

BUSINESS IN

WEEKLY WEBINAR SERIES

2025

2024

2026

2027



BOND SCHOENECK
& KING ATTORNEYS

Your Host



Kerry W. Langan

Member

klangan@bsk.com

Syracuse, NY

Today's Agenda

Kerry Langan – (12:00 p.m.)

- Welcome and Agenda

Devin Karas – (12 – 12:10 p.m.)

- 457(b) Non-Governmental Plan Amendment Deadline

Kaydeen Maitland – (12:10 – 12:20 p.m.)

- New York Medical Language Access Bill

Samuel Wiles – (12:20 – 12:30 p.m.)

- Recent Court Decisions: Workplace Accommodations and Arbitration Agreements

Kerry Langan – (12:30 p.m.)

- Questions / Wrap Up

457(b) Non-Governmental Plan Amendment Deadline



Devin Karas

Senior Counsel
dkaras@bsk.com
New York, NY

New York Medical Language Access Bill



Kaydeen M. Maitland

Associate

kmaitland@bsk.com

White Plains, NY

New York Hospital Language Assistance Law (A387-B/S6288-B)

- New proposed Public Health Law §2803-bb requires hospitals to provide language assistance to ensure meaningful access and reasonable accommodation.
- Applies to all New York general hospitals and establishes a comprehensive language access framework.
- As is, when signed will be effective immediately.
- The bill will likely be picked up in January because it won't pass the other house or be presented to the governor this year.

Legislative Background and Purpose

A387-B/S6288-B passed in June 2025 to codify hospital language access.

Purpose: ensure equitable access to care, billing, and appointments for LEP and sensory-impaired patients.

Aligns with culturally and linguistically appropriate services standards and formalizes best practices.

Addresses systemic access barriers and establishes accountability for hospitals.

Scope and Applicability

- Applies to every general hospital in New York State.
- Requires a formal language assistance program across clinical and administrative touchpoints.
- Would be effective immediately.
- Broad applicability—no size threshold.
- Commissioner may allow limited timing flexibility for rural hospitals; begin compliance planning now.



Core Program Elements : Governance and Policy

Designate

Designate a Language Assistance Coordinator with administrative oversight.

Implement

Implement written policies and procedures to identify needs and ensure ongoing access.

Assign

Assign clear authority, accountabilities, and escalation pathways; integrate into compliance and quality frameworks.

Core Program Elements: Patient Communication and Staff Training

1

Develop and distribute patient materials explaining free language assistance and how to access it.

2

Provide ongoing staff education on culturally and linguistically competent service delivery and accessing services for patients.

3

Ensure materials are concise, multilingual, and accessible.

Identification, Documentation, and Signage



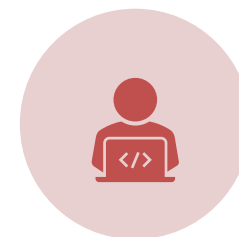
IDENTIFY EACH PATIENT'S PREFERRED LANGUAGE AND LANGUAGE NEEDS AT THE INITIAL VISIT.



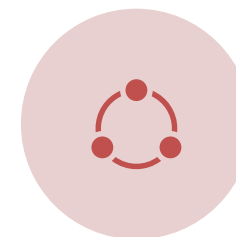
DOCUMENT LANGUAGE PREFERENCE, NEEDS, AND ACCEPTANCE/REFUSAL OF SERVICES IN THE MEDICAL RECORD.



POST DEPARTMENT OF HEALTH–DESIGNATED SIGNAGE IN ENTRIES AND PUBLIC LOCATIONS ABOUT FREE ASSISTANCE.



INTEGRATE LANGUAGE FIELDS INTO REGISTRATION AND EHR WORKFLOWS.



CONFIGURE PROMPTS TO CAPTURE REFUSAL/ACCEPTANCE AND REDUCE AD HOC SOLUTIONS.

Interpreter Services and Use of Family/Friends

- Maintain skilled interpreters and professionals for vision/hearing-impaired communication; ensure timely availability.
- Limit use of family, friends, or non-hospital personnel to instances with patient consent after offering free services; consider age, competency, confidentiality, and conflicts.
- General rule: interpreters should be 16+; under 16 only in emergencies with documentation.
- Contract with qualified vendors; cover high-demand languages and ASL.

Rural Hospital Flexibility and Timeliness



Commissioner may grant reasonable time periods for rural hospitals showing diligent efforts, reasons beyond their control, and effective interim plans.



Not a blanket exemption—document steps, barriers, interim measures, and timeline to full compliance.

Annual Needs Assessment and Translations

Conduct	Conduct an annual needs assessment using Census, hospital, school system, or other data to identify Limited English Proficiency (LEP) groups >1% of service area.
Provide	Provide regular translations/transcriptions of significant hospital forms and patient instructions for those languages.
Define	Define “service area,” inventory “significant forms,” and maintain translation memory and quality assurance processes.

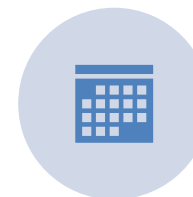
First Steps...



Assign a coordinator; update policies; configure EHR fields; secure interpreter/vendor coverage.



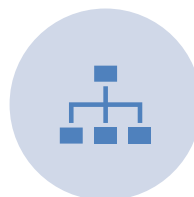
Deploy DOH-compliant signage and patient materials; implement staff training.



Plan and calendar the annual needs assessment and translation updates.



Track metrics: interpreter response times, utilization, documentation completeness, training completion, translation currency.



Coordinate across compliance, legal, patient relations, and quality improvement teams.



Contact Bond: for legal advice as you navigate these changes.

Recent Court Decisions: Workplace Accommodations and Arbitration Agreements



Samuel P. Wiles

Associate

swiles@bsk.com

New York, NY

Ending Forced Arbitration Act – New S.D.N.Y. Case

Mera v. SA Hospitality Group, LLC, et. al. (S.D.N.Y. Nov. 17, 2025)

- Facts
 - Plaintiff worked as a busser in a restaurant
 - At hiring, he signed an agreement that had a mandatory arbitration provision covering all claims relating to Mera's employment and termination.
- Allegations
 - Constructive discharge
 - Wage and hour claims related to tips and overtime payments
 - Harassment, including use of slurs and inappropriate touching
- Procedure
 - Restaurant moved to compel arbitration, magistrate judge split the difference – granting motion to compel arbitration for wage claims, but denying for hostile work environment claims.

What is the EFAA?

- The Ending Forced Arbitration of Sexual Assault and Sexual Harassment Act of 2021.
- Amended the Federal Arbitration Act to invalidate mandatory arbitration agreements that preclude an employee from filing a lawsuit in court arising from workplace sexual assault or sexual harassment.
- Historically, these types of provisions have frequently been used in employment contracts.

What is the issue in *Mera*?

- The issue: Whether Congress intended to render void not only agreements to arbitrate disputes premised on sexual harassment and sexual assault, but also agreements to arbitrate disputes entirely unrelated to sexual harassment and sexual assault that are raised by a plaintiff in the same “case.”
- Here, Plaintiff raised a wage and hour issue (not covered) and a harassment issue (covered).
- Should both claims go to arbitration?

What does the Court hold?

- Yes – the court finds that “case” is broad enough to capture “the legal proceeding as an undivided whole. It does not differentiate among causes of action within it.”
- Court presumes Congress used “claim” and “case” differently for a reason throughout the statute.
- Court holds that when the EFWA applies, “a pre-dispute arbitration agreement is invalid and unenforceable as to the plaintiff’s entire case, and not just to plaintiff’s sexual harassment claims.”
- Court orders plaintiff’s wage and hour claims to be arbitrated at the same time.

Takeaways for Employers

- Employers should review their current arbitration provisions with counsel.
- While claims of this nature may no longer be covered by the arbitration agreement, the employee can still choose to arbitrate those other claims (wage and hour) in arbitration if they choose.
- Employers should be mindful that arbitration agreements may not be enforceable on *any* claims if an employee has stated a plausible sexual harassment claim.
 - For that reason, employers should ensure that all employees, including management and owners, are fully aware of sexual harassment laws and are adequately trained on respectful and professional workplace behaviors to avoid such claims.

Americans with Disabilities Refresher

- ADA requires employer to make “reasonable accommodations to the known physical or mental limitations of an otherwise **qualified individual** with a disability who is an applicant or employee.” 42 U.S.C. § 12112(b)(5)(A).
- To be a “**qualified individual**” under the ADA, a plaintiff must establish two elements: (1) that they have a physical or mental impairment; and (2) that this impairment substantially limits one or more **major life activities**.
Fishman v. City of New Rochelle, 2025 WL 268613, at *2 (S.D.N.Y. Jan. 22, 2025)
 - A “**major life activity**” means “activities that are of central importance to daily life... [including] functions such as caring for oneself, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, and working.”

Santana and Duffy v. Mount Vernon City School District (S.D.N.Y. Nov. 18, 2025).

- Facts:
 - Teachers in this case worked as a special education teacher and a math instructor, respectively. Both began their employment with the district sometime in the early-to-mid part of the 2000s.
 - Requested accommodation for teacher was “no stair climbing” and to have classes only on the ground floor. District denied these requests as unreasonable.
 - In response to Santana’s “no stair climbing” request, the District informed him to use the elevator. Santana believed this to be an unreasonable accommodation
- Issue: Is the ability to climb stairs, standing alone, sufficient to qualify as a “major life activity?”
- Holding: Stair climbing is “not significant enough to fall within the short list of functions that constitute major life activities.”

What Should I Take Away From This Case?

- Do not assume every condition qualifies under the ADA.
 - For example, difficulty climbing stairs.
- Require clear medical evidence before granting the ADA accommodations.
 - Accommodation requests are all highly individualized.
 - Interactive process that considers the nature of the disability, the essential functions of the job, and the employee's limitations.
- Document the interactive process and decisions

Questions



Kerry W. Langan

Member

klangan@bsk.com

Syracuse, NY

457(b) Non-Governmental Plan Amendment Deadline

Devin Karas, dkaras@bsk.com

New York Medical Language Access Bill

Kaydeen Maitland, kmaitland@bsk.com

Recent Court Decisions: Workplace Accommodations and Arbitration Agreements

Samuel Wiles, swiles@bsk.com

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

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.