

Legislative Update

What We Know Now

April 17, 2020

Legal Disclaimer

This training is intended for educational and informational purposes.

While we hope that you will learn a lot today, we are not attorneys, and the information should not be construed as legal advice.



We are answering your questions live on the air right now.

Please submit questions through the **Q&A function**,
not the chat option at the bottom of your screen.



SBA Funding for PPP runs dry

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Coronavirus Funding Options

[Click here to learn more about available SBA loan and debt relief options.](#)

Our nation's small businesses are facing an unprecedented economic disruption due to the Coronavirus (COVID-19) outbreak. On Friday, March 27, 2020, the President signed into law the CARES Act, which contains \$376 billion in relief for American workers and small businesses.

Lapse in Appropriations Notice: *SBA is unable to accept new applications at this time for the Paycheck Protection Program or the Economic Injury Disaster Loan (EIDL)-COVID-19 related assistance program (including EIDL Advances) based on available appropriations funding.*

EIDL applicants who have already submitted their applications will continue to be processed on a first-come, first-served basis.



Phase 4: COVID Stimulus Bill

**Bill has not been passed yet*

“CARES Act 2.0” - It is said that the purpose of the Phase 4 Stimulus Bill will be to focus on healthcare needs and address any gaps or shortcomings of the CARES Act.

The House and Senate are not expected to meet until April 20th at the earliest to discuss a potential Phase 4.

Some topics this bill could include are:

- Healthcare
- Economy and Jobs
- Working Families
- Frontline and Essential Workers



Healthcare

- **Free Treatment**

- Free treatment for the uninsured
- Eliminate cost-sharing for private insurance
- No patient receives a bill for out-of-network treatment

- **ACA Special Enrollment Period**

- Currently individuals can only enroll in coverage during a special enrollment period
- This new period would potentially include everyone, regardless of whether they lost their insurance

- **Medicaid Expansion**

- Incentivize Medicaid Expansion



Healthcare

- **Telehealth**

- The CARES Act did not expand the list of eligible providers, so further expansion for multiple types of providers is being talked about for Phase 4
- Funding for Wi-Fi hotspot connectivity for low income household and unserved communities so that they have access to Telehealth

- **HSA/FSA/HRA**

- Further increased flexibility for HSA, FSA, and HRAs is being proposed so that the funds can be used to pay for additional products
- The CARES Act allows participants to purchase the following items using their HSA, FSA or HRA:
 - OTC Medicine
 - Menstrual Care Products
 - Telehealth Services, Pre-Deductible without impacting HSA Eligibility (provision in place until 12/31/2021)



Economy and Jobs

- **Work Sharing**

- Expand employer based payroll protection through work sharing so that employees may maintain access to benefits while being on UI

- **Unemployment Insurance**

- Require a minimum of 26 weeks in all states and mandatory coverage for low wage workers
- Performance bonuses or improved reciprocity rates by 2.5% per year for 5 years for states that cover at least 40% of their jobless or UI
- Continue the \$600 per week through October 31, 2020 or the end of the National Health Emergency
- Extend the maximum weeks of PUA from 39 to 52



Economy and Jobs

- **Infrastructure**

- Increase health care infrastructure – something that is still being seriously tested during this pandemic. This could include building community health centers and ensuring resources are available for us to test and treat COVID-19 patients
- Spectrum for emergency services and first responders
- Increase rural broadband as well as housing and school infrastructure



Working Families and Individuals

- **Second Round of Stimulus Checks**
 - The second round of checks would potentially present an increase in the amount from \$1,200 to \$1,500
- **Increase in SNAP (Supplemental Nutrition Assistance Program) by 15%**
 - **Emergency Allotment:** States can provide SNAP households with emergency supplementary benefits up to the maximum benefit a household can receive for up to two months.
 - **Pandemic EBT (P-EBT):** Electronic Benefit Transfer is available for households with children who attend a school that's closed and who would otherwise receive free or reduced priced meals.
 - **Modified Procedures to Help Deal With the Rising Application Numbers:**
 - Telephonic Signatures
 - Shift In-Person Eligibility Case Reviews to Remote
 - Waive Application Interview Requirements
- **Internet Access**
 - Expand funding for wi-fi hotspot connectivity for students
 - Prohibition on disconnecting customer for lack of payment



Frontline and Essential Workers

- **Heroes Fund and Hazard Pay**

- This federal fund would provide significant pay increases to frontline workers, including a recruitment incentive for home and health care workers
- Two Options Being Explored:
 - Flat rate increase of \$13/hr, capped at \$25,000 for workers earning less than \$200,000 annually and \$5,000 for those earning over \$200,000 annually. (Approximately \$398.9 Billion Cost)
 - Percentage increase of 25%/hr or 50%/hr (Approximately \$148.9 Billion for 25% and \$298 Billion for 50%)

- **Who Qualifies and for How Long?**

- CISA released an advisory list outlining the “Essential Critical Infrastructure Workforce”
- Individuals states and localities are encouraged to add or subtract essential categories at their own discretion
- There is talk of this program lasting 49 weeks in total however this is all dependent on if/when the program goes into effect



Frontline and Essential Workers

- OSHA Regulations

- There is currently no legal requirement for health care facilities (Hospitals, Nursing Homes, Mental Health Institutions, Ambulatory Care Facilities, etc.) to take necessary steps to protect front line workers
- Measures to require OSHA to adopt an emergency temporary standard were proposed in the last bill, but were blocked by the senate



DOL Unemployment FAQs

Clarifications



Florida

- [Florida Department of Economic Opportunity](#)
- Eligibility criteria for having to “actively be searching for employment” has been waived due to COVID-19
- Program is called **Reemployment Assistance**
- Pandemic Unemployment Assistance (PUA) Update



Tennessee

- [Tennessee Department of Labor and Workforce Development](#)
- Fastest and most efficient way to file is through www.Jobs4TN.gov
- In Tennessee you are required to certify online each Sunday to notify the state you are still not working (even amidst COVID-19)
- Pandemic Unemployment Assistance (PUA) Update



Texas

- [Texas Workforce Commission](#)
- Staggered Access Times for calling to apply due to high volume
- Eligibility requirements are basic, and can be found here: <https://www.twc.texas.gov/jobseekers/eligibility-benefit-amounts>
- Pandemic Unemployment Assistance (PUA) Update



Mississippi

- [Mississippi Department of Employment Security](#)
- [COVID-19 info](#)
- On March 21, 2020, the Governor signed Executive Order No. 1462 due to the coronavirus COVID-19 pandemic to help employees and employers during this state of emergency. The changes associated with this include the following:
 - Individuals receiving unemployment benefits will not be required to serve a waiting period week for initial claims filed from March 8, 2020, through June 27, 2020.
 - Work search requirements that normally must be met to be considered eligible for Unemployment Insurance benefits shall be suspended beginning March 21, 2020, until June 27, 2020.
 - All collection activities including, but not limited to, interception of state tax refunds, payment agreements, enrollment of liens, tax garnishments, and claimant overpayment garnishments shall be suspended until June 27, 2020.



California

Employment Development Department

- [OnwardCA](#) (excellent resource for employees)
- [Rapid Response Services](#) (If you are facing potential layoffs or plant closures, you can get help through the Rapid Response program. Rapid Response teams will meet with you to discuss your needs, help avoid layoffs where possible, and support your workers through the process.)
- [Self-Employed/Independent Contractor](#) (The EDD will begin accepting online applications for this program on Tuesday, April 28. This page will be updated with instructions for filing a claim for PUA benefits when details become available.)
- [Assembly Bill 5](#) Effective 1/1/20 hiring entities are required to classify workers as employees unless they meet all conditions of the ABC test:
 - *The person is free from the control and direction of the hiring entity in connection with the performance of the work, both under the contract for the performance of the work and in fact.*
 - *The person performs work that is outside the usual course of the hiring entity's business.*
 - *The person is customarily engaged in an independently established trade, occupation, or business of the same nature as that involved in the work performed.*



Questions?

Please email:

questions@dominionpayroll.com

For resources, updates, webinar schedule, and FAQ's, please visit our

[COVID-19 Updates & Resources page](#)



As requirements change and laws are passed, we will update you as soon as possible.

Don't forget to wash your hands!

