March 24, 2020

The Honorable Andrew M. Cuomo
Governor
Executive Chamber
State Capitol
Albany, NY 12224

The Honorable Andrea Stewart-Cousins
Temporary President & Majority Leader
New York State Senate
Room 907
Legislative Office Building
Albany, NY 12247

The Honorable Carl Heastie
Speaker
New York State Assembly
Room 349
State Capitol
Albany, NY 12224

Dear Governor Cuomo, Majority Leader Stewart-Cousins and Speaker Heastie:

We thank you for your leadership in response to the spread of COVID-19, in particular, for waiving of the one week waiting period for workers to access unemployment insurance and passing emergency paid sick leave provisions. In this time of crisis, these measures will provide important and immediate relief for impacted workers and their communities.

The unprecedented nature of this threat calls on the state to do everything in its power to stave off the severity of an economic downturn and support working people. There are other important steps that can be taken to ensure workers are able to access unemployment benefits during this trying period. These include:

• Issue guidance or enact a law clarifying that dismissal pay provided by employers would not automatically disqualify workers from receiving unemployment benefits immediately under certain circumstances.

• Pass an amendment to the unemployment insurance provisions of New York State Labor Law to allow for partial benefits to be paid to workers on the basis of the hours, instead of days, they are able to work.
- Amend the weekly benefits formulae and cap to enable workers impacted by the coronavirus to maintain a greater portion of their weekly income. We recommend arrangements that at least match those contained in the paid family leave provisions of the recently passed emergency sick leave bill which caps payments at 60% of the statewide average weekly wage.

- Further amend the law to allow workers currently receiving unemployment benefits, whose return to workforce is impeded by the coronavirus, to continue to receive benefits beyond 26 weeks.

- Issue guidance or enact a law clarifying that workers who cannot work due to layoffs as a result of the coronavirus should be eligible to receive unemployment benefits.

- Waive requirements that workers be “ready, willing and able” to work and participate in job search programs in order to be eligible for unemployment benefits.

- Issue guidance or enact a law clarifying that voluntary separations due to quarantine, unsafe working conditions and other necessary actions related to the coronavirus, constitute a “good cause” for separation and as such, do not disqualify a worker from receiving unemployment benefits.

Combined, these measures would ensure that workers receive vital benefits and that they are not disadvantaged by qualification requirements and benefits limitations that do not account for the exceptional circumstances of this public health emergency.

These are immediate actions that can be taken to shore-up vulnerable families and communities. Acting on them will help to ensure that workers receive much needed benefits and could make the difference in their ability to provide for their family and support local businesses. We urge you to act now.

Sincerely,

Mario Cilento
President