



This Week in New York

Covering New York State and City Government
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“Obstacles don’t define us. Rather, it is the unparalleled courage and character of us that defines us as a people. So my confidence in the future is steeped in our glorious past - in the face of adversity, we always persist. We persevere, we prevail.” Governor Kathy Hochul

In the News-New York State



Governor Hochul Signs Worker Protection Legislation

Governor Kathy Hochul this week signed a three-bill package to support, protect, and expand benefits for New York workers. The first bill seeks stronger penalties against employers who steal wages from workers. The second bill prohibits employers from disciplining employees who opt not to participate in meetings on political and religious matters, and the third increases the minimum weekly compensation for individuals who receive workers’ compensation benefits.

“This legislation will help to ensure that all New Yorkers receive the benefits and protections that allow them to work with dignity,” Governor Hochul said, at the signing held during the New York City Central Labor Council’s (CLC) Annual Labor Breakfast. “My administration is committed to making our state the most worker-friendly state in the nation.”

Sponsored by Senator Neil Breslin and Assemblymember Catalina Cruz, Chapter 353 strengthens the state wage theft laws. Specifically, the law amends the Penal Law to update the definition of larceny to include wage theft; to allow for the aggregation of multiple instances of wage theft against a worker into a single larceny count; and to clarify that wage theft includes the non-payment of minimum wage rate and/overtime, as well as underpayment of wages promised if greater than the minimum wage.



Governor Hochul flanked by CLC’s Vincent Alvarez and Mario Cilento, AFL-CIO

“While wage theft disproportionately impacts low wage working-class New Yorkers, its repercussions are felt by all of us— from directly impacted workers, to law abiding business who must now face unfair competition,” Assemblymember Cruz explained. “I am thankful to Governor Hochul for signing the Wage Theft Accountability Act into law, to my Senate partner, Neil Breslin, for his unwavering support, and the District Council of Carpenters for helping us lead this fight.”

Chapter 354 of the Laws of 2023, sponsored by Senator Jessica Ramos and Assemblymember Karines Reyes, protects workers from retaliation for refusing captive audience meetings. The law expands protections of employee's freedom of speech and conscience, further prohibiting employers from disciplining employees who opt not to participate in meetings sponsored by the employer concerning the employer's views on political and religious matters.

Senator James Sanders and Assemblymember Latoya Joyner sponsored Chapter 352 which increases and indexes the workers' compensation minimum benefit. This law increases the minimum workers' compensation benefit in steps from \$150 per week and eventually indexes it to one-fifth of the statewide average weekly wage. The phased minimum benefit increases are as follows: \$275 per week for workers hurt on or after January 1, 2024; \$325 per week for workers hurt on or after January 1, 2025; and one-fifth of the statewide average weekly wage for workers hurt on or after July 1, 2026.

"The bills Governor Hochul signed during [the] Labor Breakfast are a reflection of her commitment to working people across our City," Vincent Alvarez, President of the NYC CLC said. "They provide critical safeguards for all working families, and protect workers' rights to organize and win a voice at work without threat of retaliation."



Chapters of the Laws of 2023

Chapter 351 – Sponsored by AM Joyner/Senator Ramos – Relates to developing and implementing programs to prevent workplace violence in public schools.

Chapter 352 – Sponsored by Senator Sanders/AM Joyner – Increases and indexes the workers' compensation minimum weekly benefit.

Chapter 353 – Sponsored by Senator Breslin/AM Cruz – Strengthens law in relation to wage theft.

Chapter 354 – Sponsored by Senator Ramos/AM Reyes – Protects employee freedom of speech & conscience.

Chapter 355 – Sponsored by AM Peoples-Stokes/Senator Liu – Relates to expanding access to advanced courses to improve educational equity.

Chapter 356 – Sponsored by AM Pheffer-Amato/Senator Jackson – Provides for crediting of probationary service.

Chapter 357 – Sponsored by Senator Mayer/AM Otis – Relates to student governments in secondary schools.

Chapter 358 – Sponsored by Senator Jackson/AM Pheffer-Amato – Requires civil service examination announcements to be issued to the local board of cooperative educational services (BOCES), high schools, colleges, universities, local social services districts, and job training programs.

In the News-New York City



Adams Administration Announces Contract to Ensure Fair Wages, More Flexible Scheduling for Staten Island Ferry Workers



Contract Is Union's First with the City in More Than a Decade

New York City Mayor Eric Adams and Office of Labor Relations (OLR) Commissioner Renee Campion announced that the City of New York has reached an agreement with the Marine Engineers' Beneficial Association (MEBA), the union representing Staten Island Ferry licensed officers.

The contract — reached through mediation and ratified by MEBA membership last week with 94 percent support — is the first one the City has reached with the union since 2010. The contract is retroactive, beginning on November 7, 2010, and expires on January 4, 2027.

“Today, we thank our tireless ferry workers, not just with words — but with a contract that delivers the fair wages and benefits they deserve,” said Mayor Adams. “Our nation has been suffering from a shortage of marine workers. We know that to attract and retain a talented workforce we must offer competitive wages and benefits that everyone can agree on. Thanks to this agreement, both our ferry workers and the working people of Staten Island can continue to ride forward without worry or interruptions.”

According to the Mayor, the contract provides pattern-conforming wage increases to captains, assistant captains, and mates consistent with the 2010-2017, 2017-2021, and 2021-2026 civilian union patterns. In addition, marine engineers and chief marine engineers will receive retroactive wage increases consistent with the prevailing wage determination issued by the New York City comptroller earlier this year.

The contract also establishes new salary rates and a 40-hour workweek effective October 1, 2023, as well as a five-step salary schedule for all MEBA employees hired or promoted after October 1, 2023. The parties have also agreed that all MEBA-represented employees will be allowed to take vacation in one-week blocks instead of two-week blocks, providing greater flexibility for these workers.

“...We have achieved a remarkable feat — transforming the lowest paid ferry jobs in the nation into the highest paid,” said MEBA Secretary-Treasurer Roland Rexha. “This accomplishment was made possible by our members transitioning to a 40-hour work week, providing immediate relief, and resolving staffing shortages. Now, New York City can offer the reliable service that Staten Islanders truly deserve.

The total cost of the agreement through Fiscal Year 2027 will be \$103 million, for an additional cost of \$53 million. This additional funding will be reflected in future financial plans. The contract includes:

- **Changes in Scheduling Policies:** Effective October 1, 2023, all MEBA-represented titles will work a 40-hour workweek in four 10-hour shifts, an increase over the previous 32-hour workweeks to provide greater productivity to the city. In addition, employees will have the option of taking vacation in one-week blocks, instead of two-week blocks under the previous contract.
- **Five-Step Salary Schedule for All Employees:** Effective October 1, 2023, every MEBA-represented employee hired or promoted after that date will have a five-step salary schedule.

Captains, assistant captains, and mates will receive the following compounded and retroactive wage increases:

- May 7, 2012 – 1.00%
- November 7, 2012 – 2.00%
- May 7, 2013 – 1.00%
- May 7, 2014 – 1.00%
- May 7, 2015 – 1.50%
- May 7, 2016 – 2.50%
- May 7, 2017 – 3.056%
- November 7, 2017 – 2.00%
- November 7, 2018 – 2.25%
- December 7, 2019 – 3.25%
- July 5, 2021 – 3.00%
- July 5, 2022 – 3.00%
- July 5, 2023 – 3.00%

“Throughout two previous administrations, it often felt like City Hall and the MEBA were sailing on separate courses. However, today, we proudly announce that we have finally brought this contract to dock,” Mr. Rexha explained. “This achievement is due in part to having a mayor who truly values the hard work of our members and comprehends the challenges that our mariners face day in and day out; and also, a mayor who doesn't forget Staten Island. I want to extend my gratitude to Mayor Adams, his team at Office of Labor Relations, Renee. Specifically, I want to give a shout out to Dan Pollock and Zach Lider who have been really, really big in trying to get this thing done. Mediator Al Viani, New York City Central Labor Council President Vinny Alvarez, Diane Savino, and the local and national elected officials who have supported us from day one. A special thanks to State Senator Jessica Scarcella-Spanton, Congresswoman Nicole Malliotakis, Senator Chuck Schumer, State Assemblyman Charles Fall, Council Members Brannan, Carr and Hanks, and Borough President Vito Fossella.”

Mr. Rexha continued, “I also want to thank the MEBA team that made this happen. Dan Bright, our legal counsel...our contracts expert, Caroline Daly, Captain Chris Ferraro, Mate Kenny Smith, Chief Engineer...Assistant Captain Kevin Buselmeier, Captain Joe Ajar, and my friends at Pitta Bishop and particularly Vinny Pitta, thank you.”



Comptroller DiNapoli: NYC's Property Tax Bills Rise Along With Burden on Working- and Middle-Class Homeowners

The COVID-19 pandemic has caused property tax disparity to worsen in New York City, driving housing costs higher for many, according to a [report](#) released by New York State Comptroller Thomas DiNapoli.

The Comptroller’s report found even when property values declined for many condos, co-ops and rental apartments due to the pandemic, property tax bills continued to rise. He determined this was due in part to market volatility and aspects of how the City calculates property taxes.

“New York City’s residential real estate market has proven resilient to the pandemic as prices remain strong,” said Comptroller DiNapoli. “This benefits the City because property taxes account for about 45% of the city’s revenue. However, property tax disparity has gotten worse since the pandemic, which is concerning because it’s driving up housing costs for those less able to afford it, and at the same time, the City faces a shortage of affordable housing. A recalibration of the process used to determine tax bills is needed if the City wants to remain accessible to working- and middle-class families.”

New York City sets different tax rates based on class of property, including for single or multifamily homes with more than three units. Market value increases are also limited by annual and five-year caps that differ based on property type. As a result of these caps, a decline in market value on lower-valued properties does not necessarily result in a lower tax bill. Instead, lower-valued properties more often bear a far greater tax burden than the city’s highest valued properties.

Comptroller DiNapoli’s report found these differences were even more pronounced from fiscal years 2007 to 2024 as the gap in tax burden based on property value continued to widen. The median tax bill for the City’s most expensive family homes grew by 131% during this period, compared to 149% for the City’s least expensive homes.

Change in Median Market Values and Tax Bills by Property Type

Metric	Fiscal Years 2008 to 2012	Fiscal Years 2021 to 2023	Fiscal Years 2023 to 2024
Family Homes			
Change in Median Market Value	-14.3%	10.4%	9.5%
Change in Median Tax Bill	32.5%	3.6%	5.2%
Multifamily Residential			
Change in Median Market Value	14.5%	-2.7%	2.7%
Change in Median Tax Bill	26.6%	5.8%	3.4%
Rental Properties			
Change in Median Market Value	-20.8%	-0.3%	-0.4%
Change in Median Tax Bill	32.9%	9.6%	5.1%

Sources: NYC Department of Finance Property Tax Assessment Rolls; OSC analysis

In addition to addressing the City’s lack of affordable housing, the Comptroller urged the City to revisit its Advisory Commission on Property Tax Reform’s recommendations (released in 2022) and review recent changes in valuations and tax bills to assess their impact on tax inequity. The Commission released its final report in January of 2022, which included recommendations to create a new tax class for residential properties that would use a sales-based market valuation process, eliminate fractional assessments for certain property types, and remove caps on assessed value increases.

Briefs

Senator Cooney Announces Senate Hearing on New York's Adult-Use Cannabis Market

Senator Jeremy Cooney (D-Rochester) yesterday announced the New York State Senate Subcommittee on Cannabis will hold its first-ever public hearing on the State's rollout of adult-use cannabis and ongoing challenges with legal retail access. The hearing will be held on Tuesday, October 30th at 11 a.m. in Albany.

According to Senator Cooney, potential testimony at the hearing will come from regulatory agencies, public authorities as well as cannabis cultivators, processors, retailers—both applicants and licensees. A formal witness list will be made public closer to the hearing date.

Senator Cooney was appointed Chair of the Subcommittee on Cannabis in the spring of 2023. He also serves as co-chair of the Marijuana Task Force as part of the Black, Puerto Rican, Hispanic and Asian Legislative Caucus.

Joining Senator Cooney on the subcommittee are Senators: George Borello, Nathalia Fernandez, Pam Helming, Michelle Hinchey, Liz Krueger, John Mannion, Mario Mattero, Kevin Parker, and Gustavo Rivera, according to published reports.

State Comptroller Audit Finds Improper Medicaid Payments for Outpatient Services Billed as Inpatient Claims

Hospitals may be improperly billing Medicaid for inpatient services that should have been billed as outpatient care, a new audit by the office of New York state Comptroller Thomas DiNapoli suggests.

The [audit](#) identified almost \$361 million of inpatient claims for Medicaid enrollees discharged within 24 hours of hospital admission. The Comptroller indicated that a portion of these 34,000-plus claims were improperly billed as inpatient claims instead of outpatient services, which are generally less expensive. In a sample of 190 of these claims, from six hospitals, auditors found 48 percent had been billed improperly.

Inpatient care generally involves patients who, on the recommendation of a physician or licensed practitioner, stay at least overnight in a hospital and receive room, board and continuous nursing service.

“The state Department of Health needs to give clearer guidance so hospitals know whether to bill for services as outpatient, rather than more expensive inpatient care,” Comptroller DiNapoli said, according to published reports. “Nearly half the bills we looked at got it wrong and that kind of error rate results in millions of dollars in Medicaid overpayments.”

Mayor Adams, NYPD Announce New Approach To Handling Protests, Resolve Litigation Stemming From 2020 Black Lives Matter Protests

New York City Mayor Eric Adams, New York City Corporation Counsel Sylvia Hinds-Radix, and New York City Police Department (NYPD) Commissioner Edward Caban this week announced that the NYPD has implemented new practices to better address spontaneous protests. The new four-tiered approach is codified in a legal agreement stemming from lawsuits filed against the City of New York during the Black Lives Matter protests in 2020.

The reforms codified by the agreement were negotiated by the New York City Department of Law, the NYPD, the Office of New York Attorney General Letitia James, the New York Civil Liberties Union, and The Legal Aid Society. The approach combines multiple law enforcement strategies, including the use of more community affairs officers to liaise and de-escalate situations with protesters, the presence of patrol officers to enforce traffic laws and direct crowds, and the deployment of specialized units, including the Strategic Response Group (SRG), as necessary to ensure public safety. The agreement also establishes a collaborative committee that will evaluate the NYPD's response to 12 protests over the next three years.

Adams Administration Releases Plan for New Affordable Housing, Open Space in Central Brooklyn

New York City Mayor Eric Adams and New York City Department of City Planning (DCP) Director and City Planning Commission Chair Dan Garodnick this week released the Atlantic Avenue Mixed-Use Plan (AAMUP), a draft zoning framework for affordable homes for seniors. The draft framework proposes approximately 4,000 new homes — including up to 1,550 income-restricted homes — in a 13-block stretch of Atlantic Avenue and the surrounding area.

It includes a high-density mix of housing and commercial uses with active ground floor uses along Atlantic Avenue. In mid-blocks south of Atlantic Avenue between Grand Avenue and Franklin Avenue, and north of Atlantic Avenue along Herkimer Place, the draft framework proposes a special incentive to promote mixed-use development with one to two floors of non-residential uses.

Along the north-south avenues of Grand, Classon, Franklin, and Bedford avenues, the framework proposes moderate density mixed-use districts with higher density along the avenues. At city-owned sites at 516 Bergen Street and 542 Dean Street, and at a nonprofit-owned site at 1134 Pacific Street, the framework proposes maximizing affordable housing opportunities. And at the Bedford-Atlantic Armory, the framework proposes bringing the armory into greater compliance with current zoning to allow flexibility for potential renovations.

AECOM New York Metro to Host Office-to-Residential Symposium

On Thursday, September 14th, in collaboration with New York University's Schack Institute of Real Estate, AECOM New York will be hosting an office-to-residential conversion symposium.

The half-day symposium, which will be taking place from 8 a.m. to 2 p.m. at AECOM's offices on the second floor of 605 Third Avenue, will feature a keynote address from Department of City Planning Director, Dan Garodnick, who chaired Mayor Adams' Office Adaptive Reuse Task Force. The symposium will also feature four panels with speakers and experts across several affected sectors that will address multiple facets of the office-to-residential process such as financing and remaining in compliance with local laws. It will culminate with a networking lunch.

If you are interested in attending, to follow is a link with information on the panels and speakers, as well as a link to RSVP, [here](#).

Coming Up ***New York State***

Monday, September 11th

Meeting of the Board of Regents

New York State Department of Education
89 Washington Avenue, Seminar Room, 5th Floor, Albany, 9 a.m.

Tuesday, September 12th

Meeting of the Board of Regents

New York State Department of Education
89 Washington Avenue, Seminar Room, 5th Floor, Albany, 10:45 a.m.

Thursday, September 14th

NYS Procurement Council Meeting

New York State Office of General Services
Empire State Plaza, Room 6, North Concourse, Meeting Room 6, Albany, 11:30 a.m.

Friday, September 15th

2023 July/August Bi-Monthly Reports Deadline

New York State Commission on Ethics and Lobbying in Government

New York City

Tuesday, September 12th

Committee on Sanitation and Solid Waste Management, Council Chambers - City Hall, 10 a.m.

Oversight – DSNY's Initiatives to Address Street Cleanliness.

Joint - Committee on Transportation and Infrastructure & Oversight and Investigations, Committee Room - City Hall, 1 p.m.
Oversight - Streets Plan Update.

Thursday, September 14th

Committee on Cultural Affairs, Libraries and International Intergroup Relations, Council Chambers - City Hall, 9:30 a.m.

Committee on Finance, Committee Room - City Hall, 10 a.m.

City Council, Council Chambers - City Hall, 1:30 p.m.

Friday, September 15th

Committee on Veterans & Mental Health, Disabilities and Addiction, Council Chambers, 10 a.m.
Oversight – Mental Health Services for Veterans.

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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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