



This Week in New York

Covering New York State and City Government

A Publication of Pitta Bishop & Del Giorno LLC

February 5, 2021 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



**Department
of Labor**

NYS Department of Labor Identifies Over 425,000 Fraudulent Claims Totaling \$5.5 Billion in Unemployment Benefits During Covid-19 Pandemic

The New York State Department of Labor this week announced that it has identified over 425,000 fraudulent unemployment benefit claims during the COVID-19 pandemic, totaling \$5.5 billion in benefits.

The DOL has referred over 425,000 fraud cases to federal prosecutors and continues to work with law enforcement partners on the federal, state, and local level to hold those defrauding DOL accountable.

Since the pandemic began in March 2020, the Department of Labor has paid over \$65 billion to more than 4 million New Yorkers - representing more than 30 typical years' worth of benefits paid in just 11 months.

"Unemployment fraud is - sadly - a scourge that we have to fight every day, but it is particularly despicable that criminals would use a global pandemic as cover to attempt to defraud our system. These benefits have been a lifeline for millions of New Yorkers over the last year, and every day our Office of Special Investigations is working to protect our system from fraud and abuse," said New York State Labor Commissioner Roberta Reardon. "Our team is using technology, including artificial intelligence and other sophisticated techniques, to identify fraud as quickly as possible and stop these criminals in their tracks. We will continue to work with our law enforcement partners at all levels to bring these thieves to justice."

According to the DOL, criminals are using real New Yorkers' identities - likely stolen during previous data breaches involving institutions like banks, insurance companies, and major employers - to file fraudulent claims and illegally collect benefits in the name of individuals who are not unemployed.

In response to this uptick in fraudulent claims, the DOL Commissioner and Department of Financial Services have launched a public service announcement campaign, educating New Yorkers about how to protect themselves against identity theft, which can be viewed [here](#).

Anyone who receives a monetary determination letter from the Department of Labor, but did not apply for unemployment benefits, should ***immediately*** report it to the DOL at on.ny.gov/uifraud. In addition, these New Yorkers should take steps to proactively protect themselves, including those listed at report.com:

- Reporting the identity theft to the FTC.
- Filing a report with their local police department, if they wish.
- Reporting a misused Social Security number.

In addition to the Office of Special Investigation's investigative efforts, the DOL receives information from sources including other government agencies, claimants, and employers to fight fraud. The Department of Labor also works closely with law enforcement partners at all levels, including the US DOL Office of Inspector General, the Secret Service, and the FBI.



Assembly Passes Legislation to Extend Death Benefits to Families of Municipal Frontline Workers

Speaker Carl Heastie and Governmental Employees Committee Chair Peter Abbate, Jr. this week announced the Assembly has passed legislation to extend the provisions granted last year that ensure families of municipal frontline workers who lost their lives to COVID-19 as a result of their service receive the benefits they deserve (A.3988, Abbate).

“Throughout the course of this pandemic, our brave frontline workers have gotten up and gone to work every day despite the tremendous risks to their health,” said Speaker Heastie. “Tragically, many of these heroic public servants lost their lives to COVID-19. This legislation will ensure that the line of duty death benefits we put in place last year will remain available as we continue to battle this pandemic.”

Last year, the Assembly Majority passed critical legislation to provide an accidental death benefit to the beneficiaries of our frontline workers. This benefit is paid to public employees who die on the job as a result of an accident. The accidental death benefit is more substantial than the ordinary death benefit for public workers. This legislation will extend these provisions from December 31, 2020 through December 31, 2022.

“Although many workers have been fortunate enough to work from home during this global pandemic, our frontline workers are not afforded that luxury,” said Assemblymember Abbate. “Day after day, emergency medical personnel, firefighters, police officers, sanitation workers, transit workers, state and municipal employees, and many others continue to put their health at risk to ensure that we can stay home and stay safe. These public employees who lost their lives to COVID-19 deserve all of our gratitude, and their families deserve the critical benefits afforded in this legislation.”



Assembly Passes Legislation Granting Employees Time Off to Receive Vaccinations

Speaker Carl Heastie, Governmental Employees Committee Chair Peter J. Abbate, Jr. and Assemblymember Charles Fall announced this week that the Assembly passed legislation granting time off for public and private sector employees to receive a COVID-19 vaccination (A.3354-B, Fall).

“Public health officials have stressed that slowing the spread of this virus and protecting our most vulnerable populations will require us to vaccinate as many New Yorkers as possible,” said Speaker Heastie. “This legislation will help to expedite the immunization of our healthcare workers, police officers, firefighters, teachers and all New York workers who have kept our great state moving forward in these trying times.”

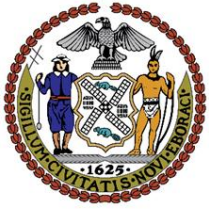
According to Speaker Heastie, while many public employees are now authorized to receive the COVID-19 vaccine, it is vital that these essential civil servants, which include healthcare workers, emergency medical service personnel, staff in congregate care facilities, police officers, firefighters, corrections officers, teachers and more, receive the vaccine in as expeditious a manner as possible in order to continue serving on the frontlines of this pandemic at decreased risk to themselves and their families. Similar to existing laws which provide employees with paid time off for health-related matters such as mammograms and prostate cancer screenings, this legislation grants both public and private sector employees up to four hours of paid leave to receive the coronavirus vaccine.

“I am proud to be joined by so many of my colleagues in supporting this important and sensible piece of legislation that will make it easier for New Yorkers to get vaccinated,” said Assemblymember Fall. “The working men and women of New York, whether in public or private service, are the backbone of our state. They should not have to worry about being docked pay or using time off they have earned to receive a vaccination against the coronavirus.”

2021 Joint Legislative Hearings - Executive Budget

Tuesday, February 9 th	9:30 a.m.	Human Services
Wednesday, February 10 th	9:30 a.m.	Public Protection
Thursday, February 11 th	9:30 a.m.	Local Government
Tuesday, February 23 th	9:30 a.m./1 p.m.	Economic Development/Taxes
Thursday, February 25 th	9:30 a.m.	Health

In the News – City



City Council Unveils Legislative Plans to Redefine Public Safety and Strengthen Police Accountability

The City Council will introduce a legislative package of 11 bills and one resolution aimed at reforming the New York City Police Department. The initiatives will be considered at a series of hearings in February.

This package is in response to Governor Andrew Cuomo's June Executive Order directing New York City to adopt a policing reform plan by April 1.

"This legislative package will be just one of the steps the City Council is taking toward reforming policing," said Speaker Corey Johnson. "It is critical that we redefine public safety and reduce the NYPD's footprint. From mandating that the Council confirm incoming police commissioners to ensuring non-carceral interventions to community safety, this legislation will bring much-needed transparency and accountability to New Yorkers."

The initial proposals, most of which will be introduced at the February 11th Stated meeting, would "reduce the NYPD's footprint in the City and improve police discipline and increase accountability." Hearings will begin on February 8th.

Reforming police discipline and increasing accountability

Remove the Police Commissioner's final disciplinary authority

Sponsored by Majority Leader Laurie Cumbo and Council Member Stephen Levin, this resolution would call on the State to enact legislation that would remove the New York City Police Commissioner's exclusive authority over police discipline, allowing the CCRB to impose discipline in cases involving use of force, abuse of authority, discourtesy, and offensive language. This resolution will be heard in the Committee on Public Safety on February 16 at 10 a.m.

Ending qualified immunity for police officers

Sponsored by Council Member Stephen Levin, this bill would end qualified immunity for police officers in New York City. The bill would create a new local civil right protecting New Yorkers against unreasonable searches and seizures, including the use of excessive force. The private right of action associated with that right would prohibit qualified immunity as a defense. This bill will be heard in the Committee on Public Safety on February 16 at 10 a.m.

Requiring confirmation of the Police Commissioner

Sponsored by Council Members Adrienne Adams, Ben Kallos, Public Advocate Jumaane D. Williams, and Speaker Corey Johnson this bill would subject the Police Commissioner to the advice and consent of the Council. This introduction will be heard in the Committee on Public Safety on February 16 at 10 a.m.

Investigating police officers with a history of bias

Sponsored by Council Member Vanessa L. Gibson, this bill would allow a greater level of scrutiny of past activity by NYPD employees found to have exhibited bias, prejudice, intolerance, or bigotry. The bill would require the City Commission on Human Rights (CCHR) to investigate that employee's work history to determine if it was influenced by bias or prejudice. The CCHR would then turn over its findings and recommendations to the NYPD for potential further action, including any discipline, as well as to District Attorneys.

Also, in light of the recent findings by the Council's Oversight and Investigations Division regarding the conduct of the now former commanding officer of the NYPD Equal Employment Opportunity Division, James Kobel, the bill would require the CCHR to review the cases handled by the NYPD's EEO Division during his tenure. The bill will be heard in the Committee on Civil and Human Rights on February 8 at 1 p.m.

Reporting on vehicle stops

Int. 1671, *sponsored by Council Member Adrienne Adams*, would require the NYPD to issue a quarterly report on all traffic stops and vehicles stopped at roadblocks or checkpoints. This bill will be heard in the Committee on Public Safety on February 16 at 10 a.m.

Preserving freedom of the press

Int. 2118, *sponsored by Council Member Keith Powers*, would give the Department of Citywide Administrative Services (DCAS) sole authority to issue, suspend and revoke press credentials. DCAS would be required to establish rules setting forth the procedures and criteria for applications for press credential and suspension and revocation of press credentials, including procedures for appealing a suspension, revocation or denial of application. This bill will be heard in the Committee on Governmental Operations on February 9 at 10 a.m.

Reforming mental health emergency responses

Creating a non-police emergency response for mental health emergencies

Sponsored by Council Members Diana Ayala, Speaker Corey Johnson, Public Advocate Jumaane D. Williams, Alicka Ampry-Samuel, Robert Cornegy, Helen Rosenthal, Adrienne Adams, Farah Louis, and Majority Leader Laurie Cumbo, this bill would create an Office of Community Mental Health within the Department of Health and Mental Hygiene to develop a Citywide Mental Health Emergency Response Protocol, wherein mental health emergencies are responded to by a Mental Health Emergency Response Unit, rather than the police. The Office would train relevant City employees regarding the protocol, including the NYPD officers, 911 call operators, and new academy recruits. This bill will be heard in the Committee on Mental Health on February 22 at 10 a.m.

Creating safe, welcoming schools

Reforming the role of school safety agents

Sponsored by Council Members Costa Constantinides, Helen Rosenthal, Mark Treyger, Adrienne Adams, and Speaker Corey Johnson, this bill will ensure that NYPD will be fully removed from school safety after June 2022. The bill will require reforms to the program and the role of school safety agents by August 2021, so that agents no longer make arrests, carry weapons or mechanical restraints, or wear law enforcement uniforms. School safety personnel would also be retrained, with a focus on areas such as restorative justice, child and youth development, and de-escalation. This bill will be heard in the Committee on Education on February 18 at 10 a.m.

Protecting students in emotional crisis

Int. 2188, *sponsored by Council Member Diana Ayala*, would regulate the NYPD's response to children in emotional crisis within public schools. The bill establishes procedures responding to children in emotional crisis and limits the use of mechanical restraints on children in emotional crisis. Additionally, school safety personnel would be required to receive training on identifying and responding to children in emotional crisis. This bill will be heard in the Committee on Education on February 18th at 10 a.m.

Increasing transparency on school safety agent turnovers

Sponsored by Council Member Mark Treyger, this bill would require reporting on the employment turnover of school safety agents, including information on transfers, terminations, and resignations. This bill will be heard in the Committee on Education on February 18th at 10 a.m.

Giving principals a larger role in the school safety program

Sponsored by Council Member Mark Treyger, this bill would require reporting on the input principals have provided on the performance of school safety agents assigned to their school. This bill will be heard in the Committee on Education on February 18th at 10 a.m.

Improving traffic safety

Moving traffic crash investigations to the Department of Transportation

Sponsored by Council Members Ydanis Rodriguez, Brad Lander, Speaker Corey Johnson, and Stephen Levin, this bill would transfer the primary responsibility for investigating serious vehicular crashes from the police department to the Department of Transportation (DOT). The bill would require the DOT to create a crash investigation and analysis unit tasked with investigating all vehicle crashes involving significant injury. This bill will be heard in the Committee on Transportation on February 24th at 10 a.m.



Mayor de Blasio Appoints Hank Gutman as NYC Transportation Commissioner

Acting Commissioner Margaret Forgione to become First Deputy Commissioner

Jee Mee Kim to Join DOT as Chief Strategy Officer

Mayor Bill de Blasio this week appointed Henry ('Hank') Gutman as New York City's next Commissioner of the Department of Transportation (DOT).

Upon appointment, Gutman announced that New York City will build 10,000 new bike parking racks by the end of 2022.

Acting Commissioner Margaret Forgione, who has led the department on an interim basis since December, will remain in the department and serve as Gutman's First Deputy Commissioner. Jee Mee Kim, currently a principal at HR&A Advisors, will join DOT as Chief Strategy Officer.

Hank Gutman is a Retired Partner of Simpson Thacher & Bartlett, LLP, where he headed the Intellectual Property Practice Group from 1996 until his recent retirement. Gutman serves as Chair of the Brooklyn Navy Yard and on the Board of Brooklyn Bridge Park.

Margaret Forgione has served at DOT in senior roles since 1994, most recently as Acting Commissioner. Prior to that, Forgione served as Chief Operations Officer, a position she held from June 2016 until December 2020. Forgione has previously served as DOT's Manhattan Borough Commissioner. She has also led DOT's Arterial Maintenance Unit, directed the Adopt-A-Highway program, and served as a Special Assistant to the First Deputy Commissioner. Forgione began her work in New York City government as a Senior Analyst in the Mayor's Office of Operations.

Before joining HR&A Advisors in 2014, Jee Mee Kim served as a Principal at Sam Schwartz Consulting in New York City, where she spearheaded transportation studies, environmental reviews, and land use approvals for major projects such as IKEA Brooklyn, Atlantic Yards, and the Brooklyn-Queens Expressway Triple Cantilever Study.



MTA Names Quemuel Arroyo as First All-Agency Chief Accessibility Officer

The Metropolitan Transportation Authority (MTA) this week announced the appointment of Quemuel Arroyo as the Authority's first all-agency Chief Accessibility Officer. Arroyo, who began his new role this week, will have primary responsibility for all matters pertaining to accessibility and will report directly to MTA Chairman and CEO Patrick Foye.

In addition to fashioning Authority-wide policy and initiatives in accessibility, Arroyo will serve as a key point of contact for the region's diverse community of disability rights advocates. Arroyo previously served in a similar capacity at the New York City Department of Transportation and most recently was Interim President and Global Head of Community for GetCharged Inc, overseeing strategic partnerships and government relations.

Quemuel Arroyo spent five years at the New York City Department of Transportation as Chief Accessibility Specialist and ADA Coordinator/Disability Service Facilitator. In these roles, he established the agency's strategic plan on accessibility policy while representing NYCDOT on all matters of accessibility locally and internationally, including speaking at the United Nations and Chairing an International Summit on Sustainable & Accessible Transport at the Organization for Economic Co-operation and Development.

Born in the Dominican Republic, Arroyo immigrated to New York in 1997. He holds a Master of Public Administration degree in Management and Leadership from New York University's Wagner School of Public Policy. He also holds a bachelor's degree in Urban Design & Architecture Studies from New York University.

Briefs

NYS Department of Public Service to Lead Inquiry into the Feasibility of a Public Takeover of New York American Water Company in Long Island

Governor Andrew Cuomo directed Rory Lancman, Special Counsel for Ratepayer Protection at the New York State Department of Public Service, to conduct a municipalization feasibility study regarding Long Island's largest privately-owned water company, New York American Water Company, Inc.

New York American Water provides residential and non-residential metered and other water services as well as public and private fire protection services in parts of Nassau, Putnam, Sullivan, Ulster, Washington and Westchester counties. American Water has about 124,000 customers system-wide, including about 120,000 customers on Long Island.

The Department is currently reviewing the sale of New York American Water to Liberty Utilities Co.. According to the Governor, the Liberty proceeding has triggered strong local interest in reviewing options for potential public takeover of the system. Several municipalities, including Sea Cliff and Massapequa, submitted comments analyzing the feasibility of taking over parts of the New York American Water system.

The study will be completed by April 1 and will include public comment and testimony from public hearings.

COVID-19 Vaccine Supply to Increase to 20 Percent for the Next Three Weeks

Localities Allowed to Expand Eligibility to Restaurant Workers, Taxi Drivers, and Developmentally Disabled Facilities

Following a call with the White House, Governor Andrew Cuomo who chairs the National Governors Association, announced that the federal supply to the states will increase to 20 percent for the next three weeks, up from the initial 16 percent bump.

Private pharmacies in the state who are charged with prioritizing the 65-plus population will now receive an additional 10 percent, or about 30,000 doses, directly from the federal government to supplement the doses allocated to them by the State.

Given the overall increase to the State's supply, the Governor is granting localities the flexibility to add restaurant workers, taxi drivers, and developmentally disabled facilities to the 1B vaccine prioritization group.

New York City Mayor Bill de Blasio took advantage of the local option to include restaurant workers, taxi industry driver, for-hire vehicle drivers, TLC licensed drivers, developmentally disabled facility residents and workers. Meanwhile, Albany County Executive Dan McCoy said this week he will not open COVID-19 vaccine availability to restaurant workers and food delivery people, noting that those who suffer from chronic health conditions should be considered first.

Today, Governor Cuomo announced that New York will soon add people with comorbidities to the list of those eligible to receive COVID-19 vaccines.

New York Forward Loan Fund: EIDL & PPP Borrowers are Now Eligible for the New York Forward Loan Fund

Economic Injury Disaster Loan (EIDL) & Paycheck Protection Program (PPP) borrowers can now apply for the New York Forward Loan Fund. Also, this program eligibility expansion allows firms with up to 50 full time equivalent employees and business revenues under \$5 million to participate.

The New York Forward Loan Fund (NYFLF) is the economic recovery loan program aimed at supporting New York State small businesses, non-profits and small residential landlords as they reopen after the Covid-19 outbreak and NYS on PAUSE. It offers five-year working capital loans of up to \$100,000 to eligible applicants. Proceeds of funds can be used to pay for typical and recurring operating business expenses, and/ or for refitting of business for compliance with social distancing guidelines, acquisition of personal protection equipment, and strategic planning for new revenues.

The NYFLF now targets the state's small businesses with 50 or fewer full-time equivalent (FTE) employees, non-profits, and small residential landlords that have seen a loss of rental income. In addition, small businesses and non-profits that received a PPP loan of \$500,000 or less or EIDL loans of \$150,000 or less can be eligible for a NYFLF loan.

An eligible small business must:

- Employ 50 or fewer full-time equivalent (FTE) employees.
- Have a gross revenue of less than \$5 million per year.
- Must not have received a U.S. Small Business Administration Paycheck Protection Program of greater than \$500,000 or an Economic Injury Disaster Loan for Covid-19 of greater than \$150,000.
- Have suffered a direct economic hardship as a result of Covid-19 related social distancing policies and stay-at-home order that have materially impacts their operations.
- Been in business for at least 1 year as of the date of the application.
- Be located in the State of New York.

Businesses that were previously denied a loan due to receiving an EIDL or PPP loan are encouraged to re-apply.

Pre-application consists of fifteen simple questions on www.nyloanfund.com and submission of supporting documentation to a matched lender.

Questions can be referred to nyloanfund@esd.ny.gov.

U.S. Senate Approves Resolution to Move the \$1.9 Trillion COVID-19 Relief Bill Forward

The U.S. Senate passed a budget resolution this morning, allowing Democrats to move forward with the process to pass the \$1.9 trillion COVID-19 relief bill.

The budget resolution, passed 51-50, allows the Senate to bypass the 60-member vote requirement to end a filibuster, clearing the way for Democrats to craft and pass a subsequent COVID-19 relief bill. Vice President Kamala Harris cast the deciding vote for the resolution's passage.

The budget resolution now goes back to the U.S. House for approval. Following approval, Congress will begin crafting the COVID-19 relief bill. President Biden has proposed a \$1.9 trillion plan to start the negotiations that includes a \$1,400 direct stimulus payment, a \$400 per week federal unemployment benefit, \$350 billion for state and local governments, a minimum wage hike to \$15 per hour and increase funding for child care, schools, and vaccine distribution.

Coming Up

New York State

Monday February 8th

Assembly Session, Virtual (<https://www.nyassembly.gov/av/live>), 2 p.m.

Senate Session, NYS Capitol Building, Virtual (<https://www.nysenate.gov/>), 3 p.m.

Tuesday February 8th

Senate Joint Legislative Public Hearing on 2021 Executive Budget Proposal: Topic- Human Services, Virtual (Zoom), 9:30 a.m.

Assembly Session, Virtual (<https://www.nyassembly.gov/av/live>)

Senate Session, NYS Capitol Building, Virtual (<https://www.nysenate.gov/>), 3 p.m.

Wednesday February 10th

Assembly Session, Virtual (<https://www.nyassembly.gov/av/live>)

Senate Session, NYS Capitol Building, Virtual (<https://www.nysenate.gov/>), 11 a.m.

Senate Joint Legislative Public Hearing on 2021 Executive Budget Proposal: Topic- Public Protection, Virtual (Zoom), 9:30 a.m.

Thursday February 11th

Senate Joint Legislative Public Hearing on 2021 Executive Budget Proposal: Topic- Government Officials/General Government, Virtual (Zoom), 9:30 a.m.

New York City

Monday February 8th

Committee on Resiliency and Waterfronts, Remote Hearing (Virtual Room #1), 10 a.m.

Committee on Consumer Affairs and Business Licensing, Remote Hearing (Virtual Room #3), 1 p.m.
Oversight – The Office of Financial Empowerment

Committee on Civil and Human Rights, Remote Hearing (Virtual Room #2), 1 p.m.

Tuesday February 9th

Committee on Governmental Operations, Remote Hearing (Virtual Room 2), 10 a.m.

Committee on Zoning and Franchises, Remote Hearing (Virtual Room #1), 11 a.m.

Wednesday February 10th

Committee on Transportation, Remote Hearing (Virtual Room #2), 10 a.m.
Oversight – The MTA in the Era of COVID-19

Committee on Aging, Remote Hearing (Virtual Room #3), 10 a.m.
Oversight – Older Adult Immigrant Population

Committee on Public Safety, Remote Hearing (Virtual Room #4), 11 a.m.
Oversight – Racism, Bias, and Hate Speech in NYPD

Subcommittee on Landmarks, Public Sitings, & Dispositions, Remote Hearing (Virtual Room 1), 2 p.m.

Thursday February 11th

Committee on Land Use, Remote Hearing (Ritual Room #1), 10 a.m.

City Council Stated Meeting, (Virtual Room #1), 1:30 p.m.

**“We believe in the ideas of family, mutuality,
the sharing of benefits and burdens
for the good of all, feeling one another’s pain,
sharing one another’s blessing
recognizing that at the heart of the matter
we are bound to each other.”
-Mario M. Cuomo-**

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