

CARES ACT OVERVIEW KEY PROVISIONS IMPACTING BUSINESSES

CARES ACT WEBINAR



Some Housekeeping Items:

- All participants have been placed on mute.
- ➤ All registrants will receive a follow up e-mail with a link to the recorded webinar and any training documentation.
- > Stay updated and register for upcoming webinars on our COVID-19 INFO Center here: https://ctrhcm.com/home/covid-19-information-center/
- ➤ This training is intended for educational and informational purposes. We hope that you learn a lot but the information should not be construed as legal or tax advice.
- ➤ If you have any questions or want to request training, please e-mail training@ctrhcm.com

CARES ACT WEBINAR Today's Presenters:





BRIDGET ESCOBAR President, CTR Payroll



BOB FLOREAK
President,
Acuity HR



LINDSAY COST Vice President & Senior SBA Specialist, Huntington Bank



PAUL WARGO, Vice President & Relationship Mgr, Huntington Bank

AGENDA



- CARES Act Overview
 - The Paycheck Protection Loan Program
 - Other Key Provisions Impacting Businesses
- Loan Processing
 - Update on latest information from Huntington Bank
- Key HR Considerations for Employers

WHAT IS THE CARES ACT



- The Coronavirus Aid, Relief and Economic Security (CARES) Act allocated \$350 billion to help small business keep workers employed amid the pandemic and economic downturn.
- Known as the Paycheck Protection Program, the initiative provides 100% federally guaranteed loans to small businesses who maintain their payroll during this emergency.
- Importantly, these loans may be forgiven if borrowers maintain their payrolls during the crisis or restore their payrolls afterward.

ARE YOU ELIGIBLE?



You are eligible if you are:

- A small business with <u>500 or fewer</u>
- A small business that otherwise meets the SBA's size standard**
- A 501(c)(3) with fewer than 500 employees
- An individual who operates as a sole proprietor
- An individual who operates as an independent contractor
- An individual who is self-employed who regularly carries on any trade or business
- A Tribal business that meets the SBA size standard
- A 501(c)(19) Veterans Organization that meets the SBA size standard

ARE YOU ELIGIBLE?



If you are over 500 Employees, special rules may make you eligible:

If you are in the accommodation and food services sector (NAICS 72), the 500-employee rule is applied on a per physical location basis

- Hotels, motels, and other lodging companies
- Restaurants
- Bars
- Caterers
- Other food service companies

If you are operating as a franchise or receive financial assistance from an approved Small Business Investment company the normal "affiliation rules" do not apply

*** The 500-employee threshold includes all employees: full-time, part-time, or "Other Basis"**

WHO ADMINISTERS & ISSUES LOANS?



The SBA is tasked with Administering and providing guidance on the Paycheck Protection Loans https://www.sba.gov/funding-programs/loans/paycheck-protection-program

Paycneck Protection Program

The Paycheck Protection Program prioritizes millions of Americans employed by small businesses by directing \$349 billion towards job retention and business operating expenses.

Content

Program Overview Eligibility Other Assistance

Program Overview

The Paycheck Protection Program is designed to provide a direct incentive for small businesses to keep their workers on payroll by providing each small business a loan up to \$10 million for payroll and certain other expenses.

If all employees are kept on payroll for eight weeks, SBA will forgive the portion of the loans used for payroll, rent, mortgage interest, or utilities. Up to 100 percent of the loan is forgivable.

Eligibility

Businesses – including eligible non-profits, Veterans organizations, Tribal concerns, sole proprietorships, self-employed individuals, and independent contractors described in the Small Business Act – with 500 or fewer employees may apply.

Businesses in certain industries may have more than 500 employees if they meet the SBA's size standards for those industries.

- Loans will be issues by SBA 7(a) lenders
- The Department of Treasury will authorize new lenders to help expedite the processing and delivery

WHAT IS THE APPLICATION DEADLINE?



You may apply for the loan through June 30, 2020.

LOAN APPLICATION GENERAL REQUIREMENTS (CTR



- You must have been in operation before February 15, 2020 and had employees who you were paying or independent contractors
- Good faith certification that "uncertainty of current economic conditions makes the loan request necessary to support ongoing operations"
- ✓ You are using the loan to retain workers and qualified expenses.
- ✓ No application for duplicative purpose and amounts (Note: you may be able to gold emergency loans made between January 31st and the date of application into the new loan)

What is NOT required

- Lender cannot be concerned that the business is not able to obtain credit elsewhere
- No Personal Guarantee
- No Collateral

Recourse for SBA: "SBA will have no recourse against any individual, member or partner of any entity receiving this loan for payment of any covered loan amount EXCEPT if the loan is issued for purposes not authorized



ADDITIONAL FAVORABLE TERMS TO BORROWERS

- Payments of principal, interest, and fees may be deferred for a period of not less than 6 months and up to a year
- No pre-payment penalty
- For amounts that are not forgiven, the interest rate is capped at 4% with a maximum 10-year term
- In qualifying for the loan, there is a presumption that the borrower was adversely impacted by COVID-19





Loans can be up to 2.5 x the borrower's average monthly <u>payroll costs</u>, not to exceed **\$10 million**

Step 1: Determine Timeframe for Calculation:

Most Employers: 1 year prior to loan date

Seasonal: February 15, 2019 (or March 1, 2019) – June 30, 2019

Not in business in Feb 15, 2019 – June 30, 2019- Use January 1, 2020

through February 29, 2020



ADD YOUR PAYROLL COSTS



Step 2: Determine "Payroll Costs"

Payments of compensation to employees that is:

- ✓ Salary, Wage, Commission or Similar Compensation
- ✓ Cash Tip or Equivalent
- ✓ Vacation, Parental, Family, Medial or Sick Leave
- ✓ Allowance for Dismissal or Separation (i.e. Severance Payments)
- ✓ Payment required for the provisions of group health care benefits, including insurance premiums
- Payment of retirement benefits
- Payment of <u>State</u> and <u>Local</u> tax assessed on the compensation of employees

ADD YOUR PAYROLL COSTS



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- ✓ Payment required for the provisions of group health care benefits, including insurance premiums
- Payment of retirement benefits
- Payment of <u>State</u> and <u>Local</u> tax assessed on the compensation of employees



WHAT IS EXCLUDED FROM PAYROLL COSTS?

Step 3: Subtract Excluded Payroll Costs

- Compensation for each employee in excess of an annual salary of \$100,000 (prorate for period of February 15th through June 30, 2020
- Compensation for employees residing outside of US
- Taxes imposed or withheld under Chapters 21, 22, 24
 - Social Security and Medicare
 - Railroad Retirement Tax
 - Income Tax
- Qualified sick and family leave wages for which a credit is allowed under the Families First Coronavirus Response Act



SAMPLE PAYROLL REPORT

Sample CARE ACT Payroll Data Report

April 1, 2019-March 31, 2020

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Employee Number	Employee Name	Included Payroll Cost: Gross Earnings	Included Payroll Cost: State & Local Taxes	Included Payroll Cost: ER Medical Cost	Included Payroll Cost: 401k Match	Excluded Payroll Cost: Families First - Leave & FMLA	Excluded Payroll Cost: Payroll Taxes	Excluded Payroll Cost: Annual Salary >100K
581	Able, Jacob	54,107.63	2,035.00	5,576.12	1,623.21	0.00	3,825.03	
1121	Blart, Joe	93,282.43	3,519.51	10,707.36	1,865.66	0.00	6,657.40	
102	Cox, Amanda	142,515.95	5,357.57	14,277.84	2,400.06	0.00	9,590.85	
2099	Cooper, Anderson	2,572.32	104.68	0.00	0.00	0.00	212.23	
2190	Duncan, Lee	15,676.89	607.62	1,103.48	0.00	0.00	1,184.00	
2213	Edison, Thomas	18,769.89	749.01	375.71	0.00	0.00	1,491.82	
2103	Green, Bob	99,714.20	4,355.81	4,508.52	2,965.77	0.00	7,333.63	
2224	Gail, Misty	975.87	39.73	0.00	0.00	0.00	80.51	
201	Harper, Emily	198,207.24	7,234.85	16,728.36	3,299.92	0.00	9,745.28	Y
304	Kress, John	50,542.66	1,878.11	4,508.52	1,499.25	0.00	3,572.01	
1998	Lance, John	9,041.20	367.96	0.00	0.00	0.00	745.90	
1927	Monroe, Mandy	76,468.64	3,001.83	2,788.06	2,294.14	0.00	5,684.04	

Most items are tracked within our system. One exception may be some Group Health Benefits



WHAT CAN YOU USE THE LOAN FOR?



Payroll Costs



Costs for continuation of group health care benefits during period of paid sick, medical, or family leave, and insurance premiums



Interest on mortgage or rent



Utilities (Electric, gas, water, transportation, telephone, and internet access)



Interest on debt obligations incurred before the covered period

LOAN FORGIVENESS



STEP 1: Calculation Total Eligible Loan Forgiveness Amount

- Limited to an 8-Week Period beginning on the origination of the Loan
- Loan forgiveness cannot exceed the principal
- Add the amount spent on the following items (Payroll Costs, Interest on mortgage, Rent, Payments on Utilities, additional wages paid to tipped employees) during the 8-Week Period.

LOAN FORGIVENESS



STEP 2: Apply the Applicable Loan Reduction

Calculate Any Reduction of Employees

Total Amount of Allowable Expenses



Average Number of FTEs per Month for 8-Weeks beginning on Loan Origination



Option 1: Average number of FTEs/Mo from February 15, 2019 through June 30, 2019

Option 2: Average number of FTEs/Mo from Jan 1, 2020 through Feb 29, 2020

Seasonal ERs: Average number of FTEs/MO from February 15, 2019 through June 30, 2019

Did you Bring Anyone Back?

Reductions in employment or wages that occur between February 15, 2020 and ending 30 days after enactment of the Act shall not reduce the amount of loan forgiveness if you bring them back by June 30, 2020



LOAN FORGIVENESS SAMPLE CALCULATIONS

Employer with 100 EEs; retains all EEs:

Borrows \$500,000 Spends \$500,000 (payroll, rent, utilities, etc.); Forgiveness calculation: 100% (100/100) * \$500,000 = \$500,000

Employer with 100 EEs; furloughs 50 EEs:

Borrowed \$500,000 Spends \$300,000 (payroll, rent, utilities, etc.); Forgiveness calculation: 50% (50/100) * \$300,000 = \$150,000

Same Employer with 100 EEs; furloughs 50 EEs and rehires 25 by June 30:

Borrowed \$500,000; Spends \$350,000 (payroll, rent, utilities, etc.); Forgiveness calculation: 75% (75/100) * \$350,000 = \$262,500

Note: These are sample calculations based on our understanding of the Act. These may be adjusted upon further guidance

LOAN FORGIVENESS



Did you have any Reduction of Wages?

Total Amount of Allowable Expenses



For any employee who did not earn during any pay period in 2019 wages at an annualized rate of more than \$100,000, the amount of any reduction in wages that is greater than 25% compared to their most recent full quarter.

Did you Bring the Employee Back to Original Wage?

Reductions in employment or wages that occur between February 15, 2020 and ending 30 days after enactment of the Act shall not reduce the amount of loan forgiveness if you bring them back by June 30, 2020

LOAN PROCESSING/SBA UPDATE



- Paul Wargo, Huntington Bank-- Top SBA Lender in the Nation
- Founded in 1866 as The Huntington National Bank, today Huntington Bancshares Incorporated still operates from the same Columbus, Ohio founding location in the heart of the Midwest. As of December 31, 2019, Huntington Bancshares Incorporated is a \$109 billion asset regional bank holding company.
- Huntington is a full-service banking provider primarily operating across a seven-state banking franchise of Ohio, Illinois, Indiana, Kentucky, Michigan, Pennsylvania, and West Virginia. Our "Welcome" philosophy centers around deep relationship-building capabilities to best meet each customer's specific needs. We serve our customers through a banking network of over 800 full-service branches, including 12 Private Client Group offices, and over 1,400 ATM locations.
- COLUMBUS, Ohio, Jan. 30, 2020 / PRNewswire/ For the second year in a row, small business owners ranked Huntington Bank highest in overall customer satisfaction in the Midwest region, according to the J.D. Power 2019 U.S. Small Business Banking Satisfaction Study^(SM). Huntington tops the list for the third time in the last four years and also received the highest ranking in the region for products and fees, convenience and channel activities.
- Huntington Bank JD Power Huntington Bank Mobile App Satisfaction



Lending Through SBA's Fiscal Month End September 30th, 2019

	NATIONAL RANKINGS								
Rank Lender		Nbr Loans	Rank	Lender	\$ Loans				
1	The Huntington National Bank	3594	1	Live Oak Banking Company	\$1,347,089,600				
2	Wells Fargo Bank, National Association	3149	2	Wells Fargo Bank, National Association	\$786,394,900				
3	TD Bank, National Association	2915	3	The Huntington National Bank	\$640,008,500				
4	U.S. Bank, National Association	2756	4	Newtek Small Business Finance, Inc.	\$618,409,600				
5	JPMorgan Chase Bank, National Association	1890	5	Byline Bank	\$524,855,900				
6	First Home Bank	1470	6	Celtic Bank Corporation	\$500,313,400				
7	Manufacturers and Traders Trust Company	1449	7	JPMorgan Chase Bank, National Association	\$471,737,100				
8	Independence Bank	987	8	U.S. Bank, National Association	\$423,918,900				
9	Live Oak Banking Company	913	9	First Home Bank	\$369,153,700				
10	Stearns Bank National Association	889	10	Seacoast Commerce Bank	\$320,688,200				
11	Newtek Small Business Finance, Inc.	886	11	KeyBank National Association	\$311,722,900				
12	Celtic Bank Corporation	751	12	Stearns Bank National Association	\$274,783,000				
13	United Midwest Savings Bank, National Association	671	13	TD Bank, National Association	\$272,670,700				
14	KeyBank National Association	551	14	BBVA USA	\$270,692,800				
15	Bank of Hope	494	15	Readycap Lending, LLC	\$251,593,200				
16	PNC Bank, National Association	468	16	Bank of Hope	\$236,104,200				
17	Eastern Bank	466	17	Bank of the West	\$215,558,600				
18	Byline Bank	462	18	Berkshire Bank	\$209,263,300				
19	Zions Bank, A Division of	413	19	Manufacturers and Traders Trust Company	\$178,885,900				
20	Bank of the West	369	20	Bank of America, National Association	\$178,882,800				
21	Five Star Bank	366	21	SunTrust Bank	\$178,372,800				
22	Columbia State Bank	325	22	Metro City Bank	\$174,892,900				
23	Bank of America, National Association	322		PromiseOne Bank	\$166,636,000				
24	Fifth Third Bank	306	24	United Midwest Savings Bank, National Association	\$163,280,100				
25	Santander Bank, National Association	298		Bank of George	\$162,371,500				



		FOOTPRI	NT	RANKIN	GS	
Rank	Lender	Nbr Loans		Rank	Lender	\$ Loans
1	The Huntington National Bank	3583		1	The Huntington National Bank	\$636,911,000
2	TD Bank, National Association	553		2	Byline Bank	\$297,054,400
3	U.S. Bank, National Association	509		3	Live Oak Banking Company	\$225,601,000
4	JPMorgan Chase Bank, National Association	431		4	Newtek Small Business Finance, Inc.	\$114,614,300
5	Wells Fargo Bank, National Association	333		5	JPMorgan Chase Bank, National Association	\$99,995,400
6	First Home Bank	311		6	First Home Bank	\$87,788,400
7	Byline Bank	286		7	KeyBank National Association	\$85,127,700
8	PNC Bank, National Association	253		8	Wells Fargo Bank, National Association	\$81,584,400
9	Independence Bank	234		9	Celtic Bank Corporation	\$79,855,000
10	Fifth Third Bank	218		10	U.S. Bank, National Association	\$73,121,000

	WESTERN PENNSYLVANIA								
Rank	Rank Lender			Rank	Lender	\$ Loans			
1	The Huntington National Bank	173		1	The Huntington National Bank	\$35,998,100			
2	2 PNC Bank, National Association			2	First Commonwealth Bank	\$16,175,100			
3	3 First Commonwealth Bank			3	PNC Bank, National Association	\$15,779,900			
4	Northwest Bank	36		4	Live Oak Banking Company	\$10,900,000			
5	Citizens Bank, National Association	16		5	First National Bank of Pennsylvania	\$8,174,000			

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Rank Lender		Nbr Loans		Rank	Lender	\$ Loans	
1	The Huntington National Bank	1615		1	The Huntington National Bank	\$282,578,100	
2	2 U.S. Bank, National Association			2	United Midwest Savings Bank, National Association	\$40,861,800	
3	3 KeyBank National Association			3	KeyBank National Association	\$33,137,500	
4	Fifth Third Bank	66		4	Live Oak Banking Company	\$31,669,000	
5	JPMorgan Chase Bank, National Association	57		5	First Financial Bank	\$27,214,800	

COVID-19 SMALL BUSINESS RELIEF LOANS





PAYCHECK PROTECTION LOAN (PPL)

Purpose: Emergency working capital to keep your business operating during COVID-19

Use of Funds: Working capital, including payroll expenses, mortgage interest payments, rent and utilities, interest on debts that were incurred prior to February 15, 2020

Amount: Up to \$10MM or 2.5x business's average monthly payroll, whichever is less

Rate: 4% Fixed

Structure: No payments for up to one year; 10-year term

Forgiveness: Up to 100% of eligible expenses paid with loan funds during the 8 weeks following closing, subject to compliance with program requirements

Features: No collateral or guarantor support required

ECONOMIC INJURY DISASTER LOANS (EIDL)

Purpose: To supplement lost revenue on account of COVID-19

Use of Funds: Payroll expenses, fixed debts, accounts payable, other expenses

Amount: Up to \$2MM

Rate: 3.75% or 2.75% for non-profits

Structure: Up to 30 years

Forgiveness: None

Features: Guarantor support and any

available collateral required

How to Apply: sba.gov/disaster

SBA TRADITIONAL 7A

Purpose: New money for recovery, purposes unrelated to COVID-19

Use of Funds: Refinance of current debts, purchase and refinance of real estate, new money for purchases of equipment or software, working capital, business acquisitions, business improvements, support for startups that don't qualify for disaster assistance

Amount: Up to \$5MM

Rate: SBA market rates

Structure: Up to 25 years

Forgiveness: None

Features: Guarantor support and any available

collateral required



^{*}All SBA loans subject to eligibility, program requirements and program availability. Huntington is the #1 SBA 7(a) lender in the region made up of Illinois, Indiana, Kentucky, Ohio, Michigan, West Virginia, Western Pennsylvania and Wisconsin from October 1, 2008 to September 30, 2019. Source: U.S. Small Business Administration (SBA) Loans subject to credit application and approval.

SBA GUARANTEED COVID-19 SMALL BUSINESS RELIEF LOAN

Paycheck Protection Loan













HOW DOES IT WORK?

- Loan is 100% SBA guaranteed
- Must apply by June 30, 2020
- Loan amount is lesser of 2.5x average monthly payroll costs or \$10 million
- No collateral or personal guarantees required
- No payments required for up to one year
- 4% fixed interest rate
- Loan forgiveness available for loan proceeds applied to eligible payroll costs, mortgage interest, rent payments and utilities during the 8 week period following loan origination.

WHO IS ELIGIBLE?

- Must have been in operation on February 15, 2020 and had employees for whom salaries and payroll taxes were paid or independent contractors
- Small businesses, as well as any other businesses or Section 501(c)(3)) with 500 or fewer employees; certain industries have higher thresholds
- Sole proprietors, self-employed individuals and independent contractors may be eligible

HOW CAN THE PROCEEDS BE USED?

Working capital costs, which include:

- Payroll costs, rent payments, interest payments, and utilities
- Cost related to the continuation of group health care benefits during periods of paid sick, medical, or family leave and insurance premiums
- Refinance of an SBA Disaster Loan (EIDL) that was made between the period of January 31, 2020 and the date of the loan application for the PPL loan

WHAT'S NEXT?

Be application-ready by gathering the following information:

- 2019 and 2020 year-to-date monthly profit and loss statement
- 2019 and 2020 year-to-date payroll reports
- State income, payroll, and unemployment insurance filings
- TAX ID/EIN and complete ownership information

Paycheck Protection Program loans subject to eligibility, program requirements, and program availability.



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^{*}Huntington is the #1 SBA 7(a) lender in the region made up of Illinois, Indiana, Kentucky, Ohio, Michigan, West Virginia, Western Pennsylvania and Wisconsin from October 1, 2008 to September 30, 2019. Source: U.S. Small Business Administration (SBA). Loans subject to credit application and approval.

⁵ Loan forgiveness amount is dependent on the types of expenses to which loan proceeds are applied during the specified period and may be less than the full principal balance of the loan. Loan forgiveness is subject borrower compliance with the loan forgiveness application process and other program requirements.





Your Patience is Appreciated!

The U.S. Small Business Administration is working as quickly as possible to put the mechanisms, policies and procedures in place to implement the newly-passed CARES ACT legislation. The Paycheck Protection Program is scheduled to open Friday. We will be providing information as soon as it becomes available. In the meantime, we ask for your patience. Once we receive guidance we will send it to you and we will then be able to better assist you with your questions. Please hold calls and emails and we will be in touch as soon as we have the information to share out.

As we move forward, I would request the following to allow us to assist you more effectively.

- When sending an email please use the following format for the subject line: Bank Name – Bank Location ID - Bank FIRS # – Subject
- Include your <u>full contact information</u> (Company, Name & Title, Business Phone, Cell Phone, Email, and Address) and indicate your preferred contact phone number

Our office provides the most up to date information as we receive it through email. Please take a moment and sign up for the updates at www.sba.gov/updates.

BUSINESS CONTINUITY PLANNING



- While there is still a lot we don't know, we need to make decisions on some of the things we do know
- It is time to develop a business continuity plan
- Consider the following elements
 - What is needed for me to continue operations?
 - What are key job functions needed to sustain operations?
 - Who are the key employees that are required to meet business objectives?
 - Do I have the expertise needed to get through this?

DEVELOP THE PLAN



- Create the presumptive financial model based on factors discussed today
 - Ability to collect accounts receivable
 - Access to working capital through loan instruments
 - PPP or SBA lending versus the impact of furloughs, layoffs and/or permanent separation
- Restructuring work through redefinition of essential job functions and work assignments
- Include return-to-work plan knowing that a unique approach will be needed for resumption of business

BEFORE DOING LAYOFFS



- Work with your benefits broker to understand provisions for continuation of healthcare
- Be prepared for COBRA administration if needed
- Prepare the letters and create a script / plan for managers or others participating in the notification process
- Understand that there is a likelihood that employees that are laid off may not be available for return to work

NEXT STEPS FOR CONSIDERATION



- Work with your bank to prepare for utilization of the Paycheck Protection Program
- Consider the SBA Economic Injury Disaster Loan (EIDLs) or other SBA programs
- Contact your accountant and CTR to gather documents
- Families First Coronavirus Response Act is effective tomorrow, April
 ^{1st}
- Send notice to employees
- Create policies for telework and other workplace issues
- Develop your communications plan
- Engage managers in developing workplans

WEBINARS TO COME



Your COVID-19 HR QUESTIONS ANSWERED w/Bob Floreak, Acuity HR President

Friday, April 3 @ 10AM SUBMIT YOUR QUESTIONS to training@ctrhcm.com by 3pm Wednesday, April 1st! (Visit our Info Center to Register!)

Additional webinars to come...

- -COVID-19 Benefit Questions and COBRA
- -Handbooks and Paid Leave
- -Managing a Remote Workforce

In addition, we will be adding more webinars including a webinar on COVID-19 Benefit related questions including Cobra. Look for more details and the date to come!







Reach out to your CTR Support Representative or submit your question on our COVID-19 INFO PAGE to receive the answer to your most-pressing questions.

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From all of us at CTR, AcuityHR & Huntington Bank:

- → Stay SAFE from COVID-19
- → Stay SMART and INFORMED
- → Stay KIND and support one another

To download informative and supportive COVID-19 posters & signs for your employees, please visit the World Health Organization @ https://www.who.int/emergencies/diseases/novel-coronavirus-2019/advice-for-public