



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 December 22, 2020 at 8:30 a.m. central time**

CDC Updates Guidance on COVID-19 Spread

On October 5, 2020 the CDC updated its guidance on how COVID-19 spreads, noting that it can also spread via airborne transmission. To read the updated guidance, [click here](#).

Workforce Return and Workplace Safeguarding

NATM Releases its own Workplace Safety Guidance

NATM [released guidance](#) for the trailer manufacturing industry to support workplace safety efforts in response to COVID-19. This document pulls information from the CDC and OSHA, while incorporating perspectives from the manufacturing industry to identify implementable safety protocols for the trailer manufacturing industry. NATM understands that no two companies are the same and layering in local regulations and the realities of your business operations is important to creating your own workplace safety policies and processes, and as such this guidance is only intended to be a point of reference.

The CDC and OSHA Issued Joint Guidance on Workplace Safety in a Manufacturing Environment

The release is not intended to replace existing guidance, but to act in supplement. The guidance outlines risks specific to manufacturing settings and workplace controls to manage those risks. You can reach more [here](#).

US Chamber Releases Breakdown of OSHA Guidance

The US Chamber of Commerce has provided a [concise breakdown](#) of OSHA guidance related to workplace safety and COVID-19. It is important to note, this is simply guidance and not a regulatory requirement. The outline is based on the General Duty Clause as OSHA has no specific standard for COVID-19 or pandemic responses more broadly.

NATM's Government Affairs Representatives Release Return to Work Guidance

NATM's government affairs firm [released a return to work checklist](#) meant to support businesses in a number of industries, including both manufacturing and office settings. These are suggested practices, but prior to implementation, all practices and policies should be evaluated to ensure that they are compliant with federal law and guidance, as well as state and local law.

US Chamber of Commerce Releases State-by-State Reopening Guidance

To find state timelines, guidelines, and other reopening information on a state by state basis, click [here](#).

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)

UPDATE: On September 11, 2020 the US Department of Labor (DOL) revised its regulations following a decision from the US District Court for the Southern District of New York. It revised its regulations as follows effective September 16, 2020.

1. Employees are no longer required to submit documentation prior to taking leave, but now must provide documentation "as soon as practicable."
2. The DOL also clarified that employees must receive employer approval to take intermittent leave. An employer may assess each request for intermittent FFCRA leave on a case-by-case basis to determine the impact of such leave on its operations.
3. Finally, the DOL narrowed the definition of those who qualify for the healthcare provider exemption under the 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](#) and a Fact Sheet [here](#).

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.

On April 9th the [Treasury Department](#) and [Federal Reserve](#) announced expanded lending programs under the CARES Act. They include up to [\\$600 billion](#) for businesses with up to 10,000 employees or \$2.5 billion in annual sales, funding for states and municipalities, and additional funds to go to existing programs.

Information regarding the many options available via small business loans can be found [here](#).

Paycheck Protection Program (PPP)

The PPP was created through the CARES Act and appropriated \$349 billion for small business loans. The Small Business Administration released an [Interim Final Rule](#) for the Paycheck Protection Program and a [revised application](#). On April 23rd an additional \$310 billion in funding was approved by Congress.

The Small Business Administration FAQ can be found [here](#). 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 or ask your local lender if they qualify. The US Chamber released some additional guidance and information [here](#). The Treasury has also released an [updated FAQ](#) document to help small businesses apply for the program.

On Friday, June 5th significant flexibilities were added to the PPP as legislation made its way through Congress and was signed by the President. Forbes has laid out the changes in detail [here](#).

Highlights of the Paycheck Protection Program (PPP), including some of the new flexibilities:

- Loans are capped at \$10 million
- PPP funding is to be used within 24 weeks (formerly 8 weeks)
- 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.
 - New PPP flexibilities;
 - expanded the amount that can be used for non-payroll expenses without limiting eligibility for forgiveness - previously 75% of funds had to be spent on payroll expenses, that is now 60%.
 - extended the deadline for rehire to Dec. 31, 2020
 - Created additional exceptions for reduced headcount
- Businesses are eligible if they were in operation on Feb. 15, 2020, had employees for whom the borrower paid salaries and payroll taxes, and which:
 - Has (at the time of application,) together with 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)
- Loan payments will be deferred for six months.
- Please note, you cannot combine an Economic Injury Disaster Loan and a small business loan through the Paycheck Protection Program

On June 16th the SBA released an updated PPP Loan Forgiveness Application and instructions - that can be found [here](#). Further, the SBA released an [EZ version](#) of the forgiveness application that applies to borrowed that:

- Are self-employed and have no employees; OR
- Did not reduce the salaries or wages of their employees by more than 25%, and did not reduce the number or hours of their employees; OR
- Experienced reductions in business activity as a result of health directives related to COVID-19, and did not reduce the salaries or wages of their employees by more than 25%.

The EZ application requires fewer calculations and less documentation for eligible borrowers. Details regarding the applicability of these provisions are available in the instructions to the new [EZ application form](#).

The SBA further released Interim Final Rules (IFRs) regarding [Loan Forgiveness](#) and [Loan Review Procedures and Related Borrower and Lender Responsibilities](#). Both documents include a Q&A style section that can be incredibly helpful for borrowers.

Tax Credit

The CARES Act provides for eligible employers a payroll tax credit in cases where operations were suspended due to government order or where companies saw significant declines in gross receipts. NATM's government affairs representatives at K&L Gates have provided a breakdown of the credit, eligibility and guidance on how to take the credit [here](#). The IRS has expanded its FAQ section related to the tax credit, which can be found [here](#).

Floor Plan Financing Relief

The CARES Act, Section 2306, temporarily increases the amount of interest expense businesses are allowed to deduct on their tax returns per the Tax Cut and Jobs Act of 2017, increasing the 30% limitation to 50% of taxable income for 2019 and 2020. In short, Section 2306 increased this limitation for 2019 and 2020 to 50%, and allows taxpayers to use their 2019 EBITDA for purposes of their 2020 computation (since 2020 income may be smaller). Effectively, this means a larger interest deduction in a time when businesses will be doing more borrowing, reducing taxable income and reducing the cost of capital.

Healthcare Provisions

The CARES Act includes significant healthcare provisions, including telehealth coverages, testing for COVID-19 and more. K&L Gates has provided a breakdown of those provisions [here](#).

Phase Four - Consolidated Appropriations Act

On Monday December 21, 2020 Congress approved the fourth phase of coronavirus relief, a small part of a larger omnibus package that included appropriates for 2021 amongst others. The COVID relief portion of the package includes \$900 billion in emergency relief.

Paycheck Protection Program (PPP)

A second round of PPP will be made available, revitalizing the low-interest, forgivable loans guaranteed by the Small Business Administration for small businesses to keep workers on the payroll during COVID-19. The measure will increase the program's combined lending authority to \$806.5 billion from \$659 billion and extend it to March 31, 2021 from August 8, 2020. This expansion will create funds for both first and second round loans (with stipulations).

The language also makes the following expenses allowable and forgivable uses of PPP funds;

- Covered operations expenditures. Payment for any software, cloud computing, and other human resources and accounting needs.
- Covered property damage costs. Costs related to property damage due to public disturbances that occurred during 2020 that are not covered by insurance.
- Covered supplier costs. Expenditures to a supplier pursuant to a contract, purchase order, or order for goods in effect prior to taking out the loan that are essential to the recipient's operations at the time at which the expenditure was made. Supplier costs of perishable goods can be made before or during the life of the loan.
- Covered worker protection expenditure. Personal protective equipment and adaptive investments to help a loan recipient comply with federal health and safety guidelines or any equivalent State and local guidance related to COVID-19 during the period between March 1, 2020, and the end of the national emergency declaration.

It also allows loans made under PPP before, on, or after the enactment of this act to be eligible to utilize the expanded forgivable expenses except for borrowers who have already had their loans forgiven as well as Allows the borrower to elect a covered period ending at the point of the borrower's choosing between 8 and 24 weeks after origination.

The new legislation also creates a simplified application process for loans under \$150,000 such that:

- A borrower shall receive forgiveness if a borrower signs and submits to the lender a certification that is not more than one page in length, includes a description of the number of employees the borrower was able to retain because of the covered loan, the estimated total amount of the loan spent on payroll costs, and the total loan amount. The borrower must also attest that the borrower accurately provided the required certification and complied with Paycheck Protection Program loan requirements. The SBA must establish this form within 24 days of enactment and may not require additional materials unless necessary to substantiate revenue loss requirements or satisfy relevant statutory or regulatory requirements. Additionally, borrowers are required to retain relevant records related to employment for four years and other records for three years. The Administrator may review and audit these loans to ensure against fraud.
- At the discretion of the borrower, the borrower may complete and submit demographic information for all PPP loans.
- The SBA must submit to the Senate and House Small Business Committees a report 45 days after enactment detailing their review and forgiveness audit plan to mitigate risk of fraud and provide monthly reviews and audit updates thereafter.
- Applies to loans made before, on, or after the date of enactment, including the forgiveness of the loan.

Economic Injury Disaster Loan (EIDL)

The CARES Act expanded the SBA's Economic Injury Disaster Loan (EIDL) program and authorized the agency to advance as much as \$10,000 for recipients to pay sick leave to workers affected by Covid-19, retain employees, and make other covered payments. This legislation doubles the authorization for advance funds to \$40 billion, from \$20 billion, and extends it through Dec. 31, 2021. It also would provide \$20 billion for certain entities to receive the difference between \$10,000 and the advance funds they received under the CARES Act. Eligible recipients would include those with 300 or fewer employees that are located in low-income communities and that had economic losses of at least 30% over eight weeks compared with a similar period before the pandemic.

Federal Unemployment

The legislation restores and reduces to \$300 per week, from \$600, the Federal Pandemic Unemployment Compensation (FPUC) created under the CARES Act. The extra payments, which expired on July 31, would apply to weeks of unemployment after Dec. 26 and through March 14, 2021.

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](#).

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.

Net Operating Loss (NOL) Carryback Provision

The NOL provision in the CARES Act allows your company to use tax losses from 2018, 2019, and 2020 to offset income from the prior five years. Guidance from the Treasury can be found [here](#).

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](#).

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](#)

[Paid Leave Program Guidance](#)

[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](#)

[CDC Guidance for Cleaning](#)

Occupational Safety and Health Administration (OSHA)

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

OSHA COVID-19 [Homepage](#)

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 it's 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.