



Division of the Budget

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BUDGET BULLETIN	H-0501	March 8, 2020
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TO: ALL DEPARTMENT AND AGENCY HEADS

FROM: Robert F. Mujica Jr. 

SUBJECT: Coronavirus Diseases 2019 Emergency Preparedness and Related Expenditures

This item provides guidance for State agencies (including State departments and State authorities) related to special emergency preparedness and response expenditures. The process outlined here is intended to be used for the outbreak of coronavirus disease 2019 (COVID-19).

A. Statewide Financial System Procedures

1. Initiation of Process

It is critical that agencies track COVID-19 related spending with attention to detail. The Division of the Budget (DOB) created a unique Project ID and Activity IDs for use in the State Financial Management System (SFS) to identify costs specific to the COVID-19 response effort.

Agencies should continue charging COVID-19 related expenditures against their agency appropriations, unless specifically given alternate instructions by DOB. Agencies are **required** to include both the Project ID and an Activity ID on any transaction entered in SFS for the COVID-19 costs.

For any COVID-19 spending that occurred prior to the designation of a Project ID, agencies must immediately update the transactions to the appropriate Project and Activity IDs as listed below.

Agencies should work with their DOB examiners to modify or establish a KK Financial Plan budget pursuant to Budget Bulletin B-1216, as appropriate.

2. Project ID

Agencies are **required** to use the COVID-19 Project ID in SFS in order to facilitate the tracking of non-personal spending and to potentially receive Federal reimbursement for emergency related disbursements. The Department of Health (DOH01) Project ID "COVID-19" should be used for all agency activities, services and expenses in response to the outbreak of COVID-19.

3. Activity IDs

Unique Activity IDs have been created in SFS to capture non-personal service costs associated with specific areas of spending concerning the COVID-19 outbreak. These Activity IDs are subject to change in order to be compliant with Federal guidance.

Please see below the list of activities currently set up in SFS to track the costs associated with DOH01 Project ID COVID-19:

Cleaning supplies and equipment	COVID_CLN_SPPS
Other supplies and equipment	COVID_OTH_SPPS
IT and telecommunication equipment	COVID_IT_TLCOM
Public relations and educational materials	COVID_PUB_REL
Testing/monitoring	COVID_TESTING
Transportation/escort duties/travel	COVID_TRANSP
Quarantine facilities and associated activities (not including PS)	COVID_QRNT_FAC
Local assistance	COVID_LOC_ASST

For technical assistance, agencies should reach out to SFS at: HelpDesk@sfs.ny.gov or (518) 457-7737.

B. Leave Accrual Tracking System (LATS-NY) System for Charging Time Worked

The following codes have been made available in the LATS-NY application for Business Services Center (BSC) customer agency employees to track time worked on COVID-19 activities:

COVID-19 Regular Hours
COVID-19 Overtime Hours

For other agencies using the LATS-NY application, that are not BSC customer agencies, the codes provided above should be established in LATS-NY to track time worked on COVID-19 activities.

For further guidance, BSC customer agencies may contact the BSC at (518) 457-4272, and other agencies may contact DOB at (518) 474-0429.

C. Agency Reporting Requirements on Year to Date Disbursements

It is critical that DOB be able to track and report on year-to-date disbursements associated with COVID-19 preparation and response activities at a meaningful level of

detail. To track the COVID-19 related spending consistently across agencies, a template (Attachment A) has been created to enable agencies to indicate year-to-date spending results by financial plan category. For financial categories other than non-personal service, agencies are also expected to supply a description of activities associated with year-to-date spending from the list of SFS activities defined above. Costs for all agency personal services allocated to activities associated with COVID-19 must be tracked by category of personal service (i.e., regular, overtime) and total personal service costs must be accompanied by a description of the associated COVID-19 activity from the list of SFS activities defined above (i.e., personal services for quarantine activities, personal services for COVID-19 testing).

Each week, on or before noon on Thursday, agencies should submit their weekly updates to the tracker, providing detailed year-to-date spending results (through the prior business day) associated with COVID-19 activities. Weekly updates to the spending tracker should be submitted to NYSDOB@budget.ny.gov. Each subsequent week, the actual spending within a given month should be used to overwrite the previous weekly update until the results for that month are final.

D. Agency Spending Controls Procedures

Until further notice, all agencies making B-1184 spending requests in the Agency Spending Control Application (ASCA) related to COVID-19 should notify: (1) their DOB Unit Chief, (2) the Deputy Secretary, and (3) dob.sm.ASCA@budget.ny.gov that the request has been made and should receive expedited attention.

When sending the email, agencies should include the B-1184 tracking number as well as the primary agency contact able to respond to questions regarding the request.

If an agency does not receive approval or acknowledgment within one hour, they should call their DOB Unit Chief or take other proactive follow-up measures.

E. Overtime Compensation for Overtime Ineligible Employees

Blanket overtime authorization is granted for staff in Grade 27 and below positions who work in excess of 47.5 hours per work week, provided that such overtime is both essential and directly related to activities associated with the State's preparation and response to COVID-19. Agency heads will be responsible for determining which overtime requests fulfill the "essential and directly related" criteria. The granting of overtime for otherwise ineligible employees should only be considered when directly related to COVID-19 preparedness and response and only if no other alternatives exist.

Staff authorized to incur overtime shall be paid at a rate equal to one and one half times the regular hourly rate for time worked in excess of 47.5 hours per week. Authorized payments for otherwise overtime ineligible staff in Grade 27 and below positions which are submitted to the State Comptroller shall be considered pre-approved by DOB.

Extraordinary overtime compensation requests for staff in positions above Grade 27 shall be reviewed and approved by DOB on a case-by-case basis. A formal request for a Waiver of Overtime Compensation Rules (Attachment B) will be necessary to

demonstrate that such extraordinary overtime is critical to activities associated with the State's preparation and response to COVID-19.

Agencies are expected to maintain an accurate accounting of all extraordinary overtime expenditures associated with COVID-19 and DOB will monitor bi-weekly agency overtime reports to track increased hours and compensation.

Questions regarding overtime compensation for overtime ineligible employees should be directed to Joseph Conroy, Chief Budget Examiner at DOB.

F. Business Procedures

1. Fair Pricing

Agencies should contact the OGS Buy Desk to ensure fair pricing and protect against price gouging as prohibited by New York State's General Business Law § 396-r. The Buy Desk can be reached at: OGSBuyDesk@ogs.ny.gov or by calling the Business Services Center (BSC) at (518) 457-4272 and asking for the Buy Desk. If agencies are receiving prices drastically different from similar products and services on contract, please reach out to OGS Procurement Services prior to purchase. Agencies can contact OGS Procurement Services at Customer.Services@ogs.ny.gov or (518) 474-6717 for assistance.

2. Procurement Card Usage

Agencies should be mindful of the spending limit of their Procurement Cards (P-Card).

BSC customer agencies that require an increase in their P-Card limit may contact the BSC at bscfinance@ogs.ny.gov or (518) 457-4272 from 8:00 am to 5:00 pm on weekdays to get their limit increased. Customers who require increases in P-Card limits outside those hours should contact their agency P-Card program administrator for help. All other agencies who need to adjust their P-Card limits should contact their agency P-Card program administrator for help.

3. Requisitions

Requisitions for high demand products may increase during an emergency. In order to ensure that requisitions are processed in a timely manner, agencies should submit their requisitions as early as possible. Be mindful that many vendors are only available to process requisitions on standard business days. OGS Procurement Services and the BSC Buy Desk are watching for trends and large quantity purchases for COVID-19 supplies across agencies. OGS will coordinate with the emergency chain of command for priority purchase and distribution.

4. Use of Preferred Sources and OGS Centralized Contracts

Agencies are reminded to purchase commodities and services in the order of precedence in accordance with State Finance Law § 163 for all products and services that fit the "form, function and utility" of the agency's need, with Preferred Source offerings in first priority followed by OGS Centralized Contracts. Agencies may contact

OGS Procurement Services at Customer.Services@ogs.ny.gov or (518) 474-6717 for assistance.

5. Executive Order No. 202

Governor Cuomo issued Order No. 202 (Attachment C), which temporarily suspends certain laws, including State Finance Law § 112 to eliminate OSC review and approval of certain contracts and Article 4-C of the Economic Development Law and State Finance Law § 163 to allow the purchase of commodities, services, and technology without following standard notice and procurement processes.

G. Federally Reimbursable Activities

If Federal guidelines are released allowing state agencies to claim reimbursement for COVID-19 spending, SFS Grant Projects and Activity IDs may be updated to ensure proper tracking of qualified spending. Subsequently, the transactions that have been recorded against COVID-19 project may be adjusted to the appropriate Grant projects/activities to seek Federal reimbursement. Further guidance will be issued at that time.

Attachment, Budget Bulletin H - 0501

**EXTRAORDINARY WAIVER OF OVERTIME COMPENSATION RULES
EMPLOYEES MAY ONLY BE COMPENSATED FOR WORK PERFORMED IN EXCESS OF 47.5 HOURS PER WORK WEEK.**

**COVID-19 PREPARATION / RESPONSE
(GRADE 28/M-3 AND ABOVE)**

TO: DIRECTOR OF PAYROLL AUDIT
DEPARTMENT OF AUDIT AND CONTROL

FROM: DIVISION OF THE BUDGET

DATE:

PURSUANT TO PART 135.12 OF TITLE 9 OF THE "OFFICIAL COMPILATION OF CODES, RULES AND REGULATIONS OF THE STATE OF NEW YORK," AND BUDGET BULLETINS G-1024 AND H-0501, PROVISIONS OF PART 135 OVERTIME COMPENSATION AND BUDGET BULLETIN G-1024 ARE HEREBY WAIVED BY THE DIRECTOR OF THE BUDGET TO ACCOMPLISH THE ACTION INDICATED BELOW FOR THE PERIOD AND POSITIONS DESCRIBED:

AGENCY / <u>1</u>	LINE NO. / <u>2</u>	TITLE / <u>3</u>	TITLE CODE/ LOCATION SALARY GRADE / <u>3</u>	SPECIAL RATE / <u>4</u>	INCLUSIVE DATES / <u>5</u> BEGINNING ENDING
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1 Indicate the name and 5-digit code of the employing agency(ies).

2 Indicate the specific item numbers of the positions covered by the waiver.

3 Indicate the title, title code, location code and salary grade for each position covered by the waiver.

4 Indicate the overtime rate.

5 Indicate the specific time period of the waiver and the maximum number of authorized overtime hours per week, per position.



State of New York

Executive Chamber

No. 202

EXECUTIVE ORDER

Declaring a Disaster Emergency in the State of New York

WHEREAS, on January 30, 2020, the World Health Organization designated the novel coronavirus, COVID-19, outbreak as a Public Health Emergency of International Concern;

WHEREAS, on January 31, 2020, United States Health and Human Services Secretary Alex M. Azar II declared a public health emergency for the entire United States to aid the nation's healthcare community in responding to COVID-19;

WHEREAS, both travel-related cases and community contact transmission of COVID-19 have been documented in New York State and more are expected to continue; and

WHEREAS, New York State is addressing the threat that COVID-19 poses to the health and welfare of its residents and visitors.

NOW, THEREFORE, I, Andrew M. Cuomo, Governor of the State of New York, by virtue of the authority vested in me by the Constitution and the Laws of the State of New York, hereby find, pursuant to Section 28 of Article 2-B of the Executive Law, that a disaster is impending in New York State, for which the affected local governments are unable to respond adequately, and I do hereby declare a State disaster emergency for the entire State of New York. This Executive Order shall be in effect until September 7, 2020; and

IN ADDITION, this declaration satisfies the requirements of 49 C.F.R. 390.23(a)(1)(A), which provides relief from Parts 390 through 399 of the Federal Motor Carrier Safety Regulations (FMCSR). Such relief from the FMCSR is necessary to ensure that crews are available as needed.

FURTHER, pursuant to Section 29 of Article 2-B of the Executive Law, I direct the implementation of the State Comprehensive Emergency Management Plan and authorize all necessary State agencies to take appropriate action to assist local governments and individuals in containing, preparing for, responding to and recovering from this state disaster emergency, to protect state and local property, and to provide such other assistance as is necessary to protect public health, welfare, and safety.

IN ADDITION, by virtue of the authority vested in me by Section 29-a of Article 2-B of the Executive Law to temporarily suspend or modify any statute, local law, ordinance, order, rule, or regulation, or parts thereof, of any agency during a State disaster emergency, if compliance with such statute, local law, ordinance, order, rule, or regulation would prevent, hinder, or delay action necessary to cope with the disaster emergency or if necessary to assist or aid in coping with such disaster, I hereby temporarily suspend or modify, for the period from the date of this Executive Order through April 6, 2020 the following:

Section 112 of the State Finance Law, to the extent consistent with Article V, Section 1 of the State Constitution, and to the extent necessary to add additional work, sites, and time to State contracts or to award emergency contracts, including but not limited to emergency contracts or leases for relocation and support of State operations under Section 3 of the Public Buildings Law; or emergency contracts under Section 9 of the Public Buildings Law; or emergency contracts for professional services under Section 136-a of the State Finance Law; or emergency contracts for commodities, services, and technology under Section 163 of the State Finance Law; or design-build or best value contracts under and Part F of Chapter 60 of the Laws of 2015 and Part RRR of Chapter 59 of the Laws of 2017; or emergency contracts for purchases of commodities, services, and technology through any federal GSA schedules, federal 1122 programs, or other state, regional, local, multi-jurisdictional, or cooperative contract vehicles;

Section 163 of the State Finance Law and Article 4-C of the Economic Development Law, to the extent necessary to allow the purchase of necessary commodities, services, technology, and materials without following the standard notice and procurement processes;

Section 97-G of the State Finance Law, to the extent necessary to purchase food, supplies, services, and equipment or furnish or provide various centralized services, including but not limited to, building design and construction services to assist affected local governments, individuals, and other non-State entities in responding to and recovering from the disaster emergency;

Section 359-a, Section 2879, and 2879-a of the Public Authorities Law to the extent necessary to purchase necessary goods and services without following the standard procurement processes;

Sections 375, 385 and 401 of the Vehicle and Traffic Law to the extent that exemption for vehicles validly registered in other jurisdictions from vehicle registration, equipment and dimension requirements is necessary to assist in preparedness and response to the COVID-19 outbreak;

Sections 6521 and 6902 of the Education Law, to the extent necessary to permit unlicensed individuals, upon completion of training deemed adequate by the Commissioner of Health, to collect throat or nasopharyngeal swab specimens from individuals suspected of being infected by COVID-19, for purposes of testing; and to the extent necessary to permit non-nursing staff, upon completion of training deemed adequate by the Commissioner of Health, to perform tasks, under the supervision of a nurse, otherwise limited to the scope of practice of a licensed or registered nurse;

Subdivision 6 of section 25 10 and section 25 11 of the Public Health Law, to the extent necessary to waive or revise eligibility criteria, documentation requirements, or premium contributions; modify covered health care services or the scope and level of such services set forth in contracts; increase subsidy payments to approved organizations, including the maximum dollar amount set forth in contracts; or provide extensions for required reports due by approved organizations in accordance with contracts;

Section 224-b and subdivision 4 of section 225 of the Public Health Law, to the extent necessary to permit the Commissioner of Health to promulgate emergency regulations and to amend the State Sanitary Code;

Subdivision 2 of section 2803 of the Public Health Law, to the extent necessary to permit the Commissioner to promulgate emergency regulations concerning the facilities licensed pursuant to Article 28 of the Public Health Law, including but not limited to the operation of general hospitals;

Subdivision 3 of section 273 of the Public Health Law and subdivisions 25 and 25-a of section 364-j of the Social Services Law, to the extent necessary to allow patients to receive prescribed drugs without delay;

Section 400.9 and paragraph 7 of subdivision f of section 405.9 of Title 10 of the NYCRR, to the extent necessary to permit general hospitals and nursing homes licensed pursuant to Article 28 of the Public Health Law ("Article 28 facilities") that are treating patients during the disaster emergency to rapidly discharge, transfer, or receive such patients, as authorized by the Commissioner of Health, provided such facilities take all reasonable measures to protect the health and safety of such patients and residents, including safe transfer and discharge practices, and to comply with the Emergency Medical Treatment and Active Labor Act (42 U.S.C. section 1395dd) and any associated regulations;

Section 400.11 of Title 10 of the NYCRR, to the extent necessary to permit Article 28 facilities receiving patients as a result of the disaster emergency to complete patient review instruments as soon as practicable;

Section 405 of Title 10 of the NYCRR, to the extent necessary to maintain the public health with respect to treatment or containment of individuals with or suspected to have COVID-19;

Subdivision d and u of section 800.3 of Title 10 of the NYCRR, to the extent necessary to permit emergency medical service personnel to provide community paramedicine, transportation to destinations other than hospitals or health care facilities, telemedicine to facilitate treatment of patients in place, and such other services as may be approved by the Commissioner of Health;

Paragraph 3 of subdivision f of section 505.14 of Title 18 of the NYCRR, to the extent necessary to permit nursing supervision visits for personal care services provided to individuals affected by the disaster emergency be made as soon as practicable;

Sections 8602 and 8603 of the Education Law, and section 58-1.5 of Title 10 of the NYCRR, to the extent necessary to permit individuals who meet the federal requirements for high complexity testing to perform testing for the detection of SARS-CoV-2 in specimens collected from individuals suspected of suffering from a COVID-19 infection;

Subdivision 4 of section 6909 of the Public Health Law, subdivision 6 of section 6527 of the Education Law, and section 64.7 of Title 8 of the NYCRR, to the extent necessary to permit physicians and certified nurse practitioners to issue a non-patient specific regimen to nurses or any such other persons authorized by law or by this executive order to collect throat or nasopharyngeal swab specimens from individuals suspected of suffering from a COVID-19 infection, for purposes of testing, or to perform such other tasks as may be necessary to provide care for individuals diagnosed or suspected of suffering from a COVID-19 infection;

Section 596 of Title 14 of the NYCRR to the extent necessary to allow for rapid approval of the use of the telemental health services, including the requirements for in-person initial assessment prior to the delivery of telemental health services, limitations on who can deliver telemental health services, requirements for who must be present while telemental health services are delivered, and a recipient's right to refuse telemental health services;

Section 409-i of the Education Law, section 163-b of the State Finance Law with associated OGS guidance, and Executive Order No. 2 are suspended to the extent necessary to allow elementary and secondary schools to procure and use cleaning and maintenance products in schools; and sections 103 and 104-b of the General Municipal Law are suspended to the extent necessary to allow schools to do so without the usual advertising for bids and offers and compliance with existing procurement policies and procedures;

Article 7 of the Public Officers Law, section 41 of the General Construction Law, and section 3002 of the Public Health Law, to the extent necessary to permit the Public Health and Health Planning Council and the State Emergency Medical Services Council to meet and take such actions as authorized by law, as may be necessary to respond to the COVID-19 outbreak, without meeting quorum requirements or permitting the public in-person access to meetings, provided that any such meetings must be webcast and means for effective public comment must be made available; and

FURTHER, I hereby temporarily modify, for the period from the date of this Executive Order through April 6, 2020, the following laws:

Section 24 of the Executive Law; Sections 104 and 346 of the Highway Law; Sections 1602, 1630, 1640, 1650, and 1660 of the Vehicle and Traffic Law; Section 14(16) of the Transportation Law; Sections 6-602 and 17-1706 of the Village Law; Section 20(32) of the General City Law; Section 91 of Second Class Cities Law; Section 19-107(ii) of the New York City Administrative Code; and Section 107.1 of Title 21 of the New York Codes, Rules and Regulations, to the extent necessary to provide the Governor with the authority to regulate traffic and the movement of vehicles on roads, highways, and streets.



BY THE GOVERNOR


Secretary to the Governor

G I V E N under my hand and the Privy Seal of the
State in the City of Albany this
seventh day of March in the year two
thousand twenty.

