

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 than 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 2/3rd of pay up to \$200
 - Next 10 weeks at 2/3rd 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**