



This Week in New York

Covering New York State and City Government

A Publication of Pitta Bishop & Del Giorno LLC

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Happy Holidays From Pitta Bishop & Del Giorno LLC



In the News – State

Governor Cuomo Mandates NYS To “Broaden Interpretation” Of Merit Scholarship Eligibility For Gold Star Families

Governor Andrew Cuomo this week directed the Higher Education Services Corporation (HESC) to broaden the interpretation of eligibility for New York’s Military Enhanced Recognition Incentive and Tribute (MERIT) Scholarship. Under the new interpretation, college tuition and related costs will be covered for all children, spouses, and financial dependents of members of the United States Armed Forces who die, become severely and permanently disabled, or missing in action while performing their military duties.

Under the previous interpretation of the statute, only children, spouses, and financial dependents of veterans killed in a combat zone were eligible for the scholarship. The announcement, made during the Month of the Military Child, honors the sacrifices made by military families every day.

"Military service is more than just the active military member - I believe the entire family is in service, and we will honor that sacrifice and respect that service not just in words, not just with symbols, but with deeds," Governor Cuomo said. "That is why New York is taking immediate action to extend benefits to all those lost or disabled while on active duty, period. We can never replace the loved one lost, but we can lessen the hardship and make it a little easier to deal with the loss, and it is our honor, our obligation and our pleasure to do just that."

Created in 2003 just after the start of the War in Iraq in an effort to provide greater support to New York's military service members, the MERIT Scholarship covers up to four years of full-time undergraduate study (or five years in an approved five-year bachelor's degree program) and includes the following components:

- **Tuition:** An amount equal to the actual tuition or the State University of New York's (SUNY) in-state tuition, whichever is less.
- **Non-tuition Costs:** Includes room and board and allowances for books, supplies and transportation up to the average cost at SUNY Colleges.
- **Residence:** Students living on campus are awarded a higher room and board allowance than a commuter student. If housing is not available for students on campus they will receive the same allowance as students living on campus. For the current academic year, recipients will receive a maximum of \$24,250 if living on campus and a maximum of \$15,750 if commuting to college.

According to the Administration, in 2018, an estimated 111 students received this award, totaling \$1.8 million. Since its implementation in 2003, MERIT scholarships have helped 387 veterans' family members pay their college tuition.



Chapters of the Laws of 2019

Chapter 25 (Sponsored by Senator Salazar / M of A Cahill) -- Enacts the "comprehensive contraception coverage act."

Chapter 26 (Sponsored by Senator Sepulveda / M of A De La Rosa) -- Enacts the Jose Peralta New York state DREAM Act.

Chapter 27 (Sponsored by Senator Mayer / M of A Benedetto) -- Relates to state assessments and teacher evaluations.

In the News – City



Buildings Department Announces Enforcement Sweep of Construction Sites Across NYC

Following the deaths of three construction workers last week in separate work-related accidents in the City, the Department of Buildings (DOB) will deploy more than 90 inspectors to perform safety sweeps of construction sites, and educate workers about the importance of construction site safety.

“One death on a construction site in our city is too many,” said Department of Buildings Acting Commissioner Thomas Fariello, R.A. “We find that most construction accidents could have been prevented with the proper site safety precautions. That is why we are sweeping construction sites across the city, and taking aggressive enforcement actions when we find these precautions are being ignored.”

According to Acting Commissioner Fariello, these three accidents are still under active investigation, by the Department, our partner agencies, and law enforcement.

DOB inspectors, including those from the Department's newly created Construction Safety Compliance and Construction Safety Enforcement units, the Cranes and Derricks Unit, the Scaffold Safety Unit, and the Special Operations Unit, will issue enforcement actions if they observe safety violations, and shut down sites if they find serious safety lapses.

Specifically, the DOB construction inspectors will be investigating work sites across the five boroughs for compliance with existing construction safety rules, ensuring that scaffold safety precautions are being followed, construction cranes are installed and used according to approved plans, C-hook suspended scaffolds are properly installed, and that appropriate fall protection systems are being utilized. During this sweep, they will be inspecting an estimated 5,000 construction sites. Work sites that are found to be unsafe for workers could face penalties of up to \$25,000 for construction safety violations.

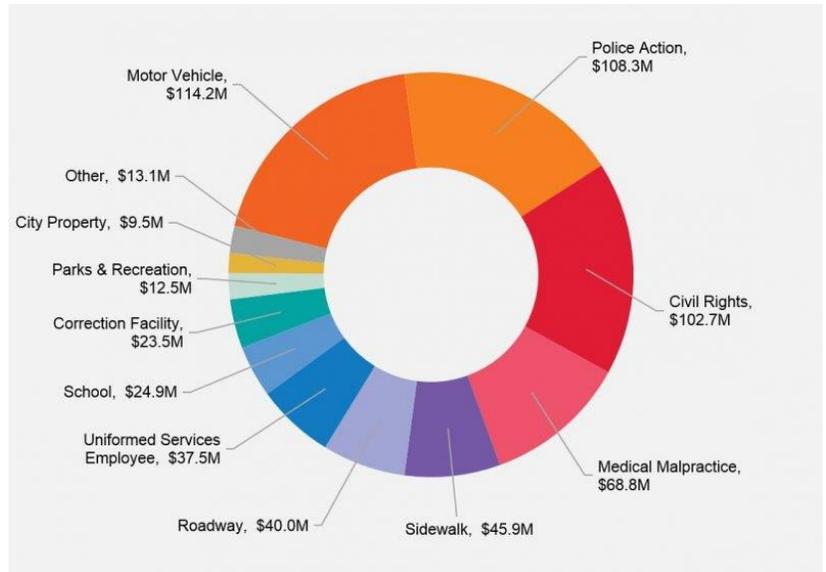
The Construction Safety Compliance (CSC) and Construction Safety Enforcement (CSE) units were created at the Department of Buildings in August 2018, as part of a larger reorganization of the Department's enforcement branch. The CSC Unit is responsible for periodic inspections of active construction sites, reviewing construction site safety plans, and enforcing site safety training requirements set forth in Local Law 196 of 2017. The CSE Unit is responsible for performing emergency inspections, responding to construction safety-related complaints, performing follow-up inspections for previously issued violations and Stop Work Orders, and conducting regular sweeps of active job sites for construction safety compliance.

NYC Paid \$1 Billion in Claims in 2018

The City of New York settled 14,094 claims and lawsuits in 2018, paying out \$1.0 billion, according to a report by City Comptroller Scott Stringer. Tort claims (Personal injury and property damage claims) accounted for \$608.5 million, while non-tort claims (including contract disputes, equitable claims, and refund claims) cost the City \$400.1 million.

In FY 2018, the five costliest personal injury claim settlements by claim type were motor vehicle claims (\$114.2 million), police action claims (\$108.3 million), civil rights claims (\$102.7 million), medical malpractice claims (\$68.8 million), and sidewalk claims (\$45.9 million). Together, in FY 2018, these five claim types cost \$439.9 million in payouts and accounted for 73 percent of all personal injury settlements and judgments paid out.

In FY 2018, the City paid out \$400.1 million in non-tort claims, or “law claims,” a 16 percent increase from the \$343.9 million paid out in FY 2017. More than 75 percent of all non-tort claim payments were related to claims for reimbursement of the cost of special education services.



Total Amount Paid for Personal Injury Claim Settlements Recorded by Claim Type, FY 2018

Briefs

NYS OCA: ICE Agents Need Warrant to Make Arrests in Courthouses

The New York State’s Office of Court Administration (OCA) issued a one-page directive this week stating that Immigration and Customs Enforcement (ICE) agents will only be permitted to take individuals into custody inside New York State courthouses if they have a warrant issued by a federal judge.

The directive follows a Immigration Defense Project report which found that the increased presence of federal immigration officers in and around New York state courts has led to a sharp decline in equal access to litigation and the use of legal services by undocumented immigrants.

“We have concluded that this report provides us with a sufficient basis to take the step that many have asked us to take to require that ICE present a judge-issued warrant before conducting an arrest in a state courthouse,” Chief Administrative Judge Lawrence Marks said in published reports. “Although we’re not aware that any other court system in the country has taken this step, this comprehensive, well-documented report has convinced us that this change in policy is now appropriate and warranted.”

Data Privacy Survey to Improve Regulation of Online Marketplace

Governor Andrew Cuomo this week announced that the New York State Division of Consumer Protection has launched a data privacy consumer survey to give New Yorkers the opportunity to weigh in on data privacy issues and inform policymaking. This initiative follows and is in conjunction with the Governor's call in February for the New York Department of State, in partnership with the New York State Department of Financial Services and other state agencies, to investigate reports that Facebook is secretly accessing personal information of users.

The new survey asks respondents about the number of smart devices in each household, the operating systems being used, and whether they know how to access privacy settings on social media, apps and Internet browsers. It also asks consumers to describe the types of personal information they believe is being collected, stored or sold by social media outlets, apps and/or browsers; any specific experiences or concerns regarding the collection or sharing of such information without permission; and what future data privacy consumer protections would make the consumer feel safe.

Mayor de Blasio Appoints Jackie Bray as Director of the Mayor's Office to Protect Tenants

Mayor Bill de Blasio this week appointed Jackie Bray as Director of The Mayor's Office to Protect Tenants. Ms. Bray currently serves as the First Deputy Commissioner at the New York City Department of Homeless Services. The Mayor's Office to Protect Tenants will spearhead the City's anti-harassment initiatives, enhance interagency enforcement and closely engage with tenants and advocates.

In conjunction with his State of the City Address, Mayor de Blasio signed an executive order establishing the Mayor's Office to Protect Tenants. The office is charged with:

- Serving as central point of contact for advocacy groups and tenants to raise issues and get results from agencies.
- Leading policy development to strengthen tenant protections and better target problematic buildings and owners.
- Bringing government and advocate task forces together to address challenges.

- Convening and coordinating activities of key city agencies including Department of Housing Preservation and Development, Department of Buildings, Human Resources Administration, Department of Consumer and Worker Protection, Law Department, Department of Finance, Mayor's Office of Special Enforcement, the Commission on Human Rights, and the Mayor's Office of Data Analytics.
- Strengthening the Tenant Harassment Prevention Task Force.
- Tracking outreach efforts across agencies and metrics at a building and neighborhood level.

She is an alumna of the University of Michigan and has a Masters of Public Health from Columbia's Mailman School.

New York City Economy Continues to Set Records City Added 820,000 Jobs from 2009 to 2018

New York City employment reached 4.55 million jobs in 2018, the highest level ever recorded, according to a report released this week by State Comptroller Thomas P. DiNapoli.

The city added 820,400 jobs between 2009 and 2018. However, most of the jobs added were in employment sectors, such as leisure and hospitality, with average salaries below the citywide average of \$89,800. In 2018, there were 721,800 more jobs in the city than before the recession.

The city's current job expansion is also the fastest, with an average of 91,200 jobs added each year. Business services, leisure and hospitality, and health care accounted for 60 percent of the gains since 2009.

The citywide unemployment rate fell from 10.1 percent in October 2009 at the height of the Great Recession to an annual rate of 4.1 percent in 2018.

In 2017, there were more than two million immigrants employed in New York City, representing 42 percent of all workers. The unemployment rate for immigrants was below the citywide rate.

Comptroller DiNapoli found the business services sector, which includes accountants, lawyers, programmers and clerks, added the most jobs of any sector between 2009 and 2018 (193,000 jobs), an increase of 34 percent. The leisure and hospitality sector grew the fastest (50 percent) and was responsible for nearly one-fifth of the citywide job gains – 153,500. Restaurants were responsible for nearly two-thirds of the gains in this sector.

Health care, the only employment sector to add jobs every year since 1990, added 145,500 jobs from 2009 to 2018. It was also responsible for the most job gains in any sector in 2018. The technology sector has grown by 80 percent since 2009 to 142,600 jobs. With an average salary of \$152,900 in 2017, the tech sector has become one of the economic drivers in New York City.

Coming Up

New York State

The Legislature is in recess until Monday, April 29th

Thursday April 25th

To hear public testimony on the proposed Farmworkers Fair Labor Act

Joint Senate Standing Committee on Agriculture and Committee on Labor

Little Theater, SUNY Morrisville, Student Activities Center, 8- Eaton Street, Morrisville, 11 a.m.

Friday April 26th

To hear public testimony on the proposed Farmworkers Fair Labor Act Senate Standing Joint Senate

Standing Committee on Agriculture and Committee on Labor

William H. Rogers Building, William J. Lindsay Court Complex, 725 Veterans Memorial Highway, Smithtown, 2:30 p.m.

Tuesday April 30th

To hear from experts and stakeholders on the issue of divesting the NYS Common Retirement Fund from fossil fuels as outlined in S.2126 / A.1536

Senate Standing Committee on Finance

Van Buren Hearing Room A, Legislative Office Building, 2nd Floor, Albany, 10 a.m.

New York City

There are no scheduled meetings the week of April 22nd

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