

Coronavirus: Legal and Practical HR Guidance for Employers + The PPP Flexibility Act – Live Webinar

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Bernstein Shur's Coronavirus Legal Response Team



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Agenda

- 1) Overview
- 2) The PPP Flexibility Act
- 3) Keep Maine Healthy: New Guidance from the Governor
- 4) Face Covering Requirement
- 5) Unemployment Fraud: Practical Advice
- 6) Questions and Answers



Paycheck Protection Program Changes

- 8-week forgiveness period extended to 24-week period (ending no later than Dec. 31, 2020)
 - Borrowers may still use 8-week period if they choose to do so.
- Required portion of payroll costs reduced to 60% (from 75%)
- Additional options for avoiding headcount reduction penalty
 - June 30 "savings clause" date extended to Dec. 31
 - May avoid penalty upon good-faith demonstration that business is unable to return to pre-Feb. 15 levels due to compliance with public health guidance or CDC, OSHA, or DHHS requirements
 - May also avoid penalty by documenting (1) an inability to re-hire and (2) an inability to fill positions with similarly qualified employees
- Loan Deferral
- Payroll Tax Deferral may now be combined with PPP



Keep Maine Healthy: Visitors

- **Visitors from NH and VT**
 - Immediately, no testing or quarantine required for traveling
 - If a ME resident visits NH or VT, they are not required to quarantine upon returning to ME
 - No testing or quarantine for lodging effective **June 12th**
- **Visitors from other states – testing alternative to 14-day self-quarantine begins July 1st**
 - Adults who receive a negative COVID-19 test no later than 72 hours prior to arrival are not required to quarantine



Keep Maine Healthy: Lodging Facilities

Lodging Facilities

- Commercial lodgings, campgrounds, seasonal rentals, Airbnb
- Individuals staying there must provide a Certificate of Compliance
- Draft Certificate of Compliance can be found here:
- <https://www.maine.gov/covid19/restartingmaine/keepmainehealthy/>
- **Tourism workers** – more testing (COVID-19 testing capacity will quadruple in Maine in July)
- **Visitors** – symptom checks – high-traffic locations
- **Communities** – promotion of appropriate practices



Keep Maine Healthy: Face Coverings

Face Coverings Required:

- Shall be worn at large gatherings, including outdoor gatherings
- Effective June 5, 2020, businesses accessible to the public shall "post readily visible signs notifying customers of the requirement to wear cloth face coverings"
- Includes employees
- Can deny service or entry to a person refusing to wear a mask and is not otherwise exempt from doing so
- Consider possible accommodations for members of the public and employees



Keep Maine Healthy: Face Coverings

Educate your Employees/Adopt a Policy:

- What is a "face covering" as defined by the CDC?
- How to wear the face covering
- When and how to properly clean the face covering
- Include guidance for employees who may not be able to wear a face covering due to a medical condition
- <https://www.cdc.gov/coronavirus/2019-ncov/prevent-getting-sick/diy-cloth-face-coverings.html>



Unemployment Fraud: Practical Advice

- Check with your IT department/provider to ensure the hack did not come from within
- If you were hacked, certain notifications are required, so check your cyber insurance or contact an attorney knowledgeable in this area of the law
- Notify the impacted employees and encourage them to take steps to protect themselves against identity theft
- Respond to the U/E paperwork in the normal course
- Designate in your online account that the person is an active employee and that the claim is fraudulent
- The DOL recently launched a new platform for reporting fraud <https://appengine.egov.com/apps/me/unemploymentfraud>



Q&A



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