

## COVID-19 Insights

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### OVERVIEW

The global outbreak and spread of COVID-19 (novel coronavirus) continue to present an unprecedented challenge to us all. In hope of providing updates and insights on this dynamic situation, we have created this page to assist in identifying and managing the broad range of issues that may affect you, your family and your business.

We will update this page frequently with relevant information. The content below is based on information current at the time of its publication and may not reflect the most recent developments or guidance. Please do not hesitate to contact us with any questions regarding the information shared.

### Business Considerations

#### [USPTO Offers Updated Relief for Certain Patent-Related Filing or Payment Deadlines | published on: 07.01.20](#)

A detailed summary of the permitted patent-related deadline extensions provided by the USPTO.

#### [Down-Rounds and Other Insider Financing: How to Minimize Your Fiduciary Risk | published on: 06.25.20](#)

Seven techniques to keep in mind in order to limit the risks of fiduciary liability.



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## [Paycheck Protection Program Flexibility Act and Other Updates to the Paycheck Protection Program | published on: 06.10.20](#)

The new rules confirm that June 30, 2020 remains the last date on which a PPP loan application can be approved.

### **Additional Business Considerations**

## [Update: USPTO Trademark Relief Under the CARES Act | published on: 06.03.20](#)

A detailed summary of the permitted trademark-related deadline extensions provided by the USPTO.

## [USPTO Extends Patent Deadlines for Small and Micro Entities | published on: 06.02.20](#)

A detailed summary of the permitted patent-related deadline extensions provided by the USPTO.

## [Interim Final Rule on Inclusion of Foreign Employees in Determining PPP Eligibility and Related Safe Harbor | published on: 05.21.20](#)

The SBA confirmed how businesses with foreign affiliates must count their employees to be eligible for PPP loans.

## [SBA Releases PPP Loan Forgiveness Application | published on: 05.18.20](#)

The application provides instructions for borrowers to request that their PPP loan be fully or partially forgiven.

## [PPP Loan Repayment and Safe Harbor Checklist | published on: 05.18.20](#)

Borrowers of PPP loans should reconfirm their eligibility and the accuracy of their application, and consider whether to repay the loan.

## [Updated PPP Loan FAQ from U.S. Treasury Extends Safe Harbor to Repay PPP Loans to May 18, 2020 | published on: 05.14.20](#)

A detailed summary of the recent updates to the U.S. Treasury Department PPP Loan FAQ.

## [Updated PPP Loan FAQ from the U.S. Treasury Department with Guidance on Its Review of the Certification Regarding the Necessity of the Loan | published on: 05.13.20](#)

A detailed summary of the recent updates to the U.S. Treasury Department PPP Loan FAQ.



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## [Updated PPP Loan FAQ from U.S. Treasury, Safe Harbor to Repay Loans Extended to May 14, Employee Count Clarified to Include Foreign Employees | published on: 05.07.20](#)

A detailed summary of the recent updates to the U.S. Treasury Department PPP Loan FAQ

## [IRS Asserts That Business Expenses Paid with Forgiven Paycheck Protection Program Loans Are Not Deductible | published on: 05.04.20](#)

Several members of Congress have noted their disagreement with the IRS position; we will continue to monitor this issue.

## [SBA Issues Interim Final Rule Capping Aggregate PPP Loan Amounts at \\$20M for Single Corporate Groups | published on: 05.01.20](#)

This limitation shall be immediately effective with respect to any loan that has not yet been fully disbursed as of April 30.

## [USPTO Trademark Deadline Extensions Under the CARES Act | published on: 04.30.20](#)

A detailed summary of the permitted trademark-related deadline extensions provided by the USPTO.

## [So You Were Approved for a Paycheck Protection Program Loan—Now What? | published on: 04.30.20](#)

An overview of best practices for PPP loan recipients.

## [Update: USPTO Patent Deadline Extensions Under the CARES Act | published on: 04.29.20](#)

A detailed summary of the permitted patent-related deadline extensions provided by the USPTO.

## [PPP Loan FAQ from the U.S. Treasury Department | published on: 04.29.20](#)

The Treasury Department recently provided guidance for businesses seeking PPP loans, but are owned by private companies.

## [Increased Funding for Paycheck Protection Program Loans and Updated Guidance | published on: 04.28.20](#)

Businesses should carefully consider the new SBA guidance on PPP loans when deciding whether to apply.

## [USPTO Deadline Extensions Under the CARES Act | published on: 04.24.20](#)

See if you're eligible for a 30-day extension for certain patent, patent application, and PTAB related deadlines due from March 27–April 30, 2020.



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### [Seeking Rent Relief? What Your Landlord Wants You to Know | published on: 04.15.20](#)

If your business is preparing for rent relief discussions with your landlord, consider these three tips.

### [Revisionist Insurance History for Virus-Related Damage and Losses: Don't Believe the Insurance Industry's Assertion That the Coronavirus Can't Cause Physical Loss of or Damage to Property | published on: 04.09.20](#)

Insurers are currently attempting to revise history by insisting that property policies do not cover damage or losses related to the coronavirus because there is no "physical loss or damage" to property.

### [Requirements and Considerations for Paycheck Protection Program Loans | published on: 04.08.20](#)

This alert provides a high-level summary of some of the most common issues and questions regarding PPP loans.

### [Maximizing D&O Insurance for Coronavirus Shareholder Claims | published on: 04.03.20](#)

D&O policyholders should expect their insurers to contest coverage for many claims arising out of the coronavirus pandemic.

### [Details on Relief Loans and Other Financial Assistance for Businesses | published on: 03.31.20](#)

Details on Paycheck Protection Program Loans, Economic Injury Disaster Loans, and state and local programs.

### [Coronavirus Emergency Loans – Small Business Guide and Checklist | published on: 03.31.20](#)

The U.S. Chamber of Commerce has created this resource to help small businesses prepare to file for a coronavirus relief loan under the CARES Act.

### [Help Available: Learn More about Federal, State and Local Relief Funds for Businesses | published on: 03.27.20](#)

The City of Chicago, Cook County, State of Illinois and the Federal Government have announced various financial assistance programs to help businesses impacted by COVID-19.

### [Stay at Home Marketing: Influencers in a Marketplace Grappling with COVID-19 | published on: 03.25.20](#)

In the wake of widespread quarantines, shelter-in-place, or stay-at-home orders, influencer marketing may seem well positioned to continue to circulate brand messages.



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### [COVID-19 Insurance Coverage Issues: An Update | published on: 03.25.20](#)

Stay informed of the latest updates on the impacts of COVID-19 and insurance coverage issues.

### [Considerations for Financial Institutions and their Customers | published on: 03.24.20](#)

With unprecedented volatility in the capital markets, there are bound to be substantial financial losses. While this inevitably leads to a rise in litigation against financial institutions, it is important to focus on the cause of any losses.

### [COVID-19's Impact on Business: Important Considerations | published on: 03.23.20](#)

Six considerations for business leaders as they prepare for many possible contingencies, including disruption, evolving business continuity and restructuring strategies.

### [Patents and COVID-19 Testing | published on: 03.23.20](#)

A recent patent infringement suit over a company creating a COVID-19 diagnostic test highlights a concerning trend in healthcare patents.

### [Your Insurance Checklist for COVID-19 Impacts and Losses | published on: 03.16.20](#)

As business losses caused by COVID-19 begin to mount, companies should carefully review their insurance policies to determine whether they may be covered. The attached insurance coverage checklist can assist you with this process.

## **Employer Considerations**

### [What COVID-19 Tests Can Employers Require? | published on: 06.19.20](#)

The EEOC recently stated that requiring employees to take an antibody test to return to the workplace violates the ADA.

### [Employers Take Note: COVID-19 Related Amendments Made to Chicago Fair Workweek Ordinance | published on: 06.16.20](#)

Chicago recently passed two notable amendments to the Chicago Fair Workweek Ordinance, which is scheduled to go into effect July 1, 2020.



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## **Top Three Employer Issues in the Age of COVID-19: Time Off and Pay, Physical Workplace Considerations and Workforce Reductions | published on: 05.28.20**

Webinar discussion on the top three issues employers are facing during the COVID-19 pandemic, plus emerging litigation trends.

### **Additional Employer Considerations**

## **OSHA Issues Revised Guidance Regarding Recordkeeping Relative to COVID-19 | published on: 05.21.20**

OSHA is now requiring employers to keep records determining if employee cases of COVID-19 are "work-related," removing a previous exemption for employers.

## **Navigating the Morass of Return-to-Work Considerations | published on: 05.21.20**

Employers should consider these best practices when devising their return-to-work plans.

## **Chicago Proposes a Pair of Ordinances to Address COVID-19 Related Concerns | published on: 05.12.20**

Retaliation for complying with public health directives would be prohibited, and Fair Workweek Ordinance litigation would be delayed.

## **EEOC Delays Collection of EEO-1 Reports Due to COVID-19 | published on: 05.11.20**

The EEOC is seeking approval to collect 2019 and 2020 EEO-1 Component 1 data from employers in March 2021.

## **The ADA and COVID-19: Can Employers Consider Employee Medical Conditions When Bringing Employees Back to Work? | published on: 05.08.20**

Employer obligations to employees that have known disabilities that may make them more vulnerable to COVID-19.

## **Employment Considerations in Illinois' Anticipated Extended Stay at Home Order | published on: 04.30.20**

The Order will ease some restrictions on retail stores, allowing minimum basic operations to fulfill customer orders through pick-up and delivery.



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**[Back to Basics: Managing Through COVID-19 with Traditional Labor Law | Part 5 | published on: 04.24.20](#)**

Under the CARES Act, "mid-sized" employers can qualify for favorable loans, but these come with some significant strings attached.

**[Back to Basics: Managing Through COVID-19 with Traditional Labor Law | Part 4 | published on: 04.23.20](#)**

How employers should handle a work stoppage, including a "safety strike" during an emergency.

**[Back to Basics: Managing Through COVID-19 with Traditional Labor Law | Part 3 | published on: 04.22.20](#)**

Employers may have a duty to provide information "relevant and necessary for the union to perform its duties as the employees' bargaining representative."

**[Back to Basics: Managing Through COVID-19 with Traditional Labor Law | Part 2 | published on: 04.21.20](#)**

The threshold issue facing an employer contemplating changes in its operation is whether or not the employer is free to implement those changes without first bargaining with the union.

**[Back to Basics: Managing Through COVID-19 with Traditional Labor Law | Part 1 | published on: 04.20.20](#)**

What are the limitations on how an employer may lawfully communicate with their unionized employees?

**[OSHA's Recent COVID-19 Guidance Does Not Change Workplace Best Practices | published on: 04.16.20](#)**

Most employers have been temporarily exempted by OSHA from determining whether a recorded case of COVID-19 was work-related.

**[CDC Relaxes 14-Day Self-Quarantine Recommendation for Essential Employees Exposed to COVID-19 | published on: 04.09.20](#)**

The CDC no longer recommends that certain exposed employees be sent home and quarantined for 14 days, and may continue to work so long as they remain asymptomatic and certain precautionary measures are taken.



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## **Employers Likely to Face Wave of Lawsuits by Employees Stricken with COVID-19 | published on: 04.09.20**

Employers should adhere to CDC and DOL guidelines and workplace safety best practices, which will blunt or defeat arguments that they breached a legal duty of care to their employees.

## **The Six Degrees of COVID-19 – Dealing with Gray Area Questions of Exposure | published on: 04.08.20**

How employers should handle cases of employees who may have come into contact with someone exposed to the coronavirus, and other gray area cases.

## **Employers May Provide Tax-Free Disaster Relief Payments to Employees Impacted by the COVID-19 Pandemic | published on: 04.03.20**

Qualified disaster relief payments from employers are tax-free to employees for federal income and employment tax purposes. However, they remain deductible expenses for employers.

## **Does the Current Pandemic Entitle an Employer to Take Emergency Action Without Bargaining with the Union? | published on: 04.03.20**

The impact of COVID-19 are without precedent and likely will generate subsequent NLRB rulings on whether employers under particular circumstances may be relieved of their bargaining duties.

## **Labor Department Posts Additional FAQs on Paid Sick and Family Leave Under the FFCRA | published on: 03.30.20**

The DOL explains intermittent leave under the Families First Coronavirus Relief Act, plus the small business exemption.

## **As Unemployment Numbers Rise, States Ease Eligibility Requirements for Benefits | published on: 03.27.20**

Employers who are facing tough employment decisions should consult with counsel to determine what options and resources exist for their employees.

## **How Employees May Access Their Retirement Savings in 2020 | published on: 03.27.20**

Details on the different ways employees can gain early withdrawals from their retirement savings.





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### [Senate Provided Expanded Benefits and Relief for Retirement and Health Plans | published on: 03.27.20](#)

A detailed list of the retirement plan, health plan, and other benefit provisions from the coronavirus stimulus bill.

### [Senate-Passed CARES Act's Loans for Businesses Come at the Price of Union Neutrality, and with Other Strings Attached | published on: 03.27.20](#)

Greater clarity on the conditions employers must accept to receive loans from the stimulus bill.

### [Help May Be on the Way with \\$2 Trillion Coronavirus Relief Package | published on: 03.26.20](#)

On March 25, a \$2 trillion coronavirus relief package titled the Coronavirus Aid, Relief, and Economic Security Act (CARES Act) was unanimously approved by the Senate.

### [Update for Mid-Sized Employers: Coronavirus Stimulus Bill Conditions Neutrality in Union Organizing to Receive Financial Relief | published on: 03.26.20](#)

Businesses with between 500 and 10,000 employees that receive a loan from the federal government must remain neutral in any union organizing drive that occurs during the term of the loan.

### [DOL Issues Much Sought After Guidance on the "Fewer Than 500 Employees" Threshold and Other Questions Under the FFCRA | published on: 03.25.20](#)

The Department of Labor has clarified which employees count towards the 500-employee threshold of the Families First Coronavirus Response Act.

### [Labor Department Issues Helpful Employer Guidance on COVID-19 | published on: 03.24.20](#)

The Department of Labor posts its guidance on the Families First Coronavirus Response Act.

### [IRS Provides Initial Explanation Regarding Employer Tax Credits Under the Coronavirus Relief Act | published on: 03.23.20](#)

Clarification on how employer tax credits will work to pay for paid sick leave under the Families First Coronavirus Response Act.

### [Reimbursement Considerations for Remote Work Arrangements | published on: 03.23.20](#)

Many employees are working from home, meaning employers need to assess expense reimbursement obligations closely in light of certain state laws and the employer's own existing practices and policies.



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### [IL Governor Issues "Stay at Home" Order \(click to read\) | published on: 03.20.20](#)

The order goes in to effect on Saturday, March 21st 5:00 p.m. through the end of Tuesday, April 7th. The order includes a description of "essential businesses and operations" that will remain open during the duration of the order.

### [Coronavirus Relief Act – Summary of the Emergency Family and Medical Leave Expansion Act \(EFMLA\) | published on: 03.20.20](#)

An overview of EFMLA impacts.

### [Coronavirus Relief Act – Summary of the Emergency Paid Sick Leave Act \(EPSLA\) | published on: 03.20.20](#)

An overview of EPSLA impacts.

### [EEOC Issues Guidance to Employers | published on: 03.20.20](#)

An outline of the important points for employees including key Q&As for employers who are struggling with COVID-19 issues day-to-day within their operations.

### [Current Federal and Illinois State Resource Page | published on: 03.20.20](#)

Compilation of guidance resources from CDC, DOL, EEOC, OSHA, Illinois Dept of Health and more.

### [Families First Legislation Requires First Dollar Coverage for COVID-19 Testing | published on: 03.20.20](#)

New requirements for group health plans and health insurance policies concerning COVID-19 testing and related health provider visits.

### [California Suspends WARN Notice Period | published on: 03.20.20](#)

An overview of California's temporary suspension of the 60-day employee notice period under California's WARN Act.

### [Maintaining a Safe Workplace and Complying with the ADA: A Balancing Act | published on: 03.20.20](#)

Important considerations for staying in compliance with the ADA during the COVID-19 pandemic.



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## [Must an Employer Bargain with Its Union Now over Changes to Terms and Conditions of Employment? | published on: 03.20.20](#)

Important considerations for employers when making major changes concerning their union workforce.

## [New York Set to Expand Paid Sick Leave | published on: 03.20.20](#)

Details of New York's Paid Sick Leave Law, including its COVID-19 and long-term provisions.

## [Spike in Unemployment Shows Employers May Be Rushing into RIF Decisions | published on: 03.20.20](#)

A warning that hasty reduction in force decisions may lead to more harm than good.

## [State of New Jersey Extends Health Coverage State Reporting Deadline | published on: 03.20.20](#)

Details of New Jersey's extension of their health care reporting deadline.

## [What Can An Employer Do If An Employee Ignores the Employer's Directive or Guidelines to Self-Quarantine or Adhere to Social Distancing? | published on: 03.20.20](#)

Thoughts on how employers can handle employees who choose to not comply with workplace rules related to COVID-19.

## [The Coronavirus Relief Bill Keeps Changing | published on: 03.18.20](#)

Discussion of the Families First Coronavirus Response Act, which provides some paid sick leave protections to employees diagnosed or exposed to COVID-19, as it winds its way through Congress.

## [Employer Considerations for Preparing the Workplace for COVID-19 | published on: 03.12.20](#)

An overview of what employers need to know to prepare their companies for COVID-19 based on OSHA's recently issued "Guidance on Preparing Workplaces for COVID-19".



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## **Wealth & Tax Considerations**

### **IRS Extends Tax Reporting, Payment and Compliance Deadlines for Additional Taxpayers and Eases Burdens for Like-Kind Exchanges and Qualified Opportunity Zone Fund Investments | published on: 04.13.20**

The IRS has extended the filing and payment deadline for all returns and payments due between April 1–July 14, until July 15, 2020.

### **Federal and State Tax Actions in Response to COVID-19 | published on: 04.1.20**

The U.S. federal government, and state and local governments, have taken actions to provide relief for taxpayers through legislation and administrative agency pronouncements. The firm believes certain tax developments are of particular interest to our clients.

### **Owners of Foreign Business Interests – BEA Reports Have Not Been Extended | published on: 04.01.20**

The Bureau of Economic Analysis requires "U.S. Reporters" of certain foreign business interests to submit surveys on Form BE-10 or requests for extension by either May 29, 2020, or June 30, 2020, depending on how many forms are due.

## **Additional Wealth & Tax Considerations**

### **Tax Savings in the Paycheck Protection Program | published on: 03.31.20**

Small business loans from the CARES Act may provide companies with a significant tax deduction.

### **The CARES Act Offers a New Tax Planning Opportunity | published on: 03.30.20**

The CARES Act temporarily repeals a section of the 2017 Tax Cuts and Jobs Act, for 2020 and retroactively back to 2018.

### **Do You Have Healthcare Power of Attorney for Your Adult Children? | published on: 03.26.20**

Without a power of attorney, parents are limited in their ability to make healthcare decisions for an adult child, if needed.



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## [Lowered Interest Rates, Market Declines and Increased Exemptions Present an Opportune Time for Tax Planning | published on: 03.19.20](#)

The Federal Reserve has just announced lowered rates for April, and the “7520 rate” and “applicable federal rate” of interest are down 60% and 50%, respectively, from a year ago. Read how these lowered rates present an opportunity for certain tax and estate planning techniques.

## **Firm**

### [NGE Business Continuity Update | published on: 03.13.20](#)

Managing Partner Scott Fisher shares the firm's commitment to the health and safety of our employees, clients, and their loved ones, and details the firm's business continuity plan for the months ahead.