



# BUSINESS IN 2026

WEEKLY WEBINAR SERIES



# Your Host



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## New Webinar Schedule (Effective April 1)

- **First Tuesday** of the Month: Legal Updates
- **Third Tuesday** of the Month: Special Edition Topic

# Today's Agenda

**Gabe Oberfield – (12:00PM-12:05PM)**

- Welcome and Agenda
- Program Formatting Changes

**Kate Reid – (12:05PM-12:10PM)**

- EEOC Case Out of Northern District of NY Addresses School Superintendent

**Stefania Boscarolli – (12:10PM-12:15PM)**

- Time to Check Beneficiary Designations – A Primer

**Stephanie Fedorka – (12:15PM-12:20PM)**

- New York City Implements Updates to Earned Safe and Sick Time Act

**Camisha Parkins – (12:20PM-12:25PM)**

- New York State Human Rights Law Amended to Include Disparate Impact in Employment Discrimination Claims

**G. Oberfield – (12:25-12:30PM)**

- Questions / Wrap Up

# EEOC Case Out of Northern District of NY Addresses School Superintendent



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# Time to Check Beneficiary Designations – A Primer



## Stefania Boscarolli

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# Beneficiary Designations

- An estate plan is **not complete** simply by signing a will.
- **Not** all assets are governed by a will.

**What are Beneficiary Designations?** Instructions that direct institutions how to distribute a particular asset at death by naming a beneficiary.

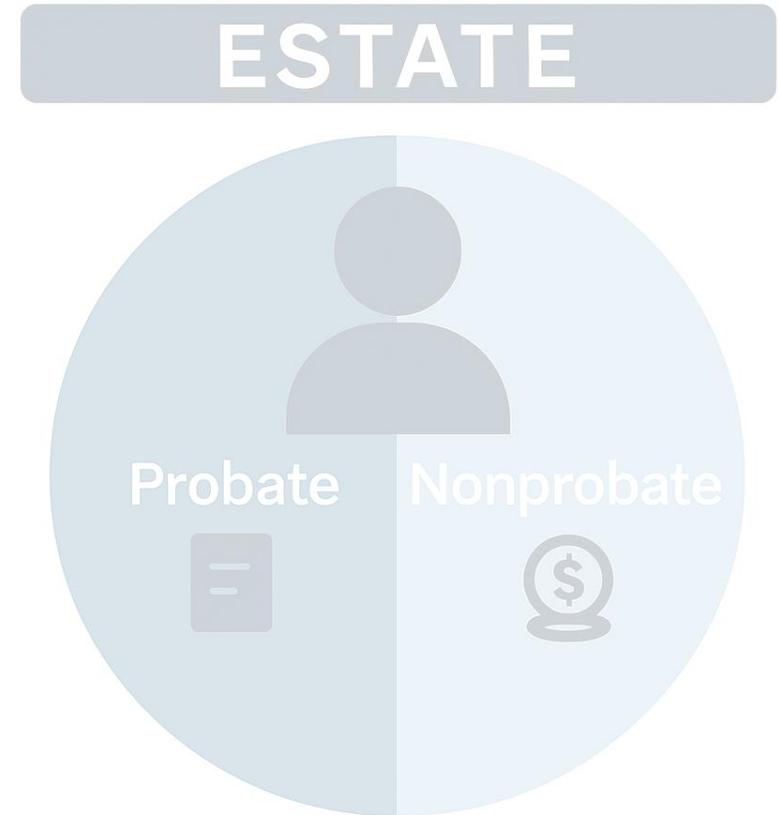
Beneficiaries - **Examples:**

- Spouse
- Child
- Trust
- Charity

Beneficiary designations direct who receives **non-probate assets**.

# Why Beneficiary Designations Matter: Understanding Probate vs. Non-Probate Assets

- **Probate Assets**
  - Assets owned by an individual at death that pass through probate.
- **Non-Probate Assets**
  - Pass directly to named beneficiaries, bypassing the probate process.
  - Not governed by will or revocable trust.
  - Require updated and accurate designation forms.



# Why Beneficiary Designations Matter: Non-Probate Assets

Common non-probate assets include:

- **Life insurance** policies
- **Retirement accounts** and plans
- **Annuities**
- **POD/TOD** financial accounts
- **Jointly-owned** property
- **Trust-owned** property

Wills **do not control** these assets unless coordinated with beneficiary designations.

# How to Designate Beneficiaries

## 1. Request the Correct Form

- Contact the institution or download it from its website.
- For insurance and retirement accounts: *change of beneficiary* form.
- For financial accounts: set up a *pay-on-death (POD)* or *transfer-on-death (TOD)* beneficiary.

# How to Designate Beneficiaries

## 2. Complete the Form

- Owner's Details
- Account / Policy Details
- Beneficiary Information:
  - Primary Beneficiaries
  - Secondary / Contingent Beneficiaries

The image shows a grayscale representation of a 'BENEFICIARY DESIGNATION FORM'. The title 'BENEFICIARY DESIGNATION FORM' is prominently displayed at the top. Below the title, there are two main sections. The first section is labeled 'Owner's Details' and contains three input fields: 'Name', 'Address', and 'Account Number'. The second section is labeled 'Primary Beneficiary' and contains two input fields: 'Name' and 'Relationship'. A pencil is shown resting diagonally across the bottom right portion of the form, pointing towards the 'Primary Beneficiary' section.

# How to Designate Beneficiaries

## 3. Submit the Form

- Upload online or send to an advisor or representative.
- Request written confirmation of processing.

# Review and Update Beneficiary Designations

- Regular review is recommended.
- Essential after life events, such as:
  - Divorce
  - Birth or adoption of a child
  - Death of a named beneficiary
- Should be reviewed whenever the estate plan is updated.
- Ensures that the disposition of assets matches current wishes.

# New York City Implements Updates to Earned Safe and Sick Time Act



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# NYC Earned Safe and Sick Time Amendments

## Refresher:

- Significant changes to existing NYC ESSTA and Temporary Schedule Change Act passed last year
- On Sept. 25, 2025, NYC City Council passed amendments to NYC ESSTA
  - Officially adopted on October 25, 2025
- Effective in 120 days → **February 22, 2026**

# Key Changes

- **Expanded Qualifying Reasons for ESSTA Leave Accruals**
  - Public disaster
  - Caregiving responsibilities
  - Subsistence Benefits/Housing
  - Workplace violence
- **Additional 32 Unpaid Sick Time Hours**
  - Frontloaded upon hire and annually thereafter, for all employees
- **Temporary Schedule Change Act**
  - Employers no longer required to accept or approve requests for temporary schedule changes under TSCA, but employees still have the right to request a temporary schedule change
  - Employers must respond to request as soon as practicable
  - Employers may propose an alternative temporary change but employee does not have to accept
  - Retaliation still prohibited

# New Proposed Rules and FAQ Guidance

- Now referred to “NYC Protected Time Off (“PTO”) Law”
- Proposed Rules: <https://rules.cityofnewyork.us/rule/protected-time-off-under-the-earned-safe-and-sick-time-act/>
  - Comments were due March 2, 2026
  - Public hearing held March 2, 2026
- Updated FAQ Guidance: <https://www.nyc.gov/site/dca/about/paid-sick-leave-FAQs.page>

# Key Takeaways

- Changes to refer to the time as “protected time off” throughout (instead of “sick/safe”)
- Application of tracking time applies to the unpaid 32 hours
  - Must be separate bank (if separate from paid time)
- Updated references to paid prenatal leave (changes incorporating same/substantially similar to NYS Paid Prenatal Leave law)
  - Updated remedies to violation of prenatal leave requirements
- Update to written policy requirements to include information about rights to use 32 hours of unpaid leave
- Updated examples of paid and unpaid time off availability
- For those with CBAs, examples of what is a “comparable benefit”
- Rule suggests that employers may draw from the paid bank before the unpaid bank, unless an employee requests to use unpaid time instead or the employee does not have sufficient paid time off for the absence
- Confirmation that employers may comply with the additional 32 hours of unpaid time off requirement by providing paid protected time off of at least 32 hours (in addition to the 40 or 56 hours of protected time off they must also provide), provided that at least 32 hours are front-loaded and immediately available for use on the employee’s first day and the first day of each benefit year established by the employer

# Next Steps for Employers

- Ensure you are in compliance!
  - If you have not already, evaluate current PTO/sick time policies and TSCA policies and revise to align with new changes
  - Work with legal to understand any necessary changes and update policies for compliance, but tailored to your workplace needs, goals, and objectives
  - Ensure tracking and reporting accruals each pay period is set up correctly
  - Train supervisors/managers, HR, others who are responsible for attendance enforcement
- Required: Employers must provide each employee with copy of updated written policy within 14 day of any changes and provide updated Notice of Employee Rights (<https://www.nyc.gov/site/dca/about/Paid-Safe-Sick-Leave-Notice-of-Employee-Rights.page>)

# New York State Human Rights Law Amended to Include Disparate Impact in Employment Discrimination Claims



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# Disparate Impact Liability in the NYSHRL

- Amends New York State Human Rights Law to add new subdivision 5-a
  - Effective **December 19, 2025**
- Imposes liability where a facially neutral policy or practice has a discriminatory effect on a protected group—regardless of any discriminatory intent
- Applies to conduct occurring on or after Dec. 19, 2025

# Burden-Shifting Legal Framework

- **Employee's Burden:** a plaintiff must show that a specific policy or practice has a disparate impact on a protected group, either in fact or predictably.
- **Employer's Burden:** if a disparate impact is shown, the employer must establish a “legally sufficient justification” by demonstrating that:
  1. the policy is job-related and consistent with a business necessity; and
  2. the business necessity cannot be achieved through a less discriminatory alternative. The justification **must be supported by evidence.**
- **Employee's Rebuttal:** even if the employer meets this burden, an employee may still prevail by showing that a less discriminatory alternative exists..”

# Practical Takeaways for Employers

- Policies that appear neutral on their face can still create liability if they disproportionately affect protected groups.
- Ensure that key policies (e.g., hiring criteria, background checks, compensation structures, scheduling practices) are tied to legitimate business needs and supported by evidence. Document, document, document!
- Where possible, evaluate whether less discriminatory alternatives are available.
- Exercise caution if using artificial intelligence in personnel or business decisions.

# Questions



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# Workplace 2026

## Annual Labor & Employment Law Conference

Date	Location
Thursday, June 11, 2026	Albany
Thursday, May 21, 2026	Corning
Thursday, June 25, 2026	Long Island
Thursday, June 18, 2026	New York City
Thursday, June 4, 2026	Rochester
Tuesday, June 23, 2026	Saratoga Springs
Thursday, May 28, 2026	Syracuse
Tuesday, June 9, 2026	Westchester

Registration for all programs will be available starting Spring 2026

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### Sexual Harassment Prevention Training

To combat harassment in the workplace, every New York State employer must provide harassment prevention training for all employees annually.

For more information on Bond's online sexual harassment training [click here](#) or email [bondonline@bsk.com](mailto:bondonline@bsk.com)

# Thank You

The information in this presentation is intended as general background information.  
It is not to be considered as legal advice.  
Laws can change often, and information may become outdated.

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