Legislation Details (With Text)

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		In control:	Committee on General Welfare
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Title: A Local Law to amend the charter and administrative code of the city of New York with respect to transferring functions of the department of employment and the administration for children's services to the department of social services, the department of small business services and the department of youth and community development, and to repeal chapter 73 of the charter.

Sponsors: Bill De Blasio, Leroy G. Comrie, Jr., James E. Davis, Lewis A. Fidler, Michael C. Nelson, Madeline T. Provenzano, Kendall Stewart, (by request of the Mayor)

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Attachments: 1. Memo In Suport, 2. Committee Report 6/13, 3. Hearing Transcript 6/13, 4. Committee Report 6/27, 5. Hearing Transcript 6/27, 6. Hearing Transcript - Stated Meeting 6/27, 7. Local Law, 8. Fiscal Impact Statement

Date	Ver.	Action By	Action	Result
6/5/2003	*	City Council	Introduced by Council	
6/5/2003	*	City Council	Referred to Comm by Council	
6/13/2003	*	Committee on General Welfare	Hearing Held by Committee	
6/13/2003	*	Committee on General Welfare	Laid Over by Committee	
6/27/2003	*	Committee on General Welfare	Hearing Held by Committee	
6/27/2003	A	Committee on General Welfare	Approved by Committee	Pass
6/27/2003	*	Committee on General Welfare	Amended by Committee	
6/27/2003	*	Committee on General Welfare	Amendment Proposed by Comm	
6/27/2003	A	City Council	Approved by Council	Pass
6/27/2003	A	City Council	Sent to Mayor by Council	
7/16/2003	A	Mayor	Hearing Held by Mayor	
7/16/2003	A	Mayor	Signed Into Law by Mayor	
7/18/2003	A	City Council	Recved from Mayor by Council	

Proposed Int. No. 500-A

By Council Member DeBlasio (by request of the Mayor)

A Local Law to amend the charter and administrative code of the city of New York with respect to transferring functions of the department of employment and the administration for children's services to the department of social services, the department of small business services and the department of youth and community development, and to repeal chapter 73 of the charter.

Be it enacted by the Council as follows:

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Section 1. Subdivision b of section 617 of the charter of the city of New York, as added by referendum of the voters on November 6, 2001, is amended to read as follows:

b. Wherever the powers and duties of an agency other than the administration for children's services as set forth in the charter or administrative code confer any authority over the areas of child welfare, child development or child support enforcement within the jurisdiction of the commissioner of children's services pursuant to section six hundred seventeen of this chapter, such powers and duties shall be deemed to be within the jurisdiction of the administration for children's services and shall be exercised by such administration; provided that such other agency may exercise such powers and duties where required by state or federal law, or, with respect to child support enforcement or determinations of eligibility for subsidized child care, by the department of social services as directed by the mayor.

§2. Chapter 73 of the charter of the city of New York is REPEALED.

§3. Section 1301 of such charter is amended by adding a new subdivision 5 to read as follows:

5. The commissioner shall have the power and duty to:

a. advise and assist the mayor in developing policies designed to meet the job training and employment needs of the economically disadvantaged and unemployed residents of the city of New York, as well as the labor needs of private industry;

b. provide job training and employment services for economically disadvantaged and unemployed residents of the city of New York:

c. disburse available city, state and federal funds for job training and employment programs throughout the city, and, when practical, to coordinate such funds with available funding from the private sector;

d. maintain, operate and control such programs as may be necessary or required to achieve the objectives of the department;

e. promote cooperation among business, labor and community organizations in response to labor market conditions; and

f. promote public awareness of resources available for the economically disadvantaged and unemployed, and to refer the public to appropriate job training and employment services.

§4. Section 604 of the charter of the city of New York is amended to read as follows:

§ 604. Public institutions under the commissioner. The commissioner shall control, maintain and operate such institutions as are now or may be put under his or her control.

§5. Section 733 of the charter of the city of New York, as added by local law number 81 for the year 1996, is amended by adding a new subdivision c to read as follows:

c. The department shall be authorized to carry out programs and activities for eligible youths pursuant to chapter 30 of title 29 of the United States Code (title 1 of the "workforce investment act of 1998"; 29 U.S.C. §§2801-2945), and any amendments thereto.

§6. Section 1057-a of the charter, as amended by local law 22 for the year 2002, is amended to read as follows:

§1057-a. Each agency designated as a participating agency under the provisions of this section shall implement and administer a program of distribution of voter registration forms pursuant to the provisions of this section. The following offices are hereby designated as participating voter registration agencies: The administration for children's services, the city clerk, the civilian complaint review board, the commission on human rights, community boards, the department of small business services, the department of citywide administrative services, the department of consumer affairs, the department of correction, [the department of employment,] the department of environmental protection, the department of finance, the department of health and mental hygiene, the department of homeless services, the department of housing preservation and development, the department of parks and recreation, the department of probation, the taxi and limousine commission, the department of transportation and the department of youth and community development. Participating agencies shall include a mandate in all new or renewed agreements with those subcontractors having regular contact with the public in the daily administration of their business to follow the guidelines of

this section. Such participating agencies shall be required to offer voter registration forms to all persons together with written applications for services, renewal or recertification for services and change of address relating to such services; provided however that this section shall not apply to services that must be provided to prevent actual or potential danger to the life, health, or safety of any individual or of the public. Such agencies may provide assistance to applicants in completing voter registration forms, if so requested. Such agencies may also, in their discretion, receive and transmit the completed application form from any applicants who wish to have such form transmitted to the board of elections for the city of New York.

§7. Subdivision a of section 21-307 of the administrative code of the city of New York, as amended by local law 57 for the year 1998, is amended to read as follows:

a. There shall be an interagency coordinating council established by the mayor which shall consist of representatives of each city agency providing transitional housing or services to eligible homeless persons and other homeless individuals and families. Such interagency coordinating council shall include, but shall not be limited to, representatives of the department of homeless services, [within] the department of social services, the department of housing preservation and development[, the department of employment] and such other agencies as the mayor shall designate. The mayor shall designate a deputy mayor to serve as chairperson of the interagency coordinating council. The commissioner of the department of homeless services [within the department of social services] shall provide appropriate personnel to assist the interagency coordinating council in the performance of its functions.

§ 8. Paragraph (1) of subdivision (r) of section 22-601 of the administrative code of the city of New York is amended to read as follows:

(1) A user of energy services that would have qualified as an eligible energy user under paragraph one of subdivision (d) of this section if the reference to May third, nineteen hundred eighty-five were deemed a reference to December thirty-first, nineteen hundred ninety, and that (i) agrees to expand the number of its full-time employees, within two years from the date of certification, by fifty employees or ten percent of the number

of its full-time employees as of January first, nineteen hundred ninety-one, whichever is greater; provided, however, that one economically disadvantaged or unemployed person hired as a full-time employee after the date of certification shall be counted as two full-time employees and two part-time employees shall be counted as one full-time employee; and provided, further, that the mayor may define by rule full-time employees, part-time employees, unemployed persons, economically disadvantaged persons, and criteria for continued eligibility in relation to fluctuations in employment levels; or (ii) develops, implements, and maintains, in consultation with the New York city department of [employment] social services, the department of small business services or the New York city department of youth and community development, a job training program which shall be certified and monitored by any one of such departments and which shall meet the standards for such programs as are established by the rules of the mayor; or

§ 9. Subdivisions b, c and d of section § 22-702 of the administrative code of the city of New York as added by local law number 8 for the year 1987, subdivisions b and c as amended by the legislative bill drafting commission pursuant to section 15 of part GG of chapter 63 of the laws of 2000, are amended to read as follows:

b. The [chairman] chairperson of the [financial services] economic development corporation shall be the [administrator] zone certification officer of the Port Morris empire zone.

c. The administrative board of the Port Morris empire zone shall be comprised of:

1. the commissioner of the [office] department of small business [development] services;

2. the [executive director] president of the [office of] economic development corporation;

[3. the president of the public development corporation;

4. the commissioner of the department of employment;]

[5.] 3. the commissioner of [the human resources administration] social services;

[6]4. the commissioner of the department of housing preservation and development;

[7]5. the member or members of the city council whose districts [includes] include the Port Morris

zone;

[8]6. a member appointed by the president of the borough of the Bronx. Such member shall serve for a term of two years from the date of appointment and shall be removable without cause by the borough president;

[9]7. a representative of the local chamber of commerce or like group appointed by the mayor. Such member shall serve for a term of two years from the date of appointment and shall be removable without cause by the mayor; and

[10]8. a representative of a local community group appointed by the mayor. Such member shall serve for a term of two years from the date of appointment and shall be removable without cause by the mayor.

d. The commissioner of the [office] department of small business [development] services shall be the [president] chairperson of the board. The administrative board shall choose at its first meeting one of its members who shall be treasurer and may appoint a secretary.

§ 10. Subdivisions b, c and d of section § 22-703 of the administrative code of the city of New York, as added by local law number 8 for the year 1987, subdivisions b and c as amended by the legislative bill drafting commission pursuant to section 15 of part GG of chapter 63 of the laws of 2000, are amended to read as follows:

b. The [chairman] chairperson of the [financial services] economic development corporation shall be the [administrator] zone certification officer of the East Harlem empire zone.

c. The administrative board of the East Harlem empire zone shall be comprised of:

1. the commissioner of the [office] department of small business [development] services;

2. the [executive director] president of the [office of] economic development corporation;

[3. the president of the public development corporation;

4. the commissioner of the department of employment;]

[5.] 3. the commissioner of [the human resources administration] social services;

[6] 4. the commissioner of the department of housing preservation and development;

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[7] 5. the member or members of the city council whose districts include the East Harlem zone;

[8] 6. a member appointed by the president of the borough of the Bronx. Such member shall serve for a term of two years from the date of appointment and shall be removable without cause by the borough president;

[9] 7. a representative of the local chamber of commerce or like group appointed by the mayor. Such member shall serve for a term of two years from the date of appointment and shall be removable without cause by the mayor; and

[10] 8. a representative of a local community group appointed by the mayor. Such member shall serve for a term of two years from the date of appointment and shall be removable without cause by the mayor.

d. The commissioner of the [office] department of small business [development] services shall be the [president] chairperson of the board. The administrative board shall choose at its first meeting one of its members who shall be treasurer and may appoint a secretary.

§11. Subdivisions b, c and d of section 22-704 of the administrative code of the city of New York, as added by local law number 8 for the year 1987, subdivisions b and c as amended by the legislative bill drafting commission pursuant to section 15 of part GG of chapter 63 of the laws of 2000, are amended to read as follows:

b. The [chairman] chairperson of the [financial services] economic development corporation shall be the [administrator] zone certification officer of the East Brooklyn empire zone.

c. The administrative board of the East Brooklyn empire zone shall be comprised of:

1. the commissioner of the [office] department of small business [development] services;

2. the [executive director] president of the [office of] economic development corporation;

[3. the president of the public development corporation;

4. the commissioner of the department of employment;]

[5.]3. the commissioner of [the human resources administration] social services;

[6]4. the commissioner of the department of housing preservation and development;

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[7]5. the member or members of the city council whose districts [includes] include the East Brooklyn zone;

[8]6. a member appointed by the president of the borough of Brooklyn. Such member shall serve for a term of two years from the date of appointment and shall be removable without cause by the borough president;

[9]7. a representative of the local chamber of commerce or like group appointed by the mayor. Such member shall serve for a term of two years from the date of appointment and shall be removable without cause by the mayor; and

[10]8. a representative of a local community group appointed by the mayor. Such member shall serve for a term of two years from the date of appointment and shall be removable without cause by the mayor.

d. The commissioner of the [office] department of small business [development] services shall be the [president] chairperson of the board. The administrative board shall choose at its first meeting one of its members who shall be treasurer and may appoint a secretary.

§ 12. Subdivisions c and d of §22-705 of the administrative code of the city of New York, as added by local law number 8 for the year 1987, subdivisions b and c as amended by the legislative bill drafting commission pursuant to section 15 of part GG of chapter 63 of the laws of 2000, are amended to read as follows:

b. The [chairman] president of the [financial services] economic development corporation shall be the administrator of the South Jamaica empire zone.

c. The administrative board of the South Jamaica empire zone shall be comprised of:

1. the commissioner of the [office] department of small business [development] services;

2. the [executive director] president of the [office of] economic development corporation;

3. [the president of the public development corporation;

4. the commissioner of the department of employment;]

[5.] 3. the commissioner of [the human resources administration] social services;

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[6]4. the commissioner of the department of housing preservation and development;

[7]5. the member or members of the city council whose districts [includes] include the South Jamaica zone;

[8]6. a member appointed by the president of the borough of Queens. Such member shall serve for a term of two years from the date of appointment and shall be removable without cause by the borough president;

[9]7. a representative of the local chamber of commerce or like group appointed by the mayor. Such member shall serve for a term of two years from the date of appointment and shall be removable without cause by the mayor; and

[10]8. a representative of a local community group appointed by the mayor. Such member shall serve for a term of two years from the date of appointment and shall be removable without cause by the mayor.

d. The commissioner of the [office] department of small business [development] services shall be the [president] chairperson of the board. The administrative board shall choose at its first meeting one of its members who shall be treasurer and may appoint a secretary.

§ 13. Any agency or officer to which is assigned by this local law any functions, powers and duties shall exercise such functions, powers and duties in continuation of their exercise by the agency or officer by which the same were heretofore exercised and shall have power to continue any business, proceeding or other matter commenced by the agency or officer by which such functions, owners and duties were heretofore exercised. Any provision in any law, rule, regulation, contract, grant or other document relating to the subject matter of such functions, powers or duties, and applicable to the agency or officer formerly exercising the same shall, so far as not inconsistent with the provisions of this local law, apply to the agency or officer to which such functions, powers and duties are assigned by this local law.

§ 14. Any rule in force on the effective date of this local law, promulgated by an agency or officer whose power to promulgate such rule is assigned by this local law to some other agency or officer shall continue in force as the rule of the agency or officer, to whom such power is assigned, and such agency or

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officer may hereafter duly amend, supersede, or repeal such rule.

§ 15. All records, property and equipment whatsoever of any agency, the functions, powers and duties of which are assigned to any other agency by this local law, shall be transferred and delivered to the agency to which such functions, powers and duties are so assigned.

§ 16. No existing right or remedy of any character shall be lost, impaired or affected by reason of the adoption of this local law.

§ 17. No action or proceeding, civil or criminal, ending at the time when this local law shall take effect, brought by or against the city or any agency or officers, shall be affected or abated by the adoption of this local law or by anything herein contained; but all such actions or proceedings may be continued notwithstanding that functions, powers and duties of any agency or officer party thereto may by this local law be assigned or transferred to another agency or officer, but in that event the same may be prosecuted or defended by the head of the agency or the officer to which such functions, powers and duties have been assigned or transferred by this local law.

§ 18. Whenever by any provision of this local law functions, powers or duties are assigned to any agency or officer which have been heretofore exercised by any other agency or officer, all officers and employees in the classified city civil service who at the time that this local law shall take effect are engaged in the performance of such function, powers or duties shall be transferred to the agency to which such functions, powers or duties are assigned by this local law, without examination and without affecting existing compensation or pension or retirement rights, privileges or obligations of such officers and employees.

§ 19. Nothing contained in this local law shall affect or impair the rights or privileges of officers or employees of the city or of any agency existing at the time when this local law shall take effect and not inconsistent with the provisions of this local law in relation to the personnel, appointment, ranks, grades, tenure of office, promotion, removal, pension and retirement plans rights and any other rights or privileges of officers or employees of the city generally or officers of any agency.

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§ 20. Effective date. This local law shall take effect on July 1, 2003, or as soon thereafter as a transfer of agency functions may be effectuated.

6-27-03 Version