



At the intersection of commercial finance, technology, and the law, this bi-monthly newsletter explores the emerging legal topics impacting the secured lending and equipment finance industry. Thought-leading attorneys from **Moritt Hock & Hamroff's Secured Lending and Equipment Finance (SL&EF)** practice share their legal insight, experience, and best practices on this rapidly evolving area of law and invite your thoughts and questions.

## Cohen and Gavrilov to Speak at 60<sup>th</sup> Annual ELFA Convention

Three Moritt Hock & Hamroff attorneys will attend this year's **ELFA Annual Convention**, Oct. 24-26 in San Antonio, TX. Marc Hamroff, Bob Cohen and Julia Gavrilov will represent the firm at this major industry event. Cohen and Gavrilov will also be featured speakers at the 60th anniversary event for ELFA and both are talking on how to move the industry forward in challenging times.

Cohen will speak on the 25th from 2:30 p.m. to 4 p.m. on the new New York disclosure laws. In this session, the panel of lawyers will focus not only on today's legal matters but also on what may be of concern in the future. Other panelists will cover topics ranging from UCC rules, blockchain, mandatory lessee data collection, new bankruptcy rules and issues, and financing for the cannabis industry.

At the same time in another break-out session Gavrilov will be presenting on corporate diversity and inclusion (D&I) strategies as well as the increasing demand for more data transparency to measure D&I. Gavrilov will elaborate on the the legal implications that may result from a lack of commitment to diversity, and other panelists will highlight best practices to further develop an organization's D&I efforts. The session also will provide an overview of work underway by an ELFA Equality initiative.

The event details are [here](#).

As the nation seeks to re-open amid the pandemic, and events like this one resume, our attorneys are prepared to help you adapt your business to meet changing market demands—and new legal challenges.

# ELFA 60<sup>th</sup> Annual Convention

RECONNECT  
REUNITE

October 24-26, 2021  
San Antonio, TX

## Moritt Hock & Hamroff Joins Equipment Finance Cares

Moritt Hock & Hamroff's Bob Cohen was pleased to join an industry event held recently by the new **Equipment Finance Cares** organization, formed to contribute to local and national charitable groups. The event was held in August at the Rockland County Country Club in Sparkill, NY. MH&H attorneys are also donating time and legal expertise to help the group establish itself as a non-profit 501c organization.

Industry donations are going to six charities selected by the new organization's council headed by Jesse Johnson, vice president of sales and marketing at JDR Solutions. Johnson is the founder of this new non-profit charitable organization.

Included in these charities are those that individual members personally support, according to Cohen, who is a director of the New York State Board of the [Special Olympics New York](#). He introduced this charity to his fellow industry executives because it was one of the six selected for funding.

At the event featured foundations also included the ELFF, The Magic Charities Foundation, EPC School and Cookies for Kids' Cancer.

Also in the spirit of giving back, at the ELFA Annual Convention MH&H's Julia Gavrilov plans to volunteer her time to the community service project on Oct. 24 with other ELFA members attending the convention at the JW Marriott Hill Country hotel in San Antonio, Texas. This year participants will assemble wheelchairs for Build a Wheelchair, a company that delivers the finished device to people with a mobility disability.

Julia adds, "One of my favorite parts about the ELFA Annual Convention each year is volunteering in their sponsored community service project. The ELFA has had such a positive and significant impact on my life that I look forward to every opportunity to give back to the community and the meaningful causes that the ELFA supports."



Bob Cohen



## Briefs



### Two Attorneys Recognized for Thought Leadership and Influence

We are pleased to announce that **Theresa A. Driscoll**, a partner of the firm, has been selected as a member of the 2021 class of *Long Island Business News'* Top 50 Most Influential Women in Business. The award recognizes the significant contributions of women professionals to the region's economy and to the communities in which we do business.

**Julia Gavrilov**, counsel in the firm, was named to the *Monitor's* list of top 40 equipment finance thought leaders under age 40. She specializes in equipment leasing and finance, secured lending and complex commercial litigation. She is becoming a frequent speaker and author on wide-ranging legal topics and women's leadership and inclusion subjects.

Gavrilov also recently wrote an article on DE&I to be featured in the convention issue of ELFA's magazine. She writes, "While companies often focus their diversity and inclusion efforts at the hiring level, this methodology falls short as the internal promotion system fails to advance diverse individuals over time through corporate ranks." Read the full piece in the magazine's October edition.

Both Gavrilov and Driscoll are part of the [Secured Lending, Equipment and Transportation Practice](#).

## Taking Care of Business

### A Q&A with Keith J. Frank, Partner and Jennifer Calamia, Associate on employer vaccine requirements

Our clients in secured lending and equipment aren't just financiers, they're business owners. To assist them with questions that extend to other Moritt Hock & Hamroff areas of practice, we are starting a series of Q&A's called "Taking Care of Business." We hope it will help you do just that, take care of business, so you can continue innovating in our sphere. We talked with Keith J. Frank and Jennifer Calamia of the Employment Law Practice Group about how employers can enact vaccine mandates and the legality surrounding these deadlines.

Vaccine mandates are on every employer's mind, as the transition back to the office has been a rocky one with the Delta variant forcing many to scrap those plans. Just last week United Airlines began the process of firing more than 600 employees who refused to meet their required vaccine deadline. The deadline for Walmart employees is looming, with corporate associates,



managers and new hires required to get their shot by Oct. 4. And groups of employees are attempting to sue employers, including more than 180 Minnesota health care workers who filed a lawsuit to block the enforcement of coronavirus vaccine mandates in their facilities. So, where does this leave you?

It's the big question on employers' minds: can you require employees to get the COVID-19 vaccine? **Yes, employers have been given the green light to require mandatory vaccination of employees against COVID-19 unless the employee can establish a valid medical basis or a sincerely held religious belief which would prevent vaccination, per the Equal Employment Opportunity Commission "EEOC."**

What's the legal precedent here?

**COVID-19 has been designated a serious public health concern by the EEOC and, as a result, employers are permitted to enforce vaccination mandates. In the past, there have been requirements that individuals be vaccinated for polio, mumps, measles and various other ailments to attend school.**

Can you require vaccines other than the COVID-19 shot?

**This has not been addressed, at this point I would not advise employers that they can do so.**

What recourse do employers have if employees refuse?

**If employees refuse to be vaccinated, the employer can terminate the employee unless the employee can demonstrate a medical or religious basis for not receiving the vaccine. If the employee does qualify for an exemption, the employer can accommodate the employee if it is reasonable to do so. As part of the accommodation, and in order to protect all employees, the employer can require measures such as weekly testing, continued use of PPE and social distancing. If the employer cannot accommodate the medical or religious accommodation (i.e. employee cannot work remotely. If the office or workspace is such that the employer cannot reasonably accommodate, even with safeguards, the employee can be terminated.)**

Does this apply nationwide, or are there state differences to consider?

**The EEOC guidance applies nationwide, however, in addition, states and local municipalities are enacting their own rules, which employers will need to be up to date with as they change on a regular basis.**

If an employee feels the mandate is unjust, what recourse do they have?

**An employee can try and challenge a vaccine mandate in court, but it is this writer's considered opinion that they will not be successful in most cases.**

Do you anticipate any upcoming mandates or law changes that might impact vaccine requirements?

**Yes, updates are coming out on a regular basis and the progress in controlling and/or managing the COVID-19 pandemic will determine, how long or restrictive they will continue to be.**

Contact our attorneys with legal questions you may have regarding vaccine mandates. When you hire MH&H, you get much more than a lawyer. Because we lack the traditional separation by departments, you tap into the combined mindpower of our entire firm: more than 80 experienced attorneys with diverse skills and insight, all coming together to deliver big picture solutions for your business.



# Who We Are: Meet Some of Our Secured Lending and Equipment Finance Attorneys



**Marc Hamroff**

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**Bob Cohen**

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**Brett Garver**

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**Theresa Driscoll**

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**Julia Gavrilov**

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