



This Week in New York

Covering New York State and City Government

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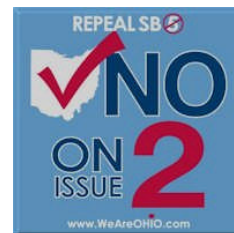


In the News – National



A Resounding “No”: The Voters Have Spoken

Ohio Voters Reject Move to Limit Public Employee Rights



Issue 2

Referendum

REFERENDUM ON NEW LAW RELATIVE TO GOVERNMENT UNION CONTRACTS AND OTHER GOVERNMENT EMPLOYMENT CONTRACTS AND POLICIES

A majority yes vote is necessary for Amended Substitute Senate Bill No. 5 to be approved.

Amended Substitute Senate Bill No. 5 is a new law relative to government union contracts and other government employment contracts and policies.

A “YES” vote means you approve the law.
A “NO” vote means you reject the law.

	YES (To approve the law)	SHALL THE LAW BE APPROVED?
	NO (To reject the law)	

Ohio voters Tuesday soundly rejected – 61% to 39% -- legislation limiting the employee rights of more than 350,000 police, firefighters, teachers, nurses and other government workers. The bill set mandatory health care and pension minimums for unionized government employees, banned public worker strikes, eliminated binding arbitration, and prohibited the seniority-based promotion system. A certified summary of the proposal is attached for your reference.

In the News – New York State

Religious Rights Initiative
Civil Rights Bureau



Religious Rights Protected

Attorney General Eric T. Schneiderman this week launched the *Religious Rights Initiative*, a project of the office's Civil Rights Bureau that will address religious rights issues and enforce anti-discrimination laws. The *Religious Rights Initiative* will target discrimination through public education, outreach, and law enforcement, including litigation. The Attorney General's initiative can be accessed at http://www.ag.ny.gov/bureaus/civil_rights/religious_rights/know_your_rights.html.

According to the Attorney General, the number of religious discrimination claims filed with the federal government has more than doubled since 1997.

In addition, religious rights has become an election issue, as the Central New York town clerk who opted not to sign same-sex marriage certificates because of her religious beliefs sought re-election this November. Ledyard Town Clerk Rose Marie Belforti, who has served as clerk since 2001, was re-elected Tuesday to another two-year term. Since August, Ms. Belforti has refused to sign same-sex marriage licenses on religious grounds. She has assigned the marriage license duties to a deputy clerk.

Our state's rich history of religious diversity is founded on our nation's Bill of Rights and enshrined by laws that protect New Yorkers' right to freely practice their faith.

The Religious Rights Initiative will focus on violations of this fundamental freedom, ensure that religious rights are protected, and work with communities throughout the state to foster and promote religious tolerance.



Attorney General
Schneiderman

As part of the Initiative, the Attorney General's office will release a series of "Know Your Rights" publications to outline strategies to both address and prevent religious discrimination in a variety of settings and circumstances. The first publication, "Religious Rights in the Workplace," outlines the practical application of federal and state laws that protect religious freedom and prohibit religious discrimination. A resource for employees and employers, the pamphlet provides guidance concerning requests for religious accommodation in the workplace for days of religious observance, among other issues.

"We are grateful that Attorney General Schneiderman has undertaken this effort of enormous concern to all those who cherish the rights granted to Americans by our Constitution," Richard E. Barnes, Executive Director of the New York State Catholic Conference. "As the representatives of the largest religious denomination in the state, issues of religious liberty and discrimination have always been in the forefront of our concerns, both as they relate to threats against individuals and institutions. Such threats have caused the Bishops of the United States to redouble their efforts in examining laws and regulations that support and foster such discrimination, and public policies that threaten religious liberty."

The *Religious Rights Initiative* is being handled by Assistant Attorney General Kayla Gassmann and Director of Community Affairs and Engagement for Religious Rights Alyson Spindell under the supervision of Spencer Freedman, Director of the Religious Rights Initiative and Chief Counsel for Civil Rights, and Civil Rights Bureau Chief Kristen Clarke.

According to Michael S. Miller, Executive Vice President and CEO of the Jewish Community Relations Council of New York, the program creates a '311' to help people learn more about their religious rights in New York and a '911' hotline for New Yorkers denied appropriate religious accommodations in the workplace and other venues.

Court Rules to Permit "Choose Life" License Plates



A federal Northern District Court this week ruled that New York must permit the "Choose Life" license plate as a specialty plate option. The Alliance Defense Fund brought the case in August 2004 after the DMV rejected the license plate, claiming it might offend some New Yorkers. The decision found that New York violated First Amendment rights by rejecting the license plate. The State can appeal the decision.

In the News – New York City



Mayor to Council: It May be Broke, But I'll Fix It

*As Anticipated Mayor Vetoes Bill to Limit Outsourcing;
Council Prepares for Override*

The chess game involving New York City use of outside contractors continued this week, with Mayor Michael Bloomberg vetoing the Outsourcing Accountability Act aimed at bringing the City's use of outside contractors under stricter citywide scrutiny.

Citing a negative impact on the City's ability to provide services, the Mayor disapproved the bill which was passed unanimously (46-0) in early October. In his veto message, the Mayor asserted that the legislation would (1) create a processes that will significantly impair the City's ability to obtain essential services; (2) delay delivery of those services; (3) interfere with the executive branch's role in collective bargaining; and (4) impose requirements on the contract activities of certain agencies which are outside of the City Council's legislative purview.



Mayor Bloomberg

In difficult economic times, the City must deliver services to the public in the most efficient, cost-effective manner possible.

In some instances, New Yorkers are better served by obtaining services from established providers that have, succeeded in the private sector.

In the last fiscal year, the City spent more than \$10 billion working with private contractors. The Bloomberg Administration has come under fire for its troubled outsourced technology projects, including the scandal-plagued payroll system, CityTime, and the automated personnel system, Nycaps. According to prosecutors, CityTime's \$700 million cost was inflated by fraud, while leadership failures resulted in overruns and delays in Nycaps, which ballooned to more than \$363 million, from \$66 million.

In addition, this week City Comptroller John Liu released a report auditing technology systems implemented at the City's Fire Department and Department of Sanitation. The \$7.3 million NYFD call-taking and dispatch operation was found to have "a habit of showing the fire trucks back in their stations when they were really on calls, or in the middle of various bodies of water when they were actually in

their stations.” The \$3.4 million project to put GPS systems in Queens Sanitation trucks has been hampered by reports of “no trucks tracking!”

Testifying at a Council hearing reviewing the City’s technology projects, Caswell F. Holloway, the deputy mayor for operations, acknowledged that the Administration mismanaged its major technology projects and had begun a major review of the way it handles complex technology projects, (according to published reports). However, it appears as though the additional oversight will come from within the Administration.

“We are going to move aggressively to fill some gaps here,” Mr. Holloway said. “There needs to be some more aggressive oversight from the City Hall and Mayor’s office level.

The Outsourcing Accountability initiative promoted a city-wide oversight approach. The initiative would have replaced Local Law 35 of 1994 to enhance competition, increase transparency, and maximize cost efficiencies when entering into contracts that could displace City workers. Specifics of the Outsourcing Accountability Act include:

- Require agencies to publish a services contracting plan at the beginning of each fiscal year, mapping out each agency's planned service contracts.
- Require the City to provide public notice of the intent of agencies to issue requests for proposals, invitations for bids, or other solicitations, or renew or extend existing service contracts through annual contracting plans.
- Clearly define the types of contracts covered under the law to include all new, renewed, and extended successor contracts for standard and professional services.
- Require agencies to conduct a retrospective review of their employment actions over a three year period prior to the proposed contract to identify key indicators such as attrition, layoffs, and announcements of anticipated employment actions related to employees who perform the services sought in the proposed contract. If the agency identifies any factors, there is a presumption of displacement and the agency must conduct a cost-benefit analysis, weighing the efficiencies of outsourcing the service versus performing the work in-house.
- Require agencies to provide details underlying their (non-)displacement analyses, including information concerning the capacity within the agency to perform the services sought in the proposed contract, and to certify that none of the indicators of displacement occurred in the three-year period preceding the proposed contract.

Under current law, city agencies are required to determine whether a proposed service contract would displace City employees and if so, to conduct a cost-benefit analysis to determine if outsourcing makes the most sense for the City. No such analysis or determination has taken place throughout the entire Bloomberg administration.

The Council has 30 days to override the Mayoral veto. An override would require 34 votes.

In Brief

Governor: Insurance Checks are in the Mail

Gov. Andrew Cuomo announced Wednesday that over a half million people are receiving refunds from 11 insurance companies who overcharged them in 2010. The 11 insurance companies will be forced to return \$114.5 million to 573,748 people who were overcharged for their health-insurance premiums after failing to meet the requirements of a state law.

New York State Law requires insurers to spend 82 cents of every dollar on medical care. If that number is not met, the difference in money is returned to policyholders. Refunds have already been made to policyholders in the small group and individual, direct-pay market. DFS has instructed insurers to make refunds to affected policyholders in the large group market by December 15.

Company	Total Refunds
Aetna Health Inc	\$11,495,614
CDPHP Health Plan	\$487,768
ConnectiCare of NY	\$15,462
Empire	\$61,080,867
Excellus	\$21,426,603
GHI	\$4,168,935
Health Net of New York	\$5,052,467
HealthNow	\$4,492,327
HIP Health Plan of Greater New York	\$182,194
MVP Health Plan	\$1,319,640
Oxford Health Insurance Co	\$4,838,675
TOTAL	\$114,560,552

AFL-CIO President Denis Hughes to Retire

AFL-CIO President Denis Hughes announced this week that he will retire December 16th (the date of the State Labor Federation's next Board meeting). Mr. Hughes is currently serving his third term as head of the 2.5 million member organization.

A native of Staten Island, Mr. Hughes succeeded Edward Cleary in 1999 as president. He joined the State AFL-CIO staff in 1985 as political director and assistant to the president. In 1990, he became executive assistant to the president, responsible for coordinating legislative programs.



President Hughes

Mr. Hughes joined Local Union No. 3 of the International Brotherhood of Electrical Workers in 1968, at the age of 16, and holds a bachelor of science degree in labor and industrial relations from Empire State College.

A successor will be elected at that meeting and immediately take office, the federation said in a press release. According to published reports, Mario Cilento, a 19-year veteran of the New York State AFL-CIO, is the frontrunner to succeed Mr. Hughes.

Housing Authority Computer Errors, Bureaucracy Leading to Tenant Evictions, Landlord Defaults

A new computer and communications system launched by the New York City Housing Authority (NYCHA) is mired in technical errors and bureaucratic backlogs, according to a *Red Tape Report* released today by Public Advocate Bill de Blasio.

Due to a backlog in data entry, NYCHA is erroneously suspending rent payments to tenants and landlords enrolled in the Section 8 program. As a result, some tenants are erroneously facing eviction and landlord payments are being withheld. The Section 8 rent program provides housing subsidies to almost 100,000 tenants in New York City.

The Public Advocate reviewed dozens of cases where NYCHA stopped paying rent or was not paying the correct amount due to the bureaucratic backlog in the inspection, re-certification and renewal processes.

Mentorship Program Combats Absenteeism

New York City's "Every Student, Every Day" anti-truancy campaign -- which includes the Wake UP NYC celebrity wake up calls and Success Mentors program -- this week marked its first year of operation. The first year of the mentorship program saw chronically absent students attend more than 7,000 additional days of school this year.

This school year, the program will double the number of chronically absent students receiving in-school Success Mentors to more than 4,000 and double the number of elementary, middle and high schools (to 50) that are part of the initiative. Also, the City's program will add new specialized mentors to work with students returning from suspensions, placements at juvenile facilities, foster care, or temporary housing, who are especially vulnerable to chronic absenteeism.

Coming Up

New York State

Monday, November 14th

Department of Transportation Two-Year Capital Program

Assembly Standing Committee on Transportation

Roosevelt Hearing Room C, Legislative Office Building, 2nd Floor, Albany, 10 a.m.

Wednesday, November 16th

Review of the Administration for Children's Services (ACS) EarlyLearn NYC Proposal

Senate Standing Committee on Children and Families

Senate Hearing Room, 250 Broadway, 19th Floor, New York, 10 a.m.

Thursday, November 17th

Impact of merging the Division of Probation and Correctional Alternatives and the Division of Criminal Justice Services on probation and alternative to incarceration services and funding

Assembly Standing Committees on Codes & Correction

Assembly Hearing Room, 250 Broadway, Room 1923, 19th Floor, New York, 10 a.m.

Friday, November 18th

The State's Information Technology Infrastructure

Assembly Standing Committees on Governmental Operations & Oversight, Analysis and Investigation and Legislative Commission on Government Administration

Assembly Hearing Room, 250 Broadway, Room 1923, 19th Floor, New York, 11 a.m.

New York City

Monday, November 14th

Committees on Governmental Operations & Finance, 250 Broadway - Committee Rm, 16th Fl., 1 p.m.

Oversight: Evaluating the Mayor's Management Report

Committee on Environmental Protection, 250 Broadway - Committee Rm, 14th Fl., 1 p.m.

Oversight: Impediments to the Installation of Solar Energy Systems in New York City.

Res 1098-2011 Resolution calling upon the New York State Legislature to pass, and Governor Cuomo to sign into law, the New York Solar Jobs Act of 2011.

Tuesday, November 15th

Committee on Higher Education, 250 Broadway - Hearing Rm, 16th Fl., 10 a.m.

Committee on Finance, 250 Broadway - Committee Rm, 16th Fl., 10 a.m.

Committee on Lower Manhattan Redevelopment, 250 Broadway - Committee Rm, 14th Fl., 1 p.m.

Wednesday, November 16th

Committee on Transportation, 250 Broadway - Committee Rm, 14th Fl., 10 a.m.

Subcommittee on Landmarks, Public Siting and Maritime Uses, 250 Broadway, 16th Fl., 11 a.m.

Subcommittee on Zoning and Franchises, 250 Broadway - Committee Rm, 16th Fl., 1 p.m.

Subcommittee on Planning, Dispositions and Concessions, 250 Broadway - Hearing Rm, 16th Fl., 1 p.m.

Committee on Housing and Buildings, 250 Broadway - Committee Rm, 14th Fl., 1 p.m.

Thursday, November 17th

Committee on Land Use, 250 Broadway - Committee Rm, 16th Fl., 10am

Committee on Cultural Affairs, Libraries and International Intergroup Relations, 250 Broadway - Committee Rm, 14th Fl., 1 p.m.

Committee on Fire and Criminal Justice Services, 250 Broadway - Committee Rm, 16th Fl., 1pm
Oversight: Examining the New York City Department of Correction's Strategic Plan.

Friday, November 18th

Committee on Mental Health, Mental Retardation, Alcoholism, Drug Abuse and Disability Services
Jointly with the Subcommittee on Drug Abuse, 250 Broadway - Committee Rm, 16th Fl., 10 a.m.
Res 0094-2010 Resolution calling upon the New York State Legislature to pass A.7347/S.2774, legislation that would legalize the medicinal use of marijuana.

Oversight: Medical Marijuana

Committee on Civil Rights, 250 Broadway - Committee Rm, 14th Fl., 10 a.m.

Committee on Education, 250 Broadway - Committee Rm, 16th Fl., 1 p.m.
Int 0563-2011 In relation to the notification of information related to polychlorinated biphenyls (pcbs) in schools.

Int 0566-2011 In relation to requiring the reporting of information related to polychlorinated biphenyls (pcbs).



“Freedom is never free.”

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