



# **Fox Rothschild Learning Center**

# **Employment Issues In Coops and Condos**

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# CLE Request Instructions

Following this webinar, please submit the survey to request credit:

## Required Information:

1. Full Name
2. Codes (2) announced during the program
3. State(s) for which you are seeking CLE credit
4. State license/bar number(s)

For questions, please reach out to [events@foxrothschild.com](mailto:events@foxrothschild.com)

# The Hiring Process

- Union Issues
  - Role of RAB
  - 32BJ
  - Hotel Union
  - Non-Union
  - Prevailing Wages -
    - Abatement/J-51/421a
- Who does the Hiring?
- Job Description
- The Interview
  - What cannot be asked
  - Taking notes
  - Review of job description

# The Hiring Process (cont.)

- Fair Chance Act (2021)
  - Employment Discrimination on the Basis of Criminal History
  - Cannot ask about criminal convictions on initial applications
  - Conditional Offer or Rejection
  - After Conditional Offer, they can review criminal history
  - Article 23-A Factors
    - Nature and seriousness of crime
    - Time since conviction/release
    - Job duties v. crime
    - Evidence of rehabilitation
  - To withdraw offer, must following various procedures (and notices)

# The Hiring Process (cont.)

- NYS Human Rights Law
  - Race, color, creed, national origin, sex, age, disability, marital status, familial status, predisposing genetic characteristics, status as a victim of domestic violence, hairstyles
- NYC
  - Immigration or citizenship status
  - Weight or height
  - Caregiver status
  - Sexual and reproductive health decisions

# Problems with Staff

- Discipline
  - Managing Agent
  - Firing an Employee
  - Suspension
  - Superintendent's Apartment
- Grievances
- Staff Claims of Discrimination or Harassment
  - Against Management
  - Against Shareholders/Unit Owners
  - Governing Documents
  - House Rules
- When a Staff member cannot physically continue
- Cameras

# Complaints Against Staff

- Typical Problems
  - Dereliction of Duty
  - Harassing resident
  - Harassing other staff member
- Investigation
  - Interviews
  - Cameras
- Steps to Resolve Issue

# Staff Working for Shareholder/Unit Owner

- Insurance
- Worker's Compensation Issues
- Housing Company as Guarantee
- Theft
- Release and Indemnity
- Licenses



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