



JUSTICE AGENDA
THE TIME IS NOW

2019 WOMEN'S JUSTICE AGENDA

JUSTICE SERVED
AUGUST 2019

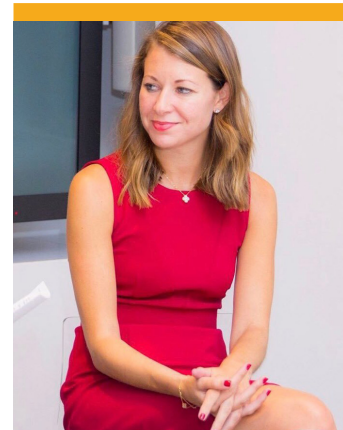
Foreword

From the birth of the women's rights movement in Seneca Falls, New York has always led the charge for gender equality. After President Trump disbanded the White House Council on Women and Girls in 2017, Governor Cuomo stepped up and launched New York's own council. The first-ever New York State Council on Women and Girls reflects this administration's commitment to equal rights and equal opportunity. Throughout the fall, we met with Steering Committee members, leaders of State agencies, and stakeholders from across the state to develop the best possible women's agenda for the future.

In February, Governor Cuomo launched the 2019 Women's Agenda to improve reproductive, economic and social justice for all New York women. Among other accomplishments and as part of the agenda, the Governor signed the Reproductive Health Act and pay equity legislation, enacted sweeping new workplace harassment protections, extended the statute of limitations for rape in the second degree and third degree and advanced a series of policies to reduce maternal mortality and racial disparities. Thanks to the support of the Council, women have more rights and opportunities in the State of New York today.

While we have made remarkable progress, with increasing threats from Washington, we must continue the fight. With a federal government that is working to roll back women's rights at every turn, it is more important than ever before that we pass the Equal Rights Amendment and protect other vital services in our state from federal attacks.

New York must understand how gender, gender identity, race, ethnicity, nationality, socioeconomic class, sexual orientation, disability, religion, and the many other aspects of our identities interact to shape the social, cultural, economic, and political inequalities, oppressions, and privileges that we all experience. These comprehensive proposals take the next bold steps forward to improve access to reproductive health care, deliver justice to domestic violence survivors, close the pay gap and ensure reproductive, economic and social justice for all New York women. Together, we will continue to make New York a model of equality and opportunity for the nation to follow



Melissa DeRosa

Secretary to Governor

Chair of the Council on Women and Girls

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Members of the Steering Committee Include:

- Amy Barasch, Executive Director, Her Justice
- Ana Oliveira, President and CEO, The New York Women's Foundation
- Andrea Miller, President, National Institute for Reproductive Health
- Audrey Gelman, CEO and Co-Founder, The Wing
- Beverly Cooper Neufield, Founder and President, POWHer New York
- Beverly Tillery, Executive Director, New York City Anti-Violence Project
- Brenda McDuffie, President and CEO, Buffalo Urban League
- Cathy Engelbert, CEO, Deloitte
- Christine Sadowski, Women's Advocate
- Christene Barberich, Global Editor-in-Chief and Co-Founder, Refinery29
- Connie Neal, Executive Director, New York State Coalition Against Domestic Violence
- Cruz Bueno, Assistant Professor, SUNY New Paltz
- Dina Bakst, Co-Founder and Co-President, A Better Balance
- Donna Lieberman, Executive Director, New York Civil Liberties Union
- Eileen Fisher, Founder and Chairwoman, EILEEN FISHER, Inc.
- Elsie McCabe Thompson, President, NYC Mission Society
- Eve Guillergan, Principal Attorney, Eve Guillergan PLLC
- Farah Tanis, Executive Director, Black Women's BluePrint
- Heather C. Briccetti, President and CEO, The Business Council of New York State, Inc.
- Hilda Rosario Escher, President and CEO, Ibero American Action League
- Jaime Saunders, CEO, United Way of Greater Rochester
- June Jee, Board Member and Immediate Past President, OCA-NY
- Karen Ignagni, President and CEO, EmblemHealth
- Karen King, Executive Director, The Erie County Commission on the Status of Women
- Kathryn Wylde, President and CEO, Partnership for New York City
- Kimberlé Crenshaw, Professor of Law, Columbia Law School
- Dr. Kristina Johnson, Chancellor, The State University of New York (SUNY)
- Kristen Prata Browde, President, LGBT Bar Association
- Dr. Lilliam Barrios-Paoli, Senior Adviser to the President, Hunter College
- Liliana Gil Valletta, CEO and Co-Founder / Creator, CIEN+ / Dreamers Ventures
- Melanie Whelan, CEO, SoulCycle
- Michelle Ebanks, President, Essence Communications Inc.
- Michelle Johnson, Chair, YWCAs of New York State
- Pamela Shifman, Executive Director, NoVo Foundation
- Rebecca Minkoff, Creative Director and Co-Founder, Rebecca Minkoff
- Renee Flagler, Executive Director, Girls, Inc Long Island
- Robin Chappelle Golston, CEO, Planned Parenthood Empire State Acts
- Ruchi Shah, Founder and CEO, Mosquitoes Be Gone
- Sonia Ossorio, President and CEO, National Organization for Women New York
- Stephanie Redish Hofmann, Director of Agency Development, Google
- Sulma Arzu-Brown, Children's book Author and Director of Operations, NYC Hispanic Chamber of Commerce

Status of the 2019 Women's Agenda Items

Reproductive Justice

✓	Pass the Reproductive Health Act	Victory – Signed on January 22, 2019
✓	Comprehensive Contraceptive Coverage Act	Victory – Budget Accomplishment – April 1, 2019
✓	Improve Access to In-Vitro Fertilization and Fertility Preservation Coverage	Victory – Budget Accomplishment – April 1, 2019
✓	Launch Healthy Relationships Education in Middle and High Schools	Implementation Underway
✓	Reduce Maternal Mortality and Morbidity and Racial Disparities	Victory – Signed on August 1, 2019
✓	Promote Rural Telehealth Services for Perinatal Care	Victory – Budget Accomplishment – April 1, 2019
✓	Ensure Breastfeeding is Respected in the Workplace	Victory – Signed on September 13, 2019
	Protect the Educational Rights of Pregnant and Parenting Students	2020 Priority
✓	Continue Know Your Rights, Get the Facts Campaign	Implementation Underway
✓	Launch Uterine Fibroids and Endometriosis Research and Public Outreach Campaign	Implementation Underway
✓	Launch Statewide Safe Sleep Campaign to Prevent Infant Deaths	Implementation Underway
✓	Launch the “If You Can See It You Can Be It” Program	Implementation Underway

Social Justice

	Pass the Equal Rights Amendment	2020 Priority
✓	Pass the Domestic Violence Survivors Justice Act	Victory – Signed on May 14, 2019
	Establish a New Model for Domestic Violence Prevention	2020 Priority
✓	Expanding the Statute of Limitations for Rape	Victory – Signed on September 18, 2019
✓	Outlaw Revenge Pornography	Victory – Signed on July 23, 2019
✓	Extend Human Rights Law Protections to All Public School Students Statewide	Victory - Signed on July 25, 2019
✓	Remove Gaps in Rape Shield Law	Victory – Budget Accomplishment – April 1, 2019
✓	Increase Protections Against Harassment in the Workplace	Victory – Signed on August 12, 2019

Economic Justice

✓	Modernize New York's Pay Equity Law	Victory – Signed on July 10, 2019
✓	Create the Task Force on Representation and Corporate Transparency to Shine Light on New York Values	Implementation Underway
✓	Ensure State Boards Are Representative of New York State	Implementation Underway
	Invest in New York's Child Care Infrastructure	2020 Priority
✓	Launch Family Empowerment Community College Pilot Program	Victory – Budget Accomplishment – April 1, 2019
✓	Expand Empire State After-School Program	Victory – Budget Accomplishment – April 1, 2019
✓	Continue Investment in Computer Science Education Through Smart Start	Victory – Budget Accomplishment – April 1, 2019
✓	Create the State's First Ever Youth Council	Implementation Underway
✓	If You Can See It, You Can Be It 2019—Girls in Government	Implementation Underway

Most Productive Legislative Session in Modern History – Justice Served for Women and Girls

Accomplished Key Components of the Governor's 2019 Women's Justice Agenda

With the passage of the Reproductive Health Act, pay equity legislation and the Domestic Violence Survivors Justice Act, as well as increased sexual harassment protections, the expansion of statute of limitations for rape and a series of policies to reduce maternal mortality and racial disparities, Governor Cuomo continued his commitment to ensuring fairness and equality for women across New York State during this year's legislative session.

Several of these initiatives, including the Reproductive Health Act and pay equity legislation, are long and hard-fought victories that have been help up in the Legislature for several years. These victories are now more important than ever as New York continue to fight back against the Trump administration's aggressive assault on women and equality.





I: Reproductive Justice

Reproductive Health Act:

In the face of Washington's assault on women's rights, including access to all health care options and guaranteed coverage of emergency contraception and other contraceptive drugs, Governor Cuomo has taken action to counter the federal government's reversals. In January, the Governor signed the Reproductive Health Act, a key component of the 2019 Justice Agenda, within the first 30 days of the new legislative session. The Reproductive Health Act protects women's reproductive rights by ensuring New Yorkers can make personal healthcare decisions and medical professionals can provide crucial services without fear of criminal penalty.

Comprehensive Contraceptive Coverage Act:

Governor Cuomo incorporated the contraceptive coverage mandate of the Affordable Care Act into New York state regulations in 2018 through Executive Order. 182, requiring all New York health insurance policies to cover contraception without co-pays, co-insurance or deductibles. This Executive Order ensured that New York would not only protect, but also expand full, affordable and timely access to contraception, including emergency contraception, regardless of the decisions being made in Washington. The FY 2020 Budget included legislation enshrining the advances of the ACA into New York State law, to ensure an individual's timely and affordable access to the birth control method that's best suited for their health and wellness. Specifically, the Comprehensive Contraception Coverage Act requires health insurance policies to cover all FDA-approved contraceptive drugs and devices with no co-pay, allows for a patient to access a year's supply of contraception at one time and makes it easier for New Yorkers to use insurance to cover emergency contraception.

Improving Access to In-Vitro Fertilization and Fertility Preservation Coverage:

The FY 2020 Enacted Budget included legislation to require In Vitro Fertilization (IVF) coverage in large groups. The new measure also requires insurance companies to cover fertility preservation in large, small and individual group markets. All of that will start January 1st, 2020. IVF is an important benefit for people who face fertility obstacles, including same-sex couples and single individuals. Mandating IVF coverage will make the service more widely available to all, regardless of marital status, sexual orientation, gender identity or socio-economic status. Fertility Preservation is also an important benefit for cancer patients or other patients in treatment that may impact their ability to have children.

Reducing Maternal Mortality and Morbidity and Racial Disparities:

In April of 2018, Governor Cuomo announced a comprehensive effort to target maternal mortality. This multi-pronged initiative included efforts to review and better address maternal death with a focus on racial disparities, expanding community outreach and taking actions to increase prenatal and perinatal care. Under Governor Cuomo's leadership, New York established a Medicaid coverage pilot for doulas and created the New York State Taskforce on Maternal Mortality and Disparate Racial Outcomes.

Building off the successes of the past years and the recommendations of the Maternal Mortality Taskforce, Governor Cuomo advanced a series of policies to reduce maternal mortality and racial disparities in New York State:

Maternal Mortality Review Board: In August 2019, Governor Cuomo signed legislation creating the Maternal Mortality Review Board, a key recommendation from the Taskforce on Maternal Mortality. The Board met for the first time on August 22, and Center for Disease Control staff provided training for the Board members on best practices for conducting maternal mortality case reviews using the Maternal Mortality Review Information Application (MMRIA) system, as well as lessons learned from other states' review processes.

Implicit Bias: The Department of Health is creating a Learning Collaborative on implicit bias in health care settings and the impact of institutional racism on maternal mortality and morbidity.

Expansion of Community Health Workers: The Department of Health will expand the Community Health Worker Program to hire additional Community Health Workers to provide needed social support, information and advocacy. The Community Health Workers are also receiving skills-based training on home visiting, outreach, communication and cultural competency, as well as strength-based approaches and knowledge-based training on maternal and infant health topics.

Maternal Data Warehouse: The Department of Health will seek partners in academic and research institutions and health care providers to develop a maternal data warehouse to provide near real-time information on maternal mortality and morbidity, as well as racial disparities to support targeted quality improvement efforts by the State, hospitals, health care providers, and improve maternal outcomes throughout the state.

Promoting Rural Telehealth Services for Perinatal Care:

This year, Governor Cuomo directed the Department of Health to launch a comprehensive telehealth initiative to increase access to appropriate health care services, including specialists for high-risk pregnant and post-partum patients in rural New York. The initiative includes up to \$5 million in health care capital funding available for regional perinatal centers to expand their telehealth capabilities in rural communities as part of the Statewide Health Care Facility Transformation Program III Request for Applications to be released later this year.

The Department of Health also convened an expert panel, including the Antenatal & Neonatal Guidelines, Education and Learning System (ANGELS) project from Arkansas, to begin outlining key strategies and barriers for obstetric providers to expand telehealth services. DOH launched a pilot project to establish a Project ECHO (Extension of Community Health Outcomes) tele-mentoring initiative to engage and enhance the skills of obstetric and neonatal providers serving a select rural area.

Ensuring Breastfeeding is Respected in the Workplace

This year, Governor Cuomo introduced legislation explicitly including lactation as a pregnancy-related condition covered by the New York Human Rights Law and ensuring that breastfeeding and lactation are protected rights that employers must make reasonable accommodations for in the workplace. If an employer fails to do so, it is considered discrimination under New York law and the employer will be liable. This legislation is pending the Governor's signature.

Continuing the Know Your Rights, Get the Facts Campaign

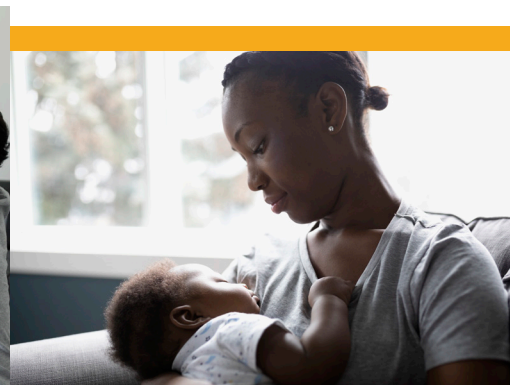
In 2018, Governor Cuomo directed the Department of Health to launch the Know Your Options Public Awareness Campaign to connect New Yorkers to accurate reproductive health care, including family planning, pregnancy care and abortion services. This year, the Governor extended this multifaceted, strategic awareness campaign across the state. This public awareness campaign is designed to combat the insidious spread of misleading, medically inaccurate information about reproductive health and to ensure all New York women know all their options without judgment. Key markets are being identified for upstate cities for an expansion of the Know Your Rights, Get the Facts campaign. Based on available funds and media availability, a Fall/Winter campaign will be launched.

Launching the Uterine Fibroids and Endometriosis Research and Public Outreach Campaign

The Department of Health will convene community listening sessions to discuss barriers to care and promote equal access to treatment throughout the state. DOH will work with the Maternal Infant Community Health Collaborative to plan and host these community listening sessions. DOH is conducting outreach to key national experts on uterine fibroids and endometriosis, specifically those organizations working with women of color, to ensure key partners are participating with the Outreach Campaign. By increasing awareness of uterine fibroids and endometriosis, including their symptoms, among women and health care providers, women may achieve earlier diagnosis and access an appropriate treatment that meets their needs and preferences.

Statewide Safe Sleep Campaign to Prevent Infant Deaths

Building on previous efforts, the Department of Health and Office of Children and Family Services launched a new joint initiative to further reduce preventable infant deaths. Governor Cuomo designated May as Infant Safe Sleep Month to raise awareness about safe sleep and preventable deaths from unsafe sleep environments; a proclamation was issued a media campaign was launched by both agencies to promote the Infant Safe Sleep Month. OCFS and DOH are working to distribute safe sleep kits to regions with the highest infant mortality rates. Distribution sites include homeless shelters, runaway and homeless youth programs, mother/baby programs, domestic violence shelters and programs serving pregnant and new parents. An additional public awareness campaign will be launched in October to coincide with the National SIDS Awareness Month.





II: Social Justice

Domestic Violence Survivors Justice Act

In May, Governor Cuomo signed the Domestic Violence Survivors Justice Act, legislation that builds upon current law which allows judges to administer indeterminate sentences for domestic violence survivors who have committed a crime only in relation to their abuser under certain circumstances. The previous law required that the offense was committed against an abuser, that the abuse was a factor in causing the offense, and that the abuser was a member of the offender's family or household. The Domestic Violence Survivors Justice Act now adds offenses committed due to coercion by an abuser, as well as offenses committed against or at the behest of an abuser who does not share a household or family with the survivor. This new law will allow judges to reduce prison sentences and redirect sentencing from incarceration to community-based programs, and also permits a small population of currently incarcerated survivors to apply for re-sentencing and earlier release due to their prior victimization.

Establishing a New Model for Domestic Violence Prevention

The State currently has several offices focused on various aspects of victimization with some offices responsible for prevention and other offices responsible for response with numerous funding streams serving many of the same agencies and stakeholders in disparate ways.

The FY2020 Budget included legislation to abolish the out of date policy which requires some victims of domestic violence to shoulder a portion of the cost of domestic violence shelter, and eliminates the requirement that victims of domestic violence must apply for public assistance when seeking shelter.

Lastly, the Governor appointed a task force made up of state agency representatives and local stakeholders to review the domestic violence service delivery system in New York State and make recommendations for improvement. This task force is charged with streamlining state funding for domestic violence wherever possible in order to allow domestic violence service providers to more adequately address both the causes and effects of domestic violence, meet the needs of victims and realize efficiencies.

Expanding the Statute of Limitations for Rape

Statutes of limitations on rape cases impose a ticking clock on how long victims are able to come forward if they want to seek charges. Over the last year, victims who have suffered in silence for decades have bravely spoken about their abuse, and also have laid bare the state's limited ability to prosecute their abusers due to the passage of time. In recognition of this fact, states across the country are lengthening or eliminating the statutes of limitations on crimes of sexual violence. This legislation extends the statute of limitations for Rape in the Second Degree to 20 years and 10 years for Rape in the Third Degree. The legislation also expands the civil statute of limitations for claims related to these offenses from 5 to 20 years, allowing victims greater opportunity to obtain justice.



Outlawing Revenge Pornography

In July, Governor Cuomo signed legislation that would criminalize the publication of “revenge porn” or the non-consensual sharing or publication of an intimate image. This new law subjects abusers to criminal penalties of up to a year in jail, plus civil damages, and empowers victims to seek a court order to remove these images online. Specifically the legislation:

- Defines “revenge porn” as the criminal act of unlawful dissemination or publication of an intimate image when done with the intent to cause harm to the emotional, financial or physical welfare of another person and when the image was taken with a reasonable expectation that the image would remain private.
- Establishes the act of unlawful dissemination or publication of an intimate image as a Class A misdemeanor.
- Amends the Civil Rights Law to allow victims of “revenge porn” to seek civil recourse for the damages.

Extending Human Rights Law Protections to All Public School Students Statewide

New York was the first state in the nation to enshrine its values of equality and fairness into statute as a Human Rights Law, affording every New Yorker “an equal opportunity to enjoy a full and productive life” over 70 years ago. However, in a 2012 decision, the New York State Court of Appeals found that public schools were not covered education institutions under the Human Rights Law, and the State Division of Human Rights lost its ability to investigate reports of bullying, harassment or other forms of discrimination by public school students.



This decision was made even though the Division had asserted jurisdiction over public schools for nearly three decades and was forced to dismiss over 70 open complaints filed against public schools at the time. This legislation amends the Human Rights Law to protect all public school students and institutions from discrimination. The Governor signed this into law on July 25, 2019

Removing Gaps in Rape Shield Law

In 2019, Governor Cuomo advanced legislation to amend the Rape Shield Law to include victims of sex trafficking. Current law did not apply to victims of sex trafficking crimes and it did not shield victims from having their own convictions for prostitution used against them. This legislation was included in the Budget and adds the crime of sex trafficking to the prohibitions against using evidence of a victim's prior sexual conduct and prohibits the defense from introducing evidence of a victim's prior prostitution conviction.

Increasing Protections Against Harassment in the Workplace

In August, Governor Cuomo signed legislation to enact sweeping new workplace harassment protections. This legislation strengthens New York's anti-discrimination laws to ensure employees can seek justice and perpetrators will be held accountable by eliminating the restriction that harassment be "severe or pervasive" in order to be legally actionable; mandating that all non-disclosure agreements allow employees to file a complaint of harassment or discrimination; and extending the statute of limitations for employment sexual harassment claims filed from one year to three years.





III: Economic Justice

Modernizing New York's Pay Equity Law

In July, Governor Cuomo signed legislation that expands equal pay laws to prohibit unequal pay on the basis of a protected class for all substantially similar work and forbids employers from asking prospective employees about their salary history. The legislation prohibits all employers, public and private, who do business in New York State, from asking prospective employees about their salary history and compensation, and expands the definition of "equal pay for equal work."

Task Force on Representation and Corporate Transparency to Shine Light on New York Values

To ensure that all companies that do business in the state embrace New York values, Governor Cuomo will empanel a Task Force on Representation and Corporate Transparency. The Task Force will consist of business and community leaders who will convene to determine the most effective state intervention to ensure corporate transparency on key issues such as workforce diversity, pay equity and diversity in corporate leadership. Implementation is underway.

Ensuring State Boards Are Representative of New York State

In recognition that diverse leaders strengthen our State, in 2017 Governor Cuomo announced actions, at the recommendation of the Governor's Advisory Council on Diversity and Inclusion, to increase the number of minorities in the state government workforce. This year, to increase the representation of women and people of color and ensure sustainability of diverse leadership into the future, the Governor directed his Chief Diversity Officer and Appointments Office to develop best practices and a strategic plan for recruitment of board members. Implementation is underway.

Investing in New York's Child Care Infrastructure

Many New Yorkers still struggle to access high quality child care. This issue forces families to choose between quality child care and employment, or places families in the position to use unlicensed child care providers. This year, Governor Cuomo enacted a series of actions to increase access to reliable, affordable child care for all New Yorkers.

Ensure Access to High Quality Child Care: The FY 2020 Enacted Budget included \$26 million to increase the value of the subsidy. This increase will help low-income families access affordable, regulated child care.

Invest in Regional Strategies: As the drivers of New York State's economic strategic planning, Governor Cuomo tasked the Regional Economic Development Councils (REDCs) to include child care as a priority in their 2019 Strategic Plans. The 2019 REDC Guidebook requires each region to consider the child care needs of the region and the important impact access to affordable child care can have on the region's economy and to develop a regionally-specific strategy to increase access to quality, affordable child care.

Launch Child Care Worker Scholarship: The FY 2020 Enacted Budget included funding to launch a child care worker scholarship to cover tuition at SUNY or CUNY schools for part-time students who work at least 20 hours a week in state-licensed child care facility. Implementation is underway.

Launching Family Empowerment Community College Pilot Program

The FY 2020 Budget included \$5 million to launch a pilot program providing customized supports for single parents attending participating SUNY and CUNY community college campuses. This innovative program will support up to 400 parents a year for three years. Participants will receive on-campus childcare, intensive personalized advisement and educational supports including tutoring, career counseling and assistance in transitioning to a 4-year school. These comprehensive systems of support will ensure that single parents are able to access higher education opportunities and help to move themselves and their children out of poverty. The Family Empowerment Program will begin this semester at 4 CUNY campuses.

Expanding the Empire State After-School Program

The FY 2020 Budget included an additional \$10 million to create an additional 6,250 slots in high-need communities across the state, in round three of Empire State After-School. This year's grant funds will prioritize funding for areas with high levels of gang involvement and will focus on serving homeless students and other students who may not have a safe place to go after school. The Request for Proposals was issued in early August and responses are due September 6, 2019.

Continuing Investment in Computer Science Education Through Smart Start

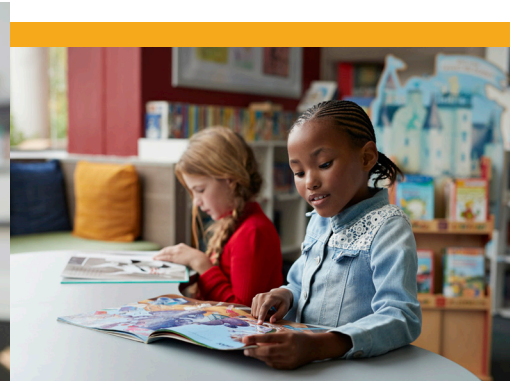
In order to continue to close the gender gap in accessing computer science, the Enacted Budget provided \$6 million for FY2020 to allow more schools to participate in the Smart Start program. This funding, along with the new computer science standards and other course access achievements, will help ensure that the next generation of girls is ready to succeed in computer science and technology. The Request for Proposals from school districts will be released this fall.

Creating the State's First Ever Youth Council

In order to increase participatory democracy with young people, the Governor will create the State's first Youth Council. The Council will be made up of 62 young people ages 13-21, one representing each county. They will serve for a period of two years, and will advise the Governor and policymakers on key issues facing young people, including outreach and communication strategies. The Council will meet at least three times a year and will provide policy recommendations on education, juvenile justice, the environment and civic engagement. There will also be sub-committees to specifically address key issues for young women and girls, including cyberbullying, sexual assault and harassment and female empowerment. The Enacted Budget included \$200,000 for the services and expenses of the council.

If You Can See It, You Can Be It 2019—Girls in Government

The voices of women and girls are needed in our Democracy now more than ever as women's rights and access to health care are repeatedly at the center of debate. This year, Governor Cuomo will create an opportunity for girls to learn about the impact they can have through politics through the new Girls in Government initiative, a non-partisan program to encourage girls to get involved in government and public policy. The program will introduce girls to the machinery of advocacy and public policy and teach young girls about public affairs and issues that matter to them personally and in their community. They will witness first-hand the inner workings of state government and meet with elected officials and senior staff.





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