

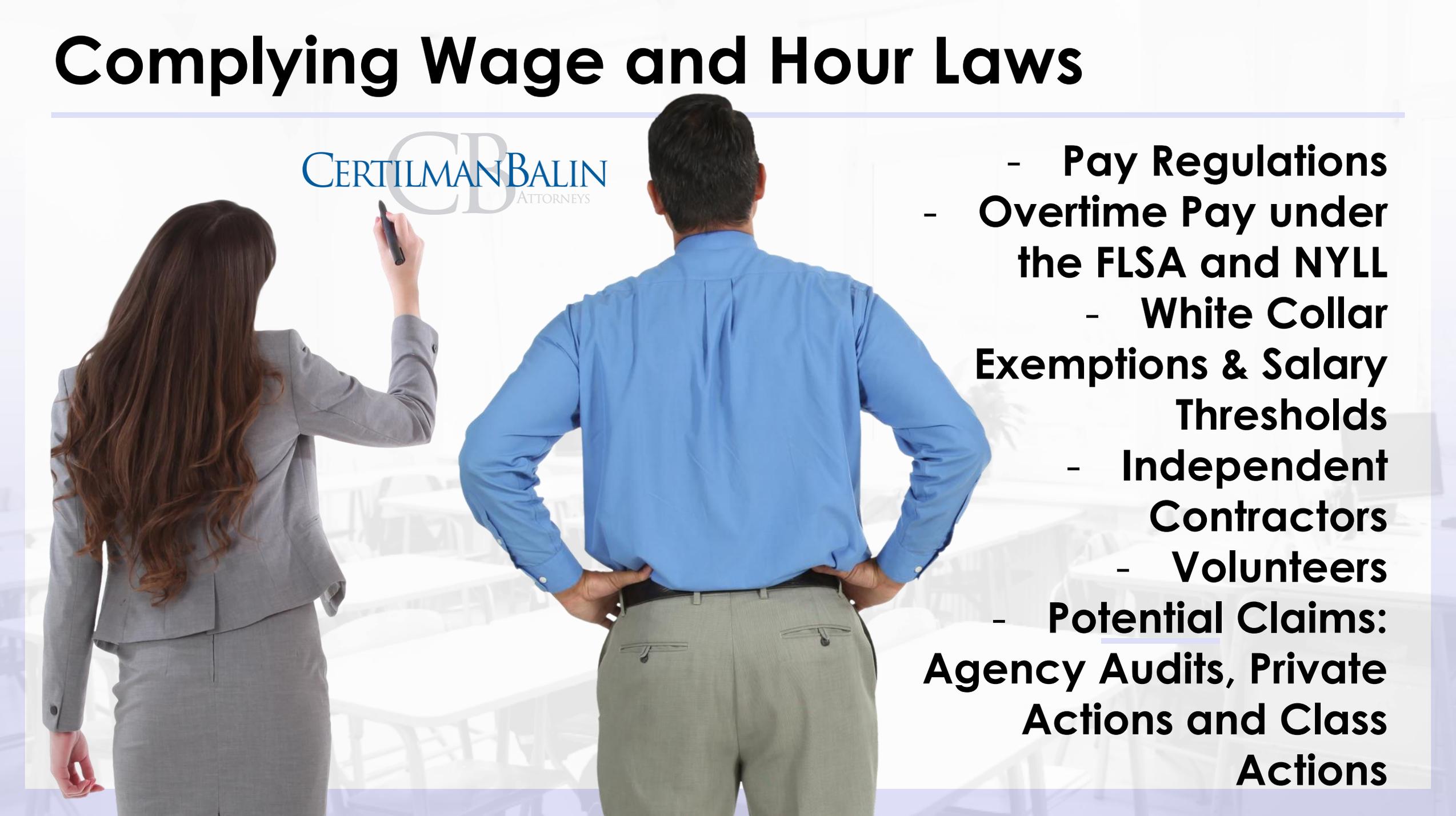


**2022 Non-Profit Update:  
Legal & Governance**

By: Douglas E. Rowe, Esq.

June 29, 2022

# Complying Wage and Hour Laws



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- Pay Regulations
- Overtime Pay under the FLSA and NYLL
  - White Collar Exemptions & Salary Thresholds
  - Independent Contractors
  - Volunteers
- Potential Claims: Agency Audits, Private Actions and Class Actions

# Employers Beware - Another Year of New Laws for New York Employers

# 1

**Minimum Wage Increase**  
**Tip Credit Increase**  
**Salary Threshold Increase**

# 2

## **Recreational Marijuana Legalization**

Employees are protected from disciplinary action or discrimination for their lawful use of cannabis during legal recreational activities and use before or after work hours.



# 3

## **Whistleblower Protections Expanded**

Employees are now protected from retaliation for reporting **any** actual or suspected violation of law – this substantially broadens the scope of whistleblower protections

# 4

## **New York Paid Family Leave**

PFL has reached its maximum leave benefit as of Jan. 1, 2021 (12 weeks paid at 67% of the employees AWW);  
For 2022, the wage replacement benefit cap increases;  
Last fall, NY enacted legislation expanding the definition of family member to include siblings.

# Discrimination & Harassment Issues for NY & NYC Employers



## Race Discrimination on the Basis of Hair

- Employment
- Public Accommodations



## New York City Human Rights Law

## Anti-Sexual Harassment Policy & Annual Training Requirements



## Lactation Accommodations

### Employees Who Pump Have Specific Needs

- Refrigeration or other cooling;
- Sufficient break time;
- Clean and private space;
- Other accommodations



# Notice of Electronic Monitoring to Employees

Private-sector employers that “monitor[] or otherwise intercept[] [employee] telephone conversations or transmissions, electronic mail or transmissions, or internet access or usage” must post a notice of electronic monitoring in a “conspicuous place which is readily available for viewing” by affected employees. Employers also must furnish new employees with written notice when they are hired. The law requires that newly hired employees acknowledge receipt of the notice, “either in writing or electronically.”

# New Workplace Health and Safety Protections.

NYS passed the Health and Essential Rights Act (HERO Acts) to prevent the spread of all airborne infectious diseases in the workplace and establish workplace safety committees. The law requires employers to adopt workplace safety protocols to be implemented in the event of a state designated airborne infections disease.

## COVID-19 Legislation and Orders

- Mask and Vaccine Mandates;
- Vaccination Leave;
- Sick Leave;
- Quarantine Leave;



## NYC Specific Laws

- Job Posting Salary Disclosure
- New York City Fair Chance Act
- Artificial Intelligence in Recruitment, Hiring, and Promotion
- Just Case of Termination of Fast Food Employees

**Douglas E. Rowe, Esq.**  
**90 Merrick Avenue, 9th Floor**  
**East Meadow, NY 11554**

 Direct 516.296.7102 |  Firm 516.296.7000 |  Fax 516.296.7111

 Email: [drowe@certilmanbalin.com](mailto:drowe@certilmanbalin.com) | [my profile](#) | [www.certilmanbalin.com](http://www.certilmanbalin.com)

Douglas E. Rowe is a Partner in our Labor and Employment Group.

His broad range of expertise includes claims alleging discrimination based upon race, sex, religion, national origin, age and disability, as well as sexual harassment, wage and hour issues, labor arbitrations, and defense of employment-related claims under federal and state statutes. He is frequently quoted in the media about the #MeToo movement and legislation affecting employers and employees.

He counsels on and litigates issues relating to restrictive covenants and trade secrets. By initiating preventive counseling on company policies and other personnel matters, Mr. Rowe helps clients keep costs down and avoid litigation. He also prepares and negotiates employment agreements.

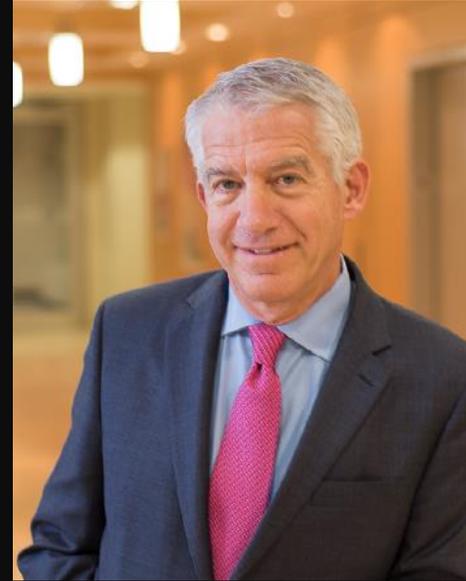
A seasoned litigator at the state and federal level, Mr. Rowe has significant appellate experience. He is admitted to practice in the State of New York, United States District Court, Eastern and Southern Districts, and the U.S. Court of Appeals, Second Circuit.

Mr. Rowe was first named to the *New York Metro Super Lawyers* list in 2011 and has earned the distinction consecutively from 2013 until 2020. Only five percent of lawyers in the New York Metro are honored each year.

He was awarded a “Legal Eagle” by *Long Island Pulse Magazine*.

He serves on the Board of Directors at Rock and Wrap it Up, an anti-poverty think tank based in New York.

He graduated from Brooklyn Law School and earned his Bachelor of Science in Accounting from the University of Maryland. He is a member of the New York and Nassau County Bar Associations.



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