



This Week in New York

Covering New York State and City Government

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9/11: We Will Never Forget ...Ever

Tomorrow marks the 20th anniversary of the most lethal attack in history on American soil. We honor the 2,977 people killed when 19 terrorists hijacked four commercial aircrafts and turned them into deadly weapons in New York City, the Pentagon, and a field in Shanksville, Pennsylvania. We honor the 4,627 survivors and first responders who have died in the years since from the health impacts of the rescue and recovery efforts.

We continue to pray for the family members and friends of the those lost – the spouses who lost their partners, the children who lost their parents, the sisters and brothers who lost their siblings, and the mothers and fathers who buried their children – and for those survivors and first responders battling debilitating health conditions.



And we vow to persevere together as Americans in tribute to their legacies – to confront the challenges that lie ahead with renewed strength, remembering the challenges that those lost faced and the selfless acts of those who responded to the calls on 9/11 and those who worked tirelessly in the recovery efforts.



***"If we learn nothing else from this tragedy,
we learn that life is short and there is no time for hate."
- Sandy Dahl, wife of Jason Dahl, pilot of Flight 93 (Pennsylvania)***

In the News New York State

New York's New Executive Team

Lieutenant Governor Brian Benjamin Sworn in & Joins Governor Kathy Hochul in Guiding the Empire State

Brian A. Benjamin was sworn in this week as the 78th Lieutenant Governor of New York State. The Lt. Governor was previously the State Senator for District 30, representing Harlem, East Harlem, and the Upper West Side, and he served as the Chair of the Budget and Revenue Committee and as the Senior Assistant Majority Leader.



Lt. Governor Brian Benjamin is sworn in by US District Court Judge Analisa Torres.

"I've found a person who knows what it's like to struggle, to work hard, to make something of his life, and to now return his service to the community. That is, my friends, the American dream..." Governor Kathy Hochul said. "...He thinks about how he can serve not just his Senatorial district, but now he'll be helping me serve 20 million New Yorkers. It's an extraordinary responsibility. I wouldn't have asked you if I didn't think you're up for the task. And I know you are."

The Lt. Governor identified three areas that Governor Hochul has charged him with: promoting COVID-19 vaccinations; helping renters, small landlords and workers who are struggling and ensuring that Emergency Rental Assistance Program funding "gets out the door to real people;" and heading a NYCHA capital construction taskforce.

Lt. Governor Benjamin was born in Harlem to Caribbean immigrants and earned his undergraduate degree in Public Policy from Brown University and his MBA from Harvard Business School.

Following business school he worked for three years in investment banking at Morgan Stanley. The Lt. Governor then returned to Harlem to build affordable housing, creating over a thousand units of environmentally sustainable, affordable housing at a Minority and Women-Owned Business Enterprise. He also served as Chair of Community Board 10 and the Land Use Committee.

Lt. Governor Benjamin served in the State Senate from June 5, 2017 to September 9, 2021.



Chapters of the Laws of 2021

Chapter 419 -- Sponsored by M of A Joyner/Senator Ramos -- Provides that a contractor making or taking a construction contract shall assume liability for any debt resulting from making a wage claim, owed to a wage claimant or third party on the wage claimant's behalf, incurred by a subcontractor at any tier acting under, by, or for the contractor for the wage claimant's performance of labor.

Chapter 420 -- Sponsored by Senator Ramos/M of A Joyner -- Amends the cap on benefits a claimant shall be paid from twenty-six weeks to twenty-six times the amount of regular compensation (including dependents' allowances) payable to such individual for a week of total unemployment during a benefit year.

Chapter 421 -- Sponsored by Senator Kennedy/M of A Magnarelli -- Establishes a demonstration program implementing speed violation monitoring systems in work zones by means of photo devices.

Chapter 422 -- Sponsored by Senator Benjamin/M of A De La Rosa -- Relates to wages and supplements for building service employees employed at certain properties held in the cooperative or condominium form of ownership receiving a tax abatement.

Chapter 423 -- Sponsored by M of A Englebright/Senator Harkham -- Provides that all in-state sales of new passenger cars and trucks shall be zero-emissions by 2035.



Hochul Administration Appointments

Governor Kathy Hochul this week announced new appointments to her administration, including:

Jeff Lewis has been appointed Chief of Staff to the Governor. Prior to joining the Governor's Office, Mr. Lewis served in the Office of then-Lieutenant Governor Hochul for more than six years, first as Director of External Affairs and then as Chief of Staff. Mr. Lewis has also served as Finance Director at Recchia for Congress (NY-11) and in staff roles on the Democratic Congressional Campaign Committee and in the U.S. House of Representatives, where he worked for then-Representative Hochul (NY-26). His political career began with an internship in the Office of then-Erie County Clerk Hochul. He holds a Bachelor's degree in politics from New York University.

Linda Sun has been appointed Deputy Chief of Staff. Ms. Sun previously served as Deputy Superintendent for Intergovernmental Affairs & Chief Diversity Officer at the NYS Department of Financial Services. She has also served as Deputy Chief Diversity Officer and Director of Asian American Affairs for the NYS Executive Chamber, Director of External Affairs for Global NY at Empire State Development and Chief of Staff to NYS Assemblymember Grace Meng. She holds a Master's degree from Teachers College at Columbia University and a B.A. from Barnard College at Columbia University.

Melissa Bochenski has been appointed as Deputy Chief of Staff. She previously served as then-Lieutenant Governor Hochul's Deputy Chief of Staff. Prior to joining New York State, she worked as a Strategic Relations Analyst at M&T Bank. From 2011-2013, she served as an Executive Assistant and Office Manager to then-Representative Hochul (NY-26). Ms. Bochenski holds a Bachelor's degree in political science from Canisius College.

Julissa Gutierrez was appointed in early 2020 as Chief Diversity Officer for the State of New York and will continue to serve in this role under the Hochul administration. Ms. Gutierrez previously served as Deputy Director of Constituency Affairs in the Governor's office and as Special Assistant to the Commissioner at the New York City Department of Youth and Community Development. She holds a Master's degree in Social Service Administration from the University of Chicago and a B.A. in International Relations with a Minor in Women's Studies from the University of Delaware.

Shirley Paul has been appointed Senior Advisor to the Governor. Prior to joining the Governor's office, she served as Assistant Director for Legislative Affairs at SUNY Systems Administration. Ms. Paul has worked in state government in various roles, including working with then-Lieutenant Governor Hochul as Senior Advisor and Counsel and as a Law Clerk in the NYS Court System. Ms. Paul started her career in public service in then Senator Joseph R. Biden's office. She holds a Bachelor's degree in Political Science from Delaware State University, a Master's degree in Urban Planning and Administration from Brooklyn College and a Juris Doctorate from New York Law School.

Sinéad Doherty has been appointed Deputy Secretary for Executive Operations. Prior to joining the Governor's office, she served as Director of Operations for the California based children's non-profit, Good Tidings Foundation. Ms. Doherty worked on the Biden for America presidential campaign. She previously worked for then-Lieutenant Governor Hochul as Director of Operations, served as Confidential Assistant to then US Department of Health & Human Services Secretary Sylvia Mathews Burwell, and was Deputy Director of Advance for then House Democratic Leader Nancy Pelosi. She holds a bachelor's degree in international relations from Boston University.

Padma Seemangal has been appointed Deputy Secretary for Policy Operations. Ms. Seemangal previously served as Director of Communications and Public Affairs at Global Strategy Group and as a Senior Advisor for then-Lieutenant Governor Hochul through the Empire State Fellows Program. She has served as a policy consultant for the Public Advocate for the City of New York and a team consultant for New York City Council Member Ritchie Torres and the New York City Department of Cultural Affairs. She holds a B.A. in English Literature Studies and Government from St. Lawrence University and a Master's degree in Urban Policy Analysis and Management from The Milano School for International Affairs at the New School.

Hazel Crampton-Hays has been appointed Press Secretary. Ms. Crampton-Hays most recently served as Press Secretary to New York City Comptroller Scott Stringer. Previously, she served in the Governor's Press Office, including as First Deputy Press Secretary. She holds a Bachelor's degree in Politics and Religion from Oberlin College.

Jelanie DeShong has been appointed Assistant Secretary for Intergovernmental Affairs. Mr. DeShong most recently served as Director of Government Relations for State University of New York Downstate Health Sciences University and previously as Director of Community Engagement for then-Lieutenant Governor Hochul.

Devan Cayea has been appointed Director of Strategic Planning and Scheduling. Prior to joining the administration, Mr. Cayea recently served on the transition team and in the office of Senator Alex Padilla (D-CA) and was the Director of Operations in Senator Amy Klobuchar's Capitol Hill office. He also served on the Biden for America presidential campaign. Mr. Cayea began his career as the Deputy Director of Scheduling and Advance for House Democratic Leader Nancy Pelosi (D-CA). Mr. Cayea holds a Bachelor's degree from American University.

Fohat Aird-Bombo has been appointed Director of Advance. Mr. Aird-Bombo previously served in the Office of then-Lieutenant Governor Hochul where he was the Director of Advance and Special Events. Mr. Aird-Bombo worked on the 2020 presidential campaign for Mike Bloomberg as the New York Regional Operations Director and his previous positions also included serving as Senior Advance Lead for the Speakers of the New York City Council, Melissa Mark-Viverito and Corey Johnson. Prior to that, he served in the New York Public School system as the Director of Operations.



Comptroller DiNapoli: Unemployment Taxes on Employers Poised To Increase To Repay \$9B Federal Debt

New York employers will see increases in federal unemployment insurance tax rates in 2022 and beyond to repay funds borrowed from the federal government to cover COVID-19-related claims, [according to a report](#) issued this week by State Comptroller Thomas DiNapoli.

“The state currently owes Washington \$9 billion and the obligation to pay back this money and rebuild the [State’s Unemployment Insurance] trust fund balance presents a serious challenge for the state and businesses struggling to recover from the pandemic,” Comptroller DiNapoli said.

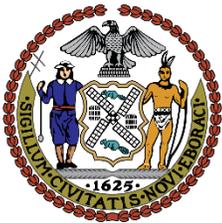
According to the Comptroller, New York’s UI trust fund account was not well-positioned to weather the COVID-19 crisis. On January 1, 2020, the balance was \$2.65 billion, below the standard recommended by the U.S. Department of Labor. When the pandemic hit, the state began to borrow from the federal government to pay claims in May 2020. As of September 2, 2021, the amount owed to the federal government was \$9 billion.

Given the current negative balance in the state unemployment trust fund, 2021 UI rates for New York employers increased to a range of 2.1% to 9.9% of taxable payroll, up from 2020 rates that ranged from 0.6% to 7.9%. As a result, employer tax payments grew between 26% and 160% in 2021. Until the balance in the state account returns to a positive level, employers will continue to make state UI contributions between 2.1% and 9.9%.

Comptroller DiNapoli warned that if New York continues to hold a negative balance on January 1, 2022 and does not meet certain federal rules by November 10 of this year, employers' federal tax rates will also go up from 0.6 % to 0.9% for 2022. The federal tax rates will continue to grow by 0.3% each year until the maximum rate of 6% is hit for as long as New York continues to hold an outstanding balance.

The Comptroller recommended state lawmakers advocate for additional federal support that would relieve employers of new costs that could hamper recovery efforts; monitor existing pandemic relief programs to determine if resources may be available to repay federal advances; and avoid the issuance of state debt to repay the outstanding balance.

In the News – City



Bills Approved by the City Council

Int. 647-A -- Sponsored by Council Member Mathieu Eugene -- Requires the Department of Veterans' Services (DVS), in partnership with local veteran service organizations, to establish a telephone hotline to provide peer support services and information to veterans. The bill requires the hotline be staffed by certified veteran peer specialists.

Int. 1152-A -- Sponsored by Council Member Peter Koo -- Ensures that in the event that an electronic system failure that disables a City website used to make online payments, following the restoration of the website, persons are able to make payments owed to the City, without incurring late fees or interest. Specifically, this bill would establish a 48-hour grace period for a system failure that lasted 24 hours or longer, during which neither late payment fees nor interest should be incurred for any payment due during the time of the system failure. Affected City agencies would also have the discretion to extend the grace period by up to seven days.

Int. 1668-A -- Sponsored by Council Member Mark Levine and Speaker Johnson -- Requires the Department of Health and Mental Hygiene to develop and manage a Primary Care Services and Patient Navigation Program (PCSPNP), which would provide primary care services and applicable patient navigator services.

Int. 1789-A -- Sponsored by Council Member Ydanis Rodriguez -- Accelerates the existing timeline for equipping all large vehicles in the City fleet with side guards, from January 1, 2024, to January 1, 2023. The bill would require that agency contracts involving covered vehicles contain the side guard requirement, and penalties of up to \$4,000 per vehicle could be issued for lack of compliance.

Int. No. 1828- A -- Sponsored by Council Member Alicka Ampry-Samuel -- Establishes an advisory committee on female genital mutilation and cutting within the Mayor's Office to End Domestic and Gender-Based Violence (ENDGBV) to issue recommendations to engage communities and agencies in eliminating the practice in the city.

Briefs

President Biden Calls for Vaccine Mandates Impacting 100 Million Workers

President Joe Biden on Thursday ordered new federal vaccine requirements for private-sector employees as well as health care workers and federal contractors in an effort to curb the surging COVID-19 delta variant.

The rules mandates that all employers with more than 100 workers require them to be vaccinated or test for the virus weekly, affecting about 80 million Americans. Workers at health facilities that receive federal Medicare or Medicaid also will have to be fully vaccinated.

The requirement for large companies to mandate vaccinations or weekly testing for employees will be enacted through a rule from the Occupational Safety and Health Administration that carries penalties of \$14,000 per violation. The rule will require that large companies provide paid time off for vaccination.

The President is also requiring vaccination for employees of the executive branch and contractors who do business with the federal government with no option to test out.

According to published reports, the mandates do not include United States Postal Service workers.

In addition to the vaccination requirements, President Biden called to double federal fines for airline passengers who refuse to wear masks on flights or to maintain face covering requirements on federal property.

He also announced that the government will work to increase the supply of virus tests, and that retailers including Walmart and Amazon have agreed to sell at-home testing kits at cost beginning this week.

In New York City, Mayor Bill de Blasio announced the City will require the COVID vaccine for all workers at pre-kindergarten, child care and after-school programs.

Governor Announces Designation of COVID-19 as an Airborne Infectious Disease Under New York State's HERO Act

All Employers to Must Implement Workplace Safety Plans to Help Protect Workers from COVID-19

Governor Kathy Hochul this week announced that the State Department of Health (DOH) has designated COVID-19 as a highly contagious communicable disease that presents a serious risk of harm to the public health under New York State's HERO Act. This designation requires all employers to implement workplace safety plans.

Under the NY HERO Act, all employers are required to adopt a workplace safety plan and implement it for all airborne infectious diseases designated by DOH. Employers can adopt a model safety plan as crafted by the State Department of Labor or develop their own safety plan in compliance with HERO Act standards. Industry-specific templates for employers are available on the DOL's [website](#).

The plans adopted by employers must address a number of safety measures, including but not limited to: employee health screenings, masking and social distancing requirements, workplace hygiene stations, workplace cleaning protocol, quarantine protocol, and building airflow technology. Also, the HERO Act includes anti-retaliation protections for employees which prohibit discrimination or adverse actions taken against an employee for following the requirements of these plans, reporting concerns on the implementation of a plan, or refusing to work.

Legislative Leaders Make Appointments to the State Cannabis Control Board

Senate Majority Leader Andrea Stewart-Cousins and Assembly Speaker Carl Heastie this week announced their picks for the State Cannabis Control Board. The Senate appointee is former State Senator Jen Metzgar and the Assembly choice is Buffalo employment law attorney Adam W. Perry.

The Marijuana Regulation and Taxation Act (MRTA) calls for a five-member Cannabis Control Board (CCB) to oversee the creation and implementation of the Office of Cannabis Management (OCM). These entities will develop and implement a regulatory framework for New York's cannabis industry, including the production, licensing, packaging, marketing and sale of cannabis products.

Metzgar served in the Senate from 2019-2020, representing the 42nd District which includes Sullivan, Delaware, Orange, and Ulster counties. A graduate of Oberlin College (BA) and Rutgers University (PhD), she chaired the Senate Agriculture Committee.

Perry, a partner at Hodgson Russ LLP, is a board member of the Niagara Frontier Transportation Authority and chair of its Aviation Committee, and also serves as chair of the Citizen Planning Council in Buffalo.

DEC Proposes Regulations to Implement Ban on Polystyrene Packaging and Fill

The New York State Department of Environmental Conservation (DEC) this week released proposed regulations to implement a ban on expanded polystyrene foam containers and loose fill packaging, commonly referred to as 'packing peanuts,' that goes into effect January 1, 2022.

DEC is accepting comments on the proposed regulations until November 22, 2021. The full text of the draft regulations, including express terms, hearing information, and [related information pertaining to the proposed rulemaking](#), is available on DEC's website.

The law and proposed regulations prohibit any person engaged in the business of selling or distributing prepared food or beverages for on- or off-premises consumption from using disposable food service containers that contain expanded polystyrene foam in New York. In addition, no manufacturer or store will be allowed to sell or use polystyrene loose fill packaging in the state.

The law does not apply in New York City because the city has a local polystyrene ban in place and meets the law's population threshold.

Mayor de Blasio Appoints Peter Hatch as Commissioner of the Department of Consumer and Worker Protection

Mayor Bill de Blasio this week appointed Peter Hatch as Commissioner of the Department of Consumer and Worker Protection (DCWP). Hatch is currently the City's COVID-19 Public-Private Partnership Czar.

Prior to working on the City's response to COVID-19, Hatch served four years as the Chief of Staff to the Office of the Deputy Mayor for Health and Human Services and as a as Senior Advisor to the Mayor on Street and Subway Homelessness. In the Mayor's first term, he served as Senior Advisor to the First Deputy Mayor and chaired the Franchise and Concession Review Committee, the Banking Commission, and the Community Investment Advisory Board.

Hatch received a B.A. in the history of science from Columbia College, a master's degree in public policy from the Harvard Kennedy School, and a J.D. from Fordham University.

Coming Up

New York State

Tuesday, September 14th

To Evaluate the Current Workforce Challenges of the I/DD Service Delivery System

Senate Committee on Disabilities

Van Buren Hearing Room A, Legislative Office Building 2nd Floor, Albany, 10 a.m.

New York City

Monday, September 13th

Subcommittee on Landmarks, Public Sitting and Dispositions, Committee Room – City Hall, 10 a.m.

Committee on Housing and Buildings, Council Chambers – City Hall, 11 a.m.

Committee on Land Use, Committee Room – City Hall, 1 p.m.

Tuesday, September 14th

Committee on Women and Gender Equity, Committee Room - City Hall, 9 a.m.

Committee on Resiliency and Waterfronts, Council Chambers – City Hall, 10 a.m.

Committee on Environmental Protection, Council Chambers – City Hall, 10 a.m.

Committee on Transportation, Council Chambers – City Hall, 10 a.m.

Committee on Cultural Affairs, Libraries and International Intergroup Relations, Committee Room – City Hall, 12 p.m.

Committee on Public Housing, Committee Room – City Hall, 3 p.m.

Wednesday, September 15th

Committee on Youth Services, Committee Room – City Hall, 9 a.m.

Committee on Criminal Justice, Council Chambers – City Hall, 10 a.m.

Committee on General Welfare, Committee Room – City Hall, 12 p.m.

Committee on Consumer Affairs and Business Licensing, Committee Room – City Hall, 3 p.m.

Friday, September 17th

Committee on Mental Health, Disabilities and Addiction, Committee Room – City Hall, 9 a.m.

Committee on Small Business, Council Chambers – City Hall, 10 a.m.

Committee on Environmental Protection, Committee Room – City Hall, 12 p.m.

“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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