

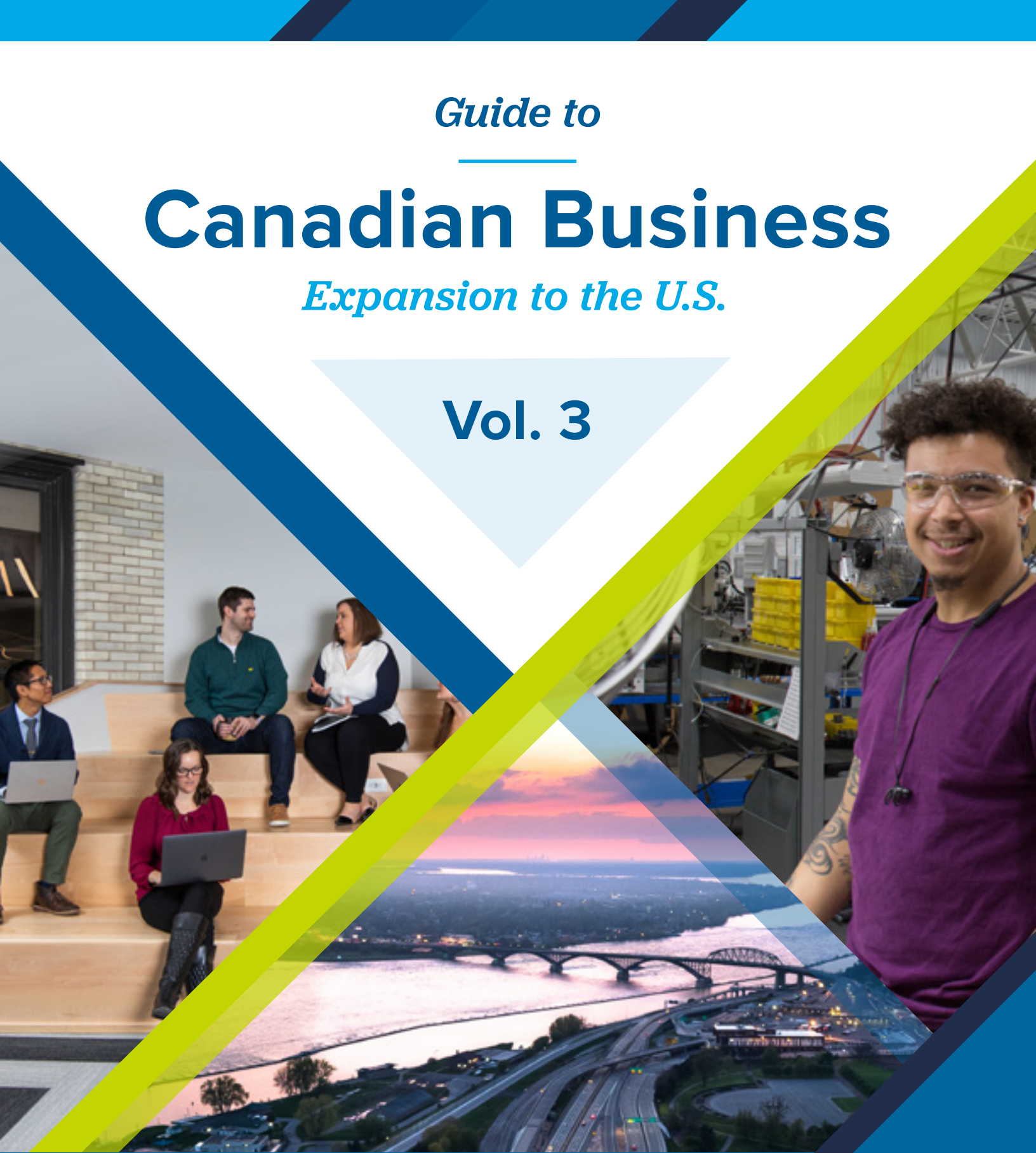
*Guide to*

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# Canadian Business

*Expansion to the U.S.*

Vol. 3



**WORKFORCE & WORKPLACE**

**INVEST** BUFFALO  
NIAGARA

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When working with expanding companies, workforce is always a critical topic. Companies want to understand the local labor market and the HR differences between Canada and the U.S. Compiled from the insights of our regional experts, this guide includes information on the differences between Ontario and New York State employment, tips for recruiting top talent in manufacturing and advanced business services, strategies for developing a strong manufacturing and warehouse culture, and more.

In 2015, Canadian owned Lynch Fluid Controls made the decision to invest in their future and expand into the U.S. through the Buffalo Niagara market. Throughout the expansion process, a major consideration for the company was finding and retaining the right workforce. The company, along with the help of a local staffing firm, focused on finding skilled staff members that were underemployed or underutilized in their existing positions. Lynch also focused on keeping the U.S. operation closely tied to their Canadian headquarters and making the U.S. employees feel like part of the global team. Since their initial expansion, Lynch has prospered on both sides of the border.

Our organization, Invest Buffalo Niagara, supports companies like Lynch Fluid Controls with complimentary project management services and connections to an extensive network of experts in cross-border business throughout our region. Our organization has assisted over 100 Canadian companies expand in Buffalo Niagara

Flip through this book, use what you need, and give us a call. We are here and happy to help.

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***“I’m surprised more Canadians selling to the U.S. are not expanding their facilities to the U.S. Being close to the market is key and the cost of doing business is much cheaper.”***

- Gene Karall, Jr.  
Owner, GoGoPak



# Recruiting and Retaining Talent

- 5 Attracting Top Tech Talent
- 6 Attracting Top Manufacturing Talent
- 7 Tips to Maintaining a Positive Warehouse or Manufacturing Environment

*“You can't calculate on a spreadsheet hard work and grit. The folks in Buffalo Niagara have those attributes in spades.”*

- Frank Ewing  
CEO, AML Rightsource

# Attracting Top Tech Talent

Our team of industry experts at Acara Solutions has surveyed thousands of talented tech candidates over the past 24 months. Through our research, we have found that compensation is no longer the primary driver in attracting and retaining tech talent; rather, the secret to enticing a tech worker to join your company lies in the career opportunities that you can offer them.

Here are our recommended tips for properly defining career opportunities for tech talent at your organization, which will help you recruit and retain the best workers for your team:

### *1. Illustrate a clear career path coupled with practical training and development*

- Tailor your training and development philosophy to include soft skills
- Ask employees what they want to learn and how they want to learn it
- Provide real-time coaching with frequent one-on-one conversations
- Partner employees with a senior mentor

### *2. Understand your company's purpose and reason for being*

Be able to answer the following questions:

- Why does your company exist?
- What is your company's mission and long-term vision?
- What is the value your company adds to both your employees and customers?

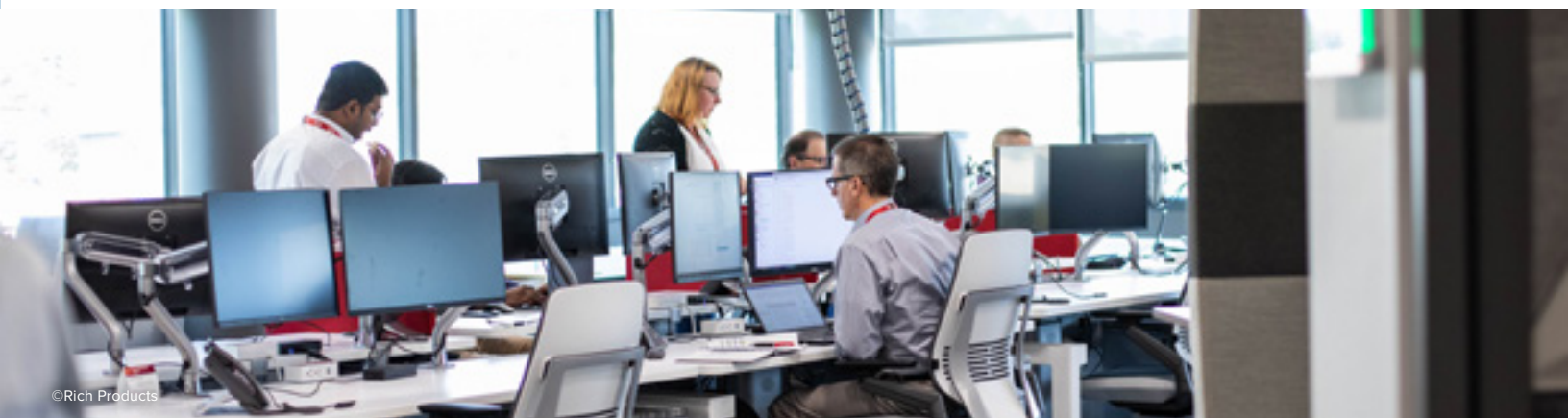
### *3. Develop a culture of promoting from within*

- Showcase employees that were promoted in the recruitment process
- Create a culture where employees can envision room for growth. This will lead to higher engagement and greater accountability
- Describe your approach to succession planning

### *4. Prioritize community engagement*

- Establish a positive presence within your local tech ecosystem
- Engage with community stakeholders to enhance your company's knowledge of the community
- Partner with local organizations through volunteer opportunities to emphasize your company's commitment to community involvement

**For more information on this topic, please contact Chris Beckage**, Senior Vice President of Business Development at Acara Solutions, an Aleron Company. He can be reached at [BeckageC@acarasolutions.com](mailto:BeckageC@acarasolutions.com) or 1-716-559-1402.



# Attracting Top Manufacturing Talent

Manufacturing continues to be one of the leading industries in the Buffalo-Niagara region. Despite these historic and unprecedented times, the need for skilled talent in the manufacturing field continues to be prevalent and critical to rebuilding our economy.

Companies looking to hire top talent in manufacturing might consider several important factors while embarking on the search. The key areas outlined below are at the core of making successful hires:

### *Strategic Sourcing*

There is increasing demand in many areas of manufacturing that require strong mechanical, electrical, and technical skills. These key positions often include skilled Machinists (CNC Lathe/Mill, Press Operators, and General Production Machine Operators), Maintenance Mechanics, Operations Managers/Directors and Production Technicians.

In order to identify and attract such skilled manufacturing professionals, it is best to define a strategic sourcing plan that includes a comprehensive search of current job boards. Sources such as Indeed, ZipRecruiter and LinkedIn have large talent pools and offer multiple resources including the ability to post jobs, searching platforms, and access to thousands of current resumes.

Recruiting in the local communities has proven to be highly successful as well. This type of recruiting involves active participation in trade association memberships, networking groups/events, and creating partnerships with local non-profit training centers and educational institutions. The key is pro-actively building meaningful relationships with these organizations to demonstrate value in partnership and dedication to the industry as well as the broader community. This encourages not only those in the community to refer skilled candidates but is also an excellent way to attract candidates who share similar core values as the organization.

### *Candidate Experience*

When executing a strategic sourcing plan, it is equally important to focus on candidate experience. Effective and clear communication throughout the entire recruiting process is a critical component for a successful hire. Keeping candidates informed, setting expectations and maintaining consistent communication throughout the recruiting journey will help keep candidates feeling engaged and valued. Providing detailed, constructive feedback is also an important aspect of the experience. Being honest with candidates about their skills, experience and/or interview performance will strengthen the relationship and provide candidates with great opportunity for continued professional growth.

### *Employer of Choice*

To attract and retain top talent in manufacturing, companies need to position themselves as employers of choice in their area. This means coming up with new and innovative ways to answer this important question: “Why would top manufacturing professionals want to work for you?”

Many manufacturing companies set themselves apart as top employers by investing in new and current employees and providing in-house training and skills development. Creating a formal onboarding process is also a great way to introduce new employees to the company and build excitement about the future. In addition, driving a culture that supports inclusivity, community, collaboration/teamwork, flexibility and creativity is an excellent way to retain top talent.

**For more information on this topic, please contact Jeff Weber**, President at Remedy Intelligent Staffing. He can be reached at [jeffw@remedystaff.com](mailto:jeffw@remedystaff.com) or 1-716-831-4800.

## Tips to Maintaining a Positive Warehouse or Manufacturing Team Culture

Fostering a positive culture in any workplace can be a challenging task for many employers, but can be particularly challenging in the warehouse or manufacturing industry where there are non-traditional working hours, mandatory overtime, and physically demanding workloads. Here are a few tips some of our Alcott HR clients have implemented to keep their workforce engaged:

### *1. Employee Recognition*

Whether it's a company BBQ, movie tickets for star performers, or a token of appreciation individually distributed by upper management, a little recognition goes a long way. Be sure to keep it fun, fresh, and targeted to your workforce.

### *2.. Professional Development Opportunities*

Implementing cross training or job rotation can positively impact your bottom line as well as keep employees engaged as they learn. Additionally, it is always great to promote from within the organization. Not only will your promoted employees be a perfect cultural fit, but it will also inspire their fellow co-workers.

### *3. Giving Back*

The current workforce is showing a desire to work at socially responsible companies. Show your dedication as a positive community influence by participating in local fundraising and philanthropic events.

### *4. Support Wellness*


Show your employees you care about their well-being both on and off the clock. This can be accomplished by promoting wellness initiatives such as on-site flu shots, friendly fitness competitions, or even having a quiet room on your company property.

### *5. Feedback, Feedback, Feedback!*

Annual reviews are no longer enough feedback for the modern workforce. Set up monthly or quarterly touch-base meetings with your employees to provide ongoing feedback and goals that can easily develop over time to continue meeting individual and company needs.

**For more information on this topic please contact John H. Bradley**, Vice President of Sales at Alcott HR. He can be reached at [johnb@alcotthr.com](mailto:johnb@alcotthr.com) or 1-716-626-9500.

## Northland Workforce Training Center (NWTC)



NWTC is dedicated to collaborating with industry to develop the next wave of industrial talent. The training center currently runs for-credit technical skills programs through SUNY Erie and Alfred State, which was recently ranked U.S. News and World Report's top technical college in the country. Attending students can study in four different disciplines currently with more to come.

**[Welding technology](#) • [Electrical construction and maintenance electrician](#) • [Machine tool technology](#) • [Mechatronics](#)**

**[northlandwtc.org](http://northlandwtc.org)**

# Workplace Policies

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*“The quality of the people in WNY has been key... They are well educated, have a strong work ethic and more importantly, care about each other and their customers. That's what the 'City of Good Neighbors' is all about.”*

- Bob Zak  
President and CEO, Merchants Mutual Insurance Group



## The U.S. Employment Law Landscape

We frequently work with Canadian companies that are embarking upon or expanding their U.S. operations. One of the main topics for discussion is the legal and regulatory landscape that American employers face in the workplace. Canadian and U.S. employment law can vary dramatically. Below is a high-level overview of a few important topics that Canadian employers should consult with a U.S. attorney on before commencing operations stateside.

### *American Legal Framework*

Similar to Canada, laws and regulations regarding employment are tiered in the U.S, with federal, state and local provisions. The U.S. federal government sets a baseline that must be followed while states and local municipalities provide additional protections.

### *Independent Contractor or Employee?*

The first fundamental question an American employer must decide is whether their worker is an independent contractor or employee. This is a high priority issue for many agencies and a common claim in plaintiff's lawsuits (in general, it is a holistic review of whether a worker is free from supervision, direction, and control of the employer.)

Classifying a worker as an employee can result in a significant financial and resource expenditure compared to an independent contractor (payroll, workers' compensation insurance, unemployment insurance contributions, etc.) for a Canadian employer who may not have a large American workforce. However, if a worker is misclassified as an independent contractor, an employer can be exposed to liability in the form of fines, penalties, back wages and taxes, or unpaid unemployment insurance contributions.

### *Employment Status*

A major difference between U.S and Canadian employment law is most American workers are "at-will." This means that an employee can be fired for any reason or no reason at all so long as the reasoning is not discriminatory. Typically, there is no requirement under U.S. law to provide severance to an American employee who is terminated so long as the parties did not agree to a severance in an employment agreement.

Given this dramatic variance between Canadian and U.S. employment laws, Canadian employers are well-advised not to, in "knee jerk" fashion, treat U.S. employment situations and issues as they would handle those in Canada. U.S. employers may still offer employment agreements to employees for various reasons. Employment agreements are commonly used for c-level executives in the American workplace. An employer can use an employment agreement to incentivize a worker through bonus or severance compensation. An employer can also use an employment agreement to protect confidential information and/or to keep key employees from moving to competitors. Restrictive covenants such as non-competition and/or non-solicitation provisions can typically be found in an employment agreement. Canadian employers should pause before treating U.S. employees as their Canadian employees and offer employment agreements only when necessary, not routinely or as a matter of general practice.

### *Hourly or Salary*

Another consideration for U.S. employers is how they pay their employees – whether hourly or salary. Some employers mistakenly believe that they can simply pay their employees a salary of any amount and avoid the minimum wage and overtime laws. This is not the case. In the U.S., a properly "exempt" employee must meet a salary and duties test before he or she does not have to be paid overtime compensation. In other words, the employee must be paid a certain amount, be paid that amount consistently without regard to fluctuations in their hours, and perform certain duties. The amount of compensation that must be paid for the salary test varies depending on whether federal or

state law is examined. There are also a number of different tests that an employer can examine to determine if a worker meets the duties test. Even if an employee could qualify as a properly exempt worker, an employer can always pay an employee hourly for all regular and overtime hours worked.

In summary, before beginning U.S. operations, Canadian employers should understand the employment law varies between the U.S. and Canada and Canadian companies can save themselves some headaches and costs by understanding these differences before expanding on this side of the border.

**For more information on this topic, please contact Vincent Miranda, Partner at Lippes Mathias Wexler Friedman. He can be reached at [vmiranda@lippes.com](mailto:vmiranda@lippes.com) or 1-716-853-5100.**



Northland Workforce Training Center

## Minimum Wage Increase Schedule

As Canadian companies consider expanding into Buffalo Niagara, the area's minimum wage is helpful to know. Minimum wage is on a scheduled yearly increase until the end of 2020 in New York State. For non-exempt workers in industries other than fast food in the Buffalo Niagara region, the minimum wage will increase as follows:

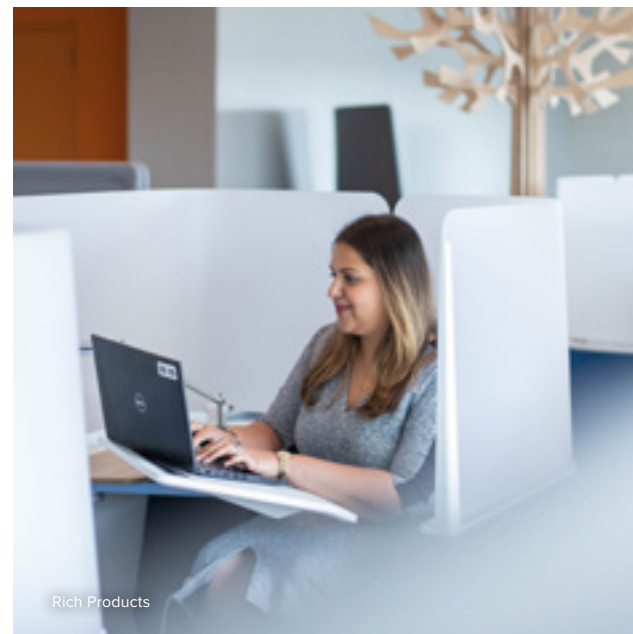
Year (Dec. 31)	Minimum Wage Buffalo Niagara (US dollars)	Minimum Wage Ontario (Canadian dollars)
2018	\$11.10	\$14.00
2019	\$11.80	\$14.00
2020	\$12.50	\$14.00

(In New York City and the counties of Nassau, Suffolk and Westchester, there is a more aggressive wage increase scheduled for these employees.)

These wage increases will have an impact on all employees as the wage gap continues to decrease. Employers should take a closer look at their compensation philosophy to ensure it remains fair and equitable, and gradually make changes to lessen the impact of employee morale when these changes occur. As companies review their wage brackets for positions and look to hire skilled/experienced labor, they should consider these minimum wage requirements and how they impact the wages of non-entry level employees.

**For more information on this topic, please contact Invest Buffalo Niagara.**

Reach us at: 1-800-916-9073



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## New York State’s Paid Family Leave (NYSPFL)

New York’s Paid Family Leave (PFL) Act was a groundbreaking piece of workplace legislation when it was passed in 2017 and became effective January 1, 2018. The PFL program initially provided eight weeks off at 50% pay for private employees dealing with family situations, including the birth of a child or caring for an ailing parent. But those paid leave benefits increased gradually over a period of four years, with 2021 concluding the law’s phasing-in period. The number of weeks employees can take will continue to rise through 2021, at which time employees will be able to take up to 12 weeks of job-protected, paid time off. In addition, employers should take note that PFL expanded to cover certain situations where an employee was ordered to quarantine or isolate in response to the COVID-19 pandemic.

By way of background, private employers with at least one employee are required to provide PFL coverage to its eligible employees. PFL is available to eligible employees in order to care, including physical or psychological care, for or assist a family member with a serious health condition, to bond with a newborn or adopted child during the first year after the birth or adoption, or to provide support when a family member is called to active military duty.

Employers are required to cover all eligible employees, but the benefit is 100% employee funded through payroll deductions. Below is a comparison of the PFL benefits available in 2020 and 2021.

Year	January 1, 2020	January 1, 2021
<b>Employee Rate</b> The percentage of an employee’s weekly wages, up to the annualized NYS Average Weekly Wage (NYS AWW)	0.270%	TBD by NYS Dep’t of Financial Services
<b>Maximum Weeks of Paid Leave</b>	10 weeks	12 weeks
<b>Payable Benefit</b> Calculated as a percentage of the employee’s average weekly wage, capped by NYS AWW.	60%	67%
<b>Maximum Weekly Benefit</b>	\$840.70	\$971.61
<b>NYS AWW Cap</b> The cap percentage of the NYS AWW.	60% of \$1,401.17	67% of \$1,450.17

Employers should take note that employees who take PFL are entitled to job protection – i.e., they can return to the same job (or a comparable one) when they return from PFL) – and must be allowed to keep their health insurance while on leave on the same terms they had while working. Moreover, it is unlawful to discriminate or retaliate against an employee requesting or taking PFL.

Employers should review and update their leave policies to ensure compliance with PFL and the interplay with other leave laws, including federal and state temporary leave laws that were enacted in response to the COVID-19 pandemic.

**For more information on this topic, please contact Joseph S. Brown** Member of the Labor & Employment Law Practice Group at Hurwitz & Fine, P.C. He can be reached at jsb@hurwitzfine.com or 716-849-8900.

## Workplace Discrimination and Harassment Protections in NYS

On August 12, 2019, Governor Andrew Cuomo signed into law a bill that dramatically altered the landscape of workplace discrimination and harassment protections in New York State. The Democratic-controlled New York State Legislature passed a sweeping bill extending workplace protections against all forms of discrimination and harassment on a scale not seen in recent memory. That bill contained amendments to several laws – including the New York Human Rights Law (“Human Rights Law”) and New York Labor Law – and, among other things:

- Makes all employers, regardless of size, subject to the Human Rights Law;
- Makes it easier for employees to prove harassment;
- Allows successful plaintiffs to recover attorneys’ fees and punitive damages; and
- Extends to three years the time individuals have to file a charge of sexual harassment with the New York State Division of Human Rights (“Division”).

Now that Governor Cuomo has signed the bill into law and most of the provisions have gone into effect, employers must be prepared to address the changes brought about by the new laws.

### *All Employers Are Covered by the Human Rights Law*

As of February 8, 2020, all employers in New York State, regardless of size, are subject to the Human Rights Law.

Previously, the Human Rights Law applied only to employers with four or more employees – except for the prohibition against sexual harassment that applied to all employers. As a result, for the first time, numerous small employers in New York State now have to comply with the Human Rights Law.

### *It Will Be Easier for Employees to Prove Harassment*

As of October 11, 2019, the threshold for illegal workplace harassment was dramatically lowered. Employees no longer have to prove that workplace conduct was “severe or pervasive” to establish illegal harassment under the Human Rights Law, as is required under federal law. Instead, employers may now be subject to liability for harassment if an employee experiences conduct that is effectively anything more than “petty slights and trivial inconveniences.” While employees still have to prove that the conduct was based on a protected characteristic, the 2019 law provides that an employee does not have to compare his or her treatment to another employee to prevail. The 2019 law also removed an employee’s failure to use an employer’s complaint procedure as a bar to sue for harassment.

### *Nonemployees Are Protected from All Forms of Harassment*

In 2018, the Human Rights Law was amended to protect nonemployees in the workplace, such as contractors and vendors, from sexual harassment. As of October 11, 2019, nonemployees are now protected from harassment based on any characteristic protected by the Human Rights Law, such as race, age and disability.

### *Attorneys’ Fees and Punitive Damages Are Recoverable for All Employment Claims*

As of October 11, 2019, attorneys’ fees and punitive damages are now recoverable in all employment discrimination and harassment claims under the Human Rights Law filed on or after that date. Previously, in the employment context, punitive damages were not recoverable and attorneys’ fees were only recoverable where the basis of the discrimination or harassment claim was sex.

### *Employees Will Have More Time to File an Administrative Charge for Sexual Harassment*

Effective August 12, 2020, the time an individual has to file a charge with the Division for sexual harassment in employment will increase from one year to three years.

### *Sexual Harassment Policies and Training Materials Must Be Provided in Writing in Both English and an Employee's Primary Language*

As a result of changes in the law enacted in 2018, all employers are required to have a sexual harassment policy and to provide all employees with annual sexual harassment training. The 2019 bill signed into law by Governor Cuomo extended those training requirements by requiring that at the time of hire, and at every annual sexual harassment training, employees receive a written copy of the employer's policy and the sexual harassment training materials in both English and the language identified by each employee as his or her primary language. The Division is charged with making available to employers template policies and training materials in both English and such other languages as the Division deems appropriate, which employers will be able to use to meet these notice requirements. Where an employee identifies as his or her primary language a language for which the Division has not published a template, an employer will be able to comply with the notice requirements by providing the employee an English-only notice.

### *Mandatory Arbitration Is Prohibited for All Forms of Discrimination and Harassment*

In 2018, New York State amended the New York Civil Practice Law and Rules (CPLR) to ban mandatory arbitration of any claim based on sexual harassment. Under the 2019 law, mandatory arbitration is banned for all forms of discrimination and harassment prohibited by any law, including the Human Rights Law. However, the ban's legality is in flux, as at least one federal court in New York State has held that the ban enacted in 2018 violates federal law.

### *Nondisclosure Agreements Are Further Restricted*

In July 2018, the New York General Obligations Law and CPLR were amended to prohibit nondisclosure clauses in any agreement settling or resolving any claim or action involving sexual harassment that prevent the disclosure of the underlying facts and circumstances of the claim or action, unless it is the complainant's preference to include such a clause. The complainant must also receive 21 days to consider the clause and then have seven (7) days to revoke it.

As of October 11, 2019, such nondisclosure clauses are prohibited in any agreement settling or resolving any claim or action involving any claim of discrimination or harassment – not just those involving sexual harassment.

The 2019 law also prohibits any clause that restricts a complainant's ability to file a charge with, or provide information to, any federal, State or local agency, or to disclose information necessary to receive unemployment benefits, Medicaid or any other public benefit.

As a result of these proposed and earlier changes, employers must be even more vigilant in preventing discrimination and harassment, as well as responding to and investigating claims when they arise. To meet these challenges, employers should ensure that all employees, managers, and supervisors are properly trained on their policies against discrimination and harassment, and how to report it when it occurs.

### *New York State Issues Additional Anti-Harassment Guidance*

As a result of amendments to the New York State Human Rights Law ("Law") in 2018 – all employers in New York State are required to adopt a sexual harassment prevention policy and provide annual sexual harassment prevention training to all employees. Governor Andrew Cuomo signed additional amendments to the Law imposing significant new obligations on employers regarding anti-harassment policies and training. One of these new requirements is that "at the time of hire" and at every annual sexual harassment prevention

training, employers must provide every employee with a notice containing the employer's sexual harassment prevention policy and complaint form, as well as the training materials presented at the employer's sexual harassment prevention training program. New York State has now issued a template Sexual Harassment Prevention Notice for employers to meet this obligation and updated the FAQs on its Combating Sexual Harassment website to provide additional guidance to employers.

According to the recently updated FAQs, the notice and the employer's sexual harassment prevention policy, complaint form, and training materials can be delivered digitally or in print. If delivered digitally, the other documents must be attached or linked to the notice. And if they are made available on a work computer, employees must be able to print a copy for their records. Training materials that must be provided include any printed material, scripts, Q&As, outlines, handouts, PowerPoint slides, etc.

The Law also requires that the notice and the employer's policy and training materials be provided – at the time of hire and at every annual sexual harassment prevention training program – in English and in the language identified by each employee as his or her primary language, if it is Spanish, Chinese, Korean, Polish, Russian, Haitian-Creole, Bengali or Italian. Materials in these other languages are available at the Combating Sexual Harassment website. However, the FAQs state that employers are strongly encouraged to provide training and the required documents in whatever language might be an employee's primary language even if it is not one of the identified languages, as employers may be held liable for the conduct of all of their employees.

The notice also requires employers to designate a person or office to whom individuals can go to with questions or to file a complaint, and to provide appropriate contact information. The updated FAQs state that new employees should receive the notice, policy, and training materials prior to or at the beginning of their first day of work. The FAQs still state that training of new employees should occur as soon as possible.

Employers should take the appropriate steps to ensure that the notice and their policy, complaint form and all training materials are distributed to new employees upon hire, and to all employees when they receive their annual sexual harassment prevention training.

**For more information on this topic, please contact** Kevin J. Mulvehill, Partner and Labor & Employment Practice Team Leader at Phillips Lytle LLP. He can be reached at [kmulvehill@phillipslytle.com](mailto:kmulvehill@phillipslytle.com) or 585-238-2095.



Campus Labs ©Addo Productions

## New York State’s Paid Family Leave

### *Sick Leave Policy for New York State Takes Effect January 1, 2021*

In April 2020, Governor Cuomo signed the budget bill that added a new Section 196-b to the Labor Law, which requires most employers to provide paid sick leave. We expect the New York State Department of Labor to adopt regulations and issue other guidance containing information intended to help employers comply.

#### *Entitlement:*

Employer Size	Maximum Entitlement
4 or fewer employees, net income of \$1M or less	40 hours unpaid
4 or fewer employees, net income greater than \$1M; OR 5 - 99 employees	40 hours paid
100+ employees	56 hours paid

Employers that already have a sick leave or time off policy providing employees the amount of required leave and satisfying the accrual, use, and carryover requirements described below don’t need to provide additional leave under the statute.

#### *Accrual Rate:*

Beginning September 30, 2020 (or at the commencement of employment for employees hired after that date), employees shall accrue at least one hour of leave for every thirty hours worked. Employees cannot begin using accrued leave until January 1, 2021.

Alternatively, employers can provide the total leave amount required at the beginning of the calendar year but cannot then later adjust the amount to reflect the number of hours an employee actually works.

#### *Carryover:*

Unused leave shall be carried over to the following calendar year but employers may limit use of leave to the maximum statutory entitlement per calendar year (i.e., 40 or 56 hours depending on the employer’s size).

Employers are not required to pay out accrued unused leave upon separation from employment.

#### *Authorized Uses:*

Beginning January 1, 2021, employees may request to use leave for the following reasons:

- The employee’s or employee’s family member’s mental or physical illness, injury, or health condition, regardless of whether the illness, injury or health condition has been diagnosed or requires medical care at the time leave is requested.
- Diagnosis or need for medical diagnosis, care, treatment, or preventative care related to the employee or employee’s family member’s mental or physical illness, injury, or health condition.
- Absence due to specified reasons where the employee or employee’s family member has been the victim of domestic violence, a family offense, a sexual offense, stalking, or human trafficking.



## Workplace Policies

Employers can set reasonable minimum use increments, not to exceed four hours. They are restricted from requiring disclosure of confidential information relating to the need for leave.

### *Payment:*

Paid leave will be paid at the greater of the employee's regular rate of pay or the applicable minimum wage.

### *Job Protection and No Discrimination:*

Employees returning from sick leave must be restored to their same position, with the same pay and other terms of employment. Employers are prohibited from discriminating or retaliating against any employee who requests or uses leave.

### *Recordkeeping:*

Employers must maintain records showing the amount of leave provided to employees for at least six years.

**For more information on this topic, please contact** Amy Hemenway, Partner at Harter Secret and Emery LLP. She can be reached at [ahemenway@hselaw.com](mailto:ahemenway@hselaw.com) or 716-844-3737.




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—Realtor.com, 2019



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SAN FRANCISCO

SEATTLE

**BUFFALO**

Council for Community & Economic Research; Cost of Living Index (2017)

# Be in Buffalo



**Buffalo is a great place to live comfortably, work productively, and play constantly.**

Invest Buffalo Niagara teamed up with local employers in emerging sectors and its longtime investors and partners to launch a talent attraction campaign to showcase all the extraordinary ways there are to Be in Buffalo.

Together, we're working to reintroduce ambitious young professionals across the country to a Buffalo they thought they knew—a Buffalo still grounded by accessibility but freshly reeling with energy and boundless opportunity to help them reach next-level success and “be” whatever they want to be—whether that’s a first-time homeowner, creative freelancer, c-level executive, or anything in between.

From its rapidly expanding high-growth job market to its world-renowned cultural amenities, low cost of living, and stunningly accessible real estate market, it’s no wonder Buffalo is attracting college-educated young adults in droves. Find out for yourself why Time called Buffalo Niagara one of “25 Cities Where Millennials Are Moving.”

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