

BUSINESS IN

2025

WEEKLY WEBINAR SERIES

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& KING ATTORNEYS

Your Host



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TODAY'S AGENDA

Gabe Oberfield – (12:00PM-12:05PM)

- Welcome / Agenda
- Government Update

Alyssa Christian – (12:05PM-12:10PM)

- Corporate Transparency Act On Pause Again

Tom Eron – (12:10PM-12:20PM)

- Third Circuit Rejects NLRB Thryv Remedy Rubric

Kseniya Premo – (12:20PM-12:30PM)

- Major Updates to H-1B Program and Other Nonimmigrant Visa Classifications

G. Oberfield – (12:30PM)

- Questions / Wrap Up

NYS Bill Signings and the Upcoming SFY '25-'26 Budget



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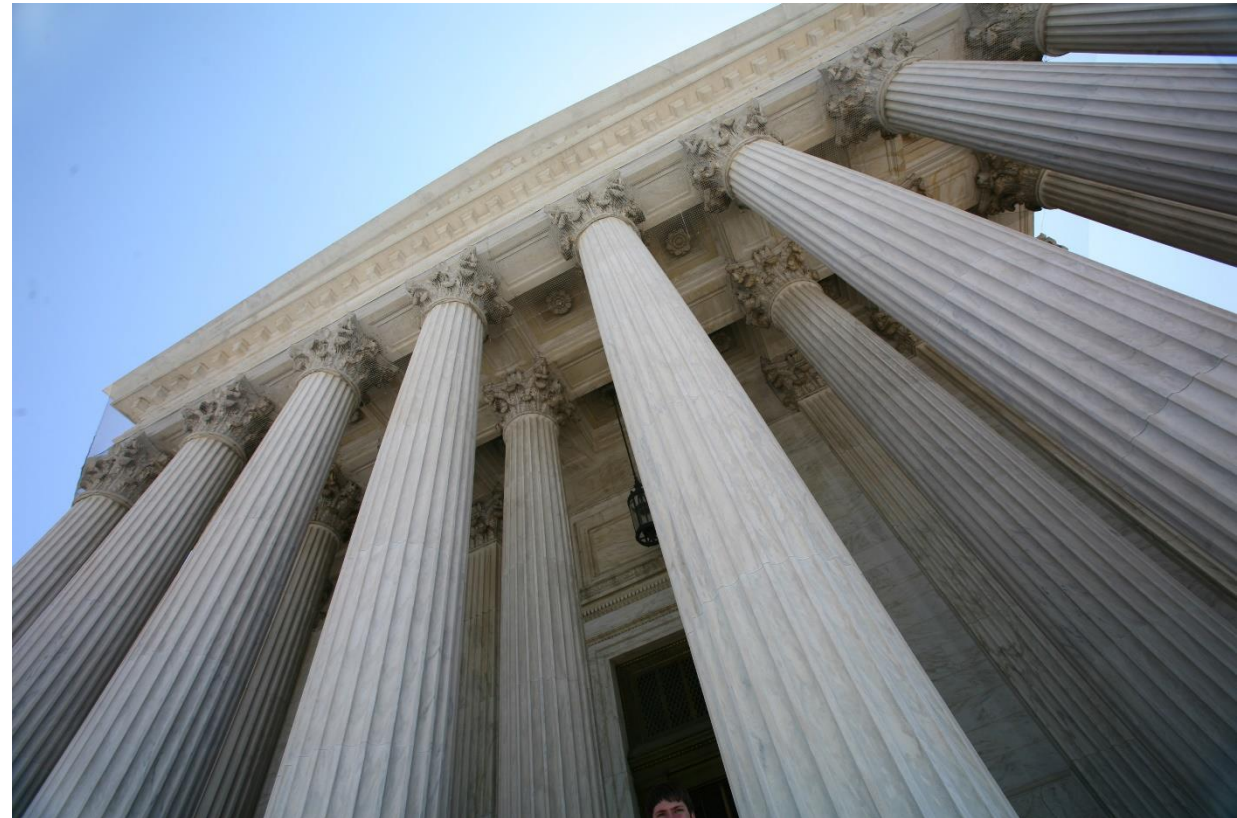
What's New in 2025

- **2025 Webinar Format**
 - Tuesdays at noon, Eastern
 - 30-minute Webinars
 - Special topic-specific programming, TBD
- **January 2025 Programming**
 - Looking back at 2024
 - Peering ahead into 2025
 - *Programming to roll out over the balance of the month*



Government: And What We're Tracking

- **Federal Government**
 - Election results certified in Congress, January 6, 2025
 - President Trump: Second Inauguration January 20, 2025
- **New York State**
 - Gov. Hochul End-of-2024 Bill Signings
 - MCO Tax Approved – End of 2024
 - Executive Budget Proposal and State of the State – January 2025
 - Congestion pricing



Corporate Transparency Act On Pause Again



Alyssa M. Christian

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The Original Timeline



January 1 2021: Congress passes the Corporate Transparency Act (the “CTA”).



January 1, 2024: CTA reporting requirements go into effect. New entities had to report within 90 days of formation.



~~January 1, 2025~~: The original deadline for the estimated 32.6 million existing reporting companies.

What Happened

CTA goes into effect – **Reporting REQUIRED**

1 Jan. 2024

Fifth Circuit orders a stay of the injunction – **Reporting REQUIRED**

23 Dec. 2024

DOJ asks Supreme Court for a stay of the injunction – **Reporting TBD**

31 Dec. 2024

Injunction issued against the CTA – **Reporting NOT required**

3 Dec. 2024

Fifth Circuit lifts the stay – **Reporting NOT required**

26 Dec. 2024

What Happens Next?

- January 10, 2025: Responses are due to the Supreme Court by 4p.m.
- ?: a decision from the Supreme Court regarding the stay of the injunction will likely come next week.
- February 28, 2025: Fifth Circuit merits panel will conclude briefing regarding the constitutionality of the CTA.
- March 25, 2025: Fifth Circuit has scheduled oral arguments regarding the constitutionality of the CTA.
- ?: Fifth Circuit decision on the constitutionality of the CTA
- ?: Either decision will likely be appealed to the Supreme Court.

Going Forward

- As of right now, there is NO requirement to file or update BOI Reports.
- We can still analyze, prepare, and submit BOI Reports if you choose to do so.
- If you didn't start preparing for CTA compliance before the injunction, it may be a good idea to get familiar with the requirements.
- Stay tuned! It is possible that the CTA reporting requirements could resume as early next week, but the future is really uncertain.

Federal Court Limits NLRB Remedies



Thomas G. Eron

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Thryv, Inc., 372 NLRB No. 22 (2022)

- In *Thryv*, for the first time, the Board determined that, “in all cases in which [its] standard remedy would include an order for make-whole relief,” it will also order that the employer compensate affected employees for “all direct or foreseeable pecuniary harms” suffered as a result of the unfair labor practice.



Thryv, Inc., 372 NLRB No. 22 (2022)

- Since 2022, NLRB remedies and settlement demands now include broad compensatory relief in the form of consequential damages.
- Examples: Out of pocket health care costs, cost of cleaning clothes or providing new toolboxes where unlawful reassignments caused damage, increased transportation or childcare costs, interest or late fees on credit card payments and losses from early retirement account withdrawals.
- Issues to be addressed in settlement or in the compliance stage of the litigation

***NLRB v. Starbucks* (3d Cir. December 27, 2024)**

- Starbucks found to have unlawfully terminated two baristas because of their union activity.
- NLRB ordered reinstatement, backpay and *Thryv* remedy (compensate the employees for all direct or foreseeable pecuniary harms suffered as a result of their discharge).
- Third Circuit upholds the unfair labor practice findings but rejects the NLRB's remedy as beyond the Board's authority.

NLRB v. Starbucks

- Section 10(c) of the NLRA authorizes the Board to order employers to “cease and desist from” unfair labor practices and to “take such affirmative action, including reinstatement of employees with or without back pay, as will effectuate the policies of the Act.”
- Congress did not establish a general scheme authorizing the Board to award full compensatory damages for injuries caused by wrongful conduct.

NLRB v. Starbucks

- The Board can still award some monetary relief based on what the employer withheld as a result of an unfair labor practice.
- Reinstatement with back pay is a type of “affirmative action” that the Board can order.
- Backpay is based on what the employer wrongfully withheld from the employee; it is an equitable remedy -- a form of restitution.
- Not just lost wages; e.g., lost retirement plan contributions.
- Court declines to reach 7th Amendment jury trial issue.

Take-aways

- Remand to the NLRB sets up opportunity for the Trump Board to act.
- Another example of federal courts' willingness to constrain administrative agencies.
- Strengthens defense in pending and future cases while *Thryv* remains the NLRB standard.

Major Updates to H-1B Program and Other Nonimmigrant Visa Classifications



Kseniya Premo

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Introduction

- Summary of USCIS's final rule announced on December 18, 2024.
- Goals: Modernize the H-1B process, improve efficiency, provide new benefits, and enhance integrity.
- Affected categories: H-1B, H-2, H-3, F-1, L-1, O, P, Q-1, R-1, E-3, TN.

Key Updates Overview

- New rules effective for petitions filed on or after January 17, 2025.
- Revised Form I-129 required for all filings.
- Updated definition of “specialty occupation.”
- Expanded authority for site visits.
- Changes to H-1B Cap-Gap extensions and ACWIA fee exemptions.

Updates to Specialty Occupation Definition

- Focus on the beneficiary's course of study, not just degree title.
- Requires a bachelor's degree in a "directly related" specialty.
- Degree must have a logical connection to job duties.
- Petitioners must prove how each field of study relates to the position.

Changes to Petition Requirements

- Removal of detailed itinerary requirement but still must establish job existence at the start date.
- Specialty occupation evaluation based on third-party job criteria.
- Amended petition guidance clarified, including LCA requirements.

Site Visits and Compliance Measures

- Expanded authority to inspect petitioner worksites, third-party locations, and remote work sites.
- Non-cooperation can lead to petition denial or revocation.

H-1B Cap-Gap Extensions

- Extensions continue until April 1 of the fiscal year or petition start date.
- Prior extensions lasted until September 30.

Recommendations

- Review current and planned filings to align with new rules.
- Prepare for revised eligibility requirements and forms.
- Strengthen compliance to adapt to enhanced site visit authority.

Questions?



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Third Circuit rejects NLRB Thryv Remedy Rubric

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Kseniya Premo, kpremo@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

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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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