Governor Cuomo Continues Push to Raise the Minimum Wage

*Raises Minimum Wage for State Workers to $15 Per Hour*

Governor Andrew Cuomo this week continued to lay the groundwork for an across-the-board $15 per hour minimum wage with his announcement that the administration is raising the minimum wage for state workers to $15 an hour.

Approximately 10,000 state employees will benefit by the Governor’s action, which impacts Executive Agencies, the Legislature, the Judiciary, and the independently elected agencies of the Department of Law and the Office of State Comptroller. Approximately 9,000 employees are outside of New York City, and 1,000 within New York City.

When fully phased in on July 1, 2021, this wage increase has an annual projected cost of $20.6 million, including fringe benefits. The change will be reflected in the State’s Budget Policy and Reporting Manual and will be implemented on the same phased-in schedule currently underway for fast food workers. That schedule is:

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<th>New York City</th>
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Raising the minimum wage has been a significant part of Governor Cuomo’s legislative and administrative agendas. In 2013, the Governor signed legislation that raised the minimum wage from $7.25 to its current level of $8.75. That legislation included another incremental increase to $9.00 that will take effect by the end of 2015.

In 2014, Governor Cuomo began an administrative path to wage hikes, calling upon the State Department of Labor to empanel a wage board last July focusing on tipped workers. The Governor’s administration ultimately accepted that wage board’s recommendations, setting the stage for an increase in wages for tipped workers from $4.90, $5.00 and $5.65 to $7.50 per hour on December 31, 2015.

Earlier this year, the Governor directed the Department of Labor to empanel a wage board to investigate and make recommendations on an increase in the minimum wage in the fast food industry. Then-Acting State Labor Commissioner Mario J. Musolino accepted those recommendations and signed the official order providing for the phased increase toward $15 per hour.

The Governor’s administrative actions have come under fire by Republican legislators, criticizing the actions circumvented the legislative process.

Republican Senators were in Albany this week and insisted that the legislative dialogue is still in the early stages.

“I think the first thing we need to recognize is there’s no bill,” Majority Leader John Flanagan told reporters, according to published reports. “The devil is in the details. Say it’s $15. Does that mean it happens tomorrow? Does that mean it happens three years from now?”

Meanwhile, the State’s nonprofit sector is raising concerns about how the minimum wage increase will impact employment and services. According to a report in the Times Union, limits on government funding and increased staff credential requirements have squeezed nonprofit groups. Increased wages could lead to downsizing or service reductions.

**Thruway Authority: No Thruway or Tappen Zee Bridge Toll Hike in 2016**

New York State Thruway Authority Executive Director Robert Megna this week announced that there will be no toll hikes along the system, including the Tappan Zee Bridge, in 2016.

“Given our success in balancing the Thruway’s budget and the infusion of additional funding from Governor Cuomo, we have alleviated the need to implement a toll increase for the remainder of 2015 and for all of 2016,” said Executive Director Megna.
This week’s announcement marks the sixth year that the Authority has not increased tolls. This year’s freeze was made possible by a $1.285 billion infusion from bank settlements and a $1.6 billion low-interest Transportation Infrastructure Finance and Innovation Act (TIFIA) loan from the U.S. Department of Transportation. In addition, the 2016 budget forecast shows a traffic growth of 3.4 million vehicles or 1.3 percent above 2015, for total traffic volume of 259.3 million vehicles on the system and increased revenue as a result.

The Thruway Authority also announced the formation and membership of the New NY Bridge Toll Advisory Task Force which will report its recommendations in mid-2016.

The Toll Advisory Task Force will review toll rates, potential commuter discount options, a resident discount program and commercial vehicle rates to provide additional funding for the bridge. The Task Force will be co-chaired by the Thruway Authority’s Executive Director (Mr. Megna will be stepping down) and the state Department of Transportation Commissioner Matthew J. Driscoll. The members of the Toll Advisory Task Force are:

**Gerald D. Jennings**, former Mayor of the City of Albany, had a 21-year career as a teacher and high school administrator for the Albany City School District. Prior to his election victory in 1993, Jennings served 13 years as a member of the Common Council representing the 11th ward.

**Matthew Rand**, managing partner of Better Homes and Gardens, Rand Realty, and Rand Commercial Services along with Hudson United Home Services, previously served on the Boards of the American Red Cross in Greater New York and the Hudson Valley Economic Development Corporation (HVEDC) and currently serves on the Boards of Directors of People to People.

**Joan McDonald**, former Commissioner of the New York State Department of Transportation, previously served as the Commissioner of the Connecticut Department of Economic and Community Development and the Chair of Connecticut Innovations; and held senior management positions at New York City Economic Development Corporation; New York City Department of Transportation; MTA Metro-North Railroad; and Jacobs Engineering.

**Lawrence C. Salley**, Chairman of the White Plains Housing Authority, previously served as the Commissioner of the Westchester County Department of Transportation and is the Secretary of the African American Men of Westchester. He has been an advocate for social and economic development in Westchester, working for financing for businesses and affordable housing in several New York counties.

**William C. Thompson, Jr.**, former New York City Comptroller, currently serves as the Chief Administrative Officer and Senior Managing Director of Siebert Brandford Shank and Co., where he advises state and local governments on a variety of financial services, including housing, health services and transportation. In 2015, Governor Cuomo appointed Mr. Thompson to Chair of the New York State Housing Finance Agency (HFA) and the State of New York Mortgage Agency (SONYMA).
Bills on the Governor’s Desk

The Legislature this week sent 150 bills to Governor Andrew Cuomo for consideration, including:

**A1034A (Sponsored by M of A Gunthe & Senator Funke)** -- Relates to assault of certain persons providing direct patient care.

**A1335 (Sponsored by M of A Zebrowski & Senator Murphy)** -- Relates to improving evaluations of the potential impact of rules on jobs and employment opportunities.

**A6222 (Sponsored by M of A Buchwald & Senator Nozzolio)** -- Provides for the continuation of use of ignition interlock device where a person upon whom such use was imposed as a condition of probation remains delinquent.

**A6263 (Sponsored by M of A Braunstein & Senator Bonacic)** -- Relates to a trustee's authority to recant the invasion of a trust and provides that within certain time frames a trustee may revoke the exercise of the power to invade a new trust.

**A6990B (Sponsored by M of A Glick & Senator Lavalle)** -- Enacts the "veterinary emergency response and mobility act of 2015".

**A7332 (Sponsored by M of A Lupardo & Senator Libous)** -- Provides for the continuity of care to persons with developmental disabilities upon diminution of state operated services to such persons.

**A7394 (Sponsored by M of A Mosley & Senator Golden)** -- Relates to livery driver benefit fund.

**A7683A (Sponsored by M of A Rozic & Senator Marcellino)** -- Relates to jurisdiction over violations occurring on metropolitan transportation authority omnibuses by the transit adjudication bureau.

**A7721 (Sponsored by M of A Peoples-Stokes & Senator Martins)** -- Relates to the definition of employer with respect to the duty of public employers to develop and implement programs to prevent workplace violence.

**A7753 (Sponsored by M of A Morelle & Senator Amedore)** -- Excludes certain newspaper delivery persons from the provisions of unemployment, minimum wage and workers' compensation.

**A7873 (Sponsored by M of A Woerner & Senator Marchione)** -- Establishes the retail food stores in underserved areas task force.

**S14 (Sponsored by Senator Lavalle & M of A Jaffee)** -- Relates to out-of-state clinical laboratory practitioners.

**S3343 (Sponsored by Senator Lanza & M of A Cook)** -- Relates to protecting public health and sanitary enforcement workers from assault.

**S3638A (Sponsored by Senator Ortt & M of A Gunther)** -- Relates to oversight of developmental disability care organizations and coordinate services.
**S3738A (Sponsored by Senator Marchione & M of A Magnarelli)** -- Authorizes mutual aid agreements between counties for the provision of services by coroners and medical examiners.

**S3790 (Sponsored by Senator Sanders & M of A Barron)** -- Requires police agencies to take reports of missing adults whenever the adult is reported to be missing.

**S3951B (Sponsored by Senator Larkin & M of A Cahill)** -- Creates the Hudson River pilots surcharge board.

**S3968 (Sponsored by Senator Serino & M of A Cymbrowitz)** -- Establishes a dementia and Alzheimer's disease program database.

**S4526A (Sponsored by Senator Griffio & M of A Otis)** -- Relates to energy services company telemarketing standards.

**S4839 (Sponsored by Senator Golden & M of A Lentol)** -- Relates to assault in the second degree on an emergency medical service paramedic or emergency medical service technician.

**S5230A (Sponsored by Senator Klein & M of A Gjonaj)** -- Establishes tax credits for premiums paid for life insurance which is used for long term health care.

**S5263 (Sponsored by Senator Lavalle & M of A Thiele)** -- Relates to the adoption of local laws to regulate taxicabs and limousines in the county of Suffolk.

**S5692 (Sponsored by Senator Savino & M of A DenDekker)** -- Relates to the definition of wages earned from multiple employers and of plan year for the New York City retirement systems.

**S5878 (Sponsored by Senator Hannon & M of A Gottfried)** -- Relates to rebasing of the episodic reimbursement methodology for certified home health agencies.

**S5908 (Sponsored by Senator Funke & M of A Cusick)** -- Relating to the audit of voter verifiable audit records.

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**In the News – New York City**

**Mayor de Blasio & PA James Lay Out Plan to Increase M/WBE Access to City Housing & Economic Development Projects:**

Increasing the role of Minority and Woman Owned Business Enterprises (M/WBE) in City housing and economic development projects is the aim of a new initiative announced this week by Mayor Bill de Blasio and Public Advocate Letitia James.
Under the plan, the City will establish two new $10 million loan funds to help firms secure financing to purchase land and the bonding necessary to qualify for City business. Additional reforms are aimed at reducing barriers to the bidding process and breaking up larger projects to increase projects suitable for small and mid-size firms.

Public Advocate James explained that minority and women owned businesses have long been excluded from the City's procurement process. Many of these businesses have insufficient capital and legal guidance necessary to compete for City contracts.

“By providing loans and bonds to these small businesses, we are lifting up women and lifting up minorities,” she asserted. “We are ensuring that these businesses have the same competitive advantage as other businesses. And by holding firms accountable, we are ensuring that no firm is able to discriminate against women and minority owned businesses.”

Among the reforms announced:

**Increase Access to Capital**

- **$10 Million Predevelopment Loan Fund** – The NYC Economic Development Corporation will commit $10 million in EDC funds to provide predevelopment financing to emerging developers which are otherwise unable to obtain such financing in the marketplace. The predevelopment loans will provide firms the capital they need to purchase land and make other necessary up-front investments.

- **$10 Million Bonding Fund** – The City will also create a $10 million fund to assist M/WBEs and qualifying small businesses in securing bonding in order to bid on and perform City projects. The bonding fund and program would help M/WBEs secure surety bonds required by State law as a prerequisite to being awarded work via City procurement or development.

**Reduce Barriers in the RFP Process**

- **Two-Step RFPs** – In the next calendar year, HPD will pilot a two-step RFP process. In the first phase, proposers would be able to submit a less expensive and intensive proposal. This would limit the upfront investments by non-viable proposers. Viable proposers would then complete a second-phase RFP that would require additional resources. Respondents who were deemed not viable in the first stage, or who were not selected in the second stage will receive feedback on how to improve their proposals, once the agency awards the RFP.

- **Remove Unnecessary Barriers** – HPD will rework some standard questions in RFPs that may pose undue barriers to M/WBEs. For example, rather than asking firms to demonstrate relevant experience within just the past five years, firms would be able to cite experience within the past ten years – enabling smaller companies that undertake fewer projects to better demonstrate their credentials.
Increase Awards to M/WBEs

- **Subdivide Larger Projects** – In each of the next two quarters, EDC will release RFPs in which larger projects are broken apart in order to provide bidding opportunities for smaller and mid-size firms.

- **Dedicated Project for Small Developers** – EDC will also utilize preferences for smaller developers to be equity partners with a larger developer on certain projects. HPD has recently issued an RFQ that pre-qualified M/WBEs that have completed department workshops for an upcoming RFP that will include six sites in three boroughs for exclusive bidding by pre-qualified firms.

The City had over 4,100 certified M/WBEs in Fiscal Year 2015. In FY 2015, the Administration awarded over $1.6 billion in contracts to M/WBE firms.

Briefs

**Draft Kings & Fan Duel Battle with NYS Attorney General**

Fantasy sports wagering sites DraftKings and FanDuel each filed a lawsuit today in New York State Supreme Court in Manhattan to allow the companies to continue to operate while responding to New York Attorney General Eric Schneiderman’s assertion that the companies violate the State’s gambling statutes.

On Tuesday, Attorney General Eric Schneiderman issued cease-and-desist letters to the fantasy sports wagering sites, ordering both companies to immediately stop accepting wagers inside New York. The AG’s action follows an investigation by his office that found DraftKings and FanDuel to be in violation of New York State law against illegal gambling.

Legal papers filed today ask the court to allow the companies to conduct business in the state while issue is adjudicated.

**Governor and State Lawmakers Agree On Pension Credit Expansion for Veterans**

Governor Andrew M. Cuomo, and two legislative bill sponsors, Senator William Larkin and Assembly member Amy Paulin, this week agreed to advance legislation during the next State budget to provide up to three years of additional public pension credit for an expanded pool of eligible state and local employees who served in the military. Last month, the Governor vetoed similar legislation.
Currently, the law allows for veterans who have had up to five years of existing public pension credit to apply for the additional three years, with employees who have served during World War II, the Korean War, the Vietnam era or served during theater operations in Lebanon, Grenada, or Panama, Iraq, Kuwait, Saudi Arabia, Bahrain, Qatar, United Arab Emirates, Oman, the Gulf of Aden, the Gulf of Oman, the Persian Gulf, the Red Sea and the airspace above these locations.

The legislation agreed to would expand the number of veterans that were not previously covered in the current law and remove barriers that prevented women who served in the military from additional pension credits due to now-discarded policy that barred women from being deployed in combat.

**Governor Signs Bill Mandating NY Rising Transparency**

Legislation to require periodic reporting of the NY Rising Program was signed by the Governor Andrew Cuomo. The bill was sponsored by Assemblyman Todd Kaminsky and Senator Thomas Croci.

Specifically, the legislation requires the Governor’s Office of Storm Recovery (GOSR) to produce and deliver to the Legislature a quarterly report providing the status of applications for disaster assistance pending before, or being assisted by, GOSR. In addition, the Legislature and the Governor have agreed to a chapter amendment designed to clarify the exact nature of the reporting requirements and to ensure the confidentiality of personal information is maintained. The chapter amendment will state that GOSR is to provide, among other things, the total number of active single family applicants who have been fully paid under the program, partially paid under the program or those who have yet to be paid. The first report is to be issued on February 15, 2016.

**De Blasio Administration Releases White Paper Detailing Mental Health Crisis in New York City**

The de Blasio Administration this week released a white paper detailing the size and scope of the mental health crisis in New York City. A copy of the white paper is attached.

In the coming weeks, the administration will release *ThriveNYC* – a “comprehensive roadmap” for promoting mental health in New York City. The Administration describes the program as the “first step towards building a mental health system that can support the well-being of the thousands of New Yorkers dealing with mental health challenges is a full understanding of the depth of the problem.”

The white paper is a result of research commissioned by the New York City Department of Health and Mental Hygiene, and details the scale of the problem, and its effects.
Coming Up

New York State

Monday, November 16th
Assembly Standing Committee on Tourism, Parks, Arts and Sports Development
Oversight of the 2015-16 State Budget
Assembly Hearing Room, 1923 250 Broadway, New York, 10:30 a.m.

Wednesday, November 18th
Assembly Standing Committee on Election Law
Enhancing voter accessibility
Hearing Room C LOB, Albany, 10:30 a.m.

Friday, November 20th
Assembly Standing Committees on Corporations, Authorities & Commissions, Energy, and Subcommittee on Infrastructure
Evaluating Natural Gas Safety Efforts by Utilities
Assembly Hearing Room 1923 250 Broadway NYC 10:30 a.m.

New York City

Monday, November 16th
Committees on Housing & Buildings and General Welfare, Council Chambers – City Hall, 10 a.m.
T2015-33720 Oversight—Supportive Housing in NYC.

Res 0504-2014 Calling upon the Governor and Mayor to approve a fourth “New York Agreement” to create permanent supportive housing.

Tuesday, November 17th
Committee on Zoning & Franchises, 250 Broadway—Committee Room 16th FL 9:30 a.m.

Committee on Juvenile Justice –10:00 a.m. Tour of Crossroads Juvenile Center.

Wednesday, November 18th
Committee on Planning Dispositions & Concessions, Council Chambers – City Hall, 1 p.m.

Thursday, November 19th
Committee on Civil Service & Labor, 250 Broadway—Committee Room 16th FL 10 a.m.
T2015-3671 Oversight—White Collar Workers in the Private Sector.

Committee on Land Use, Committee Room – City Hall, 11 a.m.
**Committees on Finance and Governmental Operations**, Committee Room – City Hall, 1p.m.

T2015-3756 Oversight—The Department of Finance’s Annual Report on Outstanding Environmental Control Board Judgments.

Int 0642-2015 In relation to establishing a temporary program to resolve outstanding penalties imposed by the environmental control board.

Int 0642-2015 In relation to environmental control board notices.

Int 0642-2015 In relation to unpaid environmental control board penalties.

Int 0642-2015 In relation to requiring agencies to amend notices of violations.

Int 0642-2015 In relation to notices of violation referred to the environmental control board.

**Committee on Higher Education**, 250 Broadway—Committee Room 16th FL 1p.m.

T2015-3732 Oversight – Student Unions and Non-Academic Spaces on CUNY Campuses: Luxury or Necessity?

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