



# Reopening Your Business and Preparing for the New Norm



Presented by:

**Christina M. Reger**  
Founding Partner

Introduction, thanks, and disclaimers

- NOT giving legal advice
- Attending this presentation does NOT create attorney-client privilege
- All questions submitted will be answered generally - not specifically



# The Balancing Act

- GOVERNMENTAL ORDERS
- PAYCHECK PROTECTION PROGRAM (PPP)
- UNEMPLOYMENT
- FAMILY FIRST CORONAVIRUS ACT (FFCRA)



# Complying with Federal, State & Local Orders



Federal: CDC, OSHA



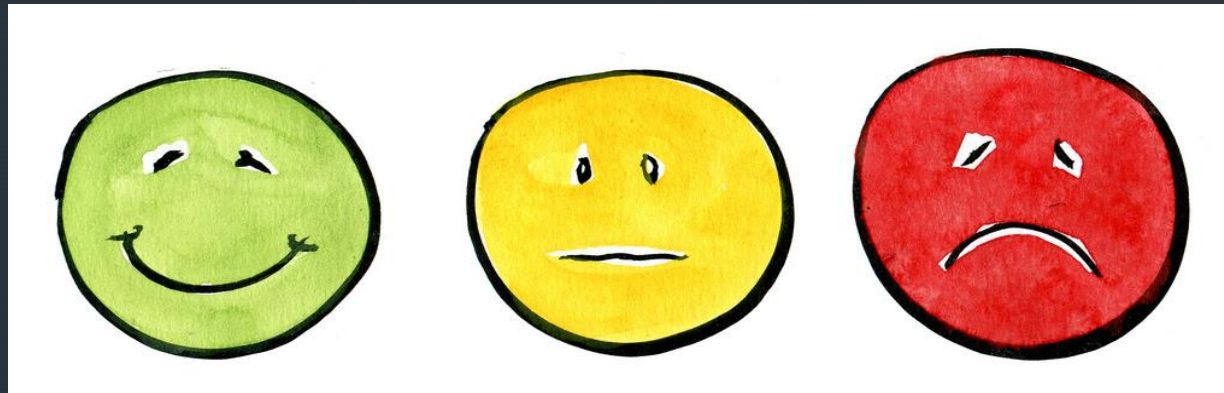
State: PA Orders; Dr. Levine's Orders



Local: City Orders

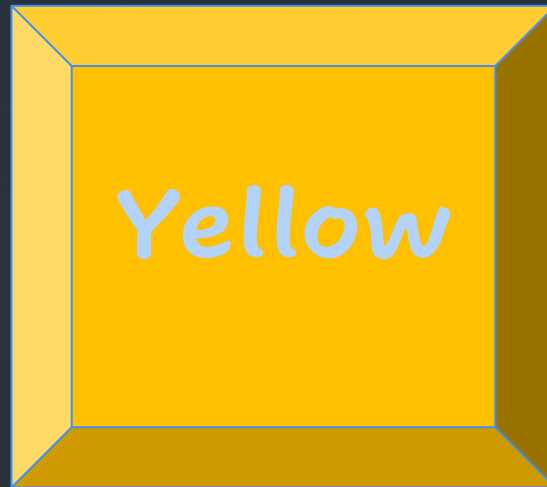
# Complying with Federal, State & Local Orders

- Red/Yellow/Green – and back
  - A Safety Plan
- A Pandemic Safety Officer



## ▶ Pennsylvania Phased Reopening

<https://www.governor.pa.gov/process-to-reopen-pennsylvania/>



## RED PHASE

### WORK & CONGREGATE SETTING RESTRICTIONS

- **Life Sustaining Businesses Only**
- **Congregate Care and Prison Restrictions in Place**
- **Schools (for in-person instruction) and Most Child Care Facilities Closed**

### SOCIAL RESTRICTIONS

- **Stay at Home Orders in Place**
- **Large Gatherings Prohibited**
- **Restaurants and Bars Limited to Carry-Out and Delivery Only**
- **Only Travel for Life-Sustaining Purposes Encouraged**

# PA ORDERS

## State Return to Work Plan – Red

## **YELLOW PHASE**

### **WORK & CONGREGATE SETTING RESTRICTIONS**

- **Telework Must Continue Where Feasible**
- **Businesses with In-Person Operations Must Follow Business and Building Safety Orders**
- **Child Care Open with Worker and Building Safety Orders**
- **Congregate Care and Prison Restrictions in Place**
- **Schools Remain Closed for In-Person Instruction**

### **SOCIAL RESTRICTIONS**

- **Stay at Home Restrictions Lifted in Favor of Aggressive Mitigation**
- **Large Gatherings of More than 25 Prohibited**
- **In-Person Retail Allowable, Curbside and Delivery Preferable**
- **Indoor Recreation, Health and Wellness Facilities (such as gyms, spas), and all Entertainment (such as casinos, theaters) Remain Closed**
- **Restaurants and Bars Limited to Carry-Out and Delivery Only**

# **PA ORDERS**

## **State Return to Work Plan – Yellow**

## GREEN PHASE

### WORK & CONGREGATE SETTING RESTRICTIONS

- **All Businesses Must Follow CDC and PA Department of Health Guidelines**

### SOCIAL RESTRICTIONS

- **Aggressive Mitigation Orders Lifted**
- **All Individuals Must Follow CDC and PA Department of Health Guidelines**

# PA ORDERS

## State Return to Work Plan – Green

# Get Your Supplies

<https://dced.pa.gov/pennsylvania-covid-19-ppe-supplies-business-2-business-b2b-interchange-directory/>

## Medical Supplies Procurement Portal

The immediate goal of this B2B Interchange Directory is simple: to provide an opportunity for companies and other entities in need of PPE and other critical items to make a B2B connection as they may choose with manufacturers and suppliers of COVID-19 related items.



*N95 Masks*



*Fabric Masks*



*Surgical Masks*



*Thermometers*



*Hand Sanitizer*



*Face Shields*

# Complying with Federal, State & Local Orders

## □ Social Distancing

- Addressing the common areas
- Building Management/Contracts

## □ Telecommuting

- Options
- Pitfalls

## □ Employee Screening

- Options
- Pitfalls

# Develop an Action Plan



- **Staff Considerations**
  - Needs (Return vs. Stay Home)
  - Timing of Return (Phased vs. Shifts)
- **Risk Assessment**
- **Employee Screening Protocols**

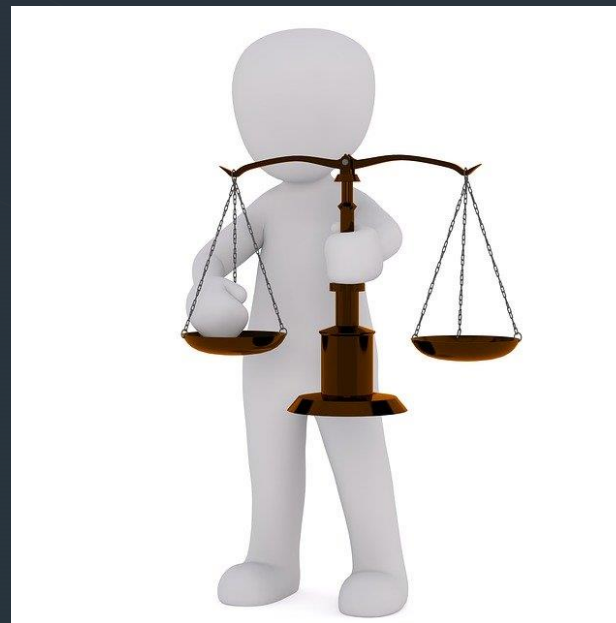
# ▶ Creating and Implementing Policies

COVID / Pandemic Policy

Sick Leave / Vacation

FFCRA Polies

Visitor Policies



OSHA Requirements

CDC Requirements

Insurance  
Requirements

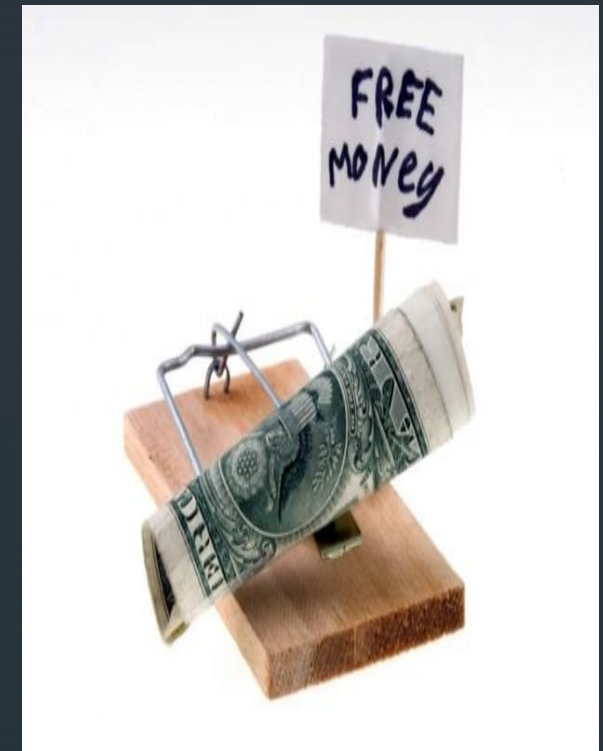
# ▶ Paycheck Protection Act (“PPP”)

Revenue Replacement Loan for Small Business

## GOALS

- ▶ Help small businesses pay for their near-term operating expenses during the worst of the crises; and
- ▶ Provide an incentive for employers to keep their employees on payroll.

# NOT FREE MONEY



# PPP Requirements

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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

# PPP Forgiveness

- 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

# The Unemployment Dilemma

- Lay – off
- Furlough

What's the difference?



## What does the employer have to do for recall?

# Families First Coronavirus 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.

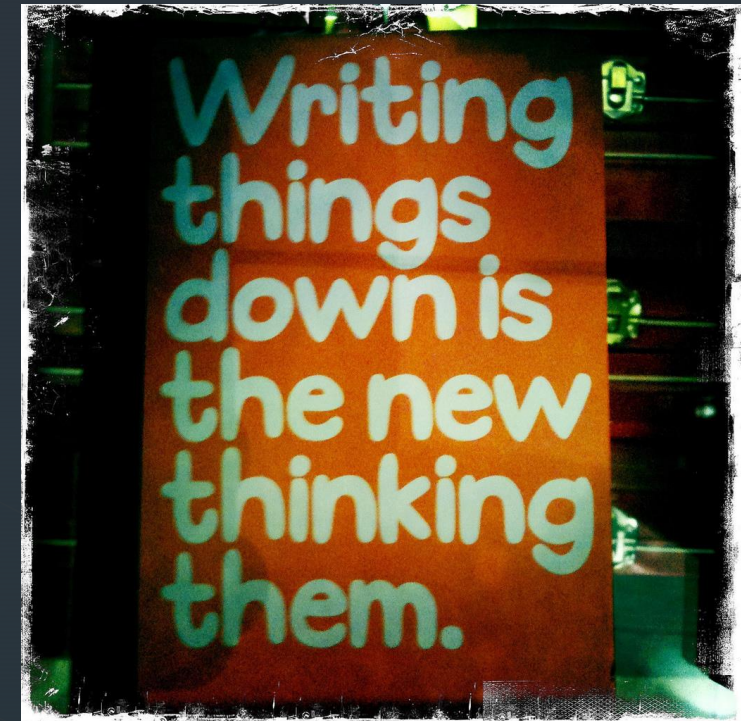
**REASON 4:** The employee is caring for an individual who is subject to an order as described in (1) or has been advised as described in (2).

**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.

# The Interplay Between PPP, UC, FFCRA

- All the “normal” rules apply – EEO, ADA, FLSA, etc.
- Interactive Process
- Employer’s must be flexible but consistent
- DOCUMENT DOCUMENT DOCUMENT



# ▶ 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

Cost \$350

To request

Email

[info@cregerlaw.com](mailto:info@cregerlaw.com)



# QUESTIONS

Please Use the Chat Box

Questions or to schedule  
christina@cregerlaw.com

215.809.2089



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