



# This Week in New York

Covering New York State and City Government

A Publication of Pitta Bishop & Del Giorno LLC

July 21, 2017 Edition



## *In the News – New York State*



### **New York Adopts Paid Family Leave Program**

*Employees may begin using benefit January 1, 2018*

New York State has adopted regulations implementing the State’s Paid Family Leave program. These regulations outline the responsibilities of employers and insurance carriers.

Starting January 1, 2018, Paid Family Leave will provide employees with wage replacement and job protection to care for a new child or close relative with a serious health condition, or help relieve family pressures when someone is deployed abroad on active military service. Employees are also entitled to be reinstated to their job when their leave ends and to the continuation of their health insurance during their leave.

Private employers must secure Paid Family Leave insurance coverage or self-insure in time to provide coverage on January 1, 2018. Paid Family Leave premiums will be funded by employees through payroll deductions.

Paid Family Leave is designed to phase in over four years:

<b>Year</b>	<b>Weeks Available</b>	<b>Max % of Employee Average Weekly Wage</b>	<b>Cap % of State Average Weekly Wage</b>
<b>2018</b>	<b>8</b>	<b>50%</b>	<b>50%</b>
<b>2019</b>	<b>10</b>	<b>55%</b>	<b>55%</b>
<b>2020</b>	<b>10</b>	<b>60%</b>	<b>60%</b>
<b>2021</b>	<b>12</b>	<b>67%</b>	<b>67%</b>

Employees may take the maximum benefit length in any given 52-week period. The maximum benefit is eight weeks during the first year, 10 weeks during the second and third years, and 12 weeks the fourth and subsequent years. The 52-week clock starts on the first day the employee takes Paid Family Leave.

Paid Family Leave coverage will be included under the disability policy all employers must carry. The premium will be fully funded by employees through payroll deductions, expected to begin approximately July 1, 2017. A maximum rate of employees' contribution will be established each year.

The regulations address eligibility, coverage, the phase-in schedule for Paid Family Leave, and more information on how employees, employers, and insurance carriers will interact to pay benefits. The Workers' Compensation Board regulations implementing Paid Family Leave are available [here](#). The Department of Financial Services implementing regulations for insurance companies, adopted on May 31, 2017, are available [here](#).

## Expanded Disability Retirement Benefits for Uniformed Workers in New York City

Governor Andrew Cuomo this week signed legislation to provide enhanced disability retirement benefits to uniformed police officers, firefighters, corrections officers, and sanitation workers in New York City.



Corrections Officers President Husamudeen congratulates Governor Cuomo with USA President Nespoli, M of A Abbate, and Senator Golden.

"In New York City, uniformed workers serve on the front line of preserving the safety, health and wellbeing of residents - it is crucial that we offer them the same level of support in return," Governor Cuomo said in signing the bill. "With this action, we are restoring justice and fairness to these dedicated men and women who keep New York moving forward so they can rest assured that if they get hurt in the line of duty, they and their families will be taken care of."

The new legislation, sponsored by Senator Marty Golden and Assemblyman Peter Abbate, will expand accidental disability benefits for eligible uniformed workers, regardless of whether or not they are eligible for a normal service retirement benefit. Additionally, the new law will allow retirees who are receiving an accidental disability pension to continue to do so.

"By signing this bill into law today to extend the three-quarters pension benefits to all uniformed service workers in New York City, Governor Cuomo has reestablished fairness all across the board," Harry Nespoli, President of the Uniformed Sanitationmen's Association (IBT 831), said. "These men and women work tirelessly around the clock to keep this city safe, clean and healthy and they deserve the same level of support and stability that they provide New York City residents each and every day."

Under the previous law, members of uniformed services were not eligible for a three-quarters disability pension after reaching the benchmark for a regular pension - after approximately 20 years of service. The newly enacted legislation expands accidental disability benefits so that all of the 64,000 members of New York City's uniformed services are eligible for the three-quarters disability pension, regardless of the amount of years served.

"This City's uniformed workforce is a dedicated group of men and women committed to serving the people of New York City," Michael J. Palladino, President of the Detectives' Endowment Association, Inc. said. "I want to thank Governor Andrew Cuomo for signing this legislation, because it restores fairness, equity and assures workers of security in the event of a line of duty injury."

State Police are already entitled to the three-quarters pension benefit, and this new law restores parity all across the board to uniformed servicemen and women in New York City.

"New York City Correction Officers put their lives on the line daily to keep New Yorkers safe. That level of dedication deserves respect, honor and support," Elias Husamudeen, President of NYCCOBA, said. "This new law restores fairness for Correction Officers and all uniformed workers by ensuring that they are entitled to three-quarters of their pension, if they are injured in the line of duty. I thank Governor Cuomo for signing this bill today to protect the lives of these dedicated men and women who protect us each day."

## **State AG Announces \$4.4 Million Settlement with Visiting Nurse Service Managed Care Plan**

Attorney General Eric Schneiderman and Acting United States Attorney Joon H. Kim this week announced that Visiting Nurse Service of New York and its Managed Long-Term Care Plan, VNS Choice, will pay a \$4.4 million settlement to resolve allegations that the plan improperly obtained public funds and knowingly retained over \$1.6 million in Medicaid overpayments.

Under the settlement, VNS admitted that between January 1, 2011 and March 31, 2015 it failed to identify and disenroll 365 VNS Choice members in a timely manner and consequently continued receiving payment for care it did not provide. Once VNS disenrolled the members, it did not repay Medicaid for the funds it had improperly received. By knowingly retaining overpayments for many of these members for more than 60 days, the entities involved both the federal and state false claim acts. As a result, New York State will receive \$2.63 million as part of the settlement agreement.

This investigation was initiated after a whistleblower filed a lawsuit. The whistleblower will receive a share of the settlement proceeds after full payment by the defendants.

## *In the News – New York City*



### **Hotel Trades Council Opens \$150 million Health Care Center in Brooklyn**

#### ***The Single Payer Health Center Will Provide No-Cost Care to 90,000 Hotel Workers, Retirees, and Their Families***

Joined by elected officials, including Governor Andrew Cuomo, the New York Hotel and Motel Trades Council (HTC) yesterday celebrated the grand opening of its \$150 million state-of-the-art health center in the heart of Brooklyn.

The full-range health and dental facility is the result of a unique labor-management partnership between HTC and the Hotel Association. All medical and hospitalization care will be provided to union hotel workers and their families cost free. Benefits include preventative care, specialty care, eye exams, and dental care. The only cost to members are pharmacy co-pays ranging from \$5 to \$15.

According to Dr. Robert Greenspan, Chief Executive Officer of the employee benefit funds, the facility will provide a full range of health and dental services, including vision care, preventative care, X-Rays, mammograms, lab reports, substance abuse treatment, anesthesia, and surgical care. It is designed so that patients can be accommodated in one visit and able to pick up their prescriptions on-site up at the end of the appointment, made possible by a robotic pill-sorter. Almost all prescription drugs are covered under the plan, with brand-name drugs requiring a minimal co-pay that is waived in cases of long-term treatment.

“This facility will have no waiting rooms,” says Dr. Greenspan. “Patients will be treated with the same speed, dedication, and professionalism with which they treat the guests who stay in New York City hotels.”

Peter Ward, President of the New York Hotel Trades Council, the union that represents more than 30,000 hotel workers in the city, believes the health care delivery model will revolutionize the future of our country’s health care system. “What we’ve got in Brooklyn now is a real crowning achievement and a culmination of over 50 years of accumulated knowledge.”

Aside from the technological advancements, the health center at its core is patient-focused, with doctors, nurses and dentists who speak 45 different languages.

“What there hasn't been enough discussion of is what is the way forward and what is the future and how do we provide efficient, effective healthcare to working people in this country,” Governor Cuomo explained at the morning ribbon cutting event. “And that's what today is all about because this is an example of the future and this is a model that says we can give working people beautiful, quality healthcare second to none, second to none. The Cadillac of healthcare plans, the facility is beautiful, and we can do it economically and efficiently and effectively. And that's why when Peter talks about doing this for less money than most people are paying for private plans. That is an extraordinary accomplishment and with all the criticism, this is the first positive sign and positive direction of the way forward that I've seen in a long time, and I would invite Washington to come up here and look at this facility to find out a real solution to this healthcare crisis rather than causing problems.”



Governor Cuomo & HTC President Ward

New York City elected officials, including city Comptroller Scott Stringer, Public Advocate Letitia James, City Council Speaker Melissa Mark-Viverito and Assembly members Walter Mosley and Linda Rosenthal joined Governor Cuomo at the opening.

Speaking at a ceremony later in the day, Mayor Bill de Blasio echoed congratulations and lauded the union as being in the “forefront of progressive change in this city.”

“And I knew when the HTC said we’re going to give our workers the gold standard in healthcare, a lot of people said, no, that’s not going to work,” Mayor de Blasio recounted. “But one thing I love about this union is audacity, strength, vision.”

Employee Benefit Funds provides health and pension benefits to over 90,000 union hotel workers, dependents and retirees. It operates health centers in Harlem, Midtown, Queens and Brooklyn. The benefits were established in collective bargaining between the New York Hotel Trades Council and the Hotel Association of New York City, Inc.



*AccessibleNYC*

The deBlasio Administration this week released the 2017 edition of *AccessibleNYC*, New York City's plan to improve quality of life for the \$1 million New Yorkers with disabilities.

The 2017 edition builds upon the inaugural report released in 2016 as an update on the status of increasing accessibility throughout City agencies in the areas of: Transportation, Employment, Housing,

Access (to City services) and Education. It also sets forth new initiatives, pilot programs, and projects for the coming year.

Highlights from the 2017 *ACCESSIBLENYC* report include:

### **Transportation**

- **Access-A-Ride (AAR)** – Enhancements to technology that will allow for more accurate estimated arrival times, on-board traffic advisories and rerouting capabilities. AAR also established designated pickup locations at intersections where customers and vehicle operators have consistently missed each other to minimize missed rides.
- **Pedestrian Ramps** – The City plans to invest a minimum of \$660 million through FY27 to upgrade pedestrian ramps throughout the City. Additionally, DOT is funded with over \$220 million over the same period to install pedestrian ramps where they do not currently exist.
- **Subway Accessibility** – Through a combination of Federal, State, City and other funding, the number of subway stations that are fully ADA accessible will reach 100 by 2020.
- **Wheelchair-accessible Vehicles** – The NYC Taxi and Limousine Commission (TLC) has issued a proposal that would put wheelchair accessible for-hire vehicles (FHV) in circulation and available for passengers who need them. Specifically, the TLC is proposing all FHV bases dispatch 25% of their trips in wheelchair accessible vehicles over the next four years. Hearings regarding the proposal are slated for Fall 2017.

### **Housing**

- **Rent Freeze and Disabled Homeowners' Exemption** – The Disability Rent Increase Exemption (DRIE) and Disabled Homeowners' Exemption (DHE) provide rent freeze and tax exemption options to renters and homeowners with disabilities. MOPD and the Department of Finance (DOF) are leading an aggressive campaign – which includes a rent freeze outreach team within the Mayor's Public Engagement Unit, redesigned rent freeze applications and a renovated NYC Rent Freeze Walk-in Center – to support the goal of enrolling 10,000 New Yorkers this year into rent freeze and tax benefit programs.

### **Access**

- **Disability Service Facilitators** – City agencies are required by Local Law 27 to have full-time Disability Service Facilitator (DSF) positions. Over the past year, DSFs were designated throughout various agencies, creating easy access points for the public to obtain information, services, and assistance concerning access within the agency for people with disabilities. A list of the DSFs and their contact information can be found [here](#).
- **Emergency Planning and Preparedness** – MOPD and the NYC Department of Information Technology & Telecommunications (DoITT) are working to launch a text-to-911 service by early 2018 to allow people who are deaf, Hard-of-Hearing and with speech disabilities to communicate with NYC's 9-1-1 call takers for the first time ever via text.

MOPD is also working with New York City Department of Health and Mental Hygiene (DOHMH) and NYC Emergency Management (NYCEM) to rebuild the NYC Advance Warning System website. The new website, set to launch in the fall of 2017, is designed to disseminate emergency information to agencies and organizations that serve people with disabilities.

### Health

- **Access to Health Care** – Employees of the New York City Health + Hospitals Corporation (H+H) participated in the research and writing of the [Independent Care System](#) (ICS) “blueprint” for how the medical community can provide accessible primary care to people with physical disabilities.

### Education

- **DOE Transition and College Access Centers** – The New York City Department of Education (DOE) Special Education Office is expanding support for students with disabilities and their families as they move from pre-K to 12th grade, to college, career, or other post-secondary options. The Special Education Office will establish a Transition and College Access Center (TCAC) in every borough over the next four years. The first two centers will open in the fall of 2017 in Brooklyn and the Bronx.

## **Briefs**

### **Governor Orders Housing Discrimination Investigation to Include Discrimination Against Families with Children**

Governor Andrew Cuomo this week directed the Department of Homes and Community Renewal and the Division of Human Rights (DHCR) to expand its current investigation into landlord policies and practices to include discrimination against families with children. Last month he ordered DHCR to open an investigation into landlords that discriminate against individuals based on their immigration status, national origin, ethnicity or race.

"I am now directing this probe to be immediately expanded to include discrimination against families with children. This review will include this specific situation and an examination to determine the breadth of this unacceptable practice," Governor Cuomo said.

## New York Returns Almost \$15 Million in Stolen Wages to Workers in the First Half of 2017

New York State has returned \$14.8 million to 21,271 victims of wage theft between January and June of 2017 - on pace to exceed last year's totals of \$26.4 million returned to 23,600 workers. The following table provides a regional breakdown of the \$14,841,500 distributed to 21,271 victims of wage theft in the first six months of 2017:

Region	Amount Disbursed	Number of Workers
Capital Region	\$477,700	2,277
Central New York	\$86,900	189
Finger Lakes	\$250,000	661
Long Island	\$2,515,000	1,643
Mid-Hudson	\$1,043,000	1,403
Mohawk Valley	\$27,700	144
New York City	\$8,000,000	11,641
North Country	\$505,000	416
Southern Tier	\$35,600	90
Western New York	\$500,600	1,634
Statewide*	\$1,400,000	1,173
<b>TOTAL</b>	<b>\$14,841,500</b>	<b>21,271</b>
* Statewide recoveries are paid out to workers in multiple regions		

## The Jim Henson Exhibition Opens at the Museum of the Moving Image



The Jim Henson Exhibition opens this week at the Museum of the Moving Image in Astoria. The permanent exhibition which will be housed in a new gallery that received \$4.5 million in City funding, with over \$1.6 million from the City's Executive Budget, \$2 million from Council Member Jimmy Van Bramer and \$500,000 from Borough President Melinda Katz.

Members of the deBlasio administration and local officials were joined by Museum Executive Director Carl Goodman and Jim Henson's daughter, Cheryl Henson, for a celebratory ribbon-cutting event.

The Jim Henson Exhibition is a permanent gallery in the museum dedicated to the work, career and creative process of Jim Henson, creator of the Muppets. Among the more than 300 objects on display in the exhibit are 47 puppets including Kermit the Frog, Miss Piggy, Rowlf, The Swedish Chef, Statler, Waldorf, Big Bird, Elmo, Cantus Fraggle, a Skeksis and other characters.

Many of the artifacts in the exhibit are from the 2013 donation by the Jim Henson Foundation to the Museum's collection, some of which includes sketches, storyboards, scripts and other material on loan from The Jim Henson Company Archives. The exhibition was organized by the Museum in collaboration with the Henson family, The Jim Henson Legacy, and The Jim Henson Company and in cooperation with Sesame Workshop and The Muppets Studio.

## Assembly Introduces New AirBNB Disclosure Legislation

NYS Assembly Member Linda B. Rosenthal announced the introduction of new legislation to require the disclosure of addresses for all short-term rental listings on Airbnb and other websites. According to M of A Rosenthal, Airbnb has already agreed to share address data with other major cities such as San Francisco, New Orleans, Chicago, Barcelona, Amsterdam, and Paris. With over 40,000 listings in New York City, at least half of which are in violation of state housing law, this new legislation would require the disclosure of addresses to enhance law enforcement's ability to crack down on illegal commercial rentals that threaten public safety. Provisions of the legislation include:

- Amends the Multiple Dwelling Law and the Administrative Code of the City of New York by requiring advertisements for short-term rentals in Class A and Class B multiple dwelling units to include the physical address of such accommodation.
- Address disclosure would include the exact physical address of the short-term rental listing.
- Violations of the provisions of this law will result in a civil penalty of not more than \$1,000 for the first violation, \$5,000 for the second violation, and \$7,500 for the third and subsequent violations.

# Coming Up

## New York State

*No meetings scheduled.*

## New York City

**Thursday July 27<sup>th</sup>**

*Subcommittee on Zoning and Franchises*, Council Chambers – City Hall, 9:30 a.m.

*Subcommittee on Landmarks, Public Sitting and Maritime Uses*, Committee Room – City Hall, 11 a.m.

*Subcommittee on Planning, Disposition and Concession*, Committee Room – City Hall, 1 p.m.

*Committee on Land Use*, Committee Room – City Hall, 2 p.m.

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