



Labor & Employment Issues Client Alert

Pitta LLP
For Clients
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**“We believe in the ideas of family, mutuality,
the sharing of benefits and burdens
for the good of all, feeling one another’s pain,
sharing one another’s blessing
recognizing that at the heart of the matter
we are bound to each other.”**

-Mario M. Cuomo-

USDOL GUIDANCE: PART-TIME WORKERS ARE ELIGIBLE FOR \$600 PANDEMIC UNEMPLOYMENT COMPENSATION AND REMINDS STATES THAT THEY HAVE TO MONITOR FOR FRAUD

Last week, the United States Department of Labor (“DOL”) issued guidance affirming that part-time workers may be eligible for the additional \$600 weekly Federal Pandemic Unemployment Compensation payments provided by the Coronavirus Aid, Relief, and Economic Security (“CARES”) Act.

The DOL issued clarification that workers who are collecting partial unemployment benefits due to a return to part-time work are eligible for the additional \$600 per week. In New York State, you are entitled to collect partial unemployment benefits if you if work less than four days in a week and earn less than \$504 or less. This is a link to the [guidance](#).

In addition, the CARES Act requires states to add the additional \$600 per week onto regular unemployment benefits and dispense them to workers who were not traditionally qualified for unemployment benefits such as independent contractors, the self-employed and workers that participate in the gig economy. Those workers qualify under the CARES Act and their benefits are based upon their recent earnings.

The DOL also issued guidance to states to prevent fraud. The DOL stated that they “play a fundamental role in ensuring program integrity.” The DOL also reminded the states that a failure to police benefit fraud could cost the states federal funding for unemployment programs. This is a link to the [guidance](#).

GOVERNOR CUOMO EXPANDS COVID-19 TESTING CRITERIA

On May 17, 2020 Governor Andrew Cuomo announced a state-wide goal to increase testing to 40,000 COVID-19 diagnostic tests per day. Initially, the scarcity of the COVID-19 tests meant that the test was only available for individuals with serious COVID-19 symptoms and then to some first responders.

Governor Cuomo stated that New York’s testing capacity now exceeds the demand which has prompted the state to expand the COVID-19 testing criteria. COVID-19 is now available to:

- Any individual who has COVID-19 symptoms.

- Any individual who had contact with a person known to be positive with COVID-19.
- Any individual who is subject to a precautionary or mandatory quarantine.
- Any individual who is employed as a health care worker, nursing home worker or first responder.
- Any essential worker who directly interacts with the public while working.
- Any individual who would return to the workplace in Phase 1 of the state's reopening plan.

The State also announced that there are now 700 locations in the state where an individual can obtain a COVID-19 diagnostic test. Here is a link to a [new website](#) that the state set up.

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