

BUSINESS IN

WEEKLY WEBINAR SERIES

2025

2024

2026



Your Host



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TODAY'S AGENDA

Kerry Langan

- Welcome / Agenda

James McGrath

- NYC Earned Safe and Sick Time Act: New Paid Prenatal Leave Requirements for Employers

Kaydeen Maitland

- OMIG Expands Compliance Review Lookback Window to One Year

Jennifer Tsyn

- NYS Legislature Approves Retail-to-Retail Alcohol Sales

Samantha Knice

- NLRB ALJ Decision Addressing When an Employee's Speech Loses Protection Under the NLRA

NYC Earned Safe and Sick Time Act: New Paid Prenatal Leave Requirements for Employers



James E. McGrath

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Introduction

- The New York City Department of Consumer and Worker Protection (DCWP) has amended the New York City Earned Safe and Sick Time Act (ESSTA)
- Effective July 2, 2025, the ESSTA will incorporate New York State's paid prenatal leave, including its own City requirements that go beyond state law

Background: New York State Paid Prenatal Leave

- New York State mandated paid parental leave on January 1, 2025
- Required private sector employers to provide 20 hours of prenatal personal leave during any 52-week period
- Leave is for pregnancy related health appointments:
 - Physical examinations, medical procedures, monitoring, testing, discussions with a health care provider to ensure a health pregnancy, end of pregnancy care and fertility treatment

Background: New York State Paid Prenatal Leave

- Paid prenatal leave is a separate benefit from other leave policies and laws
- All employees, including newly hired employees, are automatically entitled to this benefit
- Only pregnant employees may use paid prenatal leave, not their spouse or partner

Background: New York City ESSTA

- The ESSTA requires covered employers to provide safe and sick leave, but effective July 2, 2025, the ESSTA will require paid prenatal leave as well
- The amended rules incorporate most of the state's paid prenatal leave requirements
 - Employers must provide 20 hours of paid prenatal leave during any 52-week period for pregnant employees, not their spouses or partners
 - Leave is for the same pregnancy related health care appointments listed in the state's law

New York City ESSTA Differences

- However, the ESSTA has gone beyond New York State when it comes to paid prenatal leave
 - The amended rules created new requirements that are either in conflict or absent from the state's law
- Most notable differences:
 - Written record of use of leave, written policy, reasonable documentation, and separate leave

New York City ESSTA: Written Record of Use of Leave

- If an employee uses paid prenatal leave, an employer must provide the employee with a pay stub or pay statement
 - Must include the amount of paid prenatal leave used during the pay period and the total amount of paid prenatal leave available for use
- Employers must maintain records of each employee's total balance of paid prenatal leave for each pay period

New York City ESSTA: Written Policy

- Employers must maintain a written paid prenatal leave policy that meets the requirements of the ESSTA
 - The minimum requirements of the policy can be found on the ESSTA's FAQ: <https://www.nyc.gov/assets/dca/downloads/pdf/about/PaidSickLeave-FAQs.pdf>.
- Written policy must be distributed upon commencement of employment, within 14 days of the effective date of any changes to the policy and upon request by an employee

New York City ESSTA: Reasonable Documentation

- Employers may require reasonable written documentation that the use of paid prenatal leave was for purposes authorized by law
 - Only if the absence was more than three consecutive days
- Employers are not permitted to request documentation or ask employees about their condition when using such leave under the state's law

New York City ESSTA: Separate Leave

- Like the state's prenatal leave law, employees cannot be forced to use or exhaust other leave in lieu of paid prenatal leave
- Unlike the state's prenatal leave law, the amended ESSTA rules allows an employee's schedule to be changed instead of using paid prenatal leave if there is mutual consent between the employer and employee

Suggestions

- Employers operating in New York State and New York City must comply with both the New York State paid prenatal leave requirements and the newly amended ESSTA rules
- Adopt and distribute a written policy on paid prenatal leave
 - Revise your Safe and Sick Leave Policy to address paid prenatal leave or have a separate, standalone policy
- Actively monitor and notify pregnant employees about how much leave has been taken and remains to be taken

OMIG Expands Compliance Review Lookback Window to One Year



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Introduction to OMIG Compliance Program Reviews

- The New York State Office of the Medicaid Inspector General (OMIG) is expanding its compliance reviews.
- Reviews ensure providers maintain effective compliance programs as required by Title 18 NYCRR Part 521.

Historical Overview of OMIG Compliance Changes

- December 28, 2022, there was a pivotal update.
- Originated from the Medicaid Redesign Team II recommendations.
- Developed through proposals from July 2022 and finalized with minor adjustments.

Key Historical Regulatory Changes

- Increased monetary threshold to \$1,000,000 for significant business operations.
- Introduced standards for compliance documentation retention.
- Expanded specific risk areas to be addressed by Required Providers
- Reduction of compliance obligation parameters for vendors and contractors of Required Provider
- Requirement for Compliance Programs to include Deficit Reduction Act training: fraud, abuse, waste, and Whistleblower statutes
- Adopted detailed Self Disclosure Program

Future Impact and Guidance since 2022

- New training modules.
- Streamlined reporting process.
- Special MMCO requirements, including claims auditing thresholds.
- Standards for compliance officer.
- OMIG compliance review process.

Key Update: Extended Review Period

- As of July 1, 2025, reviews will now cover a 12-month period rather than the previous 90-day lookback that the OMIG had in place from summer 2023, when it began performing compliance reviews under the revamped standards.
- This change allows for a more comprehensive evaluation of provider compliance.
- This will not affect reviews currently being conducted by OMIG

Process

- Providers will receive a written notification from OMIG outlining the review period and procedures.
- Submission of completed module plus documentation will be required within 30 days.
- Providers are then formally notified about review results post completion by OMIG.

Bond's Role in Compliance Support

- Bond has assisted numerous clients through OMIG reviews since 2023.
- Contact Bond for evaluating compliance readiness and navigating new review requirements.

Bond and OMIG: Ongoing Partnership

- Continuing collaboration with OMIG on compliance and operational integrity.
- Join our webinars for in-depth discussions on compliance essentials.
- Stay tuned for a date this fall.

NYS Legislature Approves Retail-to-Retail Alcohol Sales



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NLRB ALJ Decision Addressing When an Employee's Speech Loses Protection Under the NLRA



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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

Thank You

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It is not to be considered as legal advice.
Laws can change often, and information may become outdated.

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