

Avionte CONNECT 2020

COVID-19 Compliance Updates for the Staffing Industry

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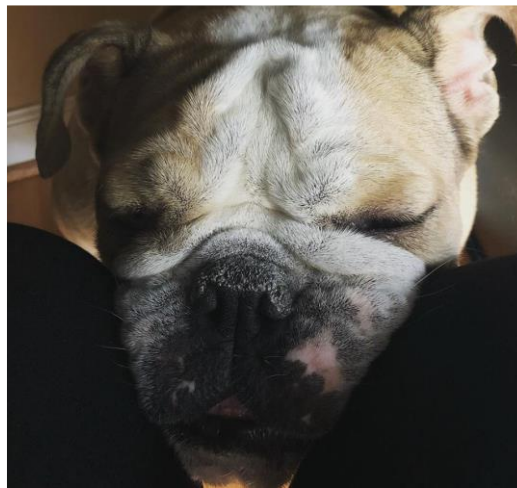


Agenda

- ASA and Covid-19: An Update
- Trending Legal Issues
- Federal
- State
- Election 2020
- Questions

2019...It Was an Exhausting Year





2020...



ASA and Covid-19: An Update

ASA Advocacy

- ASA retained the services of Washington DC lobbying firm Squire Patton Boggs
- ASA members and staff met with over 75 Congressional offices to discuss issues of importance to the industry
 - ASA members spoke with 30 members of the House and Senate

ASA Advocacy

- Key Issues:
 - Reform of the Paycheck Protection Program
 - Reform of the Unemployment Insurance Pandemic Payment
 - Back to Work Bonus Program
 - Business liability protection
- Other Possible Legislative Issues
 - Tax Credits
 - Employer tax credits
 - Vacation tax credits

ASA Covid-19 Resources

- Dedicated Microsite
- Sample staffing agreement for remote work
- Issue Papers - authored by law firm Miller & Chevalier
 - Financial Assistance for staffing firms under CARES Act
 - PPP loan eligibility in staffing arrangements
 - PPP FAQs

ASA Covid-19 Resources

- Authored by law firm Seyfarth Shaw
 - Return to Work Protocol
 - Staffing-Specific Q&As
 - Business Continuity Plan
 - Safety Checklist
- Sample Letters to:
 - Clients/Temporary employees

The Future: Expected State Developments

- Workers' compensation
 - Rebuttable presumption of Covid-19 in the workplace
- Unemployment insurance
 - Seek work requirements
- Paid Leave
- Consumer Privacy
- Safety

Top Legal Issues

Paid Leave

Paid Leave—Takeaways

- **13 states** and **28 localities** have employer-provided paid time off mandates
- Because of Covid-19: Paid Sick Leave is sure to be at center of post-pandemic legislative debate
 - FFCRA & new state paid leave laws
 - Common FFCRA issues in staffing context
- Role of 2020 election

Data Privacy

Data Privacy—Takeaways

- Provide employees with **notice of collection**
- Obtain **written consent**
- Distribute **written policy** explaining:
 - What collected
 - Purpose of collection and use of information
 - Retention, storage, and destruction of information
- Check your **insurance coverage**
- Address obligations in **client and vendor contracts**

Data Privacy—Takeaways

- States: Many states were considering legislation until pandemic. Will be top issue in 2021
- Because of Covid-19
 - Privacy issue will be part of liability language contained in Phase 4 bill
 - Issues with employee data gathered for return to work
 - Both sides far apart on language

Immigration Enforcement

Immigration Enforcement—Takeaways

- Because of Covid-19:
 - Executive Orders blocks foreign workers entering the U.S. on H-1B visas and other visas until the end of the year
 - Department of Homeland Security announced that employers would be allowed to process the Form I-9 without meeting the physical presence requirements for those offices where staff is working remotely. The policy was extended multiple times and is currently set to expire on August 18, 2020

Marijuana

Marijuana—Takeaways

- More states continue to consider some form of legalized marijuana
- States that have legalized looking to address concerns raised by employers.
- **H.R. 1595 The Secure and Fair Enforcement (SAFE) Act**: Would permit banks to work with legal cannabis business. **Overwhelmingly** passed House. Could move in Senate if administration signals its support.
- Because of Covid-19:
 - Could see novel workforce issues as employees work from home more often
 - Election results will play a large role in future of federal marijuana policy

The Runners-Up

- Covid-19 concerns around Hiring Process:
 - OSHA reporting and PPE
 - Background Checks: Fair Credit Reporting Act and Ban the Box
 - I-9 verification
 - Employee testing for Covid-19

Congress

Congressional Agenda through 2020

- Limited days in DC
 - Covid-19
 - Conventions
 - Campaigning
- Legislative Items
 - Covid-19
 - Appropriations
 - Police Reform

2020 Elections



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Questions?



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House of Representatives

- DEM: 233 seats (as of July 27)
 - Safe Seats: 187
 - Likely Democrat: 14
 - Lean Democrat: 17
 - Toss-Up or Worse: 15
- GOP: 202 seats
 - Safe Seats: 158
 - Likely Republican: 16
 - Lean Republican: 15
 - Toss-Up: 10
 - Worse: 3
 - Likely Democrat: 2
 - Lean Democrat: 1

2020 Elections: U.S. Senate

- **GOP: 23 Seats (as of July 23)**
 - Safe Seats: 10
 - Likely Republican: 4
 - Lean Republican: 4 (GA, KS)
 - Toss-Up: 6 (CO, GA, IA, ME, MT, NC)
 - Lean Democrat: 1 (AZ)
- **DEM: 12 Seats Up**
 - Safe Seats: 10
 - Lean Democrat: 1 (MN)
 - Lean Republican: 1 (AL)

2020 Presidential Election: Electoral College (as of July 23)

- **GOP Projected Electoral Votes: 187**
 - ❑ Solid GOP: 77
 - ❑ Likely GOP: 48
 - ❑ Lean GOP: 62 (IA, OH, TX)
- **DEM Projected Electoral Votes: 308**
 - ❑ Solid DEM: 188
 - ❑ Likely DEM: 30
 - ❑ Lean DEM: 90 (FL, MI, MN, NE-2nd, NH, PA, WI)
- **Toss-Up: 43**
 - ❑ Arizona (11)
 - ❑ Georgia (16)
 - ❑ Maine 2nd CD (1)
 - ❑ North Carolina (15)

2020 Presidential Polling Averages (Real Clear Politics as of July 27)

- Real Clear Politics National Average
 - Biden: 50.0
 - Trump: 40.9
 - Spread: Biden: +9.1%
- Pres. Trump's Approval Rating
 - Favorable: 41.9%
 - Unfavorable: 56.3%
 - Spread: -14.4%
- Direction of Country
 - Right Direction: 23.3%
 - Wrong Direction: 68.8%
 - Spread: -45.5%
- Pres. Trump's Approval Rating: Economy
 - Approve: 48.4%
 - Disapprove: 47.9%
 - Spread: 0.5%