

# **Rebound Your Business: What You Should Know**

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# The “New Normal” Workplace

- Infection prevention measures;
- Protocols for identifying and isolating sick employees; and
- A continuation of remote work arrangements.

# White House Guidelines for Reopening America

## All Phases

- Develop and implement appropriate policies regarding:
  - ✓ Social distancing and protective equipment
  - ✓ Temperature checks
  - ✓ Sanitation & disinfection of common & high-traffic areas
  - ✓ Business travel
- Monitor workforce for indicative symptoms.
- Develop & implement policies & procedures for workforce contact tracing

## Phase 1

Encourage telework, return to work in phases, close common areas/social distancing, minimize non-essential travel, special accommodations

## Phase 2

Encourage telework, close common areas/social distancing, resume non-essential travel, special accommodations

## Phase 3

Resume unrestricted staffing of worksites

# NY's Two Phase Plan for Reopening the Economy

- **CDC Guidelines:** Once a region experiences a 14-day decline in the hospitalization rate, they may begin a phased re-opening.

**Phase 1** – opening construction and manufacturing functions with low risk.

**Phase 2** – opening certain industries based on priority and risk level.

- **Business Precautions:** Each business and industry ***must have a plan*** to protect employees and consumers, make the physical work space safer and implement processes that lower risk of infection in the business.

# The “Un-Pause NY” Approach

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Precautions and practices for the "new normal":

- **Workplace:** Redesign workplaces to include social distancing measures, implement telecommuting for the most vulnerable.
- **Customer interaction:** Implement measures to maintain social distancing and ensure minimal contact with customers. Provide public-interacting employees with necessary protective supplies.
- **Proactive infection plan:** Ensure protocols are in place should an employee develop COVID-19 symptoms or test positive (i.e., work from home plan).

# REOPENING WORKPLACES DURING THE COVID-19 PANDEMIC



The purpose of this tool is to assist employers in making decisions during the COVID-19 pandemic, especially to protect vulnerable workers. It is important to check with state and local health officials and other partners to determine the most appropriate actions.

## Should you consider opening?

- ✓ Is the workplace in a community no longer requiring significant mitigation\*?
- ✓ Will reopening be in compliance with state and local orders?
- ✓ Will you be ready to protect employees at higher risk for severe illness?

**ANY NO**



**DO NOT OPEN**

**ALL YES**



## Are recommended safety actions in place?

- ✓ Promote healthy hygiene practices such as hand washing, wearing a cloth face covering
- ✓ Intensify cleaning, disinfection, and ventilation
- ✓ Ensure social distancing such as installing physical barriers, changing layout of workspaces, encouraging telework, closing communal spaces, staggering shifts and breaks, no large events
- ✓ Limit travel and modify commuting practices
- ✓ Train all staff on safety actions

**ANY NO**



**MEET SAFEGUARDS FIRST**

**ALL YES**



## Is ongoing monitoring in place?

- ✓ Check for signs and symptoms of employees
- ✓ Encourage employees who are sick to stay home
- ✓ Plan for when an employee gets sick
- ✓ Regularly communicate with local authorities and employees
- ✓ Monitor staff absences and have flexible leave policies and practices
- ✓ Be ready to close if there are increased cases

**ANY NO**



**MEET SAFEGUARDS FIRST**

**ALL YES**



**OPEN AND MONITOR**

\*Or in an area with significant mitigation and providing essential, critical infrastructure



# GUIDANCE FOR CLEANING & DISINFECTING

## PUBLIC SPACES, WORKPLACES, BUSINESSES, SCHOOLS, AND HOMES



SCAN HERE  
FOR MORE  
INFORMATION

### 1 DEVELOP YOUR PLAN

**DETERMINE WHAT NEEDS TO BE CLEANED.**

Areas unoccupied for 7 or more days need only routine cleaning. Maintain existing cleaning practices for outdoor areas.

**DETERMINE HOW AREAS WILL BE**

**DISINFECTED.** Consider the type of surface and how often the surface is touched. Prioritize disinfecting frequently touched surfaces.

**CONSIDER THE RESOURCES AND**

**EQUIPMENT NEEDED.** Keep in mind the availability of cleaning products and personal protective equipment (PPE) appropriate for cleaners and disinfectants.

### 2 IMPLEMENT

**CLEAN VISIBLY DIRTY SURFACES WITH SOAP AND WATER** prior to disinfection.

**USE THE APPROPRIATE CLEANING OR DISINFECTANT PRODUCT.** Use an EPA-approved disinfectant against COVID-19, and read the label to make sure it meets your needs.

**ALWAYS FOLLOW THE DIRECTIONS ON THE LABEL.** The label will include safety information and application instructions. Keep disinfectants out of the reach of children.

### 3 MAINTAIN AND REVISE

**CONTINUE ROUTINE CLEANING AND DISINFECTION.** Continue or revise your plan based upon appropriate disinfectant and PPE availability. Dirty surfaces should be cleaned with soap and water prior to disinfection. Routinely disinfect frequently touched surfaces at least daily.

**MAINTAIN SAFE PRACTICES** such as frequent handwashing, using cloth face coverings, and staying home if you are sick.

**CONTINUE PRACTICES THAT REDUCE THE POTENTIAL FOR EXPOSURE.** Maintain social distancing, staying six feet away from others. Reduce sharing of common spaces and frequently touched objects.

Follow guidance from state, tribal, local, and territorial authorities.



# MAKING YOUR PLAN TO CLEAN AND DISINFECT

**Cleaning** with soap and water removes germs, dirt, and impurities from surfaces. It lowers the risk of spreading infection.

**Disinfecting** kills germs on surfaces. By killing germs on a surface after cleaning, it can further lower the risk of spreading infection.



Is the area indoors?

**YES**

It is an indoor area.

**NO**

**Maintain existing cleaning practices.**

Coronaviruses naturally die in hours to days in typical indoor and outdoor environments. Viruses are killed more quickly by warmer temperatures and sunlight.

Has the area been occupied within the last 7 days?

**YES**

Yes, the area has been occupied within the last 7 days.

**NO**

The area has been unoccupied within the last 7 days.

The area will need only routine cleaning.



Is it a frequently touched surface or object?

**YES**

Yes, it is a frequently touched surface or object.

**NO**

**Thoroughly clean these materials.**

Consider setting a schedule for routine cleaning and disinfection, as appropriate.



What type of material is the surface or object?

**Hard and non-porous materials like glass, metal, or plastic.**

**Visibly dirty surfaces should be cleaned prior to disinfection.**

Consult EPA's list of disinfectants for use against COVID-19, specifically for use on hard, non-porous surfaces and for your specific application need. More frequent cleaning and disinfection is necessary to reduce exposure.

**Soft and porous materials like carpet, rugs, or material in seating areas.**

**Thoroughly clean or launder materials.**

Consider removing soft and porous materials in high traffic areas. Disinfect materials if appropriate products are available.



# Screening Employees for COVID-19

## An employer may do the following during this pandemic:

- Question employees who report feeling ill at work or who call in sick about their symptoms to determine if they may have COVID-19.
- Send home employees with COVID-19 or symptoms associated with COVID-19.
- Measure employees' body temperature.
- Administer a COVID-19 test.
- Require the use of personal protective equipment (PPE).
- Tracking devices?

## An employer should proceed with caution:

- Maintain confidentiality.
- Make sure tests are reliable and accurate.
- Use objective criteria and be consistent.
- Be prepared to address reasonable requests for accommodation.
- Follow the latest guidance from federal and state authorities.

# What should we do if an employee tests positive for COVID-19?

- Isolate/Quarantine Confirmed Employees
- Address and Isolate Employees Working Near an Infected Co-worker
- Clean and Disinfect Your Workplace
- Notify Your Employees

# Calling Employees Back to Work

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## How should we recall employees?

- Develop objective criteria to determine which employees you will recall if you do not recall everyone

## What if the employee says I'm better off collecting unemployment?

- Expanded unemployment benefits only runs through July 31<sup>st</sup>
- Offer an additional incentive

## What if employee refuses to return to work for safety reasons?

- OSHA – imminent danger/threat of death or serious physical harm
- National Labor Relations Act – protects “concerted activity” for union and nonunion employees
- Whistleblower Laws
- Workplace Morale and Public Relations

# Develop a Plan to Reopen

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- Workplace safety plan (including training)
- Protocols for identifying and isolating sick employees
- Modify or Develop New Employment Policies
  - ✓ Work hours, including start/stop time, breaks, lunch times, flexible hours, and staggered work hours
  - ✓ Time and attendance policies
  - ✓ Leave policies including sick leave
  - ✓ IT policies
  - ✓ Travel policies including business and personal travel;
  - ✓ Vacation/Paid Time Off
  - ✓ COVID-19 leave policies and tracking procedures
  - ✓ Remote working policies
- Business Considerations
- Human Resources: monitoring performance, tracking productivity, employee morale

# What is PPP?

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- Small Business Administration (SBA) has implemented the **Paycheck Protection Program (PPP)**, established by section 1102 of the Coronavirus Aid, Relief, and Economic Security Act (CARES Act or the Act).
- The PPP temporarily permits SBA to guarantee 7(a) loans. Loans will be 100% guaranteed by SBA and the full principal amount of the loans **may** qualify for loan forgiveness.



- We are in the **second funding** round of PPP.

# Is My Business Eligible?

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# YES

- **IF** you are a small business with 500 or fewer employees (some exceptions apply).
- Includes small businesses, sole proprietors, S corporations, C corporations, LLCs, independent contractors, self-employed people and private nonprofits.
- Some nonprofits, tribal groups and veteran groups are eligible.



# What are the Terms?

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- You can receive **2.5 times your average monthly payroll** costs (excluding the pay for people who earn more than \$100,000 per year) incurred 12 months before the date the loan is made.
- For example, if your monthly average payroll (excluding \$100,000+ salaries) in the last 12 months is \$10,000, you may borrow up to \$25,000. The **maximum any business can borrow is \$10 million.**

# What Can I Use the Loan Proceeds For?

- **Proceeds can be used for payroll** (no more than \$100,000 annual salary per employee – as well as **benefits** [including paid sick leave and insurance premiums] and taxes on compensation). **Up to 25%** of the loan proceeds may be used to cover **mortgage interest, rent, utilities and interest** on pre-existing loans.
- Covered expenses **must be incurred from Feb. 15, 2020 through June 30, 2020**. Businesses must have been in operation by Feb. 15, 2020.
- Any portion of the **loan that is not forgiven will carry an interest rate of 1.0% and is due to be paid back within 2 years**. Payments for the first 6 months can be deferred (with no pre-payment penalty).

# How Does Forgiveness Work?

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- Borrowers will have their loans forgiven **only if they use funds for designated expenses**. If so, they are eligible for loan forgiveness for the amounts spent over the 8 weeks after receiving the loan.
- The **amount of forgiveness is equal to the total amount of payments for payroll, mortgage interest, rent and utilities**. It is anticipated that no more than 25% of the forgiven amount may be for non-payroll costs.
- To get the entire amount of the loan forgiven, **the full-time employee headcount cannot decline, nor can employers cut salaries or wages**. Maintain your workforce and don't reduce employee compensation by more than 25%.
- SBA will use a sliding scale to reduce the amount eligible for forgiveness depending on how many employees are retained. **If you rehire laid off workers by June 30, you won't be penalized.**

# How and When Do I Apply?

# NOW!

- It is **first come, first served** unless additional funds are allocated for the PPP.
- You can apply to any SBA-approved lender, including participating commercial banks and credit unions. A list of approved lenders can be found on the SBA website. We recommend you contact YOUR bank first as it may streamline the process and if have a preexisting relationship, such as previous loans or a business checking account, your bank may be able to process the loan quicker.

# Best Practices

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1. Use a **separate bank account** to hold and disburse PPP loan proceeds
2. Need to **spend PPP loan proceeds immediately** – 8-week window
3. Be mindful of the **75/25 rule** – Run an 8-week PPP projection
4. Capture **all payroll costs** – check your calculations
5. Pay attention to **payroll costs for \$100k earners** – the split
6. Maintain **required records for loan forgiveness** – get ahead of it now
  - Payroll tax filings reported to IRS
  - State, income, payroll and unemployment insurance filings
  - Proof to verify mortgage, lease and utility payments
7. Keep informed of **evolving program requirements**

# Other Federal Programs

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- NEW: Main Street Lending Program
  - Established by the Federal Reserve; unlimited \$\$
  - Loan program, not a grant program; no forgiveness
  - Eligibility: <15k employees or <\$5B annual revenue
  - Minimum loan \$500k - \$1M; maximum loan \$200M
  - Lenders are private banks; 4-year term, LIBOR + 3%
  - Principal and interest deferred for one year
  - Will also buy 95% or 85% of companies' existing debt
  - No start-date announced
  - <https://www.federalreserve.gov/monetarypolicy/mainstreetlending.htm>

# Other Federal Programs

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- **Economic Injury Disaster Loan (EIDL)**
  - Existing Small Business Administration program
  - Most recent Coronavirus relief package provided \$60B
  - SBA not accepting new applications because new funding is likely exhausted by existing applications
  - If you secure(d) a PPP loan, the \$10,000 EIDL grant will be subtracted from the PPP forgiveness amount
- **SBA Express Bridge Loans**
  - Loans up to \$25k for small businesses with existing relationships with an SBA Express Lender
  - Some or all of the loan repaid by EIDL loan proceeds



# Other Federal Programs

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- SBA Debt Relief Program

- SBA will pay 6 months of principal, interest, and any associated fees that borrowers owe for all current SBA 7(a), 504, and Microloans in regular servicing status
- No application necessary, relief is automatic

- Federal Unemployment Compensation

- Available to independent contractors and self-employed individuals without work because of the pandemic
- Up to \$600 per week
- Apply through NYS Unemployment Program

# Private Loan and Grant Programs

- **Verizon Small Business Recovery Fund**
  - Operated by Local Initiatives Support Corporation
  - Three rounds of \$10k grants to small businesses affected by pandemic; \$7.5M total
  - <https://www.lisc.org/covid-19/small-business-assistance/small-business-relief-grants/verizon-small-business-recovery-fund/>
- **GoFundMe Small Business Relief Initiative**
  - With Yelp, GoDaddy, Intuit Quickbooks, and Bill.com
  - \$500 grants to small businesses affected by pandemic
  - <https://www.gofundme.com/c/small-business-relief-initiative-and-fund-faqs>

# Private Loan and Grant Programs

- “Grow with Google” Small Business Fund
  - Loan fund operated by Opportunity Finance Network
  - \$125M is debt capital available to small businesses through Community Development Financial Institutions
  - \$340M in ad grants available to small businesses actively advertising on Google since January 1, 2019
  - <https://ofn.org/googlesmallbizfund>
- Hello Alice
  - \$10k grants to small businesses affected by pandemic
  - <https://www.covid19businesscenter.com/>

# Stay Up to Date With Us!

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**Employment & Business Litigation Point**


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Your COVID-19 Resource Center:


## LEGAL UPDATES REGARDING THE CORONAVIRUS

MORE INFO


### GOVERNOR CUOMO AND WHITE HOUSE ANNOUNCE INITIAL PLANS FOR REOPENING THE ECONOMY: IS YOUR BUSINESS READY?

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Attorney **Joseph Brown** discusses new issues that have arisen as to legal questions that employers will likely face as the nation returns to "normal" business operations.  
<https://lnkd.in/dWvrFWa>



EEOC Issues Updated Guidance on Return to Work Considerations under the Americans With Disabilities Act



ing Up America Again" and Governor Andrew Cuomo early as May 15th. While plans to reopen the r employers to start preparing to reopen their

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nced a two-phase plan along with the following guidelines:

e a region experiences a 14-day decline in the hospitalization rate they may begin

ases. Phase one will include opening construction and manufacturing functions ed on priority and risk level. Businesses considered "more essential" with customers will be prioritized, followed by other businesses considered "less spread. Regions must not open attractions or businesses that would draw a

st have a plan to protect employees and consumers, make the physical work infection in the business.

d re-opening plan, each region must have at least 30 percent of hospital beds

gimen that prioritizes symptomatic persons and individuals who came into icts frequent tests of frontline and essential workers. Regions must maintain an population and must fully advertise where and how people can get tested. The the spread of the virus.

ers for every 100,000 people. The region must also monitor the regional infection

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