

A hand in a dark suit jacket is shown from the wrist up, pointing upwards with the index finger. The years 2021, 2022, 2023, 2024, and 2025 are overlaid on the hand, with 2024 being the largest and most prominent. The background is a blurred outdoor scene with trees and a bright sky.

# BUSINESS IN 2024

WEEKLY WEBINAR SERIES

The logo consists of a stylized asterisk or star shape made of six thick, 3D-looking bars radiating from a central point.

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# Your Host



## **Gabriel S. Oberfield**

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# TODAY'S AGENDA

**Gabe Oberfield – (12:00PM-12:10PM)**

- Agenda
- NYS Legislative Session Closeout

**Camisha Parkins – (12:10PM-12:20PM)**

- Congestion Pricing Put on Pause

**Dori Bailey – (12:20PM-12:30PM)**

- Implications of *Cantero v. Bank of America NA*

**Stephanie Fedorka – (12:30PM-12:35PM)**

- Navigating Complicated Attendance and Leave Issues

**G. Oberfield – (12:45PM)**

- Wrap Up

# What We Said Last Week...

## NYS Legislative Session – Moving to Close

- “Session slated to end this week, and unlikely to extend
  - *Budget included significant program elements*
- “What might make it (a sampling):
  - Social media involving kids (YES)
  - “Warning signs at sites of gun sales (YES)
  - “Data privacy protections (NO)
  - “Grieving Families Act (YES)”



Credit: Albany.org

MAY 2024						
S	M	T	W	T	F	S
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5	6	7	8	9	10	11
12	13	14	15	16	17	18
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26	27	28	29	30	31	

JUNE 2024						
S	M	T	W	T	F	S
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2	3	4	5	6	7	8
9	10	11	12	13	14	15
16	17	18	19	20	21	22
23	24	25	26	27	28	29
30						

January 3 2024 Legislative Session convenes  
 January 15 Martin Luther King, Jr. Day  
 January 16 Final Day for Submission of Executive Budget

February 19 Presidents' Day  
 April 1 Beginning of new Fiscal Year  
 May 27 Memorial Day

■ Session

Credit: New York State Assembly

# The Effects of the Congestion Pricing Pause

- Legislature worked into Saturday morning, June 8<sup>th</sup>
- Extended session possible?
- Per PoliticoPro:
  - *“The Assembly and state Senate passed fewer bills this session than last — 805, compared to 896 — which happens to be the lowest level of activity since Democrats took control of both chambers.”*
- Tax bill to fill MTA spending gap was floated and **did not pass**
- Political and policy debate continue vigorously (C. Parkins to discuss details)



Credit: G. Oberfield

# Outcomes on Other Key Final-Stretch Legislation

## - YES

- Climate “Superfund”
- Downstate casino licensure expediting
- Reforming hospital closures
- Ambulance reimbursements
- NYC red-light cameras
- Absentee drop ballot boxes
- Repeal of lifetime felony jury ban
- Short-term rental registry

## - NO

- Medical aid in dying act
- Health access for undocumented immigrants
- COVID-19 commission
- NY HEAT Act
- Single use plastic reduction
- “Harvey Weinstein” bill



*Credit: G. Oberfield*

# Next Steps



Credit: Governor.ny.gov

- Delivery of bills to Governor (through end of year)
- Legislature scheduled to return in January 2025

# Congestion Pricing Put on Pause



## Camisha L. Parkins

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# Program Overview

- **Daytime Tolls (5AM – 9 PM weekdays; 9 AM – 9 PM weekends):**
  - Passenger vehicles: \$15
  - Small trucks (box trucks, moving vans, etc.): \$24
  - Large trucks: \$36
  - Motorcycles: \$7.50
- **Off-Hour Tolls (9 PM – 5 AM weekdays; 9 PM – 9 AM weekends):**
  - About 75% less than daytime prices
- **Gridlock Alert Days:** MTA reserves the right to raise the tolls up to 25%
- **Entry Charge Only:** Drivers will not be charged to leave the CBD or remain in the CBD
- **One Charge Per Day Limit**

# Program Exemptions

- **Mandatory Exemptions:**
  - Authorized emergency vehicles
    - Includes: ambulances, police vehicles, correction vehicles, fire vehicles, blood delivery vehicles
  - Vehicles transporting persons with disabilities
- **Planned Exemptions:**
  - Government vehicles
  - Buses providing commuter or transit services
  - School buses that contract with the NYC Department of Education
  - Rideshares and taxis
- **Discounts:**
  - Low-income households
  - “Crossing Credits”

# Purposes of the Program

- **Ease Congestion**

- Plan was expected to reduce the number of vehicles entering the area by 17%, which would amount to about 153,000 fewer cars in that large portion of Manhattan.

- **Generate Revenue**

- Designed to collect \$1 billion in annual tolls
- MTA planned to put a portion of the revenue toward infrastructure upgrades for the city's subway, buses and commuter rails.

# Concerns Regarding the Pause

- Gov. Kathy Hochul said a major factor in her decision was concerns over the impact of the tolls on working people.

*"Circumstances have changed and we must respond to the facts on the ground and not the rhetoric of five years ago."*

- Several political entities, drivers and unions that opposed the plan celebrated the pause, while mass transit advocates and business leaders describe the “pause” to implement the plan as a betrayal:

*“We need transit funded properly, not protection for rich suburbanites.”* - Pete Sikora of New York Communities for Change

# Going Forward

- “There’s a big difference between a pause and elimination. Elimination was an option. I said I’m committed to congestion pricing.” – Gov. Kathy Hochul
- **MTA’s Press Conference on June 10, 2024**
  - MTA will have to "shrink" their financial plans and their Capital Program
  - MTA Chairman and CEO Janno Lieber:

*"We need the funding in order to move forward...We got a tall order and we're behind the 8-ball right now, and that's why we're taking these, frankly, serious steps to carve up the Capital Program and make sure we don't let the system fall into disrepair."*

- MTA plans on moving forward without funding coming from the congestion pricing plan.
- Priority is to avoid reducing service on subway lines, bus lines and on commuter rails.
- **It is not over for Congestion Pricing!** It remains required by state law. However, approval from the New York Department of Transportation is not imminent.

# Implications of *Cantero v. Bank of America NA*



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# Navigating Complicated Attendance and Leave Issues



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# Myriad of Leave Laws!

- ❑ Family and Medical Leave Act (FMLA)
- ❑ NYS Paid Family Leave
- ❑ NYS Paid Sick Time (NYLL 196-b)
- ❑ Military Leave
  - ❑ USERRA (all employers)
  - ❑ NYS Military Leave Section 317
  - ❑ NYS Military Leave Sections 242 & 243
- ❑ NYS Bone Marrow Donation Leave (NYLL 202-A)
- ❑ NYS Military Spouse Leave (NYLL 202-I)
- ❑ NYS Bone and Organ Donation Leave for State Employees (NYLL 202-B)
- ❑ NYS Blood Donation Leave
  - ❑ NYLL 202-J – Private Employers
  - ❑ NY Civil Service Law 159-D – Public Employers
- ❑ Discrimination in Child-Care Leave Prohibition (NYLL 201-C)
- ❑ NYS Volunteer Emergency Responder Leave (NYLL 202-L)
- ❑ NYS Cancer Screening Leave (NYS Civil Service Law 159-b)
- ❑ NYS Leave for Participation in Certain Athletic Competitions (NYS Civil Service Law 151)
- ❑ NYS Civil Service Law Sections 71, 72, 73
- ❑ Americans with Disabilities Act, NYHRL –Leave as a reasonable accommodation for disability
- ❑ Leave/Accommodations for Victims of Domestic Violence (NYHRL)
- ❑ Leave/Accommodations for Pregnancy, Childbirth and Related Medical Conditions –Pregnant Workers Fairness Act, NYHRL
- ❑ Bereavement Leave Equality Law (NYS Civil Rights Law 79-n)
- ❑ NYS COVID Paid Leave (sunsets July 31, 2025)

# Practical Tips for Navigating Attendance and Leaves of Absence



**Step 1: Have strong and compliant written policies (Attendance, PTO, Leaves)**

**Ask:**  
Are they up to date?  
Do we have a written policy for that?  
Where is the written policy located?  
Has it been circulated/distributed to employees?  
Who is responsible for administering?  
What are the roles and responsibilities of each person?



**Step 2: Identify and understand the reason for the absence from work.**

**Ask:** Do we have all the information we need?  
**Caution:** Parameters on what you can and can't ask for depending on the purpose of the leave/absence.  
**But:** Employer is generally entitled to basic information about why the employee needs to be out of work.



**Step 3: Identify what policies and leave laws apply**

**Identify:**  
Policy  
Leave Law (if applicable)  
Interaction/Interplay (What runs concurrently)



**Step 4: Communicate with employee regarding leave approval, expectations, and other issues**

**What should be communicated?**  
Notices/Documentation/Certification Required (**and DUE DATE**)  
Dates of leave (include a return to work date)  
Continuation of benefits  
Expectations while on leave  
Return to work expectations (medical note; communication about changes; repayment of advance on contributions)



**Step 5: Set Reminders; Follow Up**

**Do Not:** Harass, coerce, threaten, or bother employee while they are on leave; unnecessary communication during leave  
**Do:** Check in a week or so before return to work; communicate if there is a change in circumstances



**Step 6: Be prepared to navigate changes, return to work obligations (including accommodations), and AVOID retaliation claims**

**Remember:**  
Leave issues can be tricky and can change fast; be prepared to handle change in employee's circumstances  
Protected leaves = Protected from retaliation

# Your 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.  
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