



This Week in New York

Covering New York State and City Government

A Publication of Pitta Bishop & Del Giorno LLC

March 25, 2022 Edition



“Every record has been destroyed or falsified, every book rewritten, every picture has been repainted, every statue and street building has been renamed, every date has been altered. And the process is continuing day by day and minute by minute. History has stopped. Nothing exists except an endless present in which the Party is always right.”
-George Orwell, 1984-

In the News – New York State



US Supreme Court Orders New Jersey to Halt Withdrawal From the Waterfront Commission

The U.S. Supreme Court this week ordered a halt to New Jersey’s withdrawal from the bi-State Waterfront Commission of New York Harbor, granting New York’s motion for preliminary relief to stop the Garden State’s plan to withdraw its representative from the Commission next week.

The Commission was created in 1953 because of the pervasive corruption on the waterfront in the Port of New York-New Jersey. The States of New York and New Jersey, with the approval of the Congress and the President of the United States, enacted a compact creating the Waterfront Commission of New York Harbor.

New Jersey enacted legislation to withdraw from the Commission and announced its intention to withdraw from the Waterfront Commission and move the port oversight authority to its State Police. However, last week, New York State filed a motion asserting that New Jersey did not have the authority to break the compact.

“The compact specifies the only two ways the agreement may be terminated: mutual consent of the compacting states or congressional repeal,” the state wrote. “New Jersey’s attempt to engraft a third method into the agreement — unilateral termination — is contrary to the compact’s express terms.”

In a two-sentence decision, the Supreme Court ruled, “The motion for preliminary relief is granted. New Jersey is hereby enjoined from enforcing Chapter 324 or taking action to withdraw unilaterally from the Compact or terminate the Commission pending disposition of the motion for leave to file a bill of complaint and, if granted, disposition of the case.”

The matter will be argued before the Supreme Court in the coming months.

“The Supreme Court has granted our motion for a preliminary injunction preventing New Jersey from unilaterally withdrawing from the Waterfront Commission. Coming less than 24 hours after New York filed our reply, this swift decision is a victory for the safety of New Yorkers and for the health of our economy,” New York Governor Kathy Hochul said. “In light of current geopolitical uncertainty, the work of the Waterfront Commission in combatting crime at the port and protecting vital industries is more important than ever before. I thank Attorney General James, Solicitor General Underwood, and the entire team for their work on this case on behalf of New York State. We will continue to fight for New Yorkers to crack down on corruption and crime and protect the safe transport of goods.”

In the News – New York City



Citing Economic Concerns, Mayor Exempts NYC-Based Athletes & Performers From the City’s COVID Vaccination Requirements

New York City Mayor Eric Adams yesterday outlined the “next step in the city’s economic recovery” and signed [Executive Order 62](#) exempting New York City-based athletes and performers from the City’s private employer vaccine mandates.

Prior to Executive Order, the City’s preexisting private employer vaccine rules allowed and athletes who play for visiting teams to play in New York City and performers who live outside New York City to perform in New York City, regardless of COVID-19 vaccination status.

Mayor Adams asserted that this double standard hurt the city’s economy and put New York sports teams at a self-imposed competitive disadvantage.

“Today we take another step in our city’s economic recovery — leveling the playing field for New Yorkers and supporting local businesses and performance venues across the city,” said Mayor Adams. “By expanding an existing exemption, we are simply making sure the rules apply equally to everyone who is a performer, regardless of where they are from. The old exemption put our sports teams at a self-imposed competitive disadvantage and was unfair to New York performers. Now, with the city in a low-risk environment, we can keep protecting each other, as we continue to move in the right direction and deliver an equitable and inclusive economic recovery.”

The Mayor’s announcement was met by criticism by government officials and organized labor alike, citing the inequitable application of the City’s vaccination laws which, prior to Executive Order 82, resulted in the dismissal of thousands of government workers.

“I’m worried about the increasingly ambiguous messages that are being sent to New Yorkers about public health during this continuing pandemic,” Council Speaker Adrienne Adams explained. “I have serious concerns about the process, rationale and inequity in today’s decision to exempt professional athletes and performers from the City’s private employee vaccine requirement when over 1,400 city government workers, many of whom served bravely on the frontlines during this pandemic, were fired from their jobs for not getting vaccinated. This exemption sends the wrong message that higher-paid workers and celebrities are being valued as more important than our devoted civil servants, which I reject. This is a step away from following sensible public health-driven policies that prioritize equity.”

The City’s unions, including the Police Benevolent Association, The United Federation of Teachers, the Correction Officers’ Benevolent Association, city EMTs and paramedics in Local 2507, the Police Lieutenants Benevolent Association, and the Detectives’ Endowment Association have come out in opposition to the exemption.

The Broadway League, representing 41 city theaters, said it will continue its current plan to require vaccinations for audience members, performers, backstage crew and theater staff through at least the end of April, according to published reports.

“Talented detectives with irreplaceable experience were lost because of the mandate,” said Paul DiGiacomo, president of the Detectives’ Endowment Association. “Athletes and performers more important during a crime wave than NYPD detectives? He must be kidding.”



NYS Comptroller DiNapoli: Wall Street’s 2021 Bonuses Set a New Record

The average bonus paid to employees in New York City’s securities industry for 2021 grew to \$257,500, a 20% jump over the previous year’s record high, according to annual estimates released this week by New York State Comptroller Thomas DiNapoli.

According to the Comptroller, the estimated bonuses paid out on Wall Street are higher than the city’s most recent 15.7% growth projection, and should help the city exceed its expected revenue from income taxes.

“Wall Street’s soaring profits continued to beat expectations in 2021 and drove record bonuses,” Comptroller DiNapoli said. “But recent events are likely to drive near-term profitability and bonuses lower. Markets are turbulent as other sectors’ recovery remains sluggish and uneven... In New York, we won’t get back to our pre-Covid economic strength until more New Yorkers and more sectors — retail, tourism, construction, the arts and others — enjoy similar success.”

The securities industry continues to make up one-fifth of private sector wages in New York City, despite comprising only 5% of private sector employment. Comptroller DiNapoli estimates that 1 in 9 jobs in the city are either directly or indirectly associated with the securities industry.

As a major source of revenue, Comptroller DiNapoli estimates that the securities industry accounted for 18% (\$14.9 billion) of state tax collections in state fiscal year (SFY) 2021 and 7% (\$4.7 billion) of city tax collections in city fiscal year (CFY) 2021.

Comptroller DiNapoli also reported:

- The Governor's January projection assumes bonuses in the broader finance and insurance sector will increase by 16.2% in SFY 2022, ending March 31. Because the city's securities industry makes up three-quarters of the statewide bonus pool, Wall Street record bonuses will likely increase state tax collections to higher than anticipated levels in the current fiscal year.
- New York City's Feb. 2022 financial plan assumes that the 2021 bonus pool for securities industry employees will increase by 15.7%. The city's financial plan assumes securities industry bonuses for work performed in 2022 will decrease by 16.8%.

The average salary (including bonuses) in the city's securities industry increased by 7.7% to \$438,370 in 2020 (the latest annual data available), nearly five times higher than the average in the rest of the private sector (\$92,315).

Briefs

Court Employees Face April 4th Deadline for COVID Vaccinations or Face Termination

The Office of Court Administration (OCA) notified 156 employees Monday that they had failed to meet qualification for employment due to their unvaccinated status. They have until April 4th to comply with the vaccination policy or be terminated. Four judges are not in compliance with the vaccine policy, including two in New York City, one in the Hudson Valley, and one in Western New York, according to the OCA.

State Court of Appeals Judge Jenny Rivera is among the four judges who now face referral of the Commission on Judicial Conduct, according to published reports.

In a statement, OCA said the unvaccinated judges are "barred from entering any court facility and must work from home...judges with criminal jurisdiction are not allowed to conduct arraignments." Other nonvaccinated OCA employees have also been barred from entering any court facility. Their absences are being charged to any accruals they may have.

New York State Ends COVID-19 HERO Act Designation

New York State's Commissioner of Health ended the designation of COVID-19 as an airborne infectious disease that presents a serious risk of harm to public health under the New York Health and Essential Rights (HERO) Act. Private sector employers in New York State are no longer required to implement their workforce safety plans.

The HERO Act provisions remain available for New York State if the Health Commissioner chooses to reactivate its application to COVID-19, or to apply the HERO Act to any other future airborne infectious disease that presents a serious risk of harm to public health.

Governor Hochul Announces Multi-State Agreement to Partner on Regional Clean Energy Hydrogen Hub

Governor Kathy Hochul this week announced that New York has signed a multi-state agreement to develop a proposal to become one of at least four regional clean energy hydrogen hubs. The New York-led consortium includes Connecticut, Massachusetts, and New Jersey.

Consortium partners have committed to collaborate with the New York State Energy Research and Development Authority (NYSERDA), the New York State Power Authority (NYPA), and Empire State Development (ESD) on proposal development to advance hydrogen projects. Specifically, the consortium will develop a proposal in response to the United States Department of Energy (DOE) Funding Opportunity Announcement, anticipated to launch in May 2022 with \$8 billion in funding available.

Partnering states will align the consortium's efforts with each state's climate and clean energy goals. These include Connecticut's Global Warming Solutions Act goal of reducing greenhouse gas emissions 80% by 2050, Massachusetts' goal to be carbon neutral by 2050, and New Jersey's Global Warming Response Act goal of reducing greenhouse gas emissions 80% by 2050.

MTA Chair Appoints Richard Davey as President of NYC Transit

Metropolitan Transportation Authority (MTA) Chair and CEO Janno Lieber this week announced the appointment of former Massachusetts Secretary of Transportation Richard Davey as the next president of New York City Transit. As president, Davey will oversee the 54,000-person workforce, as well as operations for New York City subways, buses, paratransit services, and the Staten Island Railway.

Davey was Secretary and Chief Executive Officer of the Massachusetts Department of Transportation from 2011 to 2014. His transit career began at Massachusetts Bay Commuter Railroad Company (MBCR) in 2003. He was promoted to general manager in 2008. In 2010, Davey accepted the general manager position for Massachusetts Bay Transportation Authority (MBTA), the fifth largest public transit system in the country. During his tenure, MBTA had its highest annual ridership since 1946.

His first day as New York City Transit President will be May 2. Craig Cipriano, who has served as Interim President of New York City Transit since August 2021, will assume the role of New York City Transit Chief Operating Officer effective the same date.

Davey, who is 48, holds a B.A. from College of the Holy Cross and a J.D. summa cum laude from Gonzaga University School of Law.

Manhattan Suffers Largest Population Loss Among US Counties During COVID

New York County saw its population decrease by 110,958 or 6.9% between July 2020 and July 2021, the largest decline in the country, according to [US Census data](#) released this week.

Four of New York City's five boroughs accounted for four of the top US counties with population losses. Brooklyn's population declined by 86,341 residents or 3.5%, the sixth worst percentage in the nation. The number of residents in the Bronx decreased by 41,490 or 3.2% — the eighth highest percentage drop. Queens County came in ninth place with a 3.1% decrease, or 64,648 population loss. Only Staten Island managed to stay out of the top 10.

According to the Empire Center for Public Policy, New York City's decline was fueled by domestic migration with 342,449 people moving to other areas during the worst of the COVID-19 outbreak. During the pandemic, births outnumbered deaths in the City, by 29,000 people.

Coming Up

New York State

Monday, March 28th

Assembly Session, New York State Capitol Building, Assembly Chamber, Albany, 1:45 p.m.

Senate Session, New York State Capitol Building, Senate Chamber, Albany, 3 p.m.

Tuesday, March 29th

Assembly Session, New York State Capitol Building, Assembly Chamber, Albany, TBD

Senate Session, New York State Capitol Building, Senate Chamber, Albany, 3 p.m.

Wednesday, March 30th

Assembly Session, New York State Capitol Building, Assembly Chamber, Albany, TBD

Senate Session, New York State Capitol Building, Senate Chamber, Albany, 3 p.m.

Thursday, March 31st

Assembly Session, New York State Capitol Building, Assembly Chamber, Albany, TBD

Senate Session, New York State Capitol Building, Senate Chamber, Albany, 11 a.m.

New York City

Monday, March 28th

Committee on Criminal Justice, Remote Hearing - Virtual Room 3, 10 a.m.
Oversight – Reducing Violence Among Young Adults in City Jails.

Committee on Fire and Emergency Management, Remote Hearing – Virtual Room 1, 10 a.m.

Committee on Consumer and Worker Protection, Remote Hearing – Virtual Room 2, 10:30 a.m.
Oversight – Consumer Protections During COVID-19.

Tuesday, March 29th

2023 Redistricting Commission, Council Chambers – City Hall, 4 p.m.

Wednesday, March 30th

Committee on Public Safety, Remote Hearing – Virtual Room 1, 10 a.m.
Oversight – Mayor’s Blueprint to End Gun Violence.

“No man can be a good citizen unless he has a wage more than sufficient to cover the bare cost of living, and hours of labor short enough so after his day’s work is done he will have time and energy to bear his share in the management of the community, to help in carrying the general load.”

-Theodore Roosevelt-

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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.

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