

# HIGHER EDUCATION + SCHOOL LAW

## INFORMATION MEMO

OCTOBER 13, 2022

## Health Care Worker Bonus Program

### New York State Education Department Announces Opening of Healthcare Worker Bonus Portal to Educational Institutions

On Oct. 11, 2022, the New York State Education Department (NYSED) announced that the Health Care and Mental Hygiene Worker Bonus program (HWB) now is open to educational institutions.

The program, signed into law by Gov. Kathy Hochul, is designed to distribute more than \$1 billion in state funds via bonuses paid through employers to certain “eligible workers” in health care related fields. The HWB is part of the state’s response to the staffing crisis affecting health care providers.

The initial stage of the [HWB rollout](#) was aimed at traditional health care providers such as hospitals, nursing homes and certain clinics. In order to distribute the funds, the state set up an online [HWB portal](#) where employers must submit information on eligible workers. This portal opened to most health care providers during August 2022. Educational institutions were advised at the time (through, among other vehicles, New York State agency guidance) to wait until ‘the fall’ to participate in the program.

Educational institutions, including Institutions of Higher Education (IHEs) should prepare to file **by Oct. 31, 2022**, for eligible workers (if any) under the program, in connection with any eligible work they may have completed from October 2021 through September 2022 (the program’s first and second ‘vesting periods’). Below are further detailed elements concerning the program. More information from NYSED is linked [here](#).

#### Covered Employers:

- Covered employers are defined in two primary groups:
  - Medicaid participants, state funded programs, identified health care facilities/institutions; and
  - Educational institutions and municipal corporations, which specifically includes: “***an institution of higher education, a public or nonpublic school, a charter school*** . . .” as well as Boards of Cooperative Educational Services (BOCES).

#### Eligible Employees:

This program is intended for workers that provide hands-on assistance with health services (i.e., clinical) or care services (i.e., non-clinical). To be front-line, such workers must provide or directly support the provision of health or care services to patients in certain settings and work under one of the [titles listed in the statute](#).

To be eligible to receive a bonus through this program, an employee must satisfy all of the following criteria:

- Be continuously employed by a qualified employer for the duration of at least one vesting period (see Vesting Period chart below);

- Be in an employee title included on the list of [Eligible Worker Titles](#); and
- Not exceed an annualized base salary (excluding any bonuses or overtime pay) of \$125,000 (\$62,500 in a respective vesting period).

This program applies to full-time, part-time or temporary employees, as well as independent contractors in certain situations provided that they meet all of the above criteria. (Contracted employees that are otherwise eligible would be covered and a covered educational institution would need to submit a claim on their behalf, provided that they do not otherwise work for a covered employer, in which case their direct employers should submit a claim on their behalf.)

The eligible worker titles include an “All Other Health Care Support Workers” column. This refers to other workers that are similar to the titles listed in this statute, and that support the provision of health care services to patients in front-line settings for these titles. Such workers must support patient-facing care provided *within a patient care unit of a hospital or other institutional medical setting in support of treating and caring for patients*. Therefore, at this time, it is our understanding based on this current guidance that these titles would not likely apply to covered educational institutions unless they were otherwise providing such care in a hospital or other institutional medical setting.

**Bonus Amount:**

The amount that any eligible employee is entitled to will depend on the number of hours worked during a [vesting period](#) as defined below:

- Qualified employees who work at least 20 hours but no more than 30 hours per week are eligible for a bonus of \$500;
- Qualified employees who work at least 30 hours but no more than 35 hours per week are eligible for a bonus of \$1,000; and
- Qualified employees who work at least 35 hours per week are eligible for a bonus of \$1,500.

Employees cannot receive more than \$3,000 total bonus and are only eligible for bonus payments for up to two vesting periods (maximally \$1,500 in each).

**Vesting Periods:**

Employers must submit claims within the submission or claim period designated below for eligible employees.

Vesting Period	Vesting Period Start Date	Vesting Period End Date	Employer Submission Start Date	Employer Submission Close Date
<b>One</b>	Oct. 1, 2021	March 31, 2022	Aug. 3, 2022	<b>Oct. 31, 2022</b>
<b>Two</b>	April 1, 2022	Sept. 30, 2022	Oct. 1, 2022	<b>Oct. 31, 2022</b>
<b>Three</b>	Oct. 1, 2022	March 31, 2023	April 1, 2023	May 1, 2023
<b>Four</b>	April 1, 2023	Sept. 30, 2023	Oct. 1, 2023	Oct. 31, 2023
<b>Five</b>	Oct. 1, 2023	March 31, 2024	April 1, 2024	May 1, 2024

### Claim Process/To Do List:

1. Covered educational institutions, including IHEs, should identify their [Statewide Financial System \(SFS\)](#) ID and create an account on the Healthcare Worker Bonus Program Portal, which can be found here: <https://nysworkerbonus.health.ny.gov/>.
  - NYSED indicates that it has shared SFS ID numbers with NYSDOH that were available.
  - Educational institutions that did not have SFS ID numbers may have received an email on or around August 26 from NYSED asking them to complete a survey in order to set up an account for this Program.
  - Those unable to confirm their SFS IDs through these routes also may try to log in, directly, into the SFS [portal](#), where instructions also may be found to register for new credentials. (Your Bond attorney also can support you with any related agency outreach that new credentials may necessitate.)
  - *Note: the portal also may be accessed through New York State's Medicaid Management Information System, specifically with an "MMIS ID." Educational institutions should only employ this secondary pathway into the portal if an SFS ID does not work, and if the institution interacts with the Medicaid program. More information on MMIS ID's, including a lookup tool (available here: <https://health.data.ny.gov/Health/MMIS-Lookup/dg2b-n2cb>)*
2. Identify eligible employees.
  - Confirm eligible titles, and verify eligibility criteria
  - Calculate hours worked for applicable vesting period
3. Distribute [Employee Attestation Form](#).
  - Communicate with employees what this is, why they are receiving it and when they need to return it (and to whom).
  - Employer must have this signed Employee Attestation form back from the employee *before* submitting claim (this may be done electronically).
4. Prepare claim information and **submit on or before Oct. 31, 2022**.
  - Collect name, address, social security number, hours worked, titles and bonus amount.
  - Claims can be submitted in bulk (NYSDOH has developed an Excel spreadsheet template that can be used which is available for download on the [HWB Portal website](#)).
  - Claims can be submitted manually (individually).
  - Complete and submit [Employer Attestation Form](#).

For this October 1 – October 31 claim submission period, the covered educational institution should be submitting claims for Vesting Period 1 and Vesting Period 2.

Employers must do this for each of the vesting periods set forth above during the applicable claim submission window.

### Remitting Bonus:

- Employers will be notified through the HWB Portal of the payment.
- NYSDOH will issue guidance of when employers can anticipate the bonus will be paid.
- Employers must issue payment to eligible employees within 30 days after receipt of the bonus payment.

NYSDOH periodically issues guidance on the program. As noted above, the most recent state guidance for covered educational institutions is from NYSED. This NYSED [guidance](#) is dated Oct. 11, 2022. Bond will continue to monitor for developments and furnish updates, as appropriate.

There are many moving parts to this program that are subject to change and evolution as rollout continues. We recommend working with counsel if you have any questions as you navigate issues that may arise during this program administration.

Please contact [Stephanie H. Fedorka](#), [Seth F. Gilbertson](#), [Gabriel S. Oberfield](#), [Catherine A. Graziose](#) or the Bond attorney with whom you work regularly.

