



# This Week in New York

Covering New York State and City Government

A Publication of Pitta Bishop & Del Giorno LLC

April 7, 2017 Edition



## In the News – New York State

### It's Anyone's Guess

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 Session Day

#### What's Done:

- Aid to Localities (S2003D/S3003D)*
- Legislative/Judiciary (S2001/A3001)*
- Public Protection and General Government (S 2005-C/ A 3005-C)*
- Education, Labor and Family Assistance (S 2006-C / A 3006-C)*
- Health and Mental Hygiene (S 2007B / A 3007B)*
- Transportation, Economic Development & Environmental Conservation (S 2008-C / A 3008-C)*
- Debt Service (S2002/A3002)*

#### What's Not Done:

*State Operations (S2000?/A3000?)* – Not Introduced

*Capital Projects (S2004C/A3004C)* – Passed Assembly; Not Yet Considered by Senate

*Revenue Bill (aka: Big Ugly/The Stuff that Lobbyists' Dreams or Nightmares are Made Of/S2009?/A3009?)* – Not Introduced



## State Labor Department to Launch Wage Gap Study

Governor Andrew M. Cuomo this week directed the Department of Labor to study the causes, scope and economic impact of the gender pay gap in New York State and issue policy recommendations to help close it. The study will be co-chaired by Lieutenant Governor Kathy Hochul and State Labor Commissioner Roberta Reardon.

"New York leads the nation in progressive values – setting the bar high for other states to follow suit, and it is critical that we do all we can to address the wage gap in our country," Governor Cuomo said. "This wage gap study will ensure that we are evaluating every possible solution to ending this egregious inequity once and for all."

According to Governor Cuomo, women working in New York State earn 89 cents for every dollar earned by men, the lowest wage gap of any state in the nation according to federal data. The wage gap is even greater for African-American women and Latinas.

The state will hold at least four public hearings across the state to solicit testimony from academic experts, workers, business owners and others who wish to present solutions to end of the wage gap in New York State. A schedule of meetings will be released soon.

All written testimony should be submitted to [payequity@labor.ny.gov](mailto:payequity@labor.ny.gov) and must be received before June 1, 2017. Submissions should be limited to identifying specific causes of the gender wage gap and suggestions on ways in which the wage gap can be closed, either in its entirety, or in particular industries.

The Gender Pay Gap Study builds upon several of Governor Cuomo's recent Executive orders:

- **Executive Order #161:** Prohibits state entities from evaluating prospective candidates based on prior wage history. In addition, an applicant's prior compensation may not be relied upon in determining the prospective employee's salary.
- **Executive Order #162:** Requires state contractors to disclose gender, race, ethnicity and salary of all employees.

## Comptroller DiNapoli: Increase in Older Inmates Challenges New York's Prison System

New York's prison population is decreasing, but the number of inmates age 50 and over rose 46 percent from 2007 to 2016, according to a report by New York State Comptroller Thomas DiNapoli.

While data detailing inmate health care costs by age groups is not readily available in New York, Comptroller DiNapoli's report found that overall, such costs rose to over \$380 million in 2015-16 State Fiscal Year, an increase of \$64.5 million, or 20.4 percent, in the last three years.



"New York must confront the challenges of an aging inmate population," Comptroller DiNapoli said. "We need to better understand and study the issues and examine what others are doing effectively to determine an approach that protects taxpayers, keeps the public safe and provides humane care."

Comptroller DiNapoli's report suggests the development of more complete data and analysis of the issues stemming from New York's aging prison population. This information would help policy makers, advocates, and stakeholders identify and assess appropriate measures to address this challenge effectively. Other findings in the Comptroller's report include:

- Inmates in the 50 and over age range comprised 19.4 percent of the state's prison population in January 2016, as compared to 11.0 percent a decade earlier. As of 2016, nearly 2,400 inmates, 4.6 percent of the total, were 60 or older.
- The average age of inmates under custody in New York state prisons was 38.3 years in January 2016, an increase of 1.8 years, or 4.9 percent, since January 2007.
- Over the same decade, New York's total inmate count fell by nearly 11,000, or 17.3 percent, to around 52,000. Among age cohorts for which readily available data allow comparisons, no other age segment of New York's prison population increased over the 10-year period.

"I thank Comptroller DiNapoli for providing much-needed data about the increasing age of New York's prison population," State Attorney General Eric Schneiderman said. "As noted in the Comptroller's report, studies show that elderly inmates with good behavioral records have lower rates of recidivism but cost more to incarcerate, which is why I have long supported effective, evidence-based compassionate release guidelines for qualifying members of this population. Such programs already exist in the federal system, Virginia, Louisiana, and Ohio, and this report will aid policymakers as they seek to address these issues here in New York."

## *In the News – New York City*

### **Equal Pay Legislation Passes in New York City**

#### *Council Passes Ban on Disclosure of Salary History*

The New York City Council voted to pass Public Advocate Letitia James' legislation to ban employers from asking job applicants for previous salary information.

Public Advocate James asserts that wage disclosure perpetuates a cycle of wage discrimination. The bill, which will impact approximately 3.8 million workers, will prohibit public and private employers from requesting salary history information.



Being underpaid once should not condemn one to a lifetime of inequity,” said Public Advocate Letitia James. “Today, the New York City Council passed my bill that will ban employers from asking about previous salary information, a practice that is known to perpetuate a cycle of wage discrimination. We will never close the wage gap unless we continue to enact proactive policies that promote economic justice and equity.”

Public Advocate James introduced this legislation in August 2016 after releasing a report that found that women in New York City earn approximately \$5.8 billion less than men in wages each year. The report revealed that women employed by the New York City government experience a gender wage gap two and a half to three times larger than women working in the private for-profit and not-for-profit sectors respectively. It also showed that women of color are disproportionately hurt by the gender wage gap, with Hispanic, Black, and Asian women experiencing a 54 percent, 45 percent, and 37 percent wage gap compared to white men, respectively.

Following the report and introduction of Public Advocate James' legislation, Governor Cuomo and Mayor de Blasio issued executive orders to ban salary history information from the public sector employment process.

A number of New York City based companies have already implemented hiring practices that prohibit questions about salary history following the introduction of Public Advocate James' legislation. These companies include: Kickstarter, Peeled Snacks, Happy Valley Meat Company, The Cleaver Co., Kinolved, MCG Consulting, The 4th Bin Inc., and BBMG.

## Bills Passed by the City Council

**Introduction 359-A**, sponsored by Council Member Costa Constantinides, would require the Environmental Justice (EJ) Interagency Working Group (IWG) (Introduction 886-A) to conduct a comprehensive EJ Study identifying the locations and boundaries of environmental justice areas within the City, describing environmental concerns affecting these areas and identifying data, studies, programs and other resources that are available and that may be used to advance environmental justice goals.

**Introduction 564-A**, sponsored by Council Member James Vacca, would require a city agency to review the feasibility of establishing online applications for all permits, licenses, and registrations issued by city agencies and to create a plan and timeline for allowing such online applications. This law would also require an evaluation of the feasibility of creating a single web portal to access these online applications.

**Introduction 708-A**, sponsored by Council Member Mathieu Eugene, would create a disconnected youth task force to examine the challenges that prevent disconnected youth from enrolling in school or being employed.

**Introduction 746-A**, sponsored by Council Member Daniel Dromm, would amend the Administrative Code to impose stricter guidelines for providers of immigration assistance services and further protect individuals against immigration services fraud and the unauthorized practice of immigration law. Providers would be required to include specific language in their contracts related to the provider's duties and limitations, as well as the customer's rights, including providing a Consumer Bill of Rights to be produced by the Department of Consumer Affairs (DCA).

**Introduction 886-A**, sponsored by Council Member Inez Barron, would require the Mayor to establish an Interagency Working Group (IWG) consisting of representatives from City agencies relevant to environmental justice. The IWG would be chaired by a special coordinator who would be appointed by the Mayor. The bill requires the IWG to develop a comprehensive Environmental Justice Plan (EJ Plan) that provides guidance on incorporating environmental justice concerns into City decision-making, identifies possible Citywide initiatives for promoting environmental justice and provides specific recommendations for City agencies to bring their operations, programs and projects in line with environmental justice concerns.

**Introduction 1112-A**, sponsored by Council Member Steven Matteo, would require the Parks Department to post on its website information relating to the times, dates, locations and work statuses of various tree maintenance activities including, tree pruning, tree stump removal, tree planting, tree damage repairs and sidewalk damage repair resulting from City-owned trees.

**Introduction 1253-A**, sponsored by the Public Advocate Letitia James and Council Member Elizabeth Crowley, would prohibit employers from making salary history inquiries or relying on salary history to determine a prospective applicant's salary, helping to break the cycle of gender pay inequity by reducing the likelihood that a person will be prejudiced by prior salary levels. Instead, employers would be encouraged to set salaries based on factors such as resources and market rates.

# Briefs



## New York State Police and Local Law Enforcement Agencies Step Up Patrols to Crack Down on Texting While Driving

The New York State Police and local law enforcement agencies have launched Operation Hang Up, a special enforcement effort to step up patrols and checkpoints targeting drivers on electronic devices from April 6 through April 10.

According to Governor Andrew Cuomo, preliminary data indicates a 918 percent increase in tickets for texting while driving in New York State from 2011 to 2016. While tickets for cell phone use continue to decline, the proliferation of smartphones have caused texting tickets to rise every year since 2011.

During the April 2016 Operation Hang Up campaign, State Police issued more than 18,000 tickets, including more than 2,000 tickets for distracted driving. The tickets written were a combination of talking on a cell phone without a hands free device, texting, or using an electronic device while driving.

### Distracted Driving Tickets Issued in New York:

Year	Cell Phone	Texting	Total Tickets
2016*	113,116	92,097	205,213
2015	132,245	84,794	217,039
2014	165,087	76,208	241,295
2013	208,508	55,718	264,226
2012	217,329	30,370	247,699
2011	248,801	9,043	257,844

\* Final counts for 2016 will be available in May 2017.

Current New York State law includes the following penalties for distracted drivers:

- For a first offense, the minimum fine is \$50 and the maximum is \$200
  - A second offense in 18 months increases the maximum fine to \$250
  - A third offense in 18 months results in a maximum fine of \$450
- Probationary and junior drivers face a 120-day suspension of their license for a first offense, and one year revocation of their permit or license if a second offense is committed within six months.

## NYC May Destroy IDNC Documents

A Staten Island Supreme Court judge today ruled that the city of New York can destroy documents used to apply for IDNYC. Judge Philip Minardo agreed that the city had a right to destroy the information – including bank statements and passports -- gathered when people applied for the municipal identification program.

Republican Assemblymembers Ron Castorina Jr. and Nicole Malliotakis had sued to force the city to retain the information, saying it was necessary to preserve public safety and violated Freedom of Information Laws. Judge Minardo granted a stay through April 17<sup>th</sup> if the legislators want to appeal the decision.

In his decision, Judge Minardo wrote that FOIL laws do not require places to retain documents.

## Coming Up

### *New York State*

*No meetings scheduled this week*

### *New York City*

*No meetings scheduled this week*

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