHITE WOMEN.

NYS Builds Efforts to Target Maternal Mortality and Reduce Racial Disparities in Health Outcomes

The New York State Taskforce on Maternal Mortality and Disparate Racial Outcomes held its first public meeting this week to detail the findings of statewide listening sessions in high risk communities and advance recommendations.

According to the Department of Health, although New York State has made improvements in reducing maternal mortality rates since 2010 (when it was ranked 46th in the nation for the lowest mortality rate), the state still ranks 30th in the nation. Racial disparities persist, as black women are almost four times more likely nationally to die in childbirth than white women and three times more likely in New York. Research shows that in New York City, highly educated black women still fare significantly worse than white women with less than a high school degree.

At the direction of Governor Andrew Cuomo, Department of Health Commissioner Dr. Howard Zucker led a series of statewide listening sessions in high risk communities. Meetings were held in the Bronx, Brooklyn, Queens, Harlem, Albany, Syracuse and Buffalo. These sessions provided an opportunity to listen to local stakeholders, including pregnant women, explore the barriers that women face in obtaining routine prenatal care, and discuss strategies to better increase awareness of the signs and symptoms of pre-eclampsia and other causes of maternal mortality and morbidity.

Based upon the listening sessions and the recommendations of the Maternal Mortality Task Force, the State will undertake the following initiatives:

Establishing the Maternal Mortality Review Board – DOH has established the Maternal Mortality Review Board to work in collaboration with the American College of Obstetricians and Gynecologists (ACOG) and the City of New York to review each maternal death. The Board, which will convene in early 2019, is tasked with making policy recommendations to DOH to improve maternal outcomes by reducing maternal mortalities and morbidities, and recommendations would specifically contemplate racial and economic disparities.

Launching the Best Practice Summit with Hospitals and OB-GYNs -- The Governor, in partnership with the Greater New York Hospital Association, Healthcare Association of New York State (ACOG) and other stakeholders, will launch a summit this year linking hospitals, educators, and practitioners. The Summit will address statistics, best practices, community awareness, medical school curricula, graduate medical education, and practicing physician training.

Piloting the Expansion of Medicaid Coverage for Doulas -- DOH will pilot the expansion of Medicaid coverage for doulas in early 2019. Doulas are non-medical birth coaches who assist a woman before, during, or after childbirth if needed. Certified doulas have been shown to increase positive health outcomes, including reducing birth complications for the mother and the baby.

Requiring Continuing Medical Education and Curriculum Development -- The Governor has directed the State Board for Medicine to require appropriate practitioners to participate in continuing medical education on maternal mortalities/morbidities and disparate racial outcomes. Additionally, DOH will work with medical schools to build materials on maternal mortality/morbidity and disparate racial outcomes into their medical school curriculum, graduate medical education and training for practicing physicians.

Expanding the New York State Perinatal Quality Collaborative -- The State has expanded its collaboration with hospitals across New York State to review best practices to address hemorrhaging and implement new clinical guidelines to reduce maternal mortality. Over 80 hospitals are engaged voluntarily in this effort, led and coordinated by the Department of Health. This collaborative has identified key metrics for measuring success in reducing maternal hemorrhage, as well as drafted clinical guidelines which will ultimately be used across the state to improve quality care.



Call for More Apprenticeship Programs

A report published this week by the Center for and Urban Future (CUF), NYC-based economic development think tank, urges Governor Andrew Cuomo and Mayor Bill de Blasio to significantly expand the number of apprenticeship programs throughout New York.

The study emphasizes the need for greater partnerships with employers to expand apprenticeships in fields that haven't always employed such training models—including technology, finance, healthcare, and hospitality. The study concludes that “apprenticeships are among the most successful strategies for lifting low-income residents into the middle class, but it finds that New York City currently has a small number of apprenticeships, and hardly any outside of the building trades.”

Apprenticeships provide one of the most reliable pathways into the middle class. They are a proven model for vaulting individuals from low and moderate income backgrounds into well-paying jobs and giving them skills and credentials that set them up for career success.

The report shows that New York City today has fewer than 100 registered apprenticeship programs for a labor force of more than 4 million. The study also shows that only 10 of the 94 registered apprenticeship programs in New York City are in industries outside of the building trades and manufacturing—with 5 in healthcare, 2 in workplace safety consulting, 1 in information technology; 1 for diesel engine mechanics, and 1 for school crossing guards. The city is also home to a handful of promising unregistered apprenticeship programs, including certain tech- and finance-centered models that companies have started to use as a way to train new hires and diversify their workforces. Industries like healthcare, tech, and green energy are growing, and have significant numbers of “middle-skills” jobs that don’t require a four-year college degree.

According to the report, New York has enormous potential to expand apprenticeships. The study calls on Governor Cuomo to further embrace apprenticeships by setting goals to double the number of apprentices during the next five years and correlating that growth to the state’s Regional Economic Development Councils and their strategic plans. It criticizes the state policy of housing its apprenticeship efforts exclusively at the State Department of Labor, an agency focused primarily on enforcing labor and wage laws. Although New York is the third most populous state, it ranks 7th in the number of registered apprenticeships, 12th in the number of apprentice programs, and 45th in the rate of growth in apprenticeships since 2011. The report also urges the state to significantly expand efforts to market the Empire State Apprenticeship Tax Credit.

While Mayor de Blasio is commended for launching ApprenticeNYC, CUF also urges the mayor to set more expansive goals for the program, including some privatization of the program which is currently housed at the NYC Department of Small Business Services. ApprenticeNYC aims to create 450 apprenticeships. Colorado, by comparison—which has 3.5 million fewer people than New York City—recently rolled out a plan to establish 20,000 apprenticeships.

The report documents several reasons why apprenticeship growth in New York has lagged—from an overly cumbersome state process for registering new apprenticeship programs to a low number of employers who embrace the model. It also offers a number of recommendations for overcoming these challenges and expanding apprenticeships in New York, including creating a new office outside of the Department of Labor to lead the expansion of apprenticeship programs throughout the state. To read the entire report, made possible with funding from *Barclays*, click here: [The Promise of Apprenticeships in New York](#).

In the News – City

Economic Snapshot of Staten Island: Resilience and Progress

Staten Island is setting population, business and employment records, according to a report on the borough's economy released this week by the New York State Comptroller.



"Jobs and businesses have reached record levels on Staten Island, spurred by reconstruction, new development and a growing leisure and hospitality sector," Comptroller Thomas DiNapoli said. "Staten Island's recovery from Superstorm Sandy demonstrates the borough's strength. Of course, growth brings challenges, and I hope this report provides helpful information to Staten Island's residents, elected officials, business community and non-profits as they continue their efforts to build Staten Island's future."

Since 2012, the borough has added 11,000 private sector jobs, reaching a record of 97,000 in 2017. Three-quarters of the gains were concentrated in four sectors: construction, social assistance, leisure and hospitality, and health care. The construction sector alone was responsible for one-third of the gains.

Health care is the largest employer with 22,700 jobs, nearly one-quarter of private sector employment in 2017. Major employers include the Richmond University Medical Center, the Staten Island University Hospital (which has two campuses) and the South Beach Psychiatric Center. Since 2012, the sector has added 1,500 jobs, an increase of 7 percent.

Amazon and Ikea plan to open large warehouse facilities at the 200-acre Matrix Global Logistics Park on the West Shore in 2018. Amazon alone is expected to employ more than 2,000 workers, and the site is expected to employ more than 4,000 when fully leased.

The unemployment rate declined by half from 9.4 percent in 2010 to 4.6 percent in 2017, close to the citywide rate and the record-low reached in 2006 (both 4.5 percent). Median household income was \$79,200 in 2017, up 12 percent since 2010 and almost one-third higher than the citywide median. The borough had the second-lowest poverty rate in the city after Queens. The population reached a record of 479,500 in 2017.

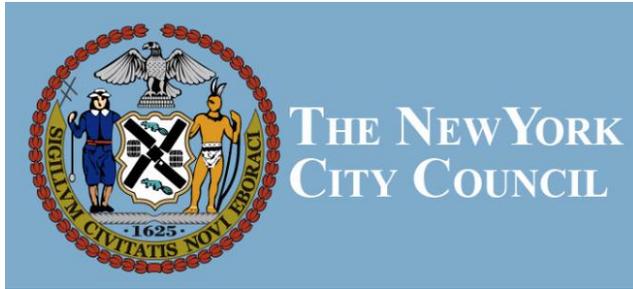
The borough had a record 9,500 businesses in 2017, 9 percent more than in 2012. More than two-thirds had fewer than five employees and 81 percent had fewer than 10 employees. Taxable business sales grew by 16 percent since 2012 (similar to the citywide growth), reaching a record of \$1.9 billion in 2016. The North Shore had the fastest growth, increasing by 22 percent.

Staten Island is the least populous and most suburban of New York City's five boroughs, with one-third of its acreage dedicated to parks and recreation. It also has the highest rate of home ownership (70 percent) of all the boroughs, which is higher than the national average (64 percent). Nonetheless, housing affordability remains a challenge, particularly for renters who have a lower median household income than homeowners.

"Comptroller DiNapoli's report confirms what we've known for some time: Staten Island continues to make economic strides by building resiliency and creating an attractive environment for new businesses to grow," said Assembly Member Michael Cusick. "Over the past several years, the combination of a vibrant cultural tapestry, green spaces, and an expanding job market has enhanced the quality of life we find on Staten Island. While this report has a lot of good news, it serves as a reminder of the work left to be done to ensure economic growth reaches all neighborhoods by increasing affordability and shoring up the borough's ability to withstand future extreme weather events."

Comptroller DiNapoli's report also found that:

- Immigrants represented nearly one-quarter of the population, with one-third coming from Europe. The foreign-born population grew by 57 percent between 2000 and 2017.
- The construction sector grew by 66 percent between 2011 and 2017 (partly driven by rebuilding after Superstorm Sandy), adding twice as many jobs as were lost during the recession to reach a record of 9,700 jobs.
- The leisure and hospitality sector grew by 19 percent between 2012 and 2017, adding 1,600 jobs reflecting the growth in tourism.
- Staten Island had the highest median age (40.4) of the five boroughs. The number of residents aged 55 and over has grown by 50 percent since 2000, much faster than in any other borough.
- On average, residents spent 46 minutes commuting to work in 2017, much higher than the national average of 27 minutes and slightly higher than the citywide average. Two-thirds drove or carpooled to work, nearly three times the share in the rest of the city. Half of Staten Islanders work on the Island, while one-quarter commute to Manhattan.
- In 2016, the borough was home to 39 percent of the city's firefighters, one-fifth of its police officers, and one-tenth of its elementary and middle-school teachers, although it accounts for only 5 percent of the city's resident work force.



Bills Approved by the Council

Introduction 561-A, sponsored by Council Member Mark Treyger, would require the Department of Education to submit annual reports to the Council regarding the income and expenditures for Parent and Parent-Teacher Associations. The data would be disaggregated by school district and school.

Introduction 628-A, sponsored by Council Member Costa Constantinides, would require the city to create a map of the areas of the city that are most vulnerable to flooding due to the anticipated impacts of climate change and sea level rise. This local law would also require the city to create a mitigation plan to address the flooding.

Introduction 672-A, sponsored by Council Member Mark Treyger, would require the Department of Citywide Administrative Services (DCAS) to annually provide DOE with materials relating to civil service examinations and require DOE to provide such materials to graduating seniors.

Introduction 723-A, sponsored by Speaker Corey Johnson, would require sight-seeing bus businesses to submit a list of their proposed stops to the Department of Transportation (DOT) for approval prior to obtaining an operating license from the Department of Consumer Affairs (DCA). This would enable the Department of Transportation to monitor congestion and traffic caused by sight-seeing buses on the road.

Introduction 727-A sponsored by Council Member Rafael Espinal, would expand licensing requirements for sight-seeing bus companies.

Introduction 735-A, sponsored by Council Member Steven Matteo, would require the Conflicts of Interest Board to report on, and initiate rulemakings for, Advisory Opinions that have interpretive value in construing the provisions of the conflicts of interest law, and that meet certain criteria.

Introduction 750-A, sponsored by Council Member Costa Constantinides, would create a New York City Jamaica Bay Task Force to provide advice and recommendations to the City regarding the cleanup of Jamaica Bay and Jamaica Bay resiliency.

Introduction 959-A, sponsored by Council Member Margaret Chin, would extend the vending exclusion zone around the World Trade Center (WTC) to encapsulate new security points that were not included when the zone was first created.

Introduction 969-A, sponsored by Council Member Peter Koo, would extend the restricted hours that food vendors can vend on certain streets within Flushing. This builds off current legislation that creates certain windows for food vending on streets. The bill also restricts obstructions on certain sidewalks within this heavily congested area of Queens.

Briefs

State Raises 'Significant Concerns' About CVS-Aetna deal

New York State Department of Financial Services (DFS) is raising concerns about the proposed \$69 billion CVS acquisition of Aetna. In a letter to Katherine Wade, Connecticut's insurance Commissioner, DFS Commissioner Maria Vullo wrote, "The proposed transaction, if approved, ... is likely to increase prices for members and reduce options for consumers, without any discernible increase in quality,"

The federal government is reviewing the acquisition in relation to anti-trust rules. The State of Connecticut, where Aetna is based, has jurisdiction over the acquisition. Connecticut is holding a public hearing October 4 on the proposed deal.

In her letter to Connecticut's Insurance Department, Commissioner Vullo pointed out that CVS, a pharmacy benefit manager, would have an incentive to offer Aetna larger rebates on prescription drugs, drawing customers away from other insurers and skewing the market. While the Commissioner cannot stop the acquisition, the DFS could refuse to renew Aetna's license to sell insurance in New York.

Commissioner Vullo noted the following (1) unfair competitive advantage for Aetna; (2) high concentration of Pharmacy benefit manager market would cause barriers to entry; (3) increases concentration in Medicaid Part D market which could lead to higher premiums; (4) no commitment to pass savings onto customers; (5) Possible ill-effects of CVS Debt.

Thursday, Aetna reached an agreement to sell its Medicare Part D drug plan business to WellCare Health Plans.

DFS will hold its own public hearing on October 18 in New York City.

State PSC to Establish Office of Investigation & Enforcement

The State Public Service Department (PSC) is planning a new office focused on investigations and enforcement actions against gas, electric, water and steam utilities. The PSC is currently advertising for a director for the new entity, the Office of Investigation and Enforcement.

According to the job posting, the unit would report directly to PSC Chairman John Rhodes, according to a job posting. The new office will utilize 'full penalty powers' granted by the state's Public Service Law, and will focus on consumer protection, electric and gas utility emergency preparations and response, gas safety and commission orders related to 'reliability, merger conditions [and] service quality."

Comptroller DiNapoli Finds Mixed Picture For Local Government Finances

There has been a decline in the number of local governments facing fiscal challenges, but those who are in “significant fiscal stress” has more than doubled, according to a report released Tuesday by the State Comptroller.

“Fewer local governments are considered fiscally stressed, but those with persistent financial problems are struggling to stay out of the red and fix their problems,” Comptroller Thomas DiNapoli explained. “While the results may be encouraging in some areas, there are municipalities that should focus on near-term financial risks and implement more prudent long-term planning.”

Significant Stress			
Greater than or equal to 65% of total points			
Name	Class	County	Fiscal Score
Long Beach	City	Nassau	80.8%
Island Park	Village	Nassau	78.3%
Niagara Falls	City	Niagara	77.1%
Oyster Bay	Town	Nassau	76.7%
Suffolk	County	Suffolk	76.7%
Poughkeepsie	City	Dutchess	75.0%
Parish	Town	Oswego	70.0%
Westchester	County	Westchester	69.6%
Monroe	County	Monroe	69.2%
Watervliet	City	Albany	69.2%
Nassau	County	Nassau	68.8%
German Flatts	Town	Herkimer	65.0%

NYS DMV Launches Initiatives for Commercial Drivers

Electronic Notifications Ensure Commercial Drivers Remain Compliant with Federal Law

Drivers Can Now Access Commercial Driving Records Online

The New York State Department of Motor Vehicles (DMV) is implementing two new initiatives to offer more convenient access to information for New York’s commercial drivers. Beginning this month, Commercial Driver License (CDL) and Commercial Learner Permit (CLP) holders can sign up for electronic notifications to alert them when it is time to renew their medical certifications. In addition, they are now able to access copies of their driver abstracts, or driving records, through the department’s online [MyDMV program](#).

These initiatives will benefit more than 425,000 CDL holders and more than 16,000 CLP holders in New York State.

Most CDL or CLP holders are required to obtain Medical Examiner’s Certificates, and in some cases, Medical Variances, and must keep the certificates updated with the DMV. Changes must also be updated with the Federal Motor Carrier Safety Administration (FMCSA). If a driver fails to maintain current certificates, their license or permit could be downgraded to a non-commercial class, which could impact their job status.

Calls to Investigate Violations of Do Not Call Law Going Unanswered

Do Not Call registry complaints by New York state residents have more than doubled since 2014 to more than 450,000 annually, but only two cases were referred for enforcement action in 2016 and 2017 combined, according to an audit released by State Comptroller Thomas DiNapoli.

The New York State Do Not Call Law allows consumers to register their mobile and landline phone numbers on a national registry to reduce unsolicited telemarketing calls. The Department of State's Division of Consumer Protection is responsible for enforcing the 2001 law. Initially, New York consumers registered their phone numbers on a statewide registry. Then, in 2003, the Federal Trade Commission (FTC) and the Federal Communications Commission together created the National Do Not Call Registry. As of Dec. 31, 2017, more than 14 million New York phone numbers were on the registry.

Comptroller DiNapoli's auditors found the number of Do Not Call complaints by state residents more than doubled from 217,031 in 2014 to 454,100 in 2017, but the number of cases referred to legal counsel at the division fell from 15 to one over that time period. The amount of fines levied dropped from \$1.9 million to \$44,000. In 2017 and 2016 combined, the division referred only two cases to legal counsel for further enforcement, versus 29 in 2015 and 2014 combined.

New York's Do Not Call program has five staff including a clerk and an investigator devoted full time to Do Not Call. It also has some shared investigative and legal staff. Auditors found personnel turnover and vacancies in key positions at the Do Not Call program hampered its effectiveness.

According to the Comptroller, the Department of State agreed with the audit's findings.

NYC Homeless Shelters to Offer Financial Counseling to Clients

Residents of City homeless shelters will soon be able to get financial counseling directly from their case workers to help them transition to better housing. The Department of Homeless Services is launching a program, *Financial Independence Now*, which will train 471 shelter workers to help clients set up banking accounts and check credit scores.

The initiative is part of an effort to increase services for homeless New Yorkers at their shelters, according to Social Services Commissioner Steven Banks. The City is partnering with the CUNY School of Professional Studies and the Financial Clinic to train the shelters in two-day sessions over the next three years. The program is an expansion of a pilot which ran in six shelters over the summer.

Mayor de Blasio Appoints Sarah Carroll As New Chair Of The Landmarks Preservation Commission

Mayor Bill de Blasio this week appointed Sarah Carroll as the Chair of the Landmarks Preservation Commission. As Chair, Carroll will lead the Commission as it continues to preserve and protect New York City's architecturally, historically, and culturally significant buildings and sites.

Ms. Carroll has served in various capacities at LPC, including Landmarks Preservationist, Deputy Director of Preservation, and Director of Preservation. In 2014, she became Executive Director. She has a Bachelor's Degree in Art History from Bates College, and a Masters of Fine Arts Degree in Historic Preservation from the Savannah College of Art & Design.

Comptroller Stringer: A New Charter to Confront New Challenges

New York City Comptroller Scott Stringer this week released a comprehensive new set of proposals, "[A New Charter to Confront New Challenges](#)," that outlines 65 recommended changes to the New York City Charter. The Charter, which is the City's governing document, is undergoing its first full-scale review in nearly 30 years since the last major revision in 1989. Among the recommendations by the Comptroller are:

- **Chief Diversity Officer:** Create the position inside the Mayor's cabinet and within each City agency tasked with overseeing minority and women business enterprise (M/WBE) programs, tracking and measuring talent.
- **Community Boards:** Require Community Boards to hire a full-time qualified urban planner with a degree in urban planning, architecture, real estate development, public policy or similar discipline.
- **Office of Inspection:** Create the Office of Inspection to be responsible for all building and housing inspection and remediation.
- **Uniform Land Use Review Procedure (ULURP):** Strengthen & expand ULURP.

Council Introduces Landmarks Legislation

Councilmember Inez Barron this week introduced legislation (Int. 1114) to create a task force to study and issue recommendations regarding monuments, statues, public art, and historical markers on city-owned property. The study would place special emphasis on those that have been subject to sustained negative attention or may be viewed as inconsistent with the values of diversity, equity and inclusion.

Under the bill, the task force would be chaired by the Commissioner Cultural Affairs. The Commissioners of City Planning, Parks and Recreation, and Transportation would have seats on the task force, as well as the Executive Director of the Landmarks Preservation Commission. The remaining five members of the task force would be representatives from each of the five boroughs respectively and have expertise in one or more of the following areas: history, art and antiquities, public art and public space, preservation, cultural heritage, diversity and inclusion, and education.

Coming Up

New York State

Monday October 1st

To examine both the statutory procedures parole board members are required to consider when making a decision and compliance with same as well as the procedures used in issuing conditional pardons pursuant to Executive Order 181

Joint Senate Standing Committee on Victims, Crime and Correction and Committee on Elections, Van Buren Hearing Room A, Legislative Office Building, 2nd Floor, Albany, 12 p.m.

Tuesday October 2nd

To examine both the statutory procedures parole board members are required to consider when making a decision and compliance with same as well as the procedures used in issuing conditional pardons pursuant to Executive Order 181

Joint Senate Standing Committee on Victims, Crime and Correction and Committee on Elections, William P. Bennett Hicksville Community Center, 28 West Carl Street, Hicksville, 11 a.m.

New York City

Wednesday October 3rd

Subcommittee on Zoning and Franchises, Committee Room – City Hall, 9:30 a.m.

Committee on Public Housing, Council Chambers – City Hall, 10 a.m.

Committee on Governmental Operations, Committee Room – City Hall, 1 p.m.

Committee on Criminal Justice, Committee Room – City Hall, 1 p.m.

Subcommittee on Planning, Dispositions and Concessions, 250 Broadway, 16th Floor, 2 p.m.

Committee on Hospitals, Council Chambers – City Hall, 2 p.m.

Thursday October 4th

Committee on Finance, Committee Room – City Hall, 10 a.m.

Disclaimer: The materials in this *This Week in New York* report are provided for informational purposes only and are not intended to be a comprehensive review of legislative or governmental or political developments, to create a client-consultant/lobbyist relationship, or to provide consulting, lobbying or political advice. Readers are cautioned not to attempt to solve specific problems on the basis of information contained in this *This Week in New York*. If consulting, lobbying or government

relations advice is required, please consult a professional expert in such matters. The information contained herein, does not necessarily reflect the opinions of Pitta Bishop & Del Giorno LLC, or any of its members or employees or its clients. Neither Pitta Bishop & Del Giorno LLC, nor its members or employees make any warranty, expressed or implied, and assume no legal liability with respect to the information in this report, and do not guarantee that the information is accurate, complete, useful or current. Accordingly, Pitta Bishop & Del Giorno LLC is not responsible for any claimed damages resulting from any alleged error, inaccuracy, or omission. This communication may be considered an advertisement or solicitation.

To request that copies of this publication be sent to a new address or fax number, to unsubscribe, or to comment on its contents, please contact Theresa Cosgrove at tcosgrove@pittabishop.com or at (518) 449-3320.

To Our Clients: If you have any questions regarding any of the matters addressed in this newsletter, or regarding any legislative, government relations or political or consulting or related issues in general, please contact the Pitta Bishop & Del Giorno LLC professional with whom you usually work.

This Week in New York is a publication of Pitta Bishop & Del Giorno LLC.

120 Broadway, 28th Floor
New York, New York 10271
Telephone (212) 652-3890
Facsimile (212) 652-3891

111 Washington Avenue, St. 401
Albany, New York 12210
Telephone (518) 449-3320
Facsimile (518) 449-5812

25 Hyatt Street, St. 202
Staten Island, New York 10301
Telephone (718) 943-1050
Facsimile (718) 943-1051