



*Quality Legal Services Since 1813*

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*Protect your Business!*

**Risk and Crisis Management**

**Liability Issues · Regulatory Compliance**

**Labor Issues · Contracts · Best Practices**

*Join us for a presentation and meaningful discussion addressing these legal issues on  
September 28, 2016 at the Troy Hilton Garden Inn.*

*Register at [www.renscochamber.com](http://www.renscochamber.com)*





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# Entity Formation

- **Common Forms of Entities**
  - **Corporation**
    - S-Corp.
    - C-Corp.
    - P.C.
  - **LLC**
    - PLLC
  - **Partnerships**



# Protecting Against Liability

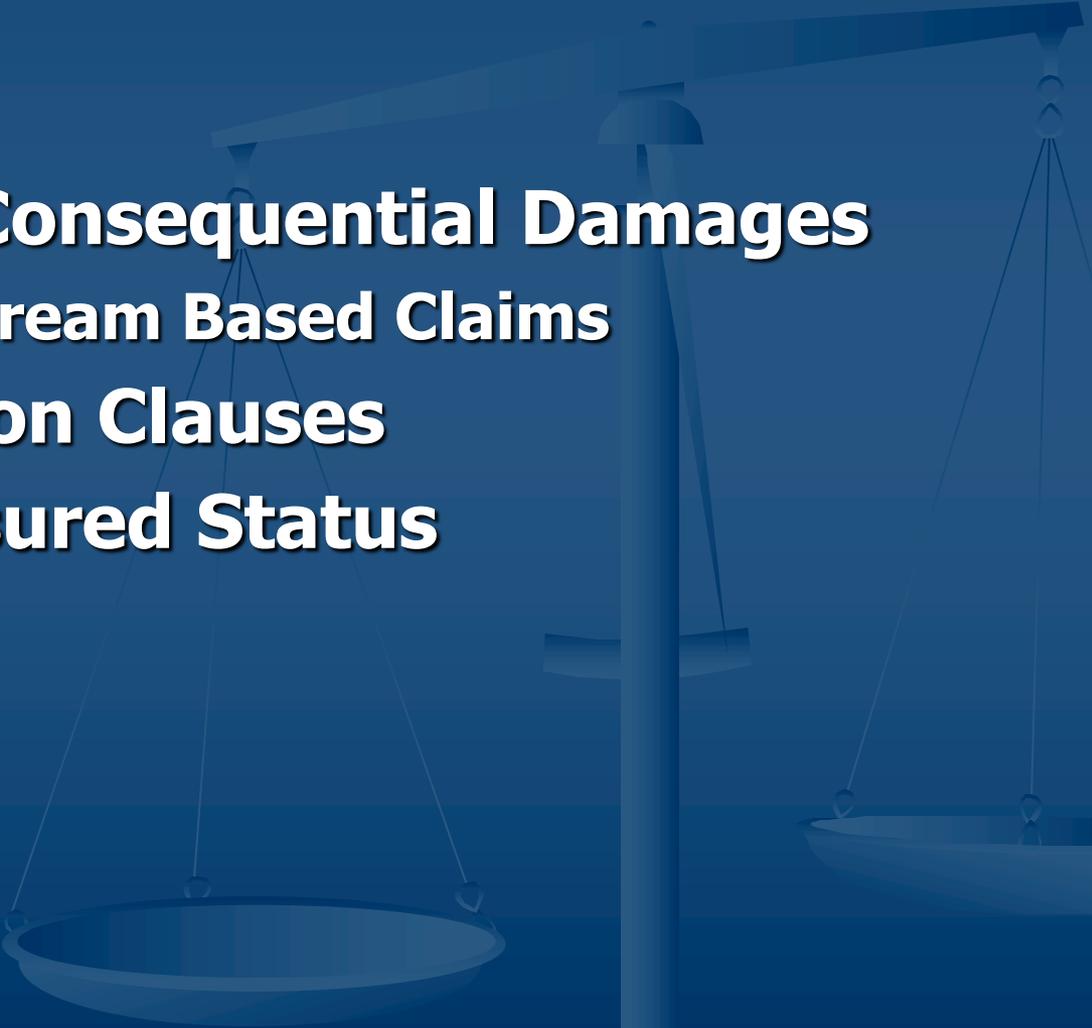


## Personal Injury

- Insurance
- Safety Issues
  - Facilities
  - Equipment
  - Employee Conduct

# Cont.

## Contract Liability

- **Breach**
  - **Warranties**
  - **Incidental & Consequential Damages**
    - **Production Stream Based Claims**
  - **Indemnification Clauses**
  - **Additional Insured Status**
  - **Leases**
- 

# Regulatory Compliance

- Licensing
  - Zoning
  - OSHA
  - ADA
    - Title I
    - Reasonable Accom. Unless Undue Hardship
    - [www.psgglaw.com](http://www.psgglaw.com)
- 

# Cont.

## Export Control Compliance

### ■ Regulated Items

- Commodities, Software and Technology that can be Used in a Terrorist or Military Application.

### ■ Export

- Transfer of a Physical Item, Computer Software or Technical Information to a Foreign Country.

### ■ Re-export

- Release of Information, Technology or Source Code to a Foreign National on U.S. Soil.

- [www.psgqlaw.com](http://www.psgqlaw.com)

# Labor Issues

- **Discrimination Complaints**
  - **ADA**
  - **Protected Classes**
  - **EEOC / State Div. of Human Rights**
  - **Sexual Harassment**
    - **Quid Pro Quo**
    - **Hostile Work Environment**



# Labor Cont.

## ■ Wages

### ■ Min. Wage

- Federal: \$7.25 / Hr.
- NYS: Gen. \$9.00 / Hr.
- Fast Food \$9.75 / Hr.
- Tipped \$7.50 / Hr.

## ■ Overtime

### ■ Above 40 Hrs. / Week

- Time and One Half Pay – Non-Exempt Emp.

# Labor Cont.

## ■ Exempt Employees

- Min. Pay \$913 / Wk. (\$47,476 / Yr.) Dec. 1. 2016
- Administrative, Professional, Exec., Computer Employees.
- Does not Include Teachers, Lawyers, Doctors

■ Importance of Documenting Files

■ At Will Employment.

■ Non-Compete / Non-Solicitation K

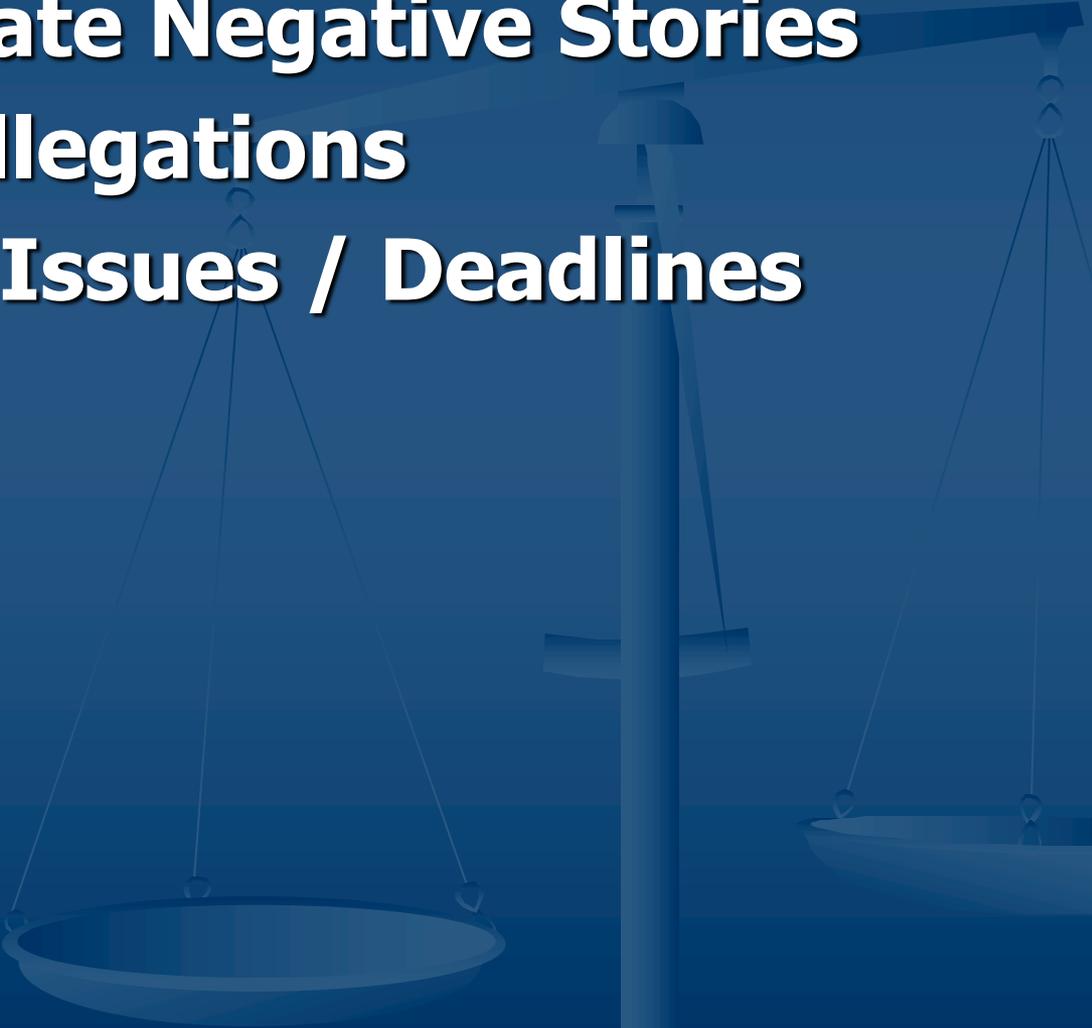
# Labor Cont.

- **Employees v. Subcontractors**
  - **NYS Labor Dpt.**
    - **No Supplies, Equip., Space or Direction**
- **Benefits**
  - **FICA**
    - **Soc. Sec. / Medicare Tax**
  - **Unemployment**
  - **Disability**
  - **FMLA**
    - **12 Weeks Unpaid Leave / 50+ Employees**

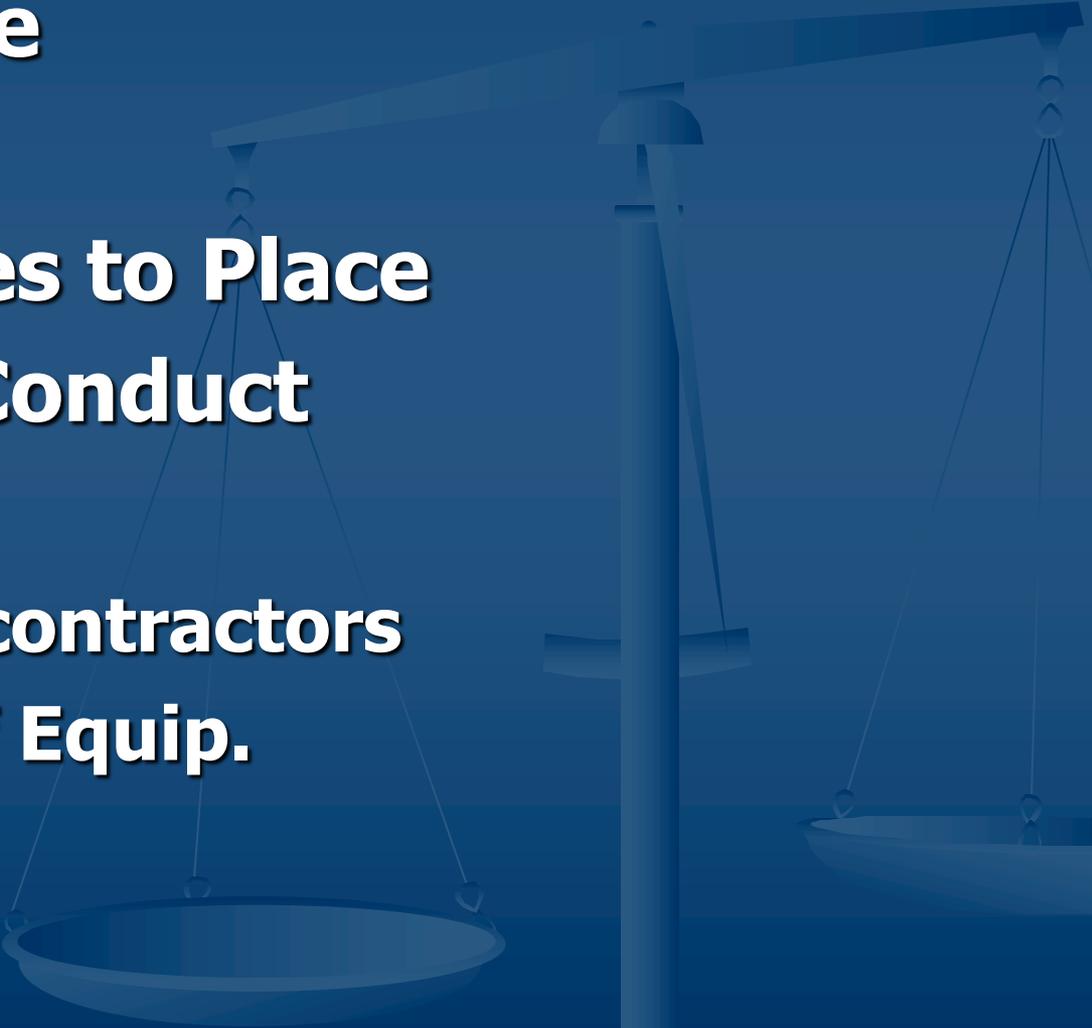
# Crisis Management

- **Designate One Point of Press Contact**
- **Dictate Who Will Interact With:**
  - **Press**
  - **Govt. Officials**
  - **Legal Service Providers**
  - **Policy Makers**
  - **Develop Uniform Statement for All**
- **Anticipate and Address Issues**
  - **Be Proactive not Reactive**

# Cont.

- **Don't Perpetuate Negative Stories**
  - **Don't Admit Allegations**
  - **Don't Neglect Issues / Deadlines**
- 

# Risk Management



- Risk Avoidance
- Best Practices
- What Ins. Lines to Place
- Risk Related Conduct
- Policies
  - i.e. Don't aid contractors
  - No Loaning of Equip.
  - Inspections

# Cont.

- **Activities / Functions**
- **Alcohol**



# Best Practices

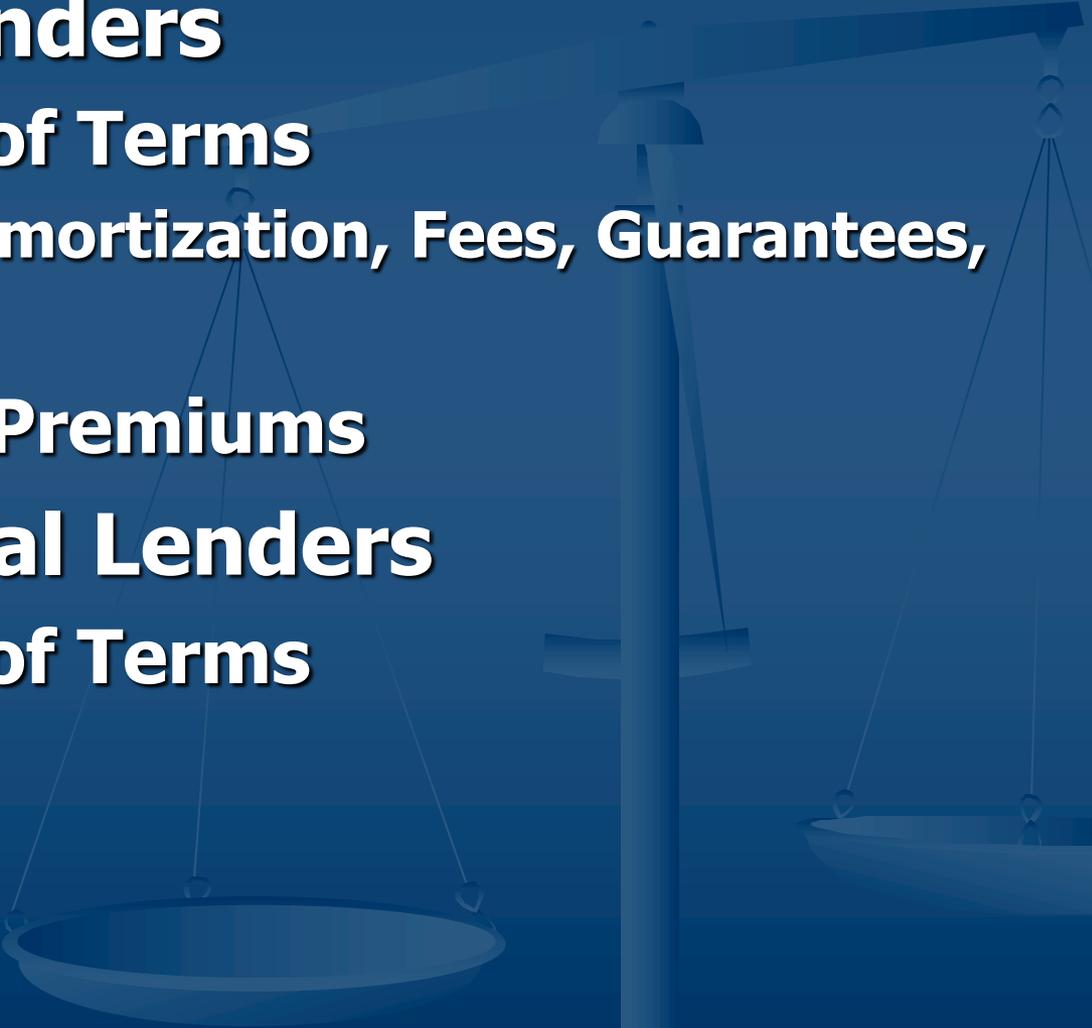
- **Rely on Retained Professionals**
- **Use of Contracts**
  - **Prepared and Reviewed by Attorneys**
- **Don't Sign A Document You Don't Fully Understand**
- **Document Problematic Issues**
  - **Create a Paper Trail**
- **Be Careful What is Stated in Email**

# Cont.

- **Be Careful What is Posted on Social Media**



# Financing



- **Traditional Lenders**
  - **Negotiability of Terms**
    - **Rate, Term, Amortization, Fees, Guarantees, Collateral**
  - **Pre-Payment Premiums**
- **Non-Traditional Lenders**
  - **Negotiability of Terms**

# Questions?



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