

A hand in a dark suit jacket is shown from the wrist up, pointing upwards with the index finger. The years 2021, 2022, 2023, 2024, and 2025 are overlaid on the hand, with 2024 being the largest and most prominent. The background is a blurred outdoor scene with trees and a bright sky.

BUSINESS IN 2024

WEEKLY WEBINAR SERIES



BOND

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Your Host



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TODAY'S AGENDA

Kristen Smith – (12:00PM-12:05PM)

- Introduction

Caroline Westover – (12:05PM-12:10PM)

- EEOC's Recent Focus on Disability Discrimination Involving Deaf and Hearing-Impaired Workers

Elizabeth Heifetz – (12:10PM-12:20PM)

- I-9 & Immigration Law Updates

Nicole Macris – (12:20PM-12:30PM)

- Recent Federal Court Decision Impacting NYS's Gun Control Law

Amber Lawyer – (12:30PM-12:45PM)

- Cybersecurity and Data Privacy – What's the Latest?

Kristen Smith – (12:45PM)

- Questions

EEOC's Recent Focus on Disability Discrimination Involving Deaf and Hearing-Impaired Workers



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I-9 & Immigration Law Updates



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I-9 Updates and Reminders

New I-9 form available – MUST use by Nov. 1, 2023:

<https://www.uscis.gov/sites/default/files/document/forms/i-9.pdf>

- Changes include:
 - Sections 1 and 2 are on one page
 - Fillable form to be used on tablets and mobile devices
 - Preparer/translator certification and reverification and rehire sections of form are now supplements to the form to be used when necessary
 - Revised Lists of Acceptable Documents page to include acceptable receipts and guidance on automatic extensions of work authorization
 - Instructions are only 8 pages instead of 15
 - Includes checkbox allowing employers to indicate they examined Form I-9 documentation remotely under a DHS-authorized alternative procedure

DHS Provides Alternative Procedure for Completing Form I-9: E-Verify (Must be Optional, Consistent, Fair)

- Remote examination of identity and work authorization documents is only available for “qualified, E-Verify employers”:
 - In good standing with E-Verify:
 - (1) has enrolled in E-Verify with respect to all hiring sites in the United States for which it intends to use the Alternative Procedure;
 - (2) is in compliance with all requirements of the E-Verify program, including but not limited to verifying the employment eligibility of newly hired employees in the United States; and
 - (3) continues to be enrolled and a participant in good standing in E-Verify at any time during which the employer uses the Alternative Procedure
- What is E-Verify Alternative Procedure?
 - Within 3 days, employer must Examine copies (front and back) of Form I-9 documents provided by employee to ensure that they reasonably appear to be genuine; Conduct a live video interaction with employee to be sure that the documents are related to the individual; Employee presents actual documents; Complete on new Form I-9 where indicated that the Alternative Procedure was used to examine documents and complete Section 2 or reverification supplement; and Retain clear copy of documents (front and back)

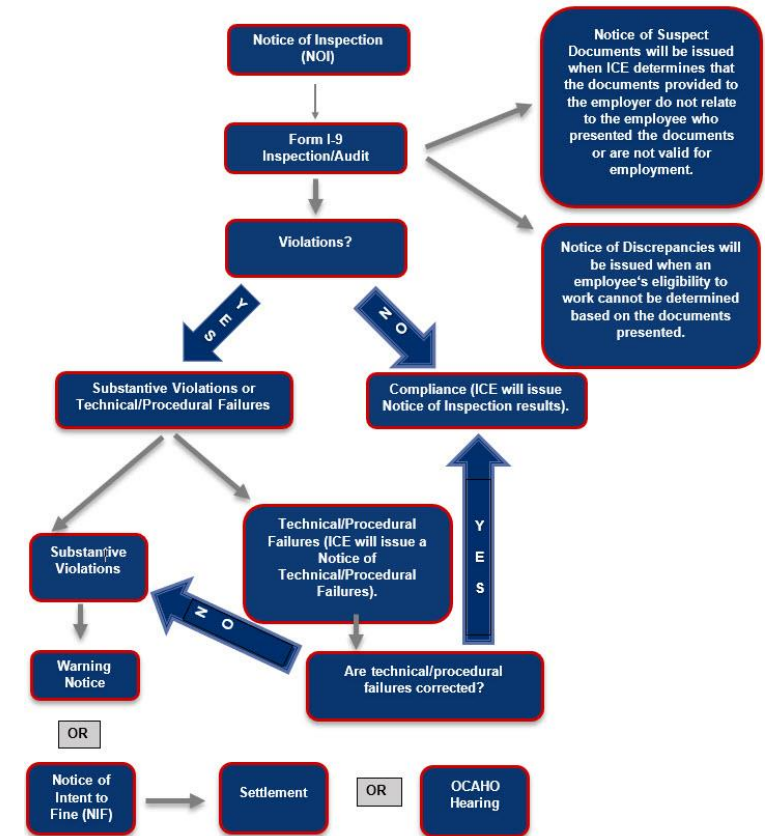
Remote Work Implication Examples

- **Verification Location vs. Hiring Site**

- **Example:** Kevin owns a furniture store in Springfield, NJ. His employees complete their Forms I-9 at the store, and Kevin plans to use the computer at the store to use E-Verify. In this case, Kevin will enroll in the E-Verify employer access method, and he has a single verification location and hiring site, both of which are the furniture store.
- **Example:** Rebecca owns three restaurants, two in Georgia and one in Florida. In addition, Rebecca runs the business operations of these restaurants from a small office in Florida with its own staff. When her restaurant managers hire a new employee, the manager and the employee complete the Form I-9 on site at the restaurant. The manager then forwards the Form I-9 to Rebecca's central office. Rebecca plans to have her office staff create the E-Verify cases. In this case, Rebecca will enroll in the E-Verify employer access method and designate her central office as the verification location and the two restaurants in Georgia and two restaurants in Florida as hiring sites. (The central office counts as a hiring site because Rebecca hires staff members there as well.)

I-9 Audits

- Fines continue to rise each year. The range for penalties has risen to \$272 to \$2,701 for each defective form.
- Substantive vs. Procedural Violation
- Employee records should be kept for at least 3 years after termination or resignation
- If audit received, request a hearing and attempt negotiation



I-9 Reminders and Suggestions

- E-Verify (join if haven't already);
- IMAGE System– “ICE Mutual Agreement between Government and Employers”

Recent Federal Court Decision Impacting NYS's Gun Control Law



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Cybersecurity and Data Privacy – What's the Latest?



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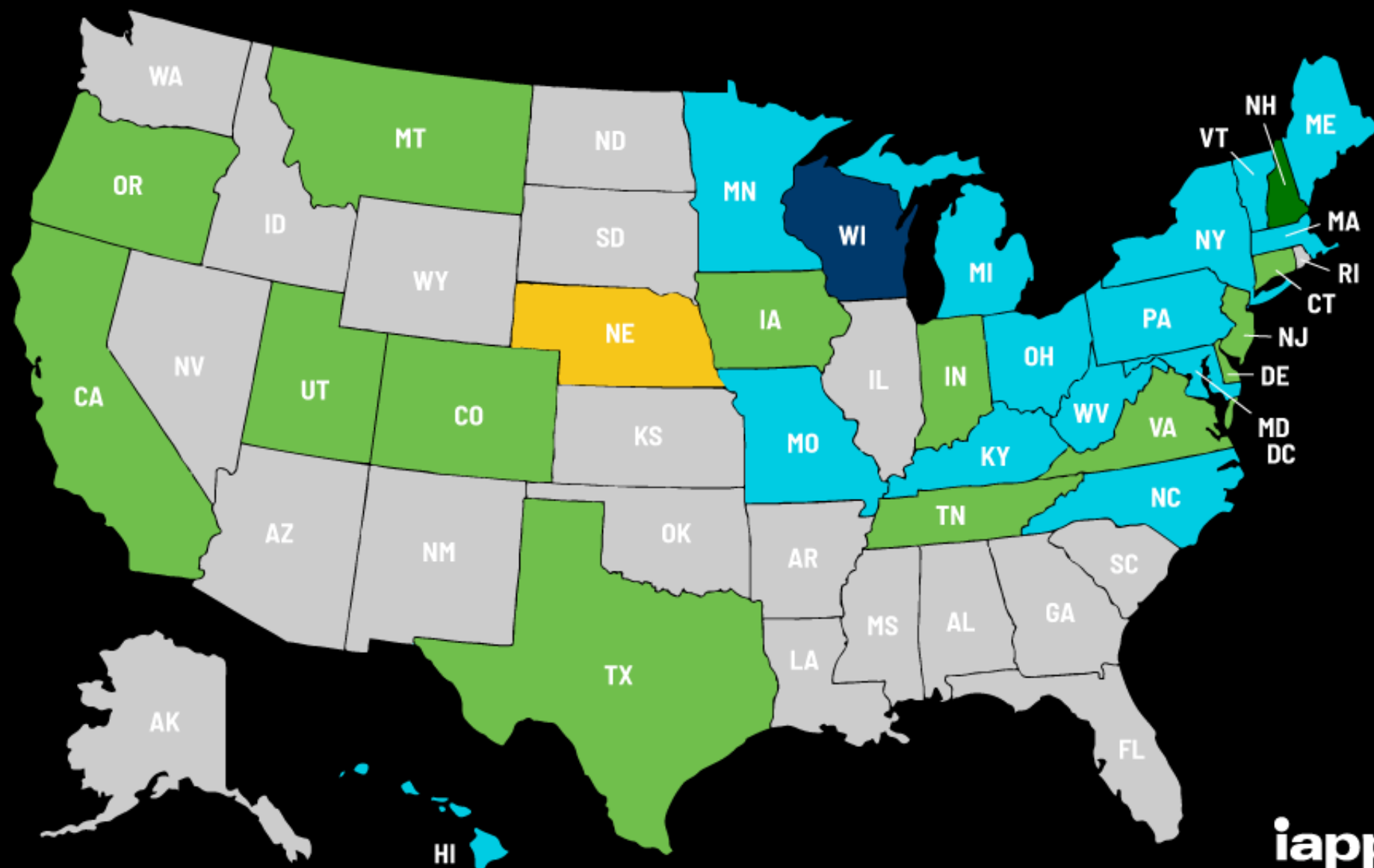
Bond's Countdown to Data Privacy Day

- January 28th, 2024
- Check out our latest articles:
 - ChatGPT – Hallucinating Case Law, Instigating Attorney Sanctions and Stealing Privilege – Oh My!
 - The Impact of Merck's NotPetya Policy Claims and a Reported Settlement: The Cyber Insurance Pendulum Swings, Again
 - New Jersey Becomes 13th State to Enact Consumer Privacy Law
 - FTC Seeks Expansion of Children's Privacy Protection Law
 - India's Data Privacy Law: The Digital Personal Data Protection Act
- Check out our podcast episode: An Interview with Jessica Copeland, Artificial Intelligence <https://legallybond.buzzsprout.com/1663318/14449707-an-interview-with-jessica-copeland-artificial-intelligence>

US State Privacy Legislation Tracker 2024

Statute/bill in legislative process

- Introduced
- In committee
- In cross chamber
- In cross committee
- Passed
- Signed
- Inactive bills
- No comprehensive bills introduced



Last updated 9 Feb. 2024

Enacted General Consumer Privacy Laws

- California (effective Jan. 1, 2020, amended and effective Jan. 1, 2023)
- Colorado (effective July 1, 2023)
- Connecticut (effective July 1, 2023)
- Delaware (effective Jan. 1, 2025)
- Indiana (effective Jan 1, 2026)
- Iowa (effective Jan. 1, 2025)
- Montana (effective Oct. 1, 2024)
- **New Jersey (effective Jan. 15, 2025)**
- Oregon (effective July 1, 2024)
- Tennessee (effective July 1, 2025)
- Texas (effective July 1, 2024)
- Utah (effective Dec. 31, 2023)
- Virginia (effective Jan. 1, 2023)

New Jersey Data Privacy Act

- The act will apply to entities and individuals that conduct business in New Jersey or produce products or services that are targeted to New Jersey consumers, and that during the preceding calendar year either:
 - Control or process the personal data of at least **100,000 consumers**, excluding personal data processed solely for the purpose of completing a payment transaction; or
 - Control or process the personal data of at least **25,000 consumers** and the **controller derives revenue or receives a discount on the price of any goods or services, from the sale of personal data.**
- Effective Jan. 15, 2025
- Notable differences:
 - Sensitive information will include financial account information
 - Prohibition of processing data on children 13-17 without proper consent
 - Nonprofit organizations/IHEs will be subject to the law
 - FERPA data is not exempt

Notably, similar to Colorado and Texas, the law does not include a revenue threshold

Consumer Rights

- Right to Access
- Right to Correct
- Right to Delete
- Right to Obtain a Copy or Personal Data
- Right to Third Parties
- Right to Opt-Out of Processing for:
 - Targeted Advertising
 - Personal Data Sales
 - Profiling



Other Emerging Issues

- Sector Specific Laws
 - Safeguard Rule (GLBA)
 - NYS DFS
- Technology Specific Law
 - Anti-Wiretapping Statutes, Monitoring Laws
 - AI regulations
 - Automated Decision-making Technology Laws (California, New York City)
- Data Specific Laws
 - COPPA
 - Biometric Privacy Laws

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New York Employment Law: The Essential Guide

NYS Bar Association Members can buy the book from the bar [here](#).

Non-NYS Bar Association Members can purchase through Amazon [here](#).

Thank You

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It is not to be considered as legal advice.
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