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New York State Senate | 28th District



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Message from Liz...

The legislative session has closed and, much as I feared, the list of unaddressed issues is much longer than the list of accomplishments. The Senate leadership refused to allow floor votes on campaign finance reform, the Dream Act, the full Women’s Equality Act (including needed modernization of our reproductive health law), or an increase in the minimum wage. Looking back on my time in Albany, I can’t recall a session where there was less urgency, or as few actual working days -- it seemed that the majority coalition leadership was just trying to run out the clock without conflict or accomplishments.

The one major policy issue that was addressed at the end of session was medical marijuana, where the governor and both houses of the legislature reached an agreement on a bill that will create a limited program of access to marijuana for certain medical conditions. While I am concerned that the restrictions in this legislation will result in many people who could benefit from medical marijuana being denied access, there is no question that it will help alleviate the pain and suffering of many others, including cancer patients and children with seizure disorders. I hope that as this legislation is implemented, it will help lead us down the path toward a more rational marijuana policy that includes broader access to medical marijuana, and eventually to passage of my bill establishing a system of legalizing, regulating and taxing marijuana just as we do alcohol. I will track New York’s program carefully, as I continue to track Colorado and Washington state’s full regulate-and-tax systems, in order to fine tune my own legislation to make the most sense for our future.

In addition to passage of medical marijuana, I was pleased that the Senate also passed two of my priority bills, one of which will provide access to screening and treatment for maternal depression, and the other of which will provide protections against sexual harassment for unpaid interns. These two bills are discussed in greater detail in the policy spotlight below. In addition, one other important bill that passed in the final days of session will increase the income limit for the Disabled Rent Increase Exemption (DRIE) program to \$50,000, pending approval by the city council and mayor. This change matches the

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increase that was implemented for the Senior Citizens Rent Increase Exemption (SCRIE) program as part of the budget that passed earlier this year. SCRIE and DRIE have proved to be incredibly effective programs helping seniors and people with disabilities to afford to remain in their homes. Both programs are underutilized! So if you think you know someone who might be eligible, please urge them to apply. My office can help.

While I am happy the above bills passed, I can only see the final results of this session as another example of the failure of the Senate leadership to live up to its commitment to advance a broad progressive agenda for New York State. When the Independent Democratic Conference (IDC) formed an alliance with the Senate Republicans to ensure continued control of the chamber agenda by Republican leader Dean Skelos, the IDC claimed that this would help them advance campaign finance reform, the Dream Act, and the Women's Equality Act and a host of other pieces of progressive legislation. Yet they have failed to pass any of these bills, or even to bring most of them to the floor for a vote.

There is talk that there will be a new configuration of Senate leadership next year, with the IDC saying they want to ally with the Democratic Conference. Of course, all such talk is premature until after the results of the next election clarify the Senate membership. But whatever happens, I will be looking at this year's unfinished agenda as a good starting point for the issues that Senate leadership – whomever that may be – needs to be addressing come the new session.

COMMUNITY SPOTLIGHT

Update on Efforts to Fight the Proposed Marine Transfer Station:

Last month I joined fellow elected officials in a meeting with representatives of the Federal Emergency Management Administration (FEMA) to express our concerns about the dangers that would be associated with allowing the proposed East 91st Street Marine Transfer Station to operate in a flood zone. Recently, the New York State Department of Environmental Conservation (DEC) had responded to multiple letters that I and other elected officials had written to them regarding this issue. Given that DEC appears willing to accept the city's assurances regarding the safety of the facility, it is particularly important to have FEMA and the Army Corps of Engineers review the issue as well. I remain convinced that this proposed facility poses a danger, especially now that we know of the potential for flooding at this location. I will continue to work with my colleagues to convince the relevant city, state and federal officials of this reality, and will continue to push DEC to hold public hearings on the permit renewal application that must be acted on by October.

Free Summer Meals for Kids:

Summer is here, which means the end of school meals and the start of the Free Summer Meals Program across New York. The Summer Meals Program is a completely free program run at hundreds of sites in all five boroughs, operating every weekday from June 27th through August 29th. The provides a nutritious breakfast and lunch to every child and teen age 18 and under - no paperwork or registration required - kids simply show up and receive a healthy meal. Locations are spread throughout the city -- in community centers, libraries, parks, pools, and many public schools. For more information, call 311, text "NYCMeals" to 877-877, or visit the site locator at www.schoolfoodnyc.org to find the breakfast or lunch sites in your community.

Department of Education High School Admission Workshops:

The Office of Student Enrollment is offering High School Admissions Family Workshops. **Intro to High School Admissions** will provide an introduction to the different types of high school programs available, as well as helpful of tips for applying. You will learn how to find NYC high schools that fit your needs, become familiar with High School Directory, and get important tips on filling out the high school application. The workshop will take place on Wednesday July 16th 6:30PM. At Florello H. LaGuardia High School 100 Amsterdam Avenue, 10023.

The Office of Student Enrollment is also offering **Specialized High Schools Family Workshops**. The Specialized High Schools workshops will focus on admission to the city's nine Specialized High Schools, as well as the Specialized High School Admissions Test. You will also hear from a panel of Specialized High School faculty, parents and students. This workshop will take place Tuesday July 22nd, 6:30PM. At Hunter College(The Kaye Playhouse) 695 Park Avenue, 10065 (Enter on 68th Street)

For more information on both these workshops visit <http://schools.nyc.gov/ChoicesEnrollment/High/events/default.htm>.

Upcoming Events Sponsored by the Alzheimer's Association:

Understanding Dementia Seminar: What You Need to Know and Where to Go. Sessions provide family members and friends with information about Alzheimer's other types of dementia and resources and services available. REGISTRATION REQUIRED. Please call the 24-hour Helpline at 800-277-3900 to register. All meetings are FREE OF CHARGE. For more information, visit the website. Dates: English: July 8th, 11th, 16th, 30th. Spanish: July 23rd

Alzheimer's Association Legal & Financial Center. An attorney specializing in Elder Law will discuss important topics caregivers should understand before meeting with a personal attorney. Topics include Power of Attorney, Guardianship, Medicaid Eligibility, Long-Term Care Insurance, Health Care Proxy and more. REGISTRATION IS REQUIRED. Please call our 24-hour Helpline at 800.272.3900 to register. For more information, visit the website. Dates: English: July 7, July 21, July 24 | Chinese: July 23

Alzheimer's Association Family Caregiver Workshops. During this 10-hour workshop, caregivers learn to view the world from the perspective of the person with dementia. They also learn how to communicate more effectively with the person for whom they are caring and receive new insights on how to manage the challenging behaviors often associated with Alzheimer's disease, as well as the importance of self-care. Attendance is required at all workshops in a series. These meetings are ONLY for family and friends caring for people with dementia. REGISTRATION IS REQUIRED. Please call the 24-hour Helpline at 800-272-3900 to register. Workshops are held on a regular basis, please call the 24-Hour Helpline for upcoming meetings. For more information, visit the website. Upcoming Series Dates: Mondays - July 7, July 14, July 21, July 28 | Tuesdays (spouses and partners only) - July 8, July 15, July 22, July 29

Legal Advocacy Clinics From Lenox Hill Neighborhood House:

The Lenox Hill Neighborhood House Legal Advocacy Center Offers assistance on a number of different issues. Here is a list of their upcoming clinics:

- **SNAP (formerly Food Stamps) Clinics** Wednesdays from 10 a.m. to 1 p.m. at Lenox Hill Neighborhood House, 331 East 70th Street. First come, first served. Bring proof of identity, income information, utility bill, proof of housing costs, information on any dependents and if you are 60 or over or on SSI/SSD, information on medical costs.
- **Worker's Rights Clinics** Fridays from 10 a.m. to 1 p.m. at Lenox Hill Neighborhood House, 331 East 70th Street, or call 212-218-0430. First come, first served. Assistance with issues such as nonpayment of wages, unemployment benefits, employment discrimination and workplace health and safety.
- **SCRIE Clinics:** call 212-218-0503 from assistance in applying or recertifying for the Senior Citizens Rent Increase Exemption Program (SCRIE).
- **Legal Assistance Clinics** on Monday July 14th and Monday, July 28th at Little Sisters of the Assumption Family Health Service, 333 East 115th Street. Call 646-672-5200 for an appointment.

VOLS Legal Clinics for Low-Income Residents Over Age 60:

The Volunteers of Legal Services (VOLS) Elderly Project provides pro-bono legal services to low-income people over age 60 who live in Manhattan. VOLS conducts legal clinics each month at senior centers where seniors can discuss their legal concerns in confidence, receive legal advice and, where appropriate, obtain referrals to a volunteer lawyer for

representation. Areas of legal assistance include wills, medical directives, powers of attorney, housing, consumer matters and Medicaid. Over 150 lawyers serve on their Elderly Project volunteer attorney roster.

Upcoming Clinic dates and locations are below:

- Burden Center for the Aging, 1484 First Avenue (between 77th & 78th Streets) — 2 pm — second Friday of each month (July 11th, August 8th). Call Velda Murad at [212-879-7400](tel:212-879-7400) for information.
- Stanley Isaacs Senior Center, 415 East 93rd Street (east of 1st Avenue) — 10 am — third Friday of each month (July 18th, August 15th). Call Amy Loewenberg at [212-360-7620](tel:212-360-7620) ext, 112 for information.
- Encore Community Services Senior Center, St. Malachy's Church - 239 West 49th Street (between Broadway and 8th Avenue) — 10 am — fourth Monday of Each Month (July 28th, August 25th). Call Sister Margaret Rose at [212-581-2910, ext 118](tel:212-581-2910) for information.

Affordable Housing Opportunities in Manhattan:

El Barrio's Artspace PS 109 is now accepting applications for 89 affordable studio, 1-, and 2-bedroom apartments under construction at 215 East 99 Street in the East Harlem neighborhood in Manhattan. Rents for these apartments range from \$494 to \$1022 depending on income, family size and unit size. To be eligible, applicants must have incomes between \$19,150 and \$50,340, depending on unit and family size. **Applicants who are artists and who live in New York City will be given a general preference for apartments.** Preference will be given to Community Board 11 residents for 50% of units, mobility-impaired persons for 5% of units, visual- and/or hearing-impaired units for 2% of units, and City of New York municipal employees for 5% of units. A full description of the building and application process is available at <http://www.nyc.gov/html/hpd/downloads/pdf/artspace.pdf>.

Households may elect to submit an application by one of two methods: EITHER Online OR by mail. To submit your application online now, please visit NYC Housing Connect at www.nyc.gov/housingconnect and select "Apply for Housing." If you are an artist, please be sure to indicate this in your profile before applying. To request an application by mail, mail a self-addressed envelope to: El Barrio's Operation Fightback, 413 East 120th Street, Room 403, New York, NY 10035.

Completed applications must be submitted online or returned by regular mail only the post office box that will be listed on the application. Applications must be submitted online or postmarked by July 14, 2014. Applicants who submit more than one application will be disqualified.

Metrocard Bus and Van Schedule:

The MTA offers MetroCard-related services throughout New York City through mobile buses and vans. Buses provide a full range of services, including applying for or refilling a Reduced-Fare MetroCard, buying or refilling a regular MetroCard, or getting answers to a MetroCard-related question. Vans sell Unlimited Ride MetroCards and Pay-Per-Ride MetroCards, and they refill MetroCards and Reduced-Fare MetroCards.

Buses and vans will be in my district on the following dates and locations:

- July 8, 10:30 am, 92 Street & Lexington Avenue – Bus
- July 8, 11:00 am - 12:30 pm., 86 Street & Lexington Avenue – Bus
- July 8, 1:30 - 2:30 pm, 68 Street & Lexington Avenue – Bus
- July 16, 9 - 10:30 am, 79 Street & 3 Avenue – Bus
- July 16, 11 am - 1 pm, 79 Street & York Avenue – Bus
- July 16, 1:30 - 2:30 pm, 72 Street & York Avenue – Bus
- July 17, 8:30 - 10:30 am, 47 Street & 2 Avenue – Van
- July 17, 1:30 - 3:30 pm, 28 Street & 2 Avenue – Van
- July 22, 10:30 am, 92 Street & Lexington Avenue – Bus
- July 22, 11:00 am - 12:30 pm., 86 Street & Lexington Avenue – Bus
- July 22, 1:30 - 2:30 pm, 68 Street & Lexington Avenue – Bus
- August 1, 9 - 10 am, 57 Street and 1 Avenue – Van
- August 1, 10:30 - 11:30 am, 57 Street and 3 Avenue – Van
- August 1, 12:30 - 2:30 pm, 68 Street and 1 Avenue – Van
- August 6, 9 - 10:30 am, 79 Street & 3 Avenue – Bus
- August 6, 11 am - 1 pm, 79 Street & York Avenue – Bus
- August 6, 1:30 - 2:30 pm, 72 Street & York Avenue – Bus

The full mobile Metrocard schedule is available at <http://mta.info/metrocard/mms.htm>.

POLICY SPOTLIGHT

Maternal Depression Screening and Treatment

On the last scheduled day of the legislative session, the Senate and Assembly unanimously passed my bill that would provide education and promote screening and treatment referrals for postpartum depression and other maternal depression disorders (S. 7234B / A. 9610B), sponsored by Assembly Member Richard Gottfried in the Assembly. Despite the widespread nature and severity of maternal depression, our healthcare system has had no system-wide screening and referral procedure.

A previous version of this legislation passed both houses in the 2013 legislative session but was vetoed by the governor due to technical concerns over certain provisions in the bill. The new, 2014 version of the legislation addressed those concerns while accomplishing the goal of increasing identification of maternal depression cases, thereby improving outcomes for new mothers, newborns, and families. The bill will now go to the governor again for his consideration.

“Maternal depression” includes a range of perinatal mood disorders, emotional and psychological reactions a woman may experience during pregnancy or up to a year after childbirth. Symptoms can include feelings of despair or guilt, sadness, fatigue, difficulty concentrating, changes in appetite, and thoughts of suicide or of harming the baby. Maternal depression includes prenatal depression, “baby blues,” postpartum anxiety, postpartum depression, and postpartum psychosis. The latter is the severest of these conditions, often including hallucinations and delusions, and results in infanticide and suicide rates of four and five percent, respectively.

Maternal depression affects a significant portion of pregnant women and new mothers. Each year, approximately 10 to 15 percent of new mothers develop postpartum depression, while 50 to 80 percent of new mothers will experience “baby blues.” A small but significant number – about 0.1 to 0.2 percent of new mothers – develop symptoms serious enough to be considered postpartum psychosis.

In part because of the lack of a system-wide screening and referral procedure, these conditions often go undiagnosed or inadequately treated, leading to tragic results, as in the highly-publicized case of 44-year old Manhattan resident Cynthia Wachenheim, whose suicide last year came after she exhibited symptoms consistent with maternal depression.

Treatment for maternal depression has an 80 to 90 percent success rate. Early diagnosis and treatment – the goals of this legislation – significantly improve prognoses. Our bill authorizes the Commissioner of Health to provide screening guidelines for maternal health care providers to use with patients during pregnancy and after childbirth. The bill also adds maternal depression materials to maternity education and outreach programs for new mothers and their families.

In addition, the bill bars insurance companies from requiring a special referral for maternal depression screening by obstetricians and pediatricians. Because pregnant women visit their obstetrician and new mothers visit their infants' pediatrician more often than they would any other health professional, these health care providers are in an ideal position to screen women for maternal depression. Finally, under this bill the Department of Health will also provide a list of treatment providers, including support groups and nonprofit organizations.

The legislation was strongly supported by patients' advocates, as well as by health and mental health professionals. Many new parents and families aren't aware of just how common maternal depression is, and too often cases go untreated. This bill will spur greater awareness, early detection, and treatment of maternal depression.

Protecting Interns from Sexual Harassment

In the final days of session, the Senate also passed legislation I sponsored to ban workplace sexual harassment of unpaid interns in New York State (S. 5951A). Loopholes in local, state, and federal laws have hampered interns' attempts to seek redress for sexual harassment through the courts. Companion legislation (A. 8201A) sponsored by Assemblymember Daniel O'Donnell passed unanimously in the State Assembly as well. Having passed both houses, the bill now awaits Gov. Andrew Cuomo's signature.

With the growing prevalence of unpaid internships and the extreme pressure on young people to build up resumes and references in a tough economy, the law needs to change to protect this extremely vulnerable class of workers. With this bill, we're closing a gaping hole in our laws, acting to provide basic legal protections for interns, and ensuring those who discriminate against or sexually harass interns are accountable under the law.

In a recent, highly-publicized decision, a federal judge found that Syracuse University student Lihuan Wang could not sue the media company where she had interned, despite allegations that her supervisor had groped and attempted to kiss her. The judge ruled that New York City's human rights law did not protect unpaid interns.

Similarly, judges have also dismissed sexual harassment suits in New York brought under the federal civil rights law, such as the 1994 case of Bridget O'Connor, who worked as an unpaid intern at the Rockland Psychiatric Center in Rockland County. Doctors at the center allegedly began to refer to her as Miss Sexual Harassment, told her she should participate in an orgy, and one doctor suggested that she remove her clothing before meeting with him. Despite all this, a federal appeals court confirmed in *O'Connor v. Davis* that because she was unpaid, she did not meet the definition of an employee and therefore was not entitled to protection under federal civil rights laws.

S. 5951A / A. 8201A closes this loophole by protecting interns under state law. Our bill defines internships, explicitly bans workplace sexual harassment of interns, and applies general workplace civil rights protections to interns. Both the District of Columbia and the state of Oregon have passed laws extending anti-harassment and anti-discrimination protections to interns in the workplace. Earlier this year, the New York City Council led on this issue by passing local legislation sponsored by Councilmember James Vacca (D-Bronx).

Employers and Birth Control

Unfortunately, legislation I sponsor with Assemblymember Ellen Jaffee banning employers from discriminating against employees on the basis of their personal reproductive health decisions (A. 8769A / S. 6578B) was not brought to the Senate floor for a vote. The bill passed the Assembly with bipartisan support, but the Senate leadership coalition refused to allow a vote in the Senate.

Known as the “Boss Bill,” this legislation would close another glaring loophole in New York’s existing workplace anti-discrimination laws. The bill’s introduction was prompted by the proliferation of more than 100 federal lawsuits by employers seeking to deny their employees the birth control coverage benefits they are guaranteed through their healthcare plans under the federal Affordable Care Act. A large national chain store operating in New York, Hobby Lobby, is among the growing number of employers trying to cut employees off from access to birth control and other reproductive health services and the ability to make their own healthcare decisions. The Supreme Court decision in favor of Hobby Lobby demonstrates how serious the threat to individuals control over their reproductive health choices is. While this legislation would not directly affect employers’ health insurance offerings and covered services, it would prevent discrimination or retaliation against employees for their use of healthcare services and their healthcare decisions, and it would reinforce medical privacy protections for employees.

New York State has demonstrated a commitment to outlawing discrimination in the workplace by passing laws protecting individuals from various forms of discrimination, but discrimination on the basis of individuals’ reproductive healthcare decisions can fall into a gap in the existing law. To address this, A. 8769A / S.6578B adds new language in the New York State Labor Law prohibiting an employer from discriminating against an employee on the basis of the employee’s (or a dependent’s) reproductive health decisions, including a decision to use or access a particular drug, device, or medical service. It also prohibits discrimination based on an employer's personal beliefs about such services, and it prohibits an employer from accessing an employee's personal information regarding the employee's reproductive health decision-making.

The Boss Bill would protect all workers, both men and women, from being discriminated against by their employers for their reproductive healthcare decisions or their use of the available range of reproductive care services, whether covered by insurance or otherwise. This would include, for example, women who have become pregnant and are accessing pregnancy-related healthcare services, regardless of their marital status or sexual orientation. In New York, in the 21st century, no boss should be able to tell employees whether they can have access to birth control, or whether they have the right to be pregnant. I was disappointed that the Senate leadership chose to block this commonsense legislation.