



MARCH 19, 2020

COVID-19 UPDATE: Additional Resources



[ABC National Covid-19 Info](#)

[NJ Executive Order 104](#)

State Website - cv.business.nj.gov

Cohen Seglias Legal Form [packet](#)

Covid-19 [toolbox talk](#)

Prior ABC NJ Chapter Updates

- [Update 1](#)
- [Update 2](#)
- [Update 3](#)



Occupational Safety and Health Administration

OSHA has shared this [workplace guide](#) on Covid-19 as well as a One Sheet on preventing worker exposure in both [English](#) and [Spanish](#)



U.S. Small Business
Administration

The State of New Jersey has been **approved** by the U.S. Small Business Administration as a declared disaster state for COVID-19.

Small businesses can now start to apply for Disaster Loans on SBA's website.

[Click here to start your application.](#)

[Please see the Small Business Face Sheet by clicking here.](#)

NATIONAL LEGISLATIVE UPDATE:

Below is an update on the latest legislative action taken by Congress to address the ongoing

Yesterday afternoon, the Senate passed and the President signed H.R. 6201, the Families First Coronavirus Response Act, by a vote of **90-8**. On what is being considered Phase II of the federal legislative response to the Coronavirus. *ABC was joined by a number of organizations in a letter to the Senate (attached) expressing concerns with the bill's mandated leave provisions and ABC also sent a key vote letter (attached) in support of a Sen. Ron Johnson (R-Wisc.) amendment to replace the mandated leave requirements with unemployment insurance capped at \$1000 a week. Unfortunately, the Senate set a 60 vote threshold on amendments to the bill and the Johnson amendment failed by a vote of **50-48**.*

While the House was required to issue technical corrections to the bill they passed over the weekend, the bill would require businesses with 500 **and fewer** employees to provide more than 10 weeks of paid leave. An overview of the bill's employer paid leave requirements from the House Ways and Means Committee can be found [here](#) and a Littler explainer [here](#).

Of note, the President and the Treasury Department are also working to provide payment relief to families and businesses by allowing all eligible taxpayers to qualify for a deferral of their tax payment until July 15, 2020 with no penalties or interest. Guidance can be found [here](#).

The Senate has now turned Phase III of the federal response in earnest, and Senate Majority Leader Mitch McConnell pledged to keep Senators in Washington until they have passed a third bill.

What will the Phase Three Process Look Like?

The consensus components of a Phase Three stimulus include direct assistance to individuals and families, direct loans for small businesses, and targeted relief for key industries. McConnell indicated in his speech yesterday that he had established three "task forces" of GOP senators to work on these areas, and while these are fluid and informal working groups among committee leaders of jurisdiction, key point people include Sen. Marco Rubio (R-FL) on small business loans, Sen. Grassley (R-IA) on business tax matters and direct assistance to individuals, Sen. Roger Wicker (R-MS) on airline industry relief, and Sen. Mike Crapo (R-ID) on banking and business liquidity more broadly. While the Senate majority sets about its work, the nature of the chamber means it will have to seriously consider input from Democrats, including proposals put forward by Leader Schumer and Speaker Pelosi.

The scale of a Phase Three package has ballooned from the \$750 billion proposed by Senate Democrats to the \$850 billion initially contemplated by the Trump Administration, to a broad expectation that the total stimulus will soar above \$1 trillion. The rough, back of the envelope math could look something like this:

- \$500 billion in direct payments ("checks in the mail") to individuals and families, modeled after the Economic Stimulus Act of 2008; likely \$1,000 per person, means tested and capped at an income level around \$75,000
- \$250 billion in small business loans and loan guarantees to spur access to capital
- \$250 billion in funding for social safety net programs (UI, Medicaid, SNAP, etc.)
- \$50 billion to airlines in grants, loans, guarantees, and tax relief, likely with strings attached

In addition to a growing chorus of industry-centric requests and recommendations, lawmakers have begun to take aim at the still-notional "Phase Three" bill as a vehicle for long-standing priorities, ranging from [surface transportation infrastructure](#) to [renewable energy tax credits](#).

While the package is unlikely to serve as a full-on legislative Christmas tree, especially with a

“Phase Four” seeming inevitable once the immediate public health emergency subsidies, at this point the list of things that are not under consideration is far shorter than the ideas that remain in the mix.

ABC will continue to advocate for policies that address the needs of the construction industry’s businesses and will keep providing updates on any legislative progress.

Executive Branch and Agency Actions Taken on March 18, 2020

- The Treasury Department issued guidance saying that taxpayers can delay paying some federal income taxes for 90 days but still must file with the IRS by April 15th.
- The President Announced that he would be invoking the *Defense Production Act* (DPA), “just in case” he needs the authority to increase production of medical equipment needed to respond to COVID-19, including ventilators and personal protective equipment.
- The DPA gives the President broad powers to compel or encourage companies to prioritize contracts with the federal government and allocate resources deemed necessary for national security. The DPA has never before been invoked in the context of a public health emergency.
- The President issued an Executive Order late Wednesday invoking the DPA and delegating the power to make prioritization and allocation decisions to the Secretary of Health and Human Services.
- The President stated that he intends to authorize the Surgeon General to exclude persons or property for public health reasons pursuant to 42 U.S.C. 265. Details on this topic are limited, but right now it appears that this tool is being discussed in the context of excluding people, primarily from Central and South America, who may travel to the US to seek treatment for COVID-19.
- The Pentagon began the process of deploying the hospital ships *Mercy* and *Comfort* to help supplement hospital resources on the East and West coasts of the US
- The Department of Housing and Urban Development (HUD) announced that the agency is halting all evictions and foreclosures on HUD-owned properties until May 1st.
- ICE announced that it would halt most arrests and focus on people who pose public safety risks.
- The President announced that the US and Canada will close their shared border to all non-essential travel, although trade in goods would not be restricted. Details regarding the closure are still pending.

The ABC [COVID-19 Update webpage](#) includes resources from the Centers for Disease Control and Prevention, U.S. Department of Labor, DOL’s Occupational Safety and Health Administration, U.S. Small Business Administration, ABC general counsel Littler Mendelson and more. The webpage will include the latest updates on federal legislative actions related to coronavirus.

In order to keep the information current, the webpage will be updated on a daily basis.

The NJ State Board of Public Utilities

The state Board of Public Utilities today approved measures to limit person-to-person contact between utility workers and customers during the coronavirus pandemic.

Public utilities should stop in-home or business visits unless there's an immediate risk to health and safety, as well door-to-door sales activity. It also suspended certain fees related to filings and required that all filings to the board or the New Jersey Division of the Rate Counsel be done electronically.

The measures are “in no way meant to be interpreted as something that is punitive,” BPU President Joseph Fiordaliso said during an emergency board meeting via phone this morning. “Our primary purpose

is to try to minimize the spread of this particular virus."

The board said contractors already working on projects not in homes or businesses can use their discretion to complete the work. The board also discussed how broadband providers could, as a last resort after other options are exhausted, repair internet connections of customers who rely on it for school and work.

NJ LEGISLATIVE UPDATE:

These bills passed the Assembly and are being voted on by the Senate today. The Governor is expected to sign them.

- A3841 / S2300 (Pintor Marin / Bramnick / Chiaravalloti / Diegnan / Sarlo) - Automatically extends time to file gross income tax or corporation business tax return if federal government extends filing or payment due date for federal returns.
- A3845 / S2284 (Freiman / Greenwald / Dancer / Stack) - Authorizes EDA to make grants during periods of emergency declared by Governor and for duration of economic disruptions due to emergency; allows EDA to grant certain business documentation submission deadline extensions.
- A3846 / S2293 (Sumter / Chaparro / Quijano / Madden / Lagana) - Creates "Temporary Lost Wage Unemployment Program;" allows persons to claim for lost wages due to coronavirus disease 2019, and employers to pay wages to workers ordered under quarantine by licensed healthcare practitioner; appropriates \$20,000,000.
- A3848 / S2301 (Lopez / Munoz / Downey / Weinberg) - Concerns time off from work in connection with infectious disease.
- A3860 / S2289 (Pinkin / DeCroce / Benson / Vitale) - Establishes certain requirements to use telemedicine and telehealth to respond to coronavirus disease 2019 (COVID-19).
- A3861 / S2290 (Karabinchak / Johnson / Greenwald / Diegnan) - Permits corporations to hold shareholders' meetings in part or solely by means of remote communication during state of emergency.
- AJR158 / SJR77 (DeAngelo / DePhillips) - Urges FCC to take temporary measures to secure broadband access for those affected by COVID-19.

Above all, stay safe and healthy.

Heather Blush, CAE
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