

# New York State Excluded Workers Fund

#FUNDEXCLUDEDWORKERS 

Coalition

Last Updated: 8.20.21

After one year of actions across the state, we won a first-in-the-nation \$2.1 billion Excluded Workers Fund! This fund will provide a one-time payment to workers who lost income between March 27, 2020 and April 1, 2021 but are excluded from state Unemployment Insurance (UI) and federal COVID-related income relief.

**Disclaimer:** Please check [fundexcludedworkers.org](https://fundexcludedworkers.org) for the most recently updated checklist.

## Who is an excluded worker?

An excluded worker is someone who is ineligible for state unemployment or federal COVID-related income relief. Do all of the following apply to you?

- Live in New York State now;
- Have lived in New York State since before March 27, 2020;
- Have at some point between February 23, 2020 and April 1, 2021 lost 50% or more of your wages or income because of
  - COVID-related unemployment, partial unemployment, or inability to work OR
  - COVID-related death or disability of a breadwinner or major source of household income;
- Have worked at least 15 hours per week before losing your income or wages;
- Be ineligible for state Unemployment Insurance or federal COVID-related income relief; AND
- Have earned \$26,208 (gross) or less between April 19, 2020 and April 19, 2021

**Note:** Receipt of 1 or more stimulus checks does not impact eligibility for the fund. You can still apply even if you received stimulus payments

## What does the excluded worker fund offer?

- Tier 1: \$15,600 pre-taxes (\$300 per week for 52 weeks).
- Tier 2: \$3,200 pre-taxes (equal to 3 federal stimulus checks).

**Note:** New York State will withhold 5% of the benefit in state taxes. Fund payments may be subject to federal taxes. Please consult an accountant or attorney for tax advice.

## When and how can I apply?

Applications are open at [dol.ny.gov/EWF](https://dol.ny.gov/EWF). The Excluded Workers Fund will not charge you a fee to apply. DOL answers frequently asked questions at [dol.ny.gov/EWFApply](https://dol.ny.gov/EWFApply). A list of verified organizations supporting community members with applications can be found here: [dol.ny.gov/cbolist](https://dol.ny.gov/cbolist).

## Will the Department of Labor share my personal information with immigration enforcement agencies?

No. There are criminal penalties for disclosing any documents, including those from employers, submitted as part of your application to any government agencies, including ICE. Your documents will only be used for determining eligibility and will not be shared with anyone outside of the application process, unless to comply with a judicial warrant or court order.

# Document Checklist: Identity

DOL will ask applicants to prove their identity, NYS residency, and pre-pandemic employment and earnings by submitting documents through the application. The charts below summarize what documents you can submit to meet the requirements.

## Can you prove your identity with 4 total points from the chart below?

### 4 points

- An IDNYC identification card (unexpired or expired in 2020 or 2021)
- Non-expired NYS driver's license or non-driver ID
- A non-expired U.S. passport

### 3 points

- Non-expired foreign passport
- NYS learners permit
- US military ID
- Any other federal, NYS or local government-issued photo ID that does not say "not for identification purposes"
- Photo ID issued by an educational institution, including College/University photo ID

### 2 points

- NYS Office of Mental Health photo ID card
- US or foreign passport that expired 2 or less years ago
- Foreign Driver's License (includes your photo & expired 2 or less years ago)
- USCIS (immigration) documents including I-94, Form I-797, I-797A, or I-797D
- ITIN authorization letter (i.e. the letter you get from the IRS when you receive an ITIN)

### 1 point

- Marriage certificate or divorce decree
- NYS inpatient photo identification card
- Non-expired Parks & Recreation membership card
- Foreign birth certificate
- Consular ID card (or any other photo ID issued by another country to its citizens)
- Diploma or transcript from a high school, college or university in the US
- Non-photo government-issued ID by a federal, NYS, or local government other than those already listed that does not say "not for identification purposes"
- Photo ID card issued by an employer
- Photo ID issued by a NYS charitable nonprofit organization from which you received services or participated in organizational programs prior to April 19, 2021
- A written employment offer, pay stubs, or notice of pay documents provided to you by an employer

# Document Checklist: Residency

## Can you prove your residency with one of the following?

- A non-expired NYS drivers license
- A non-expired NYS non-driver ID
- A non-expired NYS learner's permit issued by DMV
- An IDNYC unexpired or that that expired in 2020, 2021;
- State or federal tax filing or return **OR**  
**Two of the following, one dated before March 27, 2020 & one dated on or after March 19, 2021:**
  - Copy of a utility bill (e.g. ConEd, gas, or phone bill)
  - Bank or credit card statement
  - A lease (or sublease), mortgage payment, or property tax statement
  - Pay Stub
  - Employment offer or notice of pay showing your employer provided housing located in NYS
  - Medical statement, bill or record
  - Insurance statement, bill, or record (including renter's, homeowners, life and auto insurance)
  - Jury summons, court order, or other document from a NYS court or administrative law forum
  - Letter attesting to your past and/or current residency<sup>1</sup> from any of the following institutions:
    - A homeless shelter indicating you currently reside at the shelter
    - Homeless services provider/non-profit or religious institution that provides housing to homeless individuals
    - Domestic violence services provider or program in NYS that provides services to domestic violence survivors
    - NYS charitable organization that provided services to the applicant prior to April 19, 2021 and can attest to applicant's residency
  - Letter addressed to you from NYCHA
  - Document from a federal, NYS, or local entity (for example, a school district) EXCEPT documents from the NYS Department of Labor related your EWF application

## Please note:

- You can submit the same documents to prove identity and residency
- At least one document for identity and/or residency must have your photo (unless you have a caretaker who can show proof of relationship)
- At least one document for identity and/or residency must show your date of birth
- All documents must be:
  - Certified by the issuing agency
  - Unexpired unless otherwise noted
  - In English or accompanied by a certified English language translation (applicants can self-certify translations)
  - Not mutilated or damaged

<sup>1</sup> NOTE: If you have a letter that attests to both past and ongoing residency, you have met the residency requirement and do not need to demonstrate residency with a second document.

# Document Checklist: Work History

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Applicants may be eligible for Tier 1 (\$15,600 pre-taxes) or Tier 2 (\$3,200 pre-taxes) of the Excluded Worker Fund.

## Tier 1 = 5 Points

You need 5 points to access Tier 1: you can use one 5-point item, two 3-point items, or one 3-point item plus two 1-point items.

## Tier 2 = 3 Points

You need 3 points to access Tier 2: you can use one 3-point item or three 1-point items.

The application is split into item categories. You can provide a single document or a set of documents for each item category. No document or “set of documents” can be counted more than once. An example of a set of documents is the following: If you provide 7 text messages and an email all demonstrating a work relationship with your employer, you will only earn 1 point for all 8 documents because they are all in one category type.

### 5-point documents

- A state tax return (Form IT-201) for tax years 2018, 2019, or 2020 using a valid ITIN or SSN number
  - A letter from an employer showing dates of work and why you are no longer employed, and at least ONE of the following:
    - Employer’s mailing address & the address of your worksite (within NYS) OR
    - Contact information, including a phone number of someone who can verify contents of letter; OR
    - Employer’s Unemployment Insurance account number/Federal Employment Identification Number (FEIN).
- NOTE:** Self-employed workers can provide their own letters of employment that meet these requirements. Find a template letter at [fundexcludedworkers.org](https://fundexcludedworkers.org).
- At least 6 weeks of pay stubs/wage statements from the 6 months prior to when you became eligible for benefits (i.e. lost wages or income)
  - W-2 or 1099 form for tax years 2019 or 2020 showing wages or income
  - A Wage Theft Prevention Act (WTPA) Wage Notice your employer gave you at time of hiring showing you were employed in the 6 months before you became eligible for benefits (i.e. lost wages or income)

# Document Checklist: Work History

## Tier 1 = 5 Points

You need 5 points to access Tier 1: you can use one 5-point item, two 3-point items, or one 3-point item plus two 1-point items.

## Tier 2 = 3 Points

You need 3 points to access Tier 2: you can use one 3-point item or three 1-point items.

### 3-point documents

- Evidence of regular direct deposits, deposits, or transfers from an entity or from a person unrelated to you, such as:
  - Statements from financial institution (e.g. bank, credit union, co-op)
  - Receipts from check cashing (e.g. Western Union, Walmart)
  - Transaction logs from payment app (e.g. Zelle, Venmo, Cash App, PayPal)
- An unpaid wages or other claim, complaint, or equivalent document filed with a governmental agency that shows you:
  - worked in NYS prior to April 19, 2021, AND
  - received or should have received wages for more than 6 weeks in the 6-month period before you lost employment/income

### 1-point documents

- Employer issued ID badge
- Emails, text messages, social media posts or other written communications relating to delivery order sheets, work invoices, point of sale receipts, directions or instruction from employers
- Emails, text messages, social media posts other written communications between an applicant and an employer or hiring party showing the existence of a work relationship
- Evidence of recurring cashing of paychecks and/or remittances related to earnings such as:
  - Bank statements
  - Receipts from check cashing
  - Transaction logs from a payment app
- Documents or materials issued by an employer to an employee, including documents that include:
  - Employer's mailing address OR
  - Employer's NYS unemployment insurance account number or Federal Employment Identification Number (FEIN) OR
  - Contact information, including a phone number of employer's representative
- Receipts or records showing a pattern of commuting to and from a work location, such as:
  - Toll records
  - Parking receipts
  - Public transportation records
- Letter attesting to your employment history issued by a charitable (nonprofit) organization that had direct knowledge that you worked for at least 6 weeks of the 6 months before April 19, 2021

# Excluded Workers Fund: Appeals

## What should I do after submitting my application?

You should receive a Claim ID after submitting your application. Save this code for future reference. Pay attention to your phone and/or email in case DOL contacts you regarding your application.

## What if DOL rejects any of my documents?

If DOL identifies a problem with your application, you will receive a text message or email from DOL and you will have 7 calendar days to address the issue. You will receive a text message or email after DOL makes a determination (approval or denial of your application).

## What if DOL denies my application or gives me Tier 2 instead of Tier 1?

Applicants who are denied benefits or otherwise disagree with DOL's determination in their case have the right to appeal. You will receive a text message or email from DOL when DOL makes a determination or identifies a problem with your application. Sign-in to your account immediately and follow the instructions.

You have 7 calendar days to select the "Appeal" button to initiate an appeal before the determination is final. Once you appeal, DOL will conduct a heightened review of your application.

You will receive a notification asking you to provide additional information or documents within 7 calendar days from the date of the notification.

If DOL does not receive a response within the timeframe provided, it will make a determination on the appeal based on the information it has. When DOL completes the review process, it will send you a text message or email letting you know whether it approved or denied your appeal. Appeals can take up to three weeks to process. It can take longer if additional information is needed.