COVID-19: What Workers Need to Know

Table of Contents

Federal Legislation Responding to COVID-19................................................................. 1
  Overview......................................................................................................................... 1
  Family First Coronavirus Response Act (FFCRA) ......................................................... 1
  Coronavirus Aid, Relief and Economic Security (CARES) Act....................................... 1

Unemployment Insurance Benefits.................................................................................... 1
  A Brief Overview of NYS’s Unemployment Insurance Benefits..................................... 1
  Pandemic Unemployment Compensation ...................................................................... 1
  Pandemic Unemployment Assistance (PUA) ................................................................. 2
  Pandemic Emergency Unemployment Compensation (PEUC) ...................................... 3
  Filing a Claim for UI or the PUA Benefit ....................................................................... 4
  Weekly Certification ...................................................................................................... 7

Coronavirus Economic Impact Payment/Stimulus Payment ............................................ 7
  Description of the Payment ......................................................................................... 7
  Qualifying for the Payment ......................................................................................... 8
  Accessing the Payment ............................................................................................... 8
  How Payments are Received ....................................................................................... 10
  Check the Status of Your Payment ............................................................................ 10
  To Update Information to the IRS ............................................................................. 10
  Impact on Needs Based Benefits ............................................................................... 11
  Additional Information ............................................................................................... 11

Federal Emergency Family and Medical Leave .............................................................. 11

Federal Emergency Paid Sick Leave ................................................................................ 12

New York State Emergency Paid Sick Leave Act ............................................................. 13

Workforce1 Career Centers ............................................................................................ 14

Retirement Account Rule Suspension/Loans for IRAs, 401(k) or 403 (b) ..................... 14

Small Business Loans .................................................................................................... 14
<table>
<thead>
<tr>
<th>Section</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>Small Businesses</td>
<td>16</td>
</tr>
<tr>
<td>Contact Tracing</td>
<td>16</td>
</tr>
<tr>
<td>Free Lancers</td>
<td>16</td>
</tr>
<tr>
<td>Workers’ Rights</td>
<td>16</td>
</tr>
<tr>
<td>Child Care Assistance</td>
<td>17</td>
</tr>
<tr>
<td>Regional Enrichment Centers – Centers for Children of Essential Workers</td>
<td>18</td>
</tr>
<tr>
<td>Working from Home</td>
<td>19</td>
</tr>
<tr>
<td>Get Help</td>
<td>19</td>
</tr>
<tr>
<td>Source Materials</td>
<td>20</td>
</tr>
</tbody>
</table>
FEDERAL LEGISLATION RESPONDING TO COVID-19

Overview

The federal government passed two major pieces of legislation addressing the ongoing crisis of COVID-19. The first was the Family First Coronavirus Response Act (FFCRA) and the second was the Coronavirus Aid, Relief and Economic Security (CARES) Act. Both include provisions for Unemployment Benefits, as well as other provisions to assist individuals, families and businesses during the current Coronavirus crisis. Below is a brief description of these laws.

Family First Coronavirus Response Act (FFCRA)

The FFCRA was signed into law on March 18, 2020. The Act includes the Emergency Paid Sick Leave Act and the Emergency Family and Medical Leave Expansion Act, and also includes provisions for unemployment benefits, protections for health care workers, free coronavirus testing for all (including the uninsured), and additional funding for food-assistance programs.

Coronavirus Aid, Relief and Economic Security (CARES) Act

The CARES Act was signed into law on Friday, March 27, 2020 and contains $2.2 trillion in emergency assistance. The Act includes enhanced unemployment benefits, direct cash payments to qualifying individuals, loans to small businesses, delays and modifications for taxes owed, provisions to address medical supply shortages, extended funding and authorization for various health care programs, and targeted assistance to specific sectors of the economy.

UNEMPLOYMENT INSURANCE BENEFITS

For a Q&A on NYS UI benefits visit: https://labor.ny.gov/uis/pdfs/uni-covid-faq.pdf

A Brief Overview of NYS’s Unemployment Insurance Benefits

- Regular Unemployment Insurance (UI) Benefits: Each state determines its own UI benefit amounts and duration of benefits within federal guidelines.
  - In NYS, UI provides weekly benefits up to maximum of 26 weeks within a 52-week benefit year, and
  - Pays out a minimum benefit amount of $104 per week and a maximum benefit of $504 per week in 2020.

Pandemic Unemployment Compensation

- The CARES Act provides an additional $600 per week through the Pandemic Unemployment Compensation (PUC) for each recipient of traditional Unemployment Insurance (UI) benefits, as well as the Pandemic Unemployment Assistance benefit for up to 4 months.
  - PUC became available in NYS beginning April 5, 2020 and is available through July 31, 2020.
Those who will be approved for benefits, as well as those individuals who have been approved in the past will automatically receive the additional $600 per week; no additional action is required.

Impact on Needs Based Benefit Programs

- This $600 is excluded for Medicaid, Child Health Plus, or the Essential Plan.
- The $600 is excluded from income calculations by administrators of HUD housing programs, such Public Housing and Section 8.
- The $600 counts as unearned income for Cash Assistance and SNAP benefits.
- The $600 counts as unearned income for SSI purposes, thus their SSI benefits will be suspended.
  - However, SSI recipients will not lose their Medicaid coverage while in receipt of the $600, at least for the duration of the coronavirus emergency.
  - Once the extra $600 ends on July 31st, SSI recipients can have their benefits reinstated.
  - Note: SSI recipients may encounter issues because of the $2,000 asset limit for individuals ($3,000 for couples) under the SSI rules. This is especially problematic for individuals who receive multiple weeks of retroactive benefits at one time due to lags in state implementation of this new program. If SSI recipients receive benefits that would push them over the asset limit, they should consider spending those funds before their suspension period ends.

Pandemic Unemployment Assistance (PUA)

- Description of PUA
  - The CARES Act includes provisions for a temporary program (through December 31, 2020) that provides financial assistance to individuals not customarily eligible for traditional UI benefits.
    - This includes the self-employed, independent contractors, gig workers, freelancers, those with a limited recent work history and others who are unable to work as a direct result of the COVID-19 public emergency.
    - This assistance will NOT include individuals who have the ability to telework with pay or are receiving paid sick leave or other paid leave benefits.
  - PUA claimants who were not eligible for traditional UI prior to the outbreak may be eligible for PUA beginning from January 27, 2020. Such individuals should apply.
  - The minimum PUA benefit amount is $182 and the maximum payment amount is $504.
    - Please note the minimum amount is higher than for traditional UI benefits. Traditional UI beneficiaries eligible for the minimum amount will continue to receive the $104 per week under the rules of the traditional UI program. This is because a different formula is used for the PUA benefit.
• In addition, PUA recipients will also be entitled to the *Pandemic Unemployment Compensation* of $600 per week, see above.
  - Prior to April 5th, eligible PUA beneficiaries would only receive the regular PUA rate, not the additional $600 and would begin receiving the additional $600 beginning the week of April 5th.

• Qualifying for PUA
  - There is no minimum earnings requirement for PUA, although the individual must have reported earnings.
  - Individuals whose employers temporarily closed down their place of business due to COVID-19 (individuals who have been furloughed) may also apply for benefits.
  - Individuals whose hours have been reduced because of COVID-19 may be eligible for UI benefits if they work less than 4 days a week and earn $504/week or less.
    - Individuals may receive partial benefits. Each day (or part of a day) of work causes the weekly benefit rate to drop by ¼.

*Pandemic Emergency Unemployment Compensation (PEUC)*

• PEUC provides for an additional 13 weeks of UI through December 31, 2020 for those who remain unemployed after the state’s UI benefits of 26 weeks runs out.
  - As explained above, most people who lose their job typically receive up to 26 weeks of unemployment, and then it stops.
  - PEUC will add an additional 13 weeks, thus allowing for 39 weeks of traditional UI benefits or the Pandemic Unemployment Allowance.

• PEUC will also allow UI claimants whose benefit year expired under UI, as well as those whose benefit year has not yet expired – whether they exhausted their 26 weeks of UI benefits or not, obtain the additional 13 weeks of benefits.
  - When A UI Claimant’s Benefit Year Has Not Expired
    - If the claimant exhausted their 26 weeks of benefits, they will receive a letter from NYS DOL advising them to begin certifying to receive the additional 13 weeks of benefits.
    - If the claimant did not exhaust their 26 weeks of benefits (for example they went back to work before their 26 weeks ran out and subsequently became unemployed again), they should start certifying for benefits again.
  - When A UI Claimant’s Benefit Year Expired after July 1, 2019
    - If still unemployed, the claimant will need to file a new claim to receive the 13 additional weeks of Pandemic Emergency Unemployment Compensation.
    - Claimants should receive a letter in the mail from the NYS DOL with more details.
Filing a Claim for UI or the PUA Benefit

NOTE

The experience of claimants applying for traditional Unemployment Insurance or Pandemic Unemployment Assistance can vary from one claimant to another. The system is in flux and has been changing. The application experience depends on when applicants applied, how they applied, and whether they are eligible for traditional UI or PUA.

- Claimants for both traditional UI benefits and PUA begin the application process in the same way.
  - When the claimant is found eligible for traditional UI benefits, the NYS DOL will process the claim for traditional UI benefits.
  - When the claimant is found ineligible for traditional UI, the NYS DOL will process the claim for PUA and determine whether the individual qualifies for PUA benefits.

- When to File
  - Claimants should file their claim in the first week they worked less than four days and earned a gross income of less than $504. If they worked four or more days or earned more than $504 for the week, they should file the following week.
    - Previously, claimants had to wait one week before applying for UI benefits.
    - NYS has waived this requirement through December 31, 2020, thus allowing claimants to apply immediately upon becoming unemployed.
  - While there is an unprecedented application volume, nevertheless, a UI claim will start on the day the claimant separated from their employer. DOL will backdate any claims that were not timely processed due to any issues with the DOL website or the UI call center.
    - Individuals should indicate during the application process the date they became unemployed.

- How to File
  - In the past individuals typically could file online or via the phone.
  - Currently claimants should file online only – see below; few phone applications are accepted at this time.
    - There is are exceptions for those who do not speak English or Spanish, or who cannot complete an application online.
    - Such claimants can call the Claims Center at 1-888-209-8124
    - Monday through Friday: 8:00 am to 7:30 pm
    - Saturday & Sunday: 7:30 am to 8:00 pm
  - Hearing Impaired
    - Helper call the Telephone Claims Center at 1-888-783-1370.
    - TTY/TDD: Call a relay operator first at 1-800-662-1220, and ask the operator to call the Telephone Claims Center at 1-888-783-1370.
Claimants must establish a NY.gov ID by creating username & password, if the claimant does not already have one.

- File on the day according to last name: https://dol.ny.gov/unemployment/file-your-first-claim-benefits.
- If claimant missed their date they should file on Thursday-Sunday.

Claimants must agree to check and respond to messages and questionnaires sent via the NY.gov secure message system and all messages, forms and letters sent by mail.

**Filing Online**

DOL created a new system for filing claims as of April 10th (a streamlined application) that allows New Yorkers to apply for both traditional UI or PUA.

Starting the Application Process

- Log In at: https://unemployment.labor.ny.gov/login

Upon completing the application, the claimant will receive a confirmation notice, with a confirmation number.

- The individual may also receive a confirmation in their NY.gov ID account’s ‘In Box’
- This is useful to keep, as claimants contacting the DOL will be able to provide their confirmation when requesting information re: their claim.

Completing the Application Process

- After completing the application, the DOL will determine the claimant’s eligibility for traditional UI or PUA.
- If any additional information is required, the DOL will contact the claimant either through their NY.gov ID account, or via a phone call.
- If eligible for traditional UI, the DOL will process the claim for traditional UI and the individual will be notified to begin weekly certification.
- If eligible for PUA, the DOL will notify the individual to complete a second set of questions.
  - Typically, a link to this second set of questions will be sent through the DOL secure messaging system found in the claimant’s InBox on their NY.gov ID account.
  - Upon completing these second set of questions, will receive a PUA application confirmation.
  - When the PUA application is completed typically the case will be ‘pended.’
  - The DOL is backlogged and pended cases are taking a long period of time to be processed.
  - PUA claimants should begin the weekly certification process as soon as their case is pended.
• Previously Submitted Claims Prior to April 10th
  o New Yorkers who have filed partial claims under the old UI filing system and were told to call the call center to finish their application should NOT - instead, the NYS Dept of Labor call center will call the individual directly.

• Advocacy Tips for Filing
  o Include phone number in the application. This is crucial so DOL can contact the individual via phone.
  o Honesty is the best policy. If there is a dispute the claimant will be able to provide a defense to their answers.
  o During the application process, the claimant will be asked whether s/he is able to work. Recognizing that many people are not able to work because of the pandemic, the question is asking whether the claimant is able, willing and ready to work. So, if the claimant is able, willing and ready to work, they should answer ‘yes’ to this question.
  o If sheltering in place in another state be sure to contact DOL via a secure e-mail on your NY.gov ID account page to get their approval. DOL must determine whether the claimant is still eligible for benefits.
    ▪ Do NOT leave the country, this could trigger fines and denial of benefits.
  o DOL representatives who contact the claimant will identify themselves by providing the date of the claim filed and the type of claim filed. If the representative asks for a confirmation number or Social Security Number, the individual should not provide this information.
  o Contact a local elected official when applications are pended and there are issues that need to get resolved, contact a local elected official as they may be able to get through the log jam.
  o NYS DOL Twitter Account: https://twitter.com/NYSLabor
  o For a DOL guide on how to apply as a self-employed individual, click here.
  o When helping a person apply, visit: https://labor.ny.gov/formsdocs/factsheets/pdfs/P808.pdf.

• Receiving Benefits
  o If found eligible, the claimant's first payment will generally be made two to three weeks from the time they filed their claim. Although PUA claims are taking much longer.
  o Claimants will receive any back weeks of benefits owed with their first payment.
    ▪ Although to date, the Learning Center’s experience has shown that back benefits are not necessarily processed with the first payment.
  o Claimants will receive benefits via direct deposit or bank debit card.
Weekly Certification

- Claimants must certify weekly to obtain their benefits.
  - All traditional UI claimants should begin certifying after receiving confirmation notice; PUA applicants should begin certifying after receiving PUA application confirmation notification.
    - Although PUA applicants do not receive any notice that they should begin certifying for benefits, the DOL website indicates that all claimants should begin certifying, even those in pending status.
  - Claimants must be ready, willing and able to work.
    - Claimants should report any work activity during the previous week when claiming weekly UI benefits, including part-time, temporary or unpaid jobs.
      - Even if working just 1 hour a day.
      - Even if working, but not being paid.
      - If not reported, possible fraud charges
    - NYS DOL rules state that claimants must be ready, willing and able to work.
      - DOL’s current statement, “We understand that many of you are unable to work due to COVID-19 pandemic and the impact of NYS on PAUSE. If you would otherwise be able to work, you should answer “yes” in order to receive your benefits.”
- Advocacy Tips for Weekly Certification
  - When completing the weekly certification, when asked how many days they worked in the previous week, they should indicate “0”, if indeed they did not work. When next asked if they earned more than $504 in that period, they should select N/A (not applicable), as they did work in the previous week. By selecting “no” the system may process this as the claimant having earnings, which could negatively impact their weekly payment amount.
- For further assistance contact the DOL Telephone Claim 1-888-209-8124.

CORONAVIRUS ECONOMIC IMPACT PAYMENT/STIMULUS PAYMENT

Description of the Payment

- A federal one-time direct cash payment up to a maximum of $1,200 per eligible individual, and $500 per eligible minor child (16 and younger).

- Individuals will receive the maximum payment if adjusted gross income (AGI) is less than:
  - $75,000 for individuals or married couples filing separately
  - $112,500 for head of households
  - $150,000 for married couples filing jointly

- Payments will be gradually reduced if adjusted gross income is between
  - $75,000 and $99,000 for individuals or married couples filing separately
  - $112,500 and $136,500 for head of household
$150,000 and $198,000 for married couples filing jointly

- The amount of the payment will be based on the taxpayer's Adjusted Gross Income (AGI).
- For higher income individuals the payment amount is reduced by 5% of the amount that you adjusted gross income exceeds $75,000 ($112,500 for taxpayers filing as head of household or $150,000 for taxpayers filing a joint return), until it is $0.

**Qualifying for the Payment**

- Must have a Social Security number
  - Individuals with an Individual Taxpayer Identification Number (ITIN) are not eligible.
  - Families are ineligible if their tax return included someone with an ITIN, even if there is a member with an SSN. There is an exception, if either spouse is a member of the U.S. Armed Forces at any time during the taxable year, only one spouse needs to have a valid SSN.
- AGI must fall below guidelines listed above.
- Not be a dependent of another taxpayer.

**Accessing the Payment**

- Most qualifying households will receive the payment automatically, but there will be some households that will be required to apply, details are included below.
- Automatic Payment
  - Qualifying households who have filed a federal tax return will automatically receive payment; they do not have to take any action.
    - Payment is based on the taxpayer's 2019 tax return, if a tax return was filed; if the 2019 return has not yet been filed, the IRS will use the information from their 2018 return.
    - If people have not filed a tax return in 2018 or 2019, refer to the Learning Center’s resource guide, *COVID-19: Navigating Essential Services, The IRS & Taxes*, for free tax preparers for low income households.
    - The tax filing deadline has been extended to July 15, 2020. If a household has not filed for a tax return in either 2018 or 2019, they have the opportunity to file their 2019 tax return until July 15th. Once the household has filed for the tax return, they will be eligible for an automatic payment, if they qualify.
  - Social Security retirement, Social Security disability (SSDI), or survivor beneficiaries who typically don't file a tax return
• However, SSDI beneficiaries who began receiving payment as of Jan. 1, 2020, and who did not file a tax return in either 2018 or 2019 will need to file a request for Economic Impact payment.

  o Railroad Retirement and Survivor beneficiaries who typically do not file a tax return.
  o SSI recipients who typically do not file a tax return.
  o Recipients of non-taxable VA benefits who typically do not file a tax return. These include both veterans and survivors who receive compensation and pension benefit payments from the VA.

  o **Note**: Claiming the $500 for Qualifying Children: The $500 payment per child is not automatic for Social Security & SSI beneficiaries, as well Railroad retirement beneficiaries and those with non-taxable VA benefits who have qualifying children under age 17 who have not filed a tax return.

- The IRS released information that these households should use the *Non-File: Enter Your Payment Info Here* application, available at [https://www.irs.gov/coronavirus/economic-impact-payments](https://www.irs.gov/coronavirus/economic-impact-payments) to claim the $500 payment per child.

- However, SSI and eligible VA beneficiaries must have applied by **Tuesday, May 5th** and Social Security Disability and Railroad Retirement beneficiaries must have applied by **Wednesday, April 22** to receive to additional payments for their eligible children.

- This group can longer use the Non-File tool to add eligible children. However, they will still receive their automatic $1,200 per adult payment.

- Households that do not file by the above listed dates, can receive the $500 payment per child when filing a tax return for the 2020 tax year.


• **Households Required to Take Action**

  o There are some people who are not typically required to file a tax return, who are not included in the automatic payment as listed above, but must apply for this payment. These households include:

    ▪ Households that did not file a 2018 or 2019 federal income tax return because their gross income was under $12,200 ($24,400 for married couples). This includes people who had no income, or

    ▪ Cash Assistance (Public Assistance)


  o Qualifying households should complete the *Non-File: Enter Your Payment Info Here* application found on the IRS website.
How Payments are Received

- **When the IRS Has the Individual’s Bank Account Information**
  - If the IRS has the individual’s bank account information, it will transfer the money via direct deposit.
  - The first payments were deposited on April 14th to eligible taxpayers and will continue to roll out the direct deposit payments over the coming weeks.

- **When the IRS Does Not Have the Individual’s Bank Account Information**
  - The IRS has established a web-based portal, *Get My Payment Application*, that allows individuals to provide their banking information to the IRS online, so individuals can receive payments by direct deposit as opposed to checks in the mail.

- **The Individual Does Not Bank**
  - Individuals will receive checks by mail.
  - Receipt of checks could take as long as 20 weeks.
  - The IRS is prioritizing low-income households.

- **Be on the alert for possible scams.** The IRS will not call, text, email or contact individuals on social media asking for personal or bank account information, even related to the economic impact payments or refunds.

Check the Status of Your Payment


- The IRS will mail a letter about the payment to the recipient’s last known address within 15 days after the payment is made. The letter will provide information on how the payment was made and how to report any failure to receive the payment.

To Update Information to the IRS

- To update the IRS with bank account information, use the *Get My Payment* application, see above.
- To update mailing address when a household has moved since they last filed, visit [https://www.irs.gov/taxtopics/tc157](https://www.irs.gov/taxtopics/tc157).
Impact on Needs Based Benefits

- Economic impact payments received by the individual will not count as income for SSI, Cash Assistance, Medicaid, SNAP benefits, Medicare Savings Plan, or HUD subsidies.

- Resource Rules
  - For all Cash Assistance cases: These payments must be excluded as a lump sum for the month of receipt and the following two months.
    - For example, if a household receives the payment(s) in April 2020, the district must not count it as income or a resource for April and must exempt it as a countable resource for May and June.
    - In July, if the household has remaining funds from the Payment(s), the district must count the remaining funds as a non-exempt resource.
  - SNAP
    - For new SNAP applicants, the Payment(s) are excluded as a resource in the month received, and the month after. Any remaining balance would be counted as a resource in the months thereafter. However, please note that most households do not have a resource requirement for SNAP.
    - For households already receiving SNAP benefits, when they receive the Payment(s), the payments are excluded as a resource for a period of 12 months following receipt of the payments. Any remaining balance would be counted as a resource in the months thereafter.
  - SSI and non-MAGI Medicaid recipients: The payment will not count as resources for a 12-month period following the receipt of the funds.

Additional Information

- There is no limit on the number of qualifying children included in the economic impact payment.

- The payment does not count towards public charge for immigration purposes.

- The payment is not taxable and individuals do not have to pay it back.


FEDERAL EMERGENCY FAMILY AND MEDICAL LEAVE

- The federal Emergency Family and Medical Leave Act, of the Families First Coronavirus Response Act, only covers private employers with fewer than 500 employees; it does not cover private employers with 500 or more employees.

- Provides employees, who have been on the job for at least 30 days, up to an additional 12 weeks of job-protected leave who are unable to work due to a bona fide need for leave to care for a child whose school or child care provider is closed or is unavailable for reasons related to COVID-19.
• Pay Rate
  o Pay must be equal to at least two-thirds of regular pay, but employers do not have to pay more than $200/day and $10,000 total per employee.
  o Employers are not required to pay during the first 10 days of leave.
• The U.S. Department of Labor may exempt businesses with fewer than 50 employees.
• Provides tax credit against payroll taxes owed by employers to cover the cost of required leave, where a refund is owed, the IRS will send the refund.
  o Leave pay is also available to the self-employed via a tax credit.

**FEDERAL EMERGENCY PAID SICK LEAVE**

• The federal Emergency Paid Sick Leave Act, of the Families First Coronavirus Response Act, only covers private employers with fewer than 500 employees; it does not cover private employers with 500 or more employees.
• The Act is effective April 1, 2020 through December 31, 2020.
• Provides up to 10 days of paid sick time for full-time employees, subject to an 80-hour cap (part-time employees are entitled to the typical number of hours that they work in a typical two-week period), who are unable to work or telework due to a need for leave because the employee:
  o Is subject to a federal, state or local quarantine or isolation order due to COVID-19;
  o Has been advised by a health care provider to self-quarantine due to COVID-19;
  o Is caring for someone who is subject to a quarantine or isolation order (one of first two points above);
  o Is experiencing symptoms of COVID-19 and seeking a medical diagnosis;
  o Caring for their child, if their school or day care has been closed, or the childcare provider is unavailable, due to COVID-19 precautions;
  o Is experiencing a similar condition specified by the Secretary of Health and Human Services.

**Note:** This excludes any day in which the employee receives compensation from his/her employer or Unemployment Insurance benefits.

• All business covered by this law are required to post the following Employee Rights notice: [https://www.dol.gov/sites/dolgov/files/WHD/posters/FFCRA_Poster_WH1422_Non-Federal.pdf](https://www.dol.gov/sites/dolgov/files/WHD/posters/FFCRA_Poster_WH1422_Non-Federal.pdf).
  o Employers may satisfy the notice requirements of the law by emailing or direct mailing the notice to employees, or posting the notice on an employee information internal or external website.
• Pay Rate:
  o The employees’ regular rate up to a maximum of $511 per day, if the employee is unable to work because the employee is quarantined, and/or experiencing COVID-19 symptoms and seeking a medical diagnosis.
2/3 of the employee’s regular rate of pay up to a maximum of $200 per day because the employee is unable to work because of:

- Caring for someone who is subject to a quarantine or isolation order;
- Caring for their child if their school or day care has been closed, or the childcare provider is unavailable, due to COVID-19 precautions;
- Experiencing a similar condition specified by the Secretary of Health and Human Services.

- The U.S. Department of Labor may exempt businesses with fewer than 50 employers if the sick leave payments “would jeopardize the viability of the business as a going concern,” that is, the company fears it would be driven out of business.

- It provides refundable tax credit against payroll taxes owed by employers to cover 100% of the cost of required leave.
  - Leave pay is also available to the self-employed via a tax credit.

**NEW YORK STATE EMERGENCY PAID SICK LEAVE ACT**

- The New York State Emergency Paid Sick Leave is an expansion of the state’s Paid Family Leave (PFL) for those employees ordered to quarantine or isolate by New York State, the Department of Health, a local health board, or another government entity authorized to issue a quarantine or isolation order as a result of the COVID-19 pandemic.

- It does not cover employees who have voluntarily chosen to quarantine or self-isolate. In addition, it will not apply to quarantined employees who are asymptomatic and able to perform their job functions remotely.

- The amount of leave an employee is entitled to depends on the employer’s size:
  - Employers with 10 or fewer employees (as of Jan. 1, 2020) and a net income of less than $1 million shall provide unpaid sick leave until the termination of any quarantine or isolation, and guarantee employees access to Paid Family Leave and disability benefits (short-term disability), with no waiting period, for the period of quarantine including wage replacement for their salaries up to $150,000.
  - Employers with 11-99 employees (as of Jan. 1, 2020) and employers with 10 or fewer employees (as of Jan. 1, 2020) and a net income greater than $1 million shall provide at least 5 days paid sick leave, and then unpaid sick leave until the termination of any quarantine or isolation. Further, employers must guarantee their workers access to Paid Family Leave and disability benefits (short-term disability) for the period of quarantine including wage replacement for their salaries up to $150,000.
  - Employers with 100 or more employees (as of Jan. 1, 2020), as well as public employers (regardless of the number of employees), shall provide at least 14 days of paid sick leave during any order of quarantine or isolation.

- The Order of the Commissioner of Health for Isolation: This order creates a process for NYC residents who have tested positive for COVID-19 or have symptoms of COVID-19, to receive documentation necessary to claim paid sick leave from their employer under NYS’s COVID-19 paid sick leave law.

• For additional information go to https://paidfamilyleave.ny.gov/covid19.

• Note: NYS law requires that in the event of federal action on COVID-19, employers apply the plan most generous to its employees.

**WORKFORCE1 CAREER CENTERS**

• All Workforce 1 Career Center are closed until further notice however, they will be delivering services remotely.

• For more information go to https://www1.nyc.gov/site/sbs/careers/covid19-jobseeker-outreach.page.

**RETIREMENT ACCOUNT RULE SUSPENSION/LOANS FOR IRAS, 401(K) OR 403 (B)**

• No one will be required to take their required minimum distribution (RMD) in 2020.
  o This applies to all taxpayers who are otherwise required to take an RMD in 2020.

• Individuals who need to take money from a retirement account before age 59½ will not have the usual 10% penalty in 2020.
  o They will have 3 years to pay taxes on the income and can replace the money back into the account before the end of the 3 years.
  o This is only for those who have been diagnosed with COVID-19 or have experienced financial hardship from quarantine, layoffs, reduced hours, or furlough between now and December 31, 2020.
  o Distributions will be included in gross income and subject to regular income tax, but can be spread out and taken over three years.

• The maximum loan an employee can take from a workplace retirement account has doubled from $50,000 to $100,000 during the COVID-19 pandemic.

**SMALL BUSINESS LOANS**

• On April 23rd, the federal government approved an additional $484 billion Coronavirus relief package that would provide additional funding for small businesses, as well as funds for hospitals and coronavirus testing, after original funding for these loans had dried up.
  o The measure would provide $310 billion for the Paycheck Protection Program, see below.
  o A portion of the money is set aside for smaller lending institutions to steer resources to businesses that typically have trouble obtaining loans.
  o The package would also include additional funds for the Economic Injury Disaster Loan program.

• The Paycheck Protection Program (PPP) is part of the CARES Act and is a loan designed to provide an incentive for small businesses to keep their workers on the payroll; it is administered through the Small Business Administration.
  o The business must have no more than 500 employees.
The amount of the loan is based on the business’s average total monthly payroll costs and are capped at $10 million.

These loans can be forgiven if all employees are kept on the payroll for eight weeks and the money is used for payroll, rent, mortgage interest or utilities.

▪ The amount of canceled debt depends on how many workers the business retains and the extent to which it reduces their salaries.

The loan is available to sole proprietorships, independent contractors, gig workers & self-employed.

Business must apply by June 30, 2020; although this date may be extended.

To find an eligible lender visit: https://www.sba.gov/paycheckprotection/find.

For more information visit: https://www.sba.gov/funding-programs/loans/coronavirus-relief-options/paycheck-protection-program-ppp

• Economic Injury Disaster Loan (EIDL) is an existing federal loan program that has been expanded under the CARES Act; it is administered through the Small Business Administration.

○ The business must have no more than 500 employees.

○ Must have suffered a substantial economic injury.

○ The loan amounts are based on actual economic injury up to a maximum of $2 million.

▪ Businesses can request an emergency grant amount of up to $10,000. This loan advance will be forgiven if it is spent on paid leave, maintaining payroll, mortgage or lease payments.

○ The loan is also available to non-profits, sole proprietorships, independent contractors, gig workers and self-employed.

○ Businesses must apply no later than December 16, 2020.

○ For more information visit: https://www.sba.gov/disaster-assistance/coronavirus-covid-19#section-header-1

• Businesses can apply for both the EIDL loan and the PPP loan, so long as the business uses the loans for different expenses.

• For additional information visit


  ○ Also visit the U.S. Chamber of Commerce at https://www.uschamber.com/co/start/strategy/cares-act-small-business-guide.

• The City Bar Justice Center has launched a pro bono, remote legal clinic to help small businesses understand and access options available under the federal government’s COVID-19 stimulus package and other opportunities available through federal, state and local programs.

  ○ Visit here to set up a free 45-minute appointment.

• NYC Resources

• Greenwich Village Chelsea Chamber of Commerce
  o The Greenwich Village Chelsea Chamber of Commerce has compiled a list of resources for local businesses.
• Forbes: Coronavirus Small Business Relief Programs
  o Forbes has compiled a list of small business relief programs.
  o Click here to visit their website.
• The Restaurant Workers' Community Foundation
  o Resources for restaurants and workers available by clicking here.

SMALL BUSINESSES


CONTACT TRACING

• Both NYC and NYS are hiring employees and supervisors for contact tracing reaching out to the contacts of those diagnosed with COVID-19 to track the spread.
• For NYC information, visit: https://fphnyc.org/about/careers/.
• For NYS information, visit: https://coronavirus.health.ny.gov/get-involved-how-you-can-help.

FREE LANCERS

• Information for free lancers: https://covid19freelanceartistresource.wordpress.com/
• Freelancers, artists, gig-workers, and other independent contractors: https://www.landerfornyc.com/covid-relief-for-freelancers

WORKERS’ RIGHTS

• Under NYC law, it is illegal to:
Fire or require an employee to stay away or self-quarantine from the workplace only because of the employee’s race or national origin.

Retaliate against employees who exercise—or seek to exercise—their workplace rights, such as using sick leave, asking for premium pay, or changing a work schedule.
   ▪ Retaliation includes any threat, discipline, firing, demotion, suspension, or reduction in hours, or any other negative employment action.

- Fast food or retail workers may be entitled to extra pay for schedule changes including reduced hours, [https://www1.nyc.gov/site/dca/workers/workersrights/fastfood-retail-workers.page](https://www1.nyc.gov/site/dca/workers/workersrights/fastfood-retail-workers.page).
- To file a complaint contact the [NYC Department of Consumer and Worker Protection](https://www1.nyc.gov/site/dca/workers/workersrights/fastfood-retail-workers.page) or by calling 311.
- Workers who have been laid off and have not received their last paycheck, immediate payment may be required by state law (although it is not required by federal law).
   - If a person’s regular payday has passed without payment, go to [https://www.labor.ny.gov/workerprotection/laborstandards/faq.shtm](https://www.labor.ny.gov/workerprotection/laborstandards/faq.shtm).
- For additional information visit:
  - [https://www1.nyc.gov/site/dca/workers/worker-rights.page](https://www1.nyc.gov/site/dca/workers/worker-rights.page)

**CHILD CARE ASSISTANCE**

- NYS is providing child care scholarships to all essential workers starting Monday, April 20th.
  - Child care costs will be covered with $30 million in federal CARES Act funding to essential staff whose income is less than 300% of the federal poverty level, or $78,600 for a family of four.
- There are several waivers approved by the New York State Office of Children and Family Services to provide support for families in receipt of child care assistance and the providers and programs that provide child care services for these families.
- ACS Child Care Operations Offices including Resource Areas are closed to the public effective Monday March 23, 2020.
- For the following ACS Voucher Child Care issues:
  - General child care eligibility and applications, [VoucherWL@acs.nyc.gov](mailto:VoucherWL@acs.nyc.gov)
Voucher enrollment: VEU@acs.nyc.gov
Foster Care, Preventive and Protective Child Welfare cases: CFWB.SRU.Voucher@acs.nyc.gov
Transitional Child Care: CFWB.TCC@acs.nyc.gov
Center for Child and Family Well-Being (CFWB) Hotline: 212-835-7610 (available 8:30 AM to 5:30 PM)

- The ACS Office of Advocacy remains available to assist parents by phone and e-mail.
  - Helpline - (212) 676-9421
  - Incarcerated parents may call collect - (212) 619-1309 or (212) 341-3322
  - Teletype for the hearing impaired - (212) 442-1447

- Child Care Programs

  - Child care programs are not required to be open. However, if you are a child care provider the NYS Office of Children and Family Services (OCFS) has issued emergency guidance materials describing new rules and waivers along with an FAQ found at https://ocfs.ny.gov/programs/childcare/#COVID19.


  - The Regional Enrichment Centers, see below, are available for the children of first responders and other frontline workers.

**REGIONAL ENRICHMENT CENTERS – CENTERS FOR CHILDREN OF ESSENTIAL WORKERS**

- The Department of Education plans to open 93 REC sites across all five boroughs for the children of essential workers. The sites will include 76 K-12 Centers and 17 Early Childhood Centers citywide.

  - Students at RECs engage in remote learning with their home schools, as well as art, music, and physical education. We will ask DOE and Community Based Organization employees to staff the Center, and we are grateful to the numerous DOE employees who have already offered to help staff these sites.

- These centers are open only to children who are NYC residents and whose parents/guardians work in certain fields, including

  - First responders,
  - Transit and healthcare workers,
  - DOE staff at our Centers and Meal Hubs,
  - ACS Frontline/Investigators still making direct contact with families,
  - Department of Correction essential staff,
  - Department of Homeless Services and Human Resources Administration Shelter staff and contracted staff, and
  - Department of Sanitation essential staff.

- Currently they are evaluating their capacity to serve other students.
• For more information visit: https://www.schools.nyc.gov/enrollment/enrollment-help/regional-enrichment-centers.

**WORKING FROM HOME**

• Gallup is providing a free webinar COVID-19: Managing Your Workforce Through Disruption.
  
  o Gallup’s experts have gathered information on workplace disruption and other crises through research, hands-on experience and our connections with leaders around the world to provide insights that can help your workforce adapt quickly.

**GET HELP**

• **NYLAG COVID-19 Legal Resource Hotline:**
  
  o Hotline: 929-356-9582.
  
  o Advanced Planning (Standby Guardianship, Power of Attorney, Healthcare Proxy, Wills)
  
  o Consumer Debt (Debt Collection, Wage Garnishment)
  
  o Employees' Rights (Paid Leave, FMLA, Working Conditions)
  
  o Housing (Eviction, Rent Arrears, Foreclosure, Mortgage Relief Options,)
  
  o Unemployment Benefits
  
  o Public Benefits
  
  o Special Education issues (K-12)
  
  o Stimulus Payment questions

• **Northern Manhattan Improvement Corporation (NMIC)**
  
  o NMIC established temporary COVID-19 intake hotlines for all New Yorkers -- but prioritizing residents in Upper Manhattan and Southwest Bronx -- to receive assistance on a variety of issues:
    
    ▪ Accessing benefits: (919) 512-4469, Monday/Wednesday/Friday from 9:00 am - 12:00 pm
    ▪ Unemployment: (929) 512-4476, Tuesday/Thursday from 9:00 am to 12:00 pm

• **Legal Aid Society:** https://www.legalaidnyc.org/get-help/covid-19/covid-19-information-for-clients/
  
  o Access to Benefits Helpline: 888-663-6880 (10 am to 3 pm)
  
  o Unemployment Benefits
  
  o Medicaid, SNAP, Cash Assistance and other benefits and issues related to COVID-19.

• **NYC Legal Services**
  
  o Individuals who are denied NYS UI benefits, hotline at 917-661-4500.

• **Volunteers of Legal Services (VOLS)**
  
  o Unemployed Workers Project
  
  o Hotline: 347-521-5720.

• **Volunteer Lawyers for the Arts Legal Services for Artists:** https://vlany.org/request-assistance
  
  o Provides free or low-cost legal services
SOURCE MATERIALS

- NYS Department of Labor: https://labor.ny.gov/unemploymentassistance.shtm.
- The U.S. Department of Labor: https://www.dol.gov/agencies/whd/pandemic/ffcra-questions
  ACS: https://www1.nyc.gov/site/acs/about/covid19.page