

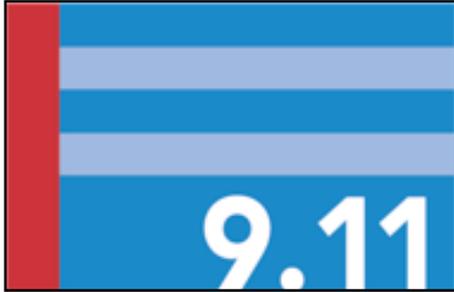
This Week in New York

Covering New York State and City Government

A Publication of Pitta Bishop & Del Giorno LLC

October 20, 2018 Edition

In the News – State



NY's US Representatives Push Bipartisan Bill To Permanently Fund 9/11 Victims Compensation Fund

Bipartisan Legislation Would Ensure that 9/11 First Responders & Survivors Who Become Sick with Certified 9/11 Illnesses in the Future would be Covered by Victim Compensation Fund (VCF)

With the solvency of the 9/11 Victims Compensation Fund (VCF) in question and cancer rates among 9/11 first responders starting to increase, New York's U.S. Senators and Congressmembers this week announced bipartisan legislation to permanently reauthorize and fund the VCF.

The legislation (S3591/HR 7062) is sponsored by U.S. Senate Minority Leader Charles E. Schumer (D-NY), U.S. Senator Kirsten Gillibrand (D-NY) and U.S. Representatives Carolyn B. Maloney (D-NY-12), Jerrold Nadler (D-NY-10), and Peter T. King (R-NY-2). It would ensure that 9/11 first responders who become sick with certified 9/11 illnesses in the future would be covered by the VCF program.

"We fought for and passed the 9/11 Victims Compensation Fund to provide peace of mind to those sickened after the horrific attack," said U.S. Senator Charles Schumer (D-NY). "For too many, ailments and disease from exposure to that toxic airborne brew have taken years to show up and – as the need for the fund grows – the chance it may not have adequate resources to take care of our heroes is just unacceptable..."

The terrorist attack on September 11, 2001 killed 2,997 and injured thousands in New York City, Shanksville, PA and the Pentagon, Senator Gillibrand explained. In the years since, tens of thousands more men and women, including first responders, relief workers, and local residents, have lost their lives or gotten sick after they were exposed to a "toxic cocktail of burning chemicals, pulverized drywall, and powdered cement."

According to medical researchers, many cancers can lie dormant for more than 20 years before turning deadly. This year, the number of cancer certifications by the World Trade Center Health Program reached over 10,000 cases. To date, the VCF has approved over 19,204 claims.

Legislative proponents asserted that as we reach the 20-year milestone and these latent diseases continue to manifest, new claims will continue to rise as we reach the expiration of the current Victim Compensation Fund (VCF) in 2020.

“Thousands of firefighters, police officers, federal and local law enforcement officers, medical workers, construction workers, and other heroes risked their lives for us after we were attacked on 9/11. They didn’t back down when we needed them, and now, as cancer rates in the 9/11 first responder community are higher than ever and the 9/11 death toll continues to rise 17 years after the attacks, Congress needs to stand up for them,” said Senator Gillibrand (D-NY).

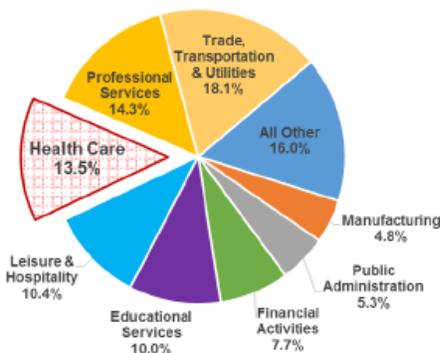
The VCF was established in 2001 to provide compensation for any individual (or a personal representative of a deceased individual) who suffered physical harm or was killed as a result of the terrorist-related aircraft crashes of September 11, 2001, or the recovery and removal efforts that followed. The original fund operated from 2001-2004 and distributed over \$7 billion.

President Obama signed the James Zadroga 9/11 Health and Compensation Act of 2010 Act in 2011, reactivating the VCF, expanding its pool of eligible claimants, and appropriating \$2.775 billion for its operation. The 2015 Reauthorization Act extended the VCF for an additional five years (allowing individuals to submit claims until December 18, 2020) and appropriated an additional \$4.6 billion, bringing the total amount available to pay VCF claims and to cover operational and administrative costs to \$7.375 billion. As of August 31, 2018, \$4.279 billion has been awarded in compensation on VCF claims.

Pitta Bishop’s affiliate, [Pitta & Baione LLP](#), focuses its practice on representing claimants before the VCF and is available to advise potential claimants about eligibility and to file claims on their behalf.

Health Care Jobs Grow Across New York

New York State’s health care jobs exceeded 1.2 million in 2017, according to a report released by State Comptroller Thomas DiNapoli. Health care employment rose by more than 18 percent over the past decade, more than double the pace of overall employment growth.



Comptroller DiNapoli’s report found the health care industry in New York provided nearly \$71 billion in wages, with an average annual wage of \$57,200 in 2017. As the third largest employer both in New York State and the nation, the health care industry provided over 1.2 million and 17.3 million jobs, respectively, in 2017. In New York, the industry represents 13.5 percent of total employment.

Growth in private sector health care employment occurred in every region of the state over the last decade, with gains of more than 10 percent for six of ten regions. New York City led with an increase of nearly 33 percent, followed by Long Island (25.1 percent), the Finger Lakes (18.9 percent), the Hudson Valley (17.8 percent), and Western New York (16.7 percent). In the Mohawk Valley, health care made up

almost 20 percent of all private-sector jobs in 2017. Both upstate and downstate, employment growth in health care was stronger than in all other industries combined over the past ten years.

"Across upstate New York in particular, private employment would have declined if not for job gains in health care," Comptroller DiNapoli said.

In many regions, the health care industry paid out higher average annual wages than the rest of the private sector. In the North Country, average annual wages in health care were more than 50 percent higher than the average for all other industries. Average wages rose in that region over the past decade by nearly 42 percent, and by more than 30 percent in Western New York and Long Island.

Other findings include:

- Doctors, dentists and nurses comprised nearly 40 percent of health care occupations, with doctors and dentists garnering the highest annual average wages at \$152,650. Nurses averaged \$79,240. Health care assistants and aides – the single largest occupation at 33.5 percent – received the lowest average wage at \$29,120.
- With over 548,000 jobs, or 43.7 percent, ambulatory services had the largest share of industry employment, more than residential care facilities or hospitals.
- New Yorkers spent nearly \$158 billion on health care in 2017, representing 16.1 percent of personal consumer expenditures in the state.

In the News – City



NYC Council Releases Student Transportation Oversight Package

“STOP” legislation includes mandatory GPS technology on school buses

The New York City Council this week unveiled the Student Transportation Oversight Package (STOP), a comprehensive package of legislation to increase transparency around the Department of Education’s Office of Pupil Transportation operations and increase oversight and efficiency over bus activity.

According to the sponsors, this package comes after a series of reports of corruption and mismanagement within DOE, and complaints from parents and educators about bus services, ranging from no-show buses or missing students, to significant school bus delays and concerns about school bus drivers.

The Council's Data Operations Unit analyzed data concerning these bus delays as self-reported by bus companies. School buses that were delayed ran an average of more than 28 minutes late. Reasons for school bus delays include many mechanical problems and heavy traffic.

“When parents put their children on a school bus, they expect their kids will travel safely and arrive on time,” Speaker Corey Johnson explained. “The recent issues we have seen, with buses failing to show up and students left stranded hours on end, are terrifying, especially for students with disabilities and very young children. What a horrible way to start the year for these kids and families. We must do everything to ensure our students’ safety and alleviate distress for their parents. The Council’s Student Transportation Oversight Package (STOP) is a step forward to protecting children riding school buses. Disclosing the Department of Education’s Office of Pupil Transportation’s procedures and data and installing GPS technology on school buses will provide much needed relief to parents, DOE employees, and school bus operators alike, but most significantly, will help keep our children safe.”



The legislative package includes:

- **Introduction 926:** Requiring the Department of Education (DOE) to report on Office of Pupil Transportation (OPT)’s policies and procedures for handling complaints about bus drivers (Speaker Corey Johnson)
- **Introduction 929:** Requiring DOE to report on the number of complaints and investigations into bus drivers initiated each quarter (Council Member Joseph Borelli)
- **Introduction 1099:** Requiring school buses to be equipped with two-way radios, cell phones and GPS systems (Council Member Ben Kallos)
- **Introduction 451:** Requiring DOE to share a School Bus Bill of Rights (Council Member Daniel Dromm)
- **Proposed Introduction 89-A:** Requiring DOE to report on average student transportation times (Council Member Andy King)
- **Preconsidered Introduction:** Requiring DOE to report on student transportation services, including the number of vehicles, staff, routes, and delays, disaggregated by company contracted with, as well as ridership numbers (Council Member Mark Treyger)
- **Preconsidered Introduction:** Requiring DOE to make scheduled bus routes public at least one month before the start of school, and requiring DOE to report on how routes are determined and goals for how busing can better serve student needs (Council Member Ben Kallos)
- **Resolution 540:** Calling for more extensive training for bus drivers who transport students with disabilities (Public Advocate Letitia James)

“New York City’s children should always be safe while traveling to and from school. Yet our school buses have been unreliable at best, and dangerous at worst. With the City Council’s school bus safety package, our City’s parents can rest assured knowing their children will be better protected while receiving their education. Keeping our children safe—whether at school or on the way to school—will always be our top priority,” said Public Advocate Letitia James.

Bills Approved by the Council

Introduction 878-A, sponsored by Council Member Robert Cornegy, will expand upon Local Law 94 of 2016 and require that city jails that accept visitors and police precincts offer lactation rooms to persons using on-site services.

Introduction 879-A, sponsored by Council Member Laurie Cumbo, will require any employer with 15 or more employees to provide a lactation room that includes a space to place a breast pump for employees needing to express breast milk. The employer will also be required to ensure that the lactation room and a refrigerator suitable for breast milk storage are in a reasonable proximity to an employee's work area.

Introduction 905-A, sponsored by Council Member Carlina Rivera, will require employers to develop, implement and distribute to all new hires a written policy regarding the provision of a lactation room.

Introduction 913-A, sponsored by Council Member Helen Rosenthal, will require the Department of Health and Mental Hygiene (DOHMH) to submit a plan to increase access to doulas for pregnant people in the city, including relevant timelines and strategies.

Introduction 914-A, sponsored by Council Member Helen Rosenthal, will expand upon Local Law 55 of 2017, which requires the Department of Health and Mental Hygiene (DOHMH) to report information on maternal mortality. The bill will require DOHMH to submit additional data on maternal mortality, as well as information on severe maternal morbidity. These reports will include an annual report on mortality, an annual report on morbidity and a five-year report on mortality, disaggregated by various factors such as such as insurance status, trimester of prenatal care entry and preexisting health conditions.

Introduction 853-A, sponsored by Public Advocate Letitia James, would require the establishment of a working group to study the feasibility of providing discounted group childcare services for children, aged four and under, of city employees. The working group would issue its feasibility report in 12 months and oversee the implementation by a city agency of a one-year pilot project to provide or subsidize a childcare center or centers for such children.

Introduction 380-A, sponsored by Council Member Mark Treyger, would require the Department of Citywide Administrative Services to make available a supply of diapers and baby wipes sufficient to meet the needs of children three-years old and younger at domestic violence shelters, temporary shelters, family justice centers, LYFE programs and City-contracted childcare centers.

Briefs

Governor Calls for Boycott of Spectrum News Stations

Governor Andrew Cuomo this week urged elected officials to boycott Charter/Spectrum news stations, including NY1 and Capital Tonight, because the company refuses to resolve a longstanding labor dispute with Local 3 of the International Brotherhood of Electric Workers.

"In 2016, the Public Service Commission granted Charter Spectrum a lucrative franchise to operate in this state," Governor Cuomo explained. "That PSC approval was expressly conditioned on certain representations made by Charter Spectrum. Those representations included maintaining the skilled workforce and bringing high speed internet to unserved and underserved communities. The company has not lived up to their representations and the PSC has been engaged in a protracted process to revoke their franchise.

"I have publicly stated my opposition to and outrage at Charter's conduct on numerous occasions" the Governor continued. "I applaud Mayor de Blasio for boycotting the network and encourage other officials to do the same. Consumers must be made aware of the abuses of Charter Spectrum, which the network has conspicuously failed to report on any of its broadcasts. Consumer pressure will affect Charter's bottom line, which is obviously their only concern."

Approximately 1800 of Local 3's Charter Communications/Spectrum employees went on strike on March 28, 2017 following years of working under an expired agreement. Among the grievances cited by the union are Charter Communications/Spectrum's efforts to eliminate contributions to employee pension, hospitalization, and dental plans.

NY Court of Appeals Strikes Down Part of Cuomo's Salary Limit on CEOs of State Health Contractors

The New York Court of Appeals struck down a portion of the state Department of Health (DOH) regulation limiting the salaries of executive officers at state-contracted health care providers. In an opinion by Chief Judge Janet Difiore, the court ruled that DOH had exceeded its authority by attempting to limit how providers use private funds to pay their executives.

LeadingAge New York and the Coalition of New York State Public Health Plans sued the State in relation to regulations drawn in response to an executive order by Governor Andrew Cuomo. The regulations established a hard cap that restricted the use of state money to pay their executives more than \$199,000 per year and limited the amount of state money that could be used to pay administrative costs to 15 percent of expenses. The regulation also established a soft cap that placed the same limit on executive salaries funded by private revenues. Providers can apply for a waiver to either cap.

The Court of Appeals unanimously upheld the hard cap, but ruled against the soft cap. “By attempting to control how an entity uses its private funding, DOH has ventured beyond legislative directives relating to the efficient use of state funds and into the realm of broader public policy concerns,” Chief Judge DiFiore wrote.

State Senate Introduces Stretch Limousine Safety Act

New York State Senator Simcha Felder (D Brooklyn) introduced legislation to improve public safety in the wake of the recent limousine crash in Schoharie County that claimed the lives of 20 people. The Stretch Limousine Safety Act (S 9177) seeks to clearly define and regulate the commercial use of stretch limousines. Provisions include:

- **Retirement Age:** Requires stretch limousines be retired from service after 10 years. Taxi Cabs in New York City are currently retired after 7 years due to wear and tear on the vehicle.
- **Training:** New rules and safety training as a pre-requisite to licensure for limo drivers.
- **Inspections and Insurance:** Upon failure of a DOT safety inspection, owners have a 10-day window to make necessary repairs, during which transporting passengers is prohibited. If repairs are not underway in the given timeframe, DOT can impound the vehicle. These procedures ensure that vehicles deemed to have sub-par safety standards and operators who have not demonstrated a responsible commitment to passenger safety will not be transporting passengers. In addition, stretch limousines must have a minimum liability insurance coverage of \$2 million.
- **Transparency:** All stretch limousines are required to display a license plate sized sticker on a passenger door of the vehicle that clearly states when their last successful vehicle inspection took place. Upon a failed safety inspection, a sticker of the same size clearly indicating that the vehicle is prohibited from transporting passengers shall replace the above sticker. Additionally, DOT will report the results of every inspection on their website.
- **Penalties and Seizure:** Increases penalties for violations of the above sections and operating a stretch limo that has failed inspection becomes a class E felony.

Meet the



Syracuse Mets

Governor Andrew Cuomo announced the Syracuse Mets are committing to sign a lease extension to call Syracuse home for at least 25 years. New York State is committing \$12.5 million to Onondaga County's major renovation project at NBT Bank Stadium in Syracuse, in preparation for the arrival of the Mets' minor league franchise in 2019. The \$26.25 million project will result in an improved experience for baseball fans and visitors while ensuring the Mets' farm-team will stay in Syracuse until at least 2043. The Governor also announced the team has been renamed and will now be known as the "Syracuse Mets."

Kelly Jin Named City's Chief Analytics Officer

Mayor Bill de Blasio this week named Kelly Jin as Director of the Mayor's Office of Data Analytics (MODA). Part of the Mayor's Office of Operations, MODA serves as the City's civic intelligence center, helps manage the City's Open Data program, and uses analytical tools to help government deliver services more efficiently, make strategic policy decisions, and increase transparency.

Ms. Jin previously worked in the White House Office of Science and Technology Policy as a policy advisor to the U.S. Chief Technology Officer and Chief Data Scientist, advising on strategy for local jurisdictions. She also built and co-led the City of Boston's analytics team and served as Citywide Analytics Manager. Her earlier career included advisory roles in the U.S. General Services Administration, White House Domestic Policy Council, and as a management consultant. Jin holds a B.A. in economics from the University of Pennsylvania.

DSNY Commissioner Garcia To Coordinate City's Lead Prevention Efforts

Mayor de Blasio this week announced that Kathryn Garcia will be named Senior Advisor for Citywide Lead Prevention to coordinate citywide efforts to reduce childhood lead exposure. In this role, Commissioner Garcia will lead prevention and mitigation programs across agencies to develop a citywide plan for prevention and response and serve as the point of operational control for the City government on the matter of lead exposure.

Commissioner Garcia will take on this new role in addition to continuing to lead Sanitation, and DSNY First Deputy Commissioner Steven Costas will take on some additional day-to-day responsibilities at the agency.

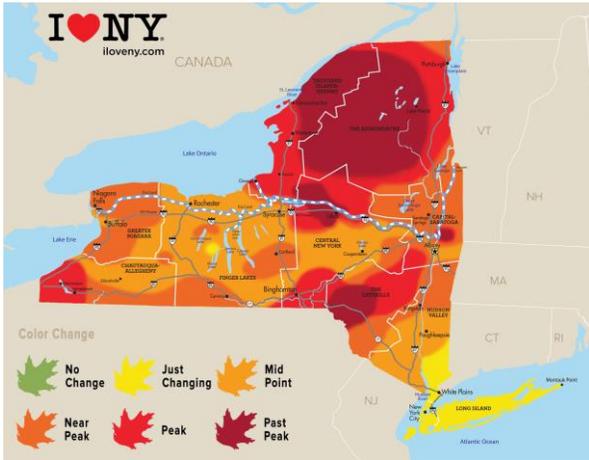
According to the Mayor, in her first 90 days, Commissioner Garcia will develop a citywide lead reduction roadmap, which will serve as a basis for agency planning.

Comptroller Stringer Proposes To End MTA Two Tiered Transit System

MTA should lower all commuter rail fares to the base Metrocard fare of \$2.75, and allow free transfers between rail, subways, and buses

New York City Comptroller Scott Stringer called on the MTA to drop prohibitively expensive Metro-North and LIRR fares to the price of a Metrocard swipe for all trips within the five boroughs. The Comptroller's proposal would expand transit access in 31 neighborhoods in the Bronx, Brooklyn, and Queens that have Metro-North or Long Island Rail Road (LIRR) stations. Currently, according to the Comptroller, One way, rush-hour tickets from all 13 Bronx stations and 14 Queens stations to central Manhattan cost \$9.25 and \$10.25, respectively. With the additional cost of bus and subway transfers, the financial burden of commuter rail is prohibitive for working New Yorkers.

The Comptroller's new report, *Expanding Access In One Swipe*, details the potential impact of the proposal, including how integrating Metro-North and LIRR fares with the subway and bus would cut commute times in half, improve job access, extend the reach of the transit system, and relieve overcrowding on the subway.



New York Fall Foliage Report

Foliage change slowed down in many areas of New York State over the past week, creating opportunities to see peak leaves in six of the state's 11 vacation regions this weekend, according to observers for Empire State Development's I LOVE NY program. This weekend, look for peak colors in the Adirondacks, Catskills, Chautauqua-Allegheny, Capital-Saratoga, Thousand Islands-Seaway and Central New York regions.

Coming Up

New York State

Tuesday October 23rd

School health, mental health, and physical education

Joint Assembly Standing Committee Education, Assembly Hearing Room B, Legislative Office Building, 2nd Floor, Albany, 10 a.m.

New York City

Monday October 22nd

Subcommittee on Zoning and Franchises, Council Chambers – City Hall, 9:30 a.m.

Committee on Environmental Protection, Committee Room – 250 Broadway, 16th Floor, 10 a.m.

Committee on Small Business, Council Chambers – City Hall, 1 p.m.

Tuesday October 23rd

Committee on Housing and Buildings, Committee Room – City Hall, 10 a.m.

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

Subcommittee on Landmarks, Public Siting and Maritime Uses, Committee Room – 250 Broadway, 16th Floor, 12 p.m.

Committee on Aging, Council Chambers – City Hall, 1 p.m.

Committee on Juvenile Justice, Horizon Juvenile Center – 560 Brook Avenue, Bronx, 1 p.m. - Tour

Committee on Civil Service and Labor, Committee Room – City Hall, 1:30 p.m.

Committee on Finance, Committee Room – City Hall, 1:30 p.m.

Subcommittee on Planning, Dispositions and Concessions, Committee Room – 250 Broadway, 2 p.m.

Wednesday October 24th

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

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

Committee on Land Use, Committee Room – City Hall, 11 a.m.

Committee on General Welfare, Council Chambers – City Hall, 1 p.m.

Committee on Public Housing, Committee Room – City Hall, 1 p.m.

Thursday October 25th

Committee on Justice System, Committee Room – City Hall, 10 a.m.

Committee on Consumer Affairs and Business Licensing, Council Chambers – City Hall, 10 a.m.

Committee on Parks and Recreation, Committee Room – 250 Broadway, 14th Floor, 1 p.m.

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

Committee on Immigration, Council Chambers – City Hall, 1 p.m.

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