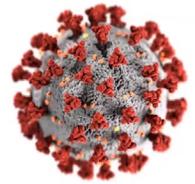




Employer’s Guide to Coronavirus – Part V

Stimulus Package 3.5, Reopening Ohio, Unemployment and More

(Published April 24, 2020)



For more information: www.cdc.gov/COVID19

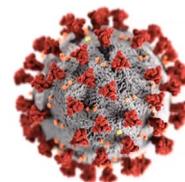
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Companies, employees and families across Ohio and the world are facing unprecedented challenges due to the coronavirus pandemic. In turn, there is a lot of information regarding how to address workplace issues filling our inboxes and the airwaves. The Ohio SHRM State Council has created this resource page as a compass to help human resource professionals and companies across Ohio navigate these uncharted waters. If you need additional assistance, we recommend you work with your legal counsel, accountant, or consulting firm.

DISCLAIMER: The information provided by the Ohio SHRM State Council is not exhaustive. There may be other programs and assistance available to you or your business. This information should not be construed as legal advice. The Ohio SHRM State Council encourages you to speak to an accountant, attorney, and/or consultant for specific guidance on the resources provided by federal, state, and local governments. If you would like to speak to an attorney that can help you navigate the law and counsel you on your options please click [here](#).

Prepared by Tony Fiore, an attorney with Kegler Brown Hill + Ritter and the Director of Government Affairs for the Ohio SHRM State Council. Connect with Tony by e-mail: afiore@keglerbrown.com; LinkedIn: [acfiore](#); Twitter: [@TonyFioreEsq](#).



COVID-19 Stimulus Package 3.5 Signed by President Trump

- [H.R. 266](#) was signed by President Trump on Friday, April 24, 2020. The U.S. Senate passed the measure unanimously on Tuesday and the House on Thursday by a vote of 388-5-1. This bill, titled the [Paycheck Protection Program and Health Care Enhancement Act](#), provides additional funding for the recently created



Paycheck Protection Program (PPP) and the Economic Injury Disaster Loans (EIDL) to replenish the funds that ran out within days of applications flooding the Small Business Administration (SBA). It also includes set-asides within these programs for "community financial institutions," which include credit unions, community financial institutions, and minority depository institutions. In addition, it includes funding for testing and further study of COVID-19. H.R. 266 does the following:

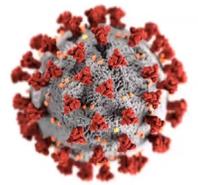
- Increases the funding for the Paycheck Protection Program from \$349 billion to \$659 billion (an increase of \$310 billion).
- Creates a set-aside for insured depository institutions, credit unions, and community financial institutions for the Paycheck Protection Program.
 - \$30 billion for loans made by insured depository institutions and credit unions that have assets between \$10 billion and \$50 billion; and
 - \$30 billion for loans made by community financial Institutions, insured depository institutions with assets of less than \$10 billion, and credit unions with assets less than \$10 billion.
- Increases the funding for SBA EIDL grants from \$10 billion to \$20 billion.
- Amends the definition of "eligible entity" for EIDL grants and loans to include agricultural enterprises, as defined in section 18(b) of the Small Business Act (15 U.S.C. § 647(b)), with fewer than 500 employees.
- Defines "Community Financial Institutions" as "community development financial institutions," "minority depository institutions" as defined in section 308 of the Financial Institution Reform, Recovery, and Enforcement Act of 1989 (12 U.S.C. § 1463 note), a development company certified under title V of the Small Business Investment



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Act of 1958 (15 U.S.C. § 695 et seq.), and micro-loan intermediaries. In addition, defines "credit union" to mean a state or federal credit union.

- Contact your financial institution **as soon as possible** for assistance submitting an application for these programs.
- **Paycheck Protection Program** – this loan program provides forgiveness for retaining employees by temporarily expanding the SBA 7(a) loan program. Three steps:

1) Fill out the PPP Application. Click [here](#) for the application (see example).

2) Prepare the following information necessary to apply for the PPP

- Form 941 Employer's Quarterly Federal tax return (page 1 for each quarter 2019).
- Form 940 Employer's Annual Federal Unemployment Tax Return (page 1).
- Report of any employees compensated more than \$100,000 and amount paid in 2019. If none, provide a signed statement that no employees were compensated more than \$100,000.
- Payroll report demonstrating borrower had employees for whom it paid salaries and payroll taxes on or around February 15, 2020.

The image shows a screenshot of the Paycheck Protection Program Lender Application Form. The form is titled "Paycheck Protection Program Lender Application Form - Paycheck Protection Program Loan Guaranty". It includes sections for Lender Information, Applicant Information, Loan Structure Information, Loan Amount Information, General Eligibility, Applicant Certification of Eligibility, and Franchise/License/Member/Ownership or Similar Agreement. The form contains various fields for names, addresses, phone numbers, and checkboxes for different business types and eligibility criteria.

- If more than 2 owners with 20% interest, complete Applicant Ownership Addendum and each owner (>20%) must initial each question and sign page 2 (Representations and Authorizations).

3) Contact your lender (every FDIC financial institution can help you apply, but some may not have enough capital to do so) Apply soon because the SBA began accepting applications on Monday, April 27, but will likely run through the additional amount allocated within the next two weeks.

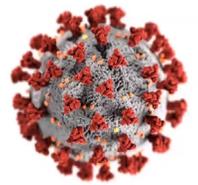
- **EIDL Advance** – this loan advance will provide up to \$10,000 of economic relief to businesses that are currently experiencing temporary difficulties.



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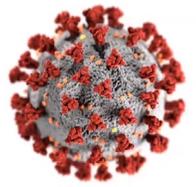
- [SBA Express Bridge Loans](#) – enable small businesses who currently have a business relationship with an SBA Express Lender to access up to \$25,000 quickly.
- [SBA Debt Relief](#) – the SBA is providing a financial reprieve to small businesses during the COVID-19 pandemic.
- The [U.S. Chamber of Commerce](#) has a wealth of free information on their website, including the following financial aid and tax guide.

FINANCIAL AID AND TAX GUIDES

<h2>CARES ACT ASSISTANCE</h2> <h3>Available to Small Businesses</h3>				
PPP	EIDL	Payroll Tax Deferment	Employee Retention Tax Credit	Main Street Lending
Available Aid \$349B \$310B	Available Aid \$50B in loans; \$10B in grants	Size Up to \$5,000 per employee	Deferred Employer portion of payroll taxes	Timeline Expected May 1
Available To Sole Proprietors, ICs, Companies with <500 employees	Available To Sole Proprietors, ICs, Companies with <500 employees	Business Size Rules differ for companies above and below 100 employees	Repayment Half by end of 2021, half by end of 2022	Supporting Federal Reserve
Loan Specifics 2.5 months payroll; can become grants	Loan Specifics Up to \$10K in grants, low interest loans	Eligibility Cannot accept PPP loan; Must be fully or partially closed OR have 50% drop in quarterly gross receipts	Eligibility Cannot accept PPP loan forgiveness	Loan Specifics TBD
How to Apply Private lenders	How to Apply SBA			Restrictions Dividends, Buybacks, Compensation
				How to Apply SBA

Source: U.S. Chamber of Commerce

- [JobsOhio](#) announced it has provided a \$2 million growth fund loan to Appalachian Growth Capital (AGC), which provides small business financing in the 32 Appalachian Counties of eastern and southern Ohio. The lending support is intended to sustain small Southeast Ohio businesses during this COVID-19 outbreak and create sustainable growth for the Region beyond the crisis.
- *Inc. Magazine* created a landing page with additional resources entitled "[Small Business Grants for Companies Hit by COVID-19](#)" for small businesses.



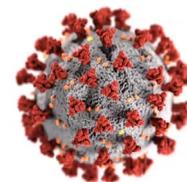
COVID-19 Federal Rural Resource Guide

- The [US Department of Agriculture \(USDA\)](http://www.usda.gov) and its federal partners have programs that can be used to provide immediate and long-term assistance to rural communities affected by the COVID-19 pandemic. These programs can support recovery efforts for rural residents, businesses and communities in the following ways: 1) technical, training, and management assistance; 2) financial assistance; and 3) state and local assistance. Visit www.usda.gov/coronavirus for more information.

Government Plans for Re-opening Businesses Closed Due to COVID-19

- On April 24, Governor DeWine stated, “We want to get people working again and get them back to as normal a life as possible, but we have to be careful. We don’t want to have to pull back. We will be laying out a hopeful schedule on Monday.” Governor DeWine announced additional actions the state is taking to combat the coronavirus, including contact tracing and additional testing to seek out and contain the virus from spreading further. Tune in to [Gov. DeWine’s press conference](#) on April 27 for details.
- DeWine said the goal is to get people back to work in a careful and gradual way with the least amount of risk that engenders confidence in people.
- Lt. Governor Husted added that, once released, “the standards will be very solid.” He said that there will be strict standards for businesses to re-open and no business will be required to re-open. He said that having one month’s worth of evidence from businesses that have never shut



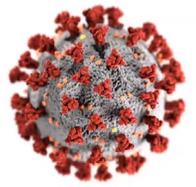


down during the pandemic has provided best practices for keeping COVID-19 out of workplaces and built confidence among employees and customers.

- On April 16, President Trump and Vice President Mike Pence, along with the Centers for Disease Control (CDC), published the following [guidelines for reopening America](#) after the coronavirus’s crippling effect on the economy. The steps are intended to help state and local officials when reopening their economies, getting people back to work, and continuing to protect American lives. The White House states that these steps: 1) are based on up-to-date data and readiness, 2) mitigate the risk of resurgence, 3) protect the most vulnerable, and 4) are implementable on a statewide or county-by-county basis at the governor’s discretion.



Employer guidelines for all phases include:	Individual guidelines for all phases include:
<ol style="list-style-type: none"> Develop and implement appropriate policies, in accordance with Federal, State, and local regulations and guidance, and informed by industry best practices, regarding: <ul style="list-style-type: none"> <input type="checkbox"/> Social distancing and protective equipment <input type="checkbox"/> Temperature checks <input type="checkbox"/> Sanitation <input type="checkbox"/> Use and disinfection of common and high-traffic areas <input type="checkbox"/> Business travel Monitor workforce for indicative symptoms. Do not allow symptomatic people to physically return to work until cleared by a medical provider. 	<p>Continue to practice good hygiene</p> <ol style="list-style-type: none"> Wash your hands with soap and water or use hand sanitizer, especially after touching frequently used items or surfaces. Avoid touching your face. Sneeze or cough into a tissue, or the inside of your elbow. Disinfect frequently used items and surfaces as much as possible. Strongly consider using face coverings while in public, particularly when using mass transit. <p>People who feel sick should stay home</p> <ol style="list-style-type: none"> Do not go to work or school.



3) Develop and implement policies and procedures for workforce contact tracing following employee COVID+ test.

2) Contact and follow the advice of your medical provider.

• **Phase 1 for Employers**

- Continue to **ENCOURAGE TELEWORK** whenever possible and feasible with business operations.
 - If possible, **RETURN TO WORK IN PHASES.**
 - Close **COMMON AREAS** where personnel are likely to congregate and interact, or enforce strict social distancing protocols.
 - Minimize **NON-ESSENTIAL TRAVEL** and adhere to CDC guidelines regarding isolation following travel.
 - Strongly consider **SPECIAL ACCOMMODATIONS** for personnel who are members of a **VULNERABLE POPULATION.**
- If you are a SHRM member, see "[Revise Policies to Facilitate Return to Work](#)," published on April 22, 2020.
 - Other resources to prepare for reopening



Preparing your Team to Return to Work

Tuesday, April 28 at 2 p.m. EST
Register: go.osu.edu/webinars



Executive Order Temporarily Suspending Immigration into US Due to COVID-19

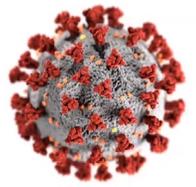
President Trump signed the [Proclamation Suspending Entry of Immigrants Who Present Risk to the U.S. Labor Market during the Economic Recovery Following the COVID-19 Outbreak](#) on Wednesday, April 22, 2020. This proclamation suspends the entry into the United States of certain aliens as immigrants for **60 days and to continue as necessary**. The effective date of the Proclamation was 11:59 PM EDT on April 23, 2020.



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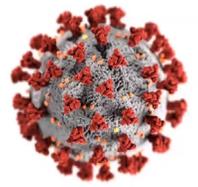
For more information: www.cdc.gov/COVID19

The suspension and limitation on entry applies only to aliens who:

- are outside the United States on the effective date of this proclamation;
- do not have an immigrant visa that is valid on the effective date of this proclamation; and
- do not have an official travel document other than a visa (such as a transportation letter, an appropriate boarding foil, or an advance parole document) that is valid on the effective date of this proclamation or issued on any date thereafter that permits him or her to travel to the United States and seek entry or admission.

The proclamation's suspension and limitation on entry does not apply to those applying for permanent resident status in the US, as well as:

- any lawful permanent resident of the United States;
- any alien seeking to enter the United States on an immigrant visa as a physician, nurse, or other healthcare professional; to perform medical research or other research intended to combat the spread of COVID-19; or to perform work essential to combating, recovering from, or otherwise alleviating the effects of the COVID-19 outbreak, as determined by the Secretary of State, the Secretary of Homeland Security, or their respective designees; and any spouse and unmarried children under 21 years old of any such alien who are accompanying or following to join the alien;
- any alien applying for a visa to enter the United States pursuant to the EB-5 Immigrant Investor Program;
- any alien who is the spouse of a United States citizen;
- any alien who is under 21 years old and is the child of a United States citizen, or who is a prospective adoptee seeking to enter the United States pursuant to the IR-4 or IH-4 visa classifications;
- any alien whose entry would further important United States law enforcement objectives, as determined by the Secretary of State, the Secretary of Homeland Security, or their respective designees, based on a recommendation of the Attorney General or his designee;
- any member of the United States Armed Forces and any spouse and children of a member of the United States Armed Forces;
- any alien seeking to enter the United States pursuant to a Special Immigrant Visa in the SI or SQ classification, subject to such conditions as the Secretary of State may impose, and any spouse and children of any such individual; or



- any alien whose entry would be in the national interest, as determined by the Secretary of State, the Secretary of Homeland Security, or their respective designees.

How Your Employees Can Receive Unemployment Benefits

- If you are an unemployed employee (W-2), click [here](#) to file an unemployment claim.
- For a step-by-step guide to unemployment benefits click [here](#).
- For additional information on unemployment benefits click [here](#).



- Ohioans can apply for unemployment benefits online 24 hours a day, seven days a week, at unemployment.ohio.gov. It is also possible to file by phone at **877-644-6562** or TTY at **888-642-8203, Monday through Friday, 7AM to 7PM, Saturday, 9AM to 5PM, and Sunday, 9AM to 1PM**. Employers with questions should email UCTech@jfs.ohio.gov.
- On April 15, Lt. Gov. Husted explained that Ohio's Unemployment Compensation system is on a pace to be insolvent by June, absent federal help.
- Unless there is federal help, Husted said that he will need to work with the General Assembly on addressing the solvency of the system that could be a combination of higher surcharges to employers; a reduction in benefits to the unemployed, and more federal borrowing.
- If your state unemployment claim was denied, there is still hope. Read on for those details.

State Begins Accepting Federal Pandemic Unemployment Benefit Applications

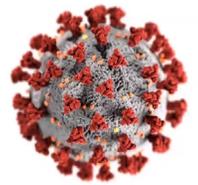
- The federal government has approved federal pandemic unemployment assistance (PUA) benefits for self-employed independent contractors and W-2 employees who are ineligible for state benefits. However, the state needs to set up an online system to accept applications.
- Ohioans who are unemployed as a result of the COVID-19 pandemic but don't qualify for regular unemployment benefits can begin pre-registering for Pandemic Unemployment Assistance (PUA), a new federal program that covers many more



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For more information: www.cdc.gov/COVID19

categories of workers. **To pre-register for PUA benefits, Ohioans should visit unemployment.ohio.gov and click on “Get Started Now.”**

- Once your application is approved, benefits are expected to begin by May 15th. Those eligible individuals who submit their applications in advance can receive benefits directly deposited up to the point when they were first eligible.

The Next Steps for Business Owners

Step 1: Work with financial and legal advisors who can:

- a. guide you in applying for and complying with requirements for currently existing government programs;
- b. monitor new legislation aimed at small business owners and help you act fast to take advantage the programs; and
- c. advise you in applying for private funds that are rapidly becoming available.

Step 2: Communicate with your elected officials.

- a. Thank them for their efforts to help constituents. We elect them to represent us at the local, state, and national levels in good times and bad. But, they are being bombarded by thousands of constituents that all need their help at once. Be patient and understand they are likely putting their best effort toward your needs.
- b. Tell them what’s working, what’s not, and what else they can do to help you through these challenging times. These are tough times for all Ohioans. Governments at all levels are trying to help residents stay safe and healthy throughout the coronavirus pandemic. But, your elected officials need to hear from you.
- c. Tell them what else could help individuals, families, and businesses get through this unprecedented time.
- d. Provide them with ideas on how to jump start the economy once we are past the pandemic.

Click [here](#) to provide constructive feedback directly to your federal and state elected officials.

Reminder - Primary Election – April 28, 2020

Click [here](#) for a copy of the 2020 Ohio Primary Election Voter Guide for more information on the candidates that are on the ballot.

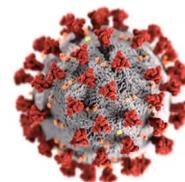
- ✓ & If you need to vote in-person because of a disability, you can skip these steps and vote in-person at [your local county Board of Elections](#) on April 28 only.



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- ✓ [Application for Absentee Ballot to Vote by Mail](#). This link takes you directly to the Secretary of State's website with further instructions. If you want to print off and fill in a blank absentee ballot click [here](#). This is a primary, so remember to pick ONE party (or issues only) for your ballot. Print and sign.
- ✓ Mail your request form to your [local county's Board of Elections](#).
- ✓ You will receive a ballot in the mail. Once you get it, complete it and mail it back with the stated postage. **Act fast, because it must be mailed and postmarked by today, April 27.**

Additional Information with Hyperlinks

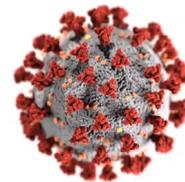
- **Gov. Mike DeWine, Lt. Gov.** – [Daily video briefing](#) and [Executive Orders](#)
- **ODH** – www.coronavirus.ohio.gov or 1-800-427-5634 (1-833-4-ASK-ODH), [Top 10 Things You Can Do to Prepare for COVID-19](#) and [Checklist for Business/Employers](#)
- **CDC** – [Interim Guidance for Business and Employers](#)
- **SHRM** – [Coronavirus and COVID-19 Resource Center](#)
- **OSHA** – [OSHA Injury and Illness Recordkeeping and Reporting Requirements](#)
- **US Dept. of State** – [Interactive Travel Advisory Map](#)
- **USDOL** – [Coronavirus Resources](#) - The U.S. Department of Labor's (DOL's) Wage and Hour Division published workplace posters that small and midsize employers can use to fulfill their obligations to notify employees of their rights to expanded paid sick leave and expanded paid Family and Medical Leave Act leave under the Families First Coronavirus Response Act (FFCRA). They are: [Employee Rights: Paid Sick Leave and Expanded Family and Medical Leave under The Families First Coronavirus Response Act \(FFCRA\)](#) and [Federal Employee Rights: Paid Sick Leave and Expanded Family and Medical Leave under The Families First Coronavirus Response Act \(FFCRA\)](#)
- **EEOC** - [Pandemic Preparedness in the Workplace](#) and [What You Should Know About the ADA, the Rehabilitation Act, and COVID-19](#)
- **IRS** - [COVID-19-Related Tax Credits for Required Paid Leave Provided by Small and Midsize Businesses FAQs](#)
- **The Ohio State University Wexner Medical Center** – [COVID-19 Resource Center](#)
- **OhioHealth** – [COVID-19 Toolkit](#)
- **Kegler Brown Hill + Ritter** - [COVID-19 Resource Center](#)



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