MINIMIZE REOPENING ANXIETY THROUGH STRATEGIC PLANNING

Wednesday, June 3, 2020

PROGRAM BEGINS @ 2PM

Driving growth to every corner of Philadelphia
MINIMIZE REOPENING ANXIETY THROUGH STRATEGIC PLANNING

WELCOME

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MINIMIZE REOPENING ANXIETY THROUGH STRATEGIC PLANNING

PANELISTS

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Minimize Reopening Anxiety Through Strategic Planning

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The Balancing Act

Top Five Things to Do

- Prepare
- Policy
- Process
- People
- Pitfalls

Top Five Legal Considerations

- Creating and Executing the Plan
- Applying the new policies – State, OSHA, CDC + Insurance
- Discrimination pitfalls – EEO and ADA
- PPP and UC
- Other practical considerations
Prepare

- Identify what jobs are necessary to return?
- Are they everyone? What jobs can be virtual?
- Clearly communicate process for returning to work
- Don’t discriminate
  
  https://www.whitehouse.gov/openingamerica/?utm_source=link&utm_medium=header
PREPARE
Consider the Legal Implications
Policy

Assign a company Crisis Safety Officer

Develop a Return/Work Policy

What are you doing to make your workplace safe? Communicate to employees

Define expectations to employees

Training/Instruction: i.e. where to enter the building and the new process
POLICY
Consider the Legal Implications

- Social Distancing
- Telecommuting
- Insurance Requirements

Applying the New Policies
PROCESS
Consider the Legal Implications

❖ EEO
❖ ADA
❖ ADEA
❖ Discrimination

How do you decide?

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Revenue Replacement Loan for Small Business

GOALS

Ø Help small businesses pay for their near-term operating expenses during the worst of the crises; and

Ø Provide an incentive for employers to keep their employees on payroll.

NOT FREE MONEY

PROCESS
Consider the Legal Implications

Paycheck Protection Act (“PPP”)
Consider the Legal Implications

**PPP Requirements**

**Measuring Period:** 8 weeks

**Eligible Expenses:** Salary and some expenses, Mortgage and rent

**Requirements:** Maintain employee counts
75% must be used for payroll
Payback or convert to loan
- Options for borrowers to calculate payroll costs using an “alternative payroll covered period” that aligns with borrowers’ regular payroll cycles

- Flexibility to include eligible payroll and non-payroll expenses paid or incurred during the eight-week period after receiving their PPP loan

- Step-by-step instructions on how to perform the calculations required by the CARES Act to confirm eligibility for loan forgiveness

- Borrower-friendly implementation of statutory exemptions from loan forgiveness reduction based on rehiring by June 30

- Addition of a new exemption from the loan forgiveness reduction for borrowers who have made a good-faith, written offer to rehire workers that was declined
1. Are your people ready?
2. 3 C’s and a P
3. People are still looking for new jobs
4. The 90 day plan
Lay – off

Furlough

What’s the difference?

What does the employer have to do for recall?

PEOPLE
Consider the Legal Implications

The Unemployment Dilemma
Pitfalls

1. Spend cash wisely
2. Have a disaster plan
3. Prepare for rule changes
4. Be Patient

Source: Inc.
PITFALLS
Consider the Legal Implications

Families First Coronavirus Relief Act ("FFCRA")

2 weeks Paid Sick Leave
10 weeks extended Family Medical Leave

- For qualifying reasons
- Interplay with FMLA
- Exceptions for health care providers and small businesses
- Sunsets December 31, 2020
Qualifying Reasons under the FFCRA

Can work or telework?

REASON 1: The employee is subject to a Federal, State, or local quarantine or isolation order related to COVID-19.

REASON 2: The employee has been advised by a health care provider to self-quarantine due to concerns related to COVID-19.

REASON 3: The employee is experiencing symptoms of COVID-19 and seeking a medical diagnosis.

REASON 4: The employee is caring for an individual who is subject to an order as described in (1) or has been advised as described in (2).

REASON 5: Employee is caring for son/daughter if school or place of care has been closed, or the childcare provider is unavailable, due to COVID-19 precautions.

REASON 6: Employee is experiencing any other substantially similar condition specified by Secretary of Health and Human Services in consultation with Secretary of Treasury / Labor.
Small Business Exemption to FFCRA

"Jeopardize the viability of the small business as a going concern"

Would result in the small business’ expenses and financial obligations exceeding available business revenues and cause the small business to cease operating at a minimal capacity.

Absence of the employee(s) requesting paid sick or expanded FMLA leave would entail a substantial risk to the financial health or operational capabilities because of their specialized skills, knowledge of the business, or responsibilities.

Not sufficient workers who are able, willing, and qualified, and who will be available at the time and place needed, to perform the labor or services provided by the employee(s) requesting paid sick or expanded FMLA leave, and these labor or services are needed for the small business to operate at a minimal capacity.
All the “normal” rules apply – EEO, ADA, FLSA, etc.

Interactive Process

Employer’s must be flexible but consistent
The Return to Work Toolkit Tool Kit includes

- Links to Posters for the FFCRA, CDC and OSHA and State Orders
- Operations Checklist
- Employee Recall to Work form and template letter, unemployment checklist, and link to forms to report to unemployment
- Return to Work Employee Questionnaire and daily Employee Health Assessment forms
- Unemployment (internal) form for PPP exclusion
- COVID-19 Policy
- FFCRA Checklist
- Emergency Paid Sick Leave Policy and Form for tax credit
- Extended Family Medical Leave Policy and Form for tax credit
- Sick Employee Checklist, Contact Trace form and CDC Guidance
- Acknowledgments for policies and training
- Visitor Policy and Acknowledgment
- Telecommuting Policy
QUESTIONS

Please use the chat function
Questions or to schedule
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