



This Week in New York

Covering New York State and City Government

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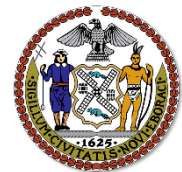


*“Every record has been destroyed or falsified, every book rewritten, every picture has been repainted, every statue and street building has been renamed, every date has been altered. And the process is continuing day by day and minute by minute. History has stopped. Nothing exists except an endless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

In the News – New York State



Governor Hochul & Mayor Adams Announce Plan for SPARC Kips Bay: A Job Education Hub for Health and Life Sciences Innovation



Governor Kathy Hochul and New York City Mayor Eric Adams this week announced plans for the Science Park and Research Campus (SPARC) Kips Bay, a \$1.6 billion campus dedicated to life sciences. Driven by investment from both the City and State, the SPARC Kips Bay project aims to make New York a global leader in life sciences, health care, and public health by creating a pipeline from local public schools to careers in these growing fields.

Through a partnership with The City University of New York (CUNY), SPARC Kips Bay will generate approximately \$25 billion in economic impact to the City over the next 30 years; create 10,000 jobs (including 2,000 permanent jobs); and transform Hunter College's Brookdale Campus on East 25th Street and First Avenue into new teaching and commercial facilities.

According to the Governor, SPARC Kips Bay plans to cultivate the next generation of the scientific research and health care workforce, creating a single campus with space for a new public high school, CUNY schools focused on healthcare, health and biotech companies, and public health institutions. CUNY will offer degrees and continuing education programs in public health and medical research. Career opportunities will range from doctors and nurses to biochemists and engineers, as well as a variety of supporting roles in the life sciences and health care fields like business managers and lawyers.

The City estimates the new commercial lab space will create about 2,000 jobs and attract new companies and startups.



State Raises Minimum Wage for Home Care Workers

The New York State Department of Labor (NYSDOL) this week announced a [minimum wage increase for home care aides](#). Effective October 1, 2022, the minimum wage for home care aides has been increased to \$17.00 per hour in New York City, Long Island, and Westchester, and \$15.20 per hour for the remainder of New York State.

“We know how valuable our home care aides are, especially with the shortages we’re currently seeing,” said NYSDOL Commissioner Roberta Reardon. “...Overall, this will ensure better worker retention and patient care.”

Under Public Health Law § 3614-f, “home care aide” refers to a home health aide, personal care aide, home attendant or other licensed or unlicensed person whose primary responsibility includes the provision of in-home assistance with activities of daily living, instrumental activities of daily living or health-related tasks; provided, however, that home care aide does not include any individual (i) working on a casual basis, or (ii) who is a relative through blood, marriage or adoption of the employer or the person for whom the worker is delivering services, under a program funded or administered by federal, state or local government.

Home care aides may be owed extra pay in addition to minimum wage rates for:

- Overtime - Home care aides must be paid 1½ times their regular rate of pay for weekly hours over 40 (or 44 for residential employees).
- Call-in pay - If home care aides go to work as scheduled and their employer sends them home early, they may be entitled to extra hours of pay at the minimum wage rate for that day.
- Spread of hours - If home care aides’ workdays last longer than ten hours, they may be entitled to extra daily pay. The daily rate is equal to one hour of pay at the minimum wage rate.
- Uniform maintenance - If home care aides clean their own uniform, they may be entitled to additional weekly pay.

The only time an employer may reduce wages below minimum wage is to claim a limited allowance for meals and lodging, provided they do not charge for those services.

This home care worker increase follows an order by the Commissioner and State Budget Director raising the general minimum wage to \$14.20 for counties outside of New York City, Westchester, and Long Island, beginning on December 31, 2022, leading to an additional \$1.00 increase an hour for Home Care Aides in those locations.

In the News – New York City



Mayor Adams Announces Comprehensive Effort To Overhaul Capital Process, Reducing Red Tape and Ensuring Faster and Cheaper Project Delivery

New York City Mayor Eric Adams this week announced a comprehensive effort to reform the capital process, including the [initial recommendations of the Capital Process Reform Task Force](#) and the release of the [New York City Department of Design and Construction \(DDC\) Blueprint 2022](#).

"There is a covenant between government and the people of our city: New Yorkers pay taxes and they expect that the city delivers for them. For too long, however, our city has failed to deliver," said Mayor Adams.

Convened in April 2022, the City's Capital Process Reform Task Force is reviewing the City's capital process to develop recommendations to reform capital project delivery. The task force's initial recommendations span several areas of the capital process, including improving the project pipeline, streamlining approvals, managing projects more effectively, reforming procurement, and growing the number of New Yorkers who can participate. Highlights of the initial recommendations include:

Improve the Project Pipeline

Capital Project Scope Development (CPSD) Fund: Double the use of the CPSD Fund (from 10 to 20 projects per year) to provide more resources for early project investigation that will reduce the likelihood for change orders, cost overruns, and schedule delays.

Streamline Approvals

Template and Response Times for the CP Process: Pilot a standardized template for agencies to submit project information to the Office of Management & Budget (OMB) to reduce the likelihood of missing information and ensure that OMB is better equipped to approve the initiation of a capital project. This pilot will cut at least three weeks from the current two- to three-month process.

Manage Projects More Effectively

Early Construction Completion Incentives: Extend to other agencies a Department of Design & Construction (DDC) pilot program that offers financial incentives for contractors to meet critical project milestones on a targeted basis. On average, DDC shaved an additional two months off already accelerated project schedules and saved an average of 23 percent per project of the anticipated costs.

Expanded Work Allowance: Extend to additional agencies an Expanded Work Allowance agreed upon at contract inception for common contract change orders. DDC has successfully piloted Expanded Work Allowance, paying Expanded Work Allowance change orders in less than three months and saving three to nine months off the typical change order payment time.

Price Adjustments for Fuel, Steel, and Asphalt: Utilize price adjustment allowances based on New York State Department of Transportation Cost Index updates to offset unanticipated cost fluctuations.

Reform Procurement

Financial Control Board (FCB) Contract Review Threshold: Request that the FCB increase the dollar threshold that triggers a review of contracts. The Task Force recommends increasing the threshold by five times, to reflect the commensurate increase in the size of the City's budget since 1987. This will save two weeks for every contract under the new threshold.

Electronic Bidding: Advance state legislation for electronic bidding so contractors can fully compete for City work through a single digital system.

Public Hearing Threshold: Advocate for State legislation to give the City's Procurement Policy Board the ability to change the public hearing threshold and allow for an optimal way to provide public notice, rather than public hearings, for contracts above the threshold.

Progressive Design-Build: Advocate for State legislation to give City agencies the ability to use progressive design-build. In progressive design-build, the City can select a vendor before the full scope of the project has been established.

Construction Manager-Build and Construction Manager-at-Risk: Advocate for State legislation to give City agencies the authority to use CM-Build and CM-at-Risk during non-emergency times. CM-Build and CM-at-Risk are alternative delivery tools that reduce procurement processes, allow construction to begin while the design is still being developed, and initiate early collaboration between designer and builder.

Grow the Number of New Yorkers Who Can Participate

Future Projects and Procurement Document Database: Create a database that will give construction companies real time insight into upcoming, active, and past city projects and procurements.

M/WBE Small Purchase Threshold: Advocate for State legislation to increase the M/WBE small purchase threshold for City contracts to \$1.5 million to match the current threshold used by the Metropolitan Transportation Authority.

Project Labor Agreement (PLA) Educational Sessions: In partnership with the Building and Construction Trades Council of Greater New York and the Building Trades Employers Association, conduct educational information sessions to engage with M/WBEs about project labor agreement requirements.



Snapshot of NYC's Tech Sector

Comptroller DiNapoli: NYC's Tech Boom Partially Offsets City's Pandemic Job Losses

Jobs in New York City's technology sector grew over the course of the COVID-19 pandemic, while most other economic sectors suffered job losses, according to a report released this week by State Comptroller Thomas DiNapoli. The report found that tech sector employment in New York City increased by 33.6% (43,430 jobs) from 2016 to 2021 to reach a record high of 172,570 jobs. The city's private sector lost 3.3% of jobs during this same period.

The Comptroller's *About the Tech Sector* findings include:

Where Are the Jobs: Nearly 90% (150,400) of the tech sector jobs in the city were located in Manhattan, followed by 7.6% (13,160 jobs) in Brooklyn, where the borough saw tech employment increase by 42.6% from 2016 to 2021. Tech industry jobs increased slightly in Queens and declined in the Bronx and Staten Island.

Subsectors: Computer systems design is the largest subsector of tech in New York City, accounting for almost 40% of tech sector employment in 2021. The fastest growing tech subsector in the past five years was software publishers, including app developers, whose employment more than quadrupled.

Who Works in the Sector: With an average age of 38, New York City's tech sector has one of the youngest workforces when compared to the average of 41 years in the rest of the private sector. Workers in the tech sector are also overwhelmingly college educated. However, the sector is less diverse than the rest of the city's private sector workforce. In 2020, over half (54%) of tech workers identified as White or Caucasian, much higher than the share of 40% among all other workers. Less than 29% of tech workers were women, a much lower share than the rest of the overall workforce share of 47%.

High Pay: In 2021, the average salary in tech reached \$228,620, almost double the average (\$117,810) of the total private sector in New York City. The average salary in tech had the second largest growth in the past five years out of all sectors with over 2,000 employees.

Impact on Real Estate: By 2020, technology, advertising, media and information business firms accounted for one-quarter of total real estate leasing in the city, a rate that more than doubled since 1990. Fears of an economic recession have slowed tech leasing in the first eight months of 2022.



Bills Passed by the City Council

Introduction 179-A, sponsored by Council Member Francisco Moya. This bill would require an office designated by the Mayor to submit to the Council and publish online a report containing information about the role of women and gender non-binary, non-conforming, and intersex workers in nontraditional careers no later than July 1, 2023

Introduction 242-A, sponsored by Council Member Jennifer Gutiérrez, would require the creation of a Marshall Plan for Moms task force to study and develop recommendations on how to support working mothers and caregivers.

Introduction 485-A, sponsored by Council Member Julie Menin, would require the Department of Health and Mental Hygiene (DOHMH) to create a directory of childcare programs in the city, including a link to information about child day cares run by the State that are located in the City. The directory would be available in the designated citywide languages.

Introduction 486-A, sponsored by Council Member Julie Menin, would establish a Child Care Advisory Board, which would be responsible for conducting studies on and issuing reports related to childcare in the City.

Introduction 487-A, sponsored by Council Member Julie Menin, would require the Administration to create an online portal that provides information on childcare subsidies. The portal would allow a user to access information about subsidies including eligibility requirements, and instructions on how to apply, based on information provided by the user.

Introduction 488-A, sponsored by Council Member Julie Menin, would require the Administration to create a childcare grant pilot program for child care programs in the city in need of assistance.

Introduction 489-A, sponsored by Council Member Julie Menin, would require DOHMH to develop guidance for owners of real property regarding the facility requirements for a childcare program and make such guidance available on its website.

Briefs

Governor Hochul Signs Legislation Ending the Practice of Charging Additional Fee on Outstanding Student Debt

Governor Kathy Hochul this week signed legislation (Chapter 570 of the Laws of 2022) ending the practice of charging an additional fee to debtors when collecting outstanding debts owed to the State resulting from educational expenses. Prior to this law, a fee of 22 percent was added by state law on top of the total debt due.

The new law adds a provision to the State Finance Law prohibiting state agencies from collecting a 22 percent fee when enforcing debt collection on educational debt. Previously under State Law, the Office of the Attorney General's Civil Recoveries Bureau was allowed to charge an additional fee to recoup its costs in pursuing collection.

Mayor Adams Signs Legislation to Prevent Deaths in Nightlife Venues

New York City Mayor Eric Adams this week signed Intro 56, legislation aimed at reducing fatal overdoses by providing free naloxone kits of Narcan to nightlife establishments in New York City to administer in the case of an opioid overdose.

With the implementation of this legislation, the New York City Department of Health and Mental Hygiene (DOHMH) will conduct regular overdose response trainings for nightlife venues to ensure that participating staff are equipped to respond to potential overdoses on-site. This bill is part of a larger strategy the City is pursuing to reduce opioid overdoses.

City Appoints Dasheeda Dawson as Cannabis NYC Founding Director

New York City Mayor Eric Adams and New York City Department of Small Business Services (SBS) Commissioner Kevin D. Kim this week announced the appointment of Dasheeda Dawson as the director of its new Cannabis NYC initiative to spearhead the agency's support of the growing cannabis industry.

Dawson will lead SBS's strategy to support New York's cannabis industry through public education, direct services to cannabis entrepreneurs and professionals, legislative advocacy, and policy development at all levels of government. She will serve as the primary liaison between SBS, other city agencies, the New York State Office of Cannabis Management (NYSOCM), as well as community stakeholders, including elected officials, community boards, and industry associations.

She will also work to establish and collaborate with the New York City Cannabis Advisory Council, an advisory board of industry and community stakeholders.

Dawson led cannabis regulation in Portland, Oregon, as cannabis program manager for the City of Portland. Dawson oversaw all regulatory licensing, compliance, education, and equity initiatives for the city's cannabis industry.

Mayor Eric Adams Hosts and Delivers Remarks at Italian Heritage Month Celebration

Speaking at a celebration held at Gracie Mansion this week, Mayor Eric Adams thanked the City's Italian American Community for its support and called upon the Community to "set the tone of the certainty and the resiliency of our city" as we "continue to wrestle back the city that we know and we love."

To follow are excerpts from the Mayor's remarks made:

...during the most difficult times of my time as borough president, of my times in office... You have stood by me because good friends walk in the room when others walk out. And this community has continuously walked in the room. You have walked in the room over, and over, and over again...Because we have a commonality. We believe in families. We believe in business. We believe in a safe city. We believe in protecting innocent people. This is not a difficult relationship that we have developed, because we are eye to eye on what's expected in our city and what we expected from our city."

From Little Italy to the Verrazzano Bridge, to building a subway system, to putting on a police uniform and protecting our city. To the judges, to the lawyers, to the bar associations. Everywhere you look and you find success, you find the Italian American community. Your contribution to the city is amazing throughout the years. And I personally thank you. I thank you because of the foundation of this community.

The country depends on the success of New York City. And as we move through these next few months, and continue to wrestle back the city that we know and we love, I need you more than ever. Because you will set the tone of the certainty and the resiliency of our city. I know that. And so I thank you as we celebrate the rich heritage of the Italian American community.

Coming Up

New York State

Tuesday, October 18th

The State of Primary Prevention Services in New York State

Assembly Standing Committee on Children and Families

Roosevelt Hearing Room C, Legislative Office Building, 2nd Floor, Albany, 10 a.m.

New York City

Wednesday, October 19th

Joint - Committee on Governmental Operations, Small Business & Immigration, Committee Room – City Hall, 10 a.m.

Oversight – Supporting Immigrant Small Businesses and Promoting Language Access.

Subcommittee on Landmarks, Public Sitings and Dispositions, Council Chambers – City Hall, 10 a.m.

Subcommittee on Zoning and Franchises, Council Chambers – City Hall, 11 a.m.

Committee on Sanitation and Solid Waste Management, 250 Broadway, 16th Floor, 11 a.m.

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

Oversight – Resident Engagement and Outreach.

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

Oversight – Early Childhood Programs in New York City.

Thursday, October 20th

Committee on Consumer and Worker Protection & Public Safety, 250 Broadway, 16th Floor, 10 a.m.

Oversight – Secondhand Auto Dealers and Theft Prevention.

Committees on Health & Subcommittee on COVID Recovery and Resiliency, – City Hall, 10 a.m.

Oversight – COVID-19 in NYC: Evaluating the Present Challenges.

Committees on Economic Development & Higher Education, Council Chambers – City Hall, 1 p.m.

Oversight – Workforce Development Opportunities at CUNY.

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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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