



*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.renscocchamber.com](http://www.renscocchamber.com)*





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# Entity Formation

## ■ Common Forms of Entities

### ■ Corporation

- S-Corp.
- C-Corp.
- P.C.

### ■ LLC

- PLLC

### ■ Partnerships



# Protecting Against Liability

A faint, stylized image of a balance scale is visible in the background, symbolizing justice or legal liability. The scale is positioned on the right side of the slide, with its pans hanging from a central beam.

## Personal Injury

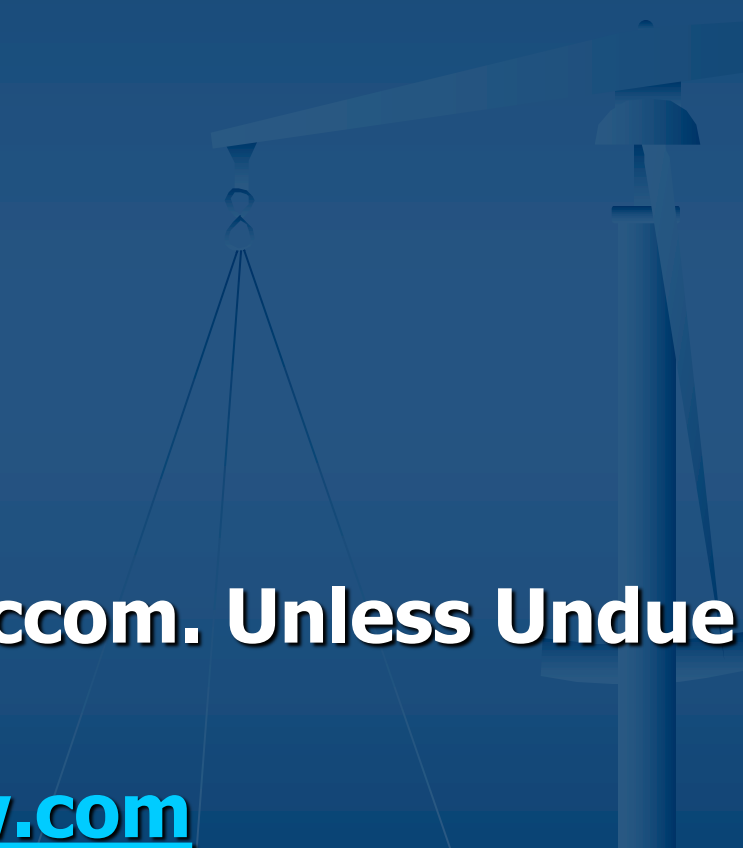
- Insurance
- Safety Issues
  - Facilities
  - Equipment
  - Employee Conduct

# Cont.

## Contract Liability

- **Breach**
  - **Warranties**
  - **Incidental & Consequential Damages**
    - **Production Stream Based Claims**
  - **Indemnification Clauses**
  - **Additional Insured Status**
  - **Leases**
- 
- A faint, stylized image of a balance scale is visible in the background, positioned on the right side of the slide. The scale has two pans hanging from a central beam, and its base is a thick vertical column. The image is semi-transparent and blends into the dark blue background.

# Regulatory Compliance

- Licensing
  - Zoning
  - OSHA
  - ADA
    - Title I
    - Reasonable Accom. Unless Undue Hardship
    - [www.psgglaw.com](http://www.psgglaw.com)
- 
- A faint, stylized image of a balance scale is visible in the background, positioned on the right side of the slide. The scale is tilted, with the right pan being higher than the left pan. The image is rendered in a light blue color that blends with the dark blue background.

# 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

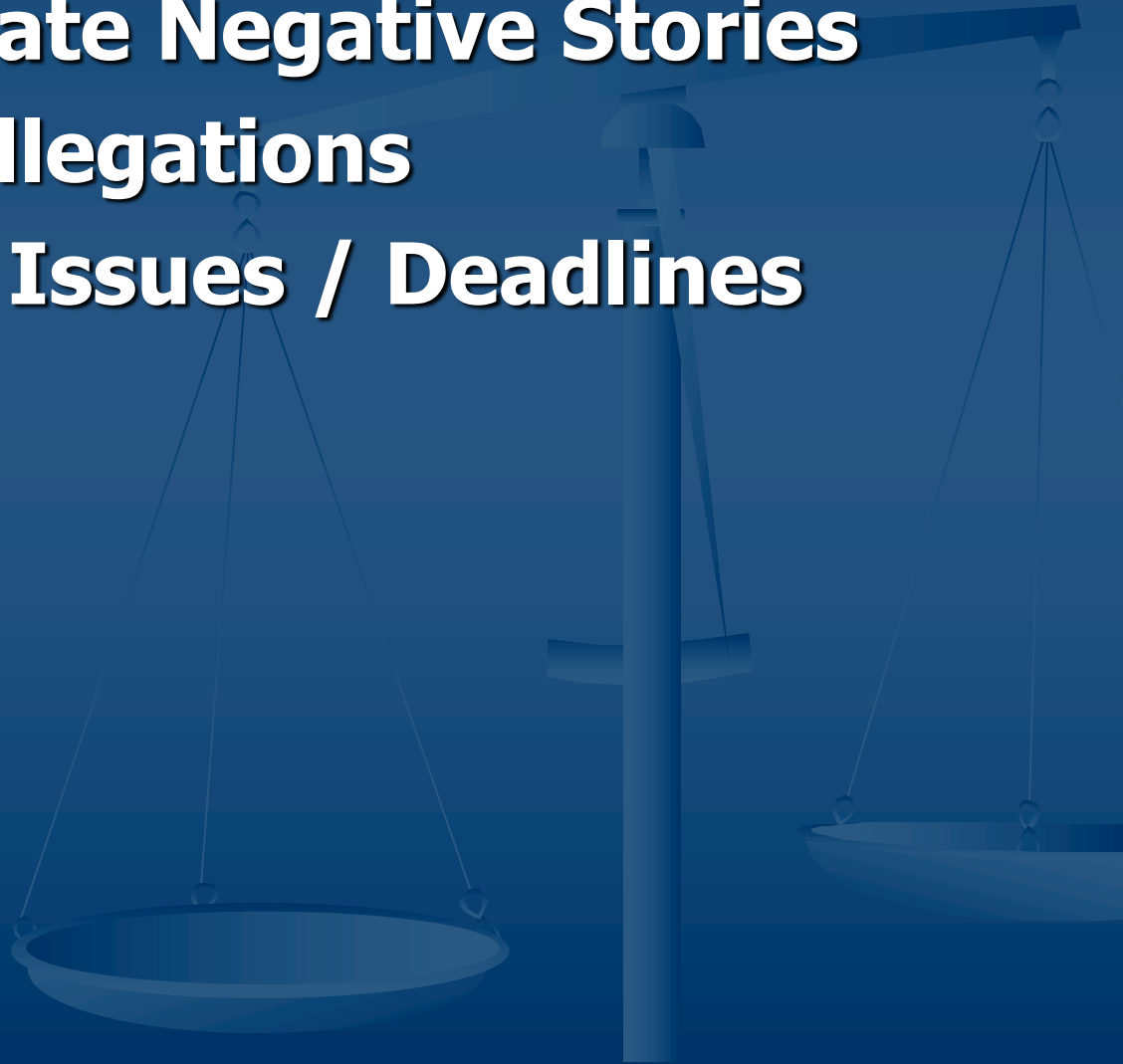
- 12 Weeks Unpaid Leave / 50+ Employees

# 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**

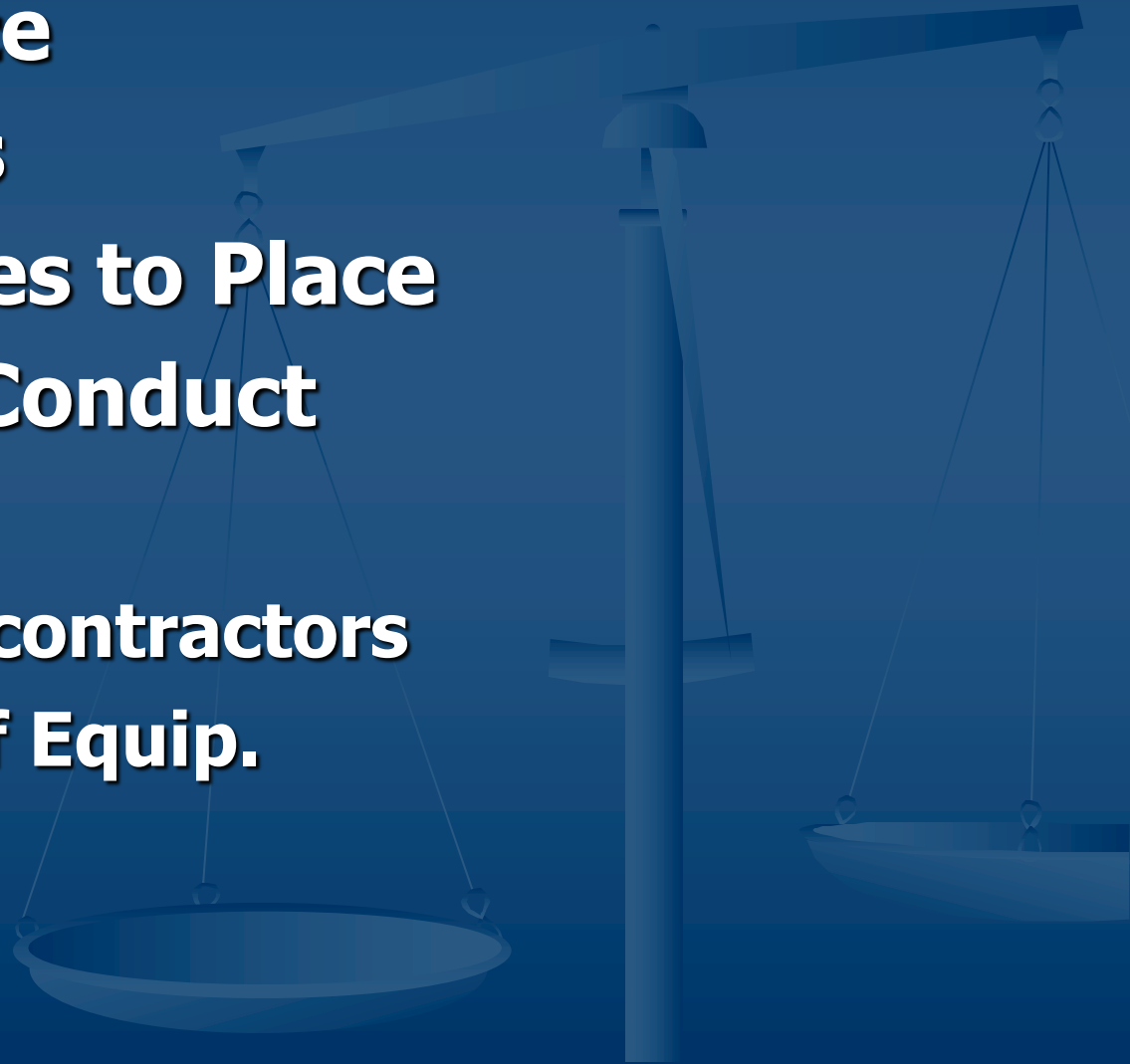
# Cont.

- **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.

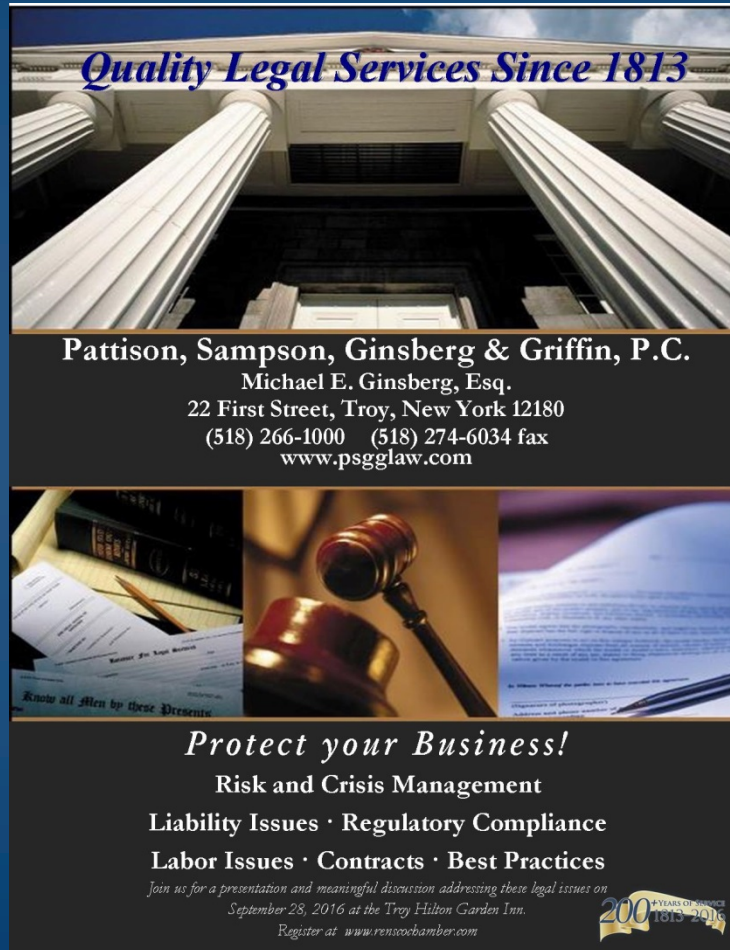
- **Be Careful What is Posted on Social Media**



# 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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