



# This Week in New York

Covering New York State and City Government

A Publication of Pitta Bishop & Del Giorno LLC

November 1, 2019 Edition



## 2019 New York City Election Ballot Question: Ranked Choice Voting

YES  NO

*To all our union clients and union friends:*

The question of ranked choice voting, which legislative initiative was recently vetoed by California's liberal Gov. Gavin Newsome, is on the New York City ballot next Tuesday. The New York City Council Black, Latino and Asian Caucus has come out against Ranked Choice Voting.

The initiative has been promoted under the guise of good government with a promise to increase voter turnout and enhance the electability of female and minority candidates—neither of which is true or a true goal. In fact, the initiative is designed to further dilute both the voting power of unions and their members and the organizational strength of the traditional Democratic Party and Republican Party apparatus in New York City.

Ranked choice voting is a Trojan Horse!

We urge all of our union clients and our union friends and their members to vote “No” as to the ranked choice voting issue.

*Vincent F. Pitta*

### Voting Schedule

**Early Voting, Friday, Nov. 1<sup>st</sup> – Sunday, Nov 3<sup>rd</sup>**

**Election Day, Tuesday, November 5<sup>th</sup>: Polls Open at 6 a.m.**

*Early voting schedule:* Friday, Nov. 1, 7 a.m. – 8 p.m.; Saturday, Nov. 2, 10 a.m. – 4 p.m.;  
Sunday, Nov. 3, 10 a.m. – 4 p.m.

Early Voting polling place locator: <https://www.voteearlynyc.org/>.

*Election day schedule:* Polls are open 6 a.m. to 9 p.m. across the State.

Election Day polling place locator: <https://voterlookup.elections.ny.gov/>

## *In the News – State*

# NYS of Health 2020: Open Enrollment Period Begins



On November 1, NY State of Health - New York State's Health Plan Marketplace - will begin its seventh annual open enrollment period for New Yorkers who want health insurance coverage in 2020.

Open Enrollment for Qualified Health Plans begins November 1, 2019 and will continue through January 31, 2020. New enrollees can apply for coverage starting on November 1<sup>st</sup>. Current enrollees may begin renewing coverage on November 16<sup>th</sup>.

According to the Department of Health, there will be “no cost increase for nearly all” Marketplace enrollees in 2020, including those in Medicaid, Child Health Plus, Essential Plan and Qualified Health Plans who receive tax credits. Consumers who receive premium tax credits will see no change, or in some cases a small decrease, in the cost of coverage compared to 2019.

Consumers must enroll or renew by December 15, for coverage effective January 1, 2020. Enrollment in the Essential Plan, Medicaid and Child Health Plus is open all year.

"As we begin our seventh Open Enrollment Period, New York remains more committed than ever to getting New Yorkers covered," NY State of Health Executive Director Donna Frescatore said. "We are proud of our success lowering the state's uninsured rate and will work to help more New Yorkers gain access to the affordable health care they deserve in 2020."

In New York, the number of uninsured has been reduced by 1.2 million since 2010, including 1 million since the NY State of Health Marketplace opened in 2013. More than 4.8 million people are currently enrolled in coverage through NY State of Health. A county-by-county breakdown of enrollment is found on page 3.

Consumers can review their health plan options and estimate their 2020 costs [online](#), by phone, or with the help of an in-person assistor:

- Contact Customer Service Center at 1-855-355-5777
- Log onto the website at [nystateofhealth.ny.gov](http://nystateofhealth.ny.gov)
- Meet with an in-person assistor. Find an assistor [here](#).

## NYS Health Care Exchange Enrollment Data 2019 (May 2019 Report)

### Appendix A: Number and Distribution of Enrollees by County and Program

#### Number of Enrollees, By Program and County

County	Medicaid	CHP	EP	All QHPs	All Programs
Albany	38,985	5,520	6,036	3,055	53,596
Allegany	7,257	758	919	468	9,402
Bronx	368,961	23,627	84,288	8,597	485,473
Broome	25,244	3,296	3,952	2,137	34,629
Cattaraugus	13,200	1,475	1,549	918	17,142
Cayuga	10,160	1,876	1,585	977	14,598
Chautauqua	19,278	2,254	2,743	1,759	26,034
Chemung	13,379	1,141	1,594	941	17,055
Chenango	8,734	1,133	1,057	563	11,487
Clinton	10,010	1,692	1,540	737	13,979
Columbia	8,674	1,468	1,611	1,306	13,059
Cortland	6,757	1,121	968	561	9,407
Delaware	6,781	730	925	513	8,949
Dutchess	36,330	5,977	6,341	5,679	54,327
Erie	127,596	14,242	19,571	9,405	170,814
Essex	4,605	894	780	600	6,879
Franklin	7,080	831	826	467	9,204
Fulton	10,727	1,515	1,220	581	14,043
Genesee	8,082	1,234	1,229	695	11,240
Greene	7,382	1,008	1,037	734	10,161
Hamilton	551	98	113	143	905
Herkimer	10,603	1,834	1,542	726	14,705
Jefferson	16,584	2,125	2,313	1,042	22,064
Kings	553,184	59,633	159,081	37,645	809,543
Lewis	3,864	892	705	463	5,924
Livingston	6,981	1,271	1,254	705	10,211
Madison	8,913	1,442	1,291	869	12,515
Monroe	107,653	15,650	17,718	8,573	149,594
Montgomery	9,929	1,372	1,197	470	12,968
Nassau	160,755	33,982	49,250	26,166	270,153
New York	183,634	11,916	45,908	30,375	271,833

County	Medicaid	CHP	EP	All QHPs	All Programs
Niagara	32,212	3,819	4,503	2,423	42,957
Oneida	38,787	5,295	5,259	2,370	51,711
Onondaga	67,459	8,639	9,592	5,013	90,703
Ontario	12,709	2,711	2,196	1,362	18,978
Orange	76,042	11,045	9,864	5,056	102,007
Orleans	5,667	961	1,145	473	8,246
Oswego	20,084	2,653	2,470	1,379	26,586
Otsego	7,844	1,243	1,188	619	10,894
Putnam	9,470	1,946	1,700	2,290	15,406
Queens	506,960	60,245	188,884	29,315	785,404
Rensselaer	19,486	3,103	2,597	1,534	26,720
Richmond	65,678	8,400	17,067	5,410	96,555
Rockland	88,423	13,912	11,957	5,187	119,479
Saratoga	20,515	4,782	3,810	3,167	32,274
Schenectady	26,035	3,752	4,049	1,666	35,502
Schoharie	4,574	684	637	329	6,224
Schuyler	2,897	369	481	271	4,018
Seneca	4,851	655	691	325	6,522
St. Lawrence	15,545	1,969	1,867	856	20,237
Steuben	15,570	1,651	2,024	1,121	20,366
Suffolk	207,398	43,130	54,649	27,684	332,861
Sullivan	17,274	1,737	2,097	1,062	22,170
Tioga	7,067	927	976	601	9,571
Tompkins	8,970	1,485	1,595	1,194	13,244
Ulster	26,590	4,316	4,807	3,513	39,226
Warren	8,761	1,716	1,625	1,023	13,125
Washington	10,094	1,969	1,512	793	14,368
Wayne	12,862	2,748	2,235	1,212	19,057
Westchester	137,333	18,391	27,214	15,841	198,779
Wyoming	5,154	958	839	562	7,513
Yates	3,662	535	479	352	5,028
<b>TOTAL</b>	<b>3,287,846</b>	<b>417,753</b>	<b>790,152</b>	<b>271,873</b>	<b>4,767,624</b>

Source: NYS Department of Health



## Chapters of the Laws of 2019

**Chapter 417 – Sponsored by M of A Buchwald / Senator Myrie** — Relates to alternative provisions for poll site staffing.

**Chapter 418 – Sponsored by M of A Buchwald /Senator Myrie** — Relates to watchers during election.

**Chapter 420 – Sponsored by Senator Hoylman /M of A O’Donnell** — Makes certain technical amendments to the estates, powers and trusts law and the surrogate's court procedure act to reflect the provisions of the marriage equality act.

**Chapter 421 – Sponsored by Senator Harckham /M of A Paulin** — Relates to changes in assessment for businesses that make payments in lieu of taxes.

**Chapter 422 – Sponsored by Senator Persaud /M of A Perry** — Makes permanent certain provisions relating to citizenship requirements for permanent certification as a teacher.

**Chapter 424 – Sponsored by Senator Breslin /M of A Buchwald** — Relates to notice of enforcement of a lien on the goods in a self-storage facility.

**Chapter 426 – Sponsored by Senator Comrie /M of A Perry** — Relates to requirements for the transfer of patient medical records upon the closure of a health care provider's office.

**Chapter 427 – Sponsored by Senator Montgomery /M of A Seawright** — Relates to the notification of allowance for infant support.

**Chapter 431 – Sponsored by Senator Gounardes /M of A Abbate** — Relates to allowing certain members of the New York city police pension fund to receive a membership date in such pension fund attributable to service in certain cadet titles.

**Chapter 435 – Sponsored by Senator Breslin /M of A Levine** — Relates to extending certain provisions related to medical malpractice providers.

**Chapter 437 – Sponsored by M of A Lavine /Senator Kavanagh** -- Relates to establishing the uniform election night procedure act.

**Chapter 438 – Sponsored by M of A Carroll /Senator Comrie** -- Authorizes consolidation of certain voting districts with a small number of eligible voters.

**Chapter 440 – Sponsored by Senator May /M of A Galef** -- Relates to opportunity to ballot committee to receive notices.

**Chapter 441 – Sponsored by Senator Metzger /M of A Lifton** -- Relates to the effectiveness of providing uniform polling hours during primary elections.

# *In the News – City*



## **NYS Comptroller: Wall Street First Half Profits Jumped**

*Best Start in a Decade, But Uncertainties Obscure  
Second Half*

Pretax profits in the securities industry reached \$15.1 billion in the first six months of 2019, an 11 percent increase over the same period last year, and the best start in a decade, according to State Comptroller Thomas DiNapoli's annual report on Wall Street's performance.

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“Wall Street had a very profitable start in 2019, but uncertainties leave the second half of the year an open question,” Comptroller DiNapoli said. “Volatile markets, global trade tensions, and political turbulence have sown economic anxiety and slowed global economic growth.”



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Industry performance is traditionally measured by the pretax profits of the broker/dealer operations of New York Stock Exchange (NYSE) member firms. There are now about 120 member firms, down from more than 200 before the financial crisis.

While net revenue rose in the first half of 2019, growth slowed to 2.4 percent. The slowdown reportedly reflected poor performance across a range of activities including equities, commodities and currencies. The securities industry also held down the growth in expenses in the first half, which contributed to profitability.

The average salary, including bonuses, for industry employees in New York City was \$398,600 in 2018, a decline of 5.6 percent compared to 2017, but still five times more than the \$79,800 average for the rest of the private sector in the city.

Overall, the securities industry accounted for 20 percent of all private sector wages paid in New York City in 2018, even though its 181,300 jobs comprised less than 5 percent of private sector jobs in the city.

Employment in the securities industry in New York City has increased in four of the past five years. However, job gains in the early part of 2019 have been erased in recent months. As of September 2019, the industry was on pace to lose almost 500 jobs in 2019. Last year, the industry added 4,700 jobs.

In 2018, there were 201,200 securities industry jobs statewide in New York, more than any other state in the nation. California was second with 96,100 jobs. New York City accounted for 90 percent of the state's securities industry jobs.

The average bonus for workers in New York City's securities industry was \$153,700 in 2018, a 17 percent drop from the year before. Although profitability increased significantly in the first half of 2019, the amount set aside for compensation, including bonuses, declined by almost 1 percent compared to the same period in 2018. Bonuses for 2019 will likely be dictated by second-half revenues, according to the Comptroller.

New York City's budget assumes a 5 percent increase in industry bonuses, while the State assumes a smaller increase in the larger finance and insurance sector. Comptroller DiNapoli will release his office's 2019 bonus estimate for New York City industry employees in March 2020.

Further, another report by the Comptroller on Thursday showed that the city has maintained a strong financial position. The city economy grew by 3% and added 79,000 new jobs in fiscal year 2019. This growth was more than the country as a whole. However, it also noted that the surplus has declined and the obligations to retired workers have conversely increased. This coupled with a belief that the United States is nearing a recession is considered a cause for concern going forward.



## **Bills Approved by the City Council**

***Introduction No. 870-A, sponsored by Council Member Joseph C. Borelli,*** would require any full-service animal shelter operated by New York City to post photographs of each adoptable animal within three days of receiving such animal, provided that the animal is medically and behaviorally well enough. It would also require the Department of Health and Mental Hygiene (DOHMH) to encourage non-full-service animal shelters to promote the placement of adoptable animals.

***Introduction No. 1082-A, sponsored by Council Member Rafael Salamanca Jr.,*** would require Global Positioning Systems (GPS) on waste hauling vehicles that are used to collect waste in commercial waste zones. GPS on private carting trucks can provide information to the Department of Sanitation (DSNY) and the Business Integrity Commission (BIC) to allow them to properly monitor waste hauling vehicles operating in the City.

***Introduction No. 1083-A, sponsored by Council Member Rafael Salamanca Jr.,*** would require a minimum fine of \$1,000 and a maximum fine of \$10,000 for carting companies that receive a violation for an unreported employees. A minimum fine of \$1,000 reflects the severity of the violation.

***Introduction 1202-A, sponsored by Council Member Carlina Rivera***, would prohibit non-exempt individuals from taking or attempting to take any wild bird.

***Introduction No. 1378, sponsored by Council Member Carlina Rivera***, would prohibit retail food establishments or food service establishments from storing, maintaining, selling or offering to sell force-fed products or food containing a force-fed product. Violators would be subject to a civil penalty between \$500 and \$2,000 per offense.

***Introduction No. 1425-A, sponsored by Council Member Keith Powers***, would prohibit carriage horses from being worked when the air temperature is 90 degrees Fahrenheit or above, or whenever the air temperature is 80 degrees Fahrenheit or above and the equine heat index is 150 or above.

***Introduction No. 1478-A, sponsored by Council Member Justin Brannan***, would establish an Office of Animal Welfare, headed by a Director appointed by the Mayor.

***Introduction No. 1498-A, sponsored by Council Member Fernando Cabrera***, would require the New York City Police to publish semi-annual public reports on complaints and investigation of animal cruelty allegations. Specifically, the Department would report on the number of animal cruelty complaints received and arrests issued.

***Introduction No. 1541-B, sponsored by The Speaker (Council Member Johnson)***, would create a specialized high school task force that would be charged with addressing the racial/ethnic student body inequities of the specialized high schools.

***Introduction 1557-A, sponsored by The Speaker (Council Member Johnson)***, would require the Department of Transportation to issue and implement a transportation master plan every five years. The first plan would be due in December of 2021.

***Introduction No. 1570-A, sponsored by Council Member Mark Levine***, would ensure that dogs entering kennels, businesses, or establishments need to be in compliance with the New York City Health Code, which requires the dog be vaccinated for bordetella.

***Introduction No. 1573-A, sponsored by Council Member Antonio Reynoso at the request of Mayor Bill de Blasio***, would add enforcement of environmental, safety and health standards to the powers and duties of the Business Integrity Commission (BIC).

***Introduction No. 1574-A, sponsored by Council Member Antonio Reynoso***, would mandate the establishment of commercial waste zones. The Department of Sanitation (DSNY) would designate commercial waste zones and enter into agreements with up to three private carters to operate in each zone. There would also be up to five carters authorized to operate citywide to pick up large containers of waste that are brought directly to a waste transfer station. Certain micro-haulers, including those who collect organic waste by bicycle, would be able to continue to operate under a particular tonnage.

# Briefs

## New York Paid Leave for Election Day

New York State has increased the amount of paid time off provided to employees to vote on Election Day. New York employees are now eligible for three hours of paid time off to go vote regardless of how much time they have off on Election Day.

Employers are allowed to specify that the time taken off be either the beginning or end of the shift. Employees must be registered to vote and provide two days' notice to qualify for the three hours paid time off.

The law does not specify if the three hours paid time off will count against existing employee paid time off or if it is a separate new form of paid time off. Nor does the law specify if employees need to provide proof or receipt of voting to receive the three hours paid time off.

The new law is available [here](#) to view.

## Mayor de Blasio Names James Johnson as New Corporation Counsel

Mayor Bill de Blasio this week announced that James Johnson will be the new Corporation Counsel of New York City, starting Monday, November 4. In his new role, Johnson will head the New York City Law Department, overseeing a staff of nearly 1,000 lawyers and approximately 700 support professionals who represent the City government in legal matters.

Johnson served as an Assistant U.S. Attorney for the Southern District of New York, and held several roles in the U.S. Department of the Treasury, including Under Secretary of the Treasury for Enforcement under President Clinton. He became Chairman of the Board for the Brennan Center for Justice from 2004 to 2011 and remains a Senior Fellow there.

## Rebecca Kagan Sternhell Appointed Director of Federal Affairs

Mayor Bill de Blasio announced the promotion of Rebecca Kagan Sternhell to the position of Director of Federal Affairs. She previously served as Deputy Director and General Counsel.

In her new role, Sternhell will be responsible for crafting and overseeing federal policies for the Mayor's Office in coordination with relevant City agencies, as well as developing and implementing the Office's strategic priorities. She will also manage external relations with the New York City Congressional Delegation, the White House, and Federal Agencies.

Sternhell was most recently the Deputy Director and General Counsel for the Office of Federal Affairs. She previously served as the Deputy Assistant Administration at the U.S. Small Business Administration, as Assistant Corporation Counsel in the Division of Legal Counsel and in the Mayor's Office of Federal Affairs for the New York City Law Department in Washington D.C.



Sternhell received her J.D. from the Fordham University School of Law, her Masters of Public Administration from the New York University Robert F. Wagner Graduate School of Public Service, and her B.A. in Interdisciplinary Field Studies from the University of California, Berkeley.

## **Council Approves Private Waste Overhaul**

The New York City Council approved legislation to reform the City's private waste removal system. The bill passed Wednesday will divide the city into 20 designated zones that will each be served by up to three carters. Waste companies will have to apply to service a zone through a competitive solicitation process, and the haulers will have to meet several environmental, safety and labor standards to win a contract.

Approximately 90 waste companies current service City businesses. Private carters have been involved in 26 fatal crashes between 2010 and 2018.

## **NCAA Takes First Step Toward Allowing Student Athletes to be Paid**

The NCAA's top governing board this week voted unanimously to allow student athletes to benefit from the use of their name, image and likeness. It is the first step in changing the association's rule that has previously barred students from being paid or hiring an agent.

The decision to vote in favor of allowing students to profit from their name, image and likeness came from recommendations from the NCAA Board of Governors Federal and State Legislation Working Group, which includes presidents, commissioners, athletics directors, administrators and student-athletes.

The board directed the NCAA's three divisions to immediately consider the update, and create new rules no later than January 2021.

The decision represents an enormous shift in college athletics and follows the pressure of a new California law, CA 19R SB 206, that would force universities and college sports organizations to let student athletes to hire sports agents and receive outside compensation for the use of their name, image or likeness, starting in 2023.

Other states, including Illinois, Florida and New York, have proposed similar legislation for 2020 sessions.

## **Conservative Legal Group Challenges State for Public Employee Information**

A conservative legal group is suing the Cuomo Administration to acquire information about public employees. A 2018 executive order blocked the release of personal information about public employees. Governor Cuomo signed the order after the *Janus v. AFSCME* Supreme Court Case which allows union members to opt out of paying union dues.

A Liberty Justice Center attorney, the organization which represented Mark Janus in the *Janus* case, filed a public records request to obtain access to the information about state employees. The request sought employee's names, home zip codes, hiring dates, labor organization, bargaining unit and payroll deduction type information.

The state ended up turning over most of the requested information but withheld zip codes as "an unwarranted invasion of personal privacy." Now the organization is suing to acquire the zip codes information.

## 2020 NYS Legislative Session

The 2020 Legislative Session convenes Wednesday, January 8<sup>th</sup> and is scheduled to close on Tuesday, June 2<sup>nd</sup>. A pdf of the calendar is available [here](#).

# Coming Up

## New York State

### Monday November 4<sup>th</sup>

**To investigate the safety and potential harms of electronic cigarettes and vaping, epically among school-aged youth**

Joint Senate Standing Committee on Consumer Protection, Committee on Health, & Committee on Education

Senate Hearing Room, 250 Broadway, Floor 19, New York, 12 p.m.

### Wednesday November 6<sup>th</sup>

**Veterans Mental Health and Well Being**

Senate Standing Committee on Mental Health and Developmental Disabilities

Clarkstown Town Hall, Second Floor, 10 Maple Avenue, New City, 10 a.m.

## New York City

### Monday November 4<sup>th</sup>

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

**Committee on Small Business**, Committee Room – 250 Broadway, 14<sup>th</sup> Floor, 10 a.m.

**Subcommittee on Landmarks, Public Sitings and Dispositions**, 250 Broadway, 16<sup>th</sup> Floor, 1 p.m.

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