



## Excluded Workers Fund Overview

### How can I find out about the new Excluded Workers Fund passed in the New York State budget?

This document provides the basic information available as of April 7, 2021. Keep up-to-date as we learn more about the fund details by signing up for updates at [excludedworkersny.org](https://excludedworkersny.org). We will also be updating the website regularly with more information.

You do NOT need an attorney or paid help to apply for this fund or for rent relief. The program has not begun, and we do not know at this time when people will be able to apply.

### What is the Excluded Workers Fund?

New York State has set aside \$2.1 billion to help New Yorkers who lost work during the COVID-19 pandemic but could not get Unemployment Insurance (UI) or other federal benefits.

The fund will provide a one-time retroactive payment (for the period of March 27, 2020 to April 1, 2021) to eligible workers who lost their jobs or income during the COVID-19 pandemic. The New York State Department of Labor (DOL) will be responsible for reviewing applications and distributing fund benefits. To be eligible for the fund, a worker must show that they:

1. Lived in New York State before March 27, 2020 and continue to live in New York State;
2. Are not eligible for Unemployment Insurance or any other federal COVID income relief;  
AND
3. Lost work-related or household income after February 23, 2020 due to the COVID-19 pandemic either by becoming:
  - a. Unemployed, partially unemployed, or unable to work, OR
  - b. The primary breadwinner or major source of household income, because the head of the household died or became disabled during the COVID-19 pandemic.

The bill does not say exactly how much income the worker must have lost (this is left to the Department of Labor to decide), but it does say that the worker is not eligible if they have made more than \$26,208 in work-related earnings in the 12 months prior to when the law goes into effect.

\*Please note that we do not know at this time when DOL will begin accepting applications.

### How much relief can an eligible worker get through the fund?

An eligible worker will receive one of two tiers of benefits, depending on the level of documentation of work and earnings they are able to provide during the application process:

**Tier One:** Applicants who are able to show certain proof of their employment and earnings - total benefit of **\$15,600** minus an automatically deducted tax of \$780.

**Tier Two:** Applicants with some proof but without the required proof for Tier One – total benefit of **\$3,200** minus an automatically deducted tax of \$160.

**What documents do worker applicants need to show to apply for benefits?**

Workers will be required to submit documentation showing (1) identity, (2) past and ongoing New York state residency, and (3) loss of earnings or household income. Please consult the attached chart for documents a worker would need to show.

**How will applicants' information be kept safe and confidential?**

Application forms will NOT include the applicant's identity documents or anything about the applicant's citizenship or immigration status or ineligibility for a Social Security Number (SSN). Applicant documents will only be used for determining eligibility and are not to be shared with anyone not involved with the application process, unless to comply with a judicial warrant or court order. There are criminal penalties for disclosing applicant information to immigration law enforcement authorities.

**How will benefits be paid?**

The Department of Labor will decide whether benefits will be paid by direct deposit, cash card, check, or some other payment method.

**Will there be penalties for submitting fraudulent applications?**

Knowingly making a false statement or presenting false documents can have serious consequences. Someone who is convicted of this type of fraud may be convicted of a Class E felony in addition to having to return all money received.

**Can an applicant who is denied benefits appeal the decision?**

Yes. An applicant who is denied benefits is entitled to "request a review" of their claim. The process to request a review will be determined by the Department of Labor.

## DOCUMENTATION REQUIREMENTS

<p><b>Proof of Identity</b></p>	<p>Applicant must provide one or more of the following documents. Each is assigned a point value. Documents submitted must total 4 points or more. At least one must have a photo and show date of birth:</p> <ul style="list-style-type: none"> <li>● NY driver's license or state ID (4 points)</li> <li>● US passport (4 points)</li> <li>● IDNYC (4 points)</li> <li>● non-US passport (3 points)</li> <li>● NYS inpatient ID card issued by Office of Mental Health (2 points)</li> <li>● Marriage certificate (1 points)</li> <li>● Divorce decree (1 points)</li> <li>● NYC dept of park and recreation card (1 point)</li> <li>● non-US birth certificate (1 point)</li> <li>● non-US ID card (1 point)</li> <li>● diploma/transcript (1 point)</li> <li>● Any other document the DOL deems relevant (3 or fewer points only)</li> </ul>	
<p><b>Proof of Residency</b></p>	<p>Applicant must provide:</p> <ul style="list-style-type: none"> <li>● A non-expired NYS drivers license, non-driver ID or IDNYC, OR</li> <li>● Two documents from the list below, one dated prior to March 27, 2020 and one dated 30 days prior to when the law goes into effect or later: <ul style="list-style-type: none"> <li>○ Copy of a utility bill</li> <li>○ Bank or credit card statement</li> <li>○ A current lease, mortgage payment, or property tax statement</li> <li>○ Letter addressed to applicant from the New York City Housing Authority</li> <li>○ Letter to applicant from a homeless shelter indicating applicant currently resides at the shelter</li> <li>○ Letter to the applicant from a non-profit that provides services to the homeless</li> </ul> </li> <li>● Any other document the DOL deems acceptable</li> </ul>	
	<p>Tier 1: \$15,600 minus \$780 taxes (net \$14,820)</p>	<p>Tier 2: \$3,200 minus \$160 taxes (net \$3,040)</p>
<p><b>Work Related Eligibility</b></p>	<p>Applicant must provide:</p> <ul style="list-style-type: none"> <li>● Tax return for 2018, 2019, or 2020 using a valid Individual Taxpayer Identification Number (ITIN); or</li> <li>● Letter from an employer documenting dates of work and reason applicant is no longer working; or</li> <li>● 6 weeks of pay stubs or wage statements from the 6-month period prior to becoming eligible; or</li> <li>● W2 or 1099 from 2019 or 2020; or</li> <li>● Wage notice that shows employment for some time before the applicant became eligible.</li> </ul> <p>DOL may choose to accept other documents showing past employment and subsequent loss of earnings.</p>	<p>Applicants who cannot provide the documents required for Tier 1 but can prove identity and residency must show:</p> <p>Work-related documentation that will be assessed based on a point system created by the DOL.</p> <p>Examples of documents that the DOL may choose to include in its point system include: pay stubs, wage statements, wage notices, bank records showing a pattern of payments or deposits, receipts from a pay card showing deposits, and/or other documents showing the applicant's pay rate or a pattern of employment.</p>