



This Week in New York

Covering New York State and City Government

A Publication of Pitta Bishop & Del Giorno LLC

September 23, 2022 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



Governor Issues Executive Order to Accelerate State Agency Environmental Sustainability

Governor Kathy Hochul this week signed an Executive Order to accelerate efforts to make State operations more sustainable by setting new goals for State agency environmental performance.

In addition, Governor Hochul announced that State agencies and authorities, representing an estimated \$50 billion in investments, have committed to achieve net zero in their investment portfolios by 2040. This action ensures New York State's financial resources are aligned with its clean energy and decarbonization obligations as enacted in the 2019 Climate Leadership and Community Protection Act.

Under [Executive Order 22](#), the GreenNY Council will ensure that State agencies follow best practices in green purchasing and in their operations by issuing new green purchasing specifications and operational directives. The Order will be administered by the GreenNY Council, a multi-agency working group co-chaired by the Department of Environmental Conservation, the Division of the Budget, the Office of General Services, the New York State Energy Research and Development Authority, and the New York Power Authority.

The Order covers the following targets and goals:

- 100 percent of the electricity used in State operations will come from renewable energy (as defined by the Clean Energy Standard) by 2030.
- 100 percent of light-duty non-emergency vehicle fleets will be Zero Emission Vehicles (ZEVs) by 2035 and 100 percent of medium and heavy-duty vehicle fleets will be ZEVs by 2040.
- 11 trillion BTUs of energy savings will be achieved by 2025 through the BuildSmart 2025 program.
- Restricting new State facilities that enter design and permitting starting in 2024 from using infrastructure that can be used for the combustion of fossil fuels.

- Waste disposal will be reduced 10 percent every five years until reaching a goal of 75 percent lower than a 2018-19 Fiscal Year baseline, which will include a combination of strategies to divert materials from landfills, increase recycling, and enhance composting and other reuse of organic materials.
- The use of single use plastics will be eliminated in State operations.
- The use of toxic substances will be reduced in State operations.
- Habitats maintained by State agencies and authorities will be enhanced, including support for native pollinators.
- Climate resiliency at State facilities will be increased.

In addition to the Executive Order, agencies and authorities submitted action plans this month outlining their path to a net zero investment portfolio. The action plans include frameworks and strategies for evolving portfolio construction, including plans to increase investment in sustainable solutions.

In the News – New York City



NYC Council Releases New Report on City Employee Pay Equity & Legislation to Address Disparities

Council's 2022 Pay Equity Report finds Pay Inequities Remain, Particularly Among Women, Black and Latino Municipal Workers

Speaker Adrienne Adams and the New York City Council this week released its annual report on pay inequities within New York City's municipal workforce, showing continued inequities. In conjunction with the release of the 2022 Pay Equity report, the Council also is holding a hearing on pay inequities in the City's workforce and legislation to address them.

The 2022 report reveals two persistent, large pay gaps in the City's municipal workforce – one between Black, Latino, and white employees, and another between male and female employees. The data confirms non-white employees and female employees predominantly occupy civil service titles with the lowest median salaries. These same groups represent a much smaller proportion of employees who occupy civil service titles with the highest median salaries. This produces an 'occupational segregation' that results in pay disparities. The findings include:

- Female municipal employees on average make 73 cents for every dollar made by male employees.
- Black city workers on average make 71 cents to every dollar for white employees.
- Latino workers on average make 75 cents to every dollar for white employees.
- Asian employees on average make 85 cents to every dollar for white employees.

In addition, pay inequity is particularly higher among non-white female employees. Black and Latino women municipal employees make 69 cents to every dollar made by white male employees, and Asian women city workers make 82 cents for every dollar made by white male city workers. The full report is available [here](#).

“We have long been aware that, even within our municipal workforce, pay disparity exists along racial and gender lines,” said Speaker Adrienne Adams. “These pay inequities especially affect Black, Latina, and Asian women. As the most diverse and first women-majority Council, we will not rest until all New York City workers are valued equally with job salaries and opportunities for their contributions to our City regardless of gender or race.”

The pay equity report is the product of the Council’s Pay Equity Law ([Local Law 18 of 2019](#)), which requires the Mayor’s Office of Data Analytics (MODA) to publicly report New York City municipal employee pay data publicly and provide the Council with direct access to the data to facilitate its own annual statistical analysis. The 2022 report builds [on the analysis](#) of the [Council’s 2021 Pay Equity report](#).

New legislation has been put forth to address the issues outlined in the report, including:

- **Introduction 515, sponsored by Speaker Adams**, would require that the agencies include an analysis of compensation data and measures to address pay disparity and occupational segregation. The head of each agency would also be required to submit an annual report on the number of new full-time and part-time employees retained, promoted, terminated, or that resigned and their compensation. Finally, the bill would require the Equal Employment Practices Commission to conduct a comparable worth analysis annually and submit its findings to the Mayor and the Speaker of the Council.
- **Introduction 527, sponsored by Council Member De La Rosa**, would require each city agency that requires applicants to take a civil service exam to report annually in order to evaluate and expand diverse recruitment and retention within City government. The bill would also require reporting on agency training programs to again evaluate recruitment efforts across City government. Finally, the bill streamlines existing requirements on the Department of Education’s responsibility as it pertains to the dissemination of information on civil service examinations to high school juniors and seniors.
- **Introduction 541, sponsored by Council Member Louis**, would amend the existing Pay Equity Law by requiring the Department of Citywide Administrative Services to provide new categories of information to the Council for each City employee with respect to the reporting of employment data. This bill also expands the definition of agency to capture more of the City workforce. Finally, this bill will also provide the Council the pay and employment data year-round so the Council can provide more robust oversight over the Administration.

In addition, earlier this week, the Council announced legislation to improve the diversity, equity and inclusion practices at the Fire Department of the City of New York (FDNY).



Mayor Adams Announces COVID-19 “Additional Flexibility” For NYC Businesses & Parents

Private-Sector Mandate Becomes Optional Beginning November 1

NYC Mayor Eric Adams and DOHMH Commissioner Ashwin Vasan this week announced “more flexibility” for New York City’s businesses by encouraging private businesses to put in place their own vaccine policies and making the private sector vaccine mandate optional effective November 1st.

In addition, the City created more flexibility for parents by making vaccines optional for students who participate in extracurricular activities, including, among other activities, New York City’s Public School Athletic League (PSAL).

“...with so many tools now more easily accessible to keep New Yorkers safe from COVID-19, the additional flexibility we are announcing for private employers, students, and parents puts the choice back into each of their hands...” Mayor Adams explained.

Deputy Mayor for Economic and Workforce Development Maria Torres-Springer added, “As we enter this next phase of our recovery and provide more options and flexibility for businesses and their workforce, we would do well to remember that this collective spirit is what got us here and what will enable us to tackle future challenges facing our city.”

The private employer rollback again places a focus on the status of the City’s public employees. In March, the Mayor reversed the private-sector vaccine mandate for performers and athletes in local venues.

“This city’s government has treated its dedicated public employees — people who prior to the availability of vaccines still got up in the morning to protect our streets, put out fires, pick up garbage, teach our children, and deliver vital social services, at risk to their own health — as disposable,” Harry Nespoli, a co-chair of the Municipal Labor Committee, said, according to published reports.

Greg Floyd, President of Teamsters Local 237, indicated that labor leaders have asked the Adams Administration to apply the same standards to the public sector as the Mayor is applying to private businesses.

“The first thing we are going to do is ask to have the same policy for our members who were dismissed, and we’ll take it from there,” said Floyd, according to published reports. “And if not, we’re going to consider legal action.”

Briefs

Penn Station Plan Moves Forward

The Metropolitan Transportation Authority, in partnership with NJ TRANSIT and Amtrak, approved a contract for the redesign of Penn Station to a joint venture led by FXCollaborative Architects LLP and WSP USA Inc. British architect John McAslan + Partners will serve as a collaborating architect. The one-year base contract of up to \$57.9 million will develop the preliminary station design, according to Governor Kathy Hochul.

The FXCollaborative and WSP joint venture developed the Penn Station Master Plan released last year that included the redesign as a single-level facility centered around a grand train hall with a 450-foot long sky-lit atrium between Madison Square Garden and 2 Penn Plaza.

The contract includes options covering preliminary design for improvements to nearby subway stations and design and engineering support as the station reconstruction moves forward. The MTA's Department of Diversity and Civil Rights has assigned a 22.5 percent Disadvantaged Business Enterprises (DBE) goal to the contract.

Supreme Court to Consider New York City's Vaccine Mandate

The United States Supreme Court will hear NYPD Detective Anthony Marciano's challenge to New York City's vaccine requirement for municipal workers on October 7th.

Detective Marciano sued the City last year, challenging the City's Covid-19 policy based upon acquired immunity through his front-line service and his right to make his own decision regarding the vaccine. The case is currently under consideration by the Second Circuit Court of Appeals which denied his request for a stay while it considers his suit.

Attorneys for Detective Marciano submitted a request to Justice Clarence Thomas to either grant a stay pending the lower court's decision or to rule in favor of Detective Marciano. The case will be deliberated at a conference on October 7th. An earlier request to Justice Sonia Sotomayor was rejected.

"I reapplied to Justice Thomas, who is a strict Constitutionalist," attorney Patricia Finn of the group Make Americans Free Again. "I believed his previous opinions were in line with what I was arguing."

MTA to Install Security Cameras in Every NYC Subway Car by 2025

The Metropolitan Transportation Authority New York City Transit this week received a \$2 million award from the Urban Area Security Initiative federal grant program which, when combined with other funding, will facilitate the installation of cameras across the entire fleet of subway cars.

Under the Urban Area Security Initiative, a U.S. Department of Homeland Security Preparedness Grant, the MTA will purchase 5,400 cameras to be installed in 2,700 New York City Transit subway cars, two per car. In addition, funding from the Subway Action Plan totaling \$3.5 million will enable the purchase of 7,310 cameras on 3,655 cars, two per car. In total, \$5.5 million will fund 11,110 cameras installation in 6,355 cars, fully outfitting every subway car with cameras.

When installation begins, the new cameras will be installed in 200 train cars each month. The entire subway car fleet is anticipated to be camera-equipped in 2025. In addition, when new R211 subway cars are delivered starting in early 2023 they will already be camera-equipped.

Mayor Adams Announces NYC Cabinet for Older New Yorkers

New York City Mayor Eric Adams this week announced the formation of the New York City Cabinet for Older New Yorkers, a multiagency effort to support services, projects, and policies benefitting older adults across New York City.

“One in five New Yorkers is 60 or older, so, as a city, we need to rethink how we serve this important population and make sure that everything we do is designed to be age-friendly,” said Mayor Adams. “The New York City Cabinet for Older New Yorkers will also eliminate silos among city agencies when it comes to serving our elderly population. Older New Yorkers helped build this city, and they deserve the best from it, especially its government, every day.”

Chaired by New York City Department for the Aging (DFTA) Commissioner Lorraine Cortés-Vázquez, the cabinet includes members from 17 agencies that provide services to the city’s 1.6 million New Yorkers over the age of 60. Cabinet members cover public safety, housing, transportation, health, and social services. City agencies will collaborate in eliminating age-related barriers and inequities in services. The cabinet will also review current and future city initiatives and projects to ensure they are age-inclusive and accessible to adults over 60.

Coming Up

New York State

Thursday, September 29th

Public Assistance Benefits in New York State

Assembly Standing Committee on Social Services

Assembly Hearing Room, 250 Broadway, 19th Floor - Room 1923, New York, 11 a.m.

New York City

Wednesday, September 28th

Committee on Criminal Justice, Council Chambers – City Hall, 11 a.m.

Committee on Land Use, 250 Broadway – Committee Room, 16th Floor, 1 p.m.

Committee on Mental Health, Disabilities and Addiction, Committee Room – City Hall, 1:30 p.m.
Oversight – Making NYC More Accessible for Individuals and Employees with Disabilities.

Thursday, September 29th

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

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

Friday, September 23rd

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

Oversight – Ranked Choice Voting Implementation and Ballot Design.

Committee on Public Safety, Committee Room – City Hall, 10 a.m.

Oversight – Community Problems-Solving Courts.

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

Oversight – Resources and Services for Newly Arrived Asylum Seekers.

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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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