

COVID-19 UPDATE



ADDITIONAL PAYMENT PROTECTION PROGRAM AND ECONOMIC INJURY DISASTER LOAN FUNDING AVAILABLE

On April 24th, President Trump signed the "Phase 3.5" Coronavirus relief package into law. This funding will replenish the Paycheck Protection Program (PPP) to assist small businesses with payroll and other operating expenses.

Phase 3.5 adds an additional \$310 billion to the PPP to provide needed relief to small businesses so their companies can stay in operation. Please see below for additional resources and information on the PPP.

[U.S. Department of Treasury & SBA Paycheck Protection Program](#)

[Assistance for Small Businesses Resource Page](#)

[Small Business Administration Final Rule](#)

[PPP Frequently Asked Questions](#)

[How to Calculate Loan Amounts](#)

In addition to the Payment Protection Program (PPP), the Small Business Administration (SBA) is also offering Enhanced Economic Injury Disaster Loans (EIDL). Similar to PPP, initial funds were depleted, but CV-3.5 provides \$50 billion in additional funding for the Economic Injury Disaster Loan (EIDL) program, and \$10 billion in additional funding for SBA's EIDL Grant program.

The U.S. Small Business Administration is offering designated states and territories low-interest federal disaster loans for working capital to small businesses suffering substantial economic injury as a result of the Coronavirus (COVID-19).

Upon a request received from a state's or territory's Governor, the SBA will issue under its own authority, as provided by the Coronavirus Preparedness and Response Supplemental Appropriations Act that was recently signed by the President, an Economic Injury Disaster Loan declaration. Any such Economic Injury Disaster Loan assistance declaration issued by the SBA makes loans available statewide to small businesses and private, nonprofit organizations to help alleviate economic injury caused by the Coronavirus (COVID-19). This will apply to current and future disaster assistance declarations related to Coronavirus. The SBA's Economic Injury Disaster Loans offer up to \$2 million in assistance and can provide vital economic support to small businesses to help overcome the temporary loss of revenue they are experiencing. These loans may be used to pay fixed debts, payroll, accounts payable and other bills that can't be paid because of the disaster's impact. The interest rate is 3.75% for small businesses. The interest rate for non-profits is 2.75%. The SBA offers loans with long-term repayments in order to keep payments affordable, up to a maximum of 30 years. The SBA's Economic Injury Disaster Loans are just one piece of the expanded focus of the federal government's coordinated response, and the SBA is strongly committed to providing the most effective and customer-focused response possible. For questions, please contact the SBA disaster assistance customer service center at 1-800-659-2955 (TTY: 1-800-877-8339) or e-mail disastercustomerservice@sba.gov.

AGRICULTURAL WORKERS EXEMPT FROM EXECUTIVE ORDER SUSPENDING IMMIGRATION

Last week President Trump announced that he wanted to suspend legal immigration programs through an executive order. After various agricultural organizations weighed in about the importance of programs like H-2A to the food supply, the administration further clarified that the executive order would be limited in scope and should not impact any temporary workers or their employers. On Thursday, the President signed the Executive Order temporarily pausing immigration for 60 days. A copy of the full executive order can be found here: <https://www.whitehouse.gov/presidential-actions/proclamation-suspending-entry-immigrants-present-risk-u-s-labor-market-economic-recovery-following-covid-19-outbreak/>

USE OF RESPIRATORS, FACEMASKS, AND CLOTH FACE COVERINGS IN THE FOOD AND AGRICULTURE SECTOR DURING CORONAVIRUS DISEASE (COVID-19) PANDEMIC

The U.S. Food and Drug Administration (FDA) recently published a fact sheet designed to help answer questions from the Food and Agriculture Sector about what respirators, disposable facemasks, such as surgical or medical masks, or cloth face coverings are most appropriate for various settings. Developed in collaboration with the Centers for Disease Control and Prevention (CDC), this fact sheet provides a quick reference to respirators, disposable facemasks, or cloth face coverings potentially worn by workers in the Food and Agriculture Sector.

https://www.fda.gov/food/food-safety-during-emergencies/use-respirators-facemasks-and-cloth-face-coverings-food-and-agriculture-sector-during-coronavirus?utm_campaign=FoodCOVID_04242020&utm_medium=email&utm_source=Eloqua

WHAT TO DO IF YOU HAVE COVID-19 CONFIRMED POSITIVE OR EXPOSED WORKERS IN YOUR FOOD PRODUCTION, STORAGE, OR DISTRIBUTION OPERATIONS REGULATED BY FDA

The FDA also published a summary on what to do if you have COVID-19 confirmed positive or exposed workers in your food production, storage, or distribution operations regulated by FDA. Derived from CDC recommendations, this summary outlines key steps that employers and workers can take to help stay open, prevent and slow the spread of COVID-19, and support continuity of essential operations if workers are diagnosed with or exposed to COVID-19, or show symptoms associated with COVID-19.

https://www.fda.gov/food/food-safety-during-emergencies/what-do-if-you-have-covid-19-confirmed-positive-or-exposed-workers-your-food-production-storage-or?utm_campaign=FoodCOVID_04242020&utm_medium=email&utm_source=Eloqua

CALIFORNIA HEAT ILLNESS AND SOCIAL DISTANCING GUIDELINES

As the temperature across California are expected to rapidly rise this week, members with outdoor operations are asking about how to comply with the obligation to adhere to Cal/OSHA's high heat regulations, and the social distancing recommendations relating to COVID-19. The Cal/OSHA high heat procedures are located [here](#).

High heat procedures begin when the temperature "equals or exceeds 95 degrees Fahrenheit." Specific to agriculture, the high heat regulations state:

- When the temperature equals or exceeds 95 degrees, employers must provide one 10-minute "preventative cool-down rest period" every 2 hours. During the first 8 hours of a shift, the cool-down periods may be provided at the same time as the rest periods.
- If employees work longer than 8 hours, the employer must provide an additional 10-minute cool-down rest period every 2 hours. For example, if the shift extends beyond 8 hours, an additional rest period is required at the end of the 8th hour of work. If the shift extends beyond 10 hours, another is required at the end of the 10th hour.
- Employers must ensure that employees take the cool-down rest periods required under this section.
- Employers are required to provide additional breaks as soon as the temperature equals or exceeds 95 degrees. For example, even if the temperature does not reach 95 degrees until the last half of an 8-hour shift, the employer must ensure that employees take cool-down rest periods starting at the end of the 8th hour of work.

Cal/OSHA has also issued recommendations for dealing with COVID-19 [here](#). The guidance includes suggestions for how to adhere to social distancing, which includes potentially staggering rest breaks and meal breaks, along with providing additional seating and shade structures to allow employees to stay at least six feet apart. The guidance acknowledges that there is not a "one size fits all" approach that will work in each situation. Therefore, it is important for employers to be able to show that they have, in fact, contemplated how best to meet the intent of the guidance in their specific workplace.

POSTER ON CA COVID-19 SUPPLEMENTAL PAID SICK LEAVE FOR FOOD SECTOR WORKERS

CA COVID-19 Supplemental Paid Sick Leave for Food Sector Workers

Executive Order N-51-20 requires hiring entities with 500 or more employees to provide supplemental paid sick leave to food sector workers for specified reasons related to COVID-19.

Qualifying Reasons for Taking COVID-19 Supplemental Paid Sick Leave

A food sector worker may take leave if the worker is unable to work for any of the following reasons:

- ① The worker is subject to a Federal, State, or local quarantine or isolation order related to COVID-19.
- ② The worker is advised by a health care provider to self-quarantine or self-isolate due to COVID-19 related concerns.
- ③ The worker is prohibited from working by the worker's hiring entity due to health concerns related to the potential transmission of COVID-19.

Workers Are Covered if They Meet the Following Criteria:

- Work for an employer with 500 or more employees nationwide, and
- Qualify as a "food sector worker," which means that they:
 - ✓ Perform work in a certain food-related industry or in the retail food supply chain, including pick-up, delivery, warehousing, packaging, retail, or preparation;
 - ✓ Perform work outside the worker's home; AND
 - ✓ Are exempt as critical infrastructure workers from any statewide stay-at-home order
- Workers do not have to be classified by the hiring entity as an employee in order to be covered.
- Examples of covered workers: farm workers, grocery store workers, food pick-up and food delivery workers

Paid Leave Entitlement

- Amount of Hours of COVID-19 Supplemental Paid Sick Leave:
 - ✓ 80 hours for those considered full-time workers, in addition to any other accrued paid sick leave.
 - ✓ For part-time workers with a normal weekly schedule, the number of hours the employee is normally scheduled to work over two workweeks.
 - ✓ For part-time workers with variable schedules, 14 times the average number of hours worked per day over the past 6 months.
- Rate of Pay for COVID-19 Supplemental Paid Sick Leave:
 - ✓ Highest of (1) regular rate of pay for last pay period, (2) State minimum wage, or (3) local minimum wage,
 - ✓ Not to exceed \$511 per day and \$5,110 in total

Enforcement:

- Any food sector worker denied COVID-19 supplemental paid sick leave can file a claim with the Labor Commissioner's Office. Leave must be made available for use immediately upon oral or written requests of the worker.
- Retaliation or discrimination against a food sector worker requesting or using COVID-19 supplemental paid sick leave is strictly prohibited.** A worker who experiences such retaliation or discrimination can file a claim with the Labor Commissioner's Office.

This poster must be displayed where workers can easily read it. If workers do not frequent a physical workplace, it may be disseminated to workers electronically.