DANCE WORKER DIGEST | APRIL 2023

Thursday, April 27, 2023

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By Dance/NYC

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This month's topics cover the pandemic's impact on arts and culture, how the end of the federal Public Health Emergency affects Medicaid recipients, New York State salary transparency laws, and a new bill that prohibits size and height discrimination in NYC.

New York State Council on the Arts 2023 COVID impact report shows arts and culture sector still struggling to recover from the pandemic

New York State Council on the Arts (NYSCA) has recently released its 2023 COVID Impact Survey Report. The survey received an overwhelming response, with 80% of NYSCA's 1,614 FY2023 grantees responding and providing insights into the state of pandemic recovery by the nonprofit arts and culture sector in New York.

The latest COVID impact report from NYSCA indicates that the sector is still struggling but in active recovery mode with signs of improvement. Some of the report's key findings include:

- Continued reductions in workforce
- Decreases in audiences as a result of reduced tourism, and shifts towards more hybrid arts experiences
- Decreased revenue (both earned and contributed)
- Dramatically increased operating costs due to necessary infrastructure upgrades related to the pandemic and rising inflation

Dance/NYC's study in 2021 found that dance organization, group, and project budgets shrunk by 31%, with the smallest-budget and primarily ALAANA-led organizations losing an average of 52%. 16% of dance workers left the city, and 22 dance organizations have closed or shut down. A recent report by the New York City Comptroller shows that as of February 2022, total employment in the city's arts, entertainment, and recreation sector remains 18.8% below pre-pandemic levels.

- Review NYSCA's 2023 COVID Impact Survey Report
- Review Brookings' report on COVID-19's impact on the creative economy
- Review Dance/NYC's Coronavirus Dance Impact Information Brief

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Millions may lose Medicaid coverage with the end of the COVID-19 Public Health Emergency

The federal COVID-19 Public Health Emergency (PHE) is set to end on May 11, 2023. As part of the "unwinding" process, states will soon resume normal eligibility requirements and annual redetermination processes for Medicaid, which provides free health insurance for low-income adults, pregnant women, and children. This means that some people currently enrolled in Medicaid may no longer qualify, and those who still qualify will have to re-enroll.

Since the COVID-19 pandemic began, an unprecedented number of people have enrolled in Medicaid, with reportedly over 82.3 million people currently enrolled. Under the continuous coverage requirements in the federal PHE, Medicaid recipients have not had to renew their insurance since early 2020 and were protected from being disenrolled from the program by state agencies.

The National Center on Law and Elder Rights (NCLER) and other advocates estimate that millions of current beneficiaries of Medicaid will lose insurance coverage once continuous coverage protection expires with the end of the PHE.

- Check out NCLER's summary on the end of the PHE and strategies for advocates
- Visit New York Department of Health's webpage with answers to FAQs about changes
- Check New York State of Health's communications toolkit to keep New Yorkers covered
- Read disability activist Alice Wong's op-ed on the burden of the Medicaid redetermination process
- Review the U.S. Department of Health and Human Services fact sheet on what will and will not be affected by the end of the PHE

Governor Hochul signs amendments to the New York State Salary Transparency Law

Governor Hochul signed into law S.1326 and A.999, legislation that amends New York State's salary transparency law, which will take effect on September 17, 2023.

Under the amended law, employers must include a good-faith minimum and maximum annual salary or hourly range on all postings for jobs, promotions, or transfer opportunities that "will physically be performed, at least in part" in New York, as well as jobs "that will physically be

performed outside of New York but report to a supervisor, office, or other work site in New York."

The law now applies to both internal and external job postings, with the amendment defining "advertise" as "to make available to a pool of potential applicants for internal or public viewing, including electronically, a written description of an employment opportunity." The amendment also eliminates the requirement for employers to maintain records related to the compensation history and job descriptions. The New York State salary transparency law applies to all New York employers with four or more employees. New York City passed a similar law in January 2022, which took effect on November 1, 2022.

While these laws do not specifically address the low wages and inequitable pay pervasive in the dance industry, advocates say that it would at least enable dancer workers to choose jobs with more clarity and forethought. At the same time, dance advocates warn of the risk that small-budget dance organizations—lacking the resources to pay increased wages and systematize their wage structures—may be left out without proper support and guidance from the government. A Dance/NYC study shows that small-budget dancemakers, often ALAANA-led and with deep ties to the communities they serve, make up the majority and most diverse but historically underfunded segment of the industry.

- Check out guidance on New York City and State salary transparency laws from New York Lawyers for the Public Interest and Nonprofit New York
- Visit the NYC Commission on Human Rights' webpage on pay transparency and other employment protections

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Bill INT 0209 aims to prohibit size and height discrimination in New York City

New York City Hall building

Currently in committee, Bill INT 0209 would prohibit size and height discrimination in relation to opportunities of employment, housing, and access to public accommodations in New York City. Exemptions would apply for occupations where certain thresholds are required for safety purposes. The bill–put forward by the Committee on Civil and Human Rights and sponsored by 34 out of 51 council members–aims to combat size-ism to level the playing field throughout multiple industries. If it passes, it would have far-reaching implications for the performing arts industries in NYC, pushing those hiring performers to consider a wider pool of applicants and encouraging the casting of more inclusive body types.

- Read summary of Bill INT 0209
- Read Playbill's article on Bill INT 0209

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