



## National Association of Trailer Manufacturers COVID-19 Resource Center

As member companies try to navigate government action related to stopping the spread of COVID-19, NATM is working to compile the most up-to-date resources available. This document will be edited regularly and updated in real time.

**\*Last Updated April 3, 2020 at 1:30 p.m. central time**

### **Defining Essential Business/Workforce**

*\*Please note, this is simply guidance as each state or local government is currently enacting its own restrictions on quarantine at this time. Please see the resources below regarding state and local directions.\**

The Cybersecurity and Infrastructure Security Agency (CISA), part of the Department of Homeland Security, has [released guidance](#) on defining the term “essential” workforce in response to COVID-19.

With regard to manufacturing, CISA reports critical manufacturing includes “Workers necessary for the manufacturing of materials and products needed for medical supply chains, transportation, energy, communications, food and agriculture, chemical manufacturing, nuclear facilities, the operation of dams, water and wastewater treatment, emergency services, and the defense industrial base.”

With regard to transportation and logistics, CISA states that critical workforce includes:

- Employees of firms providing services that enable logistics operations, including cooling, storing, packaging, and distributing products for wholesale or retail sale or use.
- Manufacturers and distributors (to include service centers and related operations) of packaging materials, pallets, crates, containers, and other supplies needed to support manufacturing, packaging staging and distribution operations.
- Automotive repair and maintenance facilities.
- Employees who repair and maintain vehicles, aircraft, rail equipment, marine vessels, and the equipment and infrastructure that enables operations that encompass movement of cargo and passengers.

## Federal Government Reaction

### COVID-19 Response Bills

#### *Phase One - Coronavirus Preparedness and Response Supplemental Appropriations Act, 2020*

This bill, passed on March 6, [provides \\$8.3 billion](#) to fund the country's response to coronavirus, including amongst its many provisions an emergency telehealth waiver, vaccine development, support for state and local governments, and assistance for affected small businesses. The bill in its entirety can be [found here](#). Additional content provided [via CNBC](#).

#### *Phase Two - Families First Coronavirus Response Act (FFCRA)*

The FFCRA, legislation expanding paid leave rights for employees, [goes into effect April 1, 2020\\*](#).

The Department of Labor has [released guidance](#) explaining paid sick leave and expanded family and medical leave under the FFCRA. **Perhaps the most helpful information is found on the [Questions and Answers](#) page, which is updated regularly with more information.** The guidance also includes a [Fact Sheet for Employees](#), a [Fact Sheet for Employers](#), and an [FAQ](#).

**The DOL has just released guidance related to the small business, under 50 employees, exemption process.** The [Q&A site](#), questions 58-59 contain this additional guidance. As it appears right now, DOL seems to be trusting small businesses to use good faith in determining if they qualify given the criteria outlined. It is important to note that as of right now, the exemption is only for leave taken for childcare related purposes. As a result, small businesses may not be exempt from the Emergency Paid Sick Leave Act if the leave is being taken for a qualifying reason outside of childcare.

Further, the Department of Labor has released notice that all covered employers are required to post the Employee Rights: Paid Sick Leave and Expanded Family and Medical Leave under the Families First Coronavirus Response Act (FFCRA). A poster is available for [non-federal](#) and [federal](#) applications.

NATM's government affairs representatives compiled a breakdown of the key provisions [here](#). This breakdown includes information on the tax credit available to businesses. They also compiled a more comprehensive [guide for employers](#) related to FFCRA.

### Employee Retention Credit

The Treasury Department launched the Employee Retention Credit on March 31, 2020. You can learn more about the credit [here](#). The Senate Finance Committee also released an FAQ on the matter, found [here](#). The IRS released their FAQ [here](#).

\*The Department of Labor has [announced](#) a 30 day non-enforcement period for good faith compliance efforts as small businesses work to come into compliance. The DOL will focus on

assistance during this time, rather than enforcement for small businesses showing they have acted reasonably and in good faith to comply.

### *Phase Three - Coronavirus Aid, Relief, and Economic Security Act (CARES)*

The CARES Act, signed into law Friday, March 27th, is set to provide more than \$2 trillion in economic relief and stimulus to Americans, small businesses, and companies in industries that have been hit hard by the pandemic. The US Chamber of Commerce has provided a [summary](#) of the Act and the National Association of Manufacturers has released [information](#) as to the current [March 25, 2020] key provisions. However, negotiations continue and the bill is subject to further negotiations and change.

### Small Business Loans

Late Thursday, April 2 the Small Business Administration released an [Interim Final Rule](#) for the Paycheck Protection Program (PPP) and a [revised application](#). The PPP was created through the CARES Act and appropriated \$349 billion for small business loans. The final rule contained significant changes to both to the prior Treasury Guidance and prior application. A summary of the materials changes can be found [here](#).

Applications for small businesses and sole proprietorships will be accepted beginning April 3rd, while self-employed and independent contractors can begin applying April 10th. **On April 2nd a [revised application](#) was released.** NATM's government affairs representatives, K&L Gates, have created a [summary fact sheet](#). You can find the list of SBA lenders at [www.SBA.gov](http://www.SBA.gov) or ask your local lender if they qualify. The US Chamber released some additional guidance and information [here](#).

**\*\*Please note, based on conversations with lenders it was determined that many larger lenders are not yet ready to accept applications (as of Friday, April 3rd) and many lenders of various sizes, at least initially, only intend to provide PPP loans to existing customers and in some cases only existing borrower customers. **Prospective borrowers should contact their preferred lenders early on Friday morning to inquire as to that lender's application process and timing.****

### Key notes about the Paycheck Protection Program

- Loans are capped at \$10 million
- Some of the loan can be [forgiven](#). The forgiveness portion is dependent upon keeping your workforce employed and sustaining your payroll during a defined period.
- Businesses are eligible if they were in operation on Feb. 15, 2020, had employees for whom the borrow paid salaries and payroll taxes, and which:
  - Has (at the time of application) together its affiliates fewer than 500 employees whose principal place of residence is in the US, including full time, part time, and other employees;

- Meets the applicable employee-based SBA [size standard](#) (if any) based on the borrower's industry NAICS code (measured based on the average for the prior 12 months)
- Please note, you cannot combine an Economic Injury Disaster Loan and a small business loan through the Paycheck Protection Program
- Loan payments will be deferred for six months.

### *Phase Four*

Congress is already discussing a Phase Four relief package, though the specifics are still being vetted. It is expected to fill the gaps in previous packages including longer term stimulus and more.

### *Tariff Relief*

NATM has been communicating with legislators and most recently Vice President Pence about the need for tariff relief during these uncertain times. On April 3, 2020 White House economic Advisor Larry Kudlow [said](#) the US would not be deferring tariffs, despite earlier discussions of the possibility. The administration cited the difficulty in administering such roll-backs.

### Small Business Administration

The Small Business Administration has made available low interest loans to certain states and territories for working capital to small businesses. A brief one-pager is available [here](#). Additional loan information from SBA is available [here](#). The application for COVID-19 related loans can be found [here](#).

### **State Government Reaction**

The National Association of Manufacturers (NAM) has created a [COVID-19 State Resources](#) page that provides up-to-date information on state and local declarations and their impact on manufacturing broadly. The NAM has also created a to-the-point [State Restriction Snapshot Tracker](#).

Another State and Local Activity Tracker, provided by Multi State Associates, can be found [here](#). Please note, there are additional tabs across the top for additional information including county-specific information.

### **Additional Resources**

[U.S. Chamber of Commerce](#)

[Small Business Disaster Helpdesk](#)

[CO](#) - the US Chamber's platform specifically for small business owners.

[Small Business Loan Guidance](#)

[Global Dashboard on COVID-19 Government Policies](#)

Centers for Disease Control (CDC)  
Coronavirus Homepage  
Resources for Businesses and Employers

Key Takeaways for Employers from the CDC:

- Actively encourage sick employees to stay home
- Identify where and how workers might be exposed to COVID-19 and follow recommended steps to protect workers.
- Educate employees about how they can reduce the spread of COVID-19
- Assess your essential functions, be prepared to change practices if needed
- Perform routine and enhanced cleaning and disinfection
  - Routinely clean all frequently touched surfaces - most common EPA-registered household disinfectants should be effective
  - If a sick employee is suspected or confirmed to have COVID-19, follow [CDC cleaning and disinfection recommendations](#)
- Take care when attending meetings and gatherings
  - Consider virtual meeting forums
  - Consider cancelling or postponing large meetings that can only occur in-person
  - If necessary, hold meeting in open, well-ventilated spaces

Occupational Safety and Health Administration (OSHA)

Key OSHA standard for COVID-19  
OSHA COVID-19 [Homepage](#)

Internal Revenue Service (IRS)

*COVID Testing Coverage Allowed under High Deductible Health Plans (HDHPs)*

The IRS [announced](#) that health plans that otherwise qualify as HDHPs will not lose that status merely because they cover the cost of testing for or treatment of COVID-19 before plan deductibles have been met.

*Deferring Tax Payments Due to COVID-19 Outbreak*

On March 18th, the U.S. Treasury Dept. and IRS issued guidance allowing corporate taxpayers a deferment of up to \$10 million of federal income tax payments that would be due on April 15, 2020 until July 15, 2020. Read more [here](#).

HR

NATM's HR firm also provided information, stemming from the Equal Employment Opportunity Commission, entitled "[What you Should Know About the ADA, the Rehabilitation Act, and COVID-19](#)". This document answers four common questions many employers need to know.

Mental Health claims continue to be the fastest growing claim type. For more information about Mental Health services and additional resources for mental health, [click here](#).

## Insurance

Marsh and McLennan Agency, a member of NATM, has created a [resource center](#) for its customers on the matter. While these resources are helpful, it is also advisable that companies reach out to their own insurance provider for more information and content specific to their policies.

## **NATM Response**

- NATM sent a letter to Vice President Pence on March 24th. The [letter](#) outlines the experience of NATM members during this outbreak including the efforts they are undertaking to protect their workforce. It further discusses the uncertainty facing the industry and the need for relief.
- NATM hosted a webinar on March 31st for members with the Association's Government Affairs Representatives to discuss the existing COVID relief package.