

1                               **GOVERNMENT OPERATIONS, PERSONNEL, HOUSING,**  
2  
3                               **INFORMATION TECHNOLOGY & DIVERSITY COMMITTEE**  
4  
5   **OF THE**  
6  
7                               **SUFFOLK COUNTY LEGISLATURE**  
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9

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11 A meeting of the Government Operations, Personnel, Information  
12 Technology & Diversity Committee of the Suffolk County Legislature  
13 was held in the Rose Y. Caracappa Legislative Auditorium of the  
14 William H. Rogers Legislature Building, 725 Veterans Memorial  
15 Highway, Smithtown, New York, via video conferencing, on May 13,  
16 2020.  
17

18  
19  
20 **MEMBERS PRESENT:**

21 Legislator Rob Calarco, Presiding Officer  
22 Legislator Samuel Gonzalez, Chairperson  
23 Legislator Tom Donnelly, Vice Chair  
24 Legislator Susan A. Berland  
25 Legislator Leslie Kennedy  
26 Legislator Kevin J. McCaffrey  
27 Legislator Jason Richberg  
28

29  
30 **ALSO IN ATTENDANCE:**

31 Legislator Al Krupski, First Legislative District  
32 Legislator Kara Hahn, Fifth Legislative District  
33 Legislator Anthony Piccirillo, Eight Legislative District  
34 Sarah Simpson, Counsel/Suffolk County Legislature  
35 Amy Ellis, Clerk/Suffolk County Legislature  
36 Lance Reinheimer, Director of Budget Review  
37 Benny Pernice, Budget Review Office  
38

39  
40 **TAKEN AND TRANSCRIBED BY:**

41 Lucia Braaten - Court Stenographer  
42  
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1 (\*The meeting was called to order at 10:02 a.m.\*)

2  
3 **P.O. CALARCO:**

4 So if we can all welcome to this morning's Government Operations,  
5 Personnel, Information Technology & Diversity Committee. If we  
6 could all please rise for the Pledge of Allegiance, led by  
7 Legislator Gonzalez.

8  
9 (\*Salutation\*)

10  
11 Okay, great. Thank you. Welcome, everyone, to this morning's  
12 Government Operations, Personnel, Information Technology &  
13 Diversity Committee. We are -- as per the extension of the  
14 Governor's Executive Order, we are holding today's meeting via Zoom  
15 and will not be having any public portions. And as such, as  
16 Presiding Officer, I'll be chairing today's committees so  
17 Legislators don't need to come to the Legislative Building. We  
18 appreciate everybody joining us this morning.

19  
20 So we'll get into our agenda. I have no correspondence, and, as I  
21 said, the public portion is suspended. We have no appointments or  
22 presentations, so we'll go right into our resolutions.

23  
24 **TABLED RESOLUTIONS**

25  
26 Tabled Resolutions: ***I.R. 1016 - A Local Law to expand language***  
27 ***access laws in Suffolk County. (Gonzalez)*** Legislator Gonzalez?

28  
29 **CHAIRMAN GONZALEZ:**

30 We're tabling this for one more cycle.

31  
32 **P.O. CALARCO:**

33 Motion to table by Legislator Gonzalez.

34  
35 **LEG. RICHBERG:**

36 Second.

37  
38 **P.O. CALARCO:**

39 Second by Legislator Richberg. Anybody on the issue? Roll call.

40  
41 (\*Roll Call by Amy Ellis - Clerk of the Legislature\*)

42  
43 **CHAIRMAN GONZALEZ:**

44 Yes to table.

45  
46 **LEG. RICHBERG:**

47 Yes to table.

48  
49 **LEG. KENNEDY:**

50 Yes.

51  
52 **LEG. MC CAFFREY:**

53 Yes.

54  
55 **LEG. BERLAND:**

56 Yes.

1 LEG. DONNELLY:

2 Yes.

3

4 P.O. CALARCO:

5 Yes.

6

7 MS. ELLIS:

8 *Seven. (Vote: Tabled 7-0-0-0)*

9

10 P.O. CALARCO:

11 It is tabled. *I.R. 1099 - A Charter Law to establish an*  
12 *Independent Office of Inspector General for Suffolk County.*  
13 *(Trotta)* I believe the public hearing is still open.

14

15 LEG. MC CAFFREY:

16 Yes.

17

18 MS. SIMPSON:

19 Yes.

20

21 P.O. CALARCO:

22 So I'll make a motion to table for the public hearing.

23

24 LEG. BERLAND:

25 (Raised hand).

26

27 CHAIRMAN GONZALEZ:

28 Second.

29

30 P.O. CALARCO:

31 Second by Legislator Berland. Anybody on the motion? Roll call on  
32 the table.

33

34 *(\*Roll Call By Amy Ellis - Clerk of the Legislature\*)*

35

36 P.O. CALARCO:

37 Yes.

38

39 LEG. BERLAND:

40 Yes.

41

42 CHAIRMAN GONZALEZ:

43 Yes.

44

45 LEG. RICHBERG:

46 Yes.

47

48 LEG. KENNEDY:

49 Yes.

50

51 LEG. MC CAFFREY:

52 Yes.

53

54 LEG. DONNELLY:

55 Yes.

56

1 **MS. ELLIS:**

2 *Seven. (Vote: Tabled for Public Hearing 7-0-0-0)*

3  
4 **P.O. CALARCO:**

5 It is tabled.

6  
7 **INTRODUCTORY RESOLUTIONS**

8  
9 Introductory Resolutions: *I.R. 1361 - A Local Law to amend Chapter*  
10 *528 of the Suffolk County Code to prevent discrimination based on*  
11 *certain visible characteristics. (Richberg)* I'll take a motion  
12 from Legislator Richberg to table for the purpose of a public  
13 hearing, I'll second the motion. Anybody on the issue?

14  
15 **LEG. KRUPSKI:**

16 (Raised hand)

17  
18 **P.O. CALARCO:**

19 Roll call. Oh, wait, Legislator -- oh, oh, oh, before we start,  
20 Legislator Krupski has a question. Go ahead, Legislator Krupski.

21  
22 **LEG. RICHBERG:**

23 You're on mute.

24  
25 **P.O. CALARCO:**

26 Unmute yourself.

27  
28 **LEG. KRUPSKI:**

29 Thank you.

30  
31 **LEG. MC CAFFREY:**

32 Great feature.

33  
34 **LEG. KRUPSKI:**

35 Thank you, Mr. Presiding Officer, for the indulgence here. So this  
36 came up a couple of years ago. The -- there were -- there's  
37 different guidance for certified pesticide applicators, and they're  
38 now on some of the labels, and you have to follow the label for  
39 PPE. The fact is the applicator needs to wear a certain kind of  
40 ventilator, so -- and you don't have to wear the certain kind of  
41 ventilator on your own, you'll have to get a doctor's note, and  
42 then you have to get a -- you know, go for a special training. So  
43 it's really quite complicated.

44  
45 Now the question came up, if you got a beard or some sort of -- any  
46 kind of thing that would be addressed here, certain visible  
47 characteristics that are your choice, how can you get a  
48 certified -- could you be certified to wear a ventilator safely,  
49 and use -- according to the label, and use that chemical safely,  
50 and it became like a big deal. So is that -- is that addressed?

51  
52 And I want to ask the sponsor, is -- do you address that scenario  
53 where if your job says you need to wear a ventilator for your job,  
54 and wearing the ventilator means you have to be -- you have to be  
55 able to wear the ventilator, go through the -- get the doctor's  
56 note and go through the training, is that to be -- to be legally

1 wearing it, and it's -- then you go back to EPA guidelines, you  
2 have to wear it to protect yourself. Is that addressed in -- if  
3 your job requires it, is that addressed in this law?  
4

5 **LEG. RICHBERG:**

6 So I would -- I'm going to defer to Counsel on some of that, but I  
7 will say that we mirrored this off the California law, and the  
8 California law had some -- some parts that were adjustment for  
9 farms in there, so I would assume that this would be covered under  
10 that.  
11

12 I will also say that there have been a number of municipalities and  
13 businesses that have been sued because they have not allowed people  
14 to -- who are, for whatever -- for their religious reasons to --  
15 and governmental agencies, I would add, who have sued because they  
16 were not allowed to have their religious, you know, beards or what  
17 have you. So that's why I'm adding this into the law, because  
18 it's -- from our research, the Fire Department of New York actually  
19 just had a lawsuit in reference to this, the Philadelphia Fire  
20 Department and a number of other businesses and governmental  
21 agencies.  
22

23 **LEG. KRUPSKI:**

24 Oh, so then it's -- then it becomes like a conflict of different  
25 government agencies, because one government agency says you have to  
26 comply with the regulations in the fit test in order to use the  
27 safety equipment, because it's PPE that's required by law. How do  
28 you -- then how do you skirt around that Federal Law, in this case,  
29 the EPA, saying no, we're going to disregard it in this case?  
30

31 **LEG. RICHBERG:**

32 Counsel, maybe you can --  
33

34 **MS. SIMPSON:**

35 I mean, I would have to look at the litigation that's ensued. I'm  
36 sure there's been litigation on the issue of whether or not the  
37 beards specifically. When we were looking at this, you had  
38 specifically requested the inclusion of natural hair textures,  
39 hairstyles and religious garments. Beards are not expressly part  
40 of this, so we can go back and look at including specific language  
41 on beards and facial hair, if you'd like.  
42

43 **LEG. KRUPSKI:**

44 There's -- and to go -- to follow up, there's a lot -- there's  
45 other jobs that I'm thinking of besides agriculture or fire  
46 departments that require a fit test in part of their safety  
47 training, and require the use of a respirator as part of their  
48 safety training. So it's not just farms or fire departments.  
49

50 **LEG. RICHBERG:**

51 Right, like the U.S. Military.  
52

53 **LEG. KRUPSKI:**

54 Maybe, I don't know. So there's --  
55  
56

1 **LEG. RICHBERG:**

2 I think you're allowed -- the U.S. Military and the -- and the New  
3 York City Police Department, who both have fit tests, who both have  
4 specific sections that have to do with respirators, have allowed  
5 the growth of beards to a certain length, and they have also put  
6 some caveats for religious garments in general in their uniform  
7 order code.

8  
9 **LEG. KRUPSKI:**

10 Yeah, I'm not -- I'm not -- I don't know about the garment thing,  
11 I'm just -- I know only what I know, and that's about the, you  
12 know, the label requirements for a fit test, which have become kind  
13 of onerous.

14  
15 And maybe I can ask Legislator Donnelly a question, because you've  
16 got experience with the Fire Department. Is there -- is there a --  
17 is there a complicated fit test required for respirator like there  
18 is in agriculture with the Fire Department?

19  
20 **LEG. DONNELLY:**

21 You're dragging me into this, huh, Al?

22  
23 **LEG. KRUPSKI:**

24 No. I mean, do you need a doctor's note, if you do that?

25  
26 **LEG. DONNELLY:**

27 Look, I understand if you want me to comment on it. I understand  
28 what Jason's trying to do. I'm just going to say there's a whole  
29 host of PESH, OSHA, all these governing agencies that deal with  
30 respiratory protection on this. So, you know, the fact that you  
31 just have a basic resolution, Jason himself referred to hair  
32 length, bearded hair length. You're going to have to define all of  
33 that. You can't just have like a one or two paragraph resolution,  
34 like a one-size-fits-all. This is a really complicated issue.

35  
36 **LEG. KENNEDY:**

37 Yes.

38  
39 **LEG. DONNELLY:**

40 And it deals not only with fire or farming, it could deal with DPW,  
41 who are doing chemical work, the Police Department that Jason  
42 referred to. They're assigned only in specific units, they're not  
43 allowed to work job wide. They can't work in specific units that  
44 require the possibility of them wearing respiratory protection. So  
45 it's a big -- it's a big issue. I don't -- I'm not an expert on  
46 it, so I don't want to, you know, comment as a subject matter  
47 expert, other than to say that, you know, I read the resolution.  
48 As it stands now, I don't know that I'm in favor of it, because I  
49 just think there's too many variables for it right now.

50  
51 **LEG. KRUPSKI:**

52 Well, thank you. I just think we should get it squared away before  
53 we get into this lengthy debate.

54  
55 **LEG. DONNELLY:**

56 Yeah, I would agree. I would agree.

1 **LEG. KRUPSKI:**

2 And so, you know --

3  
4 **LEG. RICHBERG:**

5 It's very interesting, like, you know, have a public hearing for a  
6 Local Law.

7  
8 **P.O. CALARCO:**

9 So we're going to have a public hearing on this yet. But I have a  
10 list of speakers now, so Legislator Gonzalez is next.

11  
12 **LEG. KRUPSKI:**

13 Thank you.

14  
15 **CHAIRMAN GONZALEZ:**

16 Hi. And I think, Kevin, if you have anything else on this, I'm  
17 sure you have your hands up there. But, listen, as president of  
18 the IBEW, I have had years and years and years of this situation  
19 where they -- we have filed grievances. The IBEW has actually  
20 filed lawsuits against companies. A whole heap of unions have done  
21 the same thing to protect the religious right of the worker,  
22 regardless. Face masks, shields, caps, police officer caps, fire,  
23 I mean, there's a whole heap of individuals. And in -- and I think  
24 that we're always behind the eight ball here in Long Island.

25  
26 **LEG. KENNEDY:**

27 Right.

28  
29 **CHAIRMAN GONZALEZ:**

30 Okay? New York, the Police Department, turbans, everything has  
31 been allowed, okay, in New York, basically, because the unions  
32 fight for the rights of the individuals. And though I agree,  
33 probably, that it has to be a little bit more on this particular  
34 law, but, guys, you know, when they do trainings in many of the  
35 factories or many of the -- of the companies which I had  
36 represented as the president, I've been fighting this for years.  
37 And guess what, you know, I think we've been, the majority, very  
38 victorious in moving forward and allowing, because the freedom of  
39 religion is something that's a very -- that's very, very strong.

40  
41 And in New York, when the police, when -- in the beginning, when  
42 the police officer did not want a turban, they didn't want them to  
43 wear it, well, guess what, no, they actually won. The police  
44 unions fought this very, very hard. And now wherever you go,  
45 whether it's the train stations, whether it's the outside, whether  
46 you're in Times Square, it doesn't matter where, they put it on.  
47 They use a different kind, instead of the very big that they use,  
48 and they'll put a smaller one and they put the cap over it, and the  
49 same thing goes for training. It doesn't matter whether it's a  
50 face mask or a face shield, okay? If they have it, there are sizes  
51 that can be utilized to go through the training and get whatever  
52 certification that they have.

53  
54 But to come up against the, you know, religious rights is  
55 definitely something I don't want to tread on. Eventually, if we  
56 don't allow this to occur, we don't allow this to happen, guys,

1 eventually, we're going to have a lawsuit. And shame on us for not  
2 having a serious, serious conversation on this, and think about  
3 everything that may happen to this County if someone in the Police  
4 Department sues us, or if someone in the Fire Department sues us,  
5 you know, all together, even in government.

6  
7 So I -- Jason, I'm -- you know, I'm for this. It maybe just has to  
8 be extended just a little bit more so it words it correctly, and  
9 everything is touched upon, but, yeah, I'm for this. I just want  
10 to let you guys know that even the unions, the unions have fought  
11 this for a long time and won.

12  
13 So I'm just adding my two cents, Legislator Krupski. I don't -- I  
14 don't see anything going forward that you can't not be certified  
15 doing the things that you need to do, you know? So that's my two  
16 cents.

17  
18 **P.O. CALARCO:**

19 Thank you, Legislator Gonzalez. Legislator Berland.

20  
21 **LEG. BERLAND:**

22 Thank you, Presiding Officer. I just want to bring up like a  
23 safety -- another safety aspect, because, you know, you have  
24 Correction Officers who -- you know, when I was with the AG's  
25 Office, I represented them, and there were times where if you have  
26 longer hair, if you have a beard, or if you have, you know, a head  
27 covering, you know, it could create a dangerous situation for  
28 yourself or for -- you know, be hurt by an inmate, so -- but I  
29 think this, the -- you might want to consider adding to it is that  
30 if there is a safety issue, that, you know, there's another section  
31 of this legislation where things come under. Because I think it's  
32 important, I agree with Legislator Gonzalez, that, you know,  
33 religious head coverings need to be protected. I know, you know,  
34 officers that wear yamakas, such as turbans. There's yamakas, too,  
35 you know, under the -- you know, under their other hats that they  
36 wear for the particular job.

37  
38 But if it's a safety issue, you know, I think it's important that  
39 whoever is regulating that particular job, whether it's -- you  
40 know, I know the Police Department women have to -- they have to  
41 have their hair in a ponytail, they can't be wearing their hair  
42 down long. You know, there are rules that are reasonable that  
43 accommodate, you know, your religious beliefs as well. But I think  
44 that it needs to -- there needs to be something in this legislation  
45 that gives some latitude to the employer, meaning, you know, the  
46 County also, that if there's -- if they can make an argument, you  
47 know, whether there's a safety concern. I don't think you  
48 necessarily want, you know, a female Correction Officer with, you  
49 know, long flowing hair, you know, out in population, because, you  
50 know, that could be a dangerous situation for her. You know,  
51 somebody can, you know, pull it, or necessarily a type, a larger  
52 turban or something, that, you know, that something could be hidden  
53 under. There may be someone that, you know, is not, you know,  
54 doing the right thing and is using that as a way to sneak  
55 contraband into the facility. You know, who knows.



1 But I think that you just -- it's just so broad that you really  
2 need some -- you need some latitude and some ability in the  
3 resolution to be able to have exceptions, and have some kind of  
4 oversight, you know, by the employee, maybe some kind of procedure  
5 where if you're asking for a, you know, certain head covering where  
6 there's an issue, that there's some kind of, you know, hearing  
7 officer or something that, you know, can oversee that. I mean, I  
8 don't know what they do in other jurisdictions, but it just seems  
9 you need a little more to protect both sides of the issue, so.

10  
11 **LEG. RICHBERG:**

12 But that's why this was added to the Human Rights Division, that  
13 this is under those protections. So this way someone could go to  
14 them to have a hearing or to have someone investigate. That's why  
15 this is added to there, to address what you had just said.

16  
17 **LEG. BERLAND:**

18 Oh, but that's like it's after the fact, though, it's not as part  
19 of the process. Like if they --

20  
21 **LEG. RICHBERG:**

22 Well, that would be -- but that would be for any type of  
23 discrimination. If any type of discrimination happens, you can't  
24 really do it during the fact. If I feel like I'm not getting a job  
25 because I'm a person of color or because I'm short, right, I can't  
26 go -- I can't say in the middle of the thing, "Well, you're not  
27 hiring me because I'm a person of color." I have to wait until I  
28 get my denial, and then I have to -- and then I have to put my  
29 grievance in.

30  
31 **LEG. BERLAND:**

32 Well, this is about being hired in the first instance, or this is  
33 about complaining once you're on the job? I thought this was about  
34 complaining --

35  
36 **LEG. RICHBERG:**

37 But, if you had to --

38  
39 **LEG. BERLAND:**

40 -- once you're on the job.

41  
42 **LEG. RICHBERG:**

43 If you're on the job, or your complaint -- or in the first  
44 instance, either way, you have to have an issue beforehand, like  
45 something has to happen to participate -- to precipitate you being  
46 at fault. You understand what I'm saying?

47  
48 **LEG. BERLAND:**

49 Yeah, but you're not -- you know, I would think would be like few  
50 and far between that you're not hired and they're told you're  
51 not -- we're not hiring you for this job because you had, you know,  
52 religious head gear. I can't -- or we're not hiring you for this  
53 job because of your hairstyle. I can't -- you know, I can't  
54 imagine anybody in the County telling -- sitting an applicant down  
55 and saying that you're not being hired as a result of that. I  
56 would look at this as more once you're in there and you want to

1 wear a head covering, or a specific style, hairstyle, that you're  
2 told you can't, and then you're filing a -- you know, a grievance,  
3 or you are, you know, filing a complaint, where if it had something  
4 in here which set up some kind of procedure to, you know, have  
5 those discussions before it relates to this. And that's why I  
6 think you need some kind of exceptions where, you know, if you --  
7 you know, it's not a blanket exception that if you work in  
8 Corrections this doesn't apply to you. But if you work in  
9 Corrections and there's a safety issue or a safety concern, then  
10 there should be some mechanism to deal with that. So that's  
11 just -- that's my suggestion, so.

12  
13 **P.O. CALARCO:**

14 Okay. Legislator --

15  
16 **LEG. BERLAND:**

17 I don't know. Is there any -- you know, Counsel, is there any  
18 procedure that we have, you know, set up?

19  
20 **MS. SIMPSON:**

21 There's no specific procedure for that type of process in the Human  
22 Rights Law, because the Human Rights Law itself is just saying you  
23 cannot engage in this specific type of practice. That said, I  
24 don't necessarily believe that the R&P for the Police Department or  
25 for the Corrections Officers is automatically going to get thrown  
26 out the window with people's hairstyles. I think you'd still --  
27 even if you had long hair, you'd still have to comport with the  
28 requirements of your job in terms of keeping it tied back. You  
29 know, the women in the Police Department keep it in a bun. I would  
30 imagine if men had long hair for religious reasons, they would have  
31 to do a similar -- engage in similar practices. So I'm not  
32 necessarily sure that that's --

33  
34 **LEG. BERLAND:**

35 But if you have a section like this that's generically -- you know,  
36 if you have a hairstyle or a head covering, you know, you're  
37 entitled to it, and you can't be discriminated based on that. But  
38 how do you reconcile that in the way that the legislation is  
39 written currently with rules and regulations that the department  
40 has for safety purposes? So that's why I think it's just -- maybe  
41 it has to reference that, you know, this needs to be reconciled  
42 with the rules and regulations of the various departments that  
43 provide guidance for hair and head coverings based on, you know,  
44 safety concerns. Because I think, generically, safety concerns  
45 covers Corrections Officers, safety concerns covered what  
46 Legislator Krupski's referring to, and, at the same time, allows  
47 you to be protected for your, you know, religious beliefs, which I,  
48 you know, support totally, but not at the risk of safety at some  
49 times. So that's a balancing act and, you know, I don't know where  
50 we go from now on, so.

51  
52 **P.O. CALARCO:**

53 Okay. I have a long list here, so I want to move on and give  
54 everyone a chance to speak. I think -- I think that there's -- you  
55 know, it's the reasonable accommodations aspect of the law here  
56 that when there are provisions there, there's the -- as long as the

1 employer can take a reasonable accommodation to accommodate the  
2 person's situation, I think, then that does it, and that the  
3 employer just can't say, "Well, you have dreadlocks and you have to  
4 shave them off." They have to allow that person to continue to  
5 have their hairstyle and come up with a reasonable accommodation to  
6 do that. Legislator McCaffrey.

7  
8 **LEG. MC CAFFREY:**

9 Thank you. And I don't want to debate the bill, as apparently we  
10 are. I thought this motion was just to move it to a public hearing  
11 and I look forward to a lively debate then. I just want to echo  
12 what Legislator Gonzalez said, we share the same concerns, but I  
13 think we need to think this out. There's a lot of trapdoors here.  
14 A lot of my employers have strict, you know, guidelines in terms  
15 of, you know, appearance, etcetera. I just think -- I don't want  
16 to rush something through and vote against it because it appears  
17 that I'm against religious freedom. So I think we need to take a  
18 deeper dive on this thing right now. But I think we should do the  
19 public hearing and not debate the bill at this time.

20  
21 **P.O. CALARCO:**

22 Okay. Thank you, Legislator McCaffrey. Legislator Krupski.

23  
24 **LEG. KRUPSKI:**

25 I'm good, thank you.

26  
27 **P.O. CALARCO:**

28 Good. Legislator Gonzalez.

29  
30 **CHAIRMAN GONZALEZ:**

31 Well, just to piggyback on what Legislator Susan Berland said.  
32 First of all, last year the Governor actually signed legislation  
33 stating that the Corrections Officers cannot discriminate on  
34 employment because of their religious attire or their facial hair.  
35 That also goes on to having held precedent in the Supreme Court on  
36 where they also ruled that Arkansas Corrections Officer had  
37 violated the religious liberty rights, mostly inmates, by  
38 forbidding them to grow their beards because of their religious  
39 beliefs.

40  
41 And so if you actually look and -- look into these laws that are,  
42 you know, present in the system, you know, you're going to find  
43 that a lot of our questions and a lot of our arguments have already  
44 been in -- you know, instilled in the system. And I -- you know,  
45 to try to go against what is already in there and what the unions  
46 have already fought for, you know, I think it's just -- I think  
47 it's just wrong.

48  
49 But I do agree that, probably, we need just to make this a little  
50 more tight. Like Legislator McCaffrey says, we need to just look  
51 at this and just to make sure that we're not stepping on anybody's  
52 toes. But if you do the homework, there are laws already in place,  
53 there are laws already in the correctional system, that because of  
54 two officers suing the Corrections Office, that legislation was put  
55 into place by Governor Cuomo last year at the beginning of the year  
56 of 2019. So I just wanted to add that. So, you know, guys, look

1 into it, it's in place, we just have to make it a little bit more.  
2 And maybe Legislator Richberg can actually look at that legislation  
3 that the Governor had already put in. So that's my two cents, but  
4 I'm with Jason.

5  
6 **P.O. CALARCO:**

7 Okay. Thank you, Legislator Gonzalez. Legislator Kennedy.

8  
9 **LEG. KENNEDY:**

10 Hello. This is a question for Sarah, and it's bouncing off  
11 Legislator Berland's statements. Does the term in this legislation  
12 "garment" cover headgear? Can we define that a little bit better?

13  
14 **MS. SIMPSON:**

15 I would be more than happy to include a definition of religious  
16 garment. My only concern with doing so when we were initially  
17 drafting this was that I was going to miss something. But I have  
18 no problem defining it as including any article of clothing or head  
19 covering of any kind --

20  
21 **LEG. KENNEDY:**

22 Right.

23  
24 **MS. SIMPSON:**

25 -- which has a religious significance. I have no problem with  
26 that.

27  
28 **LEG. KENNEDY:**

29 Great. Thanks.

30  
31 **P.O. CALARCO:**

32 Okay. Thank you, Legislator Kennedy. Legislator Donnelly.

33  
34 **LEG. DONNELLY:**

35 So, Jason, just as like other referred to the trapdoors, there's a  
36 lot of -- why don't you reach out to the New York State Public  
37 Employees Safety and Health Bureau, it's under OSHA. I think  
38 they've got an office over in Woodbury, and they basically have  
39 oversight of all governmental agencies, private sector agencies,  
40 specific to health. So if Sam is saying, and I think the Governor  
41 did put out an Executive Order on it, you can try and craft your  
42 resolution to kind of mirror that, they would be pretty helpful to  
43 you. I'm pretty sure they have an office over in Woodbury, because  
44 I know, you know, in the fire service we use them for the fit  
45 testing stuff, so they could probably help you navigate this a  
46 little bit.

47  
48 **P.O. CALARCO:**

49 Thank you, Legislator Donnelly. Legislator Berland.

50  
51 **LEG. BERLAND:**

52 Yeah, that was going to be my point, too, that, you know, Sammy, if  
53 they -- you know, as Legislator Gonzalez said, if the Governor came  
54 out with specific information, you know, I'm just curious if  
55 other -- if as a result of that, is general drafting of this  
56 particular -- of these words in this, you know, particular section,

1 is that what was left after this, Counsel?  
2

3 **MS. SIMPSON:**

4 This is -- this is language that is almost identical to what was  
5 enacted at the State level in New York.  
6

7 **LEG. BERLAND:**

8 Well, no further specifications, just a general --  
9

10 **MS. SIMPSON:**

11 There was not much specification in the legislation at the State  
12 level.  
13

14 **LEG. BERLAND:**

15 Is that because it was --  
16

17 **LEG. PICCIRILLO:**

18 An Executive Order.  
19

20 **LEG. BERLAND:**

21 -- more specific through the Executive Order?  
22

23 **MS. SIMPSON:**

24 I don't believe it was an Executive Order. It was in -- it's  
25 codified in State Executive Law, which is different from the --  
26 from Executive Orders. Executive Orders expire after 30 days,  
27 they're not long-term.  
28

29 **LEG. BERLAND:**

30 So wherever it was codified, maybe we should --  
31

32 **MS. SIMPSON:**

33 Right.  
34

35 **LEG. BERLAND:**

36 -- look into where it was codified and see if there are more  
37 specifics there and incorporate --  
38

39 **MS. SIMPSON:**

40 Yes, there were --  
41

42 **LEG. BERLAND:**

43 -- those specifics.  
44

45 **MS. SIMPSON:**

46 There were -- there were not a great deal of specifics, that's what  
47 I'm trying to tell you, they just weren't.  
48

49 **LEG. BERLAND:**

50 Interesting. Okay.  
51

52 **MS. SIMPSON:**

53 I know. It was -- it was a very vague -- it was a very vague law,  
54 I'm not going to lie.  
55  
56

1 **P.O. CALARCO:**

2 All right. Folks, I think we've talked this through quite a bit,  
3 but I think we've got some useful information for Jason. And  
4 perhaps if any of you have any additional concerns, you should, you  
5 know, take the opportunity to talk to him before next Tuesday when  
6 we have the public hearing. So maybe if he feels there's a need to  
7 make amendments, he can do that. Appreciate it.

8  
9 So we have a motion and a second. This does need to be tabled for  
10 the public hearing, so roll call on the table motion.

11  
12 *(\*Roll Call By Amy Ellis - Clerk of the Legislature\*)*

13  
14 **LEG. RICHBERG:**

15 Yes.

16  
17 **P.O. CALARCO:**

18 Yes.

19  
20 **CHAIRMAN GONZALEZ:**

21 Yes.

22  
23 **LEG. KENNEDY:**

24 Yes.

25  
26 **LEG. MC CAFFREY:**

27 Yes.

28  
29 **LEG. BERLAND:**

30 Yes.

31  
32 **LEG. DONNELLY:**

33 Yes.

34  
35 **MS. ELLIS:**

36 *Seven. (Vote: Tabled for Pubic Hearing 7-0-0-0)*

37  
38 **P.O. CALARCO:**

39 Thank you. Okay, it is tabled. *I.R. 1406 - Establishing a*  
40 *Legislature Digitization Working Group. (Richberg)*

41  
42 **LEG. RICHBERG:**

43 (Raised hand)

44  
45 **P.O. CALARCO:**

46 I'll take a motion from Legislator Richberg.

47  
48 **LEG. KENNEDY:**

49 Second.

50  
51 **P.O. CALARCO:**

52 Second by Legislator Kennedy. Anybody have any questions on the  
53 issue? Roll call on the approval motion.

54  
55 *(\*Roll Call By Amy Ellis - Clerk of the Legislature\*)*

1 **LEG. RICHBERG:**

2 Yes.

3

4 **LEG. KENNEDY:**

5 Yes.

6

7 **CHAIRMAN GONZALEZ:**

8 Yes.

9

10 **LEG. MC CAFFREY:**

11 Yes.

12

13 **LEG. BERLAND:**

14 Yes.

15

16 **LEG. DONNELLY:**

17 Yes.

18

19 **P.O. CALARCO:**

20 Yes.

21

22 **MS. ELLIS:**

23 *Seven. (Vote: Approved 7-0-0-0)*

24

25 **P.O. CALARCO:**

26 Okay, it is approved. I have no other items on the agenda.

27 Legislator Gonzalez, was there anything else we were supposed to  
28 cover today?

29

30 **CHAIRMAN GONZALEZ:**

31 No, nothing at this time.

32

33 **P.O. CALARCO:**

34 Okay. Thank you so much, everyone, we appreciate your time. At  
35 this point, we are adjourned, and I'll see everyone for the next  
36 committee in a few hours.

37

38 *(\*The meeting was adjourned at 10:31 a.m.\*)*

39

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