

Resources on Child Care Issues

This advisory is to provide information on resources that are available to those members with school age children or perhaps others to care for, who - with schools and care providers being closed - are concerned about how they will be able manage once the work at home directive has ended and employees are returned to their worksites.

Please keep in mind that this information is based on what we know at this time. Since the COVID-19 pandemic is still a fluid, multi-faceted and evolving situation, we will continue to closely monitor any developments and update this advisory as further information becomes available.

Return To Work/Continuing and Possible Expansion of Telecommuting

First, while agencies have been directed to develop regional plans with a goal of re-opening on June 1, 2020 (link to Statewide COVID-19 Non-essential Employee Guidance updated May 14, 2020), even once State worksites begin to re-open, that does not mean an immediate return to how things were before the COVID-19 pandemic began. PEF is working tirelessly to ensure that New York State protects its workforce, and provides information and resources to keep them safe. (Link to PEF COVID Return to Work Plan for Management, on PEF Website)

Nor does the re-opening of State worksites mean that telecommuting is at an end. The Emergency Statewide Telecommuting Pilot Program Agreement (link to Agreement) between PEF and the State has been extended through July 17, 2020. (Link to Most Recent Telecommuting Bulletin, Pilot Telecommuting Memo and Pilot Telecommuting Application) Although we cannot make any guarantees, there is a possibility that this Agreement will be further extended past July 17, 2020.

In addition, because the State has recognized the value and success of the expansion of telecommuting that was necessitated by this crisis, many agencies are desiring to implement and/or expand upon their own telecommuting policies. Thus, we recommend that any members who are interested in continuing to telecommute once their worksite reopens file a telecommuting application with their agency. If the telecommuting application is not posted on the agency's intranet page, members should discuss with their supervisors or Human Resources.

Voluntary Reduction in Work Schedule Program (VRWS)

PEF and the State have agreed on a voluntary reduction in work schedule (VRWS) program, which allows employees to voluntarily take a reduction in

work schedule and salary. More information about this program can be found here (Link to Appendix IV of PEF/State CBA). This is a negotiated benefit under the PEF-State collective bargaining agreement. Members interested in the VRWS should contact their agency's Human Resources Department for information on how to apply.

Families First Coronavirus Response Act (FFCRA)

The recently passed FFCRA provides up to 12 weeks of paid leave, capped at \$200 per day and \$12,000 in the aggregate, 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. More information about the FFCRA, including this benefit, can be found here (link to Civil Service Bulletin) Some agencies are not approving this paid leave time due to their view of recent DOL guidance, but PEF is actively working on this.

Child Care/Summer Camp Programs

There is no State directive to close child care programs at this time. OCFS is working on creative ways to help expand child care capacity in a safe way across New York State. Licensed child care programs are responsible for reporting to OCFS if they are voluntarily closing. Governor Cuomo has decided that summer day camps may open this summer. However, per DOH Commissioner Dr. Howard Zucker, sleepaway camps will not be opening. Schools are being given guidelines to begin planning for a potential re-opening in September. That being said, leave under the Families First Coronavirus Response Act (FFCRA) may be taken if the employee is unable to work or telework due to a need to care for his or her child whose place of care is closed due to COVID-19 related reasons. 29 C.F.R. § 826.20(a)(v), (b). A "place of care" is a physical location in which care is provided for the employee's child while the employee works and includes summer camps and summer enrichment programs. An employee who requests FFCRA leave must provide the employer information in support of the need for leave either orally or in writing, including an explanation of the reason for leave, and a statement that the employee is unable to work because of that reason. Additionally, in the case of leave to care for the employee's child whose school or place of care is closed, the employee must provide the name of the child, the name of the school or place of care, and a statement that no other suitable person is available to care for the child. An employee who requests leave to care for his or her child based on the closure of a summer camp, summer enrichment program, or other summer program is subject to the same requirements described above and should provide the name of the specific summer camp or program that would have been the place of care for the child had it not closed.

New York State began providing child care scholarships to all essential workers on April 20, 2020. Child care costs are covered with \$30 million in

federal CARES Act funding to essential staff whose income is less than 300 percent of the federal poverty level – or \$78,600 for a family of four – and will be paid up to market rate for each region statewide. The CARES Act funding will also be used to purchase supplies for child care providers statewide who remain open, including masks, gloves, diapers, baby wipes, baby formula and food. Child Care Resource and Referral agencies (CCRRs), who assist parents, child care providers, community leaders and policymakers with regards to child care, will receive grants totaling approximately \$600 per child care provider. Essential workers can use the funding they receive to pay for their existing care arrangement. If an essential worker needs child care, they can contact their local child care resource and referral agency (CCRR) to find openings. The New York State Office of Children and Family Services will administer the program. Members can access child care options at OCFS' website at www.ocfs.ny.gov.

NYS Network Child Care Centers- available to all State employees
(www.goer.ny.gov/network-child-care-centers)

The NYS Network Child Care Centers were established to enable State employees who are parents to more fully participate in the workforce and to be more engaged and productive at work. The child care centers are licensed by the State of New York.

Dependent Care Advantage Account

As the result of the collective bargaining agreements, certain State employees are eligible for an Employer Contribution of up to \$800 per year when they enroll in the Dependent Care Advantage Account (DCAAccount). The DCAAccount saves State employees money by allowing them to set aside up to \$5,000 per household in pre-tax salary to pay for dependent care expenses. Those who enroll in the DCAAccount never pay taxes on the amount they set aside for eligible child care expenses.

With respect to refunds from DCAAccounts, the IRS does not allow refunds at this time. If members are concerned, they can stop their deductions to prevent any additional funds from being deducted from their paychecks. They can do that by filing a change in status application at <http://www.goer.ny.gov/fsa>." We are continuing to monitor changes made by the IRS, and will provide an update to members if any other changes are made.

Members can stop their Dependent Care Plan deductions or change their election amounts if they experience an eligible change in status. A change in care provider and/or change in work schedule (for the member or their spouse) are events that will allow employees to stop or reduce their deductions or even to newly enter the program. See the website for eligible change in status information, <https://goer.ny.gov/dependent-care-advantage->

account. Members can submit their change or enroll online <https://goer.ny.gov/enroll-online> or over the phone, 800-358-7202. There is no limit on the number of changes the member can submit during the year. They may stop now, and re-enroll over the summer or next fall with the occurrence of another change in a status event, until November 1st. There are only 24 payroll deductions, so after November 1st changes cannot be made to payroll deductions.

Child care plans from school districts

School districts in New York are now required to establish and submit plans for the care of children of essential personnel. Essential personnel covers a wide array of occupations. SED, working in partnership with DOH and OCFS, will work with local school districts to ensure that childcare is covered for essential personnel. OCFS has provided a list of daycares by district, and a list of home-based day care centers (small providers- up to 8 children). It is not clear how long these childcare plans will be in place. More information will be provided when it becomes available.

NYC child care

The Administration for Children's Services (ACS) provides free or low cost child care to eligible families living in New York City. Child Care is available for children ages 6 weeks through 12 years, while children with special needs can receive care through age 18. Child care is typically provided at ACS-funded child care centers and registered family child care homes. It appears to be open enrollment.

Financial Guidelines

Family Size	Income
2	< \$40,068
3	< \$46,692
4	< \$49,032
5	< \$58,032
6	< \$66,444

The following website contains resources for free/inexpensive summer camps for children in New York City: <https://mommypoppins.com/ny-kids/free-and-cheap-summer-camps>. It appears that these summer camps run through July/August. As of now, no camp programs have been noted to run into the fall in New York City, or anywhere in the State. We will keep tracking this though, and provide more information to members when it becomes available.

In New York statewide, camp leaders are awaiting more guidance from Gov. Andrew Cuomo and the NYS Department of Health on whether camps in at least some parts of the state could open in late June or into July and August. It's still too soon to say, but of course when we have more information we will provide an update to members. Camps would likely fall into phase 4 of the State's re-opening, meaning that they could be one of the last places in a region to open.

Any questions about the resources above should be directed to your agency. If your agency is not responsive, or does not provide a satisfactory answer, you should contact your PEF Steward, Council Leader or Field Representative.

We understand that this is a very stressful and, at times, confusing period for employees who need to care for children and other loved ones. Please continue to check the PEF Website and social media pages for updated information, and please feel free to send us any questions or concerns.