

---

# COVID Webinar #4

**Expert Panelist: Matt Pearce, UGA Small  
Business Development Center**

## Questions & Answers

### **If an employee tested positive for COVID, when is it safe for them to return to work?**

People with COVID-19 who have stayed home (are home isolated) can stop home isolation under the following conditions:

- a. If they are tested they can leave home after these have happened:
  - i. They no longer have a fever without the use medicine AND
  - ii. other symptoms have improved AND
  - iii. They received two negative tests in a row, 24 hours apart.
- b. If they will not have a test
  - i. They have had no fever w/o use of medicine for at least 72 hours AND
  - ii. other symptoms have improved (for example, when their cough or shortness of breath have improved) AND
  - iii. at least 7 days have passed since their symptoms first appeared

It is important to cover your face and practice exceptional hand hygiene within the first few weeks of recovery. Employers should provide face masks for the workplace for at least 14 days after exposure.

## **Can I send employees home who are showing COVID symptoms?**

Yes. The CDC states that employees who become ill with symptoms of COVID-19 should leave the workplace. Advising such workers to go home is permitted under the ADA if the illness were serious enough to pose a direct threat. Employers are not obligated to provide work to an employee who presents with symptoms of a contagious disease.

On the other hand, an employer cannot send an employee home simply because the employee is a member of a high-risk group — someone who is 65 years old and older or has underlying health conditions. This would be discrimination on the basis of protected class status.”

## **What actions can we take if an employee is exhibiting flu-like symptoms but refuses to leave the workplace?**

Try to make them understand the reasons why their departure is necessary to maintain the health and safety of the entire workplace. If you can pay them while they're off work, it should ease the anxiety and resistance of being sent home. If there are benefits available such as paid sick leave, use of accrued vacation, or something else that may appease them, you should explain these benefits and how the employee can utilize them.

If the employee still refuses to leave the workplace, you can consider explaining that the employee is now trespassing on private property and if they do not leave you will be forced to call local law enforcement to escort them off the premises.

## **Can an employee refuse to come to work because of fear of infection?**

Employees can refuse to work if they believe they are in imminent danger, which OSHA defines as “any conditions or practices in any place of employment exist which can reasonably be expected to cause death or serious physical harm.”

If there has been evidence of spread or exposure of COVID-19 in the workplace, for example, employees could not be forced to come to work, as there is a direct threat

of contamination. But with no evidence of exposure, or the exposure does not impact all employees, then, the employer can insist that people come to work.

## **Can an employee on FMLA leave receive unemployment benefits?**

Employees on FMLA will not be eligible for unemployment. To apply for unemployment you have to be unemployed due to no fault of your own and available to work. Someone taking FMLA is not available to work or they would be working for you.

## **If we furlough employees, are they able to access unemployment benefits (including the additional \$600)? What is the difference between furlough and layoff and how does that impact unemployment?**

- Furlough generally involves reducing hours or taking a certain amount of unpaid time off, as an alternative to layoff. For example, reducing non-exempt employees to 32 hours instead of their normal 40, or requiring all employees to take a week or two of unpaid leave sometime during the year.
- Temporary layoff occurs when a company does not have enough work for employees to perform, but expects this to be a temporary situation and intends to recall employees back to work in the near future.
- A reduction in force (RIF) is a permanent layoff and occurs when a position is eliminated with no intention of returning the employee to work.

Employees in any of these situations would be eligible for unemployment, and for the \$600 supplement now. In the case of furlough, employees would be eligible if they have no hours or earnings in a given week. If work hours are reduced, they may be eligible for partial unemployment, depending on their weekly earnings, which is different in every state.

**As an employer of business services, are there any specific regulations that we should implement to protect our employees and clients? If someone at our business we're to contract the virus - how do we make sure to protect our company for a potential lawsuit- if any? Example. Is it a must that we take temps daily etc.**

Employers may, but are not required, to take employees' temperatures. If an employee does contract COVID-19, some steps employers should take include:

- Be sure the infected employee is immediately removed from the workplace.
- Notify other employees and any clients the employee may have had contact with to alert them to potential exposure (do not reveal employee's name)
- Physical spaces where infected or potentially infected employees worked, as well as common areas should be sanitized to reduce any potential that the virus remains on work surfaces.
- Offer protective equipment such as masks and gloves for any employees who have fear of potential exposure.
- Follow CDCs guidelines (outlined in previous question) for allowing employees to return to work.

**I've seen employees posting videos on social media in tears and crying because their employers are requiring masks, but not providing them, and are putting unreasonable restrictions on what they can wear - such as not allowing homemade masks, requiring certain colors of fabric, etc. From a PR and marketing standpoint, this is obviously bad - but how can managers handle this better?**

As an employer, if you are requiring employees to wear masks at work, you should be providing them and giving specific information and training to employees on how to wear, clean and care for any type of PPE. Employers should not have a

reason to restrict what type of masks employees wear if they are not required or provided by the employer, but allowed on a voluntary basis.

**It's important to remember online reviews right now too - not just from customers, but also on sites like Glassdoor and social channels where employees can review you based on how you handle things right now (Christina Hooper - Sparkitive)**

Social media channels are even more alive and well, and being used more frequently during this time. Many employees are posting what great companies they work for and how well their employer has taken care of them during these tough times. You want to be in these posts, not those who are complaining that companies are more concerned about profits than people. Go overboard to listen, respond and take care of employee needs during this time. Employees will remember how their company treated them during these tough times.

**We plan to apply for an SBA loan soon. We have 2 persons on furlough by employee choices and all other (21) employees at work with 80% compensation. Will our loan be approved with reduced benefits.**

The potential loan amount is based on last year's average payroll. What you are doing now does not impact the amount of the loan that you are eligible for. It could, however, impact the amount of the loan that is forgiven. But, it will convert to a 2 year loan at 1% interest. So, it is still good financing. And, the first payment is not due for 6 months.

---

**Do you have any further knowledge on the government paying out hazard pay to the employees? If so will it be part of the current loan processes or will there be a separate application procedure?**

We are not aware of any such plan.

**I have put in for the Economic Injury Disaster Loan at the end of March. I can't figure out how to log back in to check on the status of the application because the website has changed. I have sent emails requesting info with SBA loan number but no response.**

I recommend calling the SBA at (800) 827-5722 early in the morning. You will likely be placed on hold for some time, however. Have the application number on hand when you call.

**Are vehicle payments covered under the loan repayment forgiveness under the PPP?**

No. Automobile Costs are not eligible. Just payroll and rent/utilities. Also, interest on a mortgage, but not principal

**If my loan is approved, can I postpone spending until we reopen?**

If you want the loan forgiven, you must spend the money on approved expenditures during the 8 weeks following origination. As I said above, it is still very good financing even if it is not forgiven. A two-year loan at a 1% interest rate, with no payment for six months.

**Are there limits to how much paperwork banks can ask for? Our payroll company had a report we could run that gave them all the information about payroll - but then our banker wanted that plus form 940, form 941, a separate loan pdf application in addition to the SBA one, a profit and loss statement from 2019, and then a 6-page spreadsheet that I have to fill out.**

The banks have to make sure that they cross their T's & dot their I's. They are operating on guidance from the SBA. The 940 & 941 requests are common. A six-page spreadsheet is not common.

**Can you put in applications at multiple banks at one time to see who gets it done the fastest with the least hassle?**

Yes. But we recommend that you focus primarily on the bank you already have a relationship with. Preferably, a lending relationship – not just business checking.

**Our company pays our property lease a year in advance. If we take a PPP loan can we use the funds towards next year's lease so that it may be forgiven?**

This is an area that is currently unclear. I would suggest paying two months of the lease during the eight weeks after funding. Then pay the other 10 as you normally would. Also, your bank will be determining what is eligible for to be forgiven. Have a conversation with your loan officer about this at closing so that you may properly plan this.

---

**Please explain compensation limits for commissioned salespersons and salary limits in calculating 2019 payroll amounts. You mentioned a \$100,000 per year per person limit for the loan application.**

If an employee makes \$150,000 on an annual basis, you may only count \$100,000 (on an average monthly basis) toward your loan eligibility amount and similarly can only use the PPP loan funds on a maximum of \$100,000 per employee, as prorated during the 8-week period.

**What is the best resource for getting information regarding the stimulus check distribution?**

The following website provides a timeline for depositing and mailing stimulus checks:

<https://heavy.com/news/2020/04/covid-19-stimulus-check-tracker-status/>

**Resource for Extensive FFCRA Q&A on Department of Labor website**

<https://www.dol.gov/agencies/whd/pandemic/ffcra-questions>

**Additional Small Business Resources**

<https://smallbusiness.yahoo.com/advisor/resource-center/covid-19-small-business-resource-center/>

- Paypal waives fees
- Verizon Small Business Recovery Fund
- State and Local Relief Funds
- Industry specific support programs
- Square will be refunding all software subscription fees for the month of March.

- Reach out to your lenders to negotiate short-term relief. This could either be in the form of deferred payments or extended credit lines.
- Banks waive service fees
- Honeycomb Crowdfunded Small Business Relief Loan