



HR Director's Report December 6, 2021

Dear Board of Directors:

Staffing:

New Hires – October-

Family Development – 6 (Teacher-Dix, 2-Teacher's Aide-River St & Cambridge, 2-Floater Aide-River St & Whitehall, Cook - Whitehall)

Career & Family – 2 (Program Coordinator, Transportation, Food Pantry Assistant)

Turnover – October average of 132 employees including substitutes and youth.

Terminations in the month of October:

Family Development – 7 (2-Teachers, Floater Teacher's Aide, Family Advocate, Home Visitor, Assistant Director, Substitute)

Career & Family – 1 (Program Coordinator, Transportation)

Vacancies –

Family Development – as of 11/18/2021

<i>Center</i>	<i>Open Position(s)</i>	<i>Date of Vacancy</i>	<i>Interviewing</i>	<i>Offered</i>	<i>Paper-work</i>	<i>Date In Process</i>	<i>Start Date</i>
RIVER	HS Teacher	10/7/21					
	Floater Teachers Aide	9/21/21					
	Temp Center Aide	8/31/21	X				
	Long Term Teachers Aide	8/23/21	X				
	Family Adv Long Term Temp	4/16/21	X				
	Mental Health Counselor	4/16/21	No	Applicants			
CAMB	Home Based Visitor	11/4/21					
	EHS Assistant Teacher	10/18/21	No	Applicants			
	HS Floater Teacher's Aide	7/14/20	No	Applicants			
	Temp Center Aide	9/14/21					
	HS Teachers Aide	8/19/21	No	Applicants			
	HS Lead Teacher	12/24/20	No	Applicants			
DIX	HS Teachers Aide	11/1/21	No	Applicants			
	Home Based Visitor (44)	10/17/21	No	Applicants			
	Temp Center Aide	9/30/21	No	Applicants			
	HS Assistant Teacher	8/30/21	No	Applicants			
	HS Lead Teacher	5/3/21	No	Applicants			
	Specialized Sub – HV		No	Applicants			
GRAN	HS Teacher	7/28/21	No	Applicants			
WH	EHS Lead Teacher	11/3/21	No	Applicants			
RS	EHS Floater Teachers Aide						

RS	Long Term Temp Family Adv	4/16/21	No	Applicants		
	Mental Health Counselor	4/16/21	No	Applicants		

Career & Family Services – as of 11/23/21 Employment Counselor/Workshop Facilitator
Administration – as of 11/23/21 Executive Director, Payroll Specialist

Paid Family Leave –0

FMLA – 6

Disability – 1

Workers Comp – 0

HR Latest News:

1. New York Not-for-Profit Corporation Legislative Update

The nonprofit sector received welcome news last week as Governor Hochul signed two pieces of important legislation: (i) S4817a/A1141a which repeals recently enacted and redundant state filing requirements, which could have led to public disclosure of sensitive donor information; and (ii) A10237 which makes permanent certain emergency changes allowing more efficient and accessible member meetings through electronic attendance and participation.

Department of State Filings

S4817a/A1141a repeals the requirement for certain nonprofits to file their annual CHAR 500 reports and annual Internal Revenue Service Form 990 information returns (along with the required schedules, including Schedule B - Schedule of Contributors) with both the Charities Bureau of the Office of the Attorney General and the Department of State. The now-repealed requirements were set to take effect after the Supreme Court of the United States constricted the ability of state governments to request such donor information in its July 2021 decision of *Americans for Prosperity Foundation v. Bonta*.

Notwithstanding the repeal, certain nonprofit corporations currently required to register with the Charities Bureau continue to be subject to additional filing requirements with the Department of State:

- **Funding Disclosure Reports** under Executive Law Section 172-e. Charitable organizations classified as Internal Revenue Code (IRC) Section 501(c)(3) tax-exempt organizations which make in-kind donations of more than \$10,000 to IRC Section 504(c)(4) tax-exempt social welfare organizations which engage in certain lobbying activities will need to file funding disclosure reports with the Department of State. “In-kind” donations include donations of staff, staff time, personnel or any other human resources, offices or office supplies, and generally exclude any in-kind donations which are substantially related to accomplishing the organization’s tax-exempt purposes. The funding disclosure report should be filed with the Department of State within 30 days of the close of a reporting period (January 1 – June 30 or July 1 – December 31). There is a \$25 filing fee for this report.
- **Financial Disclosure Reports** under Executive Law Section 172-f. Charitable organizations classified as IRC Section 501(c)(4) tax-exempt social welfare organizations which make expenditures on “covered communications” involving issue-based advocacy spending exceeding \$10,000 in a calendar year will be required to file a financial disclosure report with the Department of State. The financial disclosure report should be filed with the Department of State within 30 days of the close of a reporting period (January 1 – June 30 or July 1 – December 31). There is a \$25 filing fee for this report.

Member Meetings Conducted Electronically Section 603 of the New York Not-for-Profit Corporation Law was recently amended to allow members to participate in in-person meetings by electronic means, and to allow meetings of members to be held entirely by means of electronic communication (unless otherwise restricted by the certificate of incorporation or bylaws). Previously, these meetings were authorized only during the state disaster emergency due to COVID-19. To allow members to take advantage of these new provisions, boards must (1) verify that each person participating electronically is a member (or a proxy of a member); (2) provide each member participating electronically with a reasonable opportunity to participate in the meeting (including an opportunity to propose, object to, and vote upon a specific action to be taken by the members, and to see, read or hear the proceedings of the meeting substantially concurrently with those proceedings); and (3) record and maintain a record of any votes or other actions taken by electronic communication at the meeting.

2. New York Enacts Law Requiring Employers to Provide Notice of Electronic Monitoring

On November 8, 2021, New York Gov. Kathy Hochul signed a bill amending New York's Civil Rights Law by adding a new section that requires employers to give prior written notice of any electronic monitoring to employees upon hire. The law takes effect on May 7, 2022. The law applies to all private sector employers in New York, regardless of the size of the employer.

The law requires notice for any employer who monitors or intercepts telephone conversations/transmissions, emails, or internet access or usage. The law requires the notice to be given in writing, in an electronic record or in another electronic form. Further, employers must receive a written or electronic acknowledgement from employees of receipt of the notice. Employers must also post the notice in a conspicuous place so that employees who are subject to electronic monitoring can readily review the notice.

The law does not apply to processes that are designed to manage the type or volume of email, voicemail or internet usage; that are not targeted to monitor or intercept employee communications; and that are performed solely for the purpose of system maintenance and/or protection.

With respect to the content of the notice, the law provides as follows:

For purposes of written notice . . . an employee shall be advised that any and all telephone conversations or transmissions, electronic mail or transmissions, or internet access or usage by an employee by any electronic device or system, including but not limited to the use of a computer, telephone, wire, radio or electromagnetic, photoelectronic or photo-optical systems may be subject to monitoring at any and all times and by any lawful means.

The law does not provide for a private right of action. The New York State Attorney General is responsible for enforcement of the law. Employers found to be in violation of the law may be subject to a maximum civil penalty of \$500 for the first offense, \$1,000 for the second offense and \$3,000 for the third and each subsequent offense.

Employers should determine if any new hires will be subject to the notice provisions of this law and determine the manner in which they will provide such notice.

Respectfully submitted,
Mary Jarvis-Caro