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PLAN, PREPARE AND RESPOND TO CORONAVIRUS DISEASE

Employer should plan to respond in a flexible way to varying levels of disease transmission in the community and be prepared to refine their business response plans as needed. Activities may include:

Reducing transmission among employees:
- Actively encourage sick employees to stay home.
- Identify where and how workers might be exposed to COVID-19 at work.
- Separate sick employees.
- Educate employees about how they can reduce the spread of COVID-19.

Maintaining healthy business operations:
- Identify a workplace coordinator who will respond to COVID-19 issues and their impact at the workplace.
- Implement flexible sick leave and supportive policies.
- Follow regulations under the Families First Coronavirus Response Act (FFCRA) for Emergency Paid Sick Leave (EPSL) and Expanded Family Medical Leave (EFMLA) discussed elsewhere in this Toolkit.
- Assess your essential functions and reliance on community services or products.
- Determine how you will operate if absenteeism spikes.
- Consider establishing policies and practices for social distancing.

Maintaining a healthy work environment:
- Consider improving the engineering controls using the building ventilation system.
- Support respiratory etiquette and hand hygiene for employees, customers and worksite visitors.
- Perform routine environmental cleaning and disinfection.
- Perform enhanced cleaning and disinfection after persons suspected/confirmed to have COVID-19 have been in the facility. (See details below).
- Advise employees before traveling to take additional preparations and precautions.

Center for Disease Control (CDC)
- The CDC has prepared a general summary page to answer many of the basic questions surrounding COVID-19. They have also published a report on the number of cases and the spread of the disease, which will be updated every business day at noon.
- Additionally, the CDC has prepared the COVIDView report to provide a weekly surveillance of the U.S. COVID-19 activity.

Follow the CDC’s “Interim Guidance for Businesses and Employers to Plan and Respond to Coronavirus Disease 2019” to learn more.

Follow the OSHA’s “Guidance on Preparing Workplaces for COVID-19” to learn more.

Business Pandemic Influenza Planning Checklist
The Department of Health and Human Service (HHS) and the CDC offers a comprehensive checklist to assist employers in protecting employees’ health and safety as well as limiting the negative impact outside of the organization. It identifies important, specific activities large businesses can do now to prepare, many of which
will also help you in other emergencies. Further information can be found at [www.pandemicflu.gov](http://www.pandemicflu.gov) and [www.cdc.gov/business](http://www.cdc.gov/business). *(A copy of this checklist can be found at the back of this guide on page 26!)*

**Visitor/Contractor Questionnaire**

To reduce the potential risk of exposure and as an additional precautionary measure, many employers are requiring visitors and contractors complete a screening questionnaire prior to accessing the work location. Here is a sample questionnaire to use in your business. *(A sample questionnaire can be found at the back of this guide on page 28!)*

**Temperature Taking Tips and Processes**

**WHO:** Screening is now recommended for all employees entering the workplace in an attempt to reduce the transmission of COVID-19.

**WHAT:** Employers must screen their employees for fever.

**HOW:** The process for employers to institute temperature checking of employees is outlined below.

**WHEN:** Temperature screening or reporting should occur before the employee’s shift upon entering the organization’s office/ facility.

**The Process**

- Identify defined entry points for employees to arrive at work; limit to one to two entry points.
- Designate a “Temperature Checker” at designated entry points
- Secure thermometers and follow manufacturer’s guidelines for testing.
- Take the temperature of the employee.
  - If at or above 100.4 degrees, employee is not permitted to enter facility.
  - If temperature at or above 100.4 degrees; send employee home with instructions to call their Primary Care Provider (PCP) and notify appropriate employee personnel based on company guidelines.
  - If below 100.4 degrees, employee is permitted to enter facility.
- Designate permission to enter facility utilizing permission cards or another identifier.
- Designate a “Symptom Screener” to ask each employee if they have or have had a fever documented or subjected to a fever within the past 24 hours.
  - If no to fever by employee report, employee is permitted to enter facility.
  - If yes to fever by employee report, employee should be sent home, instructed to contact their primary care provider; notify appropriate employee personnel based on company guidelines.

- Follow the CDC’s *“Definitions of Symptoms for Reportable Illnesses”* to learn more about COVID-19 rules for an ill person.

**Confirmed Test Results and Notifying Staff Who May Have Been Exposed to COVID-19 in the Work Place**

As long as COVID-19 remains a pandemic, every employer must face the new reality that there is a chance an employee will test positive for COVID-19.

*(Review the Employer Response Chart for COVID-19 Potential Exposure/Symptoms found at the back of this guide on page 29!)*
Employers should consider the following when handling an employee testing positive to the disease.

**Treat positive test results and “suspected but unconfirmed” cases of COVID-19 the same.**

- If the source of infection is known, identify if it was at the workplace or outside.
- If the infection was contracted inside the workplace:
  - Notify workers’ compensation carrier.
  - Place the employee on workers’ compensation leave (with pay).
  - Record the infection in the employer’s OSHA 300 log.
- If the infection was contracted outside the workplace:
  - Is employee eligible for FMLA?
  - If yes, place on FMLA leave.
  - If no, place on other leave.
- If the employer offers short term disability, determine if and when employee is eligible.
- Ask employee if he or she grants the employer permission to disclose the fact that the employee is infected.
  - If yes, notify employee’s manager(s) or supervisor(s) that employee is infected with COVID-19 and is out on leave.
  - For everyone else, respond to inquiries by disclosing employee is on a leave of absence for non-disciplinary purposes.
  - If no, notify employee’s manager(s) or supervisor(s) only that employee is on a leave of absence for non-disciplinary purposes.
  - Regardless of yes or no, employer should disclose identity of employee to any required notification to OSHA or the health department.
- Notify employee’s co-workers who may have come into contact with employee at work within the past 14 days that they may have been exposed to COVID-19 and may wish to see a healthcare provider.
- Not required to notify other office locations unless the employee visited those sites within past 14 days.
  - DO NOT identify the infected employee by name.
  - To the extent reasonably possible, avoid making any direct or indirect references that would lead the co-workers to guess the identity of the employee.
- For employees who had close contact with employee in past 14 days, send them home for a 14-day self-quarantine.
- Notify known customers, vendors, or third parties with whom the employee may have come into contact at work (including off-site work contacts and building management if office setting) within the past 14 days that they may have been exposed to COVID-19 and may wish to see a healthcare provider.
  - DO NOT identify the infected employee by name.
  - To the extent reasonably possible, avoid making any direct or indirect references that would lead the person to guess the identity of the employee.

*Note: There is no guidance on how far a company should investigate for third parties who may have come into contact with an employee through work. It is safe to include any parties on the employee’s work calendar, in visitor logs, or otherwise readily available or known.*

- Arrange for a professional cleaning of the employee’s workspace, immediate surrounding area, and areas likely visited (break room, restroom, etc.).
- Respond to inquiries by CDC or public health authorities as/if received.
- In this instance, the employer can disclose identity of employee and protected health information.

*Note: There is no obligation to report a suspected or confirmed case of COVID-19 to the CDC. (The employee’s healthcare provider has that reporting requirement.)*

- Check out “[Employer Checklist for Responding to a Positive COVID-19 Test](#)” for more resources related to this topic.
Cleaning and Disinfection after Persons Suspected/Confirmed to Have COVID-19 Have Been In the Facility

Timing and Location of Cleaning and Disinfection of Surfaces

- At a school, daycare center, office, or other facility that does not house people overnight:
  - Close off areas visited by the ill persons. Open outside doors and windows and use ventilating fans to increase air circulation in the area. Wait 24 hours or as long as practical before beginning cleaning and disinfection.
  - Cleaning staff should clean and disinfect all areas such as offices, bathrooms, common areas, shared electronic equipment like tablets, touch screens, keyboards, remote controls, and ATM machines used by the ill persons, focusing especially on frequently touched surfaces.

- At a facility that does house people overnight:
  - Follow Interim Guidance for US Institutions of Higher Education on working with state and local health officials to isolate ill persons and provide temporary housing as needed.
  - Close off areas visited by the ill persons. Open outside doors and windows and use ventilating fans to increase air circulation in the area. Wait 24 hours or as long as practical before beginning cleaning and disinfection.
  - In areas where ill persons are being housed in isolation, follow Interim Guidance for Environmental Cleaning and Disinfection for U.S. Households with Suspected or Confirmed Coronavirus Disease 2019. This includes focusing on cleaning and disinfecting common areas where staff/others providing services may come into contact with ill persons but reducing cleaning and disinfection of bedrooms/bathrooms used by ill persons as needed.
  - In areas where ill persons have visited or used, continue routine cleaning and disinfection as in this guidance.

- If it has been more than 7 days since the person with suspected/confirmed COVID-19 visited or used the facility, additional cleaning and disinfection is not necessary.

How to Clean and Disinfect

Hard (Non-porous) Surfaces:

- If surfaces are dirty, they should be cleaned using a detergent or soap and water prior to disinfection.
- For disinfection, most common EPA-registered household disinfectants should be effective.
  - A list of products that are EPA-approved for use against the virus that causes COVID-19 is available [here](#). Follow the manufacturer’s instructions for all cleaning and disinfection products for concentration, application method and contact time, etc.
  - Additionally, diluted household bleach solutions (at least 1000ppm sodium hypochlorite) can be used if appropriate for the surface. Follow manufacturer’s instructions for application, ensuring a contact time of at least 1 minute, and allowing proper ventilation during and after application. Check to ensure the product is not past its expiration date. Never mix household bleach with ammonia or any other cleanser. Unexpired household bleach will be effective against coronaviruses when properly diluted.
    - Prepare a bleach solution by mixing:
      - 5 tablespoons (1/3 cup) bleach per gallon of water or
      - 4 teaspoons bleach per quart of water

Soft (Porous) Surfaces:

- For soft (porous) surfaces such as carpeted floor, rugs, and drapes, remove visible contamination if present and clean with appropriate cleaners indicated for use on these surfaces. After cleaning:
  - If the items can be laundered, launder items in accordance with the manufacturer’s instructions using the warmest appropriate water setting for the items and then dry items completely.
  - Otherwise, use products that are EPA-approved for use against the virus that causes COVID-19 and that are suitable for porous surfaces.
Electronics:
- For electronics such as tablets, touch screens, keyboards, remote controls, and ATM machines, remove visible contamination if present.
  - Follow the manufacturer’s instructions for all cleaning and disinfection products.
  - Consider use of wipeable covers for electronics.
  - If no manufacturer guidance is available, consider the use of alcohol-based wipes or sprays containing at least 70% alcohol to disinfect touch screens. Dry surfaces thoroughly to avoid pooling of liquids.

Linens, Clothing, and Other Items That Go in the Laundry:
- In order to minimize the possibility of dispersing virus through the air, do not shake dirty laundry.
- Wash items as appropriate in accordance with the manufacturer’s instructions. If possible, launder items using the warmest appropriate water setting for the items and dry items completely. Dirty laundry that has been in contact with an ill person can be washed with other people’s items.
- Clean and disinfect hampers or other carts for transporting laundry according to guidance above for hard or soft surfaces.

Personal Protective Equipment (PPE) and Hand Hygiene:
- The risk of exposure to cleaning staff is inherently low. Cleaning staff should wear disposable gloves and gowns for all tasks in the cleaning process, including handling trash.
  - Gloves and gowns should be compatible with the disinfectant products being used.
  - Additional PPE might be required based on the cleaning/disinfectant products being used and whether there is a risk of splash.
  - Gloves and gowns should be removed carefully to avoid contamination of the wearer and the surrounding area. Be sure to clean hands after removing gloves.
  - If gowns are not available, coveralls, aprons or work uniforms can be worn during cleaning and disinfecting. Re-useable (washable) clothing should be laundered afterwards. Clean hands after handling dirty laundry.
- Gloves should be removed after cleaning a room or area occupied by ill persons. Clean hands immediately after gloves are removed.
- Cleaning staff should immediately report breaches in PPE such as a tear in gloves or any other potential exposures to their supervisor.
- Cleaning staff and others should clean hands often, including immediately after removing gloves and after contact with an ill person, by washing hands with soap and water for 20 seconds. If soap and water are not available and hands are not visibly dirty, an alcohol-based hand sanitizer that contains at least 60% alcohol may be used. However, if hands are visibly dirty, always wash hands with soap and water.
- Follow normal preventive actions while at work and home, including cleaning hands and avoiding touching eyes, nose, or mouth with unwashed hands.
  - Additional key times to clean hands include:
    - After blowing one’s nose, coughing, or sneezing
    - After using the restroom
    - Before eating or preparing food
    - After contact with animals or pets
    - Before and after providing routine care for another person who needs assistance such as a child

Additional Considerations for Employers:
- Employers should work with their local and state health departments to ensure appropriate local protocols and guidelines, such as updated/additional guidance for cleaning and disinfection, are followed, including for identification of new potential cases of COVID-19.
- Employers should educate staff and workers performing cleaning, laundry, and trash pick-up activities to recognize the symptoms of COVID-19 and provide instructions on what to do if they develop symptoms within 14 days after their last possible exposure to the virus. At a minimum, any staff
should immediately notify their supervisor and the local health department if they develop symptoms of COVID-19. The health department will provide guidance on what actions need to be taken.

- Employers should develop policies for worker protection and provide training to all cleaning staff on site prior to providing cleaning tasks. Training should include when to use PPE, what PPE is necessary, how to properly don (put on), use, and doff (take off) PPE, and how to properly dispose of PPE.
- Employers must ensure workers are trained on the hazards of the cleaning chemicals used in the workplace in accordance with OSHA’s Hazard Communication standard (29 CFR 1910.1200 external icon).

Follow the CDC’s guidelines for “Cleaning and Disinfection for Community Facilities” and “Cleaning and Disinfecting Your Facility” to learn more.

Protecting Employee Privacy

Protecting employee privacy during COVID-19 has become a challenge given the rapid spread of information (and disinformation) in this pandemic. The rumor mill may seem like it’s running rampant with the general population talking about concerns before managers or HR can get involved. Part of the barrier that many HR teams and managers are running into is that the Americans with Disabilities Act (ADA) prohibits an employer from inquiring about an employee’s health condition. This means that HR and managers need to approach potential COVID-19 situations with extreme caution. The Society for Human Resources Management (SHRM) has provided helpful guidance on this and many other FAQ’s related to the coronavirus.

Keep It Confidential

While an employer is not a covered entity under HIPAA, it’s important to remember that any health or medical information needs to be held in privacy. If someone brings symptoms to a manager’s attention, that employee should be referred to Human Resources. Managers should refrain from asking specifics like “what are your symptoms,” “have you been tested,” “when did you go to the doctor,” etc. While the impulse may be to ask further medical questions, medical information should be handled by HR, just as they would any FMLA or ADA claim. An employee may bring something to their manager’s attention, but any information the manager receives should be on a need-to-know basis (e.g., will the employee miss work, any restrictions, etc.)

From an HR perspective, what should you do when an employee makes it known that they have been diagnosed, have symptoms as identified by the CDC, or have been exposed to COVID-19? It’s a tricky situation.

Initial Response

First and foremost, express sympathy and support. The employee may be just as scared, if not more so, than the rest of the team. Continue to focus on the facts, such as asking the employee who they may have come in contact with in the past 14 days. Keep in mind, there are still privacy concerns.
Stop the Spread

Secondly, the employee needs to take action to protect those they interact with often. It’s imperative that the employee remain away from the workplace until they have been symptom-free for 72 hours and at least 7 days have passed since the symptoms first appeared. Additionally, should testing be available in the area, two negative test results are also required. For more information, see the CDC guidance on discontinuing isolation for those who have been infected.

Purposeful & Planned Communication Approach

Thirdly, consider any communication that needs to be published – weigh who needs to know and what should be shared. Those the employee may have come in contact with need to know they may have been exposed. The answer to who needs to know will also depend on the size of your organization and proximity in the work environment. If you are a small company where everyone works in an open space, you may need to communicate with the whole team. If the employee in question works in a department at the other end of the building, with minimal interaction with other departments, that communication can be narrower in focus.

Given privacy concerns around COVID-19 (or any health-related information), it is not appropriate to disclose the name of the employee. The message should be along the lines of, “The company has been made aware that an employee either has symptoms of, has been exposed to, or has tested positive for COVID-19. We wanted to make you aware of this so you can take appropriate steps for your own health and safety.”

If you are made aware that employees are talking about someone’s medical condition (even if it’s their own), a gentle reminder of privacy would be appropriate.

In these difficult times, it’s essential to find the right balance of empathy and sharing information without causing panic. Approaching privacy concerns around COVID-19 with the same tact and confidentiality one would approach an FMLA or ADA concern is the best course of action. At the same time, you can be a steady and calm resource for those who need it.

OSHA EMPLOYER RESPONSIBILITIES AND REPORTING AMID COVID-19
There are no specific OSHA standards covering COVID-19. However, some OSHA requirements may apply to preventing occupational exposure to COVID-19.

- Under the “General Duty Clause [Section 5(a)(1)] of the Occupational Safety and Health (OSH) Act of 1970, 29 USC 654(a)(1), which requires employers to furnish to each workers with “employment and a place of employment, which are free from recognized hazards that are causing or are likely to cause death or serious physical harm,” employers must take appropriate steps to prevent employee exposure where possible.
- OSHA’s Personal Protective Equipment (PPE) standards (in general industry, 29 CFR 1910 Subpart I), which require using gloves, eye and face protection, and respiratory protection.
- OSHA’s Bloodborne Pathogens standard (29 CFR 1910.1030) applies to occupational exposure to human blood and other potentially infectious materials that typically do not include respiratory secretions that may transmit COVID-19. However, the provisions of the standard offer a framework that may help control some sources of the virus, including exposures to body fluids (e.g., respiratory secretions) not covered by the standard.
Recordable Events

Employers must consider an injury or illness to be work-related if an event or exposure in the work environment either caused or contributed to the resulting condition or significantly aggravated a pre-existing injury or illness. Work-relatedness is presumed for injuries and illnesses resulting from events or exposures occurring in the work environment, unless an exception in §1904.5(b)(2) specifically applies.

Under OSHA recordkeeping requirements, COVID-19 can be a recordable illness if a worker is infected as a result of performing their work related duties, and the incident meets “all” the OSHA criteria (i.e. confirmed case of COVID-19, work-related, case involves one or more of the general recording criteria – e.g. medical treatment beyond first-aid, days away from work.). Applicable OSHA recordable events should be documented on OSHA logs 300, 300A or 301.
A SUMMARY OF THE FAMILIES FIRST CORONAVIRUS RESPONSE ACT (FFCRA)


(A sample Families First Coronavirus Response Act Leave Form can be found at the back of this guide on page 31!)

For certain circumstances related to COVID-19, employees will be eligible for:

**Paid Sick Leave**
Up to two weeks of sick leave (full pay for personal illness, 2/3 pay for family care) for illness, quarantine, or school closures

**Emergency Family and Medical Leave Expansion Act**
Up to 12 weeks of Emergency Family and Medical Leave Act (EFMLA) leave for school closures (10 days unpaid and then up to 10 weeks at 2/3 pay)

**Effective:** April 1, 2020 through December 31, 2020.

**Applies to:** Employers with fewer than 500 employees are covered.

The act reserves the right for the Secretary to exclude certain care providers and first responders from the list of eligible employees and to exempt small businesses with fewer than 50 employees if business viability is jeopardized (hardship).

**Eligibility Criteria**
- Emergency FMLA: Any employee who has been employed for at least 30 calendar days, though employers may be able to exclude employees who are health care providers or emergency responders. This includes all employees regardless of hours worked.
- Paid Sick Leave: Any employee is eligible immediately. This includes all employees regardless of hours worked and days of employment.
- The employee is unable to work due to one of leave reasons outlined in the Act.

**Paid Sick Leave Reasons**
1. When quarantined or isolated subject to federal, state, or local quarantine/isolation order;
2. When advised by a health care provider to self-quarantine (due to concerns related to COVID-19);
3. When experiencing symptoms of COVID-19 and seeking a medical diagnosis;
4. When caring for an individual doing #1 or #2 (2/3 pay);
5. When caring for a child whose school or place of care is closed due to COVID-19 (2/3 pay); or
6. When the employee is experiencing any other substantially similar condition (2/3 pay).

**Paid Sick Leave Entitlements**
- Full time employees are entitled to 80 hours of paid sick leave.
- Part time employees are entitled to sick leave equal to the number of hours worked on average over a typical two-week period.

**Emergency FMLA:**
- Up to 12 weeks (combined with all other FMLA leave reasons.)
Compensation Requirements

Paid Sick Leave:
- Sick leave must be paid at the employee’s regular rate of pay for leave used for the employee’s own illness, quarantine, or care.
- Sick leave must be paid at two-thirds of the employee’s regular rate if taken to care for a family member or to care for a child whose school has closed, or if the employee’s childcare provider is unavailable due to the coronavirus.
- Pay is capped at $511/day and $5,110 total for reasons 1, 2, and 3 described above.
- Pay is capped at $200/day and $2,000 total for reasons 4, 5, and 6 described above.

Emergency FMLA:
- First 10 days are unpaid.
- Then, 2/3 of an employee’s regular rate of pay at the employee’s normal schedule.
- Pay is capped at $200/day and $10,000 total.

**TIP:** We recommend setting up separate paycodes in your payroll system for the purposes of tracking FFCRA leave hours of the tax credit. Please note that some Payroll providers may have already taken this step for you.

I already have a sick leave policy, can I just use that?
- This act does not preempt existing state and local paid sick leave requirements.
- Employers cannot require employees to use other leave first.
- Sick leave provided for under the act does not carry over from year to year, and the requirements expire December 31, 2020.

How does the law cover the reinstatement of my employees?
The same reinstatement provisions apply as under traditional FMLA. However, restoration to position does not apply to employers with fewer than 25 employees if certain conditions are met:

- The job no longer exists because of changes affecting employment caused by an economic downturn or other operating conditions that affect employment caused by a public health emergency;
- The employer makes reasonable efforts to return the employee to an equivalent position; and
- The employer makes efforts to contact a displaced employee if anything comes up within a year of when they would have returned to work.

Note: The act reserves the right for the Secretary to exclude certain care providers and first responders from the list of eligible employees and to exempt small businesses with fewer than 50 employees if business viability is jeopardized.

Notice requirements
Employers must post the Employee Rights – Paid Sick Leave and Expanded Family and Medical Leave under the Families First Coronavirus Response notice document (included in this toolkit) in a conspicuous place on the employer premises where notices to employee are customarily posted. Employers may also post this notice electronically and email it to remote employees.

Follow the Department of Labor’s Families First Coronavirus Response Act: Questions and Answers here [https://www.dol.gov/agencies/whd/pandemic/ffcra-questions](https://www.dol.gov/agencies/whd/pandemic/ffcra-questions) to learn more.

**Employer Tax Credits**

Eligible employers are entitled to receive a credit in the full amount of the required sick leave and family leave, plus related health plan expenses and the employer’s share of Medicare tax on the leave, for the period of April 1, 2020, through December 31, 2020. The refundable credit is applied against certain employment taxes on wages paid to all employees.


*(Review the Paid Leave Programs Employer Guide from The U.S. Chamber of Commerce at the back of this guide on page 33!)*

**Health Plan Benefit Mandate**

- The act requires all insured and self-funded medical plans, including grandfathered plans, to cover diagnostic testing-related services for COVID-19 at 100 percent without any deductibles or co-pays.
- Examples include services provided by doctors, emergency rooms, and urgent care centers leading up to the decision that testing is needed, along with the actual lab-based testing.
- The mandate does not apply to treatment.

**Small Business Exemptions to the FFCRA**

The DOL provided additional guidance on criteria which may enable small businesses to be exempt from providing paid sick leave or expanded family and medical leave if by doing so, it jeopardizes the viability of the business. The exemptions apply if:

1. the employer employs fewer than 50 people,
2. the leave is requested because the child’s school or place of care if closed or child care provider is unavailable due to COVID-19-related reasons, and
3. an authorized officer of the business has determined that at least one of the three following conditions is satisfied:
   - The provision of paid sick leave or expanded family and medical leave would result in the small business’s expenses and financial obligations exceeding available business revenues and cause the small business to cease operating at a minimal capacity;
   - The absence of the employee or employees requesting paid sick leave or expanded family and medical leave would entail a substantial risk to the financial health or operational capabilities of the small business because of their specialized skills, knowledge of the business, or responsibilities; OR
   - There are 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 or employees requesting paid sick leave or expanded family and medical leave, and these labor or services are needed for the small business to operate at a minimal capacity.

**Note:** Small businesses are exempted *only* from providing leave requests due to school closures and child care unavailability. Small businesses are *not* exempt from providing leave for any of the other types of permissible requests under the FFCRA. Thus, for example, if an employee has been advised by a health care provider to
self-quarantine related to COVID-19, or if an employee requests leave to care for an individual who is self-quarantining, the small business must still provide the appropriate paid leave, as no exemption is available for such requests.

Currently, the DOL does not provide specific instructions for small businesses to claim the exemption. Instead, it addresses this topic in its Frequently Asked Questions stating “You should not send any materials to the Department of Labor when seeking a small business exemption for paid sick leave and expanded family and medical leave.”

Until specific guidelines are published, it’s recommended that an “authorized officer” of the employer outlines and documents one or more of the three qualifying reasons in response to denying an FFCRA leave and keep the documentation on file in case of an audit or challenge.
The Coronavirus Aid, Relief, and Economic Security Act (CARES) was passed to address the economic fallout of the 2020 coronavirus pandemic in the United States. The Act provides a number of benefits; relief for workers affected by the coronavirus through paid sick leave and emergency family medical leave, expanded unemployment benefits, and tax credits for employers.

For more information about the CARES Act, visit these online resources:

  - For a thorough CARES Act FAQ, review this webpage created by the Tax Foundation.
- The Dept of Homeland Security has created a homepage in order to share necessary updates and information surrounding national security.
- To learn more on how the Department of the Treasury is taking action, visit their dedicated webpage on the CARES Act and access several of the necessary forms needed for the Paycheck Protection Program.
  - The Employment and Training Administration announced new guidance outlining state flexibilities in administering their unemployment insurance programs to assist American affected by the COVID-19 outbreak.
- The Internal Revenue Service (IRS) will provide tax credits to employers to reimburse them for the cost of providing paid sick leave and family leave wages related to COVID-19.
  - The IRS has established a special section focused on steps to help taxpayers, businesses and others affected by the coronavirus. Visit Coronavirus Tax Relief for details.
  - The Employee Retention Credit FAQ explains how employers are reimbursed for paid leave related to COVID-19.

(Review the U.S. Chamber Emergency Loans Small Business Guide and Checklist and Guide to SBA’s Economic Injury Disaster Loans which can be found at the back of this guide on pages 36 and 40!)

State Resources
Ohio
- For information for families, individuals, healthcare providers, employers and employees, visit the Ohio Department of Health Coronavirus Website.
  - Included in this portal is a go-to reference for some of the basic questions the public is asking. We recommend distributing educational materials like this to address the risks and necessary safeguards.
    - They have also provided a list of public health orders to help reduce the amount of mis-information.
- The ODH is available to answer COVID-19 related questions at 833-ASK-4-ODH.
- For daily updates from Governor Mike DeWine, visit Coronavirus.Ohio.gov.
- The Office of Small Business Relief (OSBR) under the Ohio Development Services Agency is focused on identifying and providing direct support to the state’s nearly 950,000 small businesses to help during the current public health crisis and to position them for a strong rebound.
- Unemployment: For those in need of unemployment answers, the Ohio Department of Job and Family Services has created a Q&A to provide guidance for those affected by any shutdowns.
- Jobs: The Ohio Department of Job and Family Services has created a free Job Search Board for both employers and candidates to access.
Cincinnati Region

- For Cincinnati-specific resources, please visit the Better Business Bureau’s [Greater Cincinnati COVID-19 Resources](#) page.
- The Cincinnati USA Regional Chamber has published their [Coronavirus Resource Hub](#) for businesses in need.

Kentucky

- KY has set up an official “Team Kentucky” source for information from Governor Andy Beshearer and all government departments related to COVID-19. This site includes hotlines, confirmation reporting, a [Human Infection with Person Under Investigation Care Report Form](#), mental wellness guidance, Governor Beshearer’s daily actions and executive orders and more.
- **Unemployment:** The [Kentucky Career Center](#) page found under KY.gov provides information on how to apply for unemployment insurance related to COVID-19. It also provides an Employer section that covers topics such as mass electronic claims, tax credits and more.
- The [KY Chamber of Commerce](#) provides COVID-19 resources for employers, SBA Disaster loan information, unemployment insurance information, best practices and more.
- A [COVID-19 Hotline](#) operated by healthcare professionals at the KY Poison Control Center is available to provide advice and answer questions at (800) 722-5725.
- **Jobs:** [Kentucky.gov](#) has provided a list of job openings and training opportunities.

Indiana

- The Indiana government has developed an extensive [Coronavirus publication and resource page](#). This site includes public updates, a data report map, orders from Governor Eric Holcomb.
- General questions from the public or healthcare providers about COVID-19 can phone the [ISDH Call Center at toll free](#) (877) 826-0011 – available 24/7.
- The IN.gov website provides information for [Child Care Resource and Referral Changes](#) to connect parents with local child care options.
- **Jobs:** Work for Indiana provides job opportunities and resources.
UNEMPLOYMENT BENEFITS EXPANSION (UNDER CARES ACT)

Although benefits vary by state, Congress has passed legislation to expand unemployment benefits as part of the $2 trillion stimulus package negotiated in March 2020 through the CARES Act. The deal expands both the length and amount of employment insurance (UI) available and covers gig workers, independent contractors and individuals who are self-employed.

Key details include:

- Those who are unemployed, are partly unemployed or cannot work for a wide variety of coronavirus-related reasons are more likely to receive unemployment benefits.
- Most states have a seven-day waiting period before unemployment benefits are paid. The stimulus package provides Federal funding for that first week, should individual states elect to waive the waiting period allowing unemployed workers to being drawing unemployment benefits right away.
- In addition to regular state unemployment insurance, individuals will receive an additional $600 per week (until July 31, 2020).
- The bill expands unemployment protections to gig workers, freelancers and self-employed individuals who, in the past, did not qualify for unemployment benefits, may be able to receive benefits for up to 39 weeks through the Pandemic Unemployment Assistance Program.
- Those unable to work because of a COVID-19 diagnosis, are experiencing symptoms and seeking a diagnosis, or are unemployed, partly unemployed or cannot work as a result of COVID-19, may be eligible for benefits. Those who must care for a family member or member of the household whose received a positive diagnosis may also be eligible for benefits.
- Workers who rely on a school, a day care or another facility to care for a child, elderly parent or another household member to be able to work – and that facility has closed because of coronavirus — may also be eligible.
- Employees who are placed on leave due to lack of work (furloughed – not laid off) would be eligible for a portion of unemployment. This would allow employees to stay on their company benefit plans and receive unemployment benefits. Depending on the state, some employees may be able to receive a portion of unemployment benefits after experiencing a reduction of hours – or partial unemployment.
- Newly hired employees who are laid off as a result of Coronavirus but did not have sufficient work history to qualify for benefits under normal circumstances…may now be eligible.

Who is not covered?

- Employees who quit their job because they fear coming to work (due to COVID-19 or any other reason)
- Employees who fail to report to work (when work was available) or abandon their jobs
- Those who would otherwise be ineligible, if unemployed because they were terminated for violating the company’s standards of conduct or serious misconduct.

To learn more about unemployment benefits, visit these websites:

- Department of Labor guidance on unemployment insurance for states
- For information about Ohio Unemployment: [http://jfs.ohio.gov/ouio/CoronavirusAndUI.stm](http://jfs.ohio.gov/ouio/CoronavirusAndUI.stm)
- For information about Indiana Unemployment: [https://www.in.gov/dwd/2362.htm](https://www.in.gov/dwd/2362.htm)
EMPLOYMENT MANAGEMENT – RESOURCES TO SUPPORT YOUR EMPLOYEES

Stressors
Most employees are experiencing a higher level of stress as a result of COVID 19. Stressors may include:

- Uncertainty about the stability of their job and personal finances
- Trying to adapt to new work arrangements through working remotely
- Worry and fear about the safety of their work environment for those who are required to work on-site
- Having to care for or homeschool children while balancing work demands
- Adjusting to “shelter in place” routines that eliminate former options for fun and stress relief including entertainment, sports, travel, and simply gathering with friends or family.

Amidst the added stress, it’s more important than ever that collectively – people acknowledge their feelings and reach out to one another to help alleviate concerns where possible and provide support.

What Managers Can Do to Alleviate Stress

- **Tune In** – Recognize the added stress employees are under and check-in with direct reports on a regular basis. Make a point to speak to each person on your team a few times each week to see how they are doing and whether there is anything you can do to assist them.

- **Communicate** - Proactively communicate with employees and inform them of what you are doing to maintain a safe workplace. Transparency is key. Consider setting a regular schedule to send updates to staff on important issues such as impacts to the business, strategies and solutions being considered, work load, safety measures being taken, leave options, and other pertinent information.

- **Demonstrate Care & Concern** - Express care and concern for their safety first and foremost, and encourage an ‘open door’ policy so that employees feel comfortable coming to you with questions and concerns. Make sure employees are aware of any corporate wellness or employee assistance programs (EAPs) available to them.

- **Practice Positivity & Gratitude** – Show your appreciation! Acknowledge the efforts and achievements of your teams and openly express your gratitude. Encourage others to do the same. Recognition can have a big impact on morale and oftentimes benefits the giver as much as the receiver. There are lots of ways to reward and recognize others (refer to the list of ideas at the back of this guide!)

- **Encourage Self-Care** – Reinforce the need for employees to take care of themselves. Encourage they be mindful of both their physical and mental well-being. Invite people to share their own tips and best practices for de-compressing, dis-connecting, and re-engaging with people or in activities they enjoy.

Self-care tips to encourage may include:
- Get enough sleep
- Exercise at least 30 minutes per day
- Incorporate healthy foods in your diet
- Plan and prioritize daily activities
- Limit Interruptions
- Take Time to Decompress
- Create time to do something you enjoy
- Explore new hobbies or interests
While none of these activities are a ‘magic bullet’ to alleviating stress – your employees will see you taking action and your genuine concern will show through.

- Read Top Tips to Manage Stress and Find Balance when Working from Home article by Dr. Shana Feibel, Cincinnati Business Courier, April 2020
- Resources for Living shared “Ways to stay connected without leaving your home” to promote health connections with co-workers while social distancing.

Wellness Resources – Tips & Links

- CDC’s recommended steps to care for yourself and prevent the spread of illness.
- Dr. on Demand assessment to help guide employee’s through potential symptoms and related recommendations.
- HORAN Live Well, Work Well: “Maintaining Mental Well-Being During a Quarantine”

Mental Health
Here are some useful links and articles to help:

- Online Therapy Apps
- Headspace: Free Courses for Employees
- Wellness Coach: Meditation
- Calm: Take a Deep Breath – Free Resources for Individuals
- How to Keep Coronavirus Fears From Affecting Your Mental Health
- How to Care for Yourself While Practicing Physical Distancing
- How Do I Know Someone is Experiencing Anxiety or Depression
- How to Help Someone with Anxiety or Depression During COVID-19
- How to Support a Loved One Going Through a Tough Time During COVID-19

At-Home Sanity: Culture & Learning

- Melbourne Symphony Orchestra - Watch free live-streaming concerts.
- Metropolitan Opera - Watch free streams at 7:30 pm EST each night.
- Museum Virtual Tours - Twelve famous museums offer virtual tours you can take on your couch.
- Paris Musees - A collection of 14 museums in Paris have recently made high-res digital copies of 100,000 artworks freely available to the public.

Ways to Give Back

- 25 Volunteer Jobs to Do from Home - 25 volunteer jobs to do from home. You may just find a fun volunteer project and find an easy way to help a good cause.
- 9 Places to Volunteer Online (And Make a Real Impact) - All you need to make a difference is an internet connection.
- Give & Take: How to Give Back When Staying Home - As we find ourselves increasingly staying at home, it can be harder to find ways to contribute, but many of us have more time on our hands than ever to do just that. Luckily, there are a number of ways to give back even if you’re limiting social contact, or even without leaving home.
Low and No Cost Reward & Recognition Ideas

The Coronavirus and “stay orders” that require employees to work from home can negatively impact morale and individual well-being. Employers can provide support through action utilizing these “no” and “low” cost ideas to recognize and encourage their teams.

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<tr>
<th>No Cost</th>
<th>Low Cost</th>
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<tr>
<td>Verbal statement</td>
<td>Gift certificate (dinner, mall, stores, gas, car wash, Blockbuster, ice cream)</td>
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<td>Written note (stationary, post-it, email)</td>
<td>Candy bar (Kudos, wrapped w/certificate)</td>
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<td>Certificate</td>
<td>Lunch with Manager, President, 3 other coworkers of choice</td>
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<tr>
<td>Public recognition (meeting, announcement)</td>
<td>Coffee / Tea / Ice Cream</td>
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<td>Baked goods</td>
<td>Cash</td>
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<tr>
<td>Poster / sign</td>
<td>Company logo merchandise</td>
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<tr>
<td>Parking spot</td>
<td>Tickets to event (sports, theatre, concert)</td>
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<td>Letters to family thanking them for their support during a busy time at work or when they do an outstanding job</td>
<td>Lottery ticket</td>
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<td>“I never gamble when I count on you”</td>
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<td>Volunteer to help an employee for day, hour, etc.</td>
<td>Balloons, flowers, or cookie bouquet</td>
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<td>Answer an employee’s phone for the day</td>
<td>Baked goods</td>
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<td>Have the company president or YOUR manager call or meet with the employee to recognize them</td>
<td>Lawn care for a week</td>
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<td>Wash the employee’s car in the parking lot during lunch</td>
<td>House cleaning service for a week</td>
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<td>Note on a paycheck</td>
<td>Time off (Friday, Monday, personal day, ½ day)</td>
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<td>Encourage recognition from everyone (Ask five people to go up to the employee and say YOUR NAME asked me to thank you for TASK / ACHIEVEMENT...)</td>
<td>Concierge Services (car wash, oil change, laundry service, take-out dinner)</td>
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<td>Leave early or arrive late</td>
<td>Briefcase</td>
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<tr>
<td>Supervisors valet park cars</td>
<td>Chair massage</td>
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<td>Lunchtime movie</td>
<td>Movie Tickets</td>
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<td>“Traveling” award (i.e. trophy)</td>
<td>Round of golf</td>
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<tr>
<td>Boss of the Day</td>
<td>Personalized wine bottle</td>
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<td>Latest gadget (iPod, FitBit)</td>
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<td>Group – pizza party, cotton candy, popcorn</td>
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<tr>
<td></td>
<td>Group – cotton candy machine, soft serve ice cream machine, popcorn machine</td>
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CONSIDERATIONS: LAYOFFS, FURLoughs & OTHER COST CUTTING STRATEGIES

Determining the need for a Reduction in Force (RIF) is a challenging decision to make, but it is sometimes necessary to keep the business running in a positive way. According to the Society for Human Resource Management (SHRM), the definition of a RIF “occurs when changing priorities, budgetary constraints, or other business conditions require a company to abolish positions.”

Before moving forward with a RIF, we recommend that you thoroughly consider all of your options. Some states offer assistance to employers that may help them avert layoffs or receive early intervention to help the workforce impacted by a RIF. For example, Ohio Job and Family Services’ Office of Workforce Development offers a Rapid Response (RR) program that is funded by the U.S. Department of Labor. Services may include customized workshops, training, up-skilling, retooling, certifications or skill matching.

If you determine that your organization needs to move forward with a reduction in force, you should use a carefully planned approach. You will need to be aware of and adhere to state and federal regulations to ensure compliance throughout your process. This will help to protect your organization against employment litigation. It is also important to train your management staff on what they can and cannot do in the RIF process. This is a time to go back to the basics when it comes to managing your human resources and protecting your business.

8 Recommended Steps to Follow When Considering a Reduction in Force

1. Select the Employees for the Layoff
   It’s important to determine an objective criteria process for your selection process. Consider factors such as criticality of the position to the business, seniority, performance review scores and any corrective action documents that may have been issued. This is the time that accurate and timely employee documentation throughout the year is important as it will play a big part in your selection process.
   You will need to remind managers of the importance of using objective criteria in the selection process and not to make decisions based on who they like or dislike. You may also consider having a “no backfill for one year” rule to ensure the RIF is truly necessary and not a way for managers to “clean house.”
   Once you have an initial list of employees to be laid off, you should apply steps 2 – 5 below to ensure that you are in compliance with state and federal regulations.

2. Avoid Adverse / Disparate Impact
   According to SHRM, adverse or disparate impact refers to “employment practices that appear neutral but have a discriminatory effect on a protected group. Adverse impact may occur in hiring, promotion, training and development, transfer, layoff, and even performance appraisals.” For help in understanding and navigating this, check out SHRM’s toolkit to avoid adverse impact in employment practices.

3. Review Federal and State WARN Regulations
   If an organization is contemplating a RIF or a layoff, there are several factors to take into consideration such as reviewing state and federal statutes, including the Worker Adjustment and Retraining Notification Act (WARN). WARN offers protection to workers and even communities by requiring employers to provide a 60-day notice in advance of a plant closing or what they deem as a mass layoff. This Act is only applicable to employers with 100 or more employees.

4. Review ADEA and OWBPA Regulations
   You will need to comply with two federal regulations that offer protections based on age: ADEA and OWBPA.
The **Age Discrimination in Employment Act** (ADEA), protects employees 40 years of age and older from discrimination on the basis of age in hiring, promotion, discharge, compensation, or terms, conditions or privileges of employment.

The **Older Workers Benefit Protection Act** (OWBPA) is an Act that amends the ADEA to clarify the protections given to older individuals in regard to employee benefit plans, and for other purposes.

5. **Determine Severance Packages, Benefits Coverage, and Additional Services (if any)**  
As you develop severance packages, benefits coverage, and any other services that you will offer, you should review the **Employee Retirement Income Security Act** (ERISA) to ensure compliance. ERISA is a federal law that sets minimum standards for most voluntarily established retirement and health plans in private industry to provide protection for individuals in these plans.

6. **Train Supervisors and Managers**  
These individuals are your first-line of defense (and many times your biggest legal threat) when it comes to employees’ perception of company policies, procedures, and decisions. Although human resources would always like to be the ones to address employee concerns, your front-line managers and supervisors are doing it on a daily basis whether they want to be or not. They should be properly trained on how to handle employee concerns.

Some suggestions for supervisor/manager training include:

- **Basic Discrimination Laws:** Be sure supervisors and managers are aware of basic discrimination laws. Assist them with increased communication and employee relation skills so they are able to respectfully support company decisions and communicate with employees regarding their concerns or issues.

- **Staying Compliant and Consistent:** Ensure managers and supervisors are clearly aware of what they can and cannot do from a legal perspective. Those involved in the employment process should know and document the process used when restructuring or selecting employees for layoff, and then use it consistently. A clear legally defendable (non-discriminatory) reason when selecting those who will be let go is the most important aspect of restructuring. In addition, managers and supervisors should be guided by human resources to ensure an appropriate message is being delivered when HR isn’t delivering it.

- **How to Maintain Good Documentation:** We all know that documentation is essential for a good legal defense, but also remember it can hurt as well. Train your staff on what good documentation looks like and what to avoid. Remind them that everything is subject to review in a lawsuit – employee warnings, performance evaluations, and even those simple notes we write down on a sticky note and throw in their file. Be aware of what you are putting down into writing and make sure it is objective and defendable.

7. **Prepare for Reduction in Force Meetings**  
As you prepare for your layoff meetings, have a clear plan of what is going to be communicated, who is responsible for communicating the message, and how the message will be delivered both to those who are being directly impacted and those who will remain. It can be helpful to think through your anticipated frequently asked questions and prepare answers prior to your meetings.

8. **Inform Your Workforce of the Layoffs**  
As you deliver the news of your reduction in force, remember that the golden rule still stands in employment – treat your employees the way you would like to be treated. Think about how you would prefer to be treated during these tough times when decisions are so difficult. Treat your employees with dignity and respect at all times. Provide notice of the layoff if it is reasonable, and provide some type of outplacement if you are able.
Be sure to listen to your employees as well. Employees are more likely to file a claim against employers when they feel like they are ignored or that their concerns are not addressed. Although your message may not always be what they want to hear – allow them to be heard and feel a part of the process. Remember also, the RIF not only effects the person being released from his/her job, but also the remaining employees. There can be an emotional toll on those who remain, in addition to the impact it may have on their job duties as well. Be prepared to provide the resources and tools necessary to help your staff to stay engaged and do well through this difficult time of transition.

How to Handle Changes to Job Responsibilities

Moving forward, your next consideration is to have a plan about who will absorb each exited person’s job tasks. You should determine if this situation requires a long-term solution or if you foresee returning to the prior structure again when the budget allows. Job descriptions for those positions affected by the lay-off will need to be reviewed to reflect changes to the responsibilities and functions of the position. Sometimes you may find the change has actually improved the position making it more efficient.

You may also want to consider a salary review for the positions affected. Since some individuals are now performing the functions of multiple positions, is a pay increase warranted and feasible?

Remember, the job description is based upon the position itself, not the individual performing the job. Make sure to get input from all relevant parties – supervisor and employee – when determining the final role of an impacted position.

In addition, we recommend that you consider cross-training employees on job tasks to be ready for these unforeseen times and to have coverage in the absence of employees when they are out of the office for personal reasons.

To ensure your compliance with all federal and state laws and regulations in the process of a reduction in force, we encourage you to consult with your attorney to review your plans before implementation. Be prepared with a plan and look at the strengths and weaknesses of your team so you are not caught off guard!

- Downsizing, restructuring and layoffs can negatively impact company brands. Consider Randstad Risesmart “Improving Employee Retention After a Layoff or Workforce Restructure” for items to consider.

- The U.S. Department of Labor published Fact Sheet #70 to address FAQ Regarding Furloughs and Other Reductions in Pay and Hours Worked Issues.

- To understand the differences between a layoff and a furlough and how employee benefits are impacted, access the National Law Review’s “Leave in the Time of COVID-19” article (published April 7, 2020).
FORMS, GUIDES, SAMPLE POLICIES

- BUSINESS PANDEMIC INFLUENZA PLANNING CHECKLIST
- VISITOR/CONTRACTOR QUESTIONNAIRE
- EMPLOYER RESPONSE FLOW-CHART
- FFCRA LEAVE FORM
- PAID LEAVE PROGRAMS EMPLOYER GUIDE
- EMERGENCY LOANS SMALL BUSINESS GUIDE AND CHECKLIST
- GUIDE TO SBA’S ECONOMIC INJURY DISASTER LOANS
- SAMPLE COMMUNICABLE DISEASE POLICY
- SAMPLE TELECOMMUTING POLICY AND PROCEDURE
- SAMPLE TEMPORARY TELECOMMUTING POLICY
- SAMPLE RECALL FROM FURLOUGH – OFFER LETTER
**BUSINESS PANDEMIC INFLUENZA PLANNING CHECKLIST**

In the event of pandemic influenza, businesses will play a key role in protecting employees' health and safety as well as limiting the negative impact to the economy and society. Planning for pandemic influenza is critical. To assist you in your efforts, the Department of Health and Human Services (HHS) and the Centers for Disease Control and Prevention (CDC) have developed the following checklist for large businesses. It identifies important, specific activities large businesses can do now to prepare, many of which will also help you in other emergencies. Further information can be found at [www.pandemicflu.gov](http://www.pandemicflu.gov) and [www.cdc.gov/business](http://www.cdc.gov/business).

### 1.1 Plan for the impact of a pandemic on your business:

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- Identify a pandemic coordinator and/or team with defined roles and responsibilities for preparedness and response planning. The planning process should include input from labor representatives.
- Identify essential employees and other critical inputs (e.g. raw materials, suppliers, sub-contractor services/products, and logistics) required to maintain business operations by location and function during a pandemic.
- Train and prepare ancillary workforce (e.g. contractors, employees in other job titles/descriptions, retirees).
- Develop and plan for scenarios likely to result in an increase or decrease in demand for your products and/or services during a pandemic (e.g. effect of restriction on mass gatherings, need for hygiene supplies).
- Determine potential impact of a pandemic on company business financials using multiple possible scenarios that affect different product lines and/or production sites.
- Determine potential impact of a pandemic on business-related domestic and international travel (e.g. quarantines, border closures).
- Find up-to-date, reliable pandemic information from community public health, emergency management, and other sources and make sustainable links.
- Establish an emergency communications plan and revise periodically. This plan includes identification of key contacts (with back-ups), chain of communications (including suppliers and customers), and processes for tracking and communicating business and employee status.
- Implement an exercise/drill to test your plan, and revise periodically.

### 1.2 Plan for the impact of a pandemic on your employees and customers:

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- Forecast and allow for employee absences during a pandemic due to factors such as personal illness, family member illness, community containment measures and quarantines, school and/or business closures, and public transportation closures.
- Implement guidelines to modify the frequency and type of face-to-face contact (e.g. hand-shaking, seating in meetings, office layout, shared workstations) among employees and between employees and customers (refer to CDC recommendations).
- Encourage and track annual influenza vaccination for employees.
- Evaluate employee access to and availability of healthcare services during a pandemic, and improve services as needed.
- Evaluate employee access to and availability of mental health and social services during a pandemic, including corporate, community, and faith-based resources, and improve services as needed.
- Identify employees and key customers with special needs, and incorporate the requirements of such persons into your preparedness plan.
### 1.3 Establish policies to be implemented during a pandemic:

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- Establish policies for employee compensation and sick-leave absences unique to a pandemic (e.g. non-punitive, liberal leave), including policies on when a previously ill person is no longer infectious and can return to work after illness.
- Establish policies for flexible worksite (e.g. telecommuting) and flexible work hours (e.g. staggered shifts).
- Establish policies for preventing influenza spread at the worksite (e.g. promoting respiratory hygiene/ cough etiquette, and prompt exclusion of people with influenza symptoms).
- Establish policies for employees who have been exposed to pandemic influenza, are suspected to be ill, or become ill at the worksite (e.g. infection control response, immediate mandatory sick leave).
- Establish policies for restricting travel to affected geographic areas (consider both domestic and international sites), evacuating employees working in or near an affected area when an outbreak begins, and guidance for employees returning from affected areas (refer to CDC travel recommendations).
- Set up authorities, triggers, and procedures for activating and terminating the company’s response plan, altering business operations (e.g. shutting down operations in affected areas), and transferring business knowledge to key employees.

### 1.4 Allocate resources to protect your employees and customers during a pandemic:

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- Provide sufficient and accessible infection control supplies (e.g. hand-hygiene products, tissues and receptacles for their disposal) in all business locations.
- Enhance communications and information technology infrastructures as needed to support employee telecommuting and remote customer access.
- Ensure availability of medical consultation and advice for emergency response.

### 1.5 Communicate to and educate your employees:

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- Develop and disseminate programs and materials covering pandemic fundamentals (e.g. signs and symptoms of influenza, modes of transmission), personal and family protection and response strategies (e.g. hand hygiene, coughing/sneezing etiquette, contingency plans).
- Anticipate employee fear and anxiety, rumors and misinformation and plan communications accordingly.
- Ensure that communications are culturally and linguistically appropriate.
- Disseminate information to employees about your pandemic preparedness and response plan.
- Provide information for the at-home care of ill employees and family members.
- Develop platforms (e.g. hotlines, dedicated websites) for communicating pandemic status and actions to employees, vendors, suppliers, and customers inside and outside the worksite in a consistent and timely way, including redundancies in the emergency contact system.
- Identify community sources for timely and accurate pandemic information (domestic and international) and resources for obtaining counter-measures (e.g. vaccines and antivirals).

### 1.6 Coordinate with external organizations and help your community:

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- Collaborate with insurers, health plans, and major local healthcare facilities to share your pandemic plans and understand their capabilities and plans.
- Collaborate with federal, state, and local public health agencies and/or emergency responders to participate in their planning processes, share your pandemic plans, and understand their capabilities and plans.
- Communicate with local and/or state public health agencies and/or emergency responders about the assets and/or services your business could contribute to the community.
- Share best practices with other businesses in your communities, chambers of commerce, and associations to improve community response efforts.
Visitor / Contractor Questionnaire

The safety of our employees, supplier partners, customers, families and visitors is our priority. As the coronavirus disease 2019 (COVID-19) outbreak continues to evolve and spreads globally, we continue to monitor the situation and will periodically update company guidance based on current recommendations from the Centers for Disease Control and Prevention and the World Health Organization. Only business critical visitors are permitted at the Company at this time. To prevent the spread of COVID-19 and reduce the potential risk of exposure to our workforce and visitors, we are conducting a simple screening questionnaire. Your participation is important to help us take precautionary measures to protect you and everyone in this building. Thank you for your time.

Visitor name: ________________________________
Visitor company: ________________________________
Reason for visit: ________________________________
Host: ________________________________
Date: ________________________________

Self Declaration by Visitor

Have you returned from any of the countries listed on Coronavirus FAQs within the last 14 days?
☐ YES ☐ NO

Have you been in close contact with anyone who has traveled outside of the United States within the last 14 days?
☐ YES ☐ NO

Have you had close contact with or cared for someone diagnosed with COVID-19 within the last 14 days?
☐ YES ☐ NO

Have you experienced any cold or flu-like symptoms in the last 14 days (to include fever, cough, sore throat, respiratory illness, difficulty breathing)?
☐ YES ☐ NO

Signature of Visitor: ________________________________ Date: ________________________________
Reviewer Signature of Company Representative: ________________________________

Granted permission to site: ☐ YES ☐ NO
EMPLOYER RESPONSE CHART
FOR COVID-19 POTENTIAL EXPOSURE/SYMPTOMS

COVID-19 Potential Exposure or Symptoms

- Fever over 100.4
- Cough
- Shortness of breath

Employee in close contact with someone showing symptoms

Employee tests positive for COVID-19

Quarantine at home for 14 days (per Ohio guidelines*)
(See Employer Response Page 2)

Employee sent home

Record temperature and symptoms twice a day for later reporting

Employee sent home

Employee in close contact with person who tests positive

Quarantine at home for 14 days (per Ohio guidelines*)
Consider Telework

Employee sent home

Record temperature and symptoms twice a day for later reporting

Employee sent home

Seven days since onset of symptoms AND 72 hours have passed with no fever without medication (like Tylenol) to reduce fever AND respiratory symptoms have improved

See Primary Care Physician for clear to work
OR
Complete Request to Return to Work form

Employee reports to work

Employee must be cleared by Human Resources to return to work

Symptoms of COVID-19

Option:
Paid Sick Leave with Tax Credits
OR
If well enough, consider telework

Emergency Paid Sick Leave

- An employee is entitled to take leave related to COVID-19 if the employee is unable to work, including unable to telework, because the employee
  1. is subject to a Federal, State, or local quarantine or isolation order related to COVID-19;
  2. has been advised by a health care provider to self-quarantine related to COVID-19;
  3. is experiencing COVID-19 symptoms and is seeking a medical diagnosis;
  4. is caring for an individual subject to an order described in (1) or self-quarantine as described in (2).

* Ohio Department of Health Guidance for COVID-19 Exposure Management dated March 27, 2020

Disclaimer: The recommendations and opinions provided by strategic HR, Inc. are based on general human resource management fundamentals, practices and principles, and are not legal opinions, medical opinions, or guaranteed outcomes. We strongly recommend, as part of a team approach to management, that clients consult with legal counsel of their choice to address legal concerns related to these issues.
EMPLOYER ACTIONS - COVID-19 IMPACTS

Employee Tests Positive for COVID-19

- Determine who employee has been in contact with at workplace
- Determine locations that employee could have contaminated - work locations and customer sites
- Ask Employee if they allow release of their name to other Employees
- Company communication to appropriate personnel (with or without Employee name)
- Consider sending Employees home who had direct contact with Employee in last 14 days and follow steps on Page 1
- If present at work in last 14 days, conduct sanitation procedures within potentially affected areas **
- Return to work following current CDC guidelines

Employee Loss Due to COVID-19

- Employee dies from COVID-19 disease
- Company communication concerning the loss
- Provide access to grief counseling as needed through insurance or other service
- Leadership and HR team to increase visits to affected groups

EMPLOYEES IN SPECIAL CATEGORIES

Q: If the employee is pregnant
Employee should continue to work and maintain social distancing standards. Follow health care provider written recommendations.

Q: If the employee is Immunocompromised (e.g., on immune-suppressants, active hematologic malignancy)
Employee should continue to work and maintain social distancing standards. Follow health care provider written recommendations.

Q: If the employee is > 60 and has medical comorbidities (e.g., cardiovascular disease, pulmonary disease, diabetes)
Employee should continue to work and maintain social distancing standards. Follow health care provider written recommendations.

Q: If the employee reports cohabitation with a person who is immunocompromised (e.g., on immune-suppressants, active hematologic malignancy)
Employee should continue to work and maintain social distancing standards. Follow health care provider written recommendations.

** CDC Guideline for Cleaning and Disinfection for Community Facilities
Families First Coronavirus Response Act Leave Form

Employee Name ___________________________________________ Leave Dates Requested ________________

Emergency Paid Sick Leave

I certify that I am unable to work or telework due to the following reason:

☐ 1. Employee is subject to Federal, State, local quarantine or isolation order related to COVID-19
   Order issued by: _____________________________________________

☐ 2. Employee has been advised by a health care provider to self-quarantine due to concerns related to COVID-19
   Name of health care provider ___________________________ Phone Number _________________________

☐ 3. Employee is experiencing symptoms of COVID-19 and seeking (or has sought) a medical diagnosis
   Name of health care provider ___________________________ Phone Number _________________________
   Please outline what is the healthcare provider telling you to do: _____________________________________________

☐ 4. Employee is caring for another individual who is subject to quarantine or has been advised by a health care
   provider to self-quarantine related to COVID-19.
   Name of person I am caring for and our relationship: _______________________________________________
   Name of the government entity or healthcare provider advising the quarantine: ___________________________

☐ 5. Employee is caring for a son or daughter because their school or childcare provider is closed or unavailable
   because of COVID-19.
   Name of child(ren) and age(s): _________________________________________________________________
   Name of closed school(s) or place(s) of care: _____________________________________________________
   I certify that no other suitable person is available to care for the child(ren) during the period of requested leave. If listed child is over 14, I further certify that there are special circumstances that require me to provide care for them.

☐ 6. Employee is experiencing any other substantially similar condition specified by the Health and Human Services
   in consultation with the Secretary of the Treasury and the Secretary of Labor.

Benefits: For reasons # 1-3, employee will be paid a max of 80 hours at regular pay rate (Max: $511 per day/$5,110, aggregate).
For reasons 4-6, employee will receive 2/3rds of the employee’s rate of pay (Max: $200 per day /$2,000, aggregate).

Emergency Family and Medical Leave Act

☐ Employee has been employed for a minimum of 30 days and is caring for a son or daughter under the age of 18
years of age because their school or childcare provider is closed or unavailable because of COVID-19.

Name of child(ren) and age(s): _________________________________________________________________

Name of closed school(s) or place(s) of care:
☐ I certify that no other suitable person is available to care for the child(ren) during the period of requested leave. If listed child is over 14, I further certify that there are special circumstances that require me to provide care for them.

Has employee taken FMLA leave within the last 12 months? ☐ Yes ☐ No

If yes, remaining FMLA leave hours available ______________________________

Benefits: Employee will receive not less than 2/3rds of regular rate of pay based on number of hours scheduled (Max: $200 per day /$10,000 in the aggregate).

Employee Signature ___________________________ Date: ___________________________

I hereby certify the information selected above is true and correct to the best of my knowledge. I understand that a false statement may disqualify me for benefits. My signature also certifies that I am unable to work onsite or telework.

Provided by strategic HR inc. for internal use only.
Supporting documentation

The Department of Labor (DOL) and Internal Revenue Service (IRS) have issued guidelines and documentation requirements necessary for employees to take Paid Sick Leave or Emergency Family and Medical Leave. At minimum, documentation must include: (1) employee’s name; (2) date or dates for which leave is requested; (3) qualifying reason for the leave; and (4) statement that the employee is unable to work (either on-site or via telework) because of the qualified reason for leave.

Here is an outline of the documentation employers may require based on leave reason:

**Documentation Requirements for Paid Sick Leave (PSL):**

**Reason #1 – Employee subject to quarantine or isolation order.** The employee must provide the name of the government entity that issued the quarantine or isolation order.

**Reason #2 - Employee has been told to self-quarantine.** The employee must provide the name of the health care provider who advised the Employee to self-quarantine due to concerns related to COVID-19.

**Reason #3 – Employee is experiencing symptoms and seeking a medical diagnosis.** There is no specific documentation requirements for this reason. However, as outlined above, an employer may require a written statement from the employee that he or she is unable to work (either on-site or via telework), the reason they are unable to work, and provide any supporting documentation (if available). It is permissible to ask employees (1) What is the healthcare provider telling you to do (2) Name of the healthcare provider (3) Do you believe you have been exposed to COVID-19?

**Reason #4 - Employee is caring for an individual for COVID-19 reasons,** the employee must provide either: (1) the name of the government entity that issued the quarantine or isolation order to which the individual being cared for is subject; or (2) the name of the health care provider who advised the individual being cared for to self-quarantine due to concerns related to COVID-19. The IRS Guidelines further require that the employee provide the name of the individual being cared for and his or her relation to the employee.

**Documentation Requirements for Paid Sick Leave (Reason #5) and/or Emergency Family and Medical Leave**

**Reason #5 (PSL) or Emergency Family and Medical Leave – Employee to care for a son or daughter due to school or childcare closure,** the employee must provide: (1) the name and age of the son or daughter; (2) the name of the school, place of care, or child care provider that has closed or become unavailable; and (3) a representation that no other suitable person will be caring for the son or daughter during the period for which the employee takes PSL or EFMLA. Additionally, with respect to the employee’s inability to work or telework because of a need to provide care for a child older than 14 during daylight hours, the IRS requires a statement that “special circumstances” exist requiring the employee to provide care.

*Provided by strategic HR inc. for internal use only.*
The Families First Coronavirus Response Act created new temporary paid sick leave and paid Family and Medical Leave Act (FMLA) programs that are 100% reimbursable by the federal government. The effective date of both programs is April 1 and they expire on December 31.

Both programs are in addition to any leave you already offer.

The key numbers to remember with these paid leave programs are 500 and 50.

- If you have fewer than 500 employees, your business is required to provide paid leave under both programs
- If you have fewer than 50 employees, though, you may be exempted from the requirement to provide leave under both programs (see p. 2)

The Department of Labor has issued clarifying guidance (available at www.dol.gov/agencies/whd/pandemic) and will continue to publish more information. In the meantime, here is the information you need to know now.
PAID SICK LEAVE Program

Which employees are eligible?
Eighty hours of paid sick leave is available to any employee without regard to duration of employment if they are unable to work or telework because they:
- are subject to a government quarantine or isolation order;
- have been advised to self-quarantine;
- are seeking a medical diagnosis; or
- are caring for someone with one of those three conditions.

Leave can also be taken if an individual cannot work or telework because of a need to care for a child whose school has closed or whose regular caregiver is unavailable because of Coronavirus.

How much will employees receive?
While taking paid sick leave, employees will receive their regular rate of pay up to a maximum of $511 per day or $5,110 in the aggregate.

This is reduced to 2/3 their regular rate of pay if they are caring for a family member or child whose school is closed or caregiver is unavailable with a maximum of $200 per day (or $2,000 in aggregate).

FAMILY and MEDICAL LEAVE ACT Program

Which employees are eligible?
To be eligible for paid FMLA leave, an employee must have been on your payroll for 30 days prior to taking leave. In addition, paid FMLA leave is only available if an employee is unable to work or telework because of a need to take care of a child because of a school closure or their regular child care provider is unavailable due to Coronavirus.

How much will employees receive?
Eligible employees may take up to 12 weeks of leave.
- The first two weeks of that can be unpaid (presumably the employee would be covered under paid sick-leave for those two weeks)
- After that, the employee is eligible for 10 weeks of paid FMLA

While taking paid FMLA leave, the employee will receive 2/3 of his/her regular rate of pay up to a maximum of $200 per day (or $10,000 in aggregate).

For more guidance, please click here to visit the IRS website.

Restoration to Previous Position: For businesses with fewer than 25 employees, it is not necessary to restore the employee to his/her previous position after paid FMLA leave is taken if the position no longer exists because of the public health emergency and the employer makes reasonable efforts to restore the employee to a similar position.
EXEMPTIONS

What if I have fewer than 50 Employees... Am I exempt?

Under current Department of Labor guidance, you can be exempt only if leave is being requested because of a school closure or because the child’s regular caregiver is unavailable due to Coronavirus and if this leave would jeopardize the viability of the small business as a going concern.

This exemption is available if an authorized officer of the business certifies that at least one of the following is true:

- Providing leave would result in expenses and financial obligations exceeding existing revenues and cause the business to cease operating
- The absence of the employee would entail a substantial risk to the operation of the business because of their specialized skills, knowledge of the business, or responsibilities
- You cannot find other workers to perform the work of the employee, and that work is required for the business to operate at a minimal capacity

What if I am in the health care business... Am I exempt?

Businesses whose employees are healthcare providers or emergency responders may elect to exclude such employees from paid sick leave and paid FMLA leave.

The definition is fairly broad. Visit www.dol.gov/agencies/whd/pandemic/ffcra-questions for specific definitions of those terms.

Do I have to provide paid sick or paid FMLA leave if my business is closed?

No. If you close due to a lack of business or because of a federal, state, or local directive, you do not have to provide paid leave. In this case, your employees would likely be eligible for unemployment compensation. This is the case whether you lay off or furlough employees.

REIMBURSEMENT

How will my business be reimbursed for this leave?

Costs associated with the paid sick and paid family leave programs are 100% reimbursable by the federal government through a refundable tax credit up to the maximum wages allowed (e.g. $611 or $200 per day), which is also applicable to the self-employed.

- The Treasury Secretary is provided with regulatory authority to help with cash flow issues, for example by waiving penalties for failing to deposit payroll taxes in anticipation of the credit and by providing advances to employers

For questions, please call the Department of Labor help line at (866)487-9243 (866-4US-WAGE).
The Coronavirus Aid, Relief, and Economic Security (CARES) Act allocated $350 billion to help small businesses keep workers employed amid the pandemic and economic downturn. Known as the Paycheck Protection Program (PPP), the initiative provides 100% federally guaranteed loans to small businesses.

Importantly, these PPP loans may be forgiven if borrowers maintain their payrolls during the crisis or restore their payrolls afterward.

The administration has released initial guidelines; they are available at [www.treasury.gov](http://www.treasury.gov). The U.S. Chamber of Commerce has issued this guide to help small businesses and self-employed individuals check eligibility and prepare to file for a loan.

Small businesses and sole proprietors began applying on April 3. Independent contractors and self-employed individuals can apply beginning on April 10. The U.S. Small Business Administration (SBA) has a search tool to help you find a bank that offers PPP loans at: [www.sba.gov/paycheckprotection/find](http://www.sba.gov/paycheckprotection/find).

Here are the questions you may be asking—and what you need to know.

You can apply through any existing SBA 7(a) lender or through any federally insured depository institution, federally insured credit union, and Farm Credit System institution that is participating. Other regulated lenders will be available to make these loans once they are approved and enrolled in the program. You should consult with your local lender as to whether it is participating.

While the program is open until June 30, 2020, the government is advising borrowers to apply as soon as possible given the loan cap on the program.
Am I ELIGIBLE?

You are eligible to apply for a PPP loan if you are:

- A small business with 500 or fewer employees
- Defined as "small" by SBA Size Standard that allows for higher employee threshold or is revenue based; or
- A small business with maximum tangible net worth up to $15 million and the average net income for full 2 fiscal years prior to application does not exceed $5 million
- A 501(c)(3) with 500 or fewer employees
- A sole proprietor, independent contractor, or self-employed
- A Tribal business concern that meets the SBA size standard
- A 501(c)(19) Veterans Organization that meets the SBA size standard

In addition, some special rules may make you eligible:

- If you are in the accommodation and food services sector (NAICS 72), the 500-employee rule is applied on a per physical location basis
- If you are operating as a franchise or receive financial assistance from an approved Small Business Investment Company the normal affiliation rules do not apply
- Small businesses that have minority shareholders (private equity or venture capital) can still qualify if those shareholders relinquish rights

What will lenders be LOOKING FOR?

Borrowers will need to complete the PPP Loan Application (which is available HERE) and payroll documentation

Lenders will also ask you for a good faith certification that:

1. The uncertainty of current economic conditions makes the loan request necessary to support ongoing operations
2. The borrower will use the loan proceeds to retain workers and maintain payroll or make mortgage, lease, and utility payments
3. Borrower does not have an application pending for a loan duplicative of the purpose and amounts applied for here
4. From Feb. 15, 2020 to Dec. 31, 2020, the borrower has not received a loan duplicative of the purpose and amounts applied for here (Note: There is an opportunity to fold SBA Disaster Loans into a PPP loan)

If you are an independent contractor, sole proprietor, or self-employed individual, lenders will also be looking for certain documents (final requirements will be announced by the government) such as payroll tax filings, Forms 1099-MISC, and income and expenses from the sole proprietorship.

What lenders will NOT LOOK FOR

- That the borrower sought and was unable to obtain credit elsewhere.
- A personal guarantee is not required for the loan.
- No collateral is required for the loan.
How much can I BORROW?

Loans can be up to 2.5 x the borrower’s average monthly payroll costs, not to exceed $10 million.

How do I calculate my average monthly PAYROLL COSTS?

\[
\text{sum of INCLUDED payroll costs} - \text{sum of EXCLUDED payroll costs} = \text{PAYROLL COSTS}
\]

INCLUDED Payroll Cost:
1. **For Employers:** The sum of payments of any compensation with respect to employees that is a:
   - salary, wage, commission, or similar compensation;
   - payment of cash tip or equivalent;
   - payment for vacation, parental, family, medical, or sick leave
   - allowance for dismissal or separation
   - payment for group health care and retirement benefits
   - payment of state or local tax assessed on the compensation of the employee
2. **For Sole Proprietors, Independent Contractors, and Self-Employed Individuals:** The net income not more than $100,000 in one year

Borrowers can refinance a SBA Economic Injury Disaster Loan (EIDL) into a PPP loan: The EIDL amount is added to the payroll calculation but may not exceed the $10 million PPP loan.

EXCLUDED Payroll Cost:
1. Compensation of an individual employee in excess of an annual salary of $100,000 (note: employer contributions to healthcare and retirement benefits are not part of amount deemed in excess of $100,000 annual salary)
2. Employer portion of payroll taxes
3. Any compensation of an employee whose principal place of residence is outside of the United States
4. Qualified sick leave wages for which a credit is allowed under section 7001 of the Families First Coronavirus Response Act (Public Law 116–5127); or qualified family leave wages for which a credit is allowed under section 7003 of the Families First Coronavirus Response Act

Prepared by the U.S. CHAMBER OF COMMERCE
Will this loan be FORGIVEN?

Borrowers are eligible to have their loans forgiven.

How Much?

A borrower is eligible for loan forgiveness equal to the amount the borrower spent on the following items during the 8-week period beginning on the date of the origination of the loan:

- Payroll costs (using the same definition of payroll costs used to determine loan eligibility)
- Interest on the mortgage obligation incurred in the ordinary course of business
- Rent and utility payments
- Interest on other debt obligations incurred before February 15, 2020

**NOTE:** Not more than 25% of the forgiven amount may be for non-payroll costs.

How could the forgiveness be reduced?

The amount of loan forgiveness calculated above is reduced if there is a reduction in the number of employees or a reduction of greater than 25% in wages paid to employees. Specifically:

**Reduction based on reduction of number of employees**

\[
\text{PAYROLL COST} \text{ Calculated on page 2} \times \frac{\text{Average Number of Full-Time Equivalent Employees (FTEs) Per Month for the 8-Weeks Beginning on Loan Origination}}{\text{Option 1:}} \text{ Average number of FTEs per month from February 15, 2019 to June 30, 2019}
\]

**Option 2:**

\[
\frac{\text{Option 2: Average number of FTEs per month from January 1, 2020 to February 29, 2020}}{\text{For Seasonal Employers: Average number of FTEs per month from February 15, 2019 to June 30, 2019}}
\]

**Reduction based on reduction in salaries**

\[
\text{PAYROLL COST} \text{ Calculated on page 2} - \text{For any employee who did not earn during any pay period in 2019 wages at an annualized rate more than$100,000, the amount of any reduction in wages that is greater than 25% compared to their most recent full quarter.}
\]

What if I bring back employees or restore wages?

Reductions in employment or wages that occur between February 15, 2020 and April 26, 2020 (as compared to February 15, 2020) shall not reduce the amount of loan forgiveness IF by June 30, 2020 the borrower eliminates the reduction in employees or reduction in wages.

Prepared by the U.S. CHAMBER OF COMMERCE
The Coronavirus Aid, Relief, and Economic Security (CARES) Act expands the Small Business Administration’s long-standing Economic Injury Disaster Loan Program (EIDL). The EIDL program was created to assist businesses, renters, and homeowners located in regions affected by declared disasters.

Who is ELIGIBLE?
In general, all of the following entities that have suffered substantial economic injury caused by a disaster provided they were in existence on January 31, 2020:

- Businesses with fewer than 500 employees
- Cooperatives, ESOPs, and tribal small businesses with fewer than 500 employees
- Sole proprietors
- Independent contractors
- Most private nonprofits

What are the LOAN PARAMETERS?

- The maximum EIDL is a $2 million working capital loan at a rate of 3.75% for businesses and 2.75% for nonprofits with up to a 30-year term
- Payments on Coronavirus EIDL loans are deferred for one year
- Up to $200,000 can be approved without a personal guarantee
- Approval can be based on a credit score and no first-year tax returns are required
- Borrowers do not have to prove they could not get credit elsewhere

- No collateral is required for loans of $25,000 or less. For loans of more than $25,000, general security interest in business assets will be used for collateral instead of real estate
- The borrowers must allow the SBA to review its tax records

How can I access an EMERGENCY $10,000 GRANT?

- Eligible applicants for an EIDL can receive a $10,000 emergency grant within three days of application (through Dec. 31)
- There is no obligation to repay the grant. To receive the $10,000 emergency grant, it is not necessary to have an approved EIDL loan. However, if you are able to secure a PPP loan, the $10,000 grant will be subtracted from the forgiveness amount

NOTE: The Paycheck Protection Program (PPP) created by the CARES Act prohibits borrowers from taking out two loans for the same purpose. For more information on PPP loans, visit uschamber.com/sslloans

How do I APPLY?

Apply online at SBA.gov/disaster

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The SBA administers the EIDL program. Please contact the SBA with specific questions.
Sample Communicable Disease Policy

Policy
As an employer, we have the duty to provide a safe working environment for all employees. This policy regarding infectious/communicable diseases in the workplace is established to support our requirement under OSHA as well as to comply with the recommendations of the Center for Disease Control in the control of infectious/communicable diseases.

Defined, a communicable disease is a disease that can be transmitted from one person to another. There are four main types of transmission including direct physical contact, air (through a cough, sneeze, or other particle inhaled), a vehicle (ingested or injected), and a vector (via animals or insects).

Communicable Diseases as cited by the CDC:

<table>
<thead>
<tr>
<th>Bloodborne Pathogens</th>
<th>Conjunctivitis</th>
<th>Cytomegalovirus infections</th>
</tr>
</thead>
<tbody>
<tr>
<td>Diarrheal diseases</td>
<td>Diphtheria</td>
<td>Enteroviral infections</td>
</tr>
<tr>
<td>Hepatitis viruses</td>
<td>Herpes simplex</td>
<td>Human immunodeficiency virus (HIV)</td>
</tr>
<tr>
<td>Measles</td>
<td>Meningococcal infections</td>
<td>Mumps</td>
</tr>
<tr>
<td>Pediculosis</td>
<td>Pertussis</td>
<td>Rubella</td>
</tr>
<tr>
<td>Scabies</td>
<td>Streptococcal infection</td>
<td>Tuberculosis</td>
</tr>
<tr>
<td>Varicella</td>
<td>Zoster</td>
<td>Viral respiratory infections</td>
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</table>

| Coronavirus (COVID-19) |

Procedures
When an employee informs [Company] that they have an infectious/communicable disease which threatens their job performance, the employer may require a medical examination. If the employer determines the disease poses a significant risk to the health of others, [Company] may every attempt to provide a reasonable accommodation that will eliminate that significant risk. If no such accommodation exists, [Company] will take the steps necessary to eliminate the significant risk.

Employees identified as having an infectious/communicable disease are subject to the same working conditions and performance requirements as any other employee. If an employee is unable to perform the essential duties of the job, they may be required to receive a fitness for duty examination, at the expense of the employer. If the individual's condition affects their ability to perform the essential duties, the employee will be treated as any other disabled employee in accordance with Title 1 of the Americans with Disabilities Act.

[Company] reserves the right to exclude a person with a communicable disease from the workplace facilities, programs and functions if the organization finds that, based on a medical determination, such restriction is necessary for the welfare of the person who has the communicable disease and/or the welfare of others within the workplace. Any employment-related decision involving persons who have infectious/communicable diseases shall be based on sound medical advice from [Company] occupational health provider and information regarding the communicable disease and the risk of transmitting it to others.

[Company] will comply with all applicable statutes and regulations that protect the privacy of persons who have a communicable disease. Every effort will be made to ensure procedurally sufficient safeguards to maintain the personal confidence about persons who have communicable diseases.

[Company] will keep the employee’s medical information confidential and inform only those required to know for legitimate business reasons.
Sample Telecommuting Policy and Procedure

Objective

Telecommuting allows employees to work at home, on the road or in a satellite location for all or part of their workweek. [Company Name] considers telecommuting to be a viable, flexible work option when both the employee and the job are suited to such an arrangement. Telecommuting may be appropriate for some employees and jobs but not for others. Telecommuting is not an entitlement, it is not a companywide benefit, and it in no way changes the terms and conditions of employment with [Company Name].

Procedures

Telecommuting can be informal, such as working from home for a short-term project or on the road during business travel, or a formal, set schedule of working away from the office as described below. Either an employee or a supervisor can suggest telecommuting as a possible work arrangement.

Any telecommuting arrangement made will be on a trial basis for the first three months and may be discontinued at will and at any time at the request of either the telecommuter or the organization. Every effort will be made to provide 30 days’ notice of such change to accommodate commuting, child care and other issues that may arise from the termination of a telecommuting arrangement. There may be instances, however, when no notice is possible.

Eligibility

Individuals requesting formal telecommuting arrangements must be employed with [Company Name] for a minimum of 12 months of continuous, regular employment and must have a satisfactory performance record.

Before entering into any telecommuting agreement, the employee and manager, with the assistance of the human resource department, will evaluate the suitability of such an arrangement, reviewing the following areas:

- Employee suitability. The employee and manager will assess the needs and work habits of the employee, compared to traits customarily recognized as appropriate for successful telecommuters.
- Job responsibilities. The employee and manager will discuss the job responsibilities and determine if the job is appropriate for a telecommuting arrangement.
- Equipment needs, workspace design considerations and scheduling issues. The employee and manager will review the physical workspace needs and the appropriate location for the telework.
- Tax and other legal implications. The employee must determine any tax or legal implications under IRS, state and local government laws, and/or restrictions of working out of a home-based office. Responsibility for fulfilling all obligations in this area rests solely with the employee.

If the employee and manager agree, and the human resource department concurs, a draft telecommuting agreement will be prepared and signed by all parties, and a three-month trial period will commence.

Evaluation of telecommuter performance during the trial period will include regular interaction by phone and e-mail between the employee and the manager, and weekly face-to-face meetings to discuss work progress and problems. At the end of the trial period, the employee and manager will each complete an evaluation of the arrangement and make recommendations for continuance or modifications. Evaluation of telecommuter performance beyond the trial period will be consistent with that received by employees working at the office in both content and frequency but will focus on work output and completion of objectives rather than on time-based performance.
An appropriate level of communication between the telecommuter and supervisor will be agreed to as part of the discussion process and will be more formal during the trial period. After conclusion of the trial period, the manager and telecommuter will communicate at a level consistent with employees working at the office or in a manner and frequency that is appropriate for the job and the individuals involved.

**Equipment**

On a case-by-case basis, [Company Name] will determine, with information supplied by the employee and the supervisor, the appropriate equipment needs (including hardware, software, modems, phone and data lines and other office equipment) for each telecommuting arrangement. The human resource and information system departments will serve as resources in this matter. Equipment supplied by the organization will be maintained by the organization. Equipment supplied by the employee, if deemed appropriate by the organization, will be maintained by the employee. [Company Name] accepts no responsibility for damage or repairs to employee-owned equipment. [Company Name] reserves the right to make determinations as to appropriate equipment, subject to change at any time. Equipment supplied by the organization is to be used for business purposes only. The telecommuter must sign an inventory of all [Company Name] property received and agree to take appropriate action to protect the items from damage or theft. Upon termination of employment, all company property will be returned to the company, unless other arrangements have been made.

[Company Name] will supply the employee with appropriate office supplies (pens, paper, etc.) as deemed necessary. [Company Name] will also reimburse the employee for business-related expenses, such as phone calls and shipping costs, that are reasonably incurred in carrying out the employee’s job.

The employee will establish an appropriate work environment within his or her home for work purposes. [Company Name] will not be responsible for costs associated with the setup of the employee’s home office, such as remodeling, furniture or lighting, nor for repairs or modifications to the home office space.

**Security**

Consistent with the organization’s expectations of information security for employees working at the office, telecommuting employees will be expected to ensure the protection of proprietary company and customer information accessible from their home office. Steps include the use of locked file cabinets and desks, regular password maintenance, and any other measures appropriate for the job and the environment.

**Safety**

Employees are expected to maintain their home workspace in a safe manner, free from safety hazards. [Company Name] will provide each telecommuter with a safety checklist that must be completed at least twice per year. Injuries sustained by the employee in a home office location and in conjunction with his or her regular work duties are normally covered by the company’s workers’ compensation policy. Telecommuting employees are responsible for notifying the employer of such injuries as soon as practicable. The employee is liable for any injuries sustained by visitors to his or her home worksite.

Telecommuting is not designed to be a replacement for appropriate child care. Although an individual employee’s schedule may be modified to accommodate child care needs, the focus of the arrangement must remain on job performance and meeting business demands. Prospective telecommuters are encouraged to discuss expectations of telecommuting with family members prior to entering a trial period.

**Time Worked**

Telecommuting employees who are not exempt from the overtime requirements of the Fair Labor Standards Act will be required to accurately record all hours worked using [Company Name]’s time-keeping system. Hours worked in excess of those scheduled per day and per workweek require the advance approval of the
telecommuter’s supervisor. Failure to comply with this requirement may result in the immediate termination of the telecommuting agreement.

**Ad Hoc Arrangements**

Temporary telecommuting arrangements may be approved for circumstances such as inclement weather, special projects or business travel. These arrangements are approved on an as-needed basis only, with no expectation of ongoing continuance.

Other informal, short-term arrangements may be made for employees on family or medical leave to the extent practical for the employee and the organization and with the consent of the employee’s health care provider, if appropriate.

All informal telecommuting arrangements are made on a case-by-case basis, focusing first on the business needs of the organization.
Sample Temporary Telecommuting Policy

In the event of an emergency such as a weather disaster or pandemic, [Company name] may allow or require employees to temporarily work from home to ensure business continuity.

Procedures:

In the event of an emergency, [Company name] may require certain employees to work remotely. These employees will be advised of such requirements by the department manager. Preparations should be made by employees and managers well in advance to allow remote work in emergency circumstances. This includes appropriate equipment needs, such as hardware, software, phone and data lines. The IT department is available to review these equipment needs with employees and to provide support to employees in advance of emergency telework situations.

For voluntary telework arrangements, either the employee or department manager can initiate a temporary telecommuting agreement during emergency circumstances. The employee and manager will discuss the job responsibilities and determine if the job is appropriate for a telecommuting arrangement, including equipment needs, workspace design considerations and scheduling issues.

A telecommuting agreement will be prepared by human resources and signed by the employee and his or her manager.

The employee will establish an appropriate work environment within his or her home for work purposes. [Company name] will not be responsible for costs associated with the setup of the employee's home office, such as remodeling, furniture or lighting, nor for repairs or modifications to the home office space.

[Company name] will determine the equipment needs for each employee on a case-by-case basis. Equipment supplied by the organization is to be used for business purposes only.

Consistent with the organization's expectations of information security for employees working at the office, telecommuting employees will be expected to ensure the protection of proprietary company and customer information accessible from their home office.

Employees should not assume any specified period of time for emergency telework arrangements, and [Company name] may require employees to return to regular, in-office work at any time.
Sample Recall from Furlough – Offer Letter

[Date]
[Name]
[Street]
[City, State, ZIP]

Dear [Employee name],

I am pleased to notify you that [Company name] once again has work available and would like to recall you from furlough and offer you back [your previous position/the following position]. We would like you to resume work on [date].

This offer letter supersedes any previous offer letter or terms of employment. Should you accept this offer of recall, the terms of your employment will be as follows:

Job Title: [Job title]
Supervisor: [Supervisor name]
Responsibilities will include but not be limited to: [Responsibilities or see attached job description]
Monthly Salary or Hourly Wage: $[amount]
Employment Classification: [Full-time/Part-time] and [Exempt/Nonexempt]

Employment is at-will, meaning you are not guaranteed employment for any period of time and either the Company or you can end the relationship at any time, with or without notice, and with or without cause.

Your seniority will not be affected by this brief furlough period, and your benefits will be restored without condition. Your previously accrued but unused paid time off and sick leave, if applicable, will also be available upon your return. The Company may modify job titles, pay, and benefits from time to time as it deems necessary.

We’re committed to doing everything we can to maintain a safe and healthy workplace. [Spell out the safety methods the company has put in place (e.g., scheduled handwashing, frequent disinfection of surfaces, social distancing rules, reduced customer capacity, staggered shifts, or more extreme measures if warranted by your industry)]. We are relying heavily on CDC and local health department information in establishing safe working conditions and will continue to make our best efforts to keep the workplace safe.
To accept the position offered above and be recalled to work, please return a signed and dated copy of this letter by [due date]. If you are receiving this as a paper document, we have included two copies, so you have one for your records. If this letter is not signed and returned by that date, we will assume you are turning down this offer to return to work and your employment with the Company will be terminated.

You may contact me if you have any questions or concerns about our current safety procedures or your personal safety, or if you need any type of assistance to be able to return to work.

Sincerely,

[Company representative signature]

[Name]

Check one box below. This can be done by clicking in the box within the Word document if you are reviewing and returning this offer letter electronically:

☐ I accept the terms of this recall letter and will return to work

☐ I decline recall and request termination of my employment

(If signing electronically, type your full name followed by “e-signed.”)

Signature:

Name (print): Date: