

# BUSINESS IN 2023

WEEKLY WEBINAR SERIES



2024

2022

2021

2020

# Introduction



## **Gabriel S. Oberfield**

Senior Counsel

[goberfield@bsk.com](mailto:goberfield@bsk.com)

New York, NY

# TODAY'S AGENDA

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

- Intros / Agenda

**Theresa Rusnak – (12:05PM-12:15PM)**

- Model Sexual Harassment Prevention Policy Released

**Allison Contrera – (12:15PM-12:25PM)**

- Chat GPT – Implications Beginning to Unfold

**John Sweeney – (12:25PM-12:40PM)**

- Workers' Compensation – What Employers Need to Know

**Jared Joyce – (12:40PM-12:45PM)**

- Commerce Department Publishes Proposed National Security Guardrails for CHIPS Act

**G. Oberfield – (12:45PM)**

- Updates to the Healthcare Worker Bonus Program
- Wrap Up

# New York State Budget Negotiations...

Source: PoliticoPro and City and State

- Contested issues remain – although rumor has it that we're close:
  - Bail reform
    - *More discretion for judges in cases of violent felonies*
    - *Bail remains defined narrowly as a means of ensuring return to court*
- The deadline was April 1, 2023, to approve a new state budget
  - Extenders have been passed – with current outside date of April 20, 2023
- Business of the legislature continues:
  - Judicial nominations this week
    - Hon. Rowan Wilson has cleared committee and is expected to receive full-Senate approval to serve as NYS's next Chief Judge



New York State Capital – Office of General Services



# Model Sexual Harassment Prevention Policy Released



**Theresa E. Rusnak**

Associate

[trusnak@bsk.com](mailto:trusnak@bsk.com)

Rochester, NY

# New York Issues Revised Model Sexual Harassment Prevention Policy and Training

- New model policy and training released April 11, 2023
  - <https://www.ny.gov/combating-sexual-harassment-workplace/sexual-harassment-prevention-model-policy-and-training>
- Proposed on January 12, 2023
- Public comment period until February 11, 2023
  
- Revised policy is 11 pages; former policy was 7 pages
- Former training was 2 videos; revised training is 1 video

# Revised Policy Changes

- Emphasis on gender diversity
  - “Discrimination based on sex stereotypes, gender expression and perceived identity are all forms of sexual harassment”
  - Includes definitions for cisgender, transgender, and non-binary persons
  - Includes additional examples of gender stereotyping, such as:
    - Remarks regarding an employee’s gender expression, such as wearing a garment typically associated with a different gender identity; or
    - Asking employees to take on traditionally gendered roles, such as asking a woman to serve meeting refreshments when it is not part of, or appropriate to, her job duties
    - Intentional misuse of an individual’s preferred pronouns

# Revised Policy Changes

- New Section on Bystander Intervention
  - Encourages bystanders to report harassment
    - Mandates that supervisors who are bystanders report harassment
  - Provides 5 methods for intervention:
- New sections on remote workers
  - Remote workers can be harassed over virtual platforms and messaging apps, as well as between personal cell phones
  - Posters in the background of virtual platforms can be harassing



# Revised Policy Changes

- New sexual harassment prevention hotline
  - 1(800) HARASS-3
  - “Provide you with a referral to a volunteer attorney experienced in sexual harassment matters who can provide you with limited free assistance and counsel over the phone.”
  - Note: this should already be in your policies
- Additional examples of retaliation
- Question of whether the revised policy needs to be adopted?

# Revised Training Changes

- Former training was two videos
  - 19 minutes of instructive lecture; 22 minutes of case studies
  - New training is 54 minutes- mirrors the changes found in the policy
  - Includes form for employees to answer questions about case studies
- Recall that training is an annual requirement (as is policy distribution), and the training must be “interactive.”
- Upcoming webinar on 4/27/23 from 8:30 a.m. to 9:15 a.m.
  - <https://www.bsk.com/news-events-videos/nys-releases-final-version-of-model-sexual-harassment-prevention-policy-complimentary-webinar>

# Chat GPT – Implications Beginning to Unfold



**Allison R. Contrera**

Associate

[acontrera@bsk.com](mailto:acontrera@bsk.com)

Buffalo, NY

# What is ChatGPT?

- Web-based platform by OpenAI
- Dialogue format (interactive based on commands/questions)
- Language model that is trained to follow instruction in a text-based prompt and provide a detailed response
- Main feature is providing human-like responses in a text box

# What are the capabilities of ChatGPT?

- Generate text in a variety of styles and tones (emails, essays, poetry, etc.);
- Answer questions;
- Language translation;
- Write code

# Concerns & Limitations:

- Accuracy, reliability, and transparency
  - Content is not current
  - Spread of misinformation
  - Training bias
- Privacy & cybersecurity concerns
  - Data collection and retention
  - Potential for malicious activity
- Communication challenges
  - Lack of context-specific knowledge and expertise



# Looking to the Future

- Do not share or upload confidential information to ChatGPT
- How do third party vendors handle your data? Are they using vulnerable AI engines? Speak with a Bond attorney about how to protect your data in contracts with third party vendors.
- Bond will continue to monitor key developments in generative artificial intelligence technology and the proposed legal framework governing AI.

# Workers' Compensation – What Employers Need to Know



**John Sweeney**

Of Counsel

[jsweeney@bsk.com](mailto:jsweeney@bsk.com)

New York, NY

# Commerce Department Publishes Proposed National Security Guardrails for CHIPS Act



**Jared A. Joyce**

Associate

[jjoyce@bsk.com](mailto:jjoyce@bsk.com)

Syracuse, NY

# Commerce Department: Proposed National Security Guardrails for CHIPS Act

- Restricts the expansion of advanced manufacturing in foreign countries of concern.
  - Restricts transactions in excess of \$100,000 that result in 5% or greater increase in manufacturing capacity for 10 years.
- Limits the expansion of legacy facilities in foreign countries of concern.
  - Limits expansion of existing legacy facilities to 10%.
  - Permits construction of new legacy facilities so long as 85% of the output is consumed in country.

# Commerce Department: Proposed National Security Guardrails for CHIPS Act

- Restricts joint research and licensing with foreign entities of concern.
- Classifies certain semiconductors as critical to national security.
- Reinforces US export controls.

Comment period closes May 22, 2023.

# Updates to the Healthcare Worker Bonus Program



## **Gabriel S. Oberfield**

Senior Counsel

[goberfield@bsk.com](mailto:goberfield@bsk.com)

New York, NY



# NYS Healthcare Worker Bonus Program

Source: New York State Dept. of Health

- *Reporting for third vesting period underway*
- *DOH has instituted processes for amending previous filings*
- *Employees who believe they have been improperly excluded from the program will be given a pathway for redress*
- *Latest Bond posting:*  
<https://www.bsk.com/news-events-videos/updates-to-the-healthcare-worker-bonus-program>.

Department of Health

Individuals/Families

Providers/Professionals

Health Facilities

Health Data

About Us

Search

Medicaid

Medicaid Home

How to Apply

Information for:

Members

Providers

Local Departments of Social Service (LDSS)

Health Plans

Managed Care

Child Health Plus

Integrated Care for Dual Eligibles

Medicaid Data and Reports

Medicaid Update

Medicaid Redesign Team (MRT)

Medicaid Finance and Rate Setting

Archive


Follow NYS Medicaid

f i t

Questions

You are Here: [Home Page](#) > [Information for Providers](#) > New York State Health Care and Mental Hygiene Worker Bonus (HWB) Program

New York State Health Care and Mental Hygiene Worker Bonus (HWB) Program



HWB Program Portal

Eligible Worker Titles

Frequently Asked Questions (FAQ)

Important Announcement Regarding Corrections to Historical Vesting Period Data

The correction of underpaid bonuses feature exists for Employers to correct awarded bonuses ranging from \$0.00 to \$1000.00 which were determined by the Employer to have been lower than they should have been. The process assumes an issue with either the recorded salary or average weekly hours worked and allows for the modification of those values for any underpaid employee.

More information on returning overpayments of HWB funds to the State please see: [Self-Disclosure of Health Care Worker Bonus Payments | Office of the Medicaid Inspector General](#).



# **WORKPLACE 2023**

## **ANNUAL LABOR, EMPLOYMENT & HR CONFERENCE**

**Albany • May 31**

**Buffalo • May 23**

**Corning • May 4**

**Long Island • May 10**

**New York City • May 25**

**Rochester • May 18**

**Saratoga • May 16**

**Syracuse • May 11**

**Westchester • June 6**

**REGISTER TODAY AT [BSK.COM/EVENTS](https://bsk.com/events)**

# Your Questions

## Model Sexual Harassment Prevention Policy Released

Theresa Rusnak, [trusnak@bsk.com](mailto:trusnak@bsk.com)

## Chat GPT – Implications Beginning to Unfold

Allison Contrera, [acontrera@bsk.com](mailto:acontrera@bsk.com)

## Workers' Compensation – What Employers Need to Know

John Sweeney, [jsweeney@bsk.com](mailto:jsweeney@bsk.com)

## Commerce Department Publishes Proposed National Security Guardrails for CHIPS Act

Jared Joyce, [jjoyce@bsk.com](mailto:jjoyce@bsk.com)

## Updates to the Healthcare Worker Bonus Program

Gabe Oberfield, [goberfield@bsk.com](mailto:goberfield@bsk.com)

## **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

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.

All rights reserved.

This presentation may not be reprinted or duplicated in any form without the express written authorization of Bond, Schoeneck & King PLLC.