

COVID-19/CARES Act Relief Advice Program

Clear Guidance with Cost Certainty

As the coronavirus (COVID-19) pandemic continues to disrupt daily life, Michael Best is advising our clients on business and legal implications related to the coronavirus.

Many businesses and other organizations are suddenly facing a struggle for survival. In the U.S., some relief is coming from the federal government, as well as state and local governments—and with each relief package comes a complicated, evolving set of rules. Michael Best is here to help clients decipher those rules, seek clarification from public officials where needed, and develop a plan of action.

We are offering clients an individualized consultation, conducted via virtual meetings with a team of Michael Best subject-matter experts who will provide holistic business advice. To provide cost certainty in uncertain times, this crucial service is available for a flat fee.

Phase 1: Roadmap

Our interdisciplinary team will move quickly to schedule a call with you and conduct an initial assessment of your organization's most pressing concerns and opportunities for assistance. While the federal Coronavirus Aid, Relief, and Economic Security Act (**CARES Act**) will be a main focus, we will consider all relevant avenues of relief.

Next, we will work through a more detailed opportunity assessment with clients. To do this efficiently, we developed an analysis template that helps us identify and prioritize opportunities for relief in areas such as:

- **Business Continuation:** Most states have issued orders restricting certain types of business operations and/or prohibiting “nonessential businesses” from operating during this public health emergency. Many are in the process of reopening, with new public health guidelines and some restrictions still in place. We are tracking state and local rules daily, including the definitions of “essential business,” in every U.S. jurisdiction.
- **Workforce Management:** Employers must decide whether to lay off, furlough, or terminate some or all employees; and how and when to recall furloughed workers. Top considerations include paid-leave requirements under the Families First Coronavirus Response Act (**FFCRA**) and enhanced unemployment benefits under the FFCRA and CARES Act. Employers receiving loans under either the Paycheck Protection Program (**PPP**) or Main Street Lending Program must also consider workforce implications directly associated with those loans (e.g., forgiveness of the PPP loan and union objections under the Main Street Program). Vetting of telework policies as well as privacy and data security policies may be paramount during this time.

- **Return to Work:** As employers return employees to work, we have rolled out a “Workforce Protection Program” that serves as a one-stop shop for workforce protection in the COVID-19 era—from employment policies and employee screening to facility layout, incident response, workplace sanitation, and training. Once decisions have been made about who will return to work and how, we can also advise on rent reductions possible in light of increased teleworking.
- **Financial Relief:** Our team will sift through the many tax credits and deferrals, loans, and grants being made available, to determine the right mix for each client. We can also vet opportunities to defer cash outlay—e.g., in delayed pension funding and/or suspension of employer contributions to retirement plans. Other legislative options include the Employee Retention Tax Credit, Employer Social Security Tax deferral, Paycheck Protection Program loans, Large Employer Loan Program, net operating loss carrybacks, and tax breaks for providing employee disaster assistance.

We'll then create a customized strategy for you, outlining:

- The relevant issues.
- Your organization's rights and responsibilities under the CARES Act, FFCRA, and other federal and state laws and regulations.
- A recommended plan of action.

The flat fee will include the initial assessment, a conference call or online meeting with our subject-matter experts on the relevant programs, and a customized opportunity analysis and action plan. At that point, the client decides whether to engage our assistance for Phase 2.

Phase 2: Implementation

Once the Phase 1 opportunity assessment and action plan are ready, we can help clients prioritize and implement some or all of the recommended actions. Fee structures for follow-up assistance will depend on the desired scope of work.

Michael Best's COVID-19 consultation services involve an interdisciplinary team of our attorneys and business advisors who are keeping up with the latest lawmaking, regulatory guidance, and breaking news every day. Our team also includes government affairs specialists who are in daily conversations with public officials on issues of concern to our clients. This combination has proven invaluable for our clients during the public health crisis.

For example, our affiliate Michael Best Strategies works with clients seeking essential-business designations, so they can continue operating and maintain supply chain continuity. Strategies can also assist with crisis communications and internal messaging to employees, or help resolve ambiguities or roadblocks to a client's being able to access a relief program.

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