

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



BOND

SCHOENECK
& KING ATTORNEYS

Your Host



Kristen E. Smith

Member

ksmith@bsk.com

Syracuse, NY

The Pregnant Worker:

What to Expect When an Employee is Expecting

Labor and Employment Law Fall 2024 Breakfast Briefing

Albany • October 31

Binghamton • September 17

Buffalo • October 3

Corning • September 26

Ithaca • September 24

Melville • October 1

New York City • September 25

Rochester • September 19

Saratoga Springs • October 23

Syracuse • October 10

Utica • October 15

Watertown • October 24

Westchester • October 10

Learn more at bsk.com/events



BOND SCHOENECK
& KING ATTORNEYS



TODAY'S AGENDA

Kristen Smith – (12:00PM-12:05PM)

- Introduction

Mark A. Berman – (12:05PM-12:15PM)

- New AI Guidelines

Nicholas P. Jacobson – (12:15 PM-12:25PM)

- October 2024 Litigation Update

Catherine M. Hrbac – (12:25PM-12:35PM)

- Basics of Blockchains

Haley R. Ouellette – (12:35PM-12:45PM)

- Preparing for a Commercial Financing Transaction

New AI Guidelines



Mark A. Berman

Member

mberman@bsk.com

New York, NY

October 2024 Litigation Update



Nicholas P. Jacobson

Member

njacobson@bsk.com

Rochester, NY

EEOC v. ACARE HHC d/b/a Four Seasons Licensed Home Health Care

- Equal Employment Opportunity Commission brought action on behalf of Black and Hispanic home health aides
- Alleged that Four Seasons engaged in a pattern and practice of discrimination by reassigning home health aides to accommodate racial preferences of clients
- Engaged in conciliation after investigation, but commenced litigation after a resolution could not be reached

Four Seasons, cont.

- Alleged that some clients made requests for home health aides of a particular race, and Four Seasons accommodated many of such requests
- This allegedly resulted in a disproportionate number of Black and Hispanic aides being removed from assignments
- EEOC alleged:
 - Aides could go weeks or days without an assignment after removal; some were never reassigned and were terminated
 - Black and Hispanic aides were forced to care for clients in “worse neighborhoods,” leading them to have “longer and more dangerous commutes”

Four Seasons, cont.

- Four Seasons entered into consent decree with EEOC and agreed to pay \$400,000 to class members
- Also agreed to non-monetary relief, including:
 - Required to issue a policy prohibiting race-based assignments
 - Implement tracking of client reassignment requests
 - Provide 2 hours of interactive training for all employees with authority to make home health aide assignments
 - Comply with reporting requirements

Four Seasons, cont.

- Takeaways:
 - Employers have a duty to prevent and remedy discrimination and harassment by third-parties in the workplace, including clients, customers and vendors
 - Pattern and practice type discrimination claims can lead to:
 - Potential enforcement actions by the EEOC
 - Increased financial exposure
 - Be aware of the potential for disparate impact claims

Bryant v. Buffalo Exchange, Ltd.

- Class action by retail employees alleging violation of N.Y. Labor Law § 191 which requires manual workers to be paid weekly
- Plaintiffs claim that each time they were not paid wages on a weekly basis they were underpaid wages
- Split in Appellate Divisions as to whether employees have a private right of action under Section 191; currently awaiting resolution by New York Court of Appeals

Split in Appellate Authority

- *Vega v. CM & Assocs. Const. Mgmt., LLC* – 1st Dept. 2019
 - Held that the moment wages are not paid on time, there has been an underpayment;
 - Found that where timely payments not made, double payment is the appropriate remedy
 - Also found an implied private right of action
- *Grant v. Global Aircraft Dispatch, Inc.* – 2d Dept. 2024
 - Employees were not underpaid simply because they received their full wage a week later
 - No implied private right of action

***Bryant v. Buffalo Exchange, Ltd* cont.**

- When there is a split in appellate authority on an issue of state law, federal courts must try to predict which way the Court of Appeals will hold
- Court noted that “almost all” district courts have sided with *Vega*
 - Collected cases: 5-2 split siding with *Vega*
- Held that manual workers:
 - Have a private right of action under NYLL § 191; and
 - Are entitled to double payment where they were not paid on a weekly basis

Bryant v. Buffalo Exchange, Ltd cont.

- Make sure manual workers are being paid on a weekly basis
- Cross your fingers for either:
 - A decision by the Court of Appeals adopting *Grant*, or
 - Action by the Legislature or Governor

Basics of Blockchains



Catherine M. Hrbac

Associate

chrbac@bsk.com

Syracuse, NY

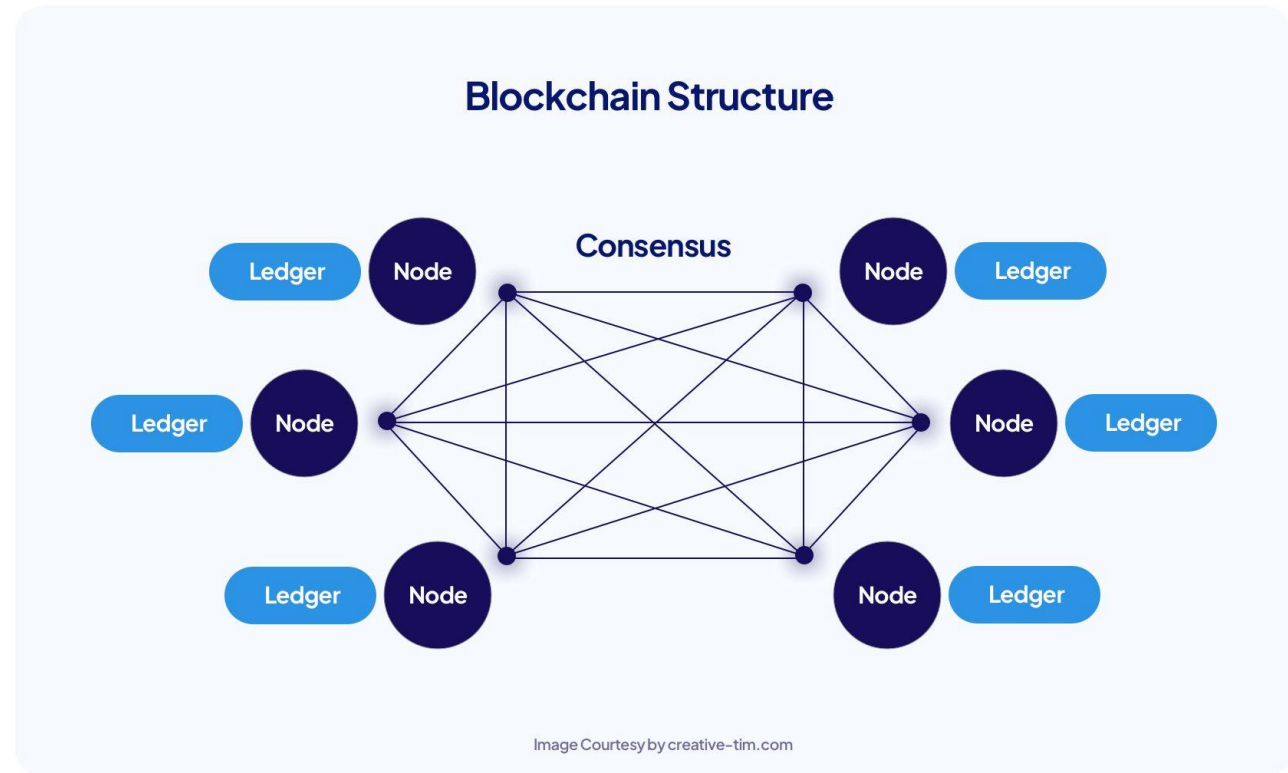
Welcome!

- Introduction to Blockchain Technology
 - What is a blockchain?
 - How are they structured?
 - How are they secured?
 - How are they used?



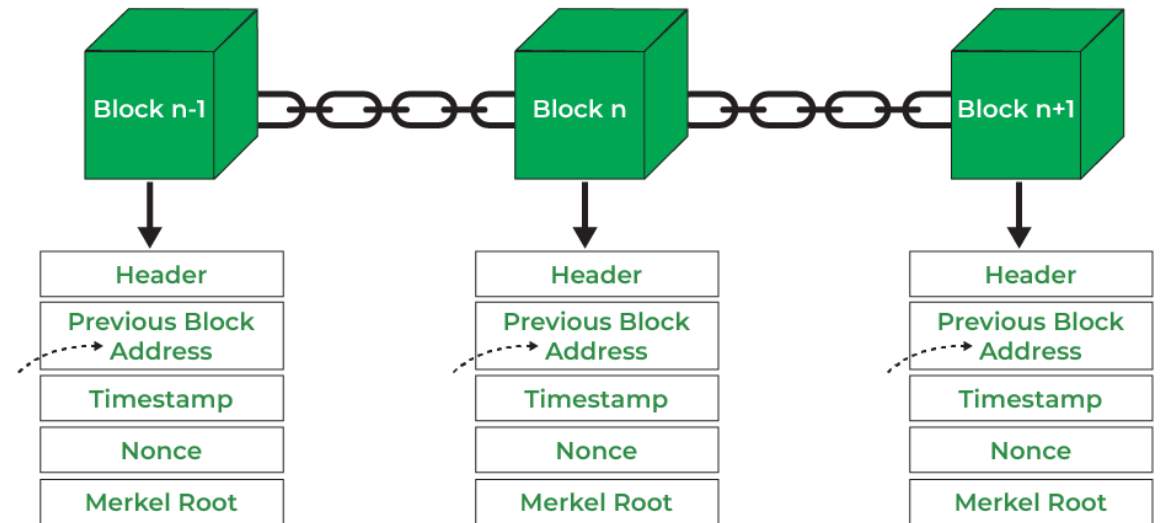
What is a Blockchain?

- Decentralized, distributed ledger
- Key Characteristics
 - Immutable
 - Transparent
 - Secure



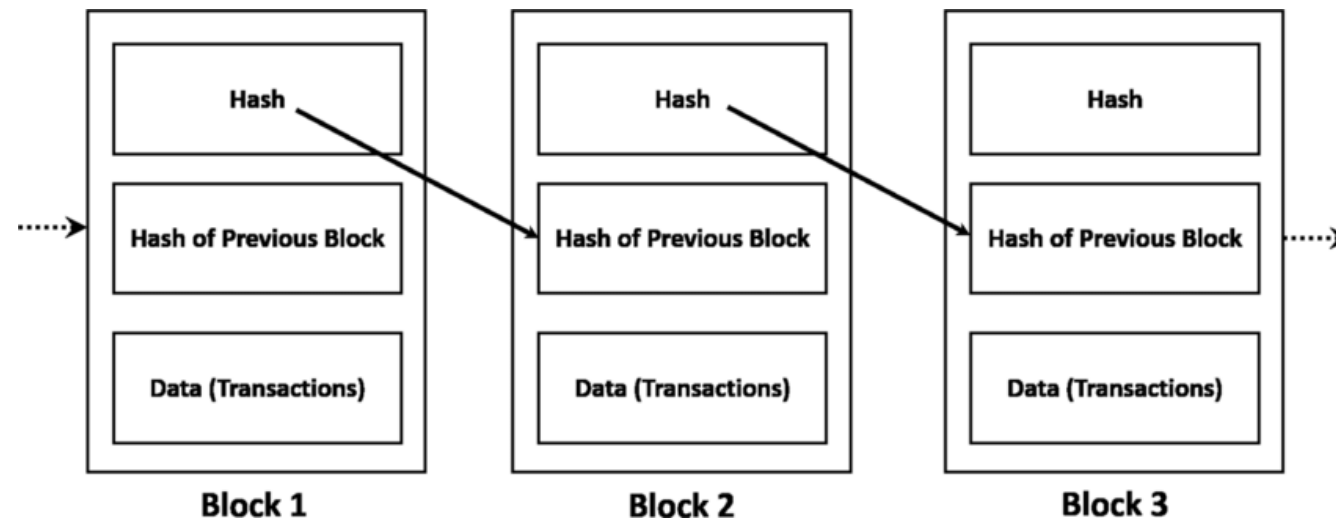
Components of a Blockchain

- Blocks
 - Made up of data, previous block's hash, and a nonce
- Chain
 - Links blocks in chronological order
- Nodes
 - Validate and store the blockchain



How Data is Structured

- Block Structure
 - Data: transaction details
 - Previous Hash: ensures integrity by linking to prior block
 - Hash: unique identifier created by cryptographic algorithms



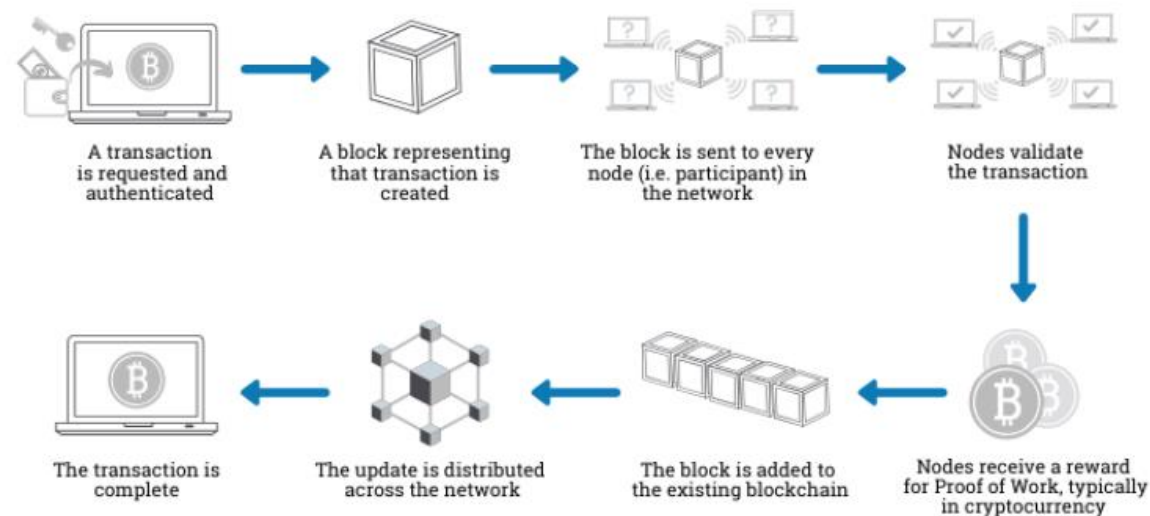
Consensus Mechanisms

- Ensures agreement among all nodes on the state of the chain
- Common Types
 - Proof of Work
 - Computational power
 - Solve hard math, add a block
 - Proof of Stake
 - Based on ownership of cryptocurrency
 - Stake owning nodes vote on legitimacy of a new block using cryptographic validation algorithms

Transactions

- Initiation
 - User creates the transaction
- Broadcast to Network
 - Transaction sent to nodes for validation
- Validation and Addition to the Chain
 - Nodes validate, create a new block, and add it to the chain

How does a transaction get into the blockchain?



© Euromoney Learning 2020

Real-World Applications

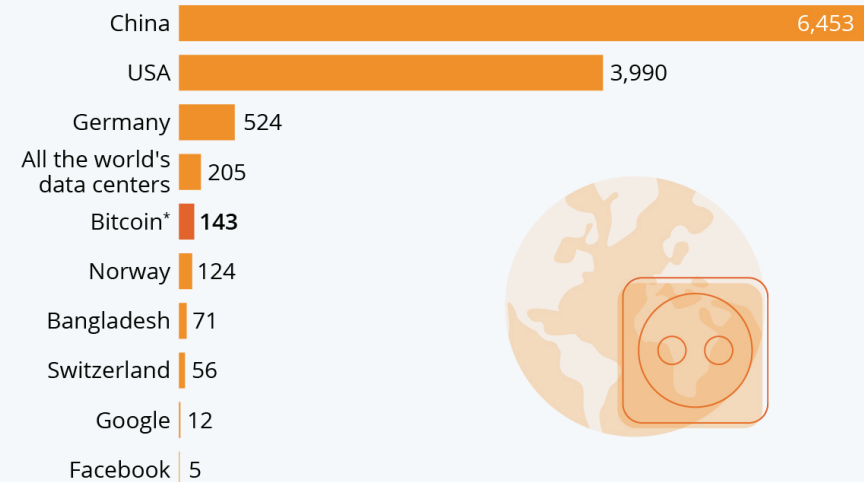
- Cryptocurrencies
 - Bitcoin, Ethereum, Solana
- Smart Contracts
 - Self-executing contracts with terms written into if-then statements in the code
- Supply Chain Management
 - Track products from origin to consumer to validate authenticity

Challenges and Considerations

- Scalability
 - Transactions are slow
- Regulatory Concerns
 - Compliance with laws is difficult to ensure
- Energy Consumption
 - Proof of Work requires huge amounts of energy and hardware

Bitcoin Devours More Electricity Than Many Countries

Annual electricity consumption in comparison (in TWh)



* Bitcoin figure as of May 05, 2021. Country values are from 2019.
Sources: Cambridge Centre for Alternative Finance, Visual Capitalist



statista

Preparing for a Commercial Financing Transaction



Haley R. Ouellette

Associate

houellette@bsk.com

Syracuse, NY

Bank Items

- Financial statements
- Tax returns
- Paystubs
- Budget
- Open bank accounts
- Appraisal
- Environmental Review

Insurance

- All-risk insurance
- Liability insurance
- Property insurance
- Business interruption or loss of income/rents
- Binders or Certificates naming lender as mortgagee, lender's loss payee and additional insured
- Copy of policy

Compiling Entity Documents

LLC	Corporations
Articles of Organization	Certificate of Incorporation
Operating Agreement	By-laws
Proof of Publication	Franchise Tax Search
Certificate of Good Standing (long form)	Certificate of Good Standing (long form)
EIN	EIN
Authorizing Resolutions	Authorizing Resolutions
Organizational chart	Organizational chart

Entity Documents

- Documents must be up-to-date and include copies of all amendments
- Certified copy
- Authority to do business in the state the company is operating in
- Biennial statement filing
- Who is authorized to sign on behalf of the company (and will that person be available to sign closing documents)?

Collateral Documents & Searches

- Real Property
 - Survey
 - Title: Prior title insurance policy or abstract
 - Property tax receipts
- Other types of collateral
 - Leases
 - Assets/personal property (Equipment, fixtures, accounts, etc.)
 - Grants
 - Life Insurance policies
- Searches: Litigation, UCC, Bankruptcy, Tax Lien, Judgment

Questions?



Kristen E. Smith

Member

ksmith@bsk.com

Syracuse, NY

New AI Guidelines

Mark Berman, mberman@bsk.com

October 2024 Litigation Update

Nick Jacobson, njacobson@bsk.com

Basics of Blockchains

Catherine Hrbac, chrbac@bsk.com

Preparing for a Commercial Financing Transaction

Haley Ouellette, [houellette@bsk.com](mailto:houvellette@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

New York Employment Law: The Essential Guide

Purchase through Amazon [here](#).

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.