

Legal Insights

Nicola, Gudbranson & Cooper, LLC

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NGC Helping Clients Navigate the COVID-19 Crisis ***Services continue while we and you deal with constantly evolving legal responses***

As the world responds to COVID-19, we are all facing challenges at home, at work, and in our businesses. At NGC, never before have we seen such rapid changes in the legal environment. Our firm is operating under our previously developed Business Continuity Plan, which allows most attorneys and staff to work from home, while keeping a "skeleton crew" in the office daily to answer phones, review mail, and make sure that all critical functions continue seamlessly.

All of us are available by phone and email.

Every one of our practice areas is being confronted by new laws, new operating procedures, and new questions from clients that have never been asked before. Just a few short weeks ago, none of our clients would have imagined asking "Am I allowed to take an employee's temperature when they arrive at work?"

By now you likely have heard about the \$2 trillion stimulus package passed by Congress known as the CARES Act, the [FAMILIES FIRST CORONAVIRUS RESPONSE ACT](#), and, in Ohio, House Bill 197. On top of these laws, there have been "Stay At Home" orders impacting "essential" and "nonessential" businesses, changes to tax and other deadlines, and waivers of certain regulations. NGC attorneys are working hard to analyze these developments and provide our clients with the best advice on how to navigate these changes.

What follows is a quick summary of what is happening in each of our practice areas, some with a link to a more detailed article or explanation. This information is changing daily, so you should contact your NGC attorney for up to date and situation specific legal advice.

Every challenge presents an opportunity. We are here to help you face the challenges and to find the opportunities. Call us.

Employers: FMLA now applies to smaller employers. ***Coronavirus changes; Did you post your new employee notice?***

The Families First Coronavirus Response Act went into effect on April 1. The new law creates time off and paid leave obligations for employers with fewer than 500 employees in response to COVID-19. It does so by expanding the application of FMLA concepts to smaller employers. It is impermissible for an employer to change its leave policies in anticipation of the law, and employers are required to notify their employees of the law by posting this [notice](#). (This is the most up-to-date poster but it includes a minor error.) Read the full article [here](#). The Department of Labor will observe a temporary period of non-enforcement for the first 30 days after the Act takes effect, so long as the employer has acted reasonably and in good faith to comply with the Act.

Employers are also scrambling to determine whether their businesses are "essential" or "non-essential" under Ohio's Stay at Home Order and how to modify their policies and procedures to prevent sick employees from coming to work. [Here](#) is a link to the order, but contact NGC for advice on what applies to your business.

Some Tax Deadlines Extended ***Does it apply to you? Should you extend?***

On March 20, Treasury Secretary Steven Mnuchin announced that some IRS tax filing deadlines had been extended until July 15, 2020. On March 27, Ohio Gov. Mike DeWine signed House Bill 197, which extended some of Ohio's tax filing deadlines until July 15, 2020.

But these extensions may not apply in every case or it may not make economic sense to extend, and taxpayers required to make estimated payments may still be obligated to do so. It's complicated!

Contact your NGC attorney for further information.

CARES Act Forgivable Loans ***Small businesses and nonprofits impacted by COVID-19 are eligible***

The \$2 Trillion CARES Act includes funding for unemployment, healthcare providers, and large and small businesses. \$350 billion has been allocated under the Paycheck Protection Program for small businesses and nonprofits with 500 or fewer employees who have been impacted by COVID-19 and will use the funds to maintain payroll. They are eligible to borrow up to \$10 million or 2.5 times their average monthly payroll cost over the trailing 12 months, whichever is less. Small businesses, sole proprietorships, independent contractors, and self-employed individuals can all qualify.

Unlike the SBA Disaster loans, NO COLLATERAL is required. There is no cost to apply. The funding is meant to help retain workers, maintain payroll, and cover rent, mortgage, and utility expenses. The loan covers expenses dating back to February 15.

Application forms just released. Contact your NGC attorney if you need help.

Workers Compensation/OSHA

Claims still being processed; Special rules apply during crisis

OSHA has announced that any incidents of employees contracting the novel coronavirus at work are recordable illnesses (common colds and flu are not recordable) and H.B. No. 571 proposes to make COVID-19 a scheduled occupational disease for peace officers, firefighters, and emergency medical workers with a rebuttable presumption that the virus was contracted in the course and scope of employment.

There are temporary rules about medical exams and telemedicine visits and certain BWC premiums may be deferred. For further information, read the article [here](#) and contact your NGC workers compensation attorney.

Immigration

Applications still being processed; Special rules apply during crisis

Various types of immigration applications are still being processed but there have been many changes to procedures and deadlines. There also have been some limitations on interviews and on border crossings but read the article [here](#) for more details.

Estate Planning; Probate and Trust Administration

Signing EP Documents with Social Distancing; Probate Court Remains Open

In these uncertain times many clients are reviewing their estate planning documents, including their Living Wills and Health Care Powers of Attorney, to better understand the choices they made when they were signed. If your documents were signed some time ago, they may not include provisions that allow your healthcare agent to access your healthcare information.

If you have concerns about your healthcare directives, your NGC estate planning attorney can review your plan to make sure that it is up to date. If you need help with estate planning, if you have questions about your plan, or if you haven't prepared your estate plan, give your NGC attorney a call. For people who are quarantined, we can arrange to witness or notarize documents without exposing anyone to a health risk. We make house calls!

Most Probate Courts remain open, but most filings are being done by mail, which is slowing down the process. If you have any Estate Planning questions, please do not hesitate to call your NGC attorney.

Small Business "Disaster Loans" Available to Ohio Businesses

Is your business eligible?

The Small Business Administration (SBA) has approved a request by Governor DeWine to make Ohio small businesses eligible for SBA Disaster Loans for economic injuries related to the pandemic.

For more details, read the article [here](#) or call your NGC attorney for further information.

Litigation

Courts Remain Open

Ohio's Governor, Legislature, and Supreme Court all have enacted unprecedented measures that impact Ohio's court system to mitigate the spread of COVID-19. These measures include the extension of virtually all deadlines applicable to civil and criminal matters and limiting courthouse operations. The continuance of time requirements includes dates set by the Ohio Court Rules, such as the filing of pleadings, appeals and case management deadlines set by courts. These measures relate to due dates put in place prior to March 9, 2020, and extend through the earlier of the end of the Governor's emergency order or July 30th. While Ohio's courts will remain open to handle essential services such as arraignments, domestic violence orders, and child protection matters, courts have implemented procedures to maintain social distancing including the use of technology.

Federal courts in Ohio have imposed similar orders that have closed federal courthouses, suspended most existing case deadlines, and recommended telephone or videoconferencing. The U.S. Department of Justice has requested that Congress temporarily extend statutes of limitation applicable to civil and criminal matters. To minimize delays that will inevitably result from these measures, NGC's attorneys are continuing to work with clients and other counsel so that all litigation matters will be positioned to resume, once it is safe to do so. Feel free to contact NGC to address any specific questions.

Please contact your attorney at Nicola, Gudbranson & Cooper if you have any questions or comments or if you would like to suggest topics.

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