



PLATINUM GROUP  
CLOUD PAYROLL | HR | ACCOUNTING

# Webinar 13

*Employer Updates 07-28-2020*

## Platinum Group

Webinar-July 28, 2020

### WEBINAR LOGISTICS

- **All Participants are muted. If you are experience audio issues when calling in please try using you computer speakers.**
- **We would love to hear from you! Questions bar.**
- **A recording of the webinar and presentation slides will be available this afternoon.**
- **Rapidly changing environment – What we know now.**

## Platinum Group

Webinar-July 28, 2020

# COVID-19 WEBINAR 13

Govenor Cooper's Liability Safe Harbor & School Decision  
PPP Forgiveness | EIDL Update | Pending Legislation Review

7.28.20



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## Platinum Group

Webinar July 28, 2020

### AGENDA

- **Governor Cooper's Liability Safe Harbor & School Decision** - How do these two decisions affect your business and the leave & pay provisions under the FFCRA?
- **PPP Forgiveness.** We will discuss a handful of updates and tools you can use to simplify the process of calculating forgiveness and have a brief question/answer session.
- **EIDL Update** - Grant update and application process. Should you apply?
- **Pending Legislation** - We will review a few potential bills and their potential effect on your business.

# COVID-19 Employment Law Update

Platinum Group  
July 24, 2020

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# HB 118: COVID-19 Liability Safe Harbor

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- Effective July 2, 2020
- No liability for a claim “arising from any act or omission alleged to have resulted in the contraction of COVID-19” unless:
  - Gross negligence
  - Willful and wanton conduct
  - Intentional misconduct
- Required to provide “reasonable notice” of actions taken to reduce transmission of COVID-19

# HB 118: Practical Considerations

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- Only applies to claims arising within 6 months after the expiration or rescission of the North Carolina State of Emergency
- Specifically excludes workers' compensation claims
- Does not prevent government agency from imposing fines
- Not sure how courts will interpret
- Does not prevent someone from suing you—only provides a defense if someone does



# New FFCRA Guidance

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- Employee used two weeks of paid sick leave to care for parent who had been advised to self-quarantine by healthcare provider
- Employer concerned about employee returning to work too soon and potentially exposing
- Can the employee be required to telework or take leave until employee has a negative test?





# New FFCRA Guidance

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- Generally, employees returning from paid sick leave must be returned to their equivalent position
- Due to public health emergency and potential exposure to individual with COVID-19, may temporarily reinstate to an equivalent position with less public interaction or require to telework
- Employee must comply with job requirements unrelated to leave
  - For example: if you require all employees who have interacted with a COVID-19 infected person to telework or take leave until tested negative
- Cannot require to telework or be tested just because took the paid sick leave



# New FFCRA Guidance

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- If full-time employees uses 80 hours of emergency paid sick leave and then is furloughed, is the employee entitled to additional paid sick leave after returning from furlough?
  - No—employees are limited to a total of 80 hours of paid sick leave
- Employee used 4 weeks of EFMLA before being furloughed. When employee returns, if she still needs to care for her child because the childcare provider is unavailable due to COVID, how much EFMLA does she have?
  - Total of 12 weeks, she has used 4 weeks—so entitled to 8 additional weeks
  - Time off during furlough does not count against EFMLA leave
  - Should treat as a new request and have employee provide updated documentation
- Cannot extend an employee's furlough because you know the employee will potentially request leave under the FFCRA



# FFCRA and School Plan B and C

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- Can EFMLA be taken intermittently?
  - Only with employer's permission
- What does it mean if you don't agree?
  - Give leave in block
  - Risky to take position not qualified
- How do you calculate intermittent leave?
  - Look at hours in a week and calculate based on week
  - Pay will be tricky, especially for exempt



# FFCRA and School Plan B and C

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- What about new requests?
- You can only request what the regulations allow:
  - Child's name and age
  - School that is closed
  - If over the age of 14, what special circumstances exist
  - Certify that no other suitable individual will provide care during time employee is requesting leave
- Not, what changed...



# FFCRA Exemptions

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- Sick Leave (2 weeks)
  - Health care providers
- Expanded FMLA (12 weeks, including 2 sick leave)
  - Under 50 employees AND of the following:
    - Provision of leave would result in the small business's expenses and financial obligations exceeding available business revenues and cause the small business to cease operating at a minimal capacity
    - Absence of the employee(s) requesting leave would entail substantial risk to financial health or operational capabilities of the business because of employee's specialized skills, knowledge of the business, or responsibilities
    - Not sufficient workers who are able, willing, and qualified, and who will be available at the time and place needed, to perform labor or services provided by employee(s) requesting the leave, and these labor or services are needed for the small business to operate at minimal capacity



# Questions?

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## Platinum Group

### PAYCHECK PROTECTION PROGRAM

#### **Forgiveness Considerations & Tools:**

- Consider delaying your application for forgiveness?
  1. Most lenders are not ready to process forgiveness applications. Many are developing technology tools such as “forgiveness portals” or will leverage other automation options for a more efficient process.
  2. Organizations have 24 weeks to use their PPP money, leaving them more time to take steps that will help them qualify for full loan forgiveness.
  3. Payroll costs are a significant component of PPP forgiveness. Many payroll providers are developing custom reports specifically to comply with PPP guidance. However, like lenders, they are waiting on final SBA and Treasury guidance so they can prepare the PPP-compliant reports borrowers will need.
  4. Borrowers aren’t required to make any loan payments before they apply for forgiveness or until 10 months after their covered loan period ends. Since payments aren’t due yet, there is less urgency to apply for forgiveness.

## Platinum Group

### PAYCHECK PROTECTION PROGRAM

#### Forgiveness Considerations & Tools:

- Consider delaying your application for forgiveness?
- 5. Applying for forgiveness may be easier than clients expect. Borrowers can use a simplified process through [SBA Form 3508EZ](#) if they meet at least one of these requirements:
  - Borrower is a self-employed individual, independent contractor, or sole proprietor who had no employees at the time of the PPP loan application and did not include any employee salaries in the computation of average monthly payroll in the Borrower Application Form.
  - Borrower did not reduce the pay of any employee by more than 25% AND did not reduce the number of employees or their average paid hours between January 1, 2020 and the end of the Covered Period for this business.
  - Borrower did not reduce the pay of any employee by more than 25% AND was unable to operate at full activity during the Covered Period for this business due to compliance with government requirements or guidance.



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FLEX ACT REVIEW

### PAYCHECK PROTECTION PROGRAM FLEXIBILITY ACT (PPPFA) – “FLEX ACT”

#### **When must a borrower apply for loan forgiveness or start making payments on a loan?**

A borrower may submit a loan forgiveness application any time on or before the maturity date of the loan – including before the end of the covered period – if the borrower has used all of the loan proceeds for which the borrower is requesting forgiveness.

If the borrower applies for forgiveness before the end of the covered period and has reduced any employee's salaries or wages in excess of 25 percent, the borrower must account for the excess salary reduction for the full 8-week or 24-week covered period.

If the borrower does not apply for loan forgiveness within 10 months after the last day of the covered period, or if SBA determines that the loan is not eligible for forgiveness (in whole or in part), the PPP loan is no longer deferred and the borrower must begin paying principal and interest. If this occurs, the lender must notify the borrower of the date the first payment is due. The lender must report that the loan is no longer deferred to SBA.

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### PAYCHECK PROTECTION PROGRAM

#### Forgiveness Tools:

PPP Forgiveness Tool - Developed by AICPA/CPA.com/biz2credit

- Brief Walkthrough of Tool
- Be patient please – Need final regulations & time for stakeholders to program systems.
- Platinum customers have access to forgiveness reports. Provide the following to [support@platinum-grp.com](mailto:support@platinum-grp.com):
  - PPP Funding date.
  - Owners of the company.

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### PAYCHECK PROTECTION PROGRAM

#### **EIDL Loan Update:**

- The Grant/Advance is no longer available.
- Due to uncertainty you may want to consider applying.
- Process is much smoother than before.
- Generally \$150,000 loan available with 30-year term at 3.75% (non-profits 2.75%)
- Apply here: <https://covid19relief.sba.gov/#/>
- Information required (see next slide).

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### PAYCHECK PROTECTION PROGRAM

#### EIDL Loan Update:

##### EIDL Filing Requirements

- Electronic Loan Application ([SBA Form 5](#))
- Electronic Loan Application ([SBA Form 5C](#)) – Sole Proprietorship Only
- Tax Authorization ([IRS Form 4506-T](#)) 20% Owners/GP/50% Affiliate
- Most recent 3 Years of Business Tax Return(s)
- Personal Financial Statement ([SBA Form 413](#)) 20% Owners/GP
- Schedule of Liabilities ([SBA Form 2202](#))

##### Other information that may be requested:

- a) Complete copy, including all schedules, of the most recent Federal income tax return for principals, general partners or managing member, and affiliates (see filing requirements for more information).
- b) If the most recent Federal income tax return has not been filed, a year-end profit-and-loss statement and balance sheet for that tax year.
- c) A current year-to-date profit-and-loss statement.
- d) Additional Filing Requirements ([SBA Form 1368](#)) providing monthly sales figures.

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### PAYCHECK PROTECTION PROGRAM

#### **Pending Legislation:**

- More PPP funding with possible adjustments-Possible revenue reduction qualifications.
- 30% cash rebate for businesses (some non-profits) under \$1.0 million in gross receipts (based on 2019 income).
- Unemployment reduction/extension.
- Possible changes to Employee Retention Credit.

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### PAYCHECK PROTECTION PROGRAM

#### Forgiveness Links & Tools:

- [Loan-Forgiveness-Application-Form-EZ-Instructions](#)
- [PPP-Forgiveness-Application-3508EZ](#)
  
- [PPP-Loan-Forgiveness-Application-Instructions-Form 3508](#)
- [SBA-Form-3508-PPP-Forgiveness-Application](#)
  
- [PPP Forgiveness Tool - Developed by AICPA/CPA.com/biz2credit](#)
  
- [EIDL Online Loan Application](#)

# Questions?

Employee Experience: Employ, Enable, Empower

# The iSolved Platform



Modern Employee Experiences



## EMPLOY

### Talent Management



#### Attract & Hire

- Recruiting
- Job postings
- Applicant tracking



#### Onboard & Develop

- New hire forms
- WOTC eligibility
- Compliance
- Talent identification & nurturing

## ENABLE

### HR & Payroll



#### Payroll

- Employee self-service
- Direct deposit
- Pay cards
- Tax filing & credits
- Garnishments



#### Human Resources

- Manager self-service
- PTO accrual
- Job history
- Salary management
- Certification tracking
- Audit & compliance
- Document management

### Workforce Management



#### Time & Attendance

- Time and labor
- Attendance
- Time clocks
- Scheduling



#### Benefits Enrollment & Services

- Benefit management
- Benefit cost analysis
- Open enrollment
- ACA compliance
- Life event management
- Carrier integrations
- FSA, HSA, HRA
- COBRA
- FMLA

## EMPOWER

### Engagement Management



#### Share & Perform

- Employee surveys
- Collaboration
- Rewards & recognition
- Goal setting
- Performance reviews
- 360 peer feedback



#### Learn & Grow

- LMS
- SCORM compliant
- Content marketplace
- Social learning
- Gamification
- Customizable content

Advanced Analytics & Workflow

One-touch Single Employee Record



Reactive UX

Scalable, Secure & Futureproof Platform



Microsoft  
Azure

If you are interested in learning more about our services, please email [michael@platinum-grp.com](mailto:michael@platinum-grp.com) or visit [platinum-grp.com](http://platinum-grp.com)



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# Thank you!

Future Webinars will be scheduled based on new guidance

Invitations will be sent

**Recordings and presentation slides will be sent out this afternoon.**

**This presentation is based on information available on July 28th, 2020 and is  
subject to change.**