Coronavirus Pandemic

COVID-19 Pandemic
New Money, New Rules, New Programs, New Obligations
And
New Problems

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Coronavirus Pandemic

Grants and Loans

- **CARES Act PPP Loans**
  - Additional $320 Billion
  - Set aside for small banks, credit unions and other lenders
  - Clarified Rules
    - Must be used for immediate 8 weeks after loan
    - Sole proprietors
    - New regulations restrict based on reserves and need

- **The Federal Reserve**
  - Main Street Lending Program
    - $1-25 million
    - Retain 90% of employees
    - Can get both PPP and Main Street loan
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With Shelter In Place Orders Being Eased And Reopening

• Need to consider:
  • Obligations to Keep Employees and Customers Safe
    • CDC Recommendations
    • OSHA Guidance
    • State and Local Rules
      • E.g. Maryland, Pennsylvania, New Jersey
  • Reporting Requirements and Limits
  • Paid Sick and Family Leave under FFCRA
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Precautions Should Be Instituted When Reopening:

1. Pre-screen workers and if possible customers, ideally by temperature checks;
2. Regularly monitor employees for symptoms;
3. Anyone feeling ill or showing signs of the coronavirus should not work;
4. Limit the number of employees and customers present;
5. Practice social distancing (6 feet apart);
6. Consider clear plastic barriers at register;
7. New mask and gloves should be worn every day;
8. Hands should be washed with soap (posters promoting hygiene);
9. Disinfect and clean work spaces;
10. Implement feasible engineering controls (installation of physical barriers, increased ventilation, etc.);
11. Do not use same phones or other equipment without disinfecting; and
12. Stagger shifts, breaks and lunch to avoid congregation.
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If Employee Shows Up Sick

• Immediately send the employee home
• Have employee tested
• EEOC allows,
  • If job related and consistent
  • Not discriminatory
• Vacate and clean area (24 hours if possible)
• ID and Notify employees and customers who had contact
• BUT DO NOT USE EMPLOYEES NAME
• Check to see if need to report to local health authorities
• Any liability if employee or customer get COVID-19?
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Bringing Employees Back To Work

• Some Employees Do Not Want to Come Back
  • Regular benefits PLUS $600 through July 31st
  • Total can be over $1,000 a week
• Need more that a fear of COVID-19
• Will impact
  • Amount of PPP loan forgiven
  • New year unemployment insurance rates
• What to Do
  • Can Report
  • Bring Back Part time
  • Terminate and hire new
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Families First Coronavirus Response Act

- With removal or easing of shelter in place orders
- Required paid sick and family leave still applies
- Through June 30, 2020
- Two Weeks of Paid Sick leave

**IF** unable to work **AND** have work for employee

- Dr.’s Orders (100% up to $511/day)
- Sick (100% up to $511/day)
- Caring for sick (2/3rd up to $200)
- Caring for children because no school or daycare (2/3rd up to $200)
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Families First Coronavirus Response Act

- 12 Weeks of Paid Family leave
  - If caring for child because school or child care closed.
  - First 2 weeks covered by sick leave at 2/3\textsuperscript{rd} of pay up to $200
  - Next 10 weeks at 2/3\textsuperscript{rd} of pay up to $200
- Exemption possible if under 50 employees
  - Self determined
  - DOL “should document” need
- Be careful:
  - Interpretation that must have work is being challenged
- **DO NOT TO DISCRIMINATE**