



# Legislation

## BOL Meeting Minutes - Final

Committee Chair: Colin Smith

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White Plains, NY 10601  
[www.westchesterlegislators.com](http://www.westchesterlegislators.com)

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Monday, April 4, 2022

1:00 PM

Committee Room

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### CALL TO ORDER

Meeting Joint with the Committee on Budget & Appropriations

*This meeting will be held pursuant to Chapter 1 of the Laws of 2022 and Governor Hochul's Executive Order 11.4, which authorizes any public body "to meet and take such action authorized by law without permitting in public in-person access to meetings and authorize such meetings to be held remotely by conference call or similar service, provided that the public has the ability to view or listen to such proceeding and that such meetings are recorded and later transcribed. To access the meeting, please visit: <https://westchestercountyny.legistar.com>*

*. With a quorum present, Chair Smith called the meeting to order at 1:08 PM.*

**Present:** Committee Chair Smith, Legislator Boykin, Legislator Cunzio, Legislator Maher and Legislator Shimsky

**Absent:** Committee Vice-Chair Gashi

**Remote:** Legislator Barr, Legislator Borgia and Legislator Johnson

### MINUTES APPROVAL

March 28, 2022 at 1:00 PM Minutes

On motion of Legislator Cunzio, seconded by Legislator Barr, the minutes were approved. The motion carried unanimously.

### I. ITEMS FOR DISCUSSION

[2022-150](#)

**IMA-Enforcing West. Co. For-Hire Vehicle Law-Municipalities**

AN ACT to authorize the County of Westchester to enter into inter-municipal agreements with one or more Westchester County municipal corporations as defined in Article 5-G of the New York State General Municipal Law pursuant to which the Municipalities will assist the County in enforcing the Westchester County For-Hire Vehicle Law, Chapter 270 of the Westchester County Administrative Code.

***Submitted by: COMMITTEES ON BUDGET & APPROPRIATIONS AND LEGISLATION***

Guest: Leandra Eustache, Chairperson/CEO-Westchester County Taxi & Limousine Commission

*Chair Smith briefly spoke on the item and requested Ms. Eustache speak some more about this. Ms. Eustache explained that the intent of this legislation would be to incentivize municipalities into joining, adding that currently they only have 2 officers from Public Safety for*

*the entire county, resulting in fewer than 10 tickets being issued last year. Legislator Maher asked about the operational aspects of enforcement, to which Ms. Eustache said it's a complex process and case specific. She briefly gave some examples and said they're primarily looking for unlicensed taxis, but will also cite other traffic violations if they are evident. Legislator Maher asked if the TLC board members were supportive of this and Ms. Eustache confirmed that despite there not being a formal vote, there's been consensus and support for this since this was introduced in 2019. Legislator Barr asked how they arrived at this number and she said there was no complex formula for calculations, instead this was something that came up through conversations with the municipalities. Legislator Cunzio said that despite us receiving a smaller share of individual fines, the increase in number eyes we had enforcing this would be much higher, resulting in a net increase in collections. Legislator Barr asked that in the future any items involving the TLC be referred to Public Safety as well. On motion of Legislator Cunzio, seconded by Legislator Boykin, the above item was signed by committee to the Board of Legislators committee, due back on 4/11/2022. The motion carried by the following vote:*

**Aye:** Committee Chair Smith, Legislator Barr, Borgia, Legislator Boykin, Legislator Cunzio, Legislator Johnson, Legislator Maher and Legislator Shimsky

**Absent:** Committee Vice-Chair Gashi

[2022-118](#)

**LEGISLATORS SMITH, BORGIA, PIERCE, GASHI, BOYKIN, BARR, PARKER, WILLIAMS JOHNSON, MAHER, CLEMENTS, SHIMSKY, WOODSON-SAMUELS, TUBIOLO, JOHNSON AND ALVARADO - PH - Salary Range Posting Requirement**

A RESOLUTION setting a Public Hearing on "A LOCAL LAW amending Chapter 700 of the Laws of Westchester County relating to prohibiting employers from posting job listings without minimum and maximum salary information." [Public Hearing set for \_\_\_\_\_, 2022 at \_\_\_\_\_ .m.] LOCAL LAW INTRO: 2022-119.

**COMMITTEE REFERRAL: COMMITTEE ON LEGISLATION**

Guests: John Ravitz, President/COO - Business Council of Westchester; Jay Peltz, General Counsel/SVP of Government Relations, Food Industry Alliance of NY; Tejash Sanchala, Executive Director, Valerie Daniele, Deputy Director, WC Human Rights Commission; Stacey Dolgin-Kmetz-Deputy Chief County Attorney, Jason Whitehead, WC Department of Law

*Chair Smith spoke on the item and asked that the Department of Law to discuss the changed to the legislation. Ms. Dolgin-Kmetz said that they have added language specifically stating as long as businesses are doing business or have people in Westchester, the law will be applicable to them. A discussion ensued on the benefits and possible issues of this. Legislator Cunzio spoke about the minimum and maximum salary asked if this prohibits companies from offering more than the maximum range, to which Ms. Dolgin-Kmetz said that this law isn't regulating salaries and with Legislator Borgia adding that this is simply providing transparency. Mr. Whitehead added that paying less than the minimum listed is not allowed. Legislator Boykin asked about when businesses post hirings for all positions but don't specify what the position is, with Legislator Cunzio adding that this is often seen in school districts. Chair Smith said that generally people don't apply for all positions and Ms. Dolgin-Kmetz stating that for jobs in education there are usually job specs listed. Mr. Whitehead said that*

they came across several states that have done carveouts like this, with two approaches being taken, the first relating to transfers and promotions, while others have allowed for job applicants to call and request the salaries for specific positions, with the latter needing to amend section 703 of the Human Rights law, subsection 9, paragraph i. Chair Boykin again raised his concerns about the provision of conducting business in Westchester, with Legislator Cunzio agreeing that adding clarifying language about the meaning of conducts business might help, with a discussion ensuing. Mr. Whitehead added that in Colorado's law their language says anyone working in Colorado, and when larger corporations post job offerings they post a disclaimer about the posting not including Colorado.

Mr. Peltz from the Food Industry Alliance of New York spoke on the amendments to the New York City Law, giving an explanation and rationale for each of the four main requested amendments to the Westchester Legislation. Chair Smith said that there have been some discussions on these amendments and that they are amenable to lengthening the timeline, agreeing that it would help bring small businesses into compliance and asked how they arrived at the number of 15 for the exemption threshold. Mr. Peltz said defining small businesses it's flexible but that is the number that would help. Legislator Borgia agreed with Chair Smith on his comments and referenced his point about a general hiring notice, saying that this is intended to be for fairly specific jobs and asked the Department of Law to look further at this, as she doesn't want this to be a loophole. Mr. Whitehead asked for clarification on what was being requested, and Legislator Borgia said that if there was a carve out for all positions, how would that be delineated, and further clarity on what exemptions would and wouldn't cover. Legislator Barr said that they need to see what the amendments to the NYC legislation are and what the objections to those amendments are, adding that she wants to hear from the Human Rights Commission on this. Legislator Pierce asked what the goal and benefits for the employer would be in allowing an exemption for general hiring notices, and Mr. Peltz said that employers are looking for clarity to avoid fines, with further discussion ensuing on the topic.

Chair Smith introduced John Ravitz from the Business Council of Westchester who said that he appreciated the Board of Legislators including them in their conversations and referenced their past work together. He said that right now businesses are still recovering from the pandemic and their goal is to give them as much support as possible and spoke about possible unintended consequences of the legislation. He mentioned the NYC legislation and similar legislation being introduced at the state level, before asking the committee to think about these specific issues. First, publishing positions might discourage junior applicants, second, the costs of implementing the law, third possible issues this might cause among current employees, and last the time frame for implementing and enforcing the law before concluding by asking the legislators take pause on this.

Chair Smith introduced Tejash Sanchala and Valerie Daniele from the Human Rights Commission next to speak on some of the enforcement aspects of the law. He referenced Legislator Cunzio's concern and said that if businesses are trying to comply with the law in good faith there is discretion for them when doing enforcement. Legislator Smith asked about how the Human Rights Commission envision the ensuring compliance and enforcement, and how they would be able to assuage the concerns of small business. Mr. Sanchala said that the initial focus would be on education, outreach, and curing violations early on, forsaking punitive measures initially. He confirmed that fines could reach \$125,000 but their primary concern was getting businesses into compliance. Legislator Barr asked about possibly making the fine a range, to which Mr. Sanchala said they look at cases on a fact specific basis, citing the different factors that go into this. He said he can't prejudge anything before he sees final

version of the legislation, but said they will have info sheet that goes out to the public, and be available to answer questions from community. Legislator Shimsky said that they may want to consider differing fines for initial and subsequent violations, to which Ms. Dolgin-Kmetz said that there is an entire section in the Human Rights law that deals with fines and this is more of an issue for Consumer Protection, stating that something like this would require an amendment to the Human Rights Law. Legislator Barr added that maybe we should discuss whether there should be a delineation of time between when it goes into effect and enforcement. Ms. Dolgin-Kmetz said that it's difficult to say until the final version of the legislation comes out. Legislator Pierce added that generally speaking, the County should figure out ways to help employers write better advertisements to help ensure compliance.

[2022-119](#)

**LEGISLATORS SMITH, BORGIA, PIERCE, GASHI, BOYKIN, BARR, PARKER, WILLIAMS JOHNSON, MAHER, CLEMENTS, SHIMSKY, WOODSON-SAMUELS, TUBIOLO, JOHNSON AND ALVARADO - LL - Salary Range Posting Requirement**

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*Please see the previous item for discussion on the legislation*

**II. OTHER BUSINESS**

**III. RECEIVE & FILE**

**ADJOURNMENT**

Moved by Legislator Shimsky, seconded by Legislator Johnson, the Committee adjourned at 2:54 PM.