



NEW YORK
CITY BAR

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February 26, 2014

Ms. Lilliam Barrios-Paoli
Deputy Mayor for Health and Human Services
City of New York
City Hall
New York City, NY 10007

Dear Deputy Mayor Barrios-Paoli,

Congratulations on your appointment as Deputy Mayor for Health and Human Services. I am writing on behalf of the New York City Bar Association to provide you with a copy of our May 2013 report, *Policy Recommendations for New York City's Next Mayor*,¹ which we have also sent to Mayor de Blasio for his consideration.

In particular, I invite you to review the recommendations contained in Section VII of the report - *Protecting the Social Welfare and Equal Participation of all New Yorkers* - and to please reach out to us if we can be of any assistance going forward. Our Committees on Children and the Law, Civil Rights, Domestic Violence, Lesbian Gay Bisexual and Transgender Rights, New York City Affairs, Sex and Law, and Social Welfare, as well as our Council on Children, all contributed to the report and stand ready to provide whatever further insight might be helpful. Below is an outline of recommendations that I thought you might find particularly useful; the report elaborates on each point.

Support Breastfeeding Mothers:

- Extend accommodations for breastfeeding mothers in college by ensuring that students in city colleges and universities are provided with adequate time and private, sanitary conditions where they may properly express breast milk, as is currently provided to city college and university employees pursuant to the requirements of NY Labor Law § 206-c (the “Expressing at Work Law”).

¹ Available online at <http://www.nycbar.org/images/stories/pdfs/mayoralreport04302013.pdf>.

- Enhance public awareness about the Expressing at Work Law by working with New York City hospitals and maternal health care facilities and workplaces to disseminate information about the law, perhaps in conjunction with the “Latch On NYC” initiative. We recently updated a flyer which can be used for these purposes; a copy is enclosed.

Ensure Access to Subsistence Benefits for the Neediest New Yorkers:

- Give benefit applicants the ability to communicate with Human Resources Administration (HRA) by phone, fax or mail or via an online interface, for appointments that are not mandated by the State to be conducted in person.
- Eliminate any appointments that are not required by State law, such as HRA’s “Bureau of Eligibility and Verification” (fraud detection) appointments, the purpose of which can be realized in other ways.
- Either reduce the number of hours applicants are required to participate in structured “job search activities” so as not to exceed the minimum required of recipients of cash assistance, permit satisfaction of the job search requirement in unstructured settings or dispense with the pre-acceptance mandated job search requirements entirely.
- Require increased transparency and access to vendor attendance reporting policies, which often result in applicants’ cases being erroneously rejected, including for allegedly missing just one day of job search.
- Re-program autoposting to assume attendance unless a worker indicates non-attendance and eliminate autoposting for disabled clients.
- Come into compliance with State law by also re-programming autoposting with respect to conciliation appointments by requiring HRA to investigate whether an alleged infraction was willful and without good cause even if the client fails to attend conciliation.
- Eliminate appointments not required by law such as mandatory eligibility appointments (e.g., Bureau of Eligibility Verification appointments) at regular Job Centers and at Center 71.
- Cease the “demonstrated compliance program,” and stop transferring persons with sanctions to Center 71.
- Convert Center 71 into a regular Job Center.

Improve the Relationship Between Social Welfare Agencies and Vulnerable New Yorkers:

Individuals with Disabilities

- HRA should institute a disability screening tool that is used early in the application process to identify disabilities and offer appropriate accommodations and exemptions from application and work requirements. Where a disability is indicated, HRA should offer a more in-depth evaluation of physical, mental health, and learning disabilities.
- HRA should establish a receipt system to enable clients to communicate with HRA reliably via phone, mail, fax, email or in person.
- Many appointments now required to be done in person by HRA, including conciliation, dispute-resolution and other conferences, could be handled via telephone.

Survivors of Domestic Violence

- Ensure that HRA caseworkers correctly interview the welfare applicants to ensure that domestic violence screening is not overlooked.
- Make greater efforts to inform welfare applicants/recipients about the Family Violence Option and the Domestic Violence Liasons (DVL). There should be at least one DVL for each Job Center, and the City should ensure that every applicant/recipient who self-identifies as a victim of domestic violence is referred to a DVL, without exception. The DVLs should have the power to grant waivers the same day, especially full waivers, while a domestic violence victim is in their office.
- DVLs should not demand extensive, and only recent, domestic violence documentation at the waiver screening.

Sponsored Immigrants

- Suspend the policy – unique to New York City - pursuant to which HRA has started to seek reimbursement for the Cash Assistance benefits used by immigrants from those immigrants' sponsors.

LGBTQ Individuals

- HRA and LGBTQ clients: The City should take steps to train HRA staff on providing services for transgender individuals, and should also adopt a clear procedure consistent with contemporary medical standards for transgender individuals to correct the gender markers on their benefit documents.
- Administration for Children's Services and LGBTQ Youth: (1) Require ACS to add sexual orientation and gender identity to the demographic data they collect from those

they serve within the child welfare and juvenile justice systems; (2) Institute comprehensive training and enforcement as to nondiscrimination policies for employees and contractors within agencies working with ACS, including the Department of Youth and Community Development, NYPD and Department of Education.

- Department of Health and Mental Hygiene and LGBTQ Birth Certificate Policy: The City's Department of Health and Mental Hygiene should revise its outdated birth certificate policy, which currently requires transgender individuals to undergo "convertive surgery" in order to correct the gender designation on their birth certificates.

Implement New Tools to Promote Child Wellness:

- Increase foster parent recruitment throughout New York City, particularly within the LGBTQ populations.
- Increase availability of foster parent trainings and certifications.
- Strengthen support and accountability for foster children whose permanency goal is "Another Planned Permanent Living Arrangement" (APPLA).
- Simplify and expand housing options for APPLA youth.
- Establish a program to allow foster children to remain in their school of origin.

* * *

Thank you very much for your consideration. We look forward to working with you and your office on these and related issues critical to New York's social welfare. Please feel free to contact me or the City Bar's Legislative Director, Maria Cilenti, with any questions.

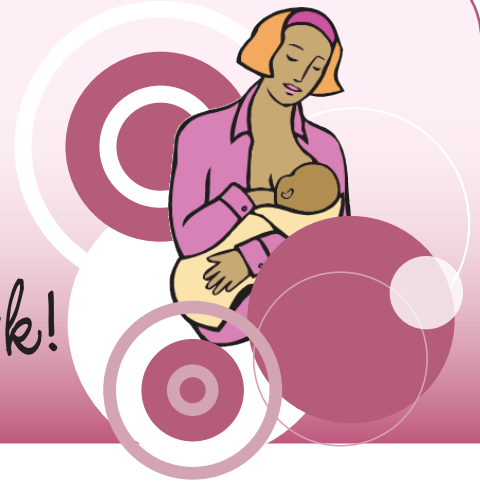
Sincerely,


Carey Dunne

Cc: Maria Cilenti
mcilenti@nycbar.org
(212) 382-6655

NEW MOTHERS:

“Express Yourself” & Pump Breast Milk at Work!



Mothers who return to work after having a baby have the right under New York law (Labor Law Sec. 206-c) to pump breast milk at work for up to three years following childbirth.

You have the right to take reasonable unpaid breaks at work so that you can pump your breast milk. You also are allowed to use your paid break and meal times for this purpose, but you are not required to.

Your employer is required to make reasonable efforts to provide a private room or other location that is close to your work area that you may use for this purpose. N.Y. DOL guidelines say that a bathroom is not an acceptable private room for pumping breast milk.

Your employer may not discriminate against you based on your decision to express breast milk at work.

For more information about federal and state law regarding the right to express milk at work see:

U.S. Department of Labor

<http://www.dol.gov/whd/regs/compliance/whdfs73.pdf>

N.Y. Department of Labor

<http://labor.ny.gov/workerprotection/laborstandards/nursing-mothers.shtm>

N.Y. Department of Health

http://www.health.ny.gov/prevention/nutrition/wic/breastfeeding/back_to_work_moms.htm **and**
<http://www.health.ny.gov/community/pregnancy/breastfeeding>

“Making it Work Toolkit: For Moms” available at
<http://www.breastfeedingpartners.org/images/pdf/ForMomsFINAL.pdf>

To report a violation, write the New York City District Office of the N.Y. Department of Labor’s Division of Labor Standards, 75 Varick Street, New York, NY 10013 or call 212.775.3880.

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Prepared by the New York City Bar Association, Committee on Sex and Law

PARA LAS MADRES LACTANTES:

“Expressense”

¡Usen el extractor de leche en su trabajo!



Cualquier madre que haya regresado a trabajar luego de tener un bebé tiene derecho, a tenor con la ley de Nueva York (Ley Laboral, Sec. 206-c), a usar el extractor de leche en el trabajo hasta tres años después del parto.

Usted tiene derecho a tomar recesos razonables sin paga en su trabajo para usar el extractor de leche. Aunque usted no está obligada, también puede usar sus períodos de descanso pagados o sus períodos para tomar alimento con ese propósito.

Su empleador está obligado a realizar esfuerzos razonables para proveerle un cuarto privado u otro lugar cerca de su área de trabajo con ese propósito. Las reglas de N.Y. DOL establecen que un baño no es una lugar privado aceptable para utilizar un extractor de leche.

Su empleador no puede discriminar contra usted basándose en su decisión de expresarse o usar el extractor de leche en su trabajo.

Para más información acerca de las leyes federales y estatales sobre el derecho de expresarse o usar el extractor de leche en su trabajo refiérase a:

Departamento del Trabajo de E.U.

<http://www.dol.gov/whd/regs/compliance/whdfs73.pdf>

Departamento de Trabajo de N.Y.

<http://labor.ny.gov/workerprotection/laborstandards/nursing-mothers.shtm>

Departamento de Salud de N.Y.

http://www.health.ny.gov/prevention/nutrition/wic/breastfeeding/back_to_work_moms.htm y

<http://www.health.ny.gov/community/pregnancy/breastfeeding>

“**Materiales - Haciendo que Trabaje: para Madres**” disponible en <http://www.breastfeedingpartners.org/images/pdf/ForMomsFINAL.pdf>

**Para reportar una violación, escríbale a la Oficina de Distrito de la Ciudad de Nueva York, División de Normas Laborales, Departamento del Trabajo de N.Y.
75 Varick St. New York, NY 10013
o llame al 212-775-3880**

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*Preparado por la Asociación de Abogados de la Ciudad de Nueva York,
Comité sobre Género y la Ley*