



This Week in New York

Covering New York State and City Government

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In the News – State

Carolyn Pokorny Confirmed as MTA Inspector General

***Former Federal Prosecutor and Deputy Chief of Staff to U.S. Attorney General
Loretta Lynch***



MTA Inspector General
Pokorny

The New York State Senate yesterday unanimously confirmed Carolyn Pokorny as the new MTA Inspector General. Ms. Pokorny served as Deputy Chief of Staff to U.S. Attorney General Loretta Lynch and in the U.S. Attorney's Office in Brooklyn. Governor Andrew Cuomo nominated Ms. Pokorny to succeed Barry Kluger in the post.

"The MTA finally has the management and money it needs to perform, and now more than ever the Office of the MTA Inspector General will be central to ensuring the agency runs efficiently and effectively," Governor Cuomo said. "Carolyn is a brilliant and dedicated career prosecutor and her leadership at the MTA will do untold good for its customers and all New Yorkers."

Ms. Pokorny began her career as a federal prosecutor in the Brooklyn U.S. Attorney's Office, where she headed the Office's narcotics and money laundering program. She received the Attorney General's Award for Distinguished Service and the Federal Drug Agents Foundation "True American Hero" award. Ms. Pokorny became the Office's Senior Litigation Counsel for Public Integrity.

In 2011, Ms. Pokorny joined U.S. Attorney Loretta Lynch's Executive team as Deputy Chief of the Criminal Division overseeing over 100 criminal AUSAs in all areas, including fraud and corruption. In 2015 when President Obama tapped Loretta Lynch to be his Attorney General of the U.S. Department of Justice, Ms. Pokorny served as her Deputy Chief of Staff and Counselor and a senior advisor on the management of the Department's 110,000 employees and myriad agencies, from the ATF and DEA, to the FBI and Bureau of Prisons.

Ms. Pokorny most recently served as Special Counsel for Public Integrity in the Executive Chamber and Chief Special Counsel for Ethics, Risk and Compliance for New York State.

The independent Office of the MTA Inspector General monitors the activities of the MTA in order to ensure a safe, reliable, and affordable public transportation system in New York City. The Inspector General conducts audits to help make MTA systems and operations work at optimal effectiveness and efficiency, and also conducts investigations to root out fraud, abuse and other

wrongdoing by those who work for or do business with the MTA. Through its investigations, audits and other studies, the Inspector General helps the MTA improve its performance and enhance the quality, efficiency, effectiveness and safety of its agencies' operations.



Bills Passed by Both Houses



A316 (Sponsored by M of A Seawright / Senator Serrano) – updates laws related to the management of the Roosevelt Island operating corporation.

A1068 (Sponsored by M of A Rosenthal L / Senator Sanders) -- Relates to reporting on the status and outcomes of initiatives created in response to the heroin and opioid epidemic.

A1646 (Sponsored by M of A Hunter / Senator Bailey) -- Relates to unlawful occupation, provides that if any dwelling or structure be occupied without a certificate of occupancy, no rent shall be recovered by the owner.

A2493 (Sponsored by M of A Lavine / Senator Kaplan) -- Allows a tax credit for either new or retrofitted principal residences which are universally designed to be accessible and adaptable housing.

A4258 (Sponsored by M of A Hevesi / Senator Salazar) -- Relates to providing rent subsidies to individuals living with roommates.

A4268 (Sponsored by M of A Hevesi / Senator Savino) -- Relates to mandating training of direct care workers in adverse childhood experiences.

A4421B (Sponsored by M of A Zebrowski / Senator Skoufis) -- Enacts "Harper's Law" requiring tip restraint devices on certain furniture.

A5841A (Sponsored by M of A Glick / Senator Salazar) - Continues to provide an opportunity to file an application under the loft laws, as well as to update existing provisions. In addition, this bill would establish a new application window to further encourage the filing of applications for coverage under the loft laws.

A6344A (Sponsored by M of A Gunther / Senator Carlucci) -- Makes available information regarding the process for individuals to obtain eligibility for services offered by the office for people with developmental disabilities.

S55 (Sponsored by Senator Hoylman / M of A Glick) -- Requires the state liquor authority to make available to the public information pertaining to any conditions it imposes on a licensed premises.

S1978A (Sponsored by Senator Addabbo / M of A Cymbrowitz) -- Establishes the legislative task force on responsible gaming.

S2960B (Sponsored by Senator Kaplan / M of A Rosenthal L) -- Relates to adding a "School Bus Safety" awareness component to the pre-licensing driver's education course

In the News – City

NYC Unveils Paid Personal Leave Legislation

NYC would be first city in nation to mandate paid personal time for workers



Mayor Bill de Blasio, First Lady Chirlane McCray, Public Advocate Jumaane Williams, activist Gloria Steinem, and advocates this week rallied in support of Paid Personal Time legislation. An analysis by the City estimates 900,000 New Yorkers who currently lack a single day of paid personal time would benefit from the new policy.

The legislation requires private employers with five or more employees or one or more domestic workers to offer 10 annual days of Paid Personal Time, allowing employees to take paid time off for any purpose, including religious observances, bereavement and time with family.

According to Mayor de Blasio, research has shown that paid time off helps increase productivity, strengthens families, helps prevent burnout and improves employee retention. The United States is the only industrialized nation that does not mandate any paid time off, including paid holidays. Nationally, one in four full-time, middle-income workers gets no paid time off at all.

The updated estimate of nearly 1 million New Yorkers who would benefit from paid time off incorporates additional New York City-specific data from the Community Service Society’s (CSS) 2018 Unheard Third Survey.

NYC Employees without Paid Personal Time, Based on CSS Rates of Access in NYC Applied to Total NYC Workforce, by Employer Size

| Employer Size | Employees | % w/o Vacation | Employees w/o Vacation |
|-------------------------------------|------------|----------------|------------------------|
| 5 to 9 Employees | ~240,000 | ~50% | ~120,000 |
| 10 to 19 Employees | ~300,000 | ~50% | ~140,000 |
| 20 to 49 Employees | ~450,000 | ~30% | ~130,000 |
| 50+ Employees | ~2,600,000 | ~20% | ~520,000 |
| 5+ Employees (legislation universe) | ~3,600,000 | | ~900,000 |

Figures may not add due to rounding.

The policy is expected to benefit New Yorkers in a wide range of industries including 180,000 workers in professional services, 90,000 in retail, and 200,000 in the hotel and food service sectors. The City already provides government employees with more than two weeks of Paid Personal Leave per year.

Employees would begin to accrue hours immediately after employment, earning one hour of Paid Personal Time for every 30 hours worked. Employees would be able to access the benefit after 90 days of employment and after working at least 80 hours. Any unused Paid Personal Time could be carried over to the following year for a total maximum of 10 days of Paid Personal Time. Employers could require up to 2 weeks' notice and have reasonable exceptions for granting leave to prevent too many workers from taking simultaneous leave.

Like the Paid Safe and Sick Leave legislation, this policy would be implemented and enforced by the Department of Consumer and Worker Protection (DCWP).

The legislation was welcomed by both advocates and organized labor.

“UNITE HERE Local 100 recognizes the importance of securing paid time off for workers. This legislation will be beneficial to our members and New York City’s workforce. We stand alongside Mayor de Blasio in support of passing 10 annual days of Paid Personal Time,” said Bill Granfield, President UNITE HERE Local 100.

Briefs

Governor Outlines Top 10 End of Session Initiatives

Governor Andrew Cuomo, in two public radio interviews this week, outlined a short list of legislative priorities he would like the Legislature to consider before the 2019 session ends June 19th.

The list includes (in no special order):

- Legalize Marijuana.
- Renew and strengthen expiring New York City rent control regulations.
- Permit paid surrogacy arrangements.
- End the statute of limitations for second- and third-degree rape
- End “gay panic” defense.
- Revamp workplace sexual harassment laws.
- Pass an Equal Rights Amendment to the State Constitution.
- Strengthen minority and women-owned business initiatives.
- Expand the prevailing wage laws.
- Allow the state to give driver's licenses to undocumented immigrants.

Governor Cuomo Signs Legislation Ending the Legal Ban on Gravity Knives

Governor Andrew M. Cuomo this week signed into law Chapter 34 of the Laws of 2019, which removes criminal sanctions associated with possessing gravity knives. Gravity knives are commonly sold at stores and used for work purposes. In March of this year, the United States District Court for the Southern District of New York declared the State's existing "gravity knife" ban unconstitutional.

Public Advocate Call for a ‘Racial Impact Study’ for All Proposed Rezoning Plans

Public Advocate Jumaane Williams is calling for the addition of a race-based analysis to all rezoning plans subject to city's land-use review process.

The Public Advocate and City Councilman Rafael Salamanca (D-Bronx), Chair of the Land Use Committee, introduced a bill Wednesday outlining the proposal. It would require an analysis of how new developments would affect area demographics as part of the city's uniform land-use review process.

“Rezoning is one of the primary drivers of gentrification, which leads to displacement, which leads to racial segregation,” Public Advocate Williams said at a Manhattan press conference Wednesday. “We’re losing housing for black and Latino, in particular, families at an alarming rate.”

Attorney General James Sues New York City Property Manager for Illegally Deregulating Hundreds of Rent-Stabilized Apartments

Attorney General Letitia James this week announced a lawsuit against David Drumheller and his closely-held company, JBD Realty Services, LLC, for fraud, unjust enrichment, and for repeatedly violating Rent Stabilization laws through manipulation of Individual Apartment Improvements (IAIs). Drumheller worked at Newcastle Realty Services, a property management company that manages approximately 2,500 apartments throughout New York City.

The complaint alleges that, while at Newcastle, Drumheller and other agents jointly schemed to illegally deregulate rent-stabilized apartments by manufacturing and inflating costs used to claim IAIs, a mechanism by which landlords can raise rent-stabilized rents in excess of regular annual rent increases. Additionally, the complaint alleges that Drumheller and an associate at Newcastle accepted \$1,200,000 in kickbacks from contractors who performed renovations on Newcastle-managed apartments.

In the filing, the Attorney General seeks an injunction against Drumheller and JBD Realty Services, LLC, disgorgement of all kickbacks, restitution for tenants affected by their conduct, and that the Court bar Drumheller and JBD Realty Services, LLC from engaging in any business related to management or ownership of rent-stabilized property in the State of New York.

New York City's Amends Bail Reform Policy to Divert Teens from Jail

New York City is instituting a new policy, effective June 1st, which would allow teens accused of crimes such as assault, robbery and burglary to be eligible for release with bail while they await adjudication of their case, according to published reports. The teens would be placed in the city's Supervised Release Program in which social workers would supervise the teenagers in their communities, notify them of court dates, link them to voluntary services and direct them to therapy.

The policy changes to expand the Supervised Release Program may add about 1,000 individuals to the program each year, according to the Office of Criminal Justice, and include:

- Redefining "high risk" in a risk assessment measurement used to determine the eligibility of defendants for the Supervised Release Program.
- Expands eligibility for the program's Youth Engagement Track to include defendants up to the age of 19, from the previous limit of age 17.
- Includes defendants charged with felonies of assault, robbery and burglary in the first and second degrees.

The Office of Criminal Justice sent memos to City judges announcing the expansion and providing new guidelines, according to published reports.

Coming Up

New York State

The Legislature is in session from Monday June 3rd to Thursday June 6th

Tuesday June 4th

Suicide and Suicide Prevention

Joint Senate Committees on Mental Health and Developmental Disabilities & Health
Van Buren Hearing Room A, Legislative Office Building, 2nd Floor, Albany, 10 a.m.

To conduct discussion on online privacy and what role the State Legislature should play in overseeing it

Joint Senate Standing Committee on Consumer Protection and Committee on Internet and Technology
Hamilton Hearing Room B, Legislative Office Building, 2nd Floor, Albany, 9 a.m.

Wednesday June 5th

To examine the health of racehorses while training and racing, and resources for aftercare
Joint Senate Committees on Racing, Gaming and Wagering & Domestic Animal Welfare
Van Buren Hearing Room A, Legislative Office Building, 2nd Floor, Albany, 9 a.m.

New York City

Thursday June 6th

Subcommittee on Zoning and Franchises, Committee Room – City Hall, 9:30 a.m.

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

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

Subcommittee on Landmarks, Public Siting and Maritime Uses, Committee Room – 250 Broadway, 16th Floor, 1 p.m.

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