

MEMO

March 19, 2020

TO: All CCR&Rs

FROM: Meredith Chimento, ECLC Executive Director

RE: COVID-19 Updates

The COVID-19 pandemic has shifted everyone's focus. The situation continues to change rapidly every day. We will be sending you daily updates as we receive information from OCFS and the state. ECLC staff are working remotely at this time and can be reached via email.

ECLC is here to directly support your agencies at this time.

How can we help you right now? All tasks are on the table--like making calls to providers or updating spreadsheets? Do you need thought partner for strategic questions you have about the focus of your agency right now? Whatever it is, please let us know what you need. We will take on as many requests as we are able. Please direct and/or copy your requests to your ECLC Ambassador.

3/19/20 Updates:

Executive Order Questions

Q: I've gotten many emails from concerned programs tonight. The new executive order limits work places to 50% of work force. Child care is not one the listed exemptions.

Please clarify.

A: New order has shifted this to 25% limit in work place. However, **Child care** is considered an essential service and thus **is exempt**.

Q: "I hereby temporarily suspend or modify, for the period from the date of this Executive Order through April 17, 2020 the following:

- Section 390-b of the Social Services Law and regulations at sections 413.4 and 415.15 of Title 18 of the NYCRR insofar as that statute and those regulations establish background check requirements for child day care;
- Section 390 of the Social Services Law insofar as that section of law exempts school age child care programs operated by a school or entity with experience providing child care and located in a school providing elementary or secondary education from having to comply with the regulations of the office of children and family services;"

What does this mean?

A: Yes, the workers can move between programs without getting another SCR and SEL, in addition school related personnel and teachers can work in a child care program during the emergency.

Schools have been exempt because they are providing compulsory education. They are not providing compulsory ed if they are closed, and we wanted the schools to stay exempt. This should make it easier for schools to be able to provide care during the emergency.

The EO also directs ESDC (Empire State Development) to issue guidance by 5 p.m. today, March 19. Note that ESDC already has a web address for questions related to COVIC-19, [available here](#).

OTHER:

Infant & Toddler Project

- a) The in-person RBA Training scheduled for April 16-17, 2020 has been cancelled. We are looking into whether we will host this event virtually or postpone to hold it in-person at a later date. We will keep you up-to-date on where we land on this decision.

NOTE: All hotel reservations that individuals made will be cancelled by the Holiday Inn where the training was to take place. An email will soon be sent to those who already registered for the event to update them on the details of the cancellation.

School Districts

Please see the latest guidance to School Districts also attached to this email.

HR

Question: Will I get paid even though I do not currently have sick leave?

Answer: According to the EO-

- A- Small employees (which includes employers with 10 or fewer employees and that have a net income of less than \$1 million), will receive unpaid sick leave and immediately become eligible for Paid Family Leave and Temporary Disability Insurance (TDI) benefits
- B- Medium sized employers, (which includes employers with 10 or fewer employees that have a net income of greater than \$1 million and employers with between 11 and 99 employees), will receive at least five days of paid sick leave, followed by eligibility for Paid Family Leave and TDI benefits.
- C- Large employers with 100 or more employees, will receive a minimum of 14 days of paid sick leave.

“In order to help protect New York's workers and to curb the spread of COVID-19, this legislation will make all private and public sector employees eligible for sick leave and wage replacement during a mandatory or precautionary order of quarantine or isolation due to COVID-19. Employees that work for

small sized employers, which includes employers with 10 or fewer employees and that have a net income of less than \$1 million, would receive unpaid sick leave and immediately become eligible for Paid Family Leave and Temporary Disability Insurance (TDI) benefits. Those working for medium sized employers, which includes employers with 10 or fewer employees that have a net income of greater than \$1 million and employers with between 11 and 99 employees, would receive at least five days of paid sick leave, followed by eligibility for Paid Family Leave and TDI benefits. Those working for employers with 100 or more employees, as well as all public employees, would receive a minimum of 14 days of paid sick leave.

The bill will allow these employees to collect Paid Family Leave benefits, supplemented by increased TDI benefits to make their weekly wages whole, for those who earn up to a maximum of \$150,000 annually. Additionally, it eliminates the waiting period for these benefits, as well as for unemployment insurance for claims related to the coronavirus. It also expands Paid Family Leave benefits to cover an employee or their dependent child if they are under a mandatory or precautionary order of quarantine or isolation due to coronavirus.”

Question- I understand that Governor Cuomo just announced a change in workforce density, is that true?

Answer- Yes, Governor Cuomo just announced during a press conference that he is reducing workplace density to 25%, meaning 75% of employee base in non-essential businesses must work from home. This is a more stringent reduction than announced yesterday.