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Introduction, COVID and Other Public Health Updates, Healthcare Worker Bonus/Education Portal Updates



Gabriel S. Oberfield

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TODAY'S AGENDA

Gabe Oberfield – (12:00PM-12:10PM)

- Intros / Agenda
- COVID Updates
- Healthcare Worker Bonus / Education Sector Updates
- General Election Updates

Larry Finnell (12:10PM-12:15PM)

- SECURE Act – Preparing for Long-Term Part-Time Employees

Seth Gilbertson – (12:15PM-12:25PM)

- Pregnancy-Related Protections and Title IX

Delaney Knapp (12:25PM-12:35PM)

- Ten Years After Sandy: Informed Giving After Natural Disasters

Lakshmi S. Mergeche – (12:35PM-12:40PM)

- Salary Transparency Law – Westchester Focus

G. Oberfield – (12:40-12:45PM)

- Fielding Open Questions and Final Remarks

COVID-19 Updates

Source: [hhs.gov](https://www.hhs.gov)

- Public Health Emergency Extended last month on 10/13/22
- Concerns about New Sub-Variant Risks Remain
- Gov. Hochul extends state of emergency on HC staffing (through 11/26/22)
 - Compounded by early flu season

CDC Expands Updated COVID-19 Vaccines to Include Children Ages 5 Through 11

[Print](#)

Media Statement

For Immediate Release: Wednesday, October 12, 2022
Contact: [Media Relations](#)
(404) 639-3286

Today, CDC's Director Rochelle P. Walensky, M.D., M.P.H., signed a decision memo expanding the use of updated (bivalent) COVID-19 vaccines to children ages 5 through 11 years. This follows the Food and Drug Administration's (FDA) authorization of updated COVID-19 vaccines from Pfizer-BioNTech for children ages 5 through 11 years, and from Moderna for children and adolescents ages 6 through 17 years.

RENEWAL OF DETERMINATION THAT A PUBLIC HEALTH EMERGENCY EXISTS

As a result of the continued consequences of the Coronavirus Disease 2019 (COVID-19) pandemic, on this date and after consultation with public health officials as necessary, I, Xavier Becerra, Secretary of Health and Human Services, pursuant to the authority vested in me under section 319 of the Public Health Service Act, do hereby renew, effective October 13, 2022, the January 31, 2020, determination by former Secretary Alex M. Azar II, that he previously renewed on April 21, 2020, July 23, 2020, October 2, 2020, and January 7, 2021, and that I renewed on April 15, 2021, July 19, 2021, October 15, 2021, January 14, 2022, April 12, 2022, and July 15, 2022, that a public health emergency exists and has existed since January 27, 2020, nationwide.

October 13, 2022

/s/

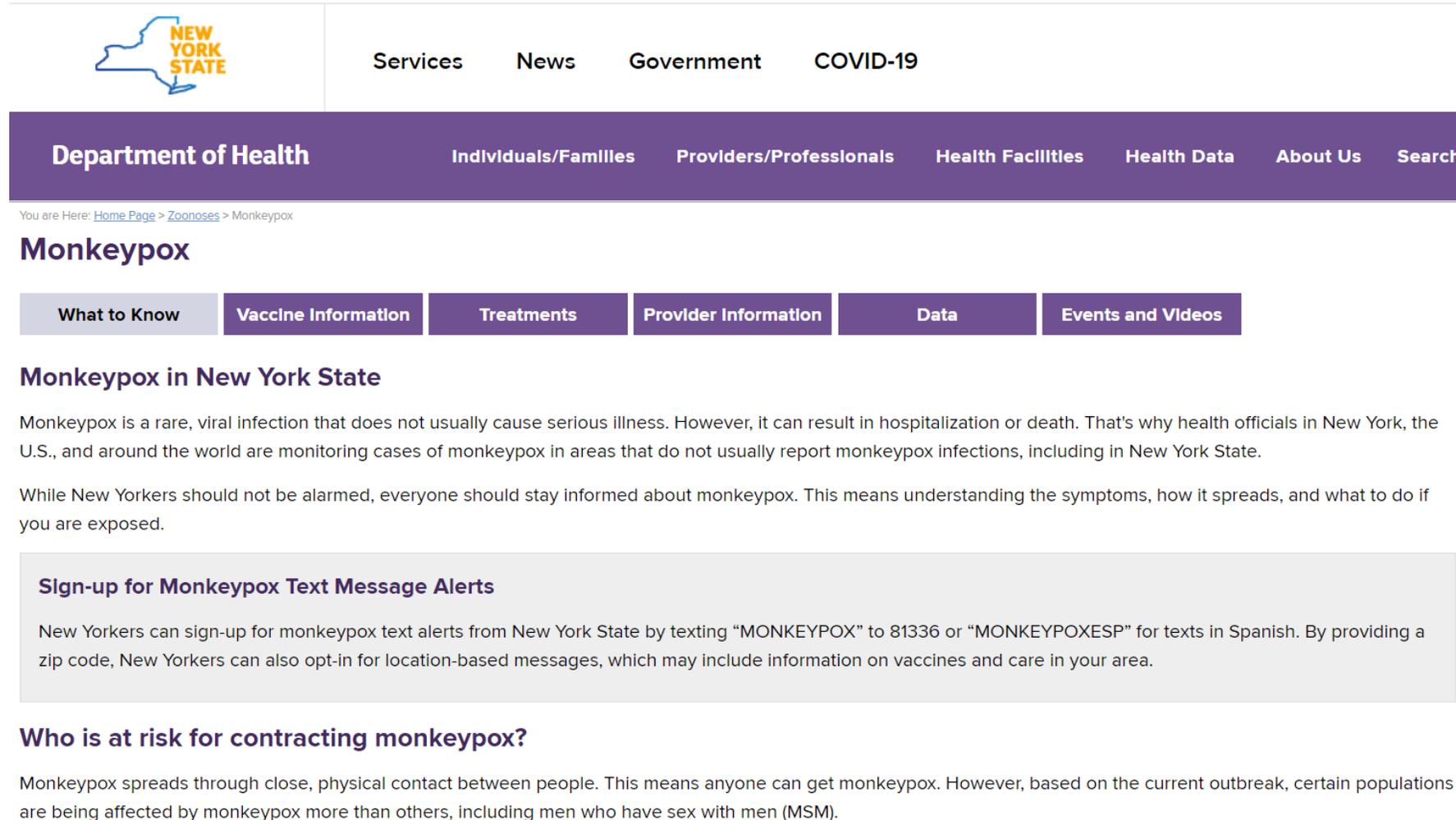
Date

Xavier Becerra

Monkeypox

Source: health.ny.gov

- Governor Hochul permits State of Emergency to expire (10/27/22)
- Monkeypox to be classified and monitored as a Sexually Transmitted Infection – facilitates access for minors to treatment



The screenshot shows the New York State Department of Health website. At the top left is the New York State logo. The main navigation bar includes links for Services, News, Government, and COVID-19. Below this is a purple navigation bar with links for Department of Health, Individuals/Families, Providers/Professionals, Health Facilities, Health Data, About Us, and Search. A breadcrumb trail reads: You are Here: [Home Page](#) > [Zoonoses](#) > Monkeypox. The main heading is "Monkeypox". Below it is a horizontal menu with tabs: What to Know (selected), Vaccine Information, Treatments, Provider Information, Data, and Events and Videos. The main content area is titled "Monkeypox in New York State". The text explains that monkeypox is a rare viral infection that can cause serious illness or death, and that health officials in New York, the U.S., and around the world are monitoring cases. It notes that while New Yorkers should not be alarmed, everyone should stay informed about the symptoms, how it spreads, and what to do if exposed. A section titled "Sign-up for Monkeypox Text Message Alerts" provides instructions for signing up for text alerts by texting "MONKEYPOX" to 81336 or "MONKEYPOXESP" for Spanish texts, and mentions that users can opt-in for location-based messages. The final section, "Who is at risk for contracting monkeypox?", states that monkeypox spreads through close physical contact and that certain populations, such as men who have sex with men (MSM), are more affected.

NYS Healthcare and Mental Hygiene Worker Bonus Program Updates

Source: New York State Dept. of Health

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



[HWB Program Portal](#) [Eligible Worker Titles](#) [Frequently Asked Questions \(FAQ\)](#)

Program Information

New York's essential front line health care and mental hygiene workers have seen us through a once-in-a-century public health crisis and turned our state into a model for battling and beating COVID-19.

To attract talented people into the profession at a time of such significant strain, while also retaining those who have been working so tirelessly these past two years, we must recognize the efforts of our health care and mental hygiene workforce and reward them financially for their service. To do so, as part of the Fiscal Year 2023 New York State Executive Budget legislation, \$1.2 billion in funding has been allocated for the payment of bonuses for certain frontline healthcare workers.

Located within [Part 22 of Chapter 56 of the Laws of 2022](#), the HWB provision allows for the payment of bonuses to "recruit, retain, and reward health care and mental hygiene workers" meeting specified eligibility requirements. Bonus amounts will be commensurate with the number of hours worked by eligible workers covered by the HWB Program during designated vesting periods for up to a total of \$3,000 per covered worker.

The official New York State press release can be found at the following link: [Governor Hochul Launches Health Care Worker Bonus Program](#).

- 'Vesting Period Two' officially closed on 10/31/22 – but extension granted for filing until 11/30/22
 - The key to compliance: document, document, document
- Extension to Vesting Period 3 for Educational Providers?
- New FAQ content issued – updated 10/31/22 to memorialize the extension

Important Announcement Regarding October 31, 2022 Submission Date

In order to allow appropriate time for all Employers to submit claims for Vesting Period 1 and 2, the Department will keep the Healthcare Worker Bonus (HWB) Portal open to claims submissions until November 30. Qualified Employers can continue to submit claims for eligible employees during this time. Please be advised that, in accordance with SOS § 367-w(4)(f), claims submitted after October 31, 2022 for Vesting Period 1 and 2 are technically late for filing purposes. The Department is aware of several technical issues during the initial submission periods for Vesting Periods 1 and 2 that impeded the ability of certain Qualified Employers to submit claims. All Employers should document and retain information regarding the reason for any late submission for audits and investigation purposes relating to the submission of claims for the HWB Program.

Reminder: Healthcare / Cybersecurity Educational Event Tomorrow, November 2, 2022 @ 1PM

Sources: governor.ny.gov, twitter.com

- **Colin Ahern**, newly appointed chief cyber officer for the State of New York
- Will review launch of the New York Joint Security Operations Center and its applications for building the healthcare sector's cyber posture
- **New York Healthcare Cyber Alliance**
 - Forum for education and resource matching for small-to-midsize healthcare institutions building cyber awareness and capacities
 - Bond, Schoeneck and King, PLLC, supports the body's work
 - G. Oberfield – NYHCA Co-Chair
- Register here: <https://nyhca.net/nyhca-events/>
- More information on NYHCA: www.nyhca.net



Governor Kathy Hochul
@GovKathyHochul

Met with our first-ever Chief Cyber Officer, Colin Ahern, today to discuss New York's nation-leading cybersecurity investments.

That includes a new \$30 million program to help local governments strengthen cyber defenses & prepare for any threats that may come our way.



Kathryn Garcia

3:25 PM · Jul 21, 2022 · Twitter for iPhone



Leading International Cybersecurity Expert and Decorated Army Veteran Colin Ahern to Head Cross-Agency Efforts to Protect New York From Increasingly Prevalent and Sophisticated Cyber Threats

Will Oversee Newly Established Joint Security Operations Center

Builds on Unprecedented \$62 Million State Budget Investment in Cybersecurity Infrastructure

Election Day 2022 – Tuesday, Nov. 8

Source: *Politico.com, Governor.ny.gov, Zeldin.house.gov, City & State*

- NYS appearances by President Biden, Gov. DeSantis, President Clinton, among others
 - Races in NYS closer than expected given majorities among registered Democrats, particularly downstate
 - Early voting underway
- Federal Congressional seats – numerous close races – and control of U.S. Senate in the balance
- Local elections



11th Congressional District

Staten Island, southwestern Brooklyn



From left to right: Nicole Malliotakis (R, C), Max Rose (D) / U.S. House; Eric Connolly/U.S. House Office of Photography

Current member: Nicole Malliotakis (R)

17th Congressional District

Rockland County, northern Westchester County, Putnam County and parts of Dutchess County



From left to right: Sean Patrick Maloney (D, WFP), Mike Lawler (R, C) / U.S. House; Randy Monceaux



Employer Obligations – Deferrals and Part Time Employees



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Pregnancy-Related Protections and Title IX



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New Fact Resource

- Released October 4, 2022
- Reiterates existing rules that require colleges and universities to prevent discrimination, provide leave and accommodations, and give equal medical benefits to students and employees experiencing pregnancy and related conditions
- Emphasizes prohibition of discrimination based on termination of pregnancy

Discrimination and exclusion

- Must not discriminate against any student, or exclude any student from their education program or activity, including any class or extracurricular activity, based on a student's pregnancy, childbirth, false pregnancy, termination of pregnancy, or recovery therefrom. 34 C.F.R. § 106.40(b)(1).
- A school also must not discriminate against or exclude from employment any employee or employment applicant on these bases. 34 C.F.R. § 106.57(b).

Medical and other benefits and services

- For students: must treat pregnancy and related conditions the same as any other temporary disability with respect to any *hospital or medical benefit, service, plan, or policy for students*. 34 C.F.R. § 106.40(b)(4).
- For employees: must treat pregnancy and related conditions the same as any other temporary disability for all job-related purposes, including *employment-based medical, hospital, and other benefits*. 34 C.F.R. § 106.57(c).

Leave policies - students

- Must provide leave to a student for pregnancy and related conditions for as long as the student's physician deems medically necessary.
- After that leave, the student must be reinstated to the status the student held when the leave began. 34 C.F.R. § 106.40(b)(5).

Leave policies - employees

- If an employee has insufficient leave or accrued employment time to qualify for leave under the school's policy, the school must treat pregnancy, childbirth, false pregnancy, termination of pregnancy, and recovery therefrom as a justification for a leave of absence without pay for a reasonable period of time.
- After that time, the employee must be reinstated to the employee's preleave status or to a comparable position without reduction of compensation or loss of promotional opportunities or any other employment rights or privileges.
- Must treat pregnancy and related conditions the same as any other temporary disability for commencement, duration, and extensions of leave, payment of disability income, accrual of seniority and any other benefit or service, and reinstatement, along with other employment-based benefits.

Informed Giving After Natural Disasters



Delaney M. Knapp

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Importance of Informed Giving

- In times of crisis, new nonprofit organizations and charitable initiatives are launched quickly, with compelling cases for your contributions. Urgency and speed can, however, make informed decision-making harder.
- So how can we conduct meaningful diligence quickly, when we are concerned about the human impact of delay?

Reasonable Due Diligence

- All things being equal, you are seeking to give based on more information rather than less.
- So ultimately what we are suggesting is this: if you feel that time is critical, look for something that makes you pause, that confirms your expectations or that leads to more questions, that you wouldn't have had if you hadn't looked, until you feel ready to make a decision. Giving in this way amplifies the beneficial effects for all.

Proactivity

- In terms of avoiding fraud or malfeasance in giving, proactivity may be the most important part of the strategy. This means independently seeking out charities and fundraising campaigns, rather than responding to unsolicited emails or social media requests.

2022 Candid Seals of Transparency are here! Earn your new Seal [today](#).

Connecting you with the nonprofit information you need

Search GuideStar for the most complete, up-to-date nonprofit data available.



GiveWell is hiring Senior Researchers!
If you or someone you know might be interested, you can find more information [here](#).

GiveWell

DONATE

TOP CHARITIES OUR GIVING FUNDS RESEARCH OUR MISTAKES ABOUT BLOG WAYS TO GIVE

We search for the charities that save or improve lives the most per dollar.

Our goal is to produce the world's top research on where to give. Free, for everyone. We recommend a small number of charities that do an incredible amount of good.

EXPLORE TOP CHARITIES



For Charity Representatives

Top Ten Lists Hot Topics Tips for Donors Blog

CHARITY SEARCH enter charity name, keywords, or EIN

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Make a Difference

Use our ratings to find and support nonprofits that align with your passions and values

enter charity name, keywords, or EIN

SEARCH

> [Click here to do an Advanced Search](#) <



Do you plan to give more or less this year?

Share insight

No, thank you

HELP CENTER

Check Basic Compliance

- It is fairly easy to review an organization's legal compliance record and eliminate organizations with major red flags.
- In some cases, however, a very new organization may have limited information available. Should this be a concern? It depends on many factors, most of which are practical:
 - Who is the organization's leadership and are they experienced in operating nonprofits?
 - What is the organization's infrastructure for providing aid?
 - Is the organization's model one of direct service and/or financial support?
 - Does the organization have "boots on the ground" or are they operating from abroad?
- The answers to these questions should inform your decision to donate to a newly formed organization, or to an existing organization that is launching a new initiative.

- ✓ [About the Charities Bureau](#)
- ✓ [Complaint Form](#)
- ✓ [FAQs](#)
- ✓ [Guides & Publications](#)
- ✓ [Helpful Websites](#)
- ✓ [Pennies for Charity](#)
- ✓ [Search the Registry](#)
- ✓ [Statutes & Regulations](#)
- ✓ [Online Seminars](#)
- ✓ [Contact Us](#)

Welcome to the Charities Bureau Registry Search

To search for a specific organization, use one of the search options below. The search will only return those organizations registered with the Office of the Attorney General. Some organizations, such as religious organizations, are exempt from registering with the office and may not appear in the Registry.

Posting here does not mean the organization is an approved tax-exempt organization under the internal revenue code. For information about the deductibility of contributions to organizations with tax-exempt status or pending status with the IRS, visit www.IRS.Gov.

For inquiries regarding the registration status of a charitable organization, please call the Charities Bureau at 212-416-8401 or Charities.Bureau@ag.ny.gov.

For inquiries concerning the registration status of professional fundraisers and other fundraising professionals, please call the Charities Bureau at 518-776-2160 or send an email to Charities.Fundraising@ag.ny.gov.

The Office of the Attorney General does not endorse any organization posted on this site.

Search By One Of The Following Options:

Registration ID - - (##-##-##)

EIN - (##-#####)

Organization Name

Contains Begins with

Optional limits for name search(not required):

[Help](#) | [News](#) | [Language](#) v[Charities & Nonprofits](#)[Tax Pros](#)[File](#)[Pay](#)[Refunds](#)[Credits & Deductions](#)[Forms & Instructions](#)

[Home](#) > [Charities and Non-Profits](#) > [Search for Charities](#) > Tax Exempt Organization Search

Tax Exempt Organization Search

Select Database

Search All

Search By

Employer Identification Number

Search Term

Enter EIN Number

City

Enter City

State

All States

Country

United States

Look at the Numbers from 25,000 Feet

- Publicly available annual filings provide a wealth of information, especially the annual IRS Form 990 tax returns.
- Guidestar compiles and publishes recent tax returns for nearly every 501(c)(3) organization that is large enough to be required to file one, so you should be able to search for the return of any organization to which you intend to make a contribution.

Look at the Numbers from 25,000 Feet

- Mission statement and statement of the organization's program service accomplishments:
 - Are the organization's purposes aligned with the needs of those affected by the current crisis?
 - Are they already active in the specific country or region of interest?

The learning curve can be very steep, so knowing where an organization may be on it can be highly valuable.

Look at the Numbers from 25,000 Feet

- Total number of employees and volunteers:
 - How large is the organization?
 - What is its capacity to provide the services or aid it intends to provide?
- Revenue and expenses:
 - Is the organization running a deficit or a surplus in the current or most recently completed year?
 - Over the preceding years? This may indicate reason to be concerned with an organization's financial management, especially if persisting across compare multiple returns.

Look at the Numbers from 25,000 Feet

- Salaries, compensation, employee benefits:
 - How much are executive leadership and staff getting paid?
- Of course, compensation does not exist in a vacuum, so you want to keep in mind the size and sophistication of the organization's activities and generally want to see compensation in line with similar organizations, not the just the dollar amount being provided.

Commitment and Efficacy

- Once you have evaluated an organization's compliance and financial fundamentals, you should consider their commitment to use your contributions for their intended purpose.
- In times of crisis, this is usually the ability to offer immediate aid that will provide the most benefit at the lowest cost.
- Whether an organization has experience addressing a specific humanitarian cause, an established history of successful fundraising and providing aid during crises, and infrastructure within the impacted region should all aid in selecting a charity or fundraising campaign.

The Process is a Means to an End

- For most of us, giving in times of crisis is different from giving in normal times, and we certainly wouldn't advocate for "paralysis by analysis." With a time or two of practice, the diligence described above can be accomplished in a few minutes, keeping in mind that the goal of the process is to glean information quickly to inform choices, not to achieve any kind of certainty.

Westchester Salary Transparency Law



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Key Points for Westchester County

- Goes into effect November 6, 2022
- All private employers with more than four employees
- Any job, promotion, or transfer opportunity
- An employer who posts for positions that are required to be performed, in whole or in part, in Westchester County, whether from an office, in the field, or remotely.
- Minimum and maximum salary for the position.
- May not rely on or inquire into wage history of prospective employee
- At job posting (as defined in Section 700.3(a)(9)(i))
- Civil penalties up to \$250,000

	New York State	New York City	Westchester County	City of Ithaca
Effective Date	To be determined (270 days after signature by NYS Governor)	November 1, 2022	November 6, 2022	September 1, 2022
Employers Covered	All private employers with <u>four or more employees</u>	All private employers with <u>four or more employees</u>	All private employers with <u>more than four employees</u>	All private employers with <u>four or more employees</u>
Exempt Employers	Temp. agencies	Temp. agencies	Temp. agencies	Temp. agencies
Types of Position Covered	Any job, promotion, or transfer opportunity	Any job, promotion, or transfer opportunity	Any job, promotion, or transfer opportunity	Any job, promotion, or transfer opportunity
Geographic Reach for Disclosure	A position that “can or will be performed, at least in part, in the State of New York”	The position must be performed, at least in part, in the city of New York.	“An employer who posts for positions that are required to be performed, in whole or in part, in Westchester County, whether from an office, in the field, or remotely.”	Not covered in the text of the statute
Substance of Required Disclosure	<ul style="list-style-type: none"> - The actual compensation, or a range of compensation - A job description (if a description exists); and - A general description of other types of compensation offered, e.g., fringe benefits, bonuses, stock options, or commissions. 	<ul style="list-style-type: none"> -Minimum and maximum annual salary or hourly wage -Range may extend from lowest to highest annual salary or hourly wage 	<ul style="list-style-type: none"> -Minimum and maximum salary for the position -May not rely on or inquire into wage history of prospective employee 	Minimum and maximum hourly or salary compensation
Timing of Required Disclosure	At job posting	At job posting/ advertisement	At job posting (as defined in Section 700.3(a)(9)(i))	At job advertisement
Penalties for Non-compliance	Civil penalties up to \$3,000	<ul style="list-style-type: none"> -Civil penalties up to \$250,000 -\$0 for first violation if cured within 30 days 	Civil penalties up to \$250,000	Civil penalties up to \$500

Questions?



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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.
Laws can change often, and information may become outdated.

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