



# MWDBE/SDVOB COVID-19

## TOOLKIT AND BUSINESS RESOURCE GUIDE

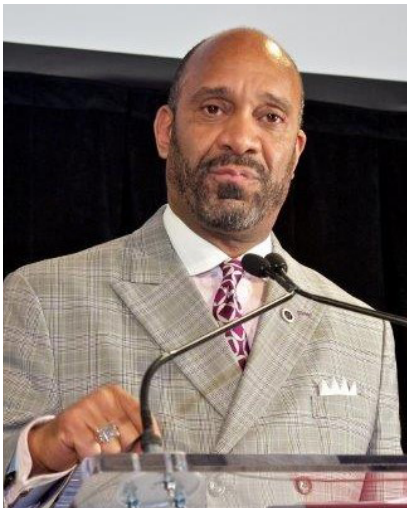




# Preparedness and Perseverance

## Working Towards the Future

## We Will Get Through This Together



**Michael J. Garner, MBA**  
MTA Chief Diversity Officer  
Metropolitan Transportation Authority

A decade has passed since the inception of the MTAs' Small Business Development Program (SBDP), and other business assistance programs including, small business loan, surety bonding and construction/business development training. In addition, the MTA has the highest **"Discretionary Threshold"** level within the State of New York and procurement opportunities are being provided in the Architecture/Engineering, Commodities, Information Technology and Legal Services Sectors. These innovative initiatives have resulted in more than **\$5 billion** dollars being paid to New York State certified Minority, Woman-owned Business Enterprises (MWBE), MTA certified Disadvantaged Business Enterprises (DBE), and NYS Office of General Services' certified Service Disabled Veteran-owned Business Enterprises (SDVOB) during the past decade.

As we are several weeks into this health crisis, the residents of the State of New York are being tested on both a personal and economic level. We continue to encourage certified MWDBEs to hold their heads high, prepare and persevere for post crisis. It is our objective to closely monitor the situation and help your business navigate the impact of the COVID-19 outbreak.

**The MTA's MWDBE/SDVOB COVID-19 Toolkit and Business Resource Guide** contains important information and the tools to help your firm in moving forward. This guide features MTA jobsite and safety protocols, guidance on Governor Cuomo's Executive Order regarding essential construction, CAREs Act, paid leave, insurance, and employment.

The Executive Leadership Team at the MTA, including Chairman Pat Foye, MTA Chief Safety Officer, Pat Warren, the MTA Operating Agency Presidents, Diversity Chairperson Rhonda Herman, the Department of Diversity & Civil Rights and the Diversity Committee are all committed to your growth and development. Working towards the future -- we will get through this together.

Please contact me or a member of my staff directly for any and all MWDBE/SDVOB related issues at [Mgarner@mtahq.org](mailto:Mgarner@mtahq.org)

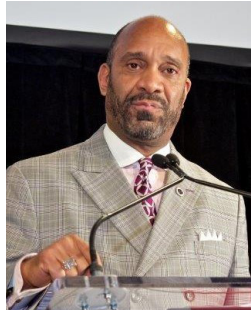
*Note: \*The information here is up-dated as of May 1, 2020*

*\*\*The information provided in this publication is for informational purposes only. Please consult your attorney and other consultants for additional information and clarification.*

# MTA Leadership



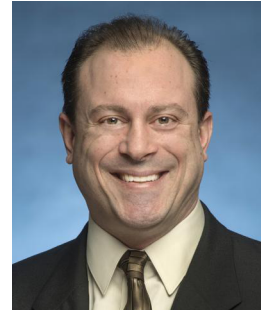
**Patrick Foye**  
*Chairman & CEO*  
MTA



**Michael J. Garner, MBA**  
*MTA Chief Diversity Officer*  
Metropolitan Transportation Authority



**Sarah Feinberg**  
*Acting President*  
MTA New York City Transit



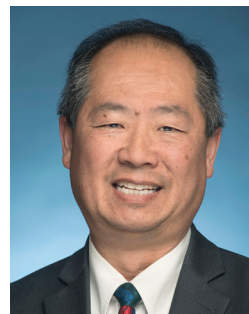
**Daniel De Crescenzo**  
*President*  
MTA Bridges and Tunnels



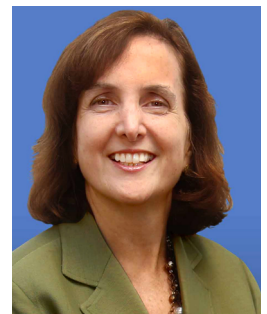
**Janno Lieber**  
*MTA Chief Development Officer*  
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**Craig Cipriano**  
*Acting President*  
MTA Bus Company  
*Acting Senior Vice President*  
NYCT, Department of Buses



**Phillip Eng**  
*President*  
MTA Long Island Rail Road



**Catherine Rinaldi**  
*President*  
MTA Metro-North Railroad

## MTA Diversity Committee

The MTA Diversity Committee was established in 2008 to provide oversight and guidance for programs and issues related to diversity inclusion and equal opportunity. Today, the five-member board continues to raise the MTA's standards to create new strategies and approaches for equal opportunity and diversity inclusion throughout the Authority.



**Rhonda Herman**  
*Chair*



**Susan G. Metzger**



**Haeda B. Mihaltses**



**Linda Lacewell**



**Neal Zuckerman**

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# Statement from MTA Chief Safety Officer Pat Warren on the MTA's Pandemic Plan

## MTA Headquarters



**Patrick T. Warren**  
Chief Safety Officer  
MTA

**"The MTA continues to replenish and maintain a stockpile of essential items [masks, gloves, hand sanitizer, cleaning supplies] so that we can continue to distribute them as needed. It's crucial that we have the ability to protect our workforce and customers, not just today - but going forward during this unprecedented event."**

"The MTA's long-standing pandemic plan, which is updated regularly, is a blueprint that guides the agency's response in accordance with federal, state and local authorities and enables us to quickly adapt to the dynamic nature of these emergency situations in real time. The plan includes stockpiling appropriate resources. What it did not contemplate was that medical guidance during this specific pandemic would be to not use certain stockpiled items for all employees. We are no longer following that guidance and decided last week to deploy resources regardless.

"Here are the facts on what supplies the MTA has been distributing to operating employees: 240,000 masks, 3.2 million gloves to those whose jobs require it, 45,000 bottles of hand sanitizer, 50,000 gallons of cleaning supplies and 7,000 boxes of sanitizing wipes since the pandemic began.

"Additionally, the MTA continues to replenish and maintain a stockpile of these essential items so that we can continue to distribute them as we have not yet reached the apex of the crisis and expect it to continue for some time. It's crucial that we have the ability to protect our workforce and customers, not just today - but going forward during this unprecedented event.

"In addition to these actions, the MTA has taken a number of aggressive steps to ensure worker safety, including reducing the number of crews that need to come in, implementing rear-door boarding to ensure social distance for bus operators, eliminating cash transactions, and disinfecting workplaces, trains, buses and all rolling stock, among other steps.

"Transit workers are heroes and we will continue to work with our partners in labor on these critically important issues just as we have since day one."

# Section 1. MTA Contractor Protocols During COVID-19

## Section 1.1: What to do if a Contractor is Sick

As we work together through the COVID-19 health crisis, the MTA recommends that essential construction sites to take preventative measures to protect workers and help stop the spread of COVID-19/Coronavirus.

If experiencing symptoms of fever, cough, shortness of breath and a lost sense of smell /taste, contact the Contractor/Consultant (C/C) COVID-19 health hotline at **(877) 377-7059**.

The following protocols released by the MTA are up to date as of **April 6, 2020**.

**If a contractor is sick BUT NOT exhibiting symptoms of the COVID-19 virus**, under the standard company protocol the contractor should go on sick leave.

**If a contractor is sick AND IS exhibiting symptoms of the COVID-19 virus**, the following steps must be taken:

- Return home
- Inform their Supervisor
- Calls the Contractor/Consultant (C/C) Hotline
- Seek medical care
- Get tested for COVID-19

**If tested negative**, contractors can return to work or may go on sick leave under standard company protocol. Then, call the C/C Hotline which informs the supervising agency/department.

**If results are pending or are not able to get tested**, contractors must stay out of work for at least three days past recovery and at least seven days past the first symptoms. Then, until cleared by their employer, the contractor may return to work.

**If tested positive**, contractors must go home, seek medical care and inform their supervisor. They must call the C/C Hotline which will then inform the supervising agency/department. Those who test positive must be quarantined for 14 days from the date of last positive diagnosis and must be cleared by their employer in order to return to work.

**In the event an employee or employer call the C/C Hotline.** The C/C Hotline will call the Construction and Development Duty Officer and inform specified agency personnel via email. The Construction and Development Duty Officer will then coordinate with relevant project staff to ensure appropriate actions for the project are taken and reconnect with the C/C Hotline to close out the call.

**Consultant/Contractor company:** If an employee is positive for COVID-19, employers must take the following actions to reduce further exposure.

1. Clear and disinfect the workplace of sick employee, per the company's safety plan.
2. Coordinate with the duty officer to decide if others on site should be quarantined before the COVID-19 virus is confirmed. Considerations include length and proximity of interactions, indoor or outdoor exposure and pre-existing health conditions.
3. Quarantine all employees whose workspace is within six feet of the COVID-19 positive employees, and those with prolonged close contact (10 minutes or less) for 14 days.
4. Continue advancing the project to the maximum extent possible.

For more information on MTA Contractor Protocol: What to do if a consultant/contractor is sick, [click here](#).



## Section 1.2: Mitigating and Containing COVID-19 Exposure

In the unfortunate scenario, a contractor is exposed to a positive COVID-19 individual, the following steps should be taken to stop further spread and contamination on jobsites.

**If contact was indirect and employee is asymptomatic**, no further action is required.

**If contact was close and prolonged (for example with a spouse, caregiver, coworker)**, employee must do the following:

1. Go home
2. Inform their supervisor
3. Call the C/C Hotline which then informs supervising agency/department
4. Monitors themselves for symptoms over a 14-day period

**If contractor becomes symptomatic**, refer back to section 1.1 or <https://new.mta.info/document/15836>

**If contractor is still asymptomatic at the end of the 14-day monitoring period**, they can return to work and call the MTA's Contractor/Consultant Health Hotline which then informs the supervising agency/department.

**MTA has a special Contractor/Consultant COVID-19 Helpline: Please call (877) 377-7059**

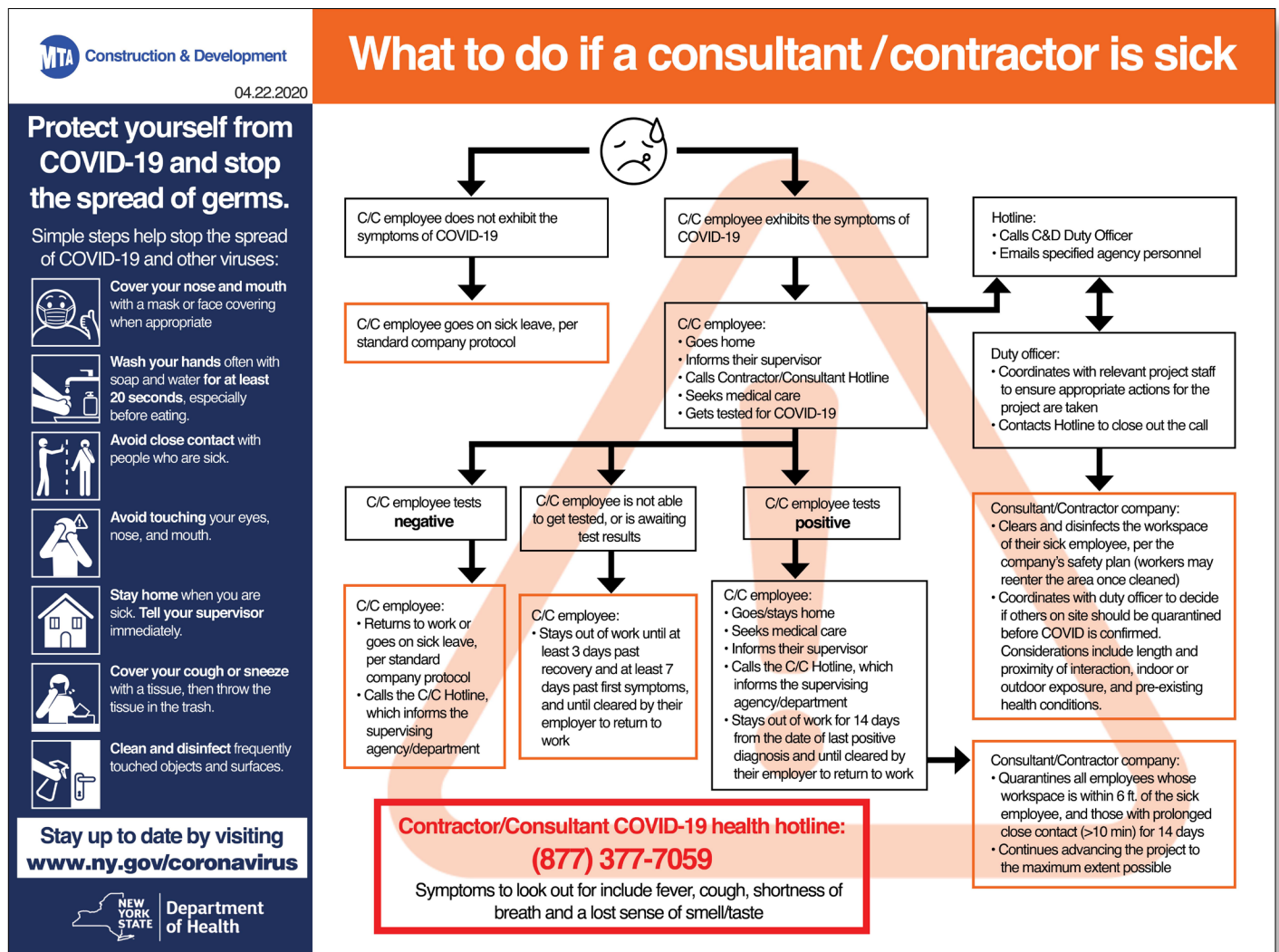
## Section 1.3: Additional MTA Safety Resources For Your Jobsite

**The following are additional MTA safety resources and guidelines to protect your jobsites.**

MTA Construction and Development COVID-19 Project Safety Checklist, [click here](#).

Safety Guidelines for MTA Construction Work, [click here](#).

Proper use and care of your mask, [click here](#).



Click the diagram to enlarge.



## What to do if a consultant/contractor had contact with an individual with confirmed COVID-19

04.22.2020

### Other scenarios for contractors/consultants

**If C/C employee has recently traveled to a Level 2 or Level 3 country as designated by the CDC (including layovers)**

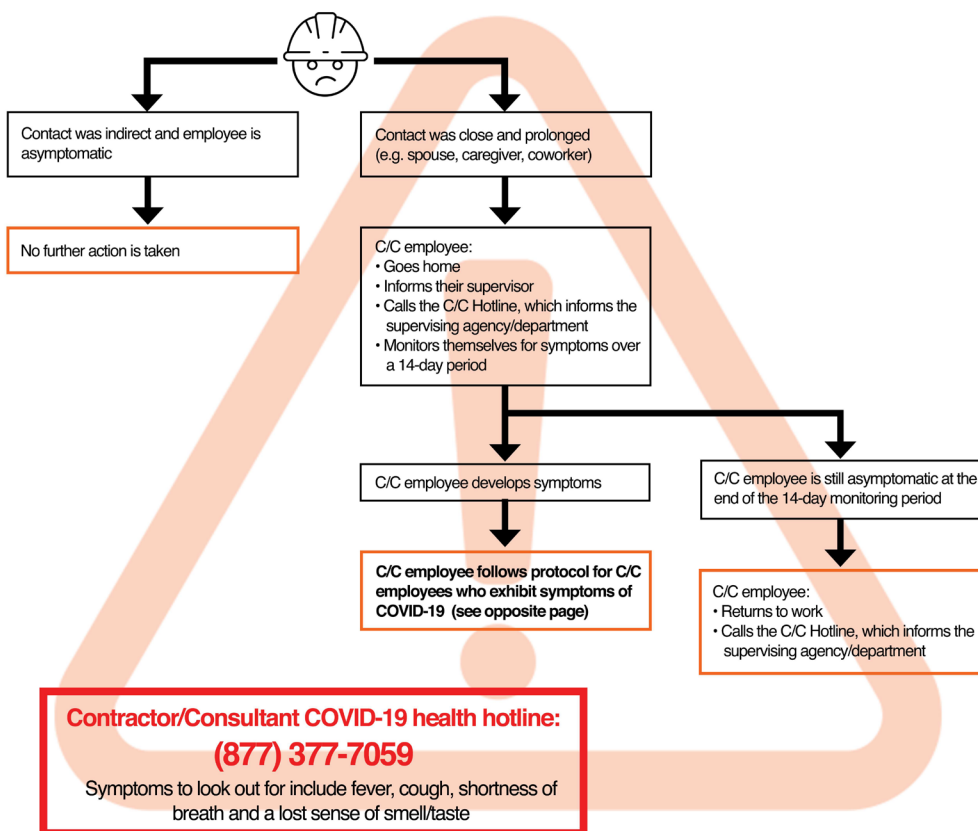
- C/C employee:
- Calls the C/C Hotline and provides the details of their travel, including their return date to U.S.
  - Monitors themselves for symptoms over a 14-day period
  - Remains out of work for 14 days from day of return even if not designated to quarantine by a U.S. official

**If C/C employee was directed to quarantine by Federal/State/Local Authorities**

- C/C employee:
- Calls the C/C Hotline and provide the details of the their quarantine
  - Remains out of work for the duration of the quarantine, or until they are symptom-free for 14 days, whichever is later

**If C/C employee was in close contact with someone ordered to quarantine, but that person had no symptoms**

- C/C employee:
- Continues to go to work
  - Monitors themselves for symptoms over a 14-day period



Click the diagram to enlarge.

## Section 2. Is Your Project Considered Essential Construction?

Governor Andrew M. Cuomo's [Executive Order 202.6](#), declares construction to be an essential business and was directed to continue operations. Recent changes have now further categorized construction between "essential" and "non-essential" construction.

New guidance between 'essential' and 'non-essential' construction is as follows under section 9 of the Governor's Executive Order, effective April 19, 2020. <https://esd.ny.gov/guidance-executive-order-2026>

### Construction

All non-essential construction must safely shut down, except emergency construction, (e.g. a project necessary to protect health and safety of the occupants, or to continue a project if it would be unsafe to allow to remain undone, but only to the point that it is safe to suspend work).

#### Essential construction may proceed, to the extent that:

- the construction is for, or your business supports, roads, bridges, transit facilities, utilities, hospitals or healthcare facilities, homeless shelters, or public or private schools;
- the construction is for affordable housing, as defined as construction work where either (i) a minimum of 20% of the residential units are or will be deemed affordable and are or will be subject to a regulatory agreement and/or a declaration from a local, state, or federal government agency or (ii) where the project is being undertaken by, or on behalf of, a public housing authority;
- the construction is necessary to protect the health and safety of occupants of a structure;
- the construction is necessary to continue a project if allowing the project to remain undone would be unsafe, provided that the construction must be shut down when it is safe to do so;
- the construction is for projects in the energy industry in accordance with Question No. 14 in the FAQ at: [https://esd.ny.gov/sites/default/files/ESD\\_EssentialEmployerFAQ\\_033120.pdf](https://esd.ny.gov/sites/default/files/ESD_EssentialEmployerFAQ_033120.pdf);
- the construction is for existing (i.e. currently underway) projects of an essential business; or
- the construction work is being completed by a single worker who is the sole employee/worker on the job site.

At every site, it is required that the personnel working on the site maintain an appropriate social distance, including for purposes of elevators/meals/entry and exits. Sites that cannot maintain appropriate social distancing, as well as cleaning/disinfecting protocols must close. Enforcement will be conducted by state and local governments, including fines up to \$10,000 per violation. If social distancing cannot be maintained, we are allowing construction to continue with the use of appropriate PPE.

Construction may continue solely with respect to those employees that must be present at the business location/construction site in support of essential business activities. No other employees/personnel shall be permitted to work in-person at the business location/construction site. Any other business activities being completed that are not essential are still subject to the restrictions provided by Executive Order 202.

As noted above, local governments, including municipalities and school districts, are allowed to continue construction projects at this time as government entities are exempt from these essential business restrictions. However, to the greatest extent possible, local governments should postpone any non-essential projects and only proceed with essential projects when they can implement appropriate social distancing and cleaning/disinfecting protocols. Essential projects should be considered those that have a nexus to health and safety of the building occupants or to support the broader essential services that are required to fulfill the critical operations of government or the emergency response to the COVID-19 public health crisis.



## Section 3. Navigating the CARES Act: Financial Assistance Resources

The ***Coronavirus Aid, Relief, and Economic Security (CARES) Act*** passed by Congress to aid small businesses during the health crisis. Many new resources such as major programs and initiatives are made available by the Small Business Administration (SBA). At the present time, the first round of funding has expired. A second round is anticipated and contractors are encourage to seek assistance from their banks and/or an approved SBA lender.

This **CARES Act** is broken down into five parts:

1. Paycheck Protection Program
2. Small Business Debt Relief Program
3. COVID-19 Economic Injury Disaster Loan and Loan Advance
4. Small Business Tax Provisions
5. Contracting/Counseling and Training

[Please see a summary of the CARES Act](#)



U.S. Senate Committee on  
**Small Business & Entrepreneurship**

Senator Ben Cardin  
Ranking Member

### **The Small Business Owner's Guide to the CARES Act**

The programs and initiatives in the *Coronavirus Aid, Relief, and Economic Security (CARES) Act* that was just passed by Congress are intended to assist business owners with whatever needs they have right now. When implemented, there will be many new resources available for small businesses, as well as certain non-profits and other employers. This guide provides information about the major programs and initiatives that will soon be available from the Small Business Administration (SBA) to address these needs, as well as some additional tax provisions that are outside the scope of SBA.

To keep up to date on when these programs become available, please stay in contact with your local Small Business Administration (SBA) District Office, which you can locate [here](#).

**Struggling to get started?** The following questions might help point you in the right direction. Do you need:

- **Capital to cover the cost of retaining employees?** Then the [Paycheck Protection Program](#) might be right for you.
- **A quick infusion of a smaller amount of cash to cover you right now?** You might want to look into an [Emergency Economic Injury Grant](#).
- **To ease your fears about keeping up with payments on your current or potential SBA loan?** The [Small Business Debt Relief Program](#) could help.
- **Just some quality, free counseling to help you navigate this uncertain economic time?** The [resource partners](#) might be your best bet.

**Already know what resources you're looking for?** The table of contents can direct you to more information about the program or assistance product you need.

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## Section 3.1: Paycheck Protection Program

The Paycheck Protection Program (PPP) provides assistance to employers to maintain payroll during the COVID-19/Coronavirus outbreak. Employers who maintain and keep employees on payroll can have the PPP loans forgiven. The money is used for payroll, rent, mortgage interest, or utilities. **Loans are available through June 30, 2020.** At this time, funding for this program is no longer available. A second round of funding is anticipated and contractors are encouraged to contact their bank or an approved SBA lender for more information.

This provision will provide the opportunity to apply for a payroll loan of 2.5 times your average monthly payroll from the prior year. You can contact your bank and apply through them, or if you do not have a close banking relationship, you can apply through one of the SBA banks listed on the SBA website.

### About the Paycheck Protection Program:

1. The Paycheck Protection Program is a loan designed to provide a direct incentive for small businesses to keep their workers on the payroll.
2. SBA will forgive loans if all employees are kept on the payroll for eight weeks and the money is used for payroll, rent, mortgage interest, or utilities.
3. You can apply through any existing SBA 7(a) lender or through any federally insured depository institution, federally insured credit union, and Farm Credit System institution that is participating. Other regulated lenders will be available to make these loans once they are approved and enrolled in the program. You should consult with your local lender as to whether it is participating in the program.
4. Lenders may begin processing loan applications as soon as April 3, 2020. The Paycheck Protection Program will be available through June 30, 2020.
5. For affiliation rules and your business eligibility for the Paycheck Protection Program. Please [click here](#) for more information.
6. [The Interim Final Rule for Applicable Affiliation Rules for the Paycheck Protection Program](#)

The United States Treasury released a Q & A regarding PPP to provide more clarity for both lenders and borrowers in the application/execution of the section 1100 of the CARES Act. Please refer to the following link for frequently asked questions: <https://home.treasury.gov/system/files/136/Paycheck-Protection-Program-Frequently-Asked-Questions.pdf>



## Section 3.2: Small Business Debt Relief Program

The Small Business Debt Relief Program provides relief to small businesses with non-disaster SBA loans, 7(a) loans, 504 loans, and microloans. The SBA will automatically pay the principal, interest and fees for a period of six months on current 7(a) loans, 504 loans, and microloans.

Small businesses with new 7(a) loans, 504 loans, and microloans issued prior to September 27, 2020 are applicable to receive debt relief.

For more information about the SBA's Debt Relief, please visit: <https://www.sba.gov/funding-programs/loans/coronavirus-relief-options/sba-debt-relief>

SBA provides local assistance via 68 district offices and a nationwide network of resource partners. To find resources near you, please visit: <https://www.sba.gov/local-assistance/>

## Section 3.3: COVID-19 Economic Injury Disaster Loan and Loan Advance

In response to the COVID-19/Coronavirus outbreak, small business owners across the United States, Washington D.C., and territories are eligible to apply for an Economic Injury Disaster Loan advance of up to \$10,000. The SBA's Economic Injury Disaster Loan program provides small businesses with working capital loans of up to \$2 million that can provide vital economic support to small businesses to help overcome the temporary loss of revenue they are experiencing.

At this time, SBA is unable to accept new applications at this time for the Economic Injury Disaster Loan (EIDL)-COVID-19 related assistance program (including EIDL Advances) based on available appropriations funding.

Applicants who have already submitted their applications will continue to be processed on a first-come, first-served basis.

### [About the Loan](#)

To apply for a disaster loan unrelated to COVID-19, [click here](#).

## Section 3.4: Small Business Tax Provisions

### Employee Retention Credit Under Economic Hardship

During the COVID-19/Coronavirus health crisis, employers may receive a refundable payroll tax credit for 50 percent of the wages paid by eligible employers to employees after March 12, 2020, and before January 1, 2021.

*Please note: this credit is not available to employers receiving assistance through Paycheck Protection Program.*

#### **Who is Available to Receive Credit?**

**Employee Retention Credit** is available to employers, including non-profits, whose operations have been fully or partially suspended as a result of government order limiting commerce, travel or group meetings.

Employers facing closures or economic hardship and has experienced greater than 50 percent reduction in quarterly receipts, measured on a year-over-year basis.

Employers with 100 or fewer full-time employees, all employee wages are eligible, regardless whether an employee is furloughed.

*Please note: this credit is not available to employers receiving assistance through Paycheck Protection Program.*

#### **Employee's Issued Credit**

Employees whose payroll is furloughed or face reduced hours as result of employer closure or economic hardship are eligible.

Credit is provided for wages and compensation, including health benefits, and is provided for the first \$10,000 in wages and compensation paid by the employer to an eligible employee.

Wages do not include those taken into account for purposes of the payroll credits for required paid sick leave or required paid family leave, nor for wages taken into account for the employer credit for paid family and medical leave (IRC sec. 45S).

<https://www.irs.gov/newsroom/section-45s-employer-credit-for-paid-family-and-medical-leave-faqs>

## ***Claiming Employee Retention Credit***

Employers who paid qualified wages between March 13, 2020, and March 31, 2020, inclusive, you will include 50% of those wages together with 50% of any qualified wages paid during the second quarter of 2020 on your second quarter Form 941 to claim the employee retention credit.

### **Instructions for Form 941**

Source: <https://www.irs.gov/forms-pubs/employee-retention-credit-for-employers-subject-to-closure-due-to-covid-19-crisis>

## **Delay of Payment of Employer Payroll Taxes**

The **Delay of Payment of Employer Payroll Taxes** would allow taxpayers to defer paying the employer portion of certain payroll taxes through the end of 2020, with all 2020 deferred amounts due in two equal installments, one at the end of 2021, the other at the end of 2022. Payroll taxes that can be deferred include the employer portion of FICA taxes, the employer and employee representative portion of Railroad Retirement taxes (that are attributable to the employer FICA rate), and half of SECA tax liability.

Deferral is not provided to employers receiving assistance through the Paycheck Protection Program.



## Sections 3.5: Contracting/Counseling and Training

### Contracting

Congress is providing a gamut of relief programs to protect businesses, especially if you are a government contractor. Agencies will be able to modify terms and conditions of a contract and to reimburse contractors at a billing rate of up to 40 hours per week of any paid leave, including sick leave.

The contractors eligible are those whose employees or subcontractors cannot perform work on site and cannot telework due to federal facilities closing because of COVID-19.

If you need additional assistance, please reach out to your local Small Business Development Center, Women's Business Center, SCORE mentorship chapter, or a SBA District Office.

You should also work with your agency's contracting officer, as well as the agency's Office of Small and Disadvantaged Business Utilization (OSDBU).

### Counseling and Training

During this time of uncertainty, small businesses can turn to resources such as your local Small Business Development Center (SBDC), Women's Business Center (WBC), SCORE mentorship chapter, or a SBA District Office.

In addition, the Minority Business Development Agency's Business Centers (MBDCs), which cater to minority business enterprises of all sizes, will also receive funding to hire staff and provide programming to help their clients respond to COVID-19.

To find a local resource partner, visit <https://www.sba.gov/local-assistance/find/>

## Section 4. Paid Leave During COVID-19

Over the course of the COVID-19 outbreak, there has been a number of policies and procedures put in place for paid leave as a result of COVID-19.

**We have broken down the information in this section into three parts:**

1. Temporary Rule: Paid Leave under the Families First Coronavirus Response Act
2. Family and Medical Leave Act
3. Employer's Paid Leave Requirements

### Section 4.1: Temporary Rule: Paid Leave under the Families First Coronavirus Response Act

<https://www.dol.gov/agencies/whd/pandemic>

On April 1, 2020, the U.S. Department of Labor announced new action regarding how American workers and employers will benefit from the protections and relief offered by the Emergency Paid Sick Leave Act and Emergency Family and Medical Leave Expansion Act, both part of the Families First Coronavirus Response Act (FFCRA). The Department's Wage and Hour Division (WHD) posted a temporary rule issuing regulations pursuant to this new law, effective April 1, 2020. For more information, see <https://www.dol.gov/agencies/whd/ffcra>.

FFCRA will help the United States combat and defeat COVID-19 by reimbursing American private employers that have fewer than 500 employees with tax credits for the cost of providing employees with paid leave taken for specified reasons related to COVID-19. The legislation will ensure that workers are not forced to choose between their paychecks and the public health measures needed to combat the virus, while at the same time reimbursing businesses.

#### Fact Sheets

[Families First Coronavirus Response Act: Employee Paid Leave Rights](#)

[Families First Coronavirus Response Act: Employer Paid Leave Requirements](#)

#### Questions and Answers

[Families First Coronavirus Response Act: Questions and Answers](#)

[COVID-19 and the Fair Labor Standards Act: Questions and Answers](#)

[COVID-19 and the Family and Medical Leave Act: Questions and Answers](#)

### Section 4.2: Family and Medical Leave Act

The U.S. Department of Labor details employer responsibilities for employees under the Family and Medical Leave Act (FMLA).

<https://www.dol.gov/agencies/whd/fmla/pandemic>

You may also want to refer to: <https://www.dol.gov/agencies/whd/fmla>

**If you or your employees are out with the flu** or are caring for ill family members, check with the Department of Labor (DOL) for information on whether such leave is covered under the Family and Medical Leave Act (FMLA). Under the FMLA, covered employers must provide employees job-protected, unpaid leave for specified family and medical reasons, which may include the flu where complications arise. Employees on FMLA leave are entitled to the continuation of group health insurance coverage under the same terms as existed before they took FMLA leave.

## Section 4.3: Employer's Paid Leave Requirements

The **Families First Coronavirus Response Act (FFCRA or Act)** requires certain employers to provide their employees with paid sick leave or expanded family and medical leave for specified reasons related to COVID-19. The Department of Labor's Wage and Hour Division (WHD) administers and enforces the new law's paid leave requirements. These provisions will apply from the effective date through December 31, 2020.

Generally, the Act provides that covered employers must provide to **all employees**:

- *Two weeks (up to 80 hours) of **paid sick leave** at the employee's regular rate of pay* where the employee is unable to work because the employee is quarantined (pursuant to Federal, State, or local government order or advice of a health care provider), and/or experiencing COVID-19 symptoms and seeking a medical diagnosis; or
- *Two weeks (up to 80 hours) of **paid sick leave** at two-thirds the employee's regular rate of pay* because the employee is unable to work because of a bona fide need to care for an individual subject to quarantine (pursuant to Federal, State, or local government order or advice of a health care provider), or care for a child (under 18 years of age) whose school or child care provider is closed or unavailable for reasons related to COVID-19, and/or the employee is experiencing a substantially similar condition as specified by the Secretary of Health and Human Services, in consultation with the Secretaries of the Treasury and Labor.

A covered employer must provide to **employees that it has been employed for at least 30 days**:

- *Up to an additional 10 weeks of **paid expanded family and medical leave** at two-thirds the employee's regular rate of pay* where an employee is 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 unavailable for reasons related to COVID-19.

**Covered Employers:** The paid sick leave and expanded family and medical leave provisions of the FFCRA apply to certain public employers, and private employers with fewer than 500 employees. Most employees of the federal government are covered by Title II of the Family and Medical Leave Act, which was not amended by this Act, and are therefore not covered by the expanded family and medical leave provisions of the FFCRA. However, federal employees covered by Title II of the Family and Medical Leave Act are covered by the paid sick leave provision.

**Small businesses with fewer than 50 employees may qualify for exemption from the requirement to provide leave due to school closings or child care unavailability if the leave requirements would jeopardize the viability of the business as a going concern.**

Here's a link to the US Department of Labor fact sheet on paid leave. <https://www.dol.gov/agencies/whd/pandemic/ffcra-employer-paid-leave>



## Qualifying Reasons for Leave:

Under the FFCRA, an employee qualifies for paid sick time if the employee is unable to work **(or unable to telework)** due to a need for leave because the employee:

1. is subject to a Federal, State, or local quarantine or isolation order related to COVID-19;
2. has been advised by a health care provider to self-quarantine related to COVID-19;
3. is experiencing COVID-19 symptoms and is seeking a medical diagnosis;
4. is caring for an individual subject to an order described in (1) or self-quarantine as described in (2);
5. is caring for a child whose school or place of care is closed (or child care provider is unavailable) for reasons related to COVID-19; or
6. is experiencing any other substantially-similar condition specified by the Secretary of Health and Human Services, in consultation with the Secretaries of Labor and Treasury.

Under the FFCRA, an employee qualifies for expanded family leave if the employee is caring for a child whose school or place of care is closed (or child care provider is unavailable) for reasons related to COVID-19.

For more information about the Duration of Leave and Calculation of Pay, please refer to:

[https://www.dol.gov/agencies/whd/pandemic/ffcra-employer-paid-leave#\\_ftnref3](https://www.dol.gov/agencies/whd/pandemic/ffcra-employer-paid-leave#_ftnref3)

## Section 5. Small Business Coverage: Insurance

New regulations provide that everyone gets 60 days of grace period if they are having financial hardship and the companies cannot charge them with late fees nor can they make an adverse reports to credit reporting agencies.

Furthermore, it appears at the end of the 60 day period they have to offer a laddered payment schedule out for 12 months.

Proof of hardship may be confirmed by a letter on company letterhead proving hardship by using real examples.

### [NYS DFS Requires Insurers & Premium Finance Companies to Allow Deferment](#)

“The New York State Department of Financial Services (DFS) adopted an emergency regulation requiring New York State regulated issuers of life insurance and annuity contracts, property and casualty insurers and premium finance agencies to provide relief to New York consumers and businesses experiencing financial hardship due to COVID-19”

- Consumers experiencing financial hardship due to COVID-19 may defer paying life insurance premiums for ninety (90) days.
- Consumers and businesses experiencing financial hardship due to COVID-19 may defer paying premiums for property and casualty insurance for sixty (60) days.
- Premium finance agencies are required to provide the same relief as insurers. Certain producers must notify insureds of this emergency measure pursuant to the regulation.

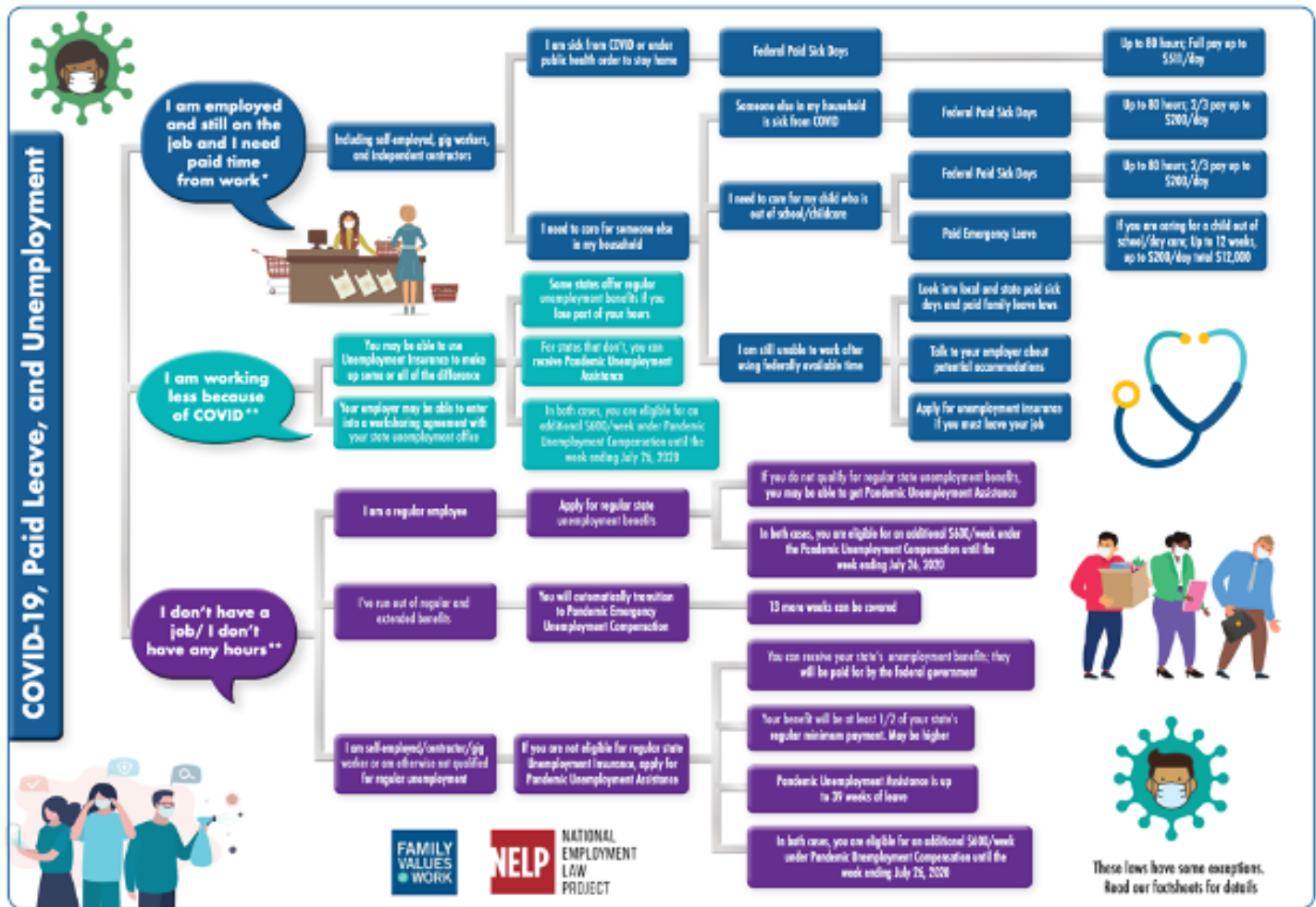
This follows Governor Andrew M. Cuomo’s [Executive Order No. 202.13](#).

For additional DFS regulatory actions on the COVID-19 pandemic, visit [www.dfs.ny.gov/industry/coronavirus](http://www.dfs.ny.gov/industry/coronavirus)

## Section 6. Employment

### Section 6.1: COVID-19, Paid Leave, and Unemployment

There are many uncertainties regarding employment, in terms of working less hours, paid leave, unemployment. Please refer to the flow chart provided by the National Employment Law Project (NELP) to gain clarity on the type of benefits people may be eligible for under the various circumstances.



\*This program is for businesses of 500 or fewer; healthcare and emergency workers may not be covered; businesses of 50 or fewer may opt not to offer leave for school closures.

\*\*Undocumented workers are not covered by these benefits.

<https://www.nelp.org/wp-content/uploads/FVAW-NELP-COVID-19-flow-chart-042020.pdf>

### Section 6.2: Unemployment Insurance Provisions Under the CARES Act

On March 27, 2020, the Coronavirus Aid, Relief, and Economic Security (CARES) Act was signed into law. CARES Act creates three new UI programs: **Pandemic Unemployment Compensation**, **Pandemic Emergency Unemployment Compensation**, and **Pandemic Unemployment Assistance**. All three programs are fully federally funded.

Please refer to the Unemployment Benefits factsheet:

<https://s27147.pcdn.co/wp-content/uploads/For-Workers-Fact-Sheet-UI-Provisions-CARES-Act-1.pdf>

This section also includes **Short-time Compensation**, also known as the shared work program, to help employers avoid layoffs with employees.

## Short-Time Compensation | NYS Shared Work Program

**The Short-time Compensation**, also known as the Shared Work program, lets employers keep trained staff and avoid layoffs. Employees can receive partial Unemployment Insurance benefits while working reduced hours. Full-time, part-time and seasonal employees are eligible.

To take part in the Shared Work Program, you must first design a Shared Work plan. **Complete an application online through secure [UI Online Services](#) on your Employer Information page.**

Applying online will provide more accurate information and a quicker response by email. Or complete and submit both:

1. [Shared Work Plan Application \(Form SW-2.1\)](#) and
2. [Shared Work Plan Participant Listing \(Form SW-2.2\)](#)

For instructions on how to complete these forms please refer to: <https://www.labor.ny.gov/ui/dande/sharedwork2.shtm>

### Who is Eligible?

Employers who:

1. Employed at least two employees working in New York State **and**
2. For four consecutive calendar quarters, you or your predecessor, must have:
  - o Paid UI contributions **or**
  - o In lieu of contributions, elected reimbursement of benefits paid to your former employees

### Employers must submit a Shared Work plan. It must include the following:

- Reduce work hours and corresponding wages 20 to 60 percent
- Apply to employees who normally work no more than 40 hours per week
- Not reduce or eliminate fringe benefits unless fringe benefits are also being reduced or eliminated for the entire work force
- Not extend beyond 53 weeks (when nearing the end of the plan, you may submit a request for a new plan)
- Replace a layoff of an equal percentage of employees

You cannot hire additional employees for the work group covered by the plan. If there is a collective bargaining agreement in effect, the collective bargaining agent must agree to take part in the Shared Work plan.

To apply, or to receive a Shared Work Program overview about the process please visit: <https://www.labor.ny.gov/ui/dande/sharedwork1.sht>



## **Pandemic Unemployment Compensation (PUC)**

From the date the bill is signed through July 31, 2020, all regular UI and Pandemic Unemployment Assistance claimants will receive their usual calculated benefit plus an additional \$600 per week in compensation.

PUC is a flat amount to those on UI, including those who are receiving a partial unemployment benefit check. PUC also goes to those receiving the new Pandemic Unemployment Assistance program described below.

PUC may be paid either with the regular UI payment or at a separate time, but it must be paid on a weekly basis.

PUC is not income for purposes of eligibility for either Medicaid or CHIP.

## **Pandemic Emergency Unemployment Compensation (PEUC)**

The CARES Act also provides an additional 13 weeks of state UI benefits, which will become available after someone exhausts all their regular state UI benefits. All but eight states offer 26 weeks of UI benefits.

To receive PUC, workers must be actively engaged in searching for work. The bill explicitly provides, however, that “a State shall provide flexibility in meeting such [work search] requirements in case of individuals unable to search for work because of COVID-19, including because of illness, quarantine or movement restriction.”

## **Pandemic Unemployment Assistance (PUA)**

Pandemic Unemployment Assistance (PUA) provides emergency unemployment assistance to workers who are left out of regular state UI or who have exhausted their state UI benefits (including any Extended Benefits that might become available in the future). Up to 39 weeks of PUA are available to workers who are immediately eligible to receive PUA. The program will expire on December 31, 2020, unless otherwise extended.

Those eligible for PUA include self-employed workers, including independent contractors, freelancers, workers seeking part-time work, and workers who do not have a long-enough work history to qualify for state UI benefits.

Applicants will need to provide self-certification that they are (1) partially or fully unemployed, OR (2) unable and unavailable to work because of one of the following circumstances:

- They have been diagnosed with COVID-19 or have symptoms of it and are seeking diagnosis;
- A member of their household has been diagnosed with COVID-19;
- They are providing care for someone diagnosed with COVID-19;
- They are providing care for a child or other household member who can't attend school or work because it is closed due to COVID-19;
- They are quarantined or have been advised by a health care provider to self-quarantine;
- They were scheduled to start employment and do not have a job or cannot reach their place of employment as a result of a COVID-19 outbreak;
- They have become the breadwinner for a household because the head of household has died as a direct result of COVID-19;
- They had to quit their job as a direct result of COVID-19;
- Their place of employment is closed as a direct result of COVID-19; or
- They meet other criteria established by the Secretary of Labor.

Workers are not eligible for PUA if they can either telework with pay or are receiving paid sick days or paid leave.

For more information about the three UI programs, please visit: <https://www.nelp.org/publication/unemployment-insurance-provisions-coronavirus-aid-relief-economic-security-cares-act/>

Or to the US Department of Labor, <https://www.dol.gov/newsroom/releases/eta/eta20200405>

## Section 7. Additional Resources

There is a great deal of information to manage during this unprecedented COVID-19 Pandemic. We encourage you to take the time to visit various informational websites and take-away important information that will help you better navigate this challenging time.

### Websites

[New York State](#)

[Empire State Development](#)

[NYS Department of Health](#)

[NYS Department of Labor](#)

[MTA](#)

[US Department of Labor](#)

[US Department of the Treasury](#)

[National Employment Law Project](#)

### New York State Executive Orders:

[Executive Order 202.25](#)

[Executive Order 202.24](#)

[Executive Order 202.23](#)

[Executive Order 202.22](#)

[Executive Order 202.21](#)

[Executive Order 202.20](#)

[Executive Order 202.19](#)

[Executive Order 202.18](#)

[Executive Order 202.17](#)

[Executive Order 202.16](#)

[Executive Order 202.15](#)

[Executive Order 202.14](#)

[Executive Order 202.13](#)

[Executive Order 202.12](#)

[Executive Order 202.11](#)

[Executive Order 202.10](#)

[Executive Order 202.9](#)

[Executive Order 202.8](#)

[Executive Order 202.7](#)

[Executive Order 202.6](#)

[Executive Order 202.5](#)

[Executive Order 202.4](#)

[Executive Order 202.3](#)

[Executive Order 202.2](#)

[Executive Order 202.1](#)

[Executive Order 202](#)

### NYC Building Department Notices

[NYC DOB Service Notice - COVID-19 Response: Weekly Safety Inspection Reports and New Customer Service Office Hours](#)

[FAQs: Essential and Non-Essential Construction In New York City During the Covid-19 New York State Emergency](#)

[NYC DOB Enforcement of Essential vs Non-Essential Construction](#)

[NYC DOB Building Bulletin 2020-004](#)

[NYC DOB Industry Notice - Recommended Best Practices for Dust Mitigation/Control in Occupied Buildings with Active Construction](#)

[NYC DOB Service Notice - COVID-19 Response: Application Processing Update](#)

[NYC DOB Service Notice - COVID-19 Response: Appointments for Standard Plan Review BIS Job Filings](#)

## If You Have Any Questions?

If you have any questions, please reach out to the MTA Consultant/Contractor Health Hotline at (877) 377-7059 for safety related issues or to the MTA's Chief Diversity & Inclusion Officer Michael J. Garner at [Mgarner@mtahq.org](mailto:Mgarner@mtahq.org) for all MWDBE/SDVOB related issues and programs.



MTA New York City Transit  
MTA Long Island Rail Road  
MTA Metro-North Railroad  
MTA Bridges and Tunnels  
MTA Bus Company  
MTA Construction & Development

The MTA includes six agencies: MTA New York City Transit, MTA Bus Company, MTA Long Island Rail Road, MTA Metro-North Railroad, MTA Bridges and Tunnels, and MTA Construction & Development. The administrative arm is MTA Headquarters, located at 2 Broadway in Manhattan.

The Metropolitan Transportation Authority is North America's largest transportation network, serving a population of 15.3 million people in the 5,000-square-mile area fanning out from New York City through Long Island, southeastern New York State and Connecticut.

The MTA network has the nation's largest bus fleet and more subway and commuter rail cars than all other U.S. transit systems combined. It provides over 2.73 billion trips each year, accounting for about one-third of the nation's mass transit users and two-thirds of its commuter rail passengers. MTA Bridges and Tunnels, which recorded a record 310 million crossings in 2017, carries more vehicles than any other bridge and tunnel authority in the nation.

The MTA will afford all applicants with an equal opportunity for consideration, without discrimination due to race, creed, color, national origin, religion, sex, sexual orientation, age, disability or marital status.

This publication is current as of April 17, 2020 and is subject to change.

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