

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 greenery and a building.

# BUSINESS IN 2024

WEEKLY WEBINAR SERIES



**BOND**

SCHOENECK  
& KING ATTORNEYS

# Your Host



## Kristen E. Smith

Member

[ksmith@bsk.com](mailto:ksmith@bsk.com)

Syracuse, NY

# TODAY'S AGENDA

**Kristen Smith (12:00 p.m. – 12:05 p.m.)**

- Welcome / Agenda

**Kristen Smith (12:05 p.m. – 12:10 p.m.)**

- Clean Slate Act Q&A Follow Up

**Shannon Knapp and Amber Lawyer (12:10 p.m. – 12:20 p.m.)**

- Cybersecurity and Data Privacy: Policies and Procedures - Best Practice Tips

**Nicholas Jacobson (12:20 p.m. – 12:30 p.m.)**

- November 2024 Litigation Update: Administrative Agency Trends

**Kathleen McGraw (12:30 p.m. – 12:40 p.m.)**

- "Garbage In, Garbage Out" – New York Judge Throws Out Expert Damages Calculation Generated by Artificial Intelligence

**Kristen Smith (12:45 p.m.)**

- Your Questions
- Adjourn

# Clean Slate Act Q&A Follow Up



**Kristen E. Smith**

Member

[ksmith@bsk.com](mailto:ksmith@bsk.com)

Syracuse, NY

# Cybersecurity and Data Privacy

## Policies and Procedures - Best Practice Tips



**Shannon A. Knapp**

Associate

sknapp@bsk.com

Syracuse, NY



**Amber L. Lawyer**

Associate

alawyer@bsk.com

Syracuse, NY

# Importance of Cybersecurity Policies and Procedures

Legal obligations

Prevention of breaches and mitigation of harm

Incidence response

Organization's credibility

Mitigation of litigation risks

Prevention of regulatory penalties

# Data Privacy Laws

- Gramm-Leah-Bliley Act (GLBA)
- New York Stop Hacks and Improve Electronic Data Security Act (NY SHEILD Act)
- Health Insurance Portability and Accountability Act (HIPPA)
- New York Department of Financial Services Cybersecurity Regulation (NY DFS)
- Consumer Privacy Laws

# Best Practice Tips



Implementation of multiple policies, plans, and procedures



Adequate employee training



“Tech hygiene”



Access control policies



Periodic review and revisions of existing policies



Compliance with data privacy and cybersecurity laws



Risk assessments



Vendor due diligence



Disposal of unnecessary personal data



# November 2024 Litigation Update: Administrative Agency Trends



## Nicholas P. Jacobson

Member

[njacobson@bsk.com](mailto:njacobson@bsk.com)

Rochester, NY

# Equal Employment Opportunity Commission

- 81,055 *new* charges of employment discrimination in 2023
  - Over 10% more than 2022
  - 9,553 charges filed in New York (7,649/2022; 6,536/2021)
- Most common allegations:
  - Retaliation: 56.8%
  - Disability Discrimination: 36%
  - Race Discrimination: 33.9%
  - Sex Discrimination: 31.4%
  - Age Discrimination: 17.4%
  - All other categories less than 10%

## EEOC, cont.

- \$440.5 million in settlements and conciliation for individuals employed in the private sector or state and local government
  - More than 22,000 resolutions
- Resolved more than 370 systemic discrimination investigations
  - \$29 million in additional settlements

## EEOC, cont.

- Filed an additional 143 lawsuits
  - Up from 91 in 2023
  - 118 non-systemic; 25 systemic
- Resolved 98 suits for \$22.6 million
- Boasted “100% success rate” for systemic litigation program
  - \$11 million recovered for 806 employees who were alleged to have been victims of systemic discrimination

## EEOC, cont.

- EEOC also boasted that it reduced its charge inventory despite the 10.3% increase in new charges...
  - Charge inventory reduced by **300**
  - Would represent an amount equivalent to .0037% of new charges

# New York State Division of Human Rights

- 7,629 complaints in 2023
  - Up from 4,865 in 2022 – a 36% increase
- Most common type of complaint:
  - Disability Discrimination – 38.8%
  - Retaliation – 36.3%
  - Race/color Discrimination – 35.2%
  - Sex Discrimination – 22.8%
  - Age Discrimination – 17.6%
  - National Origin Discrimination – 12.7%

# New York State Division of Human Rights, cont.

- \$6.7 million to over 1,000 complainants
  - Up 8% from 2022
  - 6-year high

# DHR Resolutions and Compensation by Region

Region	Number of Complaints	Compensation
Capital Region	44	\$324,734.75
Central NY	79	\$612,046.69
Finger Lakes	148	\$1,322,496.36
Hudson Valley	87	\$562,531.76
Long Island	139	\$690,595
Mohawk Valley	23	\$157,900
New York City	299	\$1,805,061.44
North Country	20	\$83,303.82
Southern Tier	31	\$152,131.58
Western NY	142	\$997,208.67



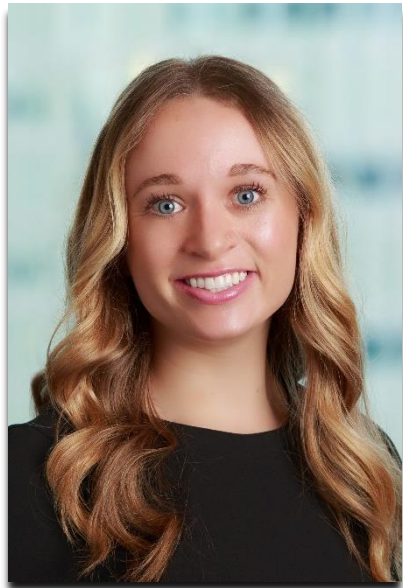
# New York State Division of Human Rights, cont.

- Emphasis on the Division Initiated Action Unit
  - Works to identify and combat systemic discrimination by proactively investigating and prosecuting potential offenses and high-impact cases
  - Filed complaint against Amazon alleging that it discriminates against pregnant workers and workers with disabilities by forcing them to take unpaid leaves rather than continue working with an accommodation; complaint was “determined to have probable cause”

# Notable Omissions from DHR Fiscal Year Report

- Rate of probable cause determinations
- Average processing time for Complaints (was 570+ in 2021, no statistic issued in 2022)
- Statistics related to public hearings (statistics last issued in 2021)

# "Garbage In, Garbage Out" – New York Judge Throws Out Expert Damages Calculation Generated by Artificial Intelligence



## **Kathleen H. McGraw**

Associate

[kmcgraw@bsk.com](mailto:kmcgraw@bsk.com)

Buffalo, NY

# Questions?



## **Kristen E. Smith**

Member

[ksmith@bsk.com](mailto:ksmith@bsk.com)

Syracuse, NY

## Clean Slate Act Q&A Follow Up

Kristen Smith, [ksmith@bsk.com](mailto:ksmith@bsk.com)

## Cybersecurity and Data Privacy: Policies and Procedures - Best Practice Tips

Shannon Knapp, [sknapp@bsk.com](mailto:sknapp@bsk.com)

Amber Lawyer, [alawyer@bsk.com](mailto:alawyer@bsk.com)

## November 2024 Litigation Update: Administrative Agency Trends

Nick Jacobson, [njacobson@bsk.com](mailto:njacobson@bsk.com)

## "Garbage In, Garbage Out" – New York Judge Throws Out Expert Damages Calculation Generated by Artificial Intelligence

Kathleen McGraw, [kmcgraw@bsk.com](mailto:kmcgraw@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](mailto: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.