



CORONAVIRUS INSIGHTS

COVID-19 Resources

Since the outbreak of a new coronavirus, COVID-19, began in early December 2019, it has spread around the world and has had an increasing effect on businesses. Barnes & Thornburg attorneys have been working with clients as they assess the impact of this pandemic on their businesses.

As the global health crisis worsens, we are engaged in helping clients across virtually all practice areas and legal services to help with the operational, regulatory, legal and government concerns that may arise while evaluating business continuity issues during these uncertain times.

Check back for continual updates as part of Barnes & Thornburg's coverage regarding important COVID-19 coronavirus topics and resources for businesses.

Here for You – Now More Than Ever

The COVID-19 crisis is creating daily developments that challenge your business platform. You need immediate answers to urgent questions and Barnes & Thornburg is here for you on these and other coronavirus-related issues.

COVID-19 Related Services:

Benefits and Compensation

See our group's latest insights: [Alerts](#)

- Amendments to health plans to expand COVID-19 coverage
- Payment of COVID-19 expenses by high-deductible health plans

Our Commitment

[Barnes & Thornburg's Response to COVID-19](#)

[Barnes & Thornburg Serving Clients Through Virtual Offices](#)



RELATED PRACTICES

Associations and Foundations

Corporate

Data Security and Privacy

Education

Environmental

Healthcare

Immigration and Global Mobility Services

Insurance Recovery and Counseling

Intellectual Property

Internet and Technology

Labor and Employment

Litigation

Logistics and Transportation

Primary and Secondary Schools

Real Estate

- Availability of hardship withdrawals under defined contribution plans
- Application of unemployment benefits for employees of self-insured and insured companies
- Recovery of healthcare premiums
- Implementation of an emergency paid leave policy
- Impact of employee layoffs and reduced hour arrangements on group health plans, disability and life insurance plans, flexible benefits plans, qualified and nonqualified retirement plans and all other employee benefit plans
- Amendments to employer contribution provisions in qualified retirement plans
- Amendments to freeze qualified retirement plans
- Modifications to qualified plan loan policies to permit repayment through means other than payroll deduction and to clarify refinance opportunities
- Application of severance plan benefits to employee layoffs
- Drafting and advising on supplemental unemployment compensation plans
- Short term disability benefits and paid leave coordination
- Tax credits for paid leave
- Social Security Tax and paid leave

Corporate

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- Material contracts regarding force majeure, impossibility of performance and termination events
- Material adverse change and similar provisions in M&A and other agreements
- Options outside of enforcing contractual rights
- Strengthening contractual protections for the future
- Analysis of applicable law, including Uniform Commercial Code (UCC) and the United Nations Convention on Contracts for the International Sale of Goods (CISG)
- Tax relief and filing deadline extensions
- SEC disclosures required by COVID-19 related matters
- SEC hardship relief to public filers and registered investment advisers
- Virtual shareholder meeting planning
- Business succession and interruption planning for COVID-19
- Effect of COVID-19 on private capital formation and equity fundraising activities
- IT/SaaS Agreements including scope of license, business continuity, disaster recovery, and service level agreements
- Deferred payment of Customs duties due to COVID-19

Data Privacy & Security

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- Counseling for COVID-19 related phishing scams
- Remote login vulnerability for company networks
- Security of company and personal networks
- Unsecured Wi-Fi network usage

Employment and Labor

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- Leaves of absence
- FMLA implications
- Forced use of paid time off
- WARN Act notices
- Counseling on large-scale employee layoffs or furloughs
- Reimbursement for remote working arrangement expenses
- Employee communication
- Privacy concerns related to infected employees
- Conducting on-site employee medical screenings
- Americans with Disabilities Act (ADA) issues
- Wage issues, including salary adjustments
- National Labor Relations Act and collective bargaining issues
- Occupational Safety and Health Administration (OSHA) obligations
- Remote work arrangements and compliance requirements
- Review of general employer FAQs and protocols
- Work hygiene in accordance with CDC recommendations
- Drafting of form letters for employees to carry to work under stay at home orders

Environmental Law

See our group's latest insights: [Webinars](#) | [Environmental Law Blog](#) | [Environmental COVID-19 Checklist](#)

- Environmental permit requirements
- Regulatory compliance issues
- Agreed Order and Consent Decree obligations
- USEPA and state agency guidance and communications
- Extension requests to regulatory agencies
- Emergency response planning and implementation
- Utility and wastewater treatment plant operations
- Environmental insurance policy analysis

Finance, Lending and Debt

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- Forbearance programs and emergency preparedness for lenders
- SEC hardship relief to registered investment advisers
- Review of liquidity provisions in anticipation of continued market volatility
- Collateral and perfection reviews
- Bankruptcy issues, such as the automatic stay and obligations with executory contracts
- Deposits and letters of credit for additional security
- CARES Act and new SBA emergency financing programs
- Executory Contract Analysis in zones of insolvency or in anticipation of bankruptcy
- Directors and officers fiduciary and liability issues
- Distressed asset sales and acquisitions
- Main Street Loan Program counseling

Government - Local, State and Federal

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- Defense Production Act of 1950 and its impact
- Emergency federal funding measures approved to aid COVID-19 pandemic
- Industry-specific relief in economic stimulus packages
- Temporary relief from the administration's China "Section 301" tariffs
- Mayoral authority and enforcement of new guidelines and executive orders
- State-specific tax relief for businesses
- State-specific executive brand advocacy related to gubernatorial executive orders including exemptions and essential business designation
- Counseling on gas and electric utilities, broadband, telecommunication, water and wastewater service obligations as imposed by federal and state authorities

Healthcare Law

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- Telehealth services programs
- HIPAA compliance and disclosures
- Advising providers on employer-related issues
- Provider responsibilities in long-term care facilities
- Medico-ethical issues and resource allocation planning
- Communication planning for hospitals and physicians
- Coordination of pandemic emergency plans for patient care services
- Compensation compliance and hospital/physician relationships

Immigration

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- Securing authorization for foreign national employees outside the U.S. to return
- Nonimmigrant work visa extensions and/or employment authorization documents
- Individuals in the U.S. under Visa Waiver Program whose visas run out, but they cannot leave due to COVID-19 exposure or illness
- Remote employment of H-1B workers
- Remote creation of I-9 forms
- Electronic System for Travel Authorization counseling
- Obtaining visas at U.S. Consulates for anticipated personnel transfers

Insurance Recovery

See our group's latest insights: [Alerts](#) | [Webinars](#) | [Policyholder Protection Blog](#)

- Business interruption losses due to government-ordered closures
- Insurance coverage issues including property damage, business interruption, event cancellation, crisis management coverage, and communicable disease interruption coverage
- Notice consideration – when to notify insurance company of a claim

Intellectual Property

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- Trademark application extensions
- Prior art search on COVID-19 vaccines and innovations
- File new patent applications related to COVID-19 medical devices
- IP litigation issues related to COVID-19
- Advertising and digital marketing, including issues related to seminars moving into the digital space
- Mask and respirator FDA product review

Litigation

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- Commercial and contract litigation
- Healthcare litigation
- Mass torts
- Consumer class actions
- Employment litigation
- Workplace class and collective actions

- SEC guidance regarding disclosure and other securities law obligations
- Private securities litigation
- White collar criminal defense and government enforcement litigation
- Personal injury and wrongful death
- Litigation avoidance and risk mitigation counseling

Real Estate and Construction

See our group's latest insights: [Real Estate Webinars](#) | [Building the Case Construction Blog](#)

- Inspection period expirations for pending purchase/sale transactions
- Construction renovation delays
- Reviewing leases to determine remedies to cease operations or abate rent payments
- Analyzing fund documents and Opportunity Zone regulations to determine flexibility of interim investments
- Tax relief legislation
- Contractual timelines
- Extending closings or contract periods due to delays
- Tenant rent relief options

Agriculture & Food

- Documentation requirements for agriculture and food industry employees regarding their “critical employment”
- Human resources and employment-related issues
- Considerations for particular ag and food related businesses as “essential enterprises”
- COVID-19 related regulatory questions at the local, state and federal level
- Financial assistance for food and agricultural companies and for farmers
- Import and export inquiries for food and agricultural products during a global pandemic

Aviation and Airports

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- Sample collection related to environmental permits
- Transportation limitations affecting contractors getting to and working at airports
- Air quality and types of air filtration related to public health concerns
- Preparation should airlines file for bankruptcy

Education

See our group's latest insights: [Webinars](#) | [Higher Education](#)

Checklist

- Governance, attendance, and open door law and public access issues
- Collegiate athlete eligibility issues
- Universities and colleges loss of revenue due to cancelled events
- Employment authorization documents for F-1 visa students
- Athletic department management recovery
- Event and venue management issues
- Student-athlete health and wellness

Hospitality Industry

- Contract review for event cancellation
- Paid time off policies
- Public announcements regarding COVID-19 impact
- Supply disruptions, including analyzing contracts and cash flow
- Reductions in force
- Bargaining over layoffs with unions

Franchise Law

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- Review franchise agreements to assess implications of modification or suspension of contractual rights and obligations
- Analyze effects of federal, state and local bans on different types of franchised businesses
- Triage legal issues such as labor and employment and leases

Logistics and Transportation

- Freight and transportation concerns and liabilities