

COVID-19 EMPLOYER/EMPLOYEE/BUSINESS ASSISTANCE INFORMATION

MARCH 15, 2020

Rep. Heidi E. Scheuermann

(Will continue to update as best as possible as things change)

In response to the COVID-19 outbreak, steps are being taken, both on the federal level, and on the state level to assist employers, employees, and businesses weather the storm.

While there are still lots of moving parts, below is an outline of what is in place currently, and what other items remain in discussion.

Governor Scott Emergency Declaration

<https://dvha.vermont.gov/sites/dvha/files/documents/News/EO%2001-20%20Declaration%20of%20State%20of%20Emergency%20in%20Response%20to%20COVID-19.pdf>

As it pertains to businesses, employers, and employees:

- Directs the Department of Labor to *“extend unemployment insurance to those Vermonters following the instructions of their healthcare providers to self – isolate or quarantine; to remove the work search requirement for those workers affected by temporary closure of a business; and to temporarily suspend any mechanisms that would delay the release of funds to claimants. Further, I hereby direct the Commissioner of Labor to work with the Legislature on other opportunities to extend benefits to workers affected by COVID – 19.”*
- Directs ACCD *“to work with U.S. Small Business Administration (SBA) and Vermont Small Business Development Center (SBDC) to survey businesses to determine the economic impact of losses for the disaster period as compared to the same period of the preceding year for the purpose of applying to the U.S. Small Business Administration (SBA) for SBA Economic Injury Disaster Loans.”*

VT Department of Labor – COVID-19 Updates

<https://labor.vermont.gov/covid19>

VT Department of Labor – UI Benefits Guidance Memo (3/14/20)

https://labor.vermont.gov/sites/labor/files/doc_library/Admin%20Memo%20to%20Staff%20Regarding%20UI%20Benefit%20Determinations%20Pertaining%20to%20COVID%200%28March%2014%202020%29.pdf

- ***Able and Available Determinations:*** *Staff shall not deny claims for able and available issues due to a claimant being isolated or quarantined at the direction of a health care official due to potential or verified exposure to the COVID-19*

disease. These individuals shall be treated as temporarily unemployed through no fault of their own, and able and available, for the purpose of UI benefits.

- **Work Search Requirement Waiver:** *For employees who are impacted by a temporary closure of a business and have been provided with a return to work date within the current ten-week period, the work search requirement should remain waived. For individuals who are impacted under #1 of this memorandum, the Department will also waive the work search requirement for the time the individual is in isolation/quarantine.*
- **Expedited Payment of Benefits:** *I have directed Unemployment Insurance Division Director, Cameron Wood, to implement any/all measures necessary to allow for a more expedited benefit payment process. This includes issuing payments prior to employer confirmation and shortening the Electronic Fund Transfer validation process whenever possible.*

US Department of Labor – OSHA Temporary Enforcement Guidance Memo (3/14/20)

<https://www.osha.gov/memos/2020-03-14/temporary-enforcement-guidance-healthcare-respiratory-protection-annual-fit>

VT Agency of Commerce and Community Development - COVID-19 Guidance for Vermont Businesses

<https://accd.vermont.gov/about-us/disaster-planning/covid-19-guidance-vermont-businesses>

- **Stay Up-to-Date by signing up for the ACCD Covid-19 Newsletter**
 - <https://vermont.us3.list-manage.com/subscribe?u=ff50346b45ae607c4e55c01ec&id=73312ef76e>
- **Business Impact and SBA Loans**
 - *ACCD is asking any Vermont business impacted by the response to the COVID-19 virus to share these impacts with the Agency through a dedicated email address: commerce.covid19@vermont.gov.*
 - *In addition, the Coronavirus Preparedness and Response Supplemental Appropriations Act recently passed by Congress expanded the Small Business Act's definition of a disaster to include Coronavirus (COVID-19). As a result, the SBA will be able to provide [Economic Injury Disaster Loans \(EIDLs\)](#) under a Governor's Certification Disaster Declaration. In order for the SBA to consider an EIDL declaration, the Governor must demonstrate that at least five small businesses in a disaster area have suffered substantial economic injury as a result of the disaster.*

- *The Agency is working to identify businesses that meet the Small Business Administration's threshold for [SBA disaster loan assistance](#). Businesses are asked to complete an assessment form (available on the ACCD website at <https://accd.vermont.gov/content/sba-worksheet>) and return it to commerce.covid19@vermont.gov as soon as possible to help us advocate for eligibility. Our goal is to gain information in each of the 14 counties across the state. We are looking for data on impacts in the following areas:*

- *Economic Injury*
- *Supply Chain*
- *Workforce (Including that caused by lack of childcare)*
- *Business Travel*
- *Visitor Travel and Tourism Activities*
- *Remote Work Capabilities*

- *The Agency has also established a hotline so that businesses may call to report impacts and be directed to resources: (802) 461-5143. The hotline will be staffed Monday through Friday, 7:45 a.m. – 4:30 p.m.*

US CONGRESS – EMERGENCY COVID-19 LEGISLATION

<https://ogletree.com/insights/2020-03-14/the-emergency-coronavirus-bill-what-employers-need-to-know-regarding-the-legislative-response-to-covid-19/>

Taken from Ogletree Deakins Report (An Employment and Labor Law Firm):

- *The bill provides 12 weeks of job-protected paid Family and Medical Leave Act (FMLA) leave—of which the first 14 days may be unpaid—for employees of employers with fewer than 500 employees.*
- *Employees may use accrued personal or sick leave during the first 14 days, but employers may not require employees to do so.*
- *This leave benefit covers employees who have been working for at least 30 calendar days.*
- *Among other uses, employees may use the leave to respond to quarantine requirements or recommendations, to care for family members who are responding to quarantine requirements or recommendations, and to care for a child whose school has been closed as a result of the COVID-19 pandemic.*
- *After the first 14 days, employers must compensate employees in an amount that is not less than two-thirds of the employee's regular rate of pay. These pay requirements apply to only the COVID-19-related leave reasons listed above.*

- *The provisions will go into effect 15 days after the date of enactment and expire on December 31, 2020.*

Paid Sick Leave

- *Employers with fewer than 500 employees will be required to provide full-time employees 2 weeks (80 hours) of paid sick leave for specific circumstances related to COVID-19 (e.g., self-isolating, doctors' visits, etc.).*
- *Part-time employees are entitled to the number of hours of paid sick time equal to the number of hours they work, on average, over a 2-week period.*
- *Employers must compensate employees for any paid sick time they take at their regular rates of pay.*
- *Employers will be required to post a notice informing employees of their rights to leave.*
- *As currently drafted, the bill expressly provides that it does not preempt existing state or local paid sick leave entitlements.*
- *The provisions will go into effect 15 days after the date of enactment and expire on December 31, 2020.*

Unemployment Insurance

The bill provides \$1 billion in emergency unemployment insurance (UI) relief to the states: \$500 million for costs associated with increased administration of each state's UI program and \$500 million held in reserve to assist states with a 10 percent increase in unemployment. Besides the necessary increase in unemployment, in order to receive a portion of this grant money, states must temporarily relax certain UI eligibility requirements, such as waiting periods and work search requirements.

KEEP IN MIND, FROM WHAT I UNDERSTAND, THERE ARE TAX CREDITS IN THE BILL FOR THE COST OF THE LEAVE TAKEN BY EMPLOYEES, SO THE GOVERNMENT IS TECHNICALLY FOOTING THE BILL.

This legislation still needs to pass the Senate and be signed by the President.