



This Week in New York

Covering New York State and City Government

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*Scrooge was better than his word. He did it all,
and infinitely more...and it was always said of him,
that he knew how to keep Christmas well,
if any man alive possessed the knowledge.*

May that be truly said of us, and all of us!

- Charles Dickens, *A Christmas Carol*.

**Wishing You a Joyous Holiday Season With
Peace & Cheer in the New Year!**



In the News – New York State



New York to Re-examine Tipped Workers' Earnings

The State Department of Labor (DOL) will examine the wages of New York's tipped workers as part of Governor Andrew Cuomo's blueprint for 2018.

The 2018 State of the State will include a directive to the Commissioner of Labor to schedule public hearings to examine industries and evaluate the possibility of ending minimum wage tip credits in New York State.

Speaking on this week’s CATS Roundtable with John Catsimatidis, Governor Cuomo explained that in certain workplaces, such as car washes and restaurants, workers' income can rely entirely upon tips. These tips, meant as a reward for good service, instead serve as a “critical wage subsidy” that brings workers' wages just up to the legally mandated minimum wage.

Currently, New York has numerous wage schedules which vary by location, type of employment, and size of employer. Tipped employees must earn at least the applicable minimum wage rate for their geographic location. Tipped worker employers pay a base tipped employee minimum wage. Tips are then added to the tipped employee minimum wage. In the event this amount is less than the geographic minimum wage, employers make up the difference and then apply for a tip credit from the State.

According to the Governor, many employers find it difficult to keep track of employee tips properly, especially in industries where tips are not a steady source of income. Daily and weekly fluctuations make it difficult for workers to know whether they are being underpaid. Complicated tip credit recordkeeping can make it difficult for employers to know whether they are meeting their obligations. DOL has found that it can be a vehicle for wage theft.

As a result, some employers have voluntarily eliminated tips and increased base pay on a "service-included" system.

Below is New York’s current wage rate:

BASIC MINIMUM HOURLY RATE (per hour)

As of	12/31/16	12/31/17	12/31/18	12/31/19	12/31/20	12/31/21
General Minimum Wage						
NYC - Large Employers (of 11 or more)	\$11.00	\$13.00	\$15.00			
NYC - Small Employers (10 or less)	\$10.50	\$12.00	\$13.50	\$15.00		
Long Island & Westchester	\$10.00	\$11.00	\$12.00	\$13.00	\$14.00	\$15.00
Remainder of New York State	\$9.70	\$10.40	\$11.10	\$11.80	\$12.50	TBD
Fast Food Workers						
New York City	\$12.00	\$13.50	\$15.00			
Rest of State	\$10.75	\$11.75	\$12.75	\$13.75	\$14.50	\$15.00

TIPPED FOOD SERVICE WORKERS (per hour)

As of	12/31/16	12/31/17	12/31/18	12/31/19	12/31/20	12/31/21
Wage Paid by Employer (minimum)						
NYC - Large Employers (of 11 or more)	\$7.50	\$8.65	\$10.00	\$10.00	\$10.00	\$10.00
NYC - Small Employers (10 or less)	\$7.50	\$8.00	\$9.00	\$10.00	\$10.00	\$10.00
Long Island & Westchester	\$7.50	\$7.50	\$8.00	\$8.65	\$9.35	\$10.00
Remainder of New York State	\$7.50	\$7.50	\$7.50	\$7.85	\$8.35	TBD
Credit for Tips Received (maximum)						
NYC - Large Employers (of 11 or more)	\$3.50	\$4.35	\$5.00	\$5.00	\$5.00	\$5.00
NYC - Small Employers (10 or less)	\$3.00	\$4.00	\$4.50	\$5.00	\$5.00	\$5.00
Long Island & Westchester	\$2.50	\$3.50	\$4.00	\$4.35	\$4.65	\$5.00
Remainder of New York State	\$2.20	\$2.90	\$3.60	\$3.95	\$4.15	TBD

TIPPED SERVICE EMPLOYEES (per hour)

as of	12/31/16	12/31/17	12/31/18	12/31/19	12/31/20	12/31/21
Wage Paid by Employer (minimum)						
NYC - Large Employers (of 11 or more)	\$9.15	\$10.85	\$12.50	\$12.50	\$12.50	\$12.50
NYC - Small Employers (10 or less)	\$8.75	\$10.00	\$11.25	\$12.50	\$12.50	\$12.50
Long Island & Westchester	\$8.35	\$9.15	\$10.00	\$10.85	\$11.65	\$12.50
Remainder of New York State	\$8.10	\$8.65	\$9.25	\$9.85	\$10.40	TBD
Credit for Tips Received (maximum)						
NYC - Large Employers (of 11 or more)	\$1.85	\$2.15	\$2.50	\$2.50	\$2.50	\$2.50
NYC - Small Employers (10 or less)	\$1.75	\$2.00	\$2.25	\$2.50	\$2.50	\$2.50
Long Island & Westchester	\$1.65	\$1.85	\$2.00	\$2.15	\$2.35	\$2.50
Remainder of New York State	\$1.60	\$1.75	\$1.85	\$1.95	\$2.10	TBD



Bill Signed by the Governor

Chapter 451 – M of A Morelle/Senator Robach – Enacts the "New York Buy American act" which provides that provide that all contracts over \$1 million for the construction and reconstruction of surface roads and bridges awarded by the department of transportation, the office of general services, the State University of New York construction fund, the dormitory authority, the metropolitan transportation authority, the bridge authority, or the thruway authority must include a provision requiring that all structural iron and steel used be made in the United States.

Chapter 452 – M of A Buchwald/Senator Ranzenhofer – Requires the Metropolitan Transportation Authority (MTA) to publish the proposed capital program plan on their website.

Chapter 455 – M of A Simotas/Senator Jacobs – Increases the minimum comment period to review and proposed rules of state agencies from 45 to 60 days.

Chapter 458 – M of A Bronson/Senator Phillips – Requires the Department of Labor (DOL) to publish a catalogue of workforce development funding programs.

Chapter 459 – M of A Gottfried/Senator Alcantara – Relates to death and felony crime reports in certain adult care facilities.

Chapter 461 – M of A Bronson/Senator Murphy – Prohibits companies who violate the federal Davis-Bacon act from contracting with the State.

Chapter 464 – Senators Gallivan/M of A Schimminger – Enacts the "charitable gaming act of 2017."

Chapter 465 – Senator Hannon/M of A Dinowitz – Grants excused leave to public officers, employees of the state, county, municipality or school district to undertake screening for cancer.

Chapter 468 – M of A Zebrowski/Senator Carlucci – Relates to code enforcement officer training and certification.

Chapter 470 – M of A Rosenthal L/Senator Tedisco – Directs the commissioner to establish standards regarding microchip technology used for identification of companion animals.

Chapter 471 – M of A Paulin/Senator Hannon – Enacts the "Crohn's and Colitis Fairness Act."

Chapter 472 – M of A Ramos/Senator Little – Establishes the NYS First Home Savings Program.

Chapter 473 – M of A Glick/Senator Squadron – Ensures that two members of the Battery Park City Authority are residents of Battery Park city.

Chapter 477 – M of A Abbate/Senator Golden – Requires automobile brokers to be licensed and bonded.

Chapter 479 – M of A Thiele/Senator LaValle – Provides for the review of all compensation, including executive pay and all fees to consultants and contractors, which is paid in connection with the Public Service Enterprise Group of Long Island (PSEG-LI) operations services contract with the Long Island Power Authority (LIPA).

Chapter 483 – Senator Golden/M of A Dinowitz – Requires the MTA to create an expired fare transfer policy.

Chapter 489 – Senator Helming/M of A Benedetto – Provides for mandatory testing of breath, blood or urine in the event of a motor vehicle collision resulting in death or injury.

Chapter 492 – Senator Peralta/M of A Dinowitz – Directs MTA and NYC Transit Authority to study the Authorities' aboveground transit infrastructure.

Chapter 497 – Senator Marchione/M of A Titone – Examines the need for standards for the designation of therapy dogs and relates to the definition and identification of therapy dogs.

Chapter 502 – Senator Flanagan/M of A Morelle – Requires that all RPNs either have or obtain a bachelor's degree within 10 years of initial licensure.



Bills Vetoed by the Governor

Veto #210 – M of A Dinowitz/Senator Ranzenhofer – Clarifies that a quorum is a majority of the total number of members of the Public Service Commission (PSC) and restricts the PSC from exercising any powers or duties without a quorum.

Veto #211 – M of A Brindisi/Senator Marchione – Creates a study by the Office of Children and Family Services (OCFS) regarding staffing levels, especially when incidents involving the misconduct of a resident occur.

Veto #215 – M of A Bronson/Senator Ortt – Establishes within the New York state urban development corporation, the strategic investment in workforce development program to identify and address workforce needs throughout the state.

Veto #220 – Senator Golden/M of A Lupardo – Directs OCFS to promulgate regulations establishing workload standards for child protective service employees.

Veto #225 – Senator Lanza/M of A Abbate – Relates to interviews of any officer or employee of the port authority or its subsidiaries; requires that any interview conducted by the inspector general must be in accordance with any applicable provisions of the current collective bargaining agreement.

Veto #229 – Senator Little/M of A Gottfried – Establishes the enhanced safety net hospital program to provide for the payment of enhanced medical assistance payments to hospitals which serve the uninsured or recipients of medical assistance, are public sector hospitals, or are federally designated as critical access or sole community hospitals.

Veto #236 – Senator Marcellino/M of A Cusick – Clarifies that the State Education Department may continue to utilize the instructional time standard as the basis for providing reimbursement to nonpublic schools for their participation in the mandated services aid program.

Veto #243 – Rules/M of A Hooper – Prevents suspensions of step up increases by the Nassau Interim Finance Authority (NIFA) for Nassau County employees in the event of a wage freeze declaration.

Veto #249 – M of A Dinowitz/Senator Golden – Relates to allowing two automatic free transfers for riders using pay-per-ride Metrocards.



Comptroller DiNapoli Calls For Stepped-Up Enforcement of State's Bottle Bill

The state Department of Taxation and Finance should increase monitoring and compliance with New York's returnable container deposit law to recover all the funds the state is entitled to from bottlers and beverage distributors, according to an audit released this week by State Comptroller Thomas DiNapoli.

New York's Returnable Container Act was enacted in 1982 to reduce litter, ease the burden on solid waste collection, and encourage recycling. It requires a 5 cent deposit on soda, beer, bottled water and certain other beverage containers.

Bottlers, distributors, dealers and certain retailers (deposit initiators) must register with the department and collect the initial deposit. When a bottle or can is not returned, the unclaimed deposit is held by the deposit initiator, who must remit 80 percent of any unclaimed bottle deposits to the state on a quarterly basis.

By law, \$23 million (plus certain penalties for violations) goes to the Environmental Protection Fund (EPF). Most of the remainder is deposited in the State's General Fund.

In addition, in any year that the state collects more than \$122.2 million in unclaimed deposits, the excess funds also go to the EPF. The department collected \$109.5 million in unclaimed deposits in 2015 and \$102.7 million in 2016.

Comptroller DiNapoli's auditors analyzed quarterly reports submitted by deposit initiators during the audit period of April 2014 through February 2017. The department had 515 registered deposit initiators, including 356 active and 159 inactive. Of the active deposit initiators, 39 did not file a return for any quarter during the audit period and eight were missing one or more quarterly returns. The audit found that although the department sent notices to deposit initiators who failed to file their quarterly report, it did not issue penalties and took no further action.

In the News – New York City



Mayor de Blasio Signs Legislation Creating Online Voter Registration System

Mayor Bill de Blasio this week signed legislation allowing for the creation of an online system to make voter registration easier for New York City residents.

Under the legislation (Intro 508-A) sponsored by Council Member Ben Kallos, the City will create an online portal and mobile application where voters can submit registration information or submit updates to their registrations.

“We’re embracing technology to help make voting more accessible for New Yorkers. This bill is one step towards fixing our antiquated electoral system, which for far too long has discouraged participation in the democratic process,” said Mayor de Blasio. “... Now it is time for Albany to follow our lead and pass meaningful electoral reform to expand access to voting.”

In addition to requiring online and mobile apps for voters to submit their information, this new law requires the CFB to provide voters with a mechanism for an electronic signature on the voter registration form. It would also allow CFB to use signatures already provided to other city agencies, including IDNYC, if appropriate. After the voter submits the information online, CFB would print the information onto a voter registration form with an electronically affixed signature and then deliver the printed voter registration form to the New York City Board of Elections. The bill takes effect in 18 months.

Bills Passed by the City Council

Introduction 182-D - Council Member Torres -Requires that all NYPD officers offer a business card to an individual and give reason for law enforcement activity (unless providing such information would impair a criminal investigation) in certain situations.

Introduction 385-C - Council Member Mendez - Sets forth owners' responsibilities in relation to indoor allergen hazards.

Introduction 541-C - Council Member Reynoso - Requires the NYPD to provide guidance to its officers with respect to obtaining voluntary consent prior to conducting a search that is based solely on an individual's consent.

Introduction 572-A - Council Member Crowley - Requires Department of Homeless Services (DHS) to post a daily report on its website with information on the daily shelter census.

Introduction 717-A - Council Member Rosenthal - Requires reporting on idling complaints and their dispositions.

Introduction 804-A - Council Member Barron - Requires employers, providers of housing and places of public accommodation to engage in a "cooperative dialogue" with persons who may be entitled to reasonable accommodations under the New York City Human Rights Law (HRL).

Introduction 880-A - Council Member Rosenthal - Requires a review of buses that are used in existing school bus contracts and their compatibility with biodiesel blends.

Introduction 978-D - Council Member Torres - Establishes minimum standards for carrying out mold assessment, mold abatement and mold remediation for buildings that contain 10 or more dwelling units or is located on a zoning lot that contains 25,000 or more square feet of non-residential floor area.

Introduction 1009-A - Public Advocate James - Requires the Department of Housing Preservation and Development (HPD) to create a database containing an owner's information, including outstanding violations for each property and harassment findings for that owner.

Introduction 1397-A - Council Member Matteo - Sets out conditions when a permit is issued to cut open a street within five years or less after completion of a city capital construction project which required resurfacing or reconstruction of the street.

Introduction 1399-A - Council Member Rose - Requires most employers to grant two temporary changes to an employee's schedule per year for a "personal event."

Introduction 1419-A - Speaker Mark-Viverito - Allows the city to recover penalties of up to \$500,000 for companies and \$150,000 for individuals for a violation of the site safety provisions of the construction code involving death or serious physical injury.

Introduction 1465-A - Council Member Torres - Accelerates the timeline for such plants to shift from using higher grade fuel oil (e.g. fuel oil grade number 6 or 4) to lower grade fuel oil (fuel oil grade number 2).

Introduction 1499-A - Speaker Mark-Viverito – Requires the Commissioners of Sanitation and Consumer Affairs to study the feasibility of establishing a program for which civil penalties may be waived through a penalty mitigation program.

Introduction 1615-A - Council Member Cumbo - Requires the Department of Small Business Services to develop a subcontractor resource guide which would provide subcontractors with information about their rights with respect to contractor payment.

Introduction 1629-A - Council Member Constantinides - Requires Department of Buildings (DOB) to propose amendments to make the City’s energy code match New York State Energy Research and Development Authority’s (NYSERDA) “model stretch energy code.”

Introduction 1653-B - Council Member Kallos - Requires the Department of Environmental Protection (DEP) to adopt rules governing the times for inspection after a noise complaint and to report on responses to noise complaints.

Introduction 1658-A - Council Member Rodriguez - Requires the Department of Transportation and the Parks Department to report annually on the number of bollards installed throughout the City.

Briefs

NYC to Give \$1.7 million in Aid for Residents Displaced by Hurricane Maria

Mayor de Blasio and Speaker Melissa Mark-Viverito this week announced a public-private partnership to provide over \$1.5 million worth of supplies – including clothing, bedding and other home goods – to residents displaced by Hurricane Maria. In addition, over \$200,000 has been pledged from New Yorkers through the Mayor’s Fund website, voluntary payroll donations from NYC employees, and a campaign led by iHeartMedia since the hurricane.

Immediately following Hurricane Maria, which struck Puerto Rico and the U.S. Virgin Islands on September 21st, the City began collecting donations of supplies at firehouses, EMS stations, and police stations across the five boroughs, as well as working with other organizations that collected donations, as well.

Over 420 tons of supplies, including batteries, first-aid kits, diapers, baby food, feminine hygiene products and water have been collected. Following the launch of the City's donation drive in September, the City partnered with JetBlue, Delta and United Airlines to ensure donated items reached affected areas.

The Mayor's Fund is working with Delivering Good, Macy's and Target to provide new winter clothing, bedding, household and other goods totaling \$1.5 million.

PA James Legislation to Create Landlord Database Passes in City Council

Public Advocate Letitia James' legislation (Introduction 1009-A) to create a centralized database to provide more transparency about landlords and their NYC Housing Preservation and Development (HPD) violations passed unanimously in the New York City Council.

The database will allow New Yorkers to easily access a variety of information about their landlord, including the number of outstanding violations at properties, the number of harassment findings on record with HPD for that owner, and the number and types of HPD orders pending on each property. This bill came out of the Public Advocate's annual Worst Landlords Watchlist.

Currently, the HPD website only allows users to look up individual properties by address and only provides information on that given property. This new database will allow users to look up landlords by name, view penalties against a specific building, and also view activity across a landlords entire portfolio of buildings.

Water Board Credit Upheld, Will Proceed for 664,000 NYC Homeowners

The New York Court of Appeals this week upheld the New York City Water Board's issuance of credits to homeowners. With this decision, 664,000 homeowners can receive a credit of \$183 on an upcoming water bill.

In 2016 the City proposed, and the Water Board approved, the \$183 credit as part of the Board's fiscal year 2017 budget. Later that year a legal challenge was filed and the New York County Supreme Court invalidated the Water Board's resolution, including the \$183 credit. The Water Board appealed the decision which was subsequently upheld by the Appellate Division's First Department. Upon further appeal to the New York State Court of Appeals, the Court upheld the Board's authority to issue the credit at issue and its broad discretion in setting water rates.

The \$183 credit will be applied to all one to three-family homes across the city:

- Bronx: 65,410
- Brooklyn: 204,756
- Manhattan: 6,279
- Queens: 277,495
- Staten Island: 110,462

The next issue of *This Week in New York* will be published on January 5, 2018.

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