

# NEW YORK STATE ASSOCIATION OF SERVICE STATIONS & REPAIR SHOPS, INC.

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Dear Members,

During this difficult time, we extend our wishes and prayers for the wellbeing of you, your families, and your front-line employees who are 'across the counter'.

Your Association and our General Counsel, Frederick Altman, have been monitoring the Governor's Executive Orders as they pertain to gasoline stations and repair shops and I want to update you on certain significant provisions affecting our industry.

First, as I am sure you all know, gas stations and repair shops have been designated by Executive Order 202.6 as "essential services" and therefore permitted to remain open to serve the public.

In doing so we urge you to take every precaution to protect your employees. Some of our members have installed Plexiglas panels from ceilings to about 12 inches above counter level in order to shield employees at the registers. If anyone has to handle dispenser nozzles they should wear gloves and certainly wash their hands thoroughly before handling other products in your convenience store. Even handling money and making change presents a risk of contamination and therefore frequent hand washing must be the rule.

We know many of you have experienced significant drops in your volume. As a result, rent payments may become a problem. Executive Order 202.8 has implemented a 90-day moratorium on commercial and residential evictions. In other words, if you cannot pay your rent in whole or in part you cannot be evicted during the 90-day moratorium. The rent is not, however, forgiven and you will have to repay those amounts when the crisis is over.

Executive Order 202.9 has also directed that the NYS Department of Financial Services set up emergency regulations to allow a forbearance of mortgage payments. At this time, however, this applies to licensed or regulated mortgage entities and therefore may not include private mortgages.

The Association is also reaching out to suppliers and major refiners seeking to arrange for reasonable repayment schedules once the emergency is over and for reasonable accommodations based upon the volume shortfalls caused by reduced traffic during the emergency.

Businesses not specifically designated as "essential" but who provide support for essential business are also exempt from employee reduction requirements under Executive Order 202.8 to the extent necessary to provide the support services.

Vehicles requiring annual safety inspections and biennial emissions inspections under VTL section 301 may continue to be lawfully operated after the expiration of inspection certificates that were valid as of the date of Executive Order 202.11, March 27, 2020.

Also attached for your review is a copy of a letter sent by our Counsel to major distributors and refiners requesting their cooperation in such areas as rent repayment schedules, delivery schedule adjustments and volume requirements to help get through this crisis.

Rest assured that your Association is vigorously watching out for your interests and we are prepared to seek further action by Executive Order or by legislation if necessary.

Any questions may be forwarded to the Association preferably by email and we will attempt to get answers for you.

In solidarity and support,  
Ralph Bombardiere,  
Executive Director.

## ATTORNEY'S CORNER

by Larry Culley

The **FAMILIES FIRST CORONAVIRUS RESPONSE ACT (FFCRA or Act)** requires certain employers to provide their employees with paid sick leave and expanded family and medical leave for specified reasons related to COVID-19. These provisions will apply from April 1, 2020 to December 31, 2020.

**Generally, employers covered under the Act must provide employees:** Up to two weeks (80 hours, or a part-time employee's two week equivalent) of paid sick leave based on the higher of their regular rate of pay, or the applicable state or federal minimum wage, paid at:

- 100% for qualifying reasons 1 – 3 below, up to \$511 daily and \$5,110 total;
- 2/3 for qualifying reasons 4 – 6 below, up to \$200 daily and \$2,000 total; and,
- Up to 12 weeks of paid sick leave and expanded family & medical leave paid at 2/3 qualifying reason #5 below for up to \$200 daily and \$12,000 total.

A part-time employee is eligible for leave for the number of hours that the employee is normally scheduled to work over that period.

### **Qualifying Reasons For Leave Related to COVID-19:**

1. is subject to a federal, state or local quarantine or isolation order related to COVID-19;
2. has been advised by a health care provider to self quarantine related to COVID-19;
3. is experiencing COVID-19 symptoms and is seeking a medical diagnosis;
4. is caring for an individual subject to an order described in (1) or self-quarantine as described in (2);
5. is caring for their child whose school or place of care is closed or child-care provider is unavailable due to COVID-19 related reasons; or,
6. is experiencing any other substantially similar condition specified by the U.S. Department of Health and Human Services.

**There WILL be enforcement of these regulations, which must be posted at your businesses.**

*The contents of this column are not intended as legal advice. I give no legal advice without an appointment and interview with a client.*

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# RSGDA

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### Attorneys Corner By Fred Altman

Association Members – The following exempts the gas stations and repair shops from mandatory workforce reductions and has now classified them as essential services.

EXECUTIVE ORDER following guidance.202.6

On March 18, 2020, Executive Order 202.6 (or as revised) directed that all businesses and not-for-profit entities in New York State, shall utilize, to the maximum extent possible, any telecommuting or work from home procedures that they can safely utilize.

It is directed that, no later than March 20, 2020 at 8 p.m., each for-profit or not-for profit employer (excluding state and local governments and authorities) shall reduce the in-person workforce at each business/work location by 75% from pre-state of emergency declaration employment levels. ESSENTIAL BUSINESSES OR ENTITIES, including any for profit or non-profit, regardless of the nature of the service, the function they perform, or its corporate or entity structure, are not subject to the in-person restriction. (Essential Businesses must continue to comply with the guidance and directives for maintaining a clean and safe work environment issued by the Department of Health).

This guidance is issued by the New York State Department of Economic Development d/b/a Empire State Development and applies to each business location individually and is intended to assist businesses in determining whether they are an essential business and steps to request such designation. With respect to business or entities that operate or provide both essential and non-essential services, supplies or support, only those lines and/or business operations that are necessary to support the essential services, supplies, or support are exempt from the restrictions.

For purposes of Executive Order 202.6, "Essential Business," means:

1. Essential health care operations including
  - research and laboratory services
  - hospitals
  - walk-in-care health facilities
  - veterinary and animal health services
  - elder care
  - medical wholesale and distribution
  - home health care workers or aides
  - doctor and dentist offices
  - nursing homes, or residential health care facilities or congregate care facilities

- medical supplies and equipment providers
- 2. Essential infrastructure including
  - utilities including power generation, fuel supply and transmission
  - public water and wastewater
  - telecommunications and data centers
  - airports/airlines
  - transportation infrastructure such as bus, rail, or for-hire vehicles, garages
- 3. Essential manufacturing including
  - food processing, including all foods and beverages
  - chemicals
  - medical equipment/instruments
  - pharmaceuticals
  - safety and sanitary products
  - telecommunications
  - microelectronics/semi-conductor
  - agriculture/farms
  - paper products
- 4. Essential retail including
  - grocery stores including all food and beverage stores
  - pharmacies
  - convenience stores
  - farmer's markets
  - gas stations
  - restaurants/bars (but only for take-out/delivery)
  - hardware and building material stores
- 5. Essential services including
  - trash and recycling collection, processing and disposal
  - mail and shipping services
  - laundromats/dry cleaning
  - building cleaning and maintenance
  - child care services
  - auto repair
  - warehouse/distribution and fulfillment
  - funeral homes, crematoriums and cemeteries
  - storage for essential businesses
  - animal shelters or animal care or management
- 6. News media
- 7. Financial Institutions including
  - banks
  - insurance
  - payroll
  - accounting
- 8. Providers of basic necessities to economically disadvantaged populations including
  - homeless shelters and congregate care facilities
  - food banks
  - human services providers whose function includes the direct care of patients in state-licensed or funded voluntary programs; the care, protection, custody and oversight of individuals both in the community and in state-licensed residential facilities; those operating community shelters and other critical human services agencies providing direct care or support
- 9. Construction including
  - skilled trades such as electricians, plumbers

- other related construction firms and professionals for essential infrastructure or for emergency repair and safety purposes

#### 10. Defense

- defense and national security-related operations supporting the U.S. Government or a contractor to the US government

#### 11. Essential services necessary to maintain the safety, sanitation and essential operations of residences or other essential businesses including

- law enforcement
- fire prevention and response
- building code enforcement
- security
- emergency management and response
- building cleaners or janitors
- general maintenance whether employed by the entity directly or a vendor
- automotive repair
- disinfection
- doormen

#### 12. Vendors that provide essential services or products, including logistics and technology support, child care and services needed to ensure the continuing operation of government agencies and provide for the health, safety and welfare of the public including

- logistics
- technology support
- child care programs and services
- government owned or leased buildings
- **essential government services**

## COVID-19 Law Update

### Families First Coronavirus Response Act (FFCRA)

Since the enactment of the Families First Coronavirus Response Act on March 18, new information and guidance has been released every few days, though still much slower than employers would like. We have summarized what we believe to be the most relevant new information below. We will continue to update the HR Support Center multiple times per day to keep you informed, and we encourage you to visit the site regularly for updates.

### Required FFCRA Poster

The Department of Labor (DOL) has released a mandatory employee rights poster for the FFCRA. It should be posted or distributed to employees electronically (via email or online portal) by April 1. More information on the requirements can be found here.

### Enforcement of FFCRA

The DOL will not bring enforcement actions against employers for violations of the FFCRA prior to April 17, 2020, provided that the employer has made reasonable, good faith efforts to comply with the Act. You can read more about the brief non-enforcement period here.

### New Guidance from the DOL on Administering FFCRA Leaves

We strongly suggest that employers read through the entire Questions and Answers document prior to Wednesday, so they have an understanding of how the leaves work. The following are some highlights from the updated guidance:

- These leaves are not available to employees with reduced hours, furloughed employees, or employees whose workplaces are closed. See questions 23-28.
- These leaves are not available to employees whose workplaces are closed due to a federal, state, or local shelter-in-place or stay-at-home orders, or due to business slowdowns. See question 23.
- These leaves (and payroll tax credit) are not retroactive. Employees are not entitled to pay under these leaves if they were absent or out of work (for any reasons) prior to April 1. See question 13.
- Both emergency paid sick leave (EPSL) and emergency Family and Medical Leave (EFMLA) can be taken on an intermittent basis in certain situations. See Questions 20-22 for explanations about when intermittent leave is allowed.
- Employees may not be required to use other forms of paid leave prior to or concurrently with EPSL or EFMLA. See questions 32 and 33.
- Employers should keep documentation to show that employees who received leave were actually in need of leave. The documentation requirements will be outlined in soon-to-be-released IRS guidance. See Questions 15 and 16.

#### Coronavirus Aid, Relief, and Economic

#### Security Act (CARES Act)

On Friday, March 27, the President signed the Coronavirus Aid, Relief, and Economic Security Act (CARES Act). The new law is a \$2 trillion economic stimulus package designed to repair the economic damage caused by COVID-19 and provide additional protection to individuals and businesses who may lose income due to the pandemic. While most of the act pertains to direct payments and loans, there are some sections that affect employers.

#### Providing Alternatives to Closure and Layoffs

The CARES Act gives employers the following options and benefits, which may allow them stay open and keep more people employed:

- Small businesses may be eligible for emergency grants of up to \$10,000 to cover immediate operating costs.
- The Small Business Administration (SBA) may provide loans of up to \$10 million per business; any portion of that spent to pay employees, keep workers on payroll, or pay for rent, mortgages, or existing debt could be forgiven, provided workers remain employed through the end of June.
- Small businesses with existing SBA loans may have up to six months of payments waived.
- Businesses who have experienced a decline in gross receipts of 50% as compared to the same quarter of 2019 or who have been fully or partially shutdown by order may be eligible to receive a refundable tax credit for 50% of qualified employee wages up to \$10,000 per employee. This is unrelated to the dollar-for-dollar payroll tax credit that can be taken for FFCRA leaves.
- Businesses may defer payment of employer payroll taxes imposed between the enactment of this law and

December 31, 2020 with half of the deferred taxes due by December 31, 2021 and the rest due by December 31, 2022. This is unrelated to the dollar-for-dollar payroll tax credit that can be taken for FFCRA leaves.

We are unable to advise on these topics as they are outside the scope of our expertise. We encourage you to follow the IRS Coronavirus Tax Relief page and the SBA Coronavirus Loan Resources page, as well as consult with your tax professional or financial advisor. Detailed guidance on how to access these financial resources should be coming soon from those sources.

#### Impact on Unemployment Insurance

The act expands unemployment benefits by 13 weeks and adds \$600 to the weekly amount an individual would usually receive. While these unemployment benefits are generous, employers should still consider their options and incentives under the CARES Act mentioned above before making decisions about reduced hours, furloughs, or layoffs.

Employees who experience reduced hours, furloughs, or layoffs should be encouraged to file for unemployment insurance as soon as possible. We recommend that both employers and employees visit their state's unemployment insurance department website and track local and state news, as departments across the country are updating their rules to facilitate displaced workers during this time.

#### **Coronavirus Scams**

Petroleum marketers already have been the target of a variety of phishing scams designed to steal sensitive information from customers and employees or to extract ransoms from corporations.

Now the U.S. Secret Service has warned that opportunistic criminals are exploiting the coronavirus disease 2019 (COVID-19) in phishing scams, bogus charities and non-delivery scams. The agency is advising businesses and individuals to take steps to avoid becoming victims.

Cybercriminals are distributing mass emails posing as legitimate medical or health organizations. The emails come with an attachment alleged to have information on COVID-19, but the attachment infects the user's computer with malware or prompts the victim to enter email log-in credentials. This enables additional cybercrimes such as the business email compromise, personal information theft, ransomware and account takeovers.

"Another side effect of the coronavirus is increased teleworking, which furthers the reliance on email for communication adding yet another multiplier to these email fraud schemes," the Secret Service said.

The agency warned of two more emerging scams:

--Crooks are using social engineering tactics through legitimate social media websites soliciting donations for bogus charities related to COVID-19.

--Criminals are involved in non-delivery scams in which they advertise a medical supply company that supposedly can provide scarce medical supplies to prevent or protect against the disease. "The criminal enterprise will demand

upfront payment or initial deposits, then abscond with the funds and never complete delivery of the ordered products," the agency said.

--Reporting by Donna Harris, dharris@opisnet.com;  
editing by Barbara Chuck, bchuck@opisnet.com  
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### **NYS Emergency Covid-19 Paid Sick Leave Benefits**

To address the immediate need of employees affected by COVID-19 who are subject to mandatory or precautionary orders of quarantine or isolation, the new law provides the following: Employers with 10 or fewer employees and a net income less than \$1 million will provide their workers:

Job protection for the duration of the quarantine order

- Guaranteed access to Paid Family Leave and disability benefits (short-term disability) for the period of quarantine including wage replacement for their salaries up to \$150,000. Here's how to apply for Paid Family Leave and disability benefits. Employers with 11-99 employees and employers with 10 or fewer employees and a net income greater than \$1 million will provide their workers:

- At least 5 days of paid sick leave • Job protection for the duration of the quarantine order • Guaranteed access to Paid Family Leave and disability benefits (short-term disability) for the period of quarantine including wage replacement for their salaries up to \$150,000. Here's how to apply for Paid Family Leave and disability benefits. Employers with 100 or more employees, as well as all public employers (regardless of number of employees), will provide their workers:

At least 14 days of paid sick leave • Guaranteed job protection for the duration of the quarantine order The provisions of the quarantine legislation took effect immediately upon the Governor's signature, ensuring that New York workers are able to take advantage of these benefits now.

Additional Notes:

If you are quarantined but are working from home you do not qualify for these benefits. • You may be eligible for additional leave under NYS Paid Family Leave and disability benefits. Please call the hotline for more info. • If an employer is closed due to COVID-19 or a quarantine order, employees may immediately apply for Unemployment Insurance. Questions: Call the novel coronavirus (COVID-19) Hotline: 1-888-364-3065

### **Analysis: State Budgets Ruined by Lost Fuel Tax Revenue**

One critical element of the gasoline demand destruction is that state revenues collected from fuel taxes were sharply lower in March, and April is shaping up to be much worse.

Lost gasoline tax revenue is just one spoke in a wheel of multiple avenues where state budgets are taking a hard hit over the past six to eight weeks. Based on 2019 taxable

gallons and 2020 OPIS estimated volumes, average state tax losses year on year averaged 17.5% in March with losses in revenue coming in as high as 25.7%. April estimates for lost tax revenue average 45% with multiple states taking in less than half what they did in April 2019.

It's no surprise that California saw the biggest tax hit in March, because it was one of the first states to implement stay-at-home orders to help combat the spread of coronavirus disease 2019 (COVID-19). In March 2019, California collected taxes on about 1.3 billion gal of fuel sold, but OPIS estimates that taxable gallons totaled less than 961 million in March 2020. Overall that adds up to a roughly \$180 million loss in tax revenue, and April losses are shaping up to be almost double the lost revenue, with OPIS calculating a 51.4% in fuel tax collections, or \$356.87 million.

California can also be a bit different than other states because the state imposes a 2.25% sales tax, and some municipalities have a local sales tax, said James Allison, public affairs and member services manager for the California Fuels and Convenience Alliance. While each municipality may have a different tax structure, Allison said that on average the figure works out to be about 3.62cts/gal. That revenue from local taxes can be used for road repairs, public health and more, Allison said.

"We likely won't know the tangible impact for localities this has until well after the crisis has passed. Suffice it to say, however, it will almost assuredly hit the urban, populous areas of the state much more heavily than others, simply because they are reliant on sales tax revenue, of which gas stations are a primary contributor," Allison said.

The COVID-19 pandemic has ravaged U.S. fuel demand in April. According to an exclusive OPIS survey of about 15,000 stations throughout the country, March gasoline demand was down 19.1% versus the same month last year, and through the first half of April gasoline demand is down 48.8% versus the same time frame last year.

During March, just three states saw fuel volumes drop by 100 million gal or more: California (332.1 million), Florida (108.8 million) and Texas (233.7million). In April, OPIS data suggest that 23 states will see fuel volumes fall by more than 100 million gal, with eight seeing demand losses greater than 200 million gal versus levels of April 2019.

Once again, California and Texas are seeing the largest volume losses, of 657 million and 567 million gal, respectively. The gallons lost lead to tax collections being down either side of 50% in those two states, which are the largest in terms of population.

On a percentage basis, though, Michigan appears to be in more dire straits, with fuel sales tax revenue this month projected to be down 58.4%, or \$63.1 million, than in April 2019. Michigan is also one of the states in which April volumes are expected to fall roughly 223 million gal year on year.

The tightening of state budgets is not being lost among leadership, with recent local reports indicating that Michigan is considering layoffs of non-essential workers. The Michigan State Budget Office estimates that economic

impact from COVID-19 could leave a \$1 billion-\$3 billion revenue gap for the state during the fiscal year, which runs through the end of September.

The lost tax revenue from fuel sales is just one thing, but if people are not driving many are not likely going to shopping malls and movie theaters. As a result, states are losing out on millions of dollars in sales taxes.

States like Florida that rely on tourism dollars are also getting hit hard. When attractions like Disney World will reopen is one of the key questions being asked. With many popular attractions temporarily closed, significant sources of revenue are being lost with few hotel rooms and flights being booked and not many rental cars being used.

Adding to the tourism-revenue concerns is increased unemployment, as U.S. claims have jumped by nearly 22 million over the past four weeks.

Florida gasoline sales for April are anticipated to slide from April 2019's 852 million gal-plus to less than 460 million gal.

Ned Bowman, executive director of the Florida Petroleum Marketers Association, sees the state trying to adjust, but is skeptical of a return to normal as far as gasoline demand is concerned. Bowman notes that some rural areas are doing OK, but even with that he breaks down the math like this: Say Florida sees 250 million gal per week gal consumed. Even if it can get back to of half that, the sales would represent only about one-sixth the typical tax revenue the state would receive. Bowman estimates that would lead to at least a 10%-15% decrease in funds allocated to roads and inspections.

Bowman also worries about the loss of inside store sales and the chances of some independents being unable to make lease payments and permanently shutting their stores.

Convenience stores are in a unique predicament. As oil and refined product markets have collapsed, rack-to-retail margins moved to record heights; though that is still the case with strong margins, lost volumes take away some of the celebratory margins. There is also the other side of the c-store aspect: inside sales. Location can be a key determinant for inside store sales along with offerings, but while fresh data may be a few weeks away, anecdotally at worst inside store sales are off by 25%, sources estimate.

However, there could be some instances in which inside store sales are markedly better, with some stores operating in a region with few retail options. For perspective, 2019 inside store sales were up 4.4% (\$251.9 billion), according to recently released figures from the National Association of Convenience Stores.

Ultimately, it is still too early to tell what the damage to state budgets will look like once the economy is back up and running. Even with a piecemeal approach, as states reopen most analysts agree that a wholesale culture change will take place after a period of adjustment.

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## **NJ Dealers Ask State to Suspend Self-Serve Gas Ban**

The New Jersey Gasoline, Convenience, Automotive Association (NJGCA) has asked New Jersey Gov. Phil Murphy (D) to suspend state law barring motorists from pumping their own gas. The trade group said in an announcement today that a temporary suspension could minimize social contact and help contain the spread of the coronavirus disease 2019 (COVID-19).

However, in his daily coronavirus briefing, Murphy said, "we've given no thought to changing that (the self-serve ban) for the time being" and to just continue observing social distancing at the pump. The governor noted that New Jersey currently has at least 16,636 cases, and 198 deaths as a result of the virus.

The governor also reiterated in a tweet this afternoon that New Jersey has "no plans to turn our gas stations into self-serve at this time. Please do not pump your own gas."

New Jersey is the only state in the nation with a statewide ban on self-serve gas. Oregon has a ban applying in part of the state.

"Even the state of Oregon has recognized the need to suspend their ban on self-serve gasoline in the half of their state that did not permit motorists to pump their own gas," said Sal Risalvato, NJGCA executive director. "Oregon suspended their ban on Friday as more gas stations were unable to provide attendants willing to work the pumps, and more motorists refused to permit attendants to serve them."

Risalvato said a suspension would allow motorists to "take their own precautions in order to avoid spreading coronavirus." With full-serve gas it is "impossible for gas station attendants and motorists to maintain the six-foot distance that is currently required."

"Because of the interaction with the customer and the exchange of cash or credit card back and forth, the customer and the gas attendant may be putting themselves at risk for contracting the coronavirus," he said. "An attendant wearing gloves and never touching their face may be able to protect himself from any contamination on a sick motorist's credit/debit card, but the virus will presumably continue to live on the attendant's gloves and perhaps attach itself to the card of every subsequent motorist who comes in afterward."

Risalvato said it is getting more difficult for New Jersey gas stations to find staff willing to pump gas, and fuel sales have fallen off "well over 50%."

"Members are trying to remain open to serve those who are still required to get to work at essential businesses, especially health care workers and grocery store workers," he said.

In his letter to the governor, Risalvato said neighboring states without a self-serve ban don't have this problem. Temporarily lifting the ban "will prove to be another demonstration of just how serious your efforts are to persuade New Jersey citizens to avoid physical interaction whenever possible."

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## **Oil, Products Stubbornly Move Sideways Despite Historic OPEC++ Agreement**

Petroleum futures were up moderately after OPEC++ countries agreed to an historic production-cutting pact, which may provoke higher prices in the second half of 2020 and 2022.

Twenty-three countries pledged to cut some 9.7-million b/d from the market, although that is less than twice the demand destruction figures that are currently being bandied about.

At midafternoon, President Trump tweeted that the "big Oil Deal with OPEC Plus is done" and added that the agreement would save "hundreds of thousands of energy jobs" in the U.S. However, early market action doesn't indicate that participants are currently convinced of a steady ascent higher in prices.

Futures were mixed with a very volatile session expected in the next 18 hours and a wild week on tap for crude and refined products. The initial reaction, gauged by OPIS at 6:30 PM EDT Sunday evening saw WTI drop 32cts bbl to \$22.42 bbl while June Brent fell \$1.36 bbl to \$31.50 bbl. May RBOB and May ULSD prices were a bit of a sideshow to the action in crude, but RBOB could add only 0.52cts gal to 68.25cts gal while May ULSD rose 0.92cts gal to 98.18cts gal. As OPIS has been documenting all of this month, many of the physical markets are at record discounts to NYMEX futures.

The agreement will get plenty of scrutiny. There is mention that the U.S. will be a proxy for wanted Mexican cuts and decreases in U.S., Brazilian, and Canadian output is put at 3.7-million b/d without specificity as to how such drops will be implemented.

At least one investment bank was convinced that there was substance behind the agreement. A report to clients from Citi noted the pledge of reduced exports of 9.7-million b/d in May and June, followed by a drop of 8-million b/d in the second half of 2020 and an extended reduction of 6-million b/d from January 2021 through April 2020. The bank cast doubt on the effectiveness of the agreement over the short term but raised its projections for Brent crude to \$5 bbl in the third quarter and \$45 bbl in the fourth quarter 2020. Previously, target numbers had been just \$25 bbl and \$45 bbl for those periods. -

Reporting by Tom Kloza, tkloza@opisnet.com  
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## **Second Refinery to Close Next Week Due to COVID-19 Fallout**

The 130,000-b/d NARL refinery in Come by Chance, Newfoundland will soon have company on the sidelines. That plant was shut earlier this month thanks to demand destruction and poor economics stemming from the coronavirus disease 2019 (COVID-19) pandemic, and now comes word that Marathon Petroleum will idle its 26,000-b/d facility in Gallup, N.M. as of April 15.

Both refineries are slated to return when domestic and international markets recover. OPIS hears that nearly every

refining company with multiple plants is identifying winners and losers, with experts suggesting that another 10% or more of total utilization needs to be shut in this month or tanks for gasoline and jet fuel will not accommodate production.

Other facilities mentioned include Valero plants in Three Rivers, Texas and Ardmore, Okla., as well as the Monroe Energy facility in Trainer, Pa. and the Krotz Springs refinery that Delek operates in Louisiana.

--Reporting by Tom Kloza, tkloza@opisnet.com; editing by Beth Heinsohn, bheinsohn@opisnet.com

## **Crude Loses Nearly 10% as OPEC+ Pledges Noisy Record Production Cut**

OPEC+ countries have yet to release an official communique, but it appears as though the cartel and Russia have agreed on a cut of about 10-million b/d from April levels that has more conditions and caveats than a merger document. The news today did not cheer the trading community, and WTI fell \$2.33/bbl, to settle at \$22.76/bbl, with physical prices far lower. June Brent was a bit less pressured, falling to \$31.50/bbl with dated cash prices more than \$5/bbl below the benchmark.

The tilt lower in crude led to some sharp losses for diesel and modest decreases for RBOB. May ULSD futures were off 3.81cts/gal, to 97.26cts/gal. A survey by OPIS of diesel suppliers suggests that demand destruction has escalated, although it is down by 10%-15% versus much larger losses for gasoline.

May RBOB is still very much disconnected to the reality of multiple physical markets, which are trading at record spring discounts to futures. May settled at 67.73cts/gal, off a tiny 0.07cts/gal. But as OPIS documented this morning, there is a huge swath of the country where finished prices for E10 have dipped below 25cts/gal or even into the teens.

--Reporting by Tom Kloza, tkloza@opisnet.com; Editing by Barbara Chuck, bchuck@opisnet.com  
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## **Data Shows Decline in Personnel Vehicle Traffic in US Likely Leveling Out**

The decline in passenger travel in the United States appears to have leveled off during the week ending April 17, while commercial traffic continues to grow lighter amid the coronavirus disease 2019 (COVID-19) pandemic, according to new data from research firm Inrix.

In its latest look at weekly traffic data, the company found that passenger travel was down 46% below normal levels, compared to 48% below normal a week earlier, marking the first apparent increase in passenger traffic since March 14. The increase comes during the fifth week that Inrix has been monitoring how efforts to contain COVID-19 is impacting U.S. driving.



The company notes that the increase in traffic came even with a larger-than-typical drop in weekend travel over what is normally the busy Easter weekend.

"This may mean that the travel decline at the national level may be bottoming out," according to Inrix's analysis.

Passenger travel in 38 states increased week over week, compared to a 28-state increase the week earlier. Thirteen of those states saw travel increase by 3% or more. Meanwhile, travel declined by 3% or more in six states. The largest week-over-week declines in travel came in Wyoming (12%), South Dakota (7%), Nebraska (6%), Montana (5%) and Colorado (5%). The largest increases were seen in Maine (6%), Mississippi (5%), California (5%), Georgia (5%) and Alaska (4%),

Inrix said.

Overall travel increased across the 98 metropolitan areas Inrix monitors, with 78 areas seeing week-over-week increases. In 28 areas, the week-over-week increase in travel was 3% or more, according to Inrix. Only four areas saw a week-over-week decline of 3% or more. These included Denver (7%), Des Moines (5%), Omaha (5%) and Colorado Springs (4%).

Three of the five largest week-over-week increases were seen in California, in the metropolitan areas of Salinas (7%), Bakersfield (6%) and Visalia (6%). Chattanooga (7%) and McAllen, Texas, (6%), rounded out the top five.

Meanwhile, the decline in long-haul truck travel accelerated during the week, sinking by 13% compared to a 10% decline a week earlier. Every state saw a week-over-week drop in truck traffic, with 26 states now seeing traffic more than 10% below normal levels, compared to 15 states a week earlier. Michigan has seen the biggest decline, with long-haul traffic now 37% below normal levels and Kentucky and Texas now tied for the second-largest decline in the nation, with long-haul traffic in both states down 20% from normal. Some of that decline might be due to the holiday weekend, Inrix said, as could also be the case for local area commercial travel, which was down 17% from normal compared to 16% the week before.

Bob Pishue, a transportation analyst for Inrix, said that it appeared -- without states imposing additional traffic restrictions -- last week might have represented the bottom or close to the bottom in traffic reductions.

Pishue, however, said a situation like the COVID-19 pandemic and efforts to contain the virus have never been seen before, making it difficult to project when travel and fuel demand will begin to increase. "This situation is unprecedented. That being said, our opinion is that arecovery will most likely take a more U shape. This also coincides with the targeted opening of certain businesses/activities as the recovery advances," he said.

Even as restrictions are lifted, Pishue said it will probably take some time before travel and demand return to normal levels. "It will likely take some time. Long-term

trends around working from home, online education/home schooling and demand for certain land-use (office buildings, hotels, etc.) are still up in the air," he said.

"Travel declines were seen on a local basis after a natural disaster, but a nation-wide decline such as this is new. There may have been large reductions during oil crises a few decades ago, but still not of this magnitude," he said.

--Reporting by Steve Cronin, [scronin@opisnet.com](mailto:scronin@opisnet.com); Editing by Michael Kelly, [michael.kelly3@ihsmarkit.com](mailto:michael.kelly3@ihsmarkit.com)

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### **Q & A Selling Vehicles Banned**

Question: Can repair shops sell motor vehicles to their customers.

Answer: Auto dealers were not designated as "essential businesses". Therefore, repair shops that are also licensed dealerships cannot sell cars to customers. Your members should review the Governor's Executive Order 202.6 as well as the Frequently Asked Questions section posted to the Empire State Development Corporation's website for additional guidance.

### **Q&A On Inspections**

Question -- Have motorists been given an inspection holiday?

Answer -- In a reversal, New York motorists with expiring vehicle safety inspections will be given extensions through the remainder of the novel coronavirus health emergency. Owners will not be ticketed for failing to replace stickers expiring in March and extending until April 26.

### **DMV Record Retrieval**

DMV record retrieval is available to association members and affiliates at a cost of \$12 per record. Additionally, you may order DMV certified paper abstracts of driver's license, vehicle registration, and vehicle title records for an additional fee of \$2 per abstract. Please call 585-423-9924 or 716-656-1035.

### **Attention Inspection Stations**

The Association has received a flurry of requests for legal representation for violations of the DMV commissioner regulations known as "clean scanning," that is when a vehicle other than the one to be inspected is substitute for the OBD-II part of the test. We have no defense for these violations. DMV has the ability to trace the OBD-II inspection to the vehicle used for the inspection.

If you cannot pass a vehicle for any reason, get help. That help could come from DMV. This violation almost always results in revocation.

**From:** [Ralph Bombardiere](#)  
**To:** [jim@nysassrs.com](mailto:jim@nysassrs.com)  
**Subject:** send out  
**Date:** Monday, April 20, 2020 11:17:08 AM

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## **THE CARES ACT - WHAT YOU NEED TO KNOW NOW!**

On March 27th, Congress passed the Coronavirus Aid, Relief, and Economic Security Act - the CARES Act - a giant \$2 trillion stimulus bill, which the President quickly signed into law. This bill is intended to help shore up the economy and provide relief for businesses, including small businesses, and most individuals.

Congress designed many of the provisions to free up cash so that businesses can keep their workforces employed while the business navigates and weathers the impact of the coronavirus. Below we will highlight some of the most important provisions or those that may require your immediate attention. The next several alerts will go into more depth on the most important sections of this massive 895 page bill.

This alert is not intended to be a detailed analysis of the entire bill.

### **PROVISIONS FOR INDIVIDUALS**

#### *Rebate Checks*

Under the CARES Act, most Americans will receive tax free rebate checks - \$1200 for individuals with adjusted gross income (AGI) of up to \$75,000, \$2,400 for married couples with

AGI of up to \$150,000 and an additional \$500 for each dependent child under 17. Except for children under 17, any person who is claimed on another person's tax return (for example children over 17) will not be eligible for a rebate check. The rebate amounts are phased-out for individuals with AGIs between \$75,00 and \$99,000 and married couples with AGIs of between \$150,000 and \$198,000 and are not available for anyone with AGI's over those amounts. In most cases these payments will be made automatically through direct deposit.

### *No Required Minimum Distributions (RMDs) for 2020*

Participants in defined contribution plans (profit sharing plans and 401(k) plans) and IRA owners or their beneficiaries will not be required to take RMDs in 2020. In 2021, the RMDs will start up again but the missing 2020 RMDs do not have to be made up. No RMDs for 2020 are required from 403(b) plans and 457(b) plans sponsored by governmental entities either but will be required from defined benefit plans. The purpose of this provision is to avoid forcing individuals to sell stocks being held by the plans or IRAs at a low value in order to pay out an inflated RMD calculated on the account balance as it stood on December 31, 2019.

Individuals who do not need their RMDs should consider converting some of their traditional IRA to a Roth IRA inasmuch as they will not be bringing their RMD into their taxable income. The amount of income is determined at the time of conversion. So a conversion in-kind from a traditional IRA to a Roth IRA of depressed stocks will give rise to a larger value Roth when the market turns around. Roth IRAs are more advantageous than a regular IRA because once the Roth owner turns 59 ½ and the Roth IRA has been in existence for 5 years, all the funds coming out of the Roth, including income, come out tax free.

### *Participants Can Receive a Penalty Free Distribution of up to \$100,000 from their Retirement Plan*

Plan participants (or their spouses or dependents) who have been diagnosed with COVID-19, or who have suffered financial consequences directly because of the coronavirus, can receive a distribution of up to \$100,000 from the plan. This distribution would be exempt from the 10% early withdrawal penalty which generally applies to distributions taken before age 59 1/2. This distribution can be repaid over 3 years or if not repaid, can be taken into income over a 3 year period. The employer can rely upon self-certification by the participant that the conditions for eligibility of this distribution exist.

More guidance by IRS will be needed - for instance, it is not clear whether retirement plans are required to make these COVID-19 distributions available or if this provision is optional, or even whether an interest factor would be imposed on repayment (unlikely, but possible). It is also not clear how fast the major brokerage house and major retirement plan platforms are going to be able to implement this new provision.

#### *Temporary Increase in Plan Loan Limit and One Year Delay in Plan Loan Repayment*

Plan participants (or their spouses or dependents) who have been diagnosed with COVID-19, or who have suffered financial consequences directly because of the coronavirus, within 180 days after enactment of the CARES Act, can take a plan loan up to \$100,000 or their vested account balance in the plan, whichever is less. This is an increase from the general limits on plan loans which are the lesser of \$50,000 or 50% of the vested account balance (note a plan is not required to offer plan loans and some plans provide for loans up to \$10,000 regardless of the vested account balance). Again, it is not clear whether this is an optional provision employers can choose to adopt and it is not clear how soon the plan providers can implement it. The CARES Act also postpones for one year any loan repayment that is due after the Act's enactment and before December 31, 2020. The IRS will need to provide guidance on whether a plan participant will be forced to delay repayment even if the

participant wants to continue to pay the loan.

## MAJOR PROVISIONS FOR SMALL EMPLOYERS

### *Paycheck Protection Program (PPP)*

The program that requires immediate attention by small businesses (generally 500 employees or less) is the Paycheck Protection Program which will provide significant benefits to many small businesses. In short, this is a federal loan program which is intended to help small businesses keep their employees on the payroll and to provide funds to operate their businesses. To cut through all the technicalities, small businesses can get a Paycheck Protection Program loan ("PPP Loan") from their bank and use it to pay payroll, health care benefits, rent, interest on an existing mortgage, utilities and interest on debts incurred before February 15, 2020. Even better is that, if the business meets certain requirements, a portion of the loan can be forgiven with no tax consequences. In short, the government is will pick up a significant portion of the business' payroll expense and rent for eight weeks.

Now the details:

- \* Loans can be made up to the lesser of 2.5 times the prior 12 months average "payroll expense" or \$10 million.
- \* Loans are term loans with up to 10 year maturity.
- \* The loans will carry a 4% fixed interest rate and payments are deferred from 6 to 12 months.
- \* No origination fees will be charged to borrowers and no collateral or personal guarantees will be required.
- \* Loans made under SBA's Disaster Loan Program on or after January 31, 2020 may be folded into the PPP Loan.

\* With appropriate documentation, an amount equal to 8 weeks of post loan closing "payroll expense," mortgage interest on real estate or equipment loans, rent and utility payments can be forgiven without tax consequence to the borrower, subject to the employer maintaining certain employee and compensation thresholds. The SBA is working on guidance and details on the forgiveness program. In particular, the CARES Act provides that businesses that reduce their compensation or employment rolls between February 15 and April 26, may still be eligible for loan forgiveness without reduction in the forgiveness amount if they get back to their compensation and employment levels by June 30, 2019. The details on the requirement for such a course correction will be among the additional information that we will be looking for in the coming weeks.

\* For purposes of determining the PPP Loan and amount of debt forgiveness, "payroll expense" includes state and local (not federal) payroll taxes, commissions and tips, leave, group health costs, paid retirement benefits, salary (wages but not to exceed \$100,000 for any single employee) and independent contractor costs. Utility payments include electricity, gas, water, transportation, telephone and internet.

\* Loans will be available through SBA approved lenders.

The SBA is currently working on additional guidance for the PPP loans, however, it appears some community banks are already prepared to accept, approve and fund loan applications immediately.

Our SBLC member, the Independent Community Bankers Association (ICBA) has updated resources on the PPP on its website - [ICBA.org](https://www.icba.org).

A word of caution for those business borrowers with existing commercial financing facilities that are considering PPP Loans - be sure to review your existing loan agreement restrictions on additional debt. Similarly, all business borrowers with existing

financing agreements will need to review their ability to comply with financial covenants as a consequence of the current business disruptions. It is anticipated that many businesses will need to reach out to their current lenders to obtain appropriate compliance waivers for either, or both, the new PPP Loans and/or their impaired financial performance during these unsettled times.

### *Employee Retention Tax Credit*

The law provides a refundable tax credit against the employer's social security taxes for a business opting against a PPP Loan (this would seem to be a rare circumstance unless the 350 billion dollars allocated to this program by the CARES Act has run out) or who is too large to apply for a PPP Loan, which has had to shut down or experienced a significant decline in revenue due to the coronavirus.

The Employee Retention Tax Credit (ERTC) is equal to 50% of the first \$10,000 of wages paid to an employees between March 13, 2020 and December 31, 2020, up to a maximum credit of \$5,000 per employee. For employers with 100 or fewer employees, all employee wages and payments made for health care coverage (subject to the \$10,000 limit) paid during a period in which there was a severe coronavirus impact, can be included in the credit calculation. For employers with more than 100 employees, only wages paid to employees not performing any services (whether in person or remotely) to the company due to the virus can be included in the calculation. The severe impact standard necessary to qualify for the payroll tax credit is either more than 50% reduction (compared to the same quarter in the prior year) in gross receipts or the business has fully or partially suspended its operations due to orders from an applicable government authority due to the coronavirus.

### *Payroll Tax Payment Deferred*

Small businesses that did not have part or all of a PPP Loan



forgiven can defer payment of the employer's share of payroll taxes on wages paid for the period ending December 31, 2020. Payment of the deferred amounts is staged over two years - 50% is due December 31, 2021 and the balance is due on December 31, 2022. People who are self-employed will also have the opportunity to take advantage of this deferral.

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## **With \$349 Billion in Emergency Small Business Capital Cleared, Treasury and SBA Begin Unprecedented Public-Private Mobilization Effort to Distribute Funds**

Following President Trump's signing of the historic Coronavirus Aid, Relief, and Economic Security (CARES) Act, SBA Administrator Jovita Carranza and Treasury Secretary Steven T. Mnuchin announced that the SBA and Treasury Department have initiated a robust mobilization effort of banks and other lending institutions to provide small businesses with the capital they need.

The CARES Act establishes a new \$349 billion Paycheck Protection Program. The Program will provide much-needed relief to millions of small businesses so they can sustain their businesses and keep their workers employed.

"This legislation provides small business job retention loans to provide eight weeks of payroll and certain overhead to keep workers employed," said Secretary Mnuchin. "Treasury and the Small Business Administration expect to have this program up and running by April 3rd so that businesses can go to a participating SBA 7(a) lender, bank, or credit union, apply for a loan, and be approved on the same day. The loans will be forgiven as long as the funds are used to keep employees on the payroll and for certain other expenses."

"This unprecedented public-private partnership is going to assist



small businesses with accessing capital quickly. Our goal is to position lenders as the single point-of-contact for small businesses - the application, loan processing, and disbursement of funds will all be administered at the community level," said Administrator Carranza. "Speed is the operative word; applications for the emergency capital can begin as early as this week, with lenders using their own systems and processes to make these loans. We remain committed to supporting our nation's more than 30 million small businesses and their employees, so that they can continue to be the fuel for our nation's economic engine."

The new loan program will help small businesses with their payroll and other business operating expenses. It will provide critical capital to businesses without collateral requirements, personal guarantees, or SBA fees - all with a 100% guarantee from SBA. All loan payments will be deferred for six months. Most importantly, the SBA will forgive the portion of the loan proceeds that are used to cover the first eight weeks of payroll costs, rent, utilities, and mortgage interest.

**The Paycheck Protection Program is specifically designed to help small businesses keep their workforce employed. Visit [SBA.gov/Coronavirus](https://www.sba.gov/coronavirus) for more information on the Paycheck Protection Program.**

- The new loan program will be available retroactive from Feb. 15, 2020, so employers can rehire their recently laid-off employees through June 30, 2020.

### **Loan Terms & Conditions**

- Eligible businesses: All businesses, including non-profits, Veterans organizations, Tribal concerns, sole proprietorships, self-employed individuals, and independent contractors, with 500 or fewer employees, or no greater than the number of employees set by the SBA as the size standard for certain industries
- Maximum loan amount up to \$10 million
- Loan forgiveness if proceeds used for payroll costs and

other designated business operating expenses in the 8 weeks following the date of loan origination (due to likely high subscription, it is anticipated that not more than 25% of the forgiven amount may be for non-payroll costs)

- All loans under this program will have the following identical features:
  - Interest rate of 0.5%
  - Maturity of 2 years
  - First payment deferred for six months
  - 100% guarantee by SBA
  - No collateral
  - No personal guarantees
  - No borrower or lender fees payable to SBA

Visit [treasury.gov/cares](https://treasury.gov/cares) for more information on SBA's assistance to small businesses.

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## **Department of Labor Continues to Clarify Guidance on FFCRA Guidance**

The Department of Labor (DOL) continues to update its guidance document on implementation of the Families First Coronavirus Response Act (FFCRA), almost on a daily basis. The updated document released by the agency late last week appears to suggest that employees who cannot work because their businesses are subject to a government shutdown order or they are ordered to shelter at home will not qualify for Emergency Paid Sick Leave or Emergency FMLA.

To see the most recent clarification from the DOL and the updated Frequently Asked Questions (FAQ) document, click [HERE](#)

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## **President Signs the Coronavirus Aid, Relief, and Economic Security (CARES) Act**

On March 27, 2020, President Trump signed into law the Coronavirus Aid, Relief, and Economic Security (CARES) Act, intended to stimulate the national economy in the wake of the COVID-19 pandemic. The bill provides direct financial assistance to Americans, eases access to loans and other economic assistance to businesses of all sizes, and provides aid and support to healthcare providers. The CARES Act does modify the Families First Coronavirus Response Act (FFCRA) in several key ways.

See the full article [HERE](#)

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## **Interest Grows in Including Infrastructure in "Phase 4" Coronavirus Bill**

President Trump and House Speaker Nancy Pelosi (D-CA) separately stated their interest in including funding for a large infrastructure plan in future legislation to respond to the coronavirus pandemic. While the Speaker has been discussing infrastructure investment for the last few days, the President announced his support today, tweeting, "With interest rates for the United States being at ZERO, this is the time to do our decades long awaited Infrastructure Bill. It should be VERY BIG & BOLD, Two Trillion Dollars, and be focused solely on jobs and rebuilding the once great infrastructure of our Country!" Despite the President's support, Senate Majority Leader Mitch McConnell (R-KY) said this morning that his chamber will not support legislation filled with "unrelated [to the coronavirus response] policy items."

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## **Tariff Actions**

Media reports indicated that President Trump would be signing an executive order that would give companies a 90-day grace period on paying most tariffs. The order would not apply to

tariffs on Chinese goods, steel, and several other items.

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## DOL Continues to Issue FFCRA Guidance

As we flagged last week, the Department of Labor (DOL) has been busily preparing for the implementation of the Families First Coronavirus Response Act (FFCRA).

The DOL has created a page of FAQs, which it has continued to add to in recent days, that provides answers to most of the biggest and most pressing questions regarding the FFCRA - <https://www.dol.gov/agencies/whd/pandemic/ffcra-questions>

In particular the FAQs:

- Provide that **the law will go into effect on April 1, 2020**. As we previously noted, the text of the FFCRA states that the act takes effect "not later than 15 days after the date of enactment." Thus, the widespread understanding was that the FFCRA would go into effect on April 2 (the 15th day after enactment). The DOL has made it clear that this is not the case and that the law will be effective April 1, 2020. See FAQ #1.
- Confirm that employees will only be able to take leave under the FFCRA if the employer otherwise has work for them to do. In other words, **if an employee is furloughed before or after April 1, the employee will not be eligible for FFCRA**. Likewise, if an employee's hours are reduced, the employee will only be able to take FFCRA leave to receive paid leave based on their reduced schedule. See FAQ # 23 through 28.
- Specify that employers will not receive credit for any leave for FFCRA purposes that they have voluntarily provided to employees prior to April 1. As of April 1, any employee who is eligible for FFCRA leave must receive

the full leave regardless of any leave previously provided to them.

- Provide guidance on how employers should calculate whether they are under or over the 500 employee threshold for the purposes of the FFCRA. See FAQ #2.
- Explain the general **framework for businesses with less than fifty employees to claim an exemption** to the FFCRA and specify that the business may do so if an officer of the business determines the business falls into one of three scenarios as described in the FAQs. See FAQ # 58 and 59.

The FAQs are among the helpful resources that the Department of Labor has provided on its COVID-19 site, which we would encourage you to keep an eye on for further updates - <https://www.dol.gov/agencies/whd/pandemic>

On that site, the DOL has published the model notice that employers will be required to post and advise employees of their rights under the FFCRA. However, the DOL will need to revise and reissue these notices before April 1 as the CARES Act changes the maximum that an employee may receive while on emergency FMLA (reducing the max from \$12,000 to \$10,000)

Rest assured, we have rolled up our sleeves and are diving into the details of the CARES Act and will offer additional analyses and insights in our next alert.

**NOTICE AND PROOF OF CLAIM FOR DISABILITY BENEFITS**

Use this form if you became disabled **while employed** or if you became disabled **within four (4) weeks after termination of employment** OR if you became **disabled after having been unemployed for more than four (4) weeks**. Please answer all questions in Part A and questions 1 through 3 in Part B. Read all instructions on this form carefully. Health care providers must complete Part B on page 2.

**PART A - CLAIMANT'S INFORMATION** (Please Print or Type)

1. Last Name: \_\_\_\_\_ First Name: \_\_\_\_\_ MI: \_\_\_\_\_  
 2. Mailing Address: \_\_\_\_\_ Line 2: \_\_\_\_\_  
 City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_ Country: \_\_\_\_\_  
 3. Daytime Phone #: \_\_\_\_\_ 4. Email Address: \_\_\_\_\_  
 5. Social Security #: \_\_\_\_\_ - \_\_\_\_\_ - \_\_\_\_\_ 6. Date of Birth: \_\_\_\_\_ - \_\_\_\_\_ - \_\_\_\_\_ 7. Gender: ☐ Male ☐ Female  
 8. My disability is (if injury, also state how, when and where it occurred): \_\_\_\_\_

9. I became disabled or became ineligible for Unemployment Insurance because of this disability on: \_\_\_\_\_ / \_\_\_\_\_ / \_\_\_\_\_  
 I worked on that day: ☐ Yes ☐ No  
 Have you recovered from this disability? ☐ Yes ☐ No If Yes, what was the date you were able to work: \_\_\_\_\_ / \_\_\_\_\_ / \_\_\_\_\_  
 Have you since worked for wages or profit? ☐ Yes ☐ No If Yes, list dates: \_\_\_\_\_

10. Give name of last employer. If more than one employer during last eight (8) weeks, name all employers. Average Weekly Wage is based on all wages earned in last eight (8) weeks worked.

LAST EMPLOYER			PERIOD OF EMPLOYMENT		Average Weekly Wage (Include Bonuses, Tips, Commissions, Reasonable Value of Board, Rent, etc.)
Firm or Trade Name	Address	Phone Number	First Day	Last Day Worked	
			Mo. Day Yr.	Mo. Day Yr.	
OTHER EMPLOYER (during last eight (8) weeks)			PERIOD OF EMPLOYMENT		Average Weekly Wage (Include Bonuses, Tips, Commissions, Reasonable Value of Board, Rent, etc.)
Firm or Trade Name	Address	Phone Number	First Day	Last Day Worked	
			Mo. Day Yr.	Mo. Day Yr.	
			Mo. Day Yr.	Mo. Day Yr.	

11. My job is or was: \_\_\_\_\_ 12. Union Member: ☐ Yes ☐ No If "Yes": \_\_\_\_\_  
Occupation Name of Union or Local Number

13. Were you claiming or receiving unemployment prior to this disability? ☐ Yes ☐ No  
 If you did **not** claim or if you claimed but did **not** receive unemployment insurance benefits after LAST DAY WORKED, explain reasons fully: \_\_\_\_\_

14. For the period of disability covered by this claim:  
 A. Are you **receiving** wages, salary or separation pay: ☐ Yes ☐ No  
 B. Are you **receiving or claiming**:  
 1. Workers' compensation for work-connected disability: ☐ Yes ☐ No  
 2. Paid Family Leave: ☐ Yes ☐ No  
 3. No-Fault motor vehicle accident (check box): ☐ Yes ☐ No or personal injury involving third party (check box): ☐ Yes ☐ No  
 4. Long-term disability benefits under the Federal Social Security Act for this disability: ☐ Yes ☐ No

**IF "YES" IS CHECKED IN ANY OF THE ITEMS IN 14, COMPLETE THE FOLLOWING:**

I have: ☐ received ☐ claimed from: \_\_\_\_\_ for the period: \_\_\_\_\_ / \_\_\_\_\_ / \_\_\_\_\_ to: \_\_\_\_\_ / \_\_\_\_\_ / \_\_\_\_\_

15. In the year (52 weeks) **before** your disability began, have you received disability benefits for other periods of disability? ☐ Yes ☐ No  
 If "Yes", fill in the following: Paid by: \_\_\_\_\_ from: \_\_\_\_\_ / \_\_\_\_\_ / \_\_\_\_\_ to: \_\_\_\_\_ / \_\_\_\_\_ / \_\_\_\_\_

16. In the year (52 weeks) **before** your disability began, have you received Paid Family Leave? ☐ Yes ☐ No  
 If "Yes", fill in the following: Paid by: \_\_\_\_\_ from: \_\_\_\_\_ / \_\_\_\_\_ / \_\_\_\_\_ to: \_\_\_\_\_ / \_\_\_\_\_ / \_\_\_\_\_

I hereby claim Disability Benefits and certify that for the period covered by this claim I was disabled. If my disability began while I was unemployed, I certify that I had been unemployed for more than four (4) weeks. I have read the instructions on page 2 of this form and that the foregoing statements, including any accompanying statements are, to the best of my knowledge, true and complete.

\_\_\_\_\_  
 Claimant's Signature Date Claimant's email address

An individual may sign on behalf of the claimant only if he or she is legally authorized to do so and the claimant is a minor, mentally incompetent or incapacitated. If signed by other than claimant, print information below and complete and submit Form OC-110A, Claimant's Authorization to Disclose Workers' Compensation Records.

\_\_\_\_\_  
 On behalf of Claimant Address Relationship to Claimant

**PART B - HEALTH CARE PROVIDER'S STATEMENT** (Please Print or Type)

**THE HEALTH CARE PROVIDER'S STATEMENT MUST BE FILLED IN COMPLETELY. THE ATTENDING HEALTH CARE PROVIDER SHALL COMPLETE AND RETURN TO THE CLAIMANT WITHIN SEVEN (7) DAYS OF RECEIPT OF THIS FORM.** For item 7-d, you must give estimated date. If disability is caused by or arising in connection with pregnancy, enter estimated delivery date in item 9. **INCOMPLETE ANSWERS MAY DELAY PAYMENT OF BENEFITS.**

1. Last Name: \_\_\_\_\_ First Name: \_\_\_\_\_ MI: \_\_\_\_\_
2. Gender: ☐ Male ☐ Female      3. Date of Birth: \_\_\_\_ / \_\_\_\_ / \_\_\_\_
4. Diagnosis/Analysis: \_\_\_\_\_ Diagnosis Code: \_\_\_\_\_
- a. Claimant's symptoms: \_\_\_\_\_
- b. Objective findings: \_\_\_\_\_
5. Claimant hospitalized?: ☐ Yes ☐ No      From: \_\_\_\_ / \_\_\_\_ / \_\_\_\_ To: \_\_\_\_ / \_\_\_\_ / \_\_\_\_
6. Operation indicated?: ☐ Yes ☐ No      a. Type \_\_\_\_\_ b. Date \_\_\_\_ / \_\_\_\_ / \_\_\_\_

7. ENTER DATES FOR THE FOLLOWING	MONTH	DAY	YEAR
a. Date of your first treatment for this disability			
b. Date of your most recent treatment for this disability			
c. Date Claimant was unable to work because of this disability			
d. Date Claimant will again be able to perform work (Even if considerable question exists, estimate date. Avoid use of terms such as unknown or undetermined.)			
e. If pregnancy related, please check box and enter the date <input type="checkbox"/> estimated delivery date OR <input type="checkbox"/> actual delivery date			

8. In your opinion, is this disability the result of injury arising out of and in the course of employment or occupational disease?:  
☐ Yes ☐ No      If "Yes", has Form C-4 been filed with the Board? ☐ Yes ☐ No

**I certify that I am a:**

_____ (Physician, Chiropractor, Dentist, Podiatrist, Psychologist, Nurse-Midwife)	_____ Licensed or Certified in the State of _____	_____ License Number _____
_____ Health Care Provider's Printed Name	_____ Health Care Provider's Signature	_____ Date
_____ Health Care Provider's Address		_____ Phone # _____

**CLAIMANT: READ THESE INSTRUCTIONS CAREFULLY**

**PLEASE NOTE: Do not date and file this form prior to your first date of disability. In order for your claim to be processed, Parts A and B must be completed.**

1. If you are using this form because you became disabled **while employed** or you became disabled **within four (4) weeks after termination of employment**, your completed claim should be mailed **within thirty (30) days to your employer or your last employer's insurance carrier**. You may find your employer's disability insurance carrier on the Workers' Compensation Board's website using Employer Coverage Search.

2. If you are using this form because you became **disabled after having been unemployed for more than four (4) weeks**, your completed claim should be mailed to: **Workers' Compensation Board, Disability Benefits Bureau, 328 State Street, Schenectady, NY 12305**. If you answered "Yes" to question 14.B.3, please complete and attach Form DB-450.1.

If you have any questions about claiming disability benefits, you may contact the Board's Disability Benefits Bureau at (800) 353-3092. Additional information may be obtained at the Board's website: [www.wcb.ny.gov](http://www.wcb.ny.gov), or you may write to the Disability Benefits Bureau at the address listed above.

**Notification Pursuant to the New York Personal Privacy Protection Law (Public Officers Law Article 6-A) and the Federal Privacy Act of 1974 (5 U.S.C. § 552a).** The Workers' Compensation Board's (Board's) authority to request that claimants provide personal information, including their social security number, is derived from the Board's investigatory authority under Workers' Compensation Law (WCL) § 20, and its administrative authority under WCL § 142. This information is collected to assist the Board in investigating and administering claims in the most expedient manner possible and to help it maintain accurate claim records. Providing your social security number to the Board is voluntary. There is no penalty for failure to provide your social security number on this form; it will not result in a denial of your claim or a reduction in benefits. The Board will protect the confidentiality of all personal information in its possession, disclosing it only in furtherance of its official duties and in accordance with applicable state and federal law.

**HIPAA NOTICE** - In order to adjudicate a workers' compensation claim or disability benefits claim, WCL 13-a(4)(a) and 12 NYCRR 325-1.3 require health care providers to regularly file medical reports of treatment with the Board and the insurance carrier or employer. Pursuant to 45 CFR 164.512 these legally required medical reports are exempt from HIPAA's restrictions on disclosure of health information.

**Disclosure of Information:** The Board will not disclose any information about your case to any unauthorized party without your consent. If you choose to have such information disclosed to an unauthorized party, you must file with the Board an original signed Form OC-110A, Claimant's Authorization to Disclose Workers' Compensation Records, or an original signed, notarized authorization letter. You may telephone your local WCB office to have Form OC-110A sent to you, or you may download it from our website, [www.wcb.ny.gov](http://www.wcb.ny.gov). It can be found under Forms on the 'List of All Common Workers' Compensation Board Forms' web page. Mail the completed authorization form to the address listed above.

An employer or insurer, or any employee, agent, or person acting on behalf of an employer or insurer, who **KNOWINGLY MAKES A FALSE STATEMENT OR REPRESENTATION** as to a material fact in the course of reporting, investigation of, or adjusting a claim for any benefit or payment under this chapter for the purpose of avoiding provision of such payment or benefit **SHALL BE GUILTY OF A CRIME AND SUBJECT TO SUBSTANTIAL FINES AND IMPRISONMENT.**



## PART C- EMPLOYER'S STATEMENT

Instructions: Complete this form in its entirety for your employee claiming disability benefits. Any missing or incomplete information could result in delays processing their claim.

1. Employee's full name: \_\_\_\_\_
2. Employee's Social Security Number: \_\_\_\_\_ - \_\_\_\_\_ - \_\_\_\_\_ Age: \_\_\_\_\_
3. Their occupation: \_\_\_\_\_
4. Their role: ☐ Employee ☐ Proprietor ☐ Partner ☐ Spouse of Employer ☐ Owner ☐ Co-owner
5. Date they last worked: \_\_\_\_/\_\_\_\_/\_\_\_\_ 5.1 Date they returned to work: \_\_\_\_/\_\_\_\_/\_\_\_\_
6. Date employee's wages ceased: \_\_\_\_/\_\_\_\_/\_\_\_\_
7. Were wages continued during disability? ☐ Yes ☐ No Date/Type: \_\_\_\_\_  
*Note: If wages continued were a result of the employee using accrued sick time, vacation time, or paid time off, please indicate the type and date used, and attach to this sheet.*
8. If wages were continued, is reimbursement requested to the employer? ☐ Yes ☐ No  
*Note: Employers may only be reimbursed if the employee used sick time, or if you continued their salary during leave.*
9. Is the disability due to their job (work-related)? ☐ Yes ☐ No
10. Is the employee a member of a union that provides NYS disability benefits? ☐ Yes ☐ No  
*if yes, please provide Union name and address:*

11. Provide a breakdown of this employee's 8 weeks wages immediately **PRIOR** to their disability, starting with the week the disability began.

Date	# of Days Worked	Amount (gross wages) <small>wages includes tips, value of board/lodging, and commissions</small>
1.		
2.		
3.		
4.		
5.		
6.		
7.		
8.		
Total:		

12. Employee's date of hire: \_\_\_\_/\_\_\_\_/\_\_\_\_
13. Status: ☐ Full-time ☐ Part-time
14. Is employee a full-time High School Student?  
☐ Yes ☐ No
15. Days usually worked:  
☐ Mon ☐ Tue ☐ Wed ☐ Thu ☐ Fri ☐ Sat ☐ Sun
16. Does employee contribute to their disability premium?  
☐ Yes: \_\_\_\_\_ ☐ No  
*if yes, please specify dollar amount or specific percentage. If you leave this question blank we will assume they do not contribute.*
17. Does employee work for anyone else besides your company?  
☐ Yes ☐ No

18. Has employee made a claim for disability benefits or paid family leave within the past 52 weeks prior to the date this disability began? ☐ Yes ☐ No *If yes, please provide details below:*  
Disability Benefits: from \_\_\_\_/\_\_\_\_/\_\_\_\_ to \_\_\_\_/\_\_\_\_/\_\_\_\_  
Paid Family Leave: from \_\_\_\_/\_\_\_\_/\_\_\_\_ to \_\_\_\_/\_\_\_\_/\_\_\_\_
19. If this employee received unemployment benefits, date the benefit was last received? \_\_\_\_/\_\_\_\_/\_\_\_\_
20. If this employee is no longer in your employment, select reason: ☐ labor dispute ☐ lack of work ☐ discharged ☐ resigned  
Please provide detail: \_\_\_\_\_

Business name (including any DBA/trade name): \_\_\_\_\_

Business address: \_\_\_\_\_

*I have read and acknowledge the fraud warning in the instructions on page 2 of the DB450 form.*

Signature: \_\_\_\_\_ Title: \_\_\_\_\_

Phone: (\_\_\_\_) \_\_\_\_\_ Date: \_\_\_\_/\_\_\_\_/\_\_\_\_

Email: \_\_\_\_\_ Policy Number: \_\_\_\_\_

Return completed claim form (including Parts A and B) to ShelterPoint Life one of 3 ways:

**Fax:** 516-504-6414 **Email:** [claimforms@shelterpoint.com](mailto:claimforms@shelterpoint.com) **Mail:** ShelterPoint, 1225 Franklin Ave-Ste. 475, Garden City, NY 11530



# Get Unemployment Assistance

Apply for unemployment insurance benefits to receive temporary income while you search for a job.

AVERAGE TIME OF TRANSACTION 60+ MINUTES

GET

SHARE  
SAVE

SECTIONS

- Overview
- Eligibility
- Guidance
- How To
- File
- **Contact**

## Overview

***COVID-19 Update: NYS is waiving the 7-Day waiting period for Unemployment Insurance benefits for people who are out of work due to Coronavirus (COVID-19) closures or quarantines.***

Unemployment Insurance is temporary income for eligible workers who lose their jobs through no fault of their own. To collect benefits, you must be ready, willing, and able to work, and actively looking for work during each week in which you are claiming benefits.

### **STEP 1: Apply**

Before you can collect, you must Apply for Benefits.

### **STEP 2: Claim Weekly**

If you have already applied for unemployment and need to claim for your weekly benefits

please [log into the unemployment system](#).

The process of claiming weekly

Unemployment Insurance benefits is also called certifying for benefits. Most people do this

on Sunday for the previous week, which runs from Monday through Sunday.

After you apply, you must **claim benefits** for each week that you are unemployed and looking for work, including while you are waiting for your benefits to begin.

What's Related

[Find a Job](#) SAVE

NEXT SECTION

Continue

## Eligibility

To **qualify for benefits**, you must have enough work hours and wages in covered employment. In New York State, employers pay contributions that fund UI. It is not deducted from your paycheck.

Learn more about what you need to qualify in the [Claimant Handbook](#)

## Guidance

### When do I file?

Promptly file your claim in the first week that you lose your job. You must serve an unpaid waiting period equal to one full week of unemployment benefits, before you receive payments. A delay in filing may cost you benefits.

You may file your claim (Eastern Time):

Monday – Thursday: 7:30 a.m. to 7:30 p.m.

Friday: 7:30 a.m. to 5 p.m.

Saturday: Anytime

Sunday: Until 7 p.m.

### **Resource and Links:**

- If you have general questions, visit our [FAQ page](#)
  - [Claimant Handbook](#)
  - [Forms and Publications](#)
  - [Extended Benefits](#)
  - [UI Rules for Government Workers](#)
  - [UI Rules for Teachers and Other School Workers](#)

## How Too

### **Refer to this step by step process on how to apply for benefits:**

[Sign in](#) with your **NY.GOV ID**

Follow the instructions to file a claim

1. Submit your application
2. The Department of Labor will evaluate your claim for UI benefits and decide if you qualify

### **Ready? Have with you:**

- Your Social Security number
- Your driver license or Motor Vehicle ID card number (if you have either one)
- Your complete mailing address and zip code
- A phone number where we can reach you from 8 am - 5 pm, Monday – Friday
- Your Alien Registration card number (if you are not a U.S. Citizen and have a card)

- Names and addresses of all your employers for the last 18 months, including those in other states
- Employer Registration number or Federal Employer Identification Number (FEIN) of your most recent employer (FEIN is on your W-2 forms)
- Your copies of forms SF8 and SF50, if you were a federal employee
- Your most recent separation form (DD 214), for military service

**FILE CLAIM NOW**

### **Help Filing A Claim**

[Visit the Department of Labor's website for more information on Unemployment Insurance.](#)

The Telephone Claim Center is available toll-free during business hours to file a claim:

1-888-209-8124 for New York State residents

If you have a disability and need help to file your claim, you may allow another person to aid you.

- You must be present each time they help you and use your PIN. You will be held accountable for the actions of your helper.
- You may be subject to penalties, including forfeiture of benefits, if you are not present when your helper assists you.

Callers may ask a friend or relative to help with phone claims if they:

- Have problems with hearing or speech, or
- Have difficulty using the phone for any reason.

### **Hearing Impaired**

Have your helper call the Telephone Claims Center at 1-888-783-1370.

### **TTY/TDD**

Call a relay operator first at 1-800-662-1220, and ask the operator to call the Telephone Claims Center at 1-888-783-1370.

## Contact

### **New York State Department of Labor**

#### **EMAIL**

Contact us by phone:

888-469-7365

Contact us by mail:

NYS Department of Labor

Building 12 W.A. Harriman Campus

Albany, NY 12240

FACEBOOK

TWITTER

PINTEREST

GOOGLE +

INSTAGRAM

YOUTUBE



# NEW YORK STATE ASSOCIATION OF SERVICE STATIONS & REPAIR SHOPS, INC.

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6 Walker Way, Albany, NY 12205  
state@nysassrs.com

(518) 452 1979  
Fax: (518) 452-1955

**Bill Adams**  
*President*

**Fred Bordoff**  
*First Vice President*

**Jordan Weine**  
*Second Vice President*

**Frederick M. Altman**  
*General Counsel*

**Ralph Bombardiere**  
*Executive Director*

Dear Policyholder,

In response to the ongoing coronavirus pandemic, Governor Cuomo has issued an executive order directing insurance companies, for the next 60 days, to suspend cancellations for non-payment, suspend non-renewals, and suspend conditional renewals for workers' compensation and disability benefits insurance policies for employers with 100 or fewer employees. We applaud all of the steps that the Governor has taken to deal with this crisis and to provide relief to businesses and workers. NYSIF is complying with this executive order and the associated directives from the Department of Financial Services.

What's more, NYSIF is going above the requirements of this executive order to provide our customers with additional assistance. Prior to the order, we announced the following measures to provide relief to our customers:

- We will work with any business, regardless of size, whether fewer or greater than 100 employees, to adjust premium payments to a level that is manageable during the current crisis.
- We will work with you to lower payroll projections to reflect current conditions, thus resulting in lower insurance premiums.
- We will work with you to adjust payment schedules for premium to reflect what you're able to pay, without fear of cancellation.
- We will work with you to adjust payment schedules for premium due from audit balances.
- We will work with you to reschedule workers' compensation audits or to enable upload of documents to take the place of an onsite audit.
- We have already suspended cancellation for non-payments, along with interest charges, installment fees, and late fees for policyholders experiencing financial hardship due to COVID-19.
- All of these accommodations will stay in effect until circumstances have improved. We are not limiting these measures to the next 60 days.
- In addition, you never have to worry about a non-renewal or a conditional renewal with a NYSIF insurance policy. NYSIF does not issue non-renewals or conditional renewals.

If your business has been impacted by the coronavirus, please contact your policy representative right away (using the [Get Policy Help](#) link on our home page, or at [nysif.com/COVID19](https://nysif.com/COVID19)) to adjust your payroll and premium. Let us know if you need to adjust your premium payment terms or if you're unable to pay your premium. If you are one of the few businesses whose payroll may have increased recently, please contact us right away so you can avoid a surprise bill in the future.

From: [Ralph Bombardiere](#)  
To: [jim@nysassrs.com](mailto:jim@nysassrs.com)  
Subject: send out  
Date: Monday, April 20, 2020 10:51:48 AM

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## **Federal Report from Our National Association**

### **SSDA-AT WEEKLY LEGISLATIVE UPDATE**

## **New FAQs on COVID-19 Related Sick Leave and Family Leave**

[Click here](#) for a link to newly-revised IRS FAQs on COVID-Related Tax Credits for required paid leave for small and midsize businesses under the Families First Coronavirus Response Act.

This revision is effective April 17, 2020 and replaces the previous version.

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## **SSDA-AT Signs onto Paycheck Protection Program Letter**

Dear Speaker Pelosi and Leaders McConnell, Schumer and McCarthy:

The undersigned organizations thank you for the prompt adoption of the Paycheck Protection Program (PPP) under the CARES Act and ask that you move quickly to authorize

additional funding for the program. While there are many improvements that can and should be made to the PPP - and some companies have not even applied yet due to difficulties with, or uncertainty about, the program - there is unquestionably additional demand for this program that current funding cannot provide. Congress should act expeditiously to assure that the PPP will have the resources it needs to sustain America's small business economy through the COVID-19 pandemic.

In just a few weeks, the PPP has emerged as a central and effective response to the economic damage resulting from COVID-19. PPP loans are providing a vital source of liquidity to more than a million individually and family-owned businesses whose operations have been curtailed or shut-down by stay-home orders and other government actions taken in response to the virus. These businesses, in turn, are using the loans to keep millions of Americans employed.

According to the Small Business Administration, however, banks have already committed most of the \$349 billion provided to capitalize the PPP, and it is likely the program will run out of money within the week, leaving millions of additional businesses without the funds necessary to keep their workers employed.

Please act now to authorize additional funding for the Paycheck Protection Program so that these vital loans can continue to ensure that additional workers are able to keep their jobs and small businesses are able to avoid bankruptcy.

Sincerely,

SSDA-AT and others.

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**CARES Act of 2020 Amendments Necessary to  
Provide COVID-19 Disaster Relief for Critical  
Infrastructure Businesses to Preserve the U.S.**



## Economy and Promote a Fully Functional Restart

The undersigned organizations represent the nation's automotive repair and maintenance service and supply businesses designated by the Department of Homeland Security as "critical infrastructure," the vast majority of which are small businesses.

The CARES Act was a positive step in the right direction, and we are grateful for it. However, several critical aspects of the programs it provides either do not go far enough or miss key factors. Massive, permanent job losses due to employer bankruptcy will follow.

If you agree that all reasonable steps must be taken to revive America's economy as fast as possible, we urge you to support the following CARES Act relief plan upgrades.

- The Paycheck Protection Program (PPP) is a bandage where stitches are ultimately required. We urge you to expand the PPP as follows:
  - Extend the maximum PPP loan amounts to include 3 months after each state's stay- home order is lifted so that small businesses can regain full operational patronage. Although automotive maintenance is a necessity for vehicle safety and longevity, many consumers are more frightened of COVID-19 than stalling on a highway. Some aren't
- CARES Act of 2020 Amendments Necessary to Provide COVID-19 Disaster Relief for Critical Infrastructure Businesses to Preserve the U.S. Economy and Promote a Fully Functional Restart April 14, 2020 leaving home for anything. It may also take them months of post-stay-home order work time before they are able to spend money to maintain their cars.
- Increase the size of the PPP fund for forgivable loans to the current estimated need of \$1 trillion and reinstate the \$500 million gross revenue cap so that funding will be available for the small businesses that truly have no other way to cover costs.

- Require the Small Business Administration to follow the PPP statutory loan repayment time limit of 10 years for unforgiven amounts versus the 2-year limit imposed in the PPP Interim Final Rule effective April 2, 2020. This change will make the difference between recovery and bankruptcy especially if congress fails to add significant coverage for business mortgage and lease payments (see below).
- Add a "Workplace Preservation Program" to cover small business mortgage and lease costs thereby ensuring employees have a place to work during and after the COVID-19 crisis. Payroll is only one hurdle faced by the smallest small businesses. Many businesses like fast lubes, coffee shops, and dry cleaners, have much higher mortgage/lease impact because they require many small facilities with a small number of employees onsite. Their business models depend on streamlined services and convenient locations. The PPP, however, only allows up to 25% of the loan to be forgivable with regard to mortgage/rent. Having been created to focus on payroll protection, that makes sense, but we now need forgivable "Workplace Preservation Program" loans to cover mortgage/rent costs in order to stay in business so that covering payroll remains a relevant concern. No place of business, no business, no employees, no payroll.
- Business Interruption Insurance must cover COVID-19 as a "dangerous condition" or other covered natural disaster. If that cannot be accomplished due to state contract law complications, impose a new federal fee on every insurance company with active policies claiming to provide "business interruption insurance" and/or currently selling or that in the future sells "business interruption insurance" in the United States, which will go to a Federal Pandemic Bailout Fund for businesses denied insurance coverage on paid policies for pandemic-related business interruption.

We thank you in advance for your attention to this crucial matter.

Sincerely,

SSDA-AT and others.

---

## SSDA-AT Signs onto SBLC PPP Additional Funding Letter

Dear Majority Leader McConnell and Democratic Leader Schumer:

I am writing on behalf of the Small Business Legislative Council (SBLC) regarding the Paycheck Protection Program (PPP) and Economic Injury Disaster Loan (EIDL) program. We strongly support, and sincerely appreciate, Congress' efforts to provide critical capital to help America's small businesses and their employees weather this unprecedented crisis.

We have already seen real world examples of these programs helping businesses keep their employees on payroll and avoid defaulting on their debt obligations. However, on the other hand, we have also had reports from a significant number of small businesses that have struggled to access these loans - from locating a lending institution that will accept their application to navigating the application process itself. Additionally, the SBA has imposed limits to EIDL loan funding that are significantly below what was provided by statute - rendering the loans insufficient to provide meaningful help to the vast majority of small businesses. Finally, our members, most of which are 501(c)(6) organizations, have themselves been excluded from accessing the PPP funding, which is causing them hardship.

The funds appropriated for the PPP and EIDL programs are already exhausted. In the face of this, we urge Congress to take swift action to secure the vision and intent of the PPP and EIDL by authorizing additional funding for these programs and to expand PPP eligibility to 501(c)(6) organizations.

America's small businesses and the groups that support them will play a critical role in stabilizing and rebuilding our economy when we emerge from this crisis. However, they can only do so if they have the resources to survive the next weeks and months.

We thank you for your consideration of this matter and stand ready to provide any additional information or assistance that you or your staff may require.

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## **USTMA Quick Reference Chart on State-Level Definitions of Essential Businesses**

USTMA launched a resources page to track state-level definitions of essential businesses. It is updated daily, and the most-current version is always available via this publicly-accessible link:

<https://www.ustires.org/sites/default/files/USTMA%20COVID-19%20Essential%20Businesses%20Tracker.pdf>

**From:** [Ralph Bombardiere](#)  
**To:** [jim@nysassrs.com](mailto:jim@nysassrs.com)  
**Subject:** Send out  
**Date:** Monday, April 20, 2020 11:14:35 AM

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## **Federal Report**

### **From our National Assoication**

## **SSDA-AT Signs onto Joint Trades COVID-19 Business and Employees Fund Letter**

Dear President Trump, Secretary Mnuchin, Leader McConnell, Leader Schumer, Speaker Pelosi, and Leader McCarthy:

Thank you for your leadership in response to one of the most significant health threats and economic disruptions in our nation's history. We, the undersigned organizations, and those we represent, commend you for passage of the Coronavirus Aid, Relief, and Economic Security (CARES) Act as a necessary step to address the challenges associated with the COVID-19 pandemic. In response to calls for help from businesses across the country, we request that Congress advance a proposal to further assist with economic recovery and mitigate a larger financial crisis resulting from widespread disruption of economic activity.

Government mandates that have been put in place to stem the spread of COVID-19 such as wide- spread quarantines, travel restrictions, and social-distancing measures are driving an unprecedented level of disruption to business activity and continuity. This disruption is rippling across the U.S. economy, severely constraining consumer and business spending.

Organizations of all sizes and their employees are facing insurmountable strain. Without broad-based and expeditious federal action, long-term damage to the financial markets, rampant unemployment, and irreparable harm to communities are almost certain. Although the loan programs instituted by the CARES Act provide a down payment on economic support for Main Street businesses, additional liquidity will be required for impaired industries and businesses to avoid an unprecedented systemic, economic crisis.

The undersigned groups represent a broad coalition of the business community, working together to provide a short-term and immediate pathway forward for employee retention and business viability and recovery through the rapid delivery of liquidity. We believe this framework can assist all impacted businesses regardless of size, industry, or location.

The COVID-19 Business and Employee Continuity and Recovery Fund ("Recovery Fund") would be funded by the federal government and under the authority of a special federal administrator with the ability to enter into contracts with interested businesses to administer the Recovery Fund and facilitate the distribution of federal funds and liquidity to impacted businesses and their employees. The requested relief would be designed to help businesses retain and rehire employees, maintain worker benefits, and meet operating expense obligations. Strong anti-abuse provisions, including audits and Special Inspector General oversight, would be included.

We urge the Administration and Congress to continue to think broadly and holistically to address the catastrophic emergency that has caused these unprecedented economic challenges. We believe the establishment of the Recovery Fund is necessary to supplement the efforts to expand lending in the CARES Act. Businesses across the United States are looking to you to restore confidence in our economy, support employee retention, and position businesses to survive this crisis and rebound once

it ends. We stand ready to work with the Administration and Congress in implementation.

Sincerely,

SSDA-AT and other associations.

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## **USTMA Launches Quick Reference Chart on State-Level Definitions of Essential Businesses**

Late last week, USTMA launched a resources page to track state-level definitions of essential businesses. It is updated daily, and the most-current version is always available via this publicly-accessible link:

<https://www.ustires.org/sites/default/files/USTMA%20COVID-19%20Essential%20Businesses%20Tracker.pdf>