

New York Employers Rejoice: Unemployment Insurance Charges Related to COVID-19 Cancelled

As many employers know, the COVID-19 pandemic resulted in an unprecedented number of unemployment insurance claims. To aid employers concerned with the impact of same on their future unemployment rating, many states over the course of the last ten (10) months have issued an order canceling unemployment charges to an employer's account for claims related to the pandemic. New York did not immediately follow suit.

However, in January 2021, the New York Department of Labor finally issued an order that employers' unemployment insurance accounts shall not be charged for claims related to the COVID-19 pandemic. The order went into effect immediately and is being applied retroactively to March 9, 2020, when the pandemic first began.

The Order applies to "100% of benefits attributable to employers liable for contributions and to 50% of benefits attributable to employers liable for payment in lieu of contribution." Any charges that were previously made to an employer's account are cancelled by the order. Currently, the expiration of the order refers to the earlier of the end of the state disaster emergency, or when the emergency flexibility granted by the Families First Coronavirus Response Act expires. The Commissioner of Labor may revoke, rescind or amend this order at her discretion.

This is just one of the many steps New York is taking to help employers. The following legislation is currently being advanced:

- Small Business Eviction and Foreclosure Moratorium
- Third Party Restaurant Posting
- Restricting Third Party Delivery Fees
- Increased Outreach From DOL on the Shared Work Program
- Freezing Employers Unemployment Insurance Premiums
- Partial Unemployment Insurance

The attorneys at Kaufman Dolowich & Voluck will continue to keep employers informed about the unemployment insurance and other legislation that benefit employers during this unprecedented time. In the meantime, if you have any questions, or wish to discuss the contents of this alert further, please contact Keith J. Gutstein or Erika H. Rosenblum by email at KGutstein@kaufmandolowich.com, ERosenblum@kaufmandolowich.com, or by phone at (516) 681-1100, or any member of Kaufman Dolowich & Voluck's Labor & Employment Law Practice Group.