



# 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*

### **New Law Prohibits Public Employers from Penalizing Employees for Absences Related to COVID-19**

*Prompted by Treatment of NYC Correction Officers, Law Protects Public Employees from Being Dismissed and Other Adverse Disciplinary Actions for Using Sick Time*

Governor Andrew Cuomo this week signed legislation (Chapter 214 of the Laws of 2021) prohibiting public employers from penalizing employees who use sick leave or compensatory time to quarantine, seek medical treatment, or for other absences related to a COVID-19 diagnosis or contact. The law is retroactive and covers public employees as of March 20, 2020.

Sponsored by Senator Diane Savino and Assemblyman Peter Abbate, the legislation was prompted by New York City Department of Corrections' (DOC) treatment of correction officers who were diagnosed with COVID-19 and were penalized by DOC for following the State Department of Health (DOH) quarantine protocols.

"No one should have to suffer a penalty for missing work because of COVID, and under this new law, every public employee in our state will get the protection they deserve - so they don't have to face unfair consequences for doing what was necessary to protect themselves and their loved ones," Governor Cuomo said.

Emphasizing that this law sends "a clear message to all public employers, that we will not tolerate this type of punitive action against employees who show up and follow the laws," Senator Savino explained the consequences suffered by 893 corrections officers who followed New York's COVID protocols to protect both their co-workers and incarcerated individuals.

"Eight hundred ninety-three correction officers who tested positive...utilized their sick time to comply with the requirements that were set out by the Department of Health were declared chronically absent," she explained. "This determination is considered an adverse disciplinary action that goes into effect after an officer has missed 11 days of work - a determination can have an impact on their pay, promotion, hours and makes many of them vulnerable to potential layoffs."

COBA President Benny Boscio Jr. thanked Governor Cuomo, Senator Savino, Assemblyman Abbate, and the members of the Senate and the Assembly for taking up this fight and moving this legislation quickly to protect the rights of all public employees.

"This legislation will correct the injustice experienced by over 800 of our members who were punished for taking sick leave because of their COVID-19 related symptoms" Mr. Boscio said.

This new measure builds on COVID-related employee protections signed into law by Governor Cuomo, including guaranteed paid leave for New Yorkers under mandatory or precautionary quarantine due to COVID, and guaranteed time off from work to receive the vaccine.



## **Chapters of the Laws of 2021**

**Chapter 167 -- Sponsored by M of A Abinanti/ Senator Harckham** -- Provides that a student enrolled in an individualized education plan during certain school years may continue to receive educational services.

**Chapter 188 -- Sponsored by Senator Savino/M of A Pheffer Amato** -- Increases the number of supreme court justices in eleven of the thirteen judicial districts in New York to bring all judicial districts to the full allotment permitted by the Constitution.

**Chapter 190 -- Sponsored by Senator Rivera/M of A Woerner --** Establishes an opioid settlement fund and advisory board to ensure that any settlement monies are dedicated towards substance use disorder prevention, treatment and recovery.

**Chapter 193 -- Sponsored by M of A Gottfried/Senator Hinchey --** Relates to permitting all beds in hospice residences to be dually certified as both hospice and in-patient beds.

**Chapter 194 -- Sponsored by M of A Santabarbara/Senator Tedisco --** Authorizes forest rangers, park rangers, and environmental conservation police officers to possess and administer epinephrine by use of an epinephrine auto-injector device.

**Chapter 203 -- Sponsored by M of A Lavine/Senator Kaminsky --** Relates to base proportions in assessing units in Nassau County.

**Chapter 204 -- Sponsored by M of A Lupardo/Senator Hinchey --** Authorizes the Commissioner to enter into agreements with animal welfare organizations, which can be deployed, if needed, in emergencies and disasters affecting animals as part of the state's emergency response.

**Chapter 211 -- Sponsored by Senator Addabbo/M of A Pretlow --** Provides continued revenue and operational flexibility to the New York State Thoroughbred Breeding and Development Fund.

**Chapter 214 -- Sponsored by Senator Savino/M of A Abbate --** Prohibits public employers from retaliating against employees for absences related to COVID-19.

**Chapter 222 -- Sponsored by Senator Savino/M of A Otis --** Authorizes the use of electronic signatures on funeral and cemetery services documents.

**Chapter 223 -- Sponsored by Senator Rivera/M of A Sayegh --** Makes the existing pilot emergency medical service (EMS) recertification program permanent.



## Bills Currently in the Governor's Office

The following bill is currently being considered by Governor Andrew Cuomo\*:

**S6353A -- Sponsored by Senator Persaud/M of A Fahy --** Allows businesses licensed by the State Liquor Authority to sell alcohol for on-site consumption to use municipal space for outdoor dining.

(\* ) at time of publication.

# *In the News – City*



## **New York City Approves \$98.7 Billion Recovery Budget**

The New York City Council this week approved the City's \$98.7 Billion Recovery Budget which is fueled by more than \$14 billion in federal stimulus funds and a record level of FY2021 personal income and corporate tax receipts.

According to Mayor Bill de Blasio, the Recovery Budget meets five core goals: finishing the fight against COVID-19, building on strong reserves, boosting economic growth in every neighborhood, delivering an academic and emotional recovery for every student, and keeping all communities safe.

The new budget, effective July 1<sup>st</sup>, is \$100 million more than a preliminary spending plan the Mayor released in April and comes in at \$10.5 billion more than the City's fiscal 2021 budget. The Council voted 39-6 to approve the budget in its first in-person meeting in 16 months.

The Recovery Budget includes the restoration of many programs to pre-pandemic levels, and launches new initiatives and increase support for programs such as alternatives to incarceration, housing, foreclosure prevention, senior services, community development, and help for small businesses.

In addition, the Recovery Budget brings the City's total reserves in FY22 to \$5.1 billion, with \$3.8 billion in the Retiree Health Benefits Trust, \$993 million in the Rainy Day Fund, and \$300 million in the General Reserve.

Specifics of the funding include:

### **Education**

- \$160 million for universal summer school.
- \$81.1 million for 650 positions to the Department of Education to ensure that every school has access to a mental health professional.
- \$26 million for a citywide literacy curriculum to help students read at grade level.
- \$24 million to increase the rate paid to the Summer Rising providers.
- \$22 million to expand special education pre-kindergarten.
- \$19.7 million to restore College Access for All.
- \$18 million for a class size reduction program.

## Quality of Life

### ➤ **Sanitation Services:**

- \$8.6 million for additional litter basket collection
- \$7 million to expand organic drop-off sites
- \$4 million to fully fund the commercial waste zone program
- \$1.8 million to start a Zero Waste organics pilot at schools and the NYCHA.
- \$1.6 million to purchase 200 rat resistant baskets.
- \$935,000 for new public waste containers.
- \$451,000 to restore the syringe collection reduction.

### ➤ **Maintain Parks:**

- \$25 million to restore 150 Park maintenance workers, hire 80 Park Enforcement Patrol Officers, restore 15 Green Thumb staff, hire 50 Urban Park Rangers, maintain natural forests and trails, and remove tree stumps.

### ➤ **Cultural Institutions and Libraries:**

- \$30 million restoration to cultural programs and the Cultural Institutions Grant subsidy.
- \$10.3 million restoration to libraries.

## Housing & Employment to Reduce Incarceration and Gun Violence

According to Mayor de Blasio, in the Adopted Budget, the administration has made targeted investments to break the cycle of incarceration and reduce gun violence. This budget uses housing and employment as an anti-violence measure and includes:

- Creating the Precision Employment Initiative to hire 1,000 people this summer in Mott Haven, Brownsville and South Jamaica who are most at-risk– violence prevention via employment and support services. (\$24M in FY22).
- Providing reentry housing with healthcare and employment counseling for justice involved New Yorkers returning to the community (\$57M in FY22).
- Expanding “Jails to Jobs” to provide more formerly incarcerated individuals, including those on State parole, with transitional employment (\$6.6M in FY22).
- Providing peer mentorship for incarcerated individuals and those who are reentering with Crisis Management System (CMS) Credible Messengers (\$5M in FY22).
- Expanding the CMS-based Hospital Violence Intervention Program into new hospital locations to support victims of violence and their family and networks (\$6M in FY22).
- Expanding CMS Services in the 40<sup>th</sup> and 44<sup>th</sup> Precincts in the Bronx and providing additional CMS supports (\$6M in FY22).

State Comptroller Thomas DiNapoli warned that the program restorations and new initiatives have recurring spending implications for the City, long past the one-time federal funds.

“While I am encouraged by the deposit to the Rainy Day Fund, long-term risks remain, especially using non-recurring funds to pay for ongoing spending commitments,” Comptroller DiNapoli said. “Going forward, the new mayor and city council should look to further boost reserves to better prepare for unforeseen circumstances and identify cost efficiencies to achieve budgetary balance.”

Similarly, the City’s business interests voiced concern with the plan and its impact in later years.

“I think the budget is terrifying for taxpayers — both corporate and individual — because they are funding an increase in city services that will be unaffordable in the future,” said Kathryn Wylde, CEO of the Partnership for New York City. “We know they don’t cut services so they will raise taxes and there is nothing worse for economic recovery than to terrify the taxpayers.”

## City BOE Releases First Unofficial Rank Choice Results

### Top 2 candidates in each citywide primary.

This week the NYC Board of Elections released unofficial results of the rank choice voting rounds in the primary elections for citywide offices. The results show Brooklyn Borough President Eric Adams winning the democratic primary for mayor after nine rounds of voting and Council Member Brad Lander winning the democratic primary for comptroller after ten rounds. Public Advocate Jumaane Williams and Republican mayoral candidate Curtis Sliwa won their primaries without additional rounds of voting.

Office		Candidate	Round 1 %	Final Round %	PP Change
Mayor	D	Adams, Eric L.	31.80%	51.10%	19.30
Mayor	D	Garcia , Kathryn A.	19.30%	48.90%	29.60
Mayor	R	Mateo, Fernando A	27.00%		
Mayor	R	Sliwa, Curtis	68.80%		
Pub. Ad.	D	Herbert, Anthony L.	21.10%		
Pub. Ad.	D	Williams, Jumaane	70.00%		
Comptroller	D	Johnson, Corey D.	22.50%	48.10%	25.60
Comptroller	D	Lander, Brad	31.00%	51.90%	20.90

The Board has yet to release data on any of the races for Borough President or City Council. This leaves a number of hotly contested primaries still uncertain, including those for the democratic nominee for borough president of Manhattan and Queens and the Republican nominee for Staten Island. A number of City Council races are also close, with the leader in ten seats holding a lead of less than 5%, as reported in last week’s newsletter.

The release of these results for citywide races follows a tabulation mistake on Tuesday afternoon, when the Board accidentally included data from approximately 135,000 test ballots when simulating the voting rounds. The board issued an apology for the error and clarified that the mistake was unrelated to the implementation of rank choice voting.

The corrected data does not include absentee, military, or emergency ballots, which are still being counted by the Board. Final results are expected on July 12<sup>th</sup> but may be delayed.

# Briefs

## **Governor Signs Legislation to Establish an Opioid Settlement Fund**

Governor Andrew Cuomo this week signed legislation (Chapter 190 of the Laws of 2021) to establish an opioid settlement fund and advisory board to ensure that any settlement monies are dedicated towards substance use disorder prevention, treatment, and recovery. The legislation was sponsored by Senator Gustavo Rivera and Assemblymember Carrie Woerner.

In March 2019, Attorney General Leticia James filed an extensive lawsuit to hold accountable various opioid manufacturers and distributors. The manufacturers named in the complaint included Purdue Pharma and its affiliates; members of the Sackler Family (owners of Purdue) and trusts they control; Janssen Pharmaceuticals and its affiliates (including its parent company Johnson & Johnson); Mallinckrodt LLC and its affiliates; Endo Health Solutions and its affiliates; Teva Pharmaceuticals USA, Inc. and its affiliates; and Allergan Finance, LLC and its affiliates. The distributors named in the complaint are McKesson Corporation, Cardinal Health Inc., Amerisource Bergen Drug Corporation, and Rochester Drug Cooperative Inc.

The cases against Purdue Pharma, Mallinckrodt, and Rochester Drug Cooperative are all now in U.S. Bankruptcy Court. Johnson & Johnson (J&J) settled their part of the lawsuit this past weekend. The trial against all other defendants is currently underway.

According to the Governor's approval memo, an agreement has been reached to make technical changes to the bill to ensure the funds are utilized in the prevention, treatment, education, and abatement of opioid addiction, and to preserve the ability of the Department of Financial Services to pursue administrative proceedings to protect consumers.

## **Comptroller DiNapoli: Financial Plan Outlook Has Improved; State Should Now Commit to Further Increasing Reserves**

The State 2021-22 Enacted Budget Financial Plan shows a "remarkable improvement" in the state's financial condition as cumulative four-year budget gaps estimated at \$38.7 billion four months ago have been reduced to \$3.4 billion, according to [a report released](#) by State Comptroller Thomas DiNapoli.

This reduction was fueled by the receipt of substantial new resources, including \$15.2 billion in federal assistance and \$17.3 billion from tax and other policy actions.

"The state's economic and fiscal outlook have improved," DiNapoli said. "Local sales tax collections are up significantly, and our May Cash Report shows the state is \$4 billion ahead of projections. It is essential that additional resources are used for critical infrastructure projects to reduce debt issued and to bolster reserve funds beyond planned levels to help us to weather the next crisis or recession."

## **Governor Signs Law Protecting Students with Disabilities Who "Aged-Out"**

Governor Andrew Cuomo signed legislation (Chapter 167 of the Laws of 2021) authorizing school districts to provide compensatory services to students with disabilities who “aged-out” during the pandemic.

The new law waives New York’s age-21 “age-out” provision for students who did not receive all of the services required by their individual education plan (IEP) during the 2019-2020 or 2020-2021 school years because of the COVID-19 pandemic.

Under current state and federal law, school districts must provide special education services for students with special needs until the end of the school year in which they turn 21. This new law will help ensure that students who turned 21 years old during the 2019-20 or 2020-21 school years and did not receive the services provided in their IEPs due to school closure and remote learning during the COVID-19 pandemic receive them until they turn 23.

The bill was sponsored by M of A Thomas Abinanti and Senator Pete Harkham.

## **NYC Releases new Resource for Employers and Workforce Providers to Better Serve LGBTQI+ Clients**

The de Blasio administration this week released “Work It, NYC: A Guide to LGBTQI+ Workplace Inclusivity,” a new resource to help provider organizations deliver services to LGBTQI+ seekers of education and employment services.

This manual, created through a partnership between the NYC Unity Project and the NYC Center for Youth Employment, addresses the employment barriers faced by LGBTQI+ individuals. The manual articulates the specific employment and training- related needs of the LGBTQI+ community for workforce professionals. Specifics include:

- **Key Concepts and Vocabulary.** To serve the LGBTQI+ community well, it is imperative to understand different LGBTQI+ identities and be familiar with and appropriately use LGBTQI+ terminology and the most respectful language.
- **Obligations Under the Law.** A guide to the legal obligations that organizations and employers have to LGBTQI+ people, as well as resources available to LGBTQI+ individuals.
- **Building a Safe(r) Space.** How to center the importance of maintaining a trauma-informed lens in work with LGBTQI+ communities, information for supporting transgender, gender nonconforming, and non-binary (TGNCNB) program participants, and tips on establishing an LGBTQI+-friendly environment within workforce programs.
- **Making Affirming Placements and Referrals.** How to get information from employers and other referral sites, which includes asking pointed questions about an employer's experiences with LGBTQI+ people and cultural competency training.

# Coming Up

## *New York State*

*No Meetings Scheduled*

## *New York City*

*No Meetings Scheduled*

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**“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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