



This Week in New York

Covering New York State and City Government

A Publication of Pitta Bishop & Del Giorno LLC

May 24, 2019 Edition



*As we express our gratitude, we
must never forget that the highest
appreciation is not to utter
words, but to live by them*

John F. Kennedy

In the News – State



Appellate Court Finds Farmworkers Have Right to Unionize

A mid-level appellate court has found that farmworkers in New York have the right to unionize under the State Constitution. In a 4-1 decision, the Appellate Division of the Third Judicial Department found that the State Constitution provision affording "employees ... the right to organize and bargain collectively through representatives of their own choosing" was not limited by statutory language that defines "employees," but excludes "any individuals employed as farm laborers."

"[T]he choice to use the broad and expansive word 'employees' in [the] Constitution ... without qualification or restriction, was a deliberate one that was meant to afford the constitutional right to organize and collectively bargain to any person who fits within the plain and ordinary meaning of that word," the majority decision says. "Indeed, there is nothing in the language of the constitutional provision to support the suggestion that the drafters intended for the term 'employees' to be narrowed or limited in any way."

The New York Civil Liberties Union brought the case on behalf of a farmworker and two workers' centers.

"The court's ruling today was unequivocal that denying farmworkers basic labor rights is flat-out unconstitutional, and farmworkers, like other workers, have the right to organize," New York Civil Liberties Union executive director Donna Lieberman said in a statement.

The Farm Bureau, which argued the case, disagrees and intends to appeal.

"The Appellate Court was considering the trial court's decision on a motion to dismiss, which, if denied would have permitted Farm Bureau to fully litigate this case in the trial court," the Bureau's president, David Fisher, said in a statement. "Instead, the majority of the court decided to make a far-reaching determination by declaring the right to collectively bargain as a 'fundamental right,' on par with the freedoms of speech and religion. We believe that the majority's conclusion is unsupportable and disregards decades of precedent."

Meanwhile the State Legislature is considering legislation to enact the Farmers Fair Labor Practices Act, which calls for agricultural employees to be treated as regular workers under the state's labor law. The legislation allows farm workers to unionize and guarantees workers compensation benefits and overtime. It is sponsored by Senator Jessica Ramos (D-Queens) and Assemblymember Catherine Nolan (D-Queens).



Bills Passed by Both Houses



A29A (Sponsored by M of A Rosenthal L / Senator Serrano) -- Requires the anchoring of furniture and electronics in child day care centers.

A1641 (Sponsored by M of A Seawright / Senator Myrie) -- Requires campaign finance information of certain candidates or committees to be filed on an electronic reporting system.

A5626 (Sponsored by M of A Weinstein / Senator Gounardes) -- Provides for the regulation of federal home equity conversion mortgages.

A6292 (Sponsored by M of A Mosley / Senator Carlucci) -- Enacts the pension poaching prevention act.

A6665 (Sponsored by M of A Otis / Senator Martinez) -- Extends a provision of law regarding the disposal of surplus computer equipment by political subdivisions.

A6849 (Sponsored by M of A Weprin / Senator Sepulveda) -- Relates to permitting legislative staff to visit correctional facilities.

A7123 (Sponsored by M of A Jacobson / Senator Myrie) -- Relates to instituting additional ballot accountability practices.

S2041 (Sponsored by Senator Benjamin / M of A Rosenthal L) -- Requires public notice prior to certain transportation facility closures.

S4572 (Sponsored by Senator Kaminsky/ M of A Lentol) -- Relates to presidential reprieve, pardon or other form of clemency and previous prosecution.

S5052 (Sponsored by Senator Thomas/ M of A Lavine) -- Relates to salary adjustments according to plan and step-ups or increments.

S5072A (Sponsored by Senator Hoylman/ M of A Buchwald) -- Requires the commissioner of taxation and finance to cooperate with investigations by certain committees of the United States Congress under certain circumstances

S6146 (Sponsored by Senator Hoylman/ M of A Buchwald) -- Requires the commissioner of taxation and finance to cooperate with investigations by certain committees of the United States Congress under certain circumstances; chapter amendment.

In the News – City



NYC Comptroller: ThriveNYC's Lack of Clarity Concerning

New York City Comptroller Scott Stringer this week issued a letter to ThriveNYC Senior Advisor and Director Susan Herman expressing concern over the lack of clarity in the \$850 million program's spending and purpose. In addition, he issued recommendations to improve accounting and transparency.

The Comptroller previously requested comprehensive ThriveNYC records to look into the program's finances and outcomes. In coordination with his FY 2020 Budget testimony, the Comptroller issued his preliminary conclusions and recommendations. He urged the Office of ThriveNYC to take concrete steps to improve "the foundation for comprehensive mental health care and strengthen the public's confidence that taxpayer dollars are reaching communities in need."

"Providing comprehensive mental health care must be a critical priority for our City, and I commend the City for prioritizing an issue that for too long has been neglected, and working to reduce stigma and to help New Yorkers access the care they need. But the provision of these services cannot come at the expense of transparency and oversight, and without the public's trust that these dollars are being spent effectively, the program cannot achieve its goals," said Comptroller Stringer. "I am urging the Office of ThriveNYC to follow these recommendations to ensure public confidence in the integrity and efficacy of these programs and to provide comprehensive mental health care to our communities in need."

The Comptroller issued the following recommendations:

Define the Purpose and Structure of ThriveNYC and the City's Mental Health Services

Given the shifting list of ThriveNYC programs over time, program leadership must demonstrate a clear definition of the program's purpose and criteria, and its place within the larger framework of the City's mental health services. The Comptroller recommends the Office of ThriveNYC conduct and make public a comprehensive evaluation of existing mental health services, clarifying how ThriveNYC, as an umbrella framework, adds value to mental health programs and is filling gaps in existing mental health services. This evaluation should include a clear delineation of the criteria for what programs are and are not part of ThriveNYC, and clarify the role of the Office of ThriveNYC and its relationship with City agencies in the oversight and operation of mental health services.

Track and Publicly Report the Outcomes of ThriveNYC Programs

Among the 41 ThriveNYC initiatives presented in the updated budget provided to the Comptroller's Office in March, fewer than half have completed or planned evaluations, and only 12 currently have reported outcome measures. It is critical that the Administration track and publicly report the outcomes of ThriveNYC programs. The Comptroller recommends the Office of ThriveNYC not only fulfill its stated goal of releasing outcome measures for all programs in June, but also publicly release the full evaluation framework it is employing, and regularly update all outcome and other measures on the ThriveNYC website, on a consistent schedule, and publicly release all findings of external evaluations of the program's efficacy.

Accurately Track and Report ThriveNYC Spending

When reviewing the documents provided, the Comptroller's Office found numerous inconsistencies within the budget information the Administration provided. The Comptroller recommends the Office of ThriveNYC make available a clear and accurate accounting of ThriveNYC spending on a regular schedule, preferably quarterly.

Briefs

Nick Langworthy to Replace Ed Cox as GOP State Chair

Erie County Republican Party chair Nick Langworthy will succeed GOP state chair Ed Cox. Chair Langworthy has served as chairman of the Erie County Republican Committee since 2010, when at 29 years old, he was elected as the youngest chairman of any political party in New York State. Upon his election, he becomes the youngest Republican chairman in the nation.

Cox was first elected state chair in 2009. He will officially leave his post in July and join the Trump reelection campaign as a member of the President's Victory Finance Team.

A former congressional aide for Congressmen Thomas Reynolds and Chris Less, Chairman Langworthy is the founder and president of his polling firm, Liberty Opinion Research.

JCOPE Executive Director Agata Leaving

Seth Agata, Executive Director of the State Joint Commission on Public Ethics (JCOPE), will leave the Commission in June.

At JCOPE's monthly meeting Tuesday, Agata's departure was announced by JCOPE's chairman, Michael Rozen. He is leaving for a private sector law firm in Manhattan.

"After serving more than three years as executive director of JCOPE, and more than 20 years of public service, Seth Agata notified the Commissioners before the April meeting that he will be stepping down following the June meeting," Commissioner Rozen said. "He will be joining a law firm to, again, pursue the private practice of law. The chair has established a subcommittee of the commission to begin searching for a new executive director and a job posting for the position will be made."

According to published reports, Agata was not yet ready to announce the name of the law firm, but said that it has "no business" before New York state government.

State Firefighters Push for Civilian & Fire Service Employees

Firefighters from around the state came to Albany this week to push for measures to improve civilian safety and working conditions for fire service employees and volunteers.

Among the bills that members of the Firemen's Association of the State of New York discussed with lawmakers were:

- Requiring contractors to give quotes on sprinkler systems for residential construction projects: S1645B/A2468B, Sponsored by Senator John Brooks and M of A Wallace.
- Allowing volunteer fire departments to bill for costs incurred by providing emergency medical services: S3685A/A1778, Sponsored by Senator John Brooks and M of A Jones.

- Creating civil or criminal penalties for illegal conversions: including A1719 M of A Ken Zebrowski.

The sprinkler bill is a high priority, association members said.

"Sprinklers work. Sprinklers control fires, sprinklers put fires out," said Julius J. Leone, president of the New York State Association of Fire Chiefs. "Sprinklers save lives. It's been proven. And it's a pretty inexpensive addition to any new construction."

Mayor de Blasio Signs Executive Order to Ensure Information About City Services Reaches All New Yorkers

Mayor de Blasio signed an executive order this week mandating all city agencies spend at least 50 percent of their annual print and digital publication advertising in community and ethnic media outlets. The Executive Order becomes effective beginning in Fiscal Year 2020.

Beginning in fiscal year 2020 and for every fiscal year thereafter, agencies will submit a year-end data report to the Mayor's Office of Operations regarding the agency's annual print and digital publication advertising spending. Data on each agency's annual print and digital publication advertising will be made available to the public through the Open Data portal at the beginning of each fiscal year beginning in Fiscal Year 2021.

The Mayor's Director of Community and Ethnic Media will develop and maintain a list of community and ethnic media outlets from which city agencies will select outlets for advertising. The list can be found [here](#).

According to the U.S. Census population estimates for 2017, approximately 37 percent of New York City residents are foreign-born, and approximately 23 percent of City residents do not speak English as their primary language and have a limited ability to read, speak, write, or understand English.

City & State to Investigate Taxi Medallions

Mayor Bill de Blasio this week ordered a joint investigation into predatory practices by taxi medallion brokers. The 45-day review by the Taxi and Limousine Commission, Department of Finance and Department of Consumer Affairs "will identify and penalize brokers who have taken advantage of buyers and misled city authorities."

"Today I ordered a joint investigation by the Taxi and Limousine Commission, Department of Finance and Department of Consumer Affairs into predatory practices by brokers in the taxi industry. The 45-day review will identify and penalize brokers who have taken advantage of buyers and misled City authorities. The review will set down strict new rules that prevent broker practices that hurt drivers. It's unacceptable to prey on hardworking New Yorkers trying to support their families and we'll do all that we can to put an end to it," Mayor de Blasio said.

According to published reports, State Attorney General Leticia James is "beginning an inquiry into the disturbing reports regarding the lending and business practices that may have created the taxi medallion crisis in New York City."

Speaker Johnson and Sanitation Committee Chair Reynoso Demand \$4.2 Million for Extra Litter Basket Collection in FY2020 Budget

New York City Council Speaker Corey Johnson and Sanitation & Solid Waste Management Committee Chair Antonio Reynoso are demanding that Mayor Bill de Blasio restore \$4.2 million in funding for extra litter basket collection in the Fiscal Year 2020 Budget.

According to Speaker Johnson, the New York City Council fought to fund 14,000 additional trash pick-ups per week by the Sanitation Department in the last fiscal budget. Nearly 96 percent of streets are rated acceptably clean this fiscal year, up from about 95 percent the previous year, according to the Department of Sanitation's (DSN) testimony from the Council's preliminary budget hearings.

The Administration did not include this funding in the Fiscal Year 2020 budget.

"No one wants to go back to the days when overflowing trash baskets on every corner was the norm. We need those baskets emptied more often, not less. Cutting this funding won't balance the city's budget, it will hurt the city's quality of life. Services like this are critical for our communities," said Speaker Corey Johnson.

Coming Up ***New York State***

The Legislature is in session from Tuesday May 28th to Thursday May 30th

Tuesday May 28th

The New York Health Act

Joint Senate Standing Committee on Health and Assembly Standing Committee on Health
Hamilton Hearing Room B, Legislative Office Building, 2nd Floor, Albany, 10 a.m.

Wednesday May 29th

Legation authorizing and regulating compensate gestational surrogacy agreements

Senate Standing Committee on Judiciary

Van Buren Hearing Room A, Legislative Office Building, 2nd Floor, Albany, 9 a.m.

To examine alternative ways of financing public education

Joint Senate Standing Committee on Health and Assembly Standing Committee on Health
Hamilton Hearing Room B, Legislative Office Building, 2nd Floor, Albany, 9 a.m.

Thursday May 30th

The creation of automatic voter registration system in the State of New York

Senate Standing Committee on Elections
Van Buren Hearing Room A, Legislative Office Building, 2nd Floor, Albany, 1 p.m.

Friday May 31st

Rural Health Care Services

Joint Assembly Committee on Health
Roosevelt Hearing Room C, Legislative Office Building, 2nd Floor, Albany, 10 a.m.

New York City

Tuesday May 28th

Committee on Civil Service and Labor, Council Chambers – City Hall, 10 a.m.

Committee on Housing and Buildings, Committee Room – City Hall, 10 a.m.

Committee on Aging, Committee Room – 250 Broadway, 16th Floor, 10 a.m.

Committee on Education, Committee Room – City Hall, 10:30 a.m.

Committee on Criminal Justice, Committee Room – 250 Broadway, 16th Floor, 10:30 p.m.

Committee on Veterans, Committee Room – 250 Broadway, 14th Floor, 3 p.m.

Wednesday May 29th

City Council Stated Meeting, Council Chambers – City Hall, 10:30 p.m.

Thursday May 30th

Committee on Health, Committee Room – City Hall, 10 a.m.

Committee on Transportation, Committee Room – City Hall, 10 a.m.

Committee on Parks and Recreation, Committee Room – City Hall, 10 a.m.

Task Force on BQX, Council Chambers – City Hall, 11 a.m.

Disclaimer: The materials in this *This Week in New York* report are provided for informational purposes only and are not intended to be a comprehensive review of legislative or governmental or political developments, to create a client-consultant/lobbyist relationship, or to provide consulting, lobbying or political advice. Readers are cautioned not to attempt to solve specific problems on the basis of information contained in this *This Week in New York*. If consulting, lobbying or government relations advice is required, please consult a professional expert in such matters. The information contained herein, does not necessarily reflect the opinions of Pitta Bishop & Del Giorno LLC, or any of its members or employees or its clients. Neither Pitta Bishop & Del Giorno LLC, nor its members or employees make any warranty, expressed or implied, and assume no legal liability with respect to the information in this report, and do not guarantee that the information is accurate, complete, useful or current. Accordingly, Pitta Bishop & Del Giorno LLC is not responsible for any claimed damages resulting from any alleged error, inaccuracy, or omission. This communication may be considered an advertisement or solicitation.

To request that copies of this publication be sent to a new address or fax number, to unsubscribe, or to comment on its contents, please contact Theresa Cosgrove at tcosgrove@pittabishop.com or at (518) 449-3320.

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.

This Week in New York is a publication of Pitta Bishop & Del Giorno LLC.

120 Broadway, 28th Floor
New York, New York 10271
Telephone (212) 652-3890
Facsimile (212) 652-3891

111 Washington Avenue, St. 401
Albany, New York 12210
Telephone (518) 449-3320
Facsimile (518) 449-5812

25 Hyatt Street, St. 202
Staten Island, New York 10301
Telephone (718) 943-1050
Facsimile (718) 943-1051