



Israel Practice

COVID-19 INSIGHTS UPDATE

Holland & Knight COVID-19 Insights

May 22, 2020

We trust you and your families are all well, safe and in good health. Holland & Knight in partnership with the Israel-America Chamber of Commerce keeps you updated on pertinent American-Israeli topics relating to legal considerations and federal funding opportunities in connection with the coronavirus (COVID-19).

We invite you to read the Alerts below and reach out to us to discuss your thoughts or any questions you may have on this issue.

More information is available on our [COVID-19 Response Team page](#).

Relevant Insights:

- [A Dedicated Pandemic Response Team Can Identify and Implement Policies Needed for a Safe Return](#)

In order for employers to facilitate a safe return to the workplace during the COVID-19 pandemic, they must be prepared to address the issues that return will undoubtedly generate, including revisiting, revising and, in certain circumstances, drafting anew their pre-COVID-19 employment policies and practices. Five key steps will assist employers in preparing to meet



לשכת מסחר ישראל-אמריקה

ISRAEL-AMERICA
Chamber of Commerce

these challenges, including the creation of an empowered Pandemic Response Team at the outset to establish and manage a Return to Workplace Plan that will help companies identify, revise, draft and implement the policies needed in this new workplace.

- [New PPP Interim Final Rule Clarifies That Foreign Employees Count for Size](#)

A new Interim Final Rule from the U.S. Small Business Administration (SBA) solidifies Paycheck Protection Program (PPP) counting rules, stating that all employees, foreign and domestic, of a business and its affiliates (absent an exception) count for purposes of size limitations. The SBA will not deem a business that applied for a PPP loan prior to May 5, 2020, ineligible based on the exclusion of foreign employees – citing "reasonable borrower confusion."

- [SBA Paycheck Protection Program Loans: Forgiveness Guidance, Part II](#)

The U.S. Small Business Administration (SBA) has released additional Paycheck Protection Program (PPP) guidance in the form of the PPP Loan Forgiveness Application, which includes some key definitions and instructions for loan forgiveness. PPP loan borrowers should immediately organize documentation and implement procedures in accordance with the Loan Forgiveness Application. In addition, loan recipients should continue to become familiar with the new interim final rules (IFRs) and frequently asked questions, especially concerning forgiveness, as released. This Holland & Knight alert outlines the SBA Loan Forgiveness Application process and points out further questions that the SBA may consider and potentially address through additional guidance or FAQs.

- [PREP Act: Liability Protection Is Available During COVID-19 Pandemic](#)

Congress and the U.S. Department of Health and Human Services (HHS) previously have addressed issues related to liability for drug and device manufacturers as well as healthcare professionals during pandemics. In addition to providing valuable guidance about how to proceed, it is important to note that these rules are currently in effect and applicable to the coronavirus (COVID-19) outbreak. Broadly speaking, federal law currently provides liability immunity (except in cases of willful misconduct) to manufacturers, distributors, prescribers and dispensers, as well as other relevant parties, of products developed to treat, diagnose or prevent the onset of COVID-19.

- [New Sanctions Advisory Highlights Compliance Risks for Shipping Industry](#)

The U.S. government has issued a new Sanctions Advisory focused on sanctions compliance for the shipping industry that builds on prior advisories issued



Meital Stavinsky

Miami

+1.305.789.7710

Washington, D.C.

+1.202.828.5004

meital.stavinsky@hklaw.com



Ronald J. Klein

Fort Lauderdale

+1.954.468.7874

Washington, D.C.

+1.202.469.5152

ron.klein@hklaw.com

Connect With Us



Holland & Knight

www.hklaw.com

by the U.S. Department of the Treasury's Office of Foreign Assets Control (OFAC). Both U.S. and non-U.S. commodities traders, maritime insurers, shipowners, technical and commercial managers, and shipping companies need to pay close attention to this Sanctions Advisory, which lays out U.S. expectations on compliance programs, including active monitoring of vessels.

- [Employee and Benefits Considerations When Doing Business in the United States Checklist](#)

Expanding a business into the United States can be an exciting yet challenging enterprise that may take into consideration a multitude of compliance regimes in the arenas of employment, employee benefits and executive compensation. This Holland & Knight alert endeavors to simplify those complex rules and regulations by providing a list that could help guide a company through a multitude of considerations, including identifying essential parties, processes and compliance concerns in employee and benefits.

- [New Challenges for Employers, But Old Accommodation, Anti-Discrimination, Wage Laws Still Apply](#)

Although the workplace experience will inevitably be altered when employees return to work under the new and unprecedented circumstances presented by the COVID-19 pandemic, it is important that employers and workers remember that the old rules still apply. Employers must continue to ensure that the decisions being made and the policies being adopted in this new reality comply with existing anti-discrimination and wage and hour laws.

About Our Israel Practice:

Holland & Knight is a U.S.-based global law firm with a strong commitment to the state of Israel. With an intimate understanding of the Israeli economic, political and social environment, members of Holland & Knight's [Israel Practice Team](#) provide a wide array of legal services to both Israeli clients operating abroad and companies and investors doing business in Israel. With more than 1,400 professionals in 28 offices, we are highly experienced in all the interdisciplinary areas necessary to guide entrepreneurs, investors, and startup or established companies through the opportunities and challenges that arise throughout the business or investment life cycles. Areas of legal guidance that are typically provided to our Israel Practice clients include real estate, mergers and acquisitions, private equity, international tax, cross border and customs, Internet privacy and cybersecurity, intellectual property, government lobbying, regulations and compliance, U.S. Foreign Corrupt Practices Act (FCPA), U.S. Foreign Account Tax Compliance Act (FATCA), and litigation and dispute resolution.

DISCLAIMER: Please note that the situation surrounding COVID-19 is evolving and that the subject matter

discussed in these publications may change on a daily basis. Please contact your responsible Holland & Knight lawyer or the authors of these alerts for timely advice.

The information provided herein presents general information and should not be relied on as legal advice when analyzing and resolving a specific legal issue. If you have specific questions regarding a particular fact situation, please consult with competent legal counsel about the facts and laws that apply.

Copyright © 2020 Holland & Knight LLP All Rights Reserved

Holland & Knight LLP | Operations Center | 524 Grand Regency Blvd. | Brandon, FL 33510-3931 | www.hklaw.com