Panelists:

• Domingo Solomon, Physician Assistant, Taylor Made Diagnostics

• Anne Bibeau, Partner, Vandeventer Black, Labor and Employment Law

• Neil Lowenstein, Partner, Vandeventer Black, Construction and Government Contracts Law

• William "Joey" Pocan, Economic Development Specialist at U.S. Small Business Administration

• Moderator: Mike Reff, Senior Vice President, Towne Insurance

Links:

• ABC Virginia COVID-19 Updates: https://www.abcva.org/News/COVID-19-Updates

• ABC Virginia Blog: https://www.abcva.org/News/ABC-VA-Blog
Covid – 19 Risk Management

TOWNE INSURANCE - A TOWNE FAMILY COMPANY

Mike Reff
mreff@towneinsurance.com
(757) 509- 3868

Matt Brummett
mbrummett@towneinsurance.com
(757) 334- 4835
How to manage your insurance program

• Contact your agent and talk with them about adjusting payrolls

• Business income is a property coverage so finding coverage may be difficult
Who has the highest risks?

• People who:
  • Are older than 65
  • Have suppressed immune systems
  • Have many medical conditions
How does it spread

• COVID-19 is believed to spread primarily from person-to-person through microscopic droplets formed after an infected person coughs or sneezes.

• Droplets enter the respiratory airways

• Droplets can fall on surfaces and remain infectious
Surface contamination

The virus remains infectious on surfaces

- Four hours on copper
- Up to 24 hours on cardboard
- 2-3 days on plastic and stainless steel
Incubation time

• The time span starting from exposure to the virus and the time of when symptoms start.

• The incubation for SAR CoV-2 is 2-14 days.
Symptoms

• Symptoms may occur in 2-14 days after exposure.

• Fever
• Cough
• Shortness of breath

No symptoms
Prevention

• Wash your hands. Proper washing is using soap and rubbing hands for at least 20 seconds. Use hand sanitizers containing at least 70% alcohol

• Disinfect commonly touched surfaces. Most EPA-registered household disinfectants are sufficient

• Cover your mouth when you cough or sneeze. Sneeze into your elbow. Wash your hands.

• Avoid touching your face.
Social Distancing

In the United States

• No more than 10 people in an area
• Keep at least 6 feet apart
• Teleworking / Working from home

Self Quarantine

• Staying home for 14 days
• Limit visitors
• Clean surfaces in the house
• Do not share items
Self Quarantine

• Staying home for 14 days
• Limit visitors
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What to do if you suspect you have COVID-19?

• Quarantine/Isolate yourself

• Call your primary care provider or health department for instruction
What can you do?

• Get appropriate sleep
• Exercise
• Keep your surfaces clean
• Keep an appropriate distance from others
• Quarantine your self when you have symptoms
• Avoid the Emergency Room
The news of COVID-19 is a lot to take. We see it in the news, and hear it from friends, family and co-workers. The thing you can do is to teach and practice what you learned and slow down its spreading. Every part counts and will make a big difference.
Resources

Graph of Cases Globally (3/23/2020)
Graph of Cases Globally (3/20/2020)
Families First Coronavirus Response Act (FFCRA)

- Becomes effective on 4/2/20 and lasts through 12/31/20.
- Two new requirements for paid leave: emergency FMLA and emergency paid sick leave (EPSL).
- Applies only to businesses with fewer than 500 employees.
- Business can recoup 100% of emergency FMLA and EPSL payments as a refundable credit against payroll taxes.
- Expect regulations from DOL and IRS clarifying application of EFMLA and EPSL and tax credits.
- DOL will issue notices for employers to post about emergency FMLA and EPSL.
Emergency FMLA

• Applies to employees who have worked at least 30 days for their employer.

• New FMLA category: qualifying need related to a public health emergency
  • When an employee is unable to work or telework due to need for leave to care for minor child if child’s school or childcare provider closed due to COVID-10 health emergency.

• First 10 days: unpaid, unless employee opts to use available paid leave (such as EPSL).

• After first 10 days, paid at 2/3 regular rate of pay up to max of $200/day and $10,000 total.
Emergency Paid Sick Leave (EPSL)

Up to 80 hours paid leave if employee unable to work/telework because:

1. The employee is subject to a Federal, State, or local quarantine or isolation order related to COVID-19;
2. The employee has been advised by a health care provider to self-quarantine due to concerns related to COVID-19;
3. The employee is experiencing COVID-19 symptoms and is seeking a medical diagnosis;
4. The employee is caring for an individual who is subject to an order as described in (1) or has been advised as described in (2);
5. The employee is caring for a son or daughter because the child’s school has been closed or the childcare provider is unavailable due to COVID-19 precautions;
6. The employee is “experiencing any other substantially similar condition specified by the Secretary of Health and Human Services in consultation with the Secretary of the Treasury and the Secretary of Labor.”
Pay rates for EPSL

• For conditions 1, 2, or 3, EPSL is paid at the employee’s regular rate of pay, up to a maximum of $511 per day and $5,110 in the aggregate.

• For conditions 4, 5, or 6, EPSL is paid at two-thirds the employee’s regular rate of pay, up to a maximum of $200 per day and $2,000 in the aggregate.

• EPSL is in addition to any other paid leave the employer provides.

• There is no carryover of EPSL beyond the end of 2020.
Crisis Action Planning

• “Hope for the best, plan for the worst” – Lee Child (numerous Jack Reacher novels)

• Dual focus suggested:
  • Company level
  • Project level

• Keep it simple – all team members at all levels need to understand and be able to follow

• What has happened already, what might happen moving forward, how do you intend to address?
Review and Follow Contracts

• Currently, construction is still essential with feds and most states (except PA); but that could change.

• Additionally, circumstances are changing daily and even if construction stays essential individual projects will likely get impacted.

• FAR §52.240-14 provides some guidance, addressing epidemics and quarantine restrictions as excusable delays; but will they apply?

• Other contracts discuss “force majeure” or “Acts of God” but usually in very specific terms that may / may not apply.

• Following notice and other requirements is, regardless, critical.
Evaluate Contractual Options

• What are your contractual options?
• Do you want to exercise your options?
• Flow implications include:
  • Notice requirements;
  • Dispute resolution triggers; and
  • Financial or other business implications.
Monitor Available Information; Take Common Sense Actions

• **Things will change** - monitor available information and coordinate with your business team (lawyers, accountants, insurance agents, bonding agents, etc.) with questions / to properly implement.

• **Take care of your people** – good information flow is essential to limit uncertainty and enforce compliance (at all levels, home and field offices) with best practices as published by CDC and other health professionals.

• **“Mitigate” adverse time and cost impacts** – keep good records; be able to explain your actions later.
• www.vanblacklaw.com

• Vandeventer Black COVID-19 information and resources webpage: https://vanblacklaw.com/practice-areas/coronavirus/

• Neil Lowenstein: https://vanblacklaw.com/attorney/neil-s-lowenstein/

• Anne Bibeau: https://vanblacklaw.com/attorney/anne-g-bibeau/
Applying for SBA Disaster Loans (EIDL)
Applying for SBA Disaster Loans (EIDL)

The following slides are designed to assist (state/district) Small Businesses in applying for the Economic Injury Disaster Loans offered through SBA.

**PLEASE NOTE:** This is to assist you in getting to the website, registering and starting the process. We STRONGLY suggest that once you are registered, you download and/or print out the application, familiarize yourself with what is needed, do it manually and then submit online. **WE WANT YOU TO HAVE A COMPLETE APPLICATION UP FRONT.**

If the application is incomplete, it will be set aside, you will be notified what is missing, and it will stay there until they receive the new information, then **YOU GO TO THE BACK OF THE CUE!**

So take your time, make sure it is complete. We will be here to assist where we can, but given the district’s limited staffing, we can’t run through an entire application with every (state/district) business. We are working with the state and our partners to provide more in-depth help.

Do not 2nd guess the process, ignore the “credit elsewhere” statement, **Everyone Should Apply!!**
Applying for SBA Disaster Loans (EIDL)

First, Click on below, or copy and put in Browser:

- https://disasterloan.sba.gov/ela/

Then follow the instructions on the slides.
Applying for SBA Disaster Loans (EIDL)

Disaster Loan Application Portal (DLAP)

DOUBLE-CLICK ON THE LINK TO ACCESS THE SITE
https://disasterloan.sba.gov/ela/

Disaster Loan Assistance
General Disaster Loans for Businesses, Private Nonprofits, Organizations, and Farms

Eligible Disaster Areas
Apply Online
Check Application Status

DOUBLE-CLICK APPLY ONLINE
Applying for SBA Disaster Loans (EIDL)

XXXXX District Office

Register

From this page you can:

1) Begin a new application by clicking on Register
2) Return to complete a started application by inputting a user name and password
Applying for SBA Disaster Loans (EIDL)

XXXXXX District Office

Complete Registration Information

On page 1 of the registration, pay close attention to the sections with an *; these sections must be completed. It is important that a good email address and cell phone number are filled out.

On page 2 of the registration, you will create your unique user-name and password. When creating your security questions, make sure to use information you won’t likely forget. If your password ever requires a reset, you would need this information.
Applying for SBA Disaster Loans (EIDL)

Apply Online

Double Click on Business and Non Profit
Applying for SBA Disaster Loans (EIDL)

NOTE: It is important that you choose the correct business type. Especially if you are a Sole Proprietor.
Applying for SBA Disaster Loans (EIDL)

• At this point you will just follow along and fill out the necessary forms, etc.

• If you are having trouble with first getting in, i.e. it is not recognizing the county and/or state:
  • Make sure you entered your type of business AND clicked on EIDL only under the “Are you applying for:” section.
  • Otherwise, please give it a while and try again. Disaster is moving as fast as it can, but each state and individual county needs to be entered. Like everything else with Covid-19, this level of activity was never anticipated.

• For Help, you can reach out to SBA’s Customer Service Center at (800) 659-2955 or email disastercustomerservice@sba.gov and of course the NJ District Office at 973-645-2434.

• Also, check our webpage for additional updates as this continues, www.sba.gov/xx. We are here to assist as much as we can.

• Together, we will do all we can to get through this. Good Luck and be safe!

Sincerely,

XXXXXX, District Director, and all the XX District Office Staff.