

NEW YORK CITY DISTRICT COUNCIL OF CARPENTERS BENEFIT FUNDS

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Michael Rodin
John Sheehy

Kristin O'Brien, LMSW, CEBS
Executive Director

395 Hudson Street
New York, NY 10014
Telephone: (212) 366-7300

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Michael Salgo

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NOTICE TO CONTRIBUTING EMPLOYERS REGARDING COVID-19 RELATED LEAVES

The Welfare Fund is unable to provide legal, tax or other advice as to Contributing Employers' compliance obligations under the federal Families First Coronavirus Response Act or the New York State Emergency Paid Sick Leave Law. While this Notice repeats information regarding employer obligations as set forth in the New York law, the reason for doing so is to put into context certain obligations as they apply to the Welfare Fund and/or to direct participants to the appropriate entity for any payment that may be due. Employers should contact their legal or tax advisors regarding their responsibilities under these laws. In addition, the information in this Notice is based on our understanding of the various requirements as of March 1, 2021. As additional guidance is issued, the information in this Notice may change. As the regulatory guidance continues to publish, it is recommended that you refer to the information regarding NY COVID-19 Paid Leave provided by the New York State COVID-19 Paid Leave website shown below.

As you may have heard, the federal Families First Coronavirus Response Act ("FFCRA") expired on December 31, 2020. Under this law, employers with fewer than 500 employees:

1. Were required (among other things) to provide employees with up to 80 hours of paid sick time (subject to certain wage caps) for various COVID-19 related reasons, including if they were required to isolate or quarantine due to COVID-19 infection or exposure¹; and
2. Were reimbursed by the federal government for these paid leave benefits (through tax credits).

Under the recent stimulus package passed by the federal government, employers may choose to continue to provide FFCRA leave benefits to employees and seek reimbursement in the form of tax credits from the federal government, for leaves taken through March 31, 2021. Given the availability of reimbursement, employers may elect to continue to provide these benefits for eligible employees (who have not previously exhausted these benefits) through March 31, 2021.

If these continued FFCRA leave benefits are not provided or available to a New York employee who must quarantine or isolate, the employee may be eligible for NY COVID-19 Paid Leave, for a 5-day or 14-day

¹ Information regarding FFCRA leave is available at: <https://www.dol.gov/agencies/whd/pandemic/ffcra-employee-paid-leave>.

period.² The enclosed COVID-19 Paid Sick Leave information sheet issued by New York State describes the employer obligations, including what, if any, benefits or wage supplements must be included in payment.

The notice provides information for the members regarding the process of applying for these NY COVID-19 Paid Leave benefits from the Welfare Fund.

- Because these NY COVID-19 Paid Leave benefits are significant, and self-funded by the Welfare Fund, the Welfare Fund must be able to substantiate that an employee works for an employer with fewer than 100 employees before paying any benefits to an employee. Employer size is determined as of January 1, 2020.
- If you are an employer with fewer than 100 employees as of January 1, 2020, please complete the enclosed “Employer Attestation Form” and return it to your employee so that he/she can submit it with his/her benefit application.
- Your cooperation is necessary to avoid delays in your employees receiving benefits from the Welfare Fund.

Please contact the Fund Office at **(212) 366-7300** or the Welfare department via email at **welfare@nycbf.org** if you have any questions regarding the information in this notice or the attached notice for the members. Thank you for your assistance with this matter.

² Information regarding NY COVID-19 Paid Leave is available at: <https://paidfamilyleave.ny.gov/covid19>.

COVID-19 PAID SICK LEAVE



EMPLOYERS

Under legislation signed by Governor Cuomo, New York workers are guaranteed job protection and financial compensation while they are on a **mandatory or precautionary quarantine order** due to COVID-19.

WHAT EMPLOYERS NEED TO KNOW ABOUT COVID-19 PAID SICK LEAVE:

If you have **10 or fewer** employees and you had a **net income less than \$1 million** last year you must provide your employees with:

- Guaranteed job protection for the duration of the quarantine order.
- Compensation for the duration of their quarantine through your existing Paid Family Leave (PFL) and Disability Benefits (DB) policy up to \$2,884.62 per week.

If you have **10 or fewer** employees and you had a **net income greater than \$1 million** last year you must provide your employees with:

- **At least 5 days of paid sick leave** and guaranteed job protection for the duration of the quarantine order.
- Compensation for the remainder of their quarantine through your existing PFL and DB policy up to \$2,884.62 per week.

Employers with **11-99** employees must provide their employees with:

- **At least 5 days of paid sick leave** and guaranteed job protection for the duration of the quarantine order.
- Compensation for the remainder of their quarantine through your existing PFL and DB policy up to \$2,884.62 per week.

Employers with **100 or more** employees must provide their employees with:

- Guaranteed job protection for the duration of the quarantine order.
- **At least 14 days of paid sick leave.**

If you are public employer (no matter how many employees) you must provide:

- **At least 14 days of paid sick leave.**

HERE'S WHAT YOU NEED TO DO BEFORE AND AFTER YOUR EMPLOYEES ARE QUARANTINED.

1. Let your employees know they are entitled to paid/unpaid days off
2. Promptly help your employees as needed apply for PFL or DB
3. If you have questions call the hotline

IMPORTANT NOTES:

- If your employees are quarantined but are able to work from home they do not qualify for these benefits.
- If your business is closed due to COVID-19, your employees may immediately apply for Unemployment Insurance.

QUESTIONS:

For more information go to ny.gov/COVIDpaysickleave

Novel Coronavirus (COVID-19) Paid Sick Leave Hotline: **844-337-6303**

We have prepared the attached notice for the members, which explains COVID-19-related leaves which may be available to them if they are required to isolate or quarantine because they have been infected with, or exposed to, COVID-19.

NOTICE TO MEMBERS REGARDING COVID-19 RELATED LEAVES

This notice provides information regarding paid benefits available to you if you must take a leave of absence from work for a reason related to COVID-19 and are an eligible participant in the New York City District Council of Carpenters Welfare Fund (“Welfare Fund” or “Fund”).

Please note that the Welfare Fund is not responsible for enforcing an employer’s obligation under the law to make payment to you or adjudicating any disputes with employers about such obligations. If, for any reason, an employer does not make payment to you, the Welfare Fund will still pay the number of days for which it is responsible but will not pay the employer portion.

I. Members Who are Subject to a Mandatory or Precautionary Order of Isolation or Quarantine:

If you are subject to an order of isolation or quarantine and required to remain out of the workplace for a period of time, your employer and/or your local department of health will provide you with more information regarding the length of your period of isolation or quarantine. Contact your local health department to request an isolation or quarantine order. (Please see this link for details: <http://docs.paidfamilyleave.ny.gov/content/main/forms/PFLDocs/obtain-order-of-quarantine.pdf>.)

A. Leave Options:

1. If you haven’t already taken leave under the federal Families First Coronavirus Response Act (“FFCRA”), your employer may choose to pay you directly for up to 80 hours of leave. This option is currently available through March 31, 2021. Please note that providing paid leave under this option is determined solely by the employer.

2. If FFCRA leave is not available to you,¹ you may be eligible for the following NY COVID-19 Paid Leave:

a. If you work for an employer with 100 or more total employees (i.e., not just employees covered by the NYC District Council of Carpenters):

14 days of leave, paid directly by your employer

b. If you work for an employer with 11-99 employees, or for an employer with 10 or fewer employees, with more than \$1 million in net income in 2019

14 days of leave

- 5 days of leave, paid directly by your employer
- For the remainder of your leave, you may file a claim with Amalgamated Employee Benefits Administrators (“Amalgamated”) (the Welfare Fund’s third-party administrator for these benefits). The contact information for Amalgamated is on the claim form and included at the end of this notice. Through a combination of New York Paid Family Leave and short-term disability benefits, you may receive from the Welfare Fund: (a) New York

¹ Reasons FFCRA leave may not be available include: (a) your employer has chosen not to voluntarily provide benefits through March 31, 2021; (b) you have already exhausted your FFCRA leave; or (c) your need for leave arises after March 31, 2021.

Paid Family Leave benefits, up to 67% of your pay (capped at a maximum weekly benefit of \$840.70); and (b) New York short-term disability benefits to match your full wages (capped at a maximum weekly disability benefit of \$2,043.92) (i.e., a total benefit capped at \$2,884.62 per week).

- c. If you work for an employer with 10 or fewer employees, with less than \$1 million in net income in 2019

14 days of leave

- You must submit a claim to Amalgamated to receive this leave. Through a combination of New York Paid Family Leave and short-term disability benefits, eligible employees may receive from the Welfare Fund: (a) New York Paid Family Leave benefits, up to 67% of their pay (capped at a maximum weekly benefit of \$840.70); and (b) New York short-term disability benefits to match their full wages (capped at a maximum weekly disability benefit of \$2,043.92) (i.e., a total benefit capped at \$2,884.62 per week).

***Please note:**

- The NY COVID-19 Paid Leave described above is calculated based on calendar days. This means an employee is not paid for 14 or 5 individual days of leave, but rather is paid for the wages the employee would have earned if the employee worked over the applicable 14-day or 5-day period (as referenced above).

B. Required Documentation:

For the NY COVID-19 Paid Leave benefits which will be paid by the Welfare Fund (*see* Sections A.2.b and A.2.c above):

1. You must complete and submit a claim form.

A copy of this claim form can be obtained by calling the Fund Office at **(212) 366-7300** or by visiting <https://nycbf.com/member/members-documents/> and selecting the form titled “COVID-19 Disability and/or Paid Family Leave Application.”

- The application includes a cover letter, which explains the process for completing this claim form.
2. You must submit a copy of your mandatory or precautionary order of quarantine or isolation, and any other documentation required to process your claim.
 - If you do not have a copy of your quarantine or isolation order, you can obtain it by contacting your local health department. For example, if you live in New York City, that would be the New York City Department of Health. If you live outside New York City, that would be the county health department in the county where you live.
 - If your local health department is unable to immediately provide you with the order of quarantine or isolation, you should submit documentation from a licensed medical provider that has treated you, attesting that you qualify for the order. You should then follow up with your local health department and submit the order from your local health department as soon as it is available. Local health departments must provide the requested orders within 30 days.

You must submit all of your documentation to Amalgamated within 30 days after the start of your leave to avoid losing benefits.

II. Other Leaves:

If FFCRA or NY COVID-19 Paid Leave is not available to you, you may be eligible for the following paid benefits:

- Short-term disability benefits (e.g., if you are unable to work due to your own health condition). Please contact the Welfare Fund to apply for these benefits.
- Paid family leave benefits (e.g., if you are unable to work because you are caring for a family member with COVID-19). Please contact the Welfare Fund to apply for these benefits.
- Unemployment. Please contact the New York State Department of Labor to apply for these benefits. (Your eligibility for these benefits and the amount of these benefits is determined by the New York State Department of Labor).

Please note that, as laws and guidance regarding COVID-19 are rapidly changing, and clarifications are provided by government agencies regarding existing laws, the Welfare Fund reserves its right to modify this notice, as necessary to adapt to changed circumstances or new or clarified obligations. With respect to any Welfare Fund benefit described in this notice, the terms and conditions of such benefits are governed by the Welfare Fund plan documents, which are controlling.

Contact Information for Amalgamated

**Amalgamated Employee Benefits Administrators
P.O. Box 5453
White Plains, NY 10602
SubmitClaimForms@amalgamatedbenefits.com
Fax: 914-367-4114**