

COVID-19 and its Impact on Your Business: Key Topics for You to Monitor

April 3, 2020

As the COVID-19 crisis continues, Akin Gump is publishing informative alerts to best equip our clients in their response to COVID-19. Please find below a list of the alerts that we believe will be of most use to you and your business. These articles discuss labor and employment issues, corporate and business planning issues and recent government relief actions. For additional reading related to COVID-19, its economic impact and issues impacting businesses and their operations, please visit Akin Gump's [COVID-19 Resource Center](#).

Labor and Employment

- [Novel Coronavirus \(COVID-19\): Employer FAQs](#)
 - Questions and answers regarding treatment of employees (travel, testing, compensation, paid/unpaid leave, etc.)
- [Occupational Safety and Health Obligations to Record and Report COVID-19 Cases](#)
 - Employer reporting requirements for cases of infection among employees
- [Work-From-Home Legal Issues Checklist](#)
 - Work-from-home considerations for employers including nondiscrimination, monitoring productivity and communications, timekeeping, overtime and compensation, meal and rest breaks, equipment, etc.
- [Employer Obligations Under New Federal and New York Sick Leave Laws Related to COVID-19](#)
 - New federal sick leave requirements for employers with fewer than 500 employees as well as new sick leave requirements for all New York state employers
- [COVID-19 and Workforce Reductions: Federal and California WARN Act Considerations for Employers](#)
 - Potentially applicable exceptions to the 60 days' advanced notice before termination required under the federal WARN Act as well as relaxed notice requirements under California's WARN Act

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- **What Officers and Directors Need to Know about Personal Liability for Unpaid Wages**
 - A review of federal and state laws that impose personal liability on company officers and directors for wage and overtime violations
- **Effectively Managing Workforce Contraction in Turbulent Times**
 - Factors and strategies for employers to consider when implementing a plan to reduce the size of their workforce
- **CARES Act Summary - Employees, Unemployment Insurance, and Assistance to State and Local Governments**
 - A summary of the coronavirus relief act, focusing on assistance to state and local governments, advancing the paid sick and family leave tax credit for employers, expanded unemployment insurance benefits and employee retention credit for employers subject to closure because of COVID-19
- **What Shelter-in-Place, Shut-down and Closure Orders Mean for Businesses**
 - Employer considerations for determining what are essential businesses and who are essential employees under the shelter-in-place orders of various jurisdictions
- **Equal Employment Opportunity Commission Issues Updated Guidance on COVID-19 and Federal Disability Discrimination Laws**
 - Guidance on hiring and screening new employees, protecting current employees, and bringing employees back to work without running afoul of federal disability discrimination laws

Corporate

- **The Global Impact of COVID-19 on Corporate Transactions**
 - Explores the impact that this economic disruption will have on global corporate transactions and examines contract clauses that may be triggered or affected by the COVID-19 crisis
- **SEC Issues Guidance on COVID-19 and Annual Shareholder Meetings**
 - A review of the SEC's guidance on holding annual shareholder meetings during the COVID-19 crisis
- **MAE in Loan Agreements: A Framework for Lenders and Borrowers During the Current Crisis**
 - A discussion on potential interpretation of material adverse effect clauses in loan agreements in the context of COVID-19
- **Coronavirus, the Economic Impact and the Board's Role**
 - Topics for a board of directors to consider, including addressing labor force needs, establishing long-term strategies, fulfilling the business judgment duty and reviewing directors and officers insurance
- **COVID-19: Business Continuity and Succession Planning**
 - Guidance on what should be included in a business continuity plan and succession plan to properly prepare for emergency and disaster events

- **Insurance Coverage Questions In Light of Coronavirus**
 - Insurance coverage questions that every business should be asking with a focus on workers' compensation, commercial property insurance, general liability insurance, and directors and officers insurance
- **The March to Cancel: Contract and Insurance Implications of Coronavirus-Related Event Cancellations**
 - A review of event-related contract provisions and insurance policies that are implicated by the trend of event cancellations related to COVID-19

Public Law and Policy

- **COVID-19 Policy Update (March 31, 2020)**
 - An overview of the most recent COVID-19 response actions and communications by the White House, Congress and various federal government agencies
- **CARES Act Summary - Small Business**
 - A description of the two small business loan programs of the coronavirus relief act: the Paycheck Protection Program and the Small Business Administration economic injury disaster loan program
- **CARES Act Summary - Tax**
 - A summary of the major tax provisions in the coronavirus relief act, including net operating loss rule relaxation, employer payroll tax delay, employee retention payroll tax credit and others
- **The Paycheck Protection Program: New Stimulus Package Contains Forgivable Emergency Loan Program For Certain Firms**
 - A review of the Paycheck Protection Program, which is a coronavirus relief loan program created to help small businesses make payroll and pay certain other costs over the next few months

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