



NEW YORK CITY LAW DEPARTMENT
OFFICE OF THE CORPORATION COUNSEL

Michael A. Cardozo, Corporation Counsel

Press Release

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For Immediate Release

**STATE SUPREME COURT STRIKES DOWN LOCAL LAW 14
ON TRANSITIONAL EMPLOYMENT, DECLARING IT INVALID**

VICTORY ALLOWS CITY TO AVOID CREATING POSITIONS FOR WHICH IT HAD NO NEED

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New York, May 9, 2003 -- The New York State Supreme Court has declared invalid the local law on transitional employment that the City Council enacted in 2000. The decision, sought by the Mayor's office, the Human Resources Administration (HRA) and the New York City Law Department, involved Local Law 14 of 2000, which required the establishment of a subsidized employment program for welfare recipients and certain other unemployed persons. The local law would have required the City to create positions to do work for which there was no actual need.

The social services district of New York City through HRA has had an employment program to assist public assistance recipients in making the transition from welfare to work. The local law was an attempt by the City Council to substitute its preferences regarding that program for those of the Mayor.

Judge Faviola Soto ruled that the City Council could not enact such a law, because it was pre-empted by the State Social Services Law, which "provides detailed and comprehensive rules and guidelines that the City, as a local social services district, must follow" and contains a scheme for local social service officials to submit plans to the State for approval.

"We are very pleased with Judge Soto's decision because it reaffirms the role state law confers upon the City's Commissioner of Social Services to plan the programs that are provided public assistance recipients," noted Michael A. Cardozo, the city's Corporation Counsel. "The legislature did not intend to have social services programs micromanaged by local legislative bodies."

"The decision recognizes that the administrator of the social services district is the appropriate public official to design an employment program responsive to the needs of public assistance recipients in New York City," HRA and Department of Social Services Commissioner Verna Eggleston said. "We will continue to do so responsibly."

The case was overseen by Michael Dinnerstein, a Senior Counsel in the Affirmative Litigation Division of the New York City Law Department.

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