

Employment Law During COVID-19: Essential Businesses 101

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Agenda

- Intro to Start Small Think Big
- Essential Business under COVID-19 Regulations
- Questions



Start Small Think Big: An Introduction

Overview

Who We Are

- Start Small Think Big believes that access to high-quality legal, financial management, and marketing services is an essential part of starting or growing a successful small business
- A nonprofit organization that focuses on pairing entrepreneurs positioned to grow their businesses with top pro bono attorneys and financial and marketing experts

Who We Serve

- We work with underserved small business owners.

What We Do

Legal Assistance

- Provide clients access to legal assistance by referring our clients to firms for pro bono counsel
- Volunteer attorneys address various issues including forming an appropriate legal structure for the business, contract review and drafting, and commercial lease review

Financial Assistance

- Provide access to in-house staff as well as pro bono financial advisors through a referral program to assist with small business financial management

Marketing Assistance

- Provide access to pro bono marketing advisors through a referral program and hands-on workshops
- Connect clients to vending opportunities such as tastings, Pop Up shops, street markets/fairs, and business-to-business sales

What are we doing about COVID19?

Assistance during COVID19

1. Understanding Grants and Loans Available

- Our financial program is running a series of **office hours** to help understand the funding options available. SSTB entrepreneurs can also receive 1-1 assistance **costs of pivoting to a new channel/product, general cash flow planning.**

2. Addressing Legal Concerns

- Our legal program is offering **webinars** to help with risks and mitigation. These include labor and employment, **contract reviewing**, and doing business online.

3. Planning for New Marketing and Sales Channels

- **Weekly sessions** on messaging and marketing. Eligible entrepreneurs can receive **assistance 1-1** exploring new sales channels and products, and marketing their existing services.

Assistance during COVID19

1. Ongoing Resources

- Our website has live update on resources available throughout the small business sector. <https://www.startsmallthinkbig.org/covid19>
- **Please apply to be a client at:** <https://www.startsmallthinkbig.org/apply-now>
- **For anyone, including non-clients, seeking walk-in style COVID-19 support please visit:** <https://covid19.startsmallthinkbig.org/request/>

2. Public Facing Events

- We have many ongoing and new virtual events held that are publically available. <https://www.startsmallthinkbig.org/workshops-classes>

3. Promoting Small Businesses

- Featuring business on our Shop Our Clients page and sharing it to all of our partners to promote sales. <https://www.startsmallthinkbig.org/shopourclients>

Eligibility Criteria

1. Business stage

- We serve applicants who are currently selling goods and/or services (defined as having sales over the past 3 months of \$500) OR have a legal need that is keeping them from selling
- Certain businesses up to \$1M in annual business revenue

2. Under-resourced Business Owners

- Generally, Household income must be less than 500% of the Federal Poverty Guidelines, i.e., \$62,450/year for a one-person household and \$128,750/year for a family of four
- Client's household must have less than \$50,000 in eligible assets,
- Or, certain businesses with less than \$1 million in revenue, where the owners qualify as under resourced as part of traditionally disadvantaged groups (i.e.: woman-owned businesses, entrepreneurs of color, veterans, disability and others).

www.startsmallthinkbig.org

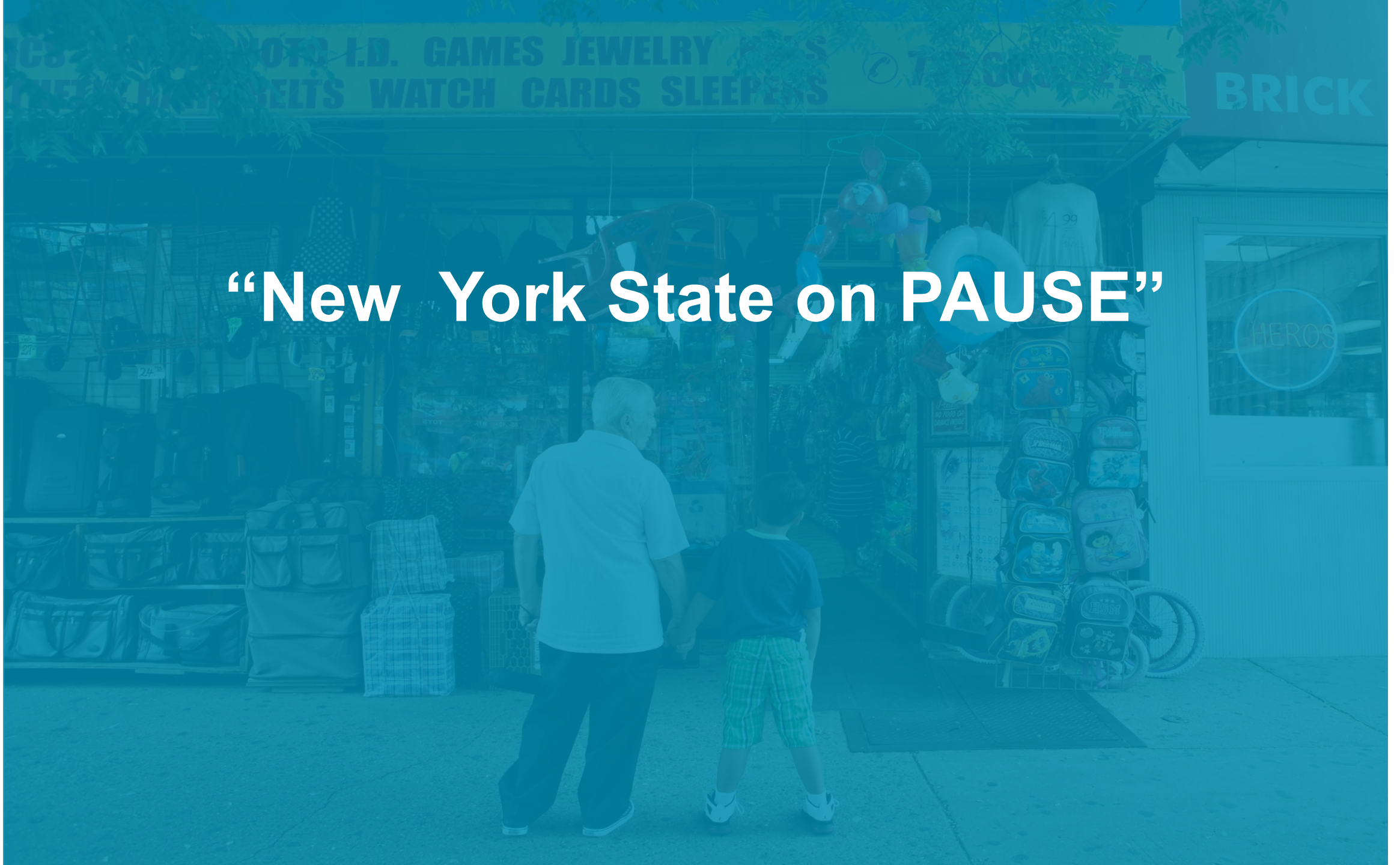
NOT LEGAL or TAX ADVICE

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The things you read in this presentation and the things we discuss today should not be construed as legal or tax advice, and should not substitute for a consultation with an attorney and/or an accountant.

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“New York State on PAUSE”



New York State On PAUSE: An Overview

- On March 22, Governor Cuomo's "New York State on PAUSE" Executive Order took effect, requiring workers of all non-essential businesses to work from home and requiring everyone to maintain a 6-foot distance from others in public.

New York State On Pause: A 10 Point Plan

1. Effective at 8PM on Sunday, March 22, all non-essential businesses statewide will be closed;
2. Non-essential gatherings of individuals of any size for any reason (e.g. parties, celebrations or other social events) are canceled or postponed at this time;
3. Any concentration of individuals outside their home must be limited to workers providing essential services and social distancing should be practiced;
4. When in public individuals must practice social distancing of at least six feet from others;
5. Businesses and entities that provide other essential services must implement rules that help facilitate social distancing of at least six feet;

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New York State On PAUSE: A 10 Point Plan

6. Individuals should limit outdoor recreational activities to non-contact and avoid activities where they come in close contact with other people;
7. Individuals should limit use of public transportation to when absolutely necessary and should limit potential exposure by spacing out at least six feet from other riders;
8. Sick individuals should not leave their home unless to receive medical care and only after a telehealth visit to determine if leaving the home is in the best interest of their health;
9. Young people should also practice social distancing and avoid contact with vulnerable populations; and
10. Use precautionary sanitizer practices such as using isopropyl alcohol wipes.

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What is an “essential business”?

What Is An Essential Business?

- All “essential” businesses are allowed to remain open under Governor Cuomo’s New York State on PAUSE Executive Order.

What Is An Essential Business?

- Essential health care operations
- Essential infrastructure
- Essential manufacturing
- Essential retail
- Essential services
- News media
- Defense
- Financial institutions
- Essential construction
- Providers of basic necessities to economically disadvantaged populations
- Essential services necessary to maintain the safety, sanitation and essential operations of residences or other businesses
- Vendors that provide essential services or products, including logistics and technology support, child care and services

What Is An Essential Business?

- *Essential Health Care Operations*, including, but not limited to:
 - hospitals,
 - elder care,
 - medical wholesale and distribution,
 - home health care workers or aides for the elderly, and
 - medical suppliers

What Is An Essential Business?

- *Essential Infrastructure*, including, but not limited to:
 - for-hire vehicles,
 - Hotels and places of accommodation,
 - public water and wastewater, and
 - utilities

What Is An Essential Business?

- *Essential Manufacturing*, including, but not limited to:
 - food processing,
 - medical equipment,
 - sanitary products, and
 - chemicals

What Is An Essential Business?

- *Essential Retail*, including, but not limited to:
 - grocery stores including all food and beverage stores,
 - convenience stores,
 - farmer's markets,
 - gas stations,
 - restaurants and bars (take-out/delivery only),
 - hardware stores, appliance and building materials stores, and
 - pet food

What Is An Essential Business?

- *Essential Services*, including, but not limited to:
 - mail and shipping services,
 - child care services,
 - laundromats,
 - building cleaning and maintenance,
 - auto repair,
 - animal shelters, and
 - trash and recycling

What Is An Essential Business?

- *News Media*

What Is An Essential Business?

- *Financial Institutions*, including, but not limited to:
 - banks,
 - insurance,
 - payroll, and
 - accounting

What Is An Essential Business?

- *Providers of Basic Necessities to Economically Disadvantaged Populations*, including, but not limited to:
 - homeless shelters,
 - congregate care facilities, and
 - food banks

What Is An Essential Business?

- *Construction*, including, but, not limited to:
 - emergency construction, and
 - essential construction (*i.e.* a project necessary to protect health and safety of occupants)

Note: On March 27, 2020, Governor Cuomo banned all non-essential construction.

What Is An Essential Business?

- *Essential Services Necessary to Maintain the Safety, Sanitation and Essential Operations of Residences or Other Essential Businesses, including, but not limited to:*
 - security,
 - residential moving services,
 - building cleaners or janitors, and
 - automotive repair

What Is An Essential Business?

- *Vendors that provide essential services or products, including logistics and technology support, child care and services including, but not limited to:*
 - technological support for online services,
 - child care programs, and
 - any personnel necessary for online distancing learning or remote classes

What Is An Essential Business?

For a complete list of essential businesses and additional guidance, please visit

<https://esd.ny.gov/guidance-executive-order-2026>

What Is An Essential Business?

- If an employer's business is not specifically delineated in the list of essential businesses provided by New York State, but that employer believes its business should qualify as an essential business, that employer may request a designation as an essential business
- Employer can fill out a request for designation as an essential business at <https://esd.ny.gov/content/request-designation-essential-business-purposes-executive-order-2026>

What Is An Essential Business?

- Even if you are an essential business, employees who can do their jobs from home should be working from home
- An employer must evaluate whether each physical location of its business is an essential business

What Is An Essential Business?

- If an employer's business provides both essential and non-essential services, only those lines and/or business operations that are essential services are allowed to remain open

What Is An Essential Business?

- A non-essential business can become essential if it pivots its business.
- For example, many businesses have started making masks, face shields, etc. which has converted them to an essential business.

Requirements For An Essential Business

- All essential businesses must implement rules that help facilitate social distancing of at least six feet. This could include, for example:
 - limiting the number of employees in the office or store at one time;
 - limiting the number of customers allowed in a store at one time; and
 - placing demarcations on the ground to help guide customers to help form a line, keeping six feet in between people.
- All essential businesses must also continue to comply with the guidance and directives for maintaining a clean and safe work place as issued by the Department of Health.

Requirements For An Essential Business

- Even if you are an essential business, you should still be complying with CDC recommendations and best practices – anyone who has symptoms or who has come into close contact with a sick individual should not report to work for 14 days, frequent cleaning and sanitation of work areas, etc.

Questions?

Nothing in this presentation should be relied upon as legal advice, nor is it intended as a substitute for consulting an attorney.

For *anyone*, including non-clients, seeking *walk-in style COVID-19 support* please visit:

<https://covid19.startsmallthinkbig.org/request/>

For general information or to apply for our full suite of services:

www.StartSmallThinkBig.org

Thank You!

For special COVID-19 content:

www.StartSmallThinkBig.org/COVID19

- For anyone, including non-clients, seeking walk-in style COVID-19 support please visit:
<https://covid19.startsmallthinkbig.org/request/>

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The background image shows the exterior of a store with various items hanging outside, including a life preserver and children's backpacks. A man and a young boy are walking away from the camera on the sidewalk. The entire image is covered with a semi-transparent blue overlay.

Upcoming Webinars

Understanding Contracts in the Wake of COVID-19

2 PM - 3:30 PM

Thursday, April 16, 2020

Cashflow Planning – Learn How to Forecast and Adjust Business Cashflows

Thursday, April 23, 2020

11:00 AM 1:00 PM

See more events on our website: <https://www.startsmallthinkbig.org/workshops-classes>