



Legislation

BOL Meeting Minutes - Final

Committee Chair: Colin Smith

800 Michaelan Office Bldg.
148 Martine Avenue, 8th Floor
White Plains, NY 10601
www.westchesterlegislators.com

Monday, March 28, 2022

1:00 PM

Committee Room

CALL TO ORDER

Joint with the Committee on Law and Major Contracts

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.

Others in Attendance: BOL - Leg. Jewel Williams Johnson, Leg. Erika Pierce, Melanie Montalto, Jill Axelrod, Anand Singh, Amy Vele

Present: Committee Chair Smith, Legislator Boykin, Legislator Cunzio, Committee Vice-Chair Gashi and Legislator Shimsky

Absent: Legislator Johnson and Legislator Maher

Remote: Legislator Barr and Legislator Borgia

MINUTES APPROVAL

March 21, 2022 Minutes at 1:00 PM

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

I. ITEMS FOR DISCUSSION

[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: Helen Rosenthal - Frmr. NYC Council Member; Alisa Kesten, Colleen Braithwaite - Westchester Women's Agenda; Beverly Neufield - PowHer New York; Elizabeth Zimmerman - Westchester NOW; Cheryl Brannan - Sister to Sister International; Jane Pendergast - AAUW; County Attorney John Nonna, Jason Whitehead - Department of Law

Chair Smith introduced the item and highlighted the importance of passing the legislation, which would prohibit most employers in Westchester County from posting job listings without minimum and maximum salary information. This would not only to help close the wage gap but also had a number of corollary benefits for both employers and prospective employees. Legislator Borgia also spoke, reiterating how it would help disadvantaged applicants, and spoke about the cost applicants incur when applying for job, with further discussion ensuing on the benefits of its passage.

Chair Smith introduced former NYC Councilwoman Helen Rosenthal, who was appreciative of Westchester following in NYC's steps. She highlighted the significant economic benefits it was projected to bring to the NYC economy and that the transparency this would bring would benefit both businesses and applicants. Ms. Neufield spoke next in support and mentioned other legislation passed by the Board of Legislators to combat disparity and discrimination in the workplace, stating that this helps change hiring culture and practice by putting all workers on the same footing and helping companies attract better talent in line with their needs. Ms. Weaver spoke briefly in support of the item, allowing Ms. Brannan to speak on behalf of Sister to Sister International when she joined the call. Ms. Zimmerman also echoed the support voiced by previous speakers. Ms. Brannan also spoke in support of the legislation and spoke about the importance of this legislation, citing a study of black women in Westchester County that included statistics on pay disparity, pointing out that when someone consistently makes less than their counterparts throughout their career for the same work they end up retiring with significantly less wealth.

Chair Smith thanked the speakers for their support and spoke some more about the importance of the legislation before introducing Jason Whitehead to answer questions on behalf of the Department of Law. Mr. Whitehead spoke about the law and how it helps advance human rights in the County. Chair Smith asked if this law would cover employers outside of Westchester, such as a company in Utah hiring someone from Westchester, which Chair Borgia requested the Law Department research to ensure this happened. Legislator Cunzio asked about people working virtual jobs and a discussion ensued before Mr. Whitehead said he would find out. Legislator Barr asked about the size of businesses this would apply to and Mr. Whitehead said that it was consistent with the Human Rights Law including any company with four or more employees. Ms. Pendergast joined the meeting and spoke briefly in support of the legislation, speaking of her experience in the subject, and noting that in her experience she found that public sector and academic jobs were transparent about pay, while private sector jobs were not.

Chair Smith said that this legislation will show that Westchester County is on the right side of history. Legislator Pierce pointed out that in the past jobs were listed in print media until the advent of the internet, and said it's important to remind employers this will be beneficial for them as well, as it saves time and effort on both sides. Legislator Pierce raised an issue regarding the fines, and Legislator Cunzio asked if there would be further discussion on this. Chair Smith confirmed that there would be at least one more meeting on this. Legislator Borgia agreed it was probably beneficial to get some clarity on the fines, before a discussion ensued on the letter of the law vs. the spirit of the law. Chair Smith agreed with Legislator Barr that the Human Rights Commission should probably come in to speak. Ms. Neufield agreed that this is an important conversation to have as there is a lot of anxiety around this, but if time

is taken to educate people it will help the transition be smoother when it goes into effect.

[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

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.

COMMITTEE REFERRAL: COMMITTEE ON LEGISLATION

Guests: Helen Rosenthal - Fmr. NYC Council Member; Alisa Kesten, Colleen Braithwaite - Westchester Women's Agenda; Beverly Neufield -PowHer New York; Elizabeth Zimmerman - Westchester NOW; Cheryl Brannan - Sister to Sister International; Jane Pendergast - AAUW; County Attorney John Nonna, Jason Whitehead - Department of Law
See the item 2022-118 for discussion on the item.

[RES-2022-41](#) **PH - A Local Law to Clarify the Retention of Outside Counsel**

A Public Hearing on "A LOCAL LAW amending Section 158.11 of the Laws of Westchester County to clarify the retention of outside counsel." [Public Hearing set for April 11, 2022 at 7:30 p.m.]. LL Intro - 2022-93.

Submitted by: COMMITTEES ON LEGISLATION AND LAW & MAJOR CONTRACTS

Guests: County Attorney John Nonna, Deputy County Attorney Justin Adin - Department of Law

Deputy County Attorney Justin Adin spoke on the item, referencing the County Attorney's office role in representing the County and its departments and the circumstances when outside counsel is hired. During a recent examination of this section of county they discovered a potential issue with the language used. The changes this legislation addressed showed there was conflicting language, which this legislation addresses, along with a few other punctuation fixes. Legislator Cunzio asked about possibly making an amendment to replace the pronoun "he" with "he or she" to include the possibility of a woman County Attorney in the future. Legislator Barr referenced the recent changes made to County law regarding individuals with intellectual disabilities and Legislator Shimsky said that changing the phrasing to "County Attorney" would solve this problem. Legislator Boykin pointed out several other instances where the language needed to be changed and Chair Smith requested the language be amended by the Department of Law.

On motion of Legislator Shimsky, seconded by Legislator Cunzio, the above item was signed by committee to the Board of Legislators committee, due back on 3/28/2022. The motion carried by the following vote:

Aye: Committee Chair Smith, Legislator Barr, Borgia, Legislator Boykin, Legislator Cunzio, Committee Vice-Chair Gashi and Legislator Shimsky

Absent: Legislator Johnson and Legislator Maher

[2022-93](#)

LL - To Clarify the Retention of Outside Counsel

A LOCAL LAW amending Section 158.11 of the Laws of Westchester County to clarify the

retention of outside counsel.

Submitted by: COMMITTEE ON LEGISLATION AND LAW & MAJOR CONTRACTS

Guests: County Attorney John Nonna, Deputy County Attorney Justin Adin - Department of Law

See item 2022-92 for discussion on the item.

On motion of Legislator Shimsky, seconded by Legislator Cunzio, the above item was signed by committee to the Board of Legislators committee, due back on 3/28/2022. The motion carried by the following vote:

Aye: Committee Chair Smith, Legislator Barr, Borgia, Legislator Boykin, Legislator Cunzio, Committee Vice-Chair Gashi and Legislator Shimsky

Absent: Legislator Johnson and Legislator Maher

II. OTHER BUSINESS

III. RECEIVE & FILE

ADJOURNMENT

Moved by Legislator Cunzio, seconded by Legislator Shimsky, the Committee adjourned at 2:10 PM.