

A Summary of Pullman & Comley Advisories on Coronavirus (COVID-19)

Pullman & Comley attorneys have been closely monitoring the legal implications for businesses, municipalities and other organizations of the COVID-19 (coronavirus) pandemic, and have been responding to a broad range of client questions.

The Centers for Disease Control and Prevention (CDC) posts situational updates and guidance regularly, including specific guidance for businesses/employers available here. The CDC (www.cdc.gov) and the World Health Organization (www.who.int) are primary sources of information for the latest developments, what is known from a medical standpoint, and the latest guidance on appropriate preventative practices. Our firm has implemented extensive measures to protect the health and well-being of our clients and colleagues, and our ability to provide uninterrupted service going forward.

For your reference, we have summarized recent publications and blog posts authored by our attorneys on issues related to COVID-19. Visit this page regularly for new information, as well as our blogs: Working Together, Connecticut Health Law Blog, and Education Law Notes and sign up **here** to receive alerts.

Our attorneys are providing a series of webinars to provide key updates and answer questions on legal issues related to the COVID-19 crisis. Recordings of past webinars can be accessed here:

WEBINAR SERIES

Responding to COVID-19 Webinar Series - Part X: Gym, Zoo, Frisbee? What to Expect When Having Fun in Connecticut Under the DECD Guidelines – June 29, 2020

After months of being closed, June 17 marked the first day under the Phase 2 Reopening Connecticut guidelines where many of the state's recreational businesses were allowed to open in some capacity. Join us for an informational and entertaining webinar that addresses what you should expect getting out there this summer.

Responding to COVID-19 Webinar Series Part IX: Reopening CT - Answers to Workforce and Financial Questions from CT Businesses – June 15, 2020

Join attorneys from our Business Organizations and Finance and Labor and Employment practices as they address some of the most common concerns we're hearing from clients about returning to work and restoring operations, as well as questions on available financial relief and the latest Connecticut executive orders.

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Responding to COVID-19 Webinar Series - Part VIII: Reopening Connecticut: What Commercial Landlords and Tenants Should Know Now and in the Months Ahead – May 27, 2020

In this webinar, attorneys from our Real Estate, Municipal Law, and Property Tax and Valuation practices will address a range of questions facing commercial landlords and tenants about getting safely back to work as Connecticut prepares to reopen, as well as how best to work together at a time when all are under financial stress; navigate the host of governmental initiatives that offer some relief; and understand the “new normal” of what the future may hold for the real estate market.

Responding to COVID-19 Webinar Series Part VII: Returning Employees to the COVID-19 Workplace: Maintaining a Safe and Effective Work Environment – May 6, 2020

As businesses begin to think about reopening post-pandemic, this webinar will address questions surrounding operations, policies and procedures to ensure a safe and effective workplace for employers and employees.

Responding to COVID-19 Webinar Series - Part VI: The Road to Recovery: Financial Resources for Businesses – April 30, 2020

With additional federal funding for the small business loan programs under the CARES Act being released, what should businesses know? Beyond the CARES Act, what other resources are available? What should you be doing if you want to terminate a contract in light of COVID-19?

Responding to COVID-19 Webinar Series - Part V – April 23, 2020

Our fifth webinar in our series addresses helpful information for landlords, tenants and bank lenders as they face key challenges in the COVID-19 environment, as well as how to begin planning for the future.

Responding to COVID-19 Webinar Series – Part IV – April 13, 2020

Attorneys from our Tax, Family Law and Trusts & Estates practices discuss some of the challenges and opportunities facing individuals in the CARES Act, estate planning, the court system, and best practices for families in the COVID-19 reality.

Responding to COVID-19 Webinar Series - Part III – March 31, 2020

Pullman & Comley attorneys cover what employers and small businesses need to know about the CARES Act, and other key issues of concern in the COVID-19 crisis.

Responding to COVID-19 Webinar Series - Part II – March 27, 2020

The second webinar in our series looks at relief available to small businesses in response to COVID-19; the expansion of telehealth and government assistance to health care providers, and planning for what comes next.

Responding to COVID-19 Webinar Series - Part I – March 26, 2020

Pullman & Comley attorneys assess the legal implications for businesses complying with Executive Order 7H and their obligations under the Families First Coronavirus Response Act.

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To access the list of COVID-19 advisories in a particular topic area, please click on the practice name below:

Business and Tax
Energy Law
For Individuals - Family Law and Trusts and Estates
Health Care
Labor and Employment
Litigation
Nonprofit Organizations
Municipal Law and Public Finance
Professional Liability
Property Tax and Valuation
Real Estate, Land Use and Environmental Law
School and Higher Education Law

BUSINESS AND TAX

ALERT: Governor Lamont Extends Executive Orders through November 9, 2020 – September 14, 2020
On September 8, 2020, Governor Lamont issued Executive Order 9A, which extends to November 9, 2020 all executive orders, agency orders and municipal orders issued in connection with the current states of emergency related to COVID-19.

ALERT: Governor Lamont Declares Continuing State of Emergency, Extends Executive Emergency Powers Through February 9, 2021 – September 4, 2020
Effective September 4, 2020, Governor Lamont extended the duration of the Connecticut public health and civil preparedness emergencies first declared on March 10, 2020, which had been set to expire on September 9, 2020 until February 9, 2021.

BUSINESS LAW ALERT: Federal Reserve Board Expands Main Street Lending Program to Provide Loans for Nonprofit Organizations – July 21, 2020
On July 17, 2020, the U.S. Federal Reserve Board expanded the Main Street Lending Program to provide access to loans for eligible nonprofit organizations. Previously, nonprofit organizations were not eligible to participate in the Main Street Lending Program.

BUSINESS LAW ALERT: The Paycheck Protection Program Flexibility Act – A Happily Ever After? – June 5, 2020
House Bill 7010, The PPP Flexibility Act of 2020, a bipartisan bill signed into law on June 5, 2020, reveals Congress' return to the bold intentions of the Program.

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BUSINESS LAW ALERT: Nonstock Corporations Alert: Remote Membership Meetings Permitted – May 26, 2020

Governor Lamont's Executive Order 7NN, modifies Section 33-1061 of the Revised Connecticut Nonstock Act to allow the corporation's board of directors to authorize remote meetings of members regardless of whether they are authorized in the corporation's governing documents and further suspends any inconsistent provision of the corporation's governing documents.

BUSINESS LAW ALERT: Main Street Lending Program: Summary as of May 20, 2020 – May 20, 2020

WEBINAR: How Bankruptcy Can be Used to Rehabilitate Your Business – May 19, 2020

As Connecticut starts to open up parts of its economy during the pandemic, businesses are still facing extreme difficulty in meeting their financial obligations. This webinar, hosted by the City of Stamford Department of Economic Development, will focus on strategies for many businesses seeking relief under the Bankruptcy Code.

BUSINESS LAW ALERT: Paycheck Protection Program Frequently Asked Question 46: "How Will SBA Review Borrowers' Required Good-Faith Certification Concerning the Necessity of Their Loan Request?" – May 13, 2020

FAQ 46 brought relief for both eligible borrowers of less than \$2 million and those borrowing \$2 million or more (who have already been advised that their loans will be reviewed by SBA).

WORKING TOGETHER: Certain CT Businesses Permitted to Open May 20 with Restrictions – May 11, 2020

On May 9, 2020, Governor Lamont announced rules for the reopening of certain non-essential businesses in the state on May 20. This alert provides an overview of the first phase of Connecticut's reopening plans amid the COVID-19 pandemic, which includes outdoor restaurants, offices, retail stores, outdoor museums and zoos.

BUSINESS LAW ALERT: Paycheck Protection Program Loans Explained: Some Frequently Asked Questions – UPDATED May 6, 2020

BUSINESS LAW ALERT: Federal Reserve Board Changes Some Loan Terms and Issues New Requirements for the Main Street Lending Program – May 5, 2020

On April 30, 2020, the Federal Reserve Board released some new requirements and changed some loan terms for its Main Street Lending Program geared to assist small and medium sized businesses deal with the economic fallout caused by the COVID-19 pandemic.

BANKRUPTCY ALERT: Bankruptcy Court Overrides SBA's Prohibition Against Extending PPP Loans to Companies in Bankruptcy – April 27, 2020

Since the CARES Act was passed into law, the SBA has required participating lenders to use an SBA-created loan application that would disqualify any small business in bankruptcy from receiving a PPP Loan. Nothing in the CARES Act itself, however, prohibits debtors in bankruptcy from receiving PPP Loans.

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TAX ALERT: The CARES Act and the Expansion of Charitable Contribution Deductions for Individuals and Corporations – April 20, 2020

The CARES Act, which, notably, provides for coronavirus aid and economic security provisions, has also expanded the deduction for charitable contributions for both individuals and corporate taxpayers under specific circumstances.

BUSINESS LAW ALERT: Federal Reserve Board Releases Details About Its Previously Announced Main Street Lending Program – April 13, 2020

The Main Street Lending Program offers qualified borrowers the opportunity to obtain a four-year unsecured term loan with principal and interest payments deferred for one year.

WEBINAR: The CARES Act and other Key Topics for Employers Responding to the COVID-19 Pandemic – April 8, 2020

Pullman business and labor and employment attorneys will present an hour-long webinar in partnership with the Bridgeport Regional Business Council.

WEBINAR: Pullman Attorneys Present Middlesex Chamber Webinar on CARES Act – April 7, 2020

Topics included the Paycheck Protection Program, unemployment and family leave policies during the COVID-19 pandemic.

BUSINESS LAW ALERT: Paycheck Protection Program Loans Explained: Some Frequently Asked Questions – March 31, 2020

The CARES Act is a \$2.2 trillion relief act that includes the “Paycheck Protection Program” (PPP). Here are answers to commonly asked questions about eligibility, how to apply, and the terms of the PPP loans.

WEBINAR: Responding to COVID-19 Webinar Series - Part III – March 31, 2020

Our third webinar in the series will cover what the CARES Act means for businesses and other key issues of concern for employers.

BUSINESS LAW ALERT: Summary of Terms for SBA Loans in Coronavirus Aid, Relief, and Economic Security Act (“CARES” Act) – March 29, 2020

The CARES Act went into effect on Friday, March 27, 2020. This outline summarizes the Paycheck Protection Program under Title I, Keeping American Workers Paid and Employed Act.

BANKRUPTCY ALERT: CARES Act Expands Debt Limitations to Allow More Businesses to Qualify for Relief Under the Small Business Reorganization Act – March 28, 2020

Among the wide-ranging and unprecedented relief the CARES Act provides for our struggling economy is a significant boon to “small businesses” that may be in need of relief under our bankruptcy laws.

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WEBINAR: Responding to COVID-19 Webinar Series - Part II – March 27, 2020

The second webinar in our series looks at relief available to small businesses in response to COVID-19; the expansion of telehealth and government assistance to health care providers, and planning for what comes next.

BUSINESS LAW ALERT: An Overview of the Connecticut Department of Economic Community Development's (DECD) Small Business Express Recovery Bridge Loan Program – March 27, 2020

The DECD has made funding available to support companies' ongoing business operations that have been significantly disrupted by the COVID-19 crisis.

WEBINAR: Responding to COVID-19 Webinar Series, Part I – March 26, 2020

As Connecticut responds to the COVID-19 pandemic, Pullman & Comley attorneys are providing a series of webinars to review key updates and answer questions that businesses, municipalities and individuals are facing.

TAX ALERT: Summary of Extensions of Time to File Connecticut Tax Returns and Pay Taxes – March 24, 2020

BUSINESS LAW ALERT: Does the Novel Coronavirus (COVID-19) Allow Reliance on Your Contract's Force Majeure Provision? The Language Matters – March 23, 2020

Mandated government quarantines, temporary business closures and other restrictions are having a profound impact on the business community and are making performing contractual obligations exceedingly difficult. Force majeure clauses are language specific, and courts will typically look first to the "four-corners" of the contract when interpreting the applicability of the force majeure provision.

ALERT: DECD Guidance on Connecticut Governor's Executive Order 7H - March 23, 2020

On March 22, 2020, the Connecticut DECD issued legally binding guidance about which businesses are deemed essential in accordance with Governor Lamont's Executive Order 7H; here is a summary of its more salient provisions.

LAW ALERT: The Effect of a Government-Ordered Shutdown on Contractual Performance – March 21, 2020

Two possible legal avenues of relief are found in what are called "force majeure" clauses and the legal doctrine of impracticability of performance.

TAX ALERT: IRS Extends Individual Tax Filing Deadline to July 15, 2020 – March 20, 2020

This morning Treasury Secretary Steven Mnuchin tweeted notice that federal income tax return filing deadlines are also extended to July 15, 2020, so all taxpayers will have additional time to file and make payments without the imposition of interest or penalties.

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BUSINESS LAW ALERT: SBA Offers Disaster Relief Loans in Face of COVID-19 – March 18, 2020

The U.S. Small Business Administration has announced that Economic Injury Disaster Loans (“EIDL”s) are now available to small businesses in Connecticut and certain counties in New York, Massachusetts and Rhode Island, that have been hit hardest by the coronavirus outbreak.

TAX ALERT: Federal Income Tax Payment Date Extended - March 18, 2020

The U.S. Treasury Department announced this week that the deadline for payment of federal income tax by individuals has been extended for a 90-day period for balances up to \$1 million.

ENERGY LAW

ENERGY LAW ALERT: My Business is Using Less Power Due to COVID-19; Why is My Electric Bill So High? Things You Can Do to Lower Your Bill – April 29, 2020

If your business is closed or partially shut down, but your power bill is still high, you should review your contract to understand if it provides relief from phantom charges.

ENERGY LAW ALERT: PURA Issues Shut-Off Moratorium for Connecticut's Residential and Commercial Customers – March 30, 2020

In response to the global COVID-19 pandemic, the Public Utilities Regulatory Authority ordered Connecticut’s utilities to temporarily cease service cutoffs in cases of customer nonpayment.

FOR INDIVIDUALS - FAMILY LAW AND TRUSTS AND ESTATES

TRUSTS & ESTATES ALERT: COVID-19 and Your Retirement Account: Time to Explore Distribution Opportunities? – August 7, 2020

New rules for retirement accounts under the SECURE Act and the CARES Act may have a dramatic impact on the optimal structuring of your retirement account benefits.

TRUST & ESTATES ALERT: Higher Tax Exemptions and Low Interest Rates Create Numerous Estate Planning Opportunities – July 27, 2020

At the present time, certain tax and economic conditions have converged that provide a uniquely favorable environment for some estate planning opportunities: federal and state transfer tax (i.e., estate and gift) exemptions are at an all-time high; interest rates are at an all-time low; and the value of some assets (e.g., marketable securities, real estate and closely business interests) is significantly depressed.

FAMILY LAW ALERT: Family Court Judges To Hold Virtual (Video) Family Court Hearings Beginning June 24 – June 30, 2020

While this unprecedented move to remote family court hearings is a sign of welcomed progress that will allow contested family matters to move forward, not all uncontested matters are eligible for a virtual hearing at this

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time.

FAMILY LAW ALERT: Navigating Divorce and Child Custody Arrangements Without the Courts During COVID-19 – May 28, 2020

At a time when courts largely are closed or operating at reduced hours and capacity, while families are dealing with staggering new pressures, there are other options for divorced and divorcing parents.

FAMILY LAW ALERT: Provisions Made for Divorce Without Court Appearance – Governor Lamont’s Executive Order No. 7CC – April 22, 2020

On April 21, 2020, Connecticut Governor Lamont issued Executive Order No. 7CC, which impacts family matters and will hopefully open the door (at least remotely) to entering judgments in uncontested matters during this COVID-19 crisis.

FAMILY LAW ALERT: What Happens to My Family Law Case During the COVID-19 Crisis? – April 21, 2020

Although the courts have in many ways ground to a halt when it comes to family law matters except for the most emergent of issues, our attorneys and paralegals are working every day to keep cases active and moving forward.

WEBINAR: Responding to COVID-19 Webinar Series – Part IV – April 13, 2020

Part IV in our webinar series looks at some of the challenges and opportunities facing individuals in the current COVID-19 reality – from new ways of co-parenting and navigating changes in the court system, to planning strategies that will have long-term benefits. Attorneys from our Tax, Family Law and Trusts & Estates practices will present.

FAMILY LAW ALERT: Co-parenting During the Pandemic: Here’s What Parents Need to Know – April 10, 2020

Answers to some of the common questions our clients have been asking during this unprecedented time.

FAMILY LAW ALERT: The Impact of the Coronavirus Shutdown on Alimony and Child Support Orders – March 30, 2020

Alimony and child support modifications are not guaranteed—even where there has been a job loss or income disruption.

FAMILY LAW ALERT: Connecticut Rules Committee Suspends Time Requirements Concerning Custody and Visitation for Minor Children – March 26, 2020

At a meeting on March 24, 2020, the Rules Committee suspended various Practice Book rules in response to the current public health emergency.

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HEALTH CARE

CT HEALTH LAW BLOG: Critical Update for Employers: U.S. Department of Labor Significantly Narrows the Definition of "Health Care Provider" for Purposes of Exempting Employees from Paid Leave Under the Families First Coronavirus Response Act – September 15, 2020

On September 11, 2020, the U.S. Department of Labor (DOL) announced revised regulations significantly narrowing the definition of “health care provider” under the Families First Coronavirus Response Act (FFCRA). The revision came in response to an August 3, 2020 decision of the U.S. District Court for the Southern District of New York, which held that the DOL’s original regulation defining “health care provider” was so expansive that it was inconsistent with the statute.

HEALTH CARE ALERT: Question to Ask for Next Coronavirus Surge: Are Your Triage Protocols in Compliance with OCR Guidance? – September 8, 2020

Providers that have already developed triage protocols should review the Office for Civil Rights guidance to confirm that their current protocols comply with OCR recommendations.

HEALTH CARE ALERT: Southern District of New York’s Decision to Invalidate Health Care Provider Exclusion and Work Availability Requirement of FFCRA May Have Implications for Connecticut – August 7, 2020

A federal judge for the U.S. District Court for the Southern District of New York vacated several key aspects of the Families First Coronavirus Relief Act, including the regulatory definition of a “health care provider” which the court found to be overbroad. The decision leaves open to question – at least in New York – the extent to which health care employers can exclude their employees from the paid leave provisions of the Act.

CT HEALTH LAW BLOG: Connecticut Poised to Continue Expanded Telehealth Services Into 2021 – July 28, 2020

On July 28, 2020, the CT Senate passed House Bill No. 6001 to further extend and expand the telehealth services offered by in-network providers for fully-insured health plans in the state as well as those providing care and services to established Medicaid and HUSKY B patients under the Connecticut Medical Assistance Program. The Senate’s approval sets the stage for Governor Lamont to sign into law the legislation that will impact Connecticut telehealth rules through March 15, 2021.

CT HEALTH LAW BLOG: Connecticut Department of Public Health Issues Two Orders Providing Children and Patients with Disabilities with a Limited Right to Receive Visitors - June 16, 2020

On June 15, 2020, the Connecticut Department of Public Health issued two Orders affecting patients with disabilities and patients who are children.

HEALTH CARE ALERT: Governor Lamont Orders Mandatory COVID-19 Testing of All Nursing Home and Assisted Living Agency Employees – June 4, 2020

In Executive Order 7UU, Governor Lamont ordered mandatory COVID-19 testing of all employees and staff at

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all private and municipal nursing homes, managed residential communities, and assisted living services agencies.

HEALTH CARE ALERT: Connecticut's Acting DPH Commissioner Walks Back One of Predecessor's Final Orders – May 20, 2020

On May 14, 2020, the newly-appointed Acting Commissioner of the Connecticut Department of Public Health, issued an Order reinstating the requirement that a request for collection or analysis of a COVID-19 test must be made by a licensed physician, physician assistant, APRN, or pharmacist, as well as the requirement that the results be reported to the licensed provider who ordered the test.

HEALTH CARE ALERT: The COVID-19 Telehealth Boom Might be Here to Stay, but HIPAA Flexibility Might Not – May 19, 2020

One of the many changes brought by the COVID-19 pandemic may be the permanent expansion of telehealth, but not all video communications services were designed to provide sufficient privacy and security to facilitate the provision of health care (and HIPAA compliance).

HEALTH CARE ALERT: Telemedicine-Medicaid Billing and Compliance: Not Just a Matter of Picking Up the Phone – April 29, 2020

Both new and old Connecticut telemedicine and telehealth providers should know that failure to properly document telemedicine encounters will expose providers to overpayment liabilities and potentially worse.

HEALTH CARE ALERT: More Money for Hospitals and Other COVID-19 Caregivers: Federal Provider Relief Fund Replenished and Disbursement Begins – April 24, 2020

Among other things, the Paycheck Protection Program and Health Care Enhancement (PPPHCE) Act, signed into law on April 24, 2020, adds \$100 billion to the Public Health and Social Services Emergency Fund to reimburse "eligible health care providers" for COVID-19 care.

HEALTH CARE ALERT: Connecticut Allows New Telehealth Capabilities and Further Expands Clinical Workforce in Response to COVID-19 Pandemic – April 24, 2020

On April 22, 2020, Governor Lamont issued Executive Order No. 7DD that expands the ability of health care providers to offer services remotely. This Executive Order also expands the health care workforce in Connecticut in several ways.

CT HEALTH LAW BLOG: Latest Executive Order Repeals Certain Changes Made to Provider Reimbursement Rates – April 22, 2020

On April 21, Governor Lamont issued Executive Order No. 7CC, which repeals two of the temporary changes to health care provider reimbursement rates that were made in Executive Order No. 7U.

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CT HEALTH LAW BLOG: New Liability Limitations for Health Care Providers and Added Workforce Flexibility in Connecticut Should Not Obscure Duty to Treat During Pandemic – April 9, 2020

Connecticut law still requires that institutional and individual health care providers provide that level of care, skill and treatment which, in light of all relevant surrounding circumstances, is recognized as acceptable and appropriate by reasonably prudent similar health care providers.

HEALTH CARE ALERT: The CARES Act Provides Some Financial Relief for Health Care Providers – April 7, 2020

An overview of some of the key provisions designed to help health care entities financially during the COVID-19 pandemic crisis.

HEALTH CARE ALERT: Executive Order Limiting Liability for Connecticut Providers Responding to COVID-19 Grants Protections for Health Care Professionals and Hospitals Grappling with Pandemic –

April 5, 2020

On April 5, 2020, Connecticut Governor Lamont issued an Executive Order that provides immunity from civil liability to health care professionals and certain facilities supporting the state's COVID-19 response efforts except for acts or omissions that constitute a crime, fraud, malice, gross negligence, willful misconduct, or would otherwise constitute a false claim under federal or state law.

CT HEALTH LAW BLOG: UPDATE ON CONNECTICUT'S RESPONSE TO COVID-19 CRISIS: Governor Forms Health System Response Team; CMS Grants Connecticut a Waiver of Certain Medicaid Requirements – March 30, 2020

Governor Ned Lamont announced a collaboration among three of the largest hospital systems in Connecticut to assist in the state's coordinated response to the COVID-19 pandemic. More on this and other updates.

CT HEALTH LAW BLOG: Connecticut DPH Issues Order Allowing Out-of-State Healthcare Providers – March 24, 2020

In anticipation of a healthcare workforce shortage resulting from the COVID-19 pandemic, on March 23, the Connecticut Department of Public Health issued an Order allowing professionals licensed in other states to work in Connecticut for up to 60 days without obtaining a Connecticut license, certification, or registration.

CT HEALTH LAW BLOG: Determining Who is an Essential Health Care Employee in Connecticut Under Executive Order 7H – March 23, 2020

Hospitals and other health care providers are, of course, among the businesses considered "essential." But must all employees of an essential business continue to work on-site?

HEALTH CARE ALERT: Connecticut Further Expands Coverage of Telehealth Services During the COVID-19 Public Health Emergency – March 20, 2020

Yesterday Governor Lamont issued Executive Order 7G, which temporarily expands the statutory definition of "telehealth" to include services provided via telephone by Medicaid providers, as well as in-network providers

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for commercial fully insured health insurance providing services to patients with whom there is an existing provider-patient relationship.

HEALTH CARE ALERT: Novel Coronavirus Hastens the Expansion of Remote Care in Connecticut – March 18, 2020

On March 17 the Trump Administration announced a sweeping expansion of Medicare coverage for telehealth services in response to the COVID-19 pandemic while separately the Connecticut Department of Social Services (“DSS”) published a State Plan Amendment (“SPA”) providing Medicaid coverage for telephone visits. This Alert outlines the impact on Medicare and Medicaid, as well as how Connecticut state laws affect these developments.

HEALTH CARE ALERT: Is Connecticut Prepared for the Coronavirus (COVID-19)? - March 4, 2020

The steps that state and local health authorities could take regarding isolation and quarantine.

LABOR AND EMPLOYMENT

WORKING TOGETHER: Putting Employers Back in the Driver's Seat? How the Governor's Latest Executive Order May Restore Connecticut's Employers' Ability to Manage Out-of-State Employee Travel –

September 16, 2020

Connecticut employers have been given more power to avoid business disruption when employees travel to COVID-19 “hot spots.” On September 15, 2020, Governor Lamont issued Executive Order No. 9B containing revised protocols for persons entering Connecticut from states with COVID-19 infection rates higher than 10 per 100,000 residents, or a seven-day rolling average test positivity rate above 10%.

WORKING TOGETHER: Critical Update for Employers: U.S. Department of Labor Significantly Narrows the Definition of "Health Care Provider" for Purposes of Exempting Employees from Paid Leave Under the Families First Coronavirus Response Act – September 15, 2020

On September 11, 2020, the U.S. Department of Labor (DOL) announced revised regulations significantly narrowing the definition of “health care provider” under the Families First Coronavirus Response Act (FFCRA). The revision came in response to an August 3, 2020 decision of the U.S. District Court for the Southern District of New York, which held that the DOL’s original regulation defining “health care provider” was so expansive that it was inconsistent with the statute.

WORKING TOGETHER: EEOC Issues More Guidance on the ADA and COVID-19 in the Workplace –

September 10, 2020

On September 8, 2020, the EEOC once again updated its guidance on the Americans with Disabilities Act (“ADA”) and the Coronavirus pandemic. EEOC Updated Guidance. The new document, through a question and answer format, expands the EEOC’s prior guidance on how the ADA applies to the current pandemic.

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WORKING TOGETHER: DOL Says That Parents Who Opt Out of In-Person Learning Cannot Use Paid FFCRA Leave, But May Use the Leave for Remote Days Where a School is Using a Hybrid Model –

September 1, 2020

The U.S. DOL issued additional guidance on August 27, 2020 as to when employees may use paid Families First Coronavirus Response Act (“FFCRA”) leave to care for their children under different COVID-related school models.

WORKING TOGETHER: No Longer Taken at Face Value: Executive Order 7NNN and the New Requirement for Medical Documentation from Non-Mask Wearers (and What it Means to Connecticut's Employers) –

August 17, 2020

Back on April 17, 2020, Governor Lamont issued Executive Order 7BB generally requiring persons to wear “face-coverings” (e.g., masks) in public. The Order created an exemption to the obligation to use a mask or cloth face covering for, among others, anyone for whom doing so would “be contrary to his or her health or safety because of a medical condition”.

WORKING TOGETHER: Southern District of New York's Decision to Invalidate Health Care Provider Exclusion and Work Availability Requirement of FFCRA May Have Implications for Connecticut –

August 7, 2020

In what promises to be a significant ruling, this week a federal judge for the United States District Court for the Southern District of New York vacated several key aspects of the Families First Coronavirus Relief Act (FFCRA), including the regulatory definition of a “health care provider” which the court found to be “vastly overbroad.”

WORKING TOGETHER: Speak No Evil: The NLRB Drops "Setting-Specific" Standards for Cases Involving Abusive Employee Speech Made in the Course of Protected Concerted Activities –

July 27, 2020

The Trump-era National Labor Relations Board has struck again. On July 21, 2020 in *General Motors LLC*, 14-CA-197985, 369 NLRB No. 127 (2020), the NLRB overruled longstanding precedent and rejected “setting-specific” standards for evaluating employee speech or conduct made in connection with otherwise protected concerted activities.

WORKING TOGETHER: Quirky Quarantine Quandary: The New Changes to Connecticut's Travel Advisory That May Leave Employers with More Questions Than Answers –

July 24, 2020

On July 21, 2020, Governor Lamont signed Executive Order 7III, strengthening the travel advisory he issued on June 24.

EMPLOYEE BENEFITS ALERT: Rollover Deadline Extended for Required Minimum Distributions from Retirement Accounts Waived Under the CARES Act –

July 20, 2020

As highlighted in our recent Tax Alert, in Notice 2020-51 (the Notice) the Internal Revenue Service (IRS)

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provides an extension of the 60-day rollover period to August 31, 2020 for individuals who have already taken a required minimum distribution (RMD) in 2020. The extension applies to individuals who have taken an RMD from their employers' retirement plan or from an individual retirement account (IRA), including RMDs taken prior to March 27, 2020, the date the Coronavirus Aid, Relief, and Economic Security Act (the "CARES Act") became law.

WORKING TOGETHER: Don't Hand Off the Handbook: Why Employers Must Prioritize Updating Workplace Policies – July 21, 2020

As most employers know firsthand, the host of complicated rules and regulations related to the COVID-19 pandemic has created unique challenges in recent months. Although employers have generally been quick to adopt and enforce policies addressing COVID-19-related issues, the rapidly changing guidance has also necessitated swift revisions as best practices and requirements continue to change from day to day.

WORKING TOGETHER: Pandemic Pandemonium (Summer Vacation Edition): How the Governor's Latest Executive Order Complicates FFCRA Leave for Employers – July 6, 2020

Last week, Governor Lamont issued Executive Order No. 7BBB, instructing all travelers entering Connecticut from states experiencing high rates of COVID-19 infection to self-quarantine in accordance with CDC guidance. While these restrictions certainly complicate travel and vacation plans for employees, the E.O. also raises concerns for employers.

WORKING TOGETHER: The EEOC Issues New Guidance Regarding Antibody Testing in the Wake of COVID-19 – June 19, 2020

On June 17, 2020, the EEOC updated an FAQ list with new guidance stating that employers may not use antibody tests in deciding whether to return employees to work.

WORKING TOGETHER: EEOC Makes Clear That COVID-19 Cannot be Used to Justify Discrimination Against Employees Based on Age or Other Characteristics – June 16, 2020

COVID-19 is not an excuse to discriminate against employees who are over the age of 65, pregnant, or otherwise protected from discrimination, even when decisions are made with the intent to protect the employees' health.

WORKING TOGETHER: Connecticut Announces Rules for Phase 2 of Reopening – June 8, 2020

On June 6, 2020, Governor Lamont announced the rules for the second phase of Connecticut's reopening plans amid the COVID-19 pandemic, planned to take effect on Wednesday, June 17, 2020.

WORKING TOGETHER: Returning the Reluctant Employee to Work: How the Governor's Latest Executive Order May Allow Employees Who Refuse to Return to Work to Collect Unemployment Benefits – June 4, 2020

In determining if work is suitable, Executive Order 7UU requires the DOL to "consider the degree of risk to the

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individual's health or, due to the COVID-19 public health emergency, the health of a member of that individual's household."

ALERT: One Size Doesn't Fit All: New EEOC Guidance Cautions Employers to Take an Individualized Approach in Returning 'At-Risk' Employees to Work in the Wake of COVID-19 – May 27, 2020

On May 5 and May 7, 2020, the EEOC updated an FAQ list with new guidance reminding employers about the individualized assessment they must make under the Americans with Disabilities Act when an employee's disability may pose a direct threat to the employee's health as they return to the post-COVID-19 workplace.

WORKING TOGETHER: Crystal Clear Compliance: Connecticut Outlines How COVID-19 Sector Rules Will Be Enforced Against Non-Compliant Businesses – May 26, 2020

Local health officials, local law enforcement, cities, and towns will be primarily responsible for enforcing the Sector Rules and other public health regulations. Businesses may be inspected to ensure compliance, and employees, customers, residents, and visitors are being encouraged to report bona fide violations to local law enforcement.

WORKING TOGETHER: Tips from the Tax Man: A Reminder to Employers About the New Tax Credits Available – May 21, 2020

The IRS recently released guidance reminding employers about three new refundable tax credits that may be available to businesses impacted by COVID-19. As businesses prepare to reopen, these tax credits can provide employers with valuable resources to maximize their budgets and bring employees back to work quickly.

WORKING TOGETHER: UPDATE: OSHA Backtracks from April Policy that Exempted Most Employers from Tracking Workers' COVID-19 Infections – May 20, 2020

On May 19, 2020, OSHA issued new guidance advising employers of a significant change in recording requirements when employees contract COVID-19, clarifying that all employers who are required to maintain OSHA injury and illness logs (often referred to as OSHA 300 Logs) must record work-related cases of COVID-19.

WORKING TOGETHER: Certain CT Businesses Permitted to Open May 20 with Restrictions – May 11, 2020

On May 9, 2020, Governor Lamont announced rules for the reopening of certain non-essential businesses in the state on May 20. This alert provides an overview of the first phase of Connecticut's reopening plans amid the COVID-19 pandemic, which includes outdoor restaurants, offices, retail stores, outdoor museums and zoos.

WORKING TOGETHER: Don't Ask: New Department of Labor Guidance Restricts Employers from Requiring Documentation from Employees Seeking Paid Leave Under the FFCRA – May 8, 2020

On May 7, 2020, the U.S. Department of Labor added questions 89-93 to its list of FAQs about the Families First Coronavirus Response Act which provide guidance about the Act's paid sick leave and expanded family medical leave provisions; #92 significantly reduces an employer's ability to request documentation from employees seeking leave under the FFCRA.

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WORKING TOGETHER: IRS Issues FAQs Regarding CARES Act Distributions and Loans from Employee Benefit Plans – May 7, 2020

An overview of new questions and answers issued by the IRS on May 4, 2020, regarding coronavirus-related relief for participants in retirement plans and IRAs.

WORKING TOGETHER: CHRO Offers Extension of Deadline for Employers to Provide Sexual Harassment Training to New Employees – May 6, 2020

*Under Connecticut's "Time's Up Act," all employers with three or more employees must provide a minimum of two hours of sexual harassment prevention training to all employees prior to October 1, 2020, or within six months of hire. In light of the COVID-19 emergency, the CHRO has extended the deadline for training **new** employees (hired after October 1, 2019).*

WORKING TOGETHER: Yes, We're Open: Important Considerations for Employers Preparing to Reopen in a Post-COVID-19 World – April 30, 2020

Having adequate policies and protocols in place is critical both to keeping employees safe in the workplace and to reducing employers' potential exposure to liability should employees contract COVID-19 after returning to work.

WORKING TOGETHER: Update: July 15, 2020 is the Last Day for Making IRA and HSA Contributions – April 29, 2020

IRA and HSA contributions for the 2019 tax year can be made up until July 15, 2020, the extended date for filing and paying 2019 individual income taxes.

WORKING TOGETHER: What Steps to Take When an Employee Tests Positive for COVID-19 – April 28, 2020

A summary of guidance from the CDC and other sources that will provide employers with a game plan to keep both employees and workplaces safe and help avoid legal exposure.

WORKING TOGETHER: Obliging OSHA: How New COVID-19 Guidance Impacts Employers' Workplace Recordkeeping and Reporting Obligations – April 24, 2020

In complying with OSHA's requirements, employers should keep in mind that an illness like COVID-19 is characterized as work-related, and therefore reportable to OSHA, if an event or exposure in the work environment either caused or contributed to it or aggravated a pre-existing injury or illness.

WORKING TOGETHER: The Latest Guidance on the Families First Coronavirus Response Act and Paid Leave (and Some Common Questions) – April 24, 2020

Answers to some commonly asked questions in light of recently issued Department of Labor guidance.

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WORKING TOGETHER: DECD's Safe Workplace Rules Regarding "Face-Coverings" and Executive Order 7BB – April 22, 2020

Apparently responding to common sense concerns, the DECD revised its Rules on April 21 with respect to situations where employees are outdoors or in discrete indoor settings.

WORKING TOGETHER: The EEOC Issues Yet More Guidance on the ADA Accommodations and COVID-19 – April 22, 2020

As the country starts discussing the possibility of businesses reopening, the EEOC has, again, updated its guidance on COVID-19 and the Americans with Disabilities Act. This third installment focuses heavily on accommodation of employees in the time of COVID-19 and is an extension to the agency's prior Q&A.

WORKING TOGETHER: Governor Lamont's Executive Order Requiring Face Coverings: Its Impact Upon Employers – April 20, 2020

On April 17, 2020, Governor Lamont issued EO 7BB requiring persons to wear "face-coverings" (e.g., masks) in public, effective as of 8:00 p.m. on Monday, April 20, 2020.

WORKING TOGETHER: EEOC Issues More Guidance on ADA and the Coronavirus – April 14, 2020

The EEOC has again revised its guidance on the ADA and the coronavirus in the workplace, providing further guidance designed to protect employees' medical information and prevent discrimination while allowing employers to continue to comply with the CDC's guidance regarding protecting workers' health.

WORKING TOGETHER: The Scope of the "Health Care Providers" Exclusion from the FFCRA Leave Laws – April 8, 2020

On April 6, 2020, the U.S Department of Labor published a "Temporary Rule" in the Federal Register implementing the paid leave provisions of the FFCRA, including a section concerning health care employers' option to exclude "health care providers" from the paid leaves provided by the Act.

WORKING TOGETHER: The \$600 Question: Which Furloughed or Laid Off Employees Are Eligible for Enhanced Unemployment Benefits Under the CARES Act? – March 31, 2020

The CARES Act provides an additional \$600 in federally-funded dollars each week to the unemployment compensation benefit of each eligible worker.

WORKING TOGETHER: Remote Inspection of I-9 Documents Now Permitted in Limited Circumstances During Coronavirus Emergency – March 31, 2020

ICE has announced that effective immediately, "employers taking physical proximity precautions due to COVID-19" will be temporarily allowed to review new employees' "section 2" documents remotely when completing I-9 forms.

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WORKING TOGETHER: Mobilizing the National Guard Against COVID-19: A Primer on Employer Obligations Under the Uniformed Services Employment and Reemployment Act – March 31, 2020

Nearly 10,000 National Guardsmen have been called up across the United States to perform a variety of missions in support of efforts to combat COVID-19. What does this mean for employers who have employees activated by the National Guard or Reserve to take part in these response efforts?

WORKING TOGETHER: The CARES Act Impacts Qualified Retirement Plans and IRAs: Temporary Relief for Employees, Plan Participants and IRA Owners – March 31, 2020

A summary of key provisions of the Coronavirus Aid, Relief, and Economic Security Act that affect retirement plans.

EMPLOYEE BENEFITS ALERT: CARES Act Expands Participant Loan Provisions and Waives RMD for 2020 and Waives RMD for 2020 – March 30, 2020

The CARES Act contains several provisions that impact the operation of tax-qualified retirement benefit plans and IRAs in 2020.

EMPLOYEE BENEFITS ALERT: CARES Act Coronavirus-Related Distributions: What Are They and Are They Mandatory? - March 30, 2020

The CARES Act creates favorable tax treatment for “Coronavirus-Related Distributions” from “eligible retirement plans.”

WORKING TOGETHER: No Coronavirus-Related Furloughs of H-1B Employees – March 30, 2020

Many employers financially strained by the coronavirus outbreak are considering employee furloughs rather than outright layoffs, especially given the hopefully short duration of the crisis. This is generally impossible in the case of H-1B employees, however, due to the Department of Labor’s “no-benching” rule.

WORKING TOGETHER: Families First Coronavirus Relief Act Notice Must Be Posted by April 1, 2020 – DOL Poster Should Be Posted at Worksites AND Emailed or Mailed to Teleworking Employees – March 29, 2020

On March 26, 2020, the federal Department of Labor’s Wage and Hour Division released a new model notice that employers must use to satisfy FFCRA’s employee notice obligations.

ALERT: 401(k) Plan Mid-Year Reduction or Suspension of Safe Harbor Contributions - What Can Employers Do? – March 27, 2020

Employers anticipating or experiencing financial stress triggered by COVID-19 related business disruptions may now want to reduce or even suspend safe harbor contributions to their 401(k) retirement plan. Here is a summary of the procedures required, and the implications for both the employer and the plan.

ALERT: Public Sector Collective Bargaining in the Time of COVID-19 – March 27, 2020
Guidance for Connecticut municipal employers, including boards of education, that are now being asked by various unions to enter into mid-term negotiations to produce an MOU in response to workplace changes necessitated by

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state and federal government COVID-19 responses.

WORKING TOGETHER: The CT DOL'S Shared Work Program Might Reduce Labor Costs Without Permanent Layoffs – March 24, 2020

With the impact of COVID-19, many employers are confronting a loss of demand for their goods and services and facing the prospect of laying off employees. Connecticut employers may have another option: the Shared Work Program.

WORKING TOGETHER: Small and Mid-Size Businesses Should be Able to Swiftly Recover the Cost of Providing Coronavirus Related Paid Leave Under the Families First Coronavirus Response Act – March 24, 2020

Eligible Employers have two ways in which the cost of paid leave related to the Families First Coronavirus Response Act may be recouped.

WORKING TOGETHER: Connecticut DECD Issues Guidance on Businesses Considered “Essential” for Purposes of Governor’s Executive Order – March 22, 2020

The Office of the Governor worked with the Department of Economic and Community Development (DECD) to develop guidance for all businesses relating to the Governor’s Executive Order suspending “Non-Essential In-Person Business Operations.” The guidance, issued March 22, can be found [here](#).

WORKING TOGETHER: EEOC Clarifies That Employers May Temperature-Test Employees During COVID-19 Pandemic - March 22, 2020

The EEOC recently updated its guidance to allow more medical testing in the workplace, including clear guidance that checking employees’ temperatures is allowed in light of the current pandemic.

WORKING TOGETHER: Initial Guidance on The Governor’s Executive Order on the Closure of “Non-Essential Businesses”- March 21, 2020

Governor Lamont's latest Executive Order calls for all non-essential businesses and not for profit entities to reduce their in-person workforces at any workplace by 100% by 8 p.m. on March 23, 2020.

WORKING TOGETHER: A COVID-19 “WARN-ing” for Employers: The Worker Adjustment and Retraining Notification Act Still Applies to Certain Layoffs and Plant Closures – March 20, 2020

The COVID-19 crisis has already forced many companies to lay off employees, and others will be doing so in the days and weeks ahead. Those companies must consider whether compliance with the Worker Adjustment and Retraining Notification Act (“WARN”) is necessary.

WORKING TOGETHER: Potential Immigration Compliance Issues Raised by Coronavirus Travel Restrictions, Work-from-Home Policies, and Layoffs – March 20, 2020

As the spread of COVID-19 prompts increasing travel restrictions, and as layoffs become an unfortunate reality in many industries, both U.S. employers and employees holding temporary work visas in the United States need

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to be aware of potential immigration-law complications. Here are some initial considerations.

UPDATE: What Will the "Families First Coronavirus Response Act" Mean for Employers? – March 19, 2020

On March 18 the Senate passed and the President signed the “Families First Coronavirus Response Act.” Here is a brief summary of what two of its provisions – the Emergency Paid Sick Leave Act, and the Emergency Family and Medical Leave Expansion Act – will mean for employers.

WORKING TOGETHER: How to Comply with the Americans with Disabilities Act During a Pandemic – March 17, 2020

Employers must make reasonable accommodations to employees with disabilities that would have increased risks from contracting COVID-19 - as long as what is being requested is a reasonable accommodation that would allow the employee to continue to perform their essential job functions without causing the employer undue hardship.

WORKING TOGETHER: CMS FAQ re Essential Health Coverage and the Coronavirus (COVID-19) – March 17, 2020

On March 12, 2020, the Center for Medicare & Medicaid Services Center for Consumer Information & Insurance Oversight issued an FAQ regarding coverage for diagnosis and treatment of COVID-19 under the Affordable Care Act.

WORKING TOGETHER: Guidance for Employers on Accommodating the Child Care Needs of Employees Amidst COVID-19 School Closures – March 16, 2020

With the closure of Connecticut schools, and potential closure of daycare facilities in the future, now is the time for employers to decide how they will accommodate employees in need of child care.

WORKING TOGETHER: What Will the “Families First Coronavirus Response Act” Mean for Employers? - March 16, 2020

At 12:53 a.m. on Saturday March 14, the U.S. House of Representatives passed the “Families First Coronavirus Response Act” with bipartisan support. Here is a brief summary of what it may mean for employers.

ALERT: Federal Family and Medical Leave Act and COVID-19 - March 13, 2020

The United States Department of Labor has issued “COVID-19 or other Public Health Emergencies and the Family and Medical Leave Act Questions and Answers” providing clarifications regarding Federal FMLA coverage.

WORKING TOGETHER: IRS Guidance: High Deductible Health Plans May Waive Deductible for COVID-19 Testing - March 13, 2020

Employers and health plans that want to provide some relief for participants during the spread of COVID-19 may waive deductibles for COVID-19 testing without violating IRS high deductible health plan rules.

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WORKING TOGETHER: Coronavirus and the Workplace - Employers Considering Taking Employees' Temperature at Work Should Proceed with Caution - March 12, 2020

Employers contemplating this measure should proceed with caution and consider a number of issues before temperature-testing their employees.

ALERT: COVID-19: Key Issues and Responses for Employers - March 6, 2020

Practical pointers for employers in addressing the legal issues facing them in the COVID-19 outbreak.

LITIGATION

SECURITIES LAW ALERT: Broker Beware: As Volatile Market Customer Arbitrations Spike, Who is Looking Out for Your BrokerCheck® Reporting Record? – May 21, 2020

As FINRA mediation requests and arbitration filings increase from the COVID-19 market decline, individual brokers and advisors named in filings should consider if there is a need to hire their own counsel to protect their interests.

ADR in the Age of Zoom – March 26, 2020

Members of Pullman & Comley's Alternative Dispute Resolution practice are providing online mediation and arbitration services.

LAW ALERT: Rules Committee Changes to Practice Book Deadlines – March 25, 2020

The Rules Committee of the Superior Court met in emergency session on March 24, 2020. Acting pursuant to Practice Book Section 1-9B (Emergency Power of Rules Committee), the Committee unanimously agreed to make certain changes to the rules of practice, summarized here.

LAW ALERT: Governor Lamont Suspends Statutes of Limitations in Connecticut in Executive Order 7G – March 24, 2020

In Executive Order 7G, Connecticut Governor Lamont took the unprecedented step of suspending most of the state's statutes of limitations, effective March 19, 2020, thereby holding in abeyance the deadlines by which most civil lawsuits must be initiated.

MUNICIPAL LAW AND PUBLIC FINANCE

ALERT: The Latest: Executive Order 700 and the Rescheduling of Certain Local Elections and Appointments – May 18, 2020

EO 700 provides a measure of protection to voters and poll workers by delaying certain in-person voting, which will ostensibly permit safer proceedings.

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PUBLIC FINANCE ALERT: Governor Lamont’s Executive Order 7JJ Permits Certain Municipal Non-Budgetary Actions Without In-Person Voting if the Actions are Deemed Essential – May 8, 2020 *On May 6, 2020, Governor Lamont issued Executive Order No. 7JJ permitting a municipality’s legislative body, or in a municipality where the legislative body is a town meeting other than a representative town meeting, the board of selectmen, to authorize certain actions without having to comply with any in-person voting requirements, provided certain findings are made and the actions are deemed essential.*

PUBLIC FINANCE ALERT: Governor Lamont’s Executive Order 7CC Expands Application of a Municipality’s Ability to Authorize Actions Without In-Person Voting – April 22, 2020 *Executive Order 7CC provides that the legislative body and the budget-making authority may now authorize certain actions by a majority vote of each body without in-person voting requirements.*

PUBLIC FINANCE ALERT: Executive Order 7W Extends Tax Relief Programs to Quasi-Municipal Corporations and Revises Tax Relief Time Periods – April 14, 2020 *Governor Lamont’s EO 7W revises several aspects of EO 7S regarding new tax relief programs offered for taxpayers, businesses, nonprofits, and residents who have been economically affected by the COVID-19 pandemic.*

PUBLIC FINANCE ALERT: Governor Lamont’s Executive Order 7S Contains Critical Information Relating to Collection of Property Taxes – April 3, 2020 *On April 1, 2020, Connecticut Governor Lamont issued Executive Order No. 7S which directs municipalities to establish one or both of two new tax relief programs offered for eligible taxpayers, businesses, nonprofits, and residents who have been economically affected by the COVID-19 pandemic.*

PUBLIC FINANCE ALERT: Economic Relief is on its Way Following COVID-19 Damage – March 30, 2020 *The CARES Act provides emergency economic relief to individuals, businesses, hospitals and state and local governments, among other entities, in response to the distress caused by the COVID-19 pandemic. It establishes a \$150 billion “Coronavirus Relief Fund” for the benefit of state, local and tribal governments to fund certain costs.*

ALERT: Governor Lamont’s Executive Order No. 7I Offers Local Budget and Deadline Clarification Amidst COVID-19 – March 23, 2020 *On March 21, 2020, Governor Ned Lamont issued Executive Order No. 7I (the “Order”) to address municipal and school district concerns related to their budgets, deadlines and other related matters as a result of COVID-19.*

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NONPROFIT ORGANIZATIONS

WEBINAR: Rising to the Challenge: An Open Discussion of Various Community Based Organizations Continuing Successful Operations in the Midst of the COVID-19 Pandemic – September 18, 2020

Join our group of panelists from Connecticut nonprofits to hear how they have successfully weathered the storm of the COVID-19 health and economic crisis and have continued to provide impactful services and resources to people in our community.

PROFESSIONAL LIABILITY

LAW FIRM RISK MANAGEMENT ALERT: Update on Executive Orders on Remote Notarization – April 1, 2020

Having previously issued emergency orders permitting remote notarization during the current public health and safety emergency, Governor Lamont has issued a new order that, among other things, amends the procedures governing remote notarization.

LAW FIRM RISK MANAGEMENT ALERT: Lawyer Obligations in the Time of COVID-19 – March 25, 2020

Here are some aspects of the current lockdown, recent Executive Orders, and Rules Committee actions that require particular attention from lawyers.

PROPERTY TAX AND VALUATION

WEBINAR for Law Firm Managers: Lawyer Obligations in the Time of COVID-19 – April 24, 2020

Professional Liability Attorneys David P. Atkins and Marcy Tench Stovall will address some of the challenges law firm risk managers should be addressing during the public health lockdown, including safeguarding confidentiality when working remotely; remote notarizations; and law firm risks during a lockdown.

ALERT: Update on Connecticut Property Tax Relief Measures Amid COVID-19 Public Health Crisis – April 13, 2020

Governor Lamont's EO 7S requires each Connecticut municipality to adopt either or both the programs described here – the "Deferment Program" or the "Low Interest Rate Program," by April 25, 2020.

ALERT: April 3, 2020 Act Provides Massachusetts Municipalities Option to Offer Property Tax Relief During COVID-19 Public Health Crisis - April 6, 2020

As part of an ongoing efforts to address challenges created by the COVID-19 public health crisis, the Massachusetts Legislature passed House Bill No. 4598—An Act to Address Challenges Faced By Municipalities and State Authorities Resulting from COVID-19, which Governor Baker signed into law on April 3, 2020.

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ALERT: Connecticut Governor Lamont Issues Executive Order 7S Providing for Property Tax Relief – April 3, 2020

Section 6 of Executive Order 7S provides for municipal property tax relief with the creation of a Deferment Program and a Low Interest Rate Program; Connecticut municipalities are required to adopt one or both of these programs by no later than April 25, 2020.

ALERT: Massachusetts Appellate Tax Board and Supreme Judicial Court Updates in Response to the COVID-19 Public Health Emergency – March 25, 2020

In response to Governor Charlie Baker's ongoing efforts concerning the COVID-19 public health emergency, the Massachusetts Supreme Judicial Court and Appellate Tax Board have issued notices of changes to court and ATB operations.

ALERT: Connecticut's Governor Issues Executive Order Addressing Property Tax Deadlines and Procedures – March 23, 2020

As part of his ongoing response to the COVID-19 public health emergency, Connecticut Governor Lamont issued Executive Order (EO) No. 7I on Saturday, March 21, containing a number of provisions regarding property assessment and taxation matters.

REAL ESTATE, LAND USE AND ENVIRONMENTAL LAW

REAL ESTATE ALERT: Executions on Commercial Evictions and Limited Residential Evictions Can Proceed Starting September 2, 2020 – September 1, 2020

Starting September 2, 2020, these evictions will be allowed to proceed, along with evictions where a landlord seeks to return to the property and use it as his or her principal residence.

REAL ESTATE ALERT: Governor Lamont's Executive Order 7000 dated August 21, 2020 Extends Eviction Moratorium to October 1, 2020 and Increases Funding for Housing Assistance Programs – August 31, 2020

On August 21, 2020, Governor Lamont made two significant announcements on matters that will affect landlords and tenants in Connecticut.

REAL ESTATE ALERT: Governor Lamont Extends Eviction Moratorium and Provides Additional Relief to Tenants – July 9, 2020

On June 29, 2020, Governor Lamont issued Executive Order (EO) 7DDD and issued a press release announcing several new programs affecting landlords and tenants.

WEBINAR: Getting your Homeowners Association through the Pandemic: Reopening Amenities and Conducting Remote Meetings – June 11, 2020

Led by Adam J. Cohen, chair of the firm's Community Associations practice, this webinar addresses risks and precautions for opening swimming pools, exercise rooms, and other amenities; procedures and deadlines for

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conducting condominium and tax district meetings by telephone or online; and the impact of recent Connecticut executive orders.

LAND USE LAW ALERT: All in on AI Fresco? What Municipalities Need to Consider as Connecticut Moves to Expand Outside Dining Under COVID-19 Executive Order 7MM – May 13, 2020

On May 12, 2020, Governor Lamont issued Executive Order 7MM in an attempt to allow for fast-tracked approval of certain outdoor activities, including serving food and beverages and selling goods.

WEBINAR: Responding to COVID-19 Series - Part V: Strategies for Landlords and Tenants – April 23, 2020

Our fifth webinar in our series will prepare landlords, tenants and bank lenders for some of the key challenges they face during this time, as well as how to begin planning for the future.

REAL ESTATE ALERT: Governor Lamont's Executive Order 7X dated 04-10-2020 Addresses Evictions and Real Estate Proceedings During COVID-19 Crisis – April 10, 2020

The stated purpose of E.O. 7X is to minimize eviction proceedings during this period of economic disruption and allow residents to comply with prior public health orders to remain in their homes or residences.

ENVIRONMENTAL ALERT: EPA Announces Policy of Enforcement Discretion for Compliance with Pollution Control Requirements Affected by COVID-19 Outbreak – April 3, 2020

EPA explained that travel restrictions and social distancing guidelines prompted by COVID-19 may compromise a company's ability to comply with EPA rules and consent decrees, including those relating to "enforceable limitations on air emissions."

REAL ESTATE ALERT: Landlords and Tenants Under Stress: Negotiated Resolutions May Offer Relief – April 1, 2020

Given the likelihood that foreclosures and evictions resulting from the COVID-19 crisis will continue to be stayed by courts, legislatures and governors for the duration of this crisis, negotiated resolutions likely make more sense than litigation.

ENVIRONMENTAL ALERT: Company How To: Maintaining Environmental Enforcement Compliance – March 30, 2020

The myriad of responses to the COVID-19 pandemic—including, inter alia, forced business closings, stay-in-shelter orders, social distancing directives, and the like—present new challenges to entities with environmental compliance obligations.

ENVIRONMENTAL ALERT: U.S. Environmental Protection Agency Announces New Temporary Enforcement Policy During COVID-19 Outbreak – March 30, 2020

On March 26, 2020, the U.S. EPA issued a seven-page temporary policy regarding EPA treatment and/or discretionary enforcement of certain environmental obligations resulting from the COVID-19 pandemic.

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REAL ESTATE ALERT: Steps Landlords and Property Owners Can Take to Respond to Challenges of COVID-19 – March 19, 2020

What landlords and property owners can do to help meet the difficult and unique challenges facing the commercial real estate community with the COVID-19 pandemic.

SCHOOL AND HIGHER EDUCATION LAW

EDUCATION LAW NOTES: Responses to COVID-19 Incidents in Connecticut's Schools: What is on the Table (and What Factors to Consider)?– September 9, 2020

Now that Connecticut's schools are reopening, the million-dollar question is what happens when there is the (unfortunate) inevitable brush with COVID-19. Schools must balance the competing need to safeguard the health and safety of students and staff with providing robust learning opportunities. Schools do not want to cancel classes at the drop of a hat, but they also do not want to be responsible for illnesses (or worse).

EDUCATION LAW NOTES: When Will It Ever End? (Yes, Even More Newer Guidance on the Wearing of Masks in Connecticut's Schools.) – September 3, 2020

On August 31, 2020, the State Department of Education (SDE) issued via "Addendum 11" revised "Interim Guidance" on the wearing of masks in Connecticut's schools.

EDUCATION LAW NOTES: (Even More) New Guidance on the Wearing of Masks in Connecticut Schools – September 2, 2020

The CT State Department of Education's latest "Interim Guidance" is very restrictive in terms of the requirement to wear a mask and appears to limit the scope of the medical exemption in the schools.

WEBINAR: Return to School - What to Consider for Special Education Students – August 20, 2020

Pullman & Comley School Law attorneys Mark Sommaruga and Michael McKeon led this webinar for school leaders, administrators and other essential school personnel to discuss issues and concerns about the start of the school year amid the pandemic.

WEBINAR: Return to School - Questions and Practical Answers for Connecticut Schools – August 17, 2020

Much planning and discussion has gone into the preparation for the reopening of schools this fall. However, many questions remain. Pullman & Comley School Law attorneys Mark Sommaruga and Zachary Schurin led this webinar for school leaders, administrators and other essential school personnel to discuss issues and concerns about the start of the school year amid the pandemic.

EDUCATION LAW NOTES: No Longer Taken at Face Value: Executive Order 7NNN and the New Requirement for Medical Documentation from Non-Mask Wearers (and What it Means to Connecticut's Schools) – August 17, 2020

Back on April 17, 2020, Governor Lamont issued Executive Order 7BB generally requiring persons to wear

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“face-coverings” (e.g., masks) in public. The Order created an exemption to the obligation to use a mask or cloth face covering for, among others, anyone for whom doing so would “be contrary to his or her health or safety because of a medical condition.”

EDUCATION LAW NOTES: Reopening Connecticut's Schools (Objectively But With Flexibility): The Latest State Guidance – August 3, 2020

To the shock of no one, both the state and federal governments continue to revise their guidance concerning the reopening of the schools. On the date (July 24, 2020) that public schools were supposed to file their reopening plans with the State Department of Education (“SDE”), the Centers for Disease Control and Prevention (“CDC”) updated its guidance concerning the reopening of schools.

WEBINAR: A Roundtable for Charter Schools: Returning to School in the Fall (?) – July 29, 2020

Pullman & Comley’s School Law team recently held a webinar to address Connecticut’s State Department of Education’s “Adapt, Advance, Achieve” guidance on the reopening of schools in the fall and the many legal (and practical) implications for schools. We explored the ability to reconcile the provision of robust in-person learning with the need to comply with health and safety guidelines (including social distancing, PPE protocols, “clean” buildings, and effectively addressing COVID-19 cases in the schools), all taking place in the context of a maze of legal edicts and scarce resources.

EDUCATION LAW NOTES: Reopening Connecticut Schools: The Latest CDC Guidance (and What’s Next) – July 27, 2020

Just as schools in Connecticut were submitting their reopening plans to the Connecticut State Department of Education on July 24, 2020, the CDC issued updated guidance on reopening schools. Here is an overview of the potential consequences.

EDUCATION LAW NOTES: The Deadline for Updating Your Title IX Policies is Fast Approaching: Will Your District Be Ready? – July 27, 2020

Hidden within the concerns surrounding reopening schools during a pandemic is the requirement that the new Title IX regulations go into effect on August 14, 2020.

WEBINAR: **Returning to Class in the Fall: How Can Connecticut's Public Schools Adapt?** – July 10, 2020

Connecticut’s State Department of Education has just issued its “Adapt, Advance, Achieve” guidance on the reopening of schools in the fall. There are many decisions to make for our schools, with very little time. Join our School Law attorneys for a legal overview and practical advice.

EDUCATION LAW NOTES: **School Reopening and Labor and Employment Matters** – July 6, 2020

On June 29, 2020, the State of Connecticut issued “Connecticut’s Learning Plan to Learn and Grow Together,” setting forth a myriad of requirements that school districts must complete in order to open in the fall.

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EDUCATION LAW NOTES: Summer School in Connecticut in 2020: An Answer from the State? – June 5, 2020

This week the Governor's office issued the final version of its "Rules for Operating Summer School During COVID-19." For districts intending to have summer school, what can they expect?

EDUCATION LAW NOTES: What Happens on September 9, 2020 When the Executive Orders All Expire? – June 2, 2020

Unless any of the Executive Orders are "sooner revoked," the state of emergency and the Orders expire on September 9, 2020. What happens then?

EDUCATION LAW NOTES: Virtually Summer: Extended-School-Year Services in the Age of Coronavirus – May 26, 2020

On May 20, 2020, the state of Connecticut Department of Education's Bureau of Special Education issued guidance regarding the provision of extended-school-year [ESY] services to special education students during the COVID-19 pandemic, acknowledging that ESY services may not look the same as they have in prior years.

WEBINAR: Addressing Special Education in Connecticut During the Pandemic – May 12, 2020

In this webinar, Pullman & Comley special education attorneys discussed how to implement the Individuals with Disabilities Education Act (IDEA) and state law in the age of the coronavirus. They also addressed determining Eligibility and other evaluation conundrums; annual reviews and related PPT obligations; ESY and Compensatory Education.

EDUCATION LAW NOTES: It's the Same, Only Really, Really Different: Reopening Connecticut's Colleges, Universities, and Boarding Schools – May 8, 2020

On May 6, 2020, Connecticut's Higher Education Subcommittee – which is an arm of the task force that has been charged with recommending appropriate procedures for "reopening" Connecticut in the wake of the COVID-19 pandemic – issued guidelines for the resumption of college and university campus-based activities.

EDUCATION LAW NOTES: The Commissioner of Education has Modified the Non-Tenured Teacher Non-Renewal Process – April 14, 2020

On April 13, 2020, the Commissioner of Education issued "guidance pertaining to the flexibilities for local or regional boards of education related to non-renewal notifications and tenure impacted as a result of COVID-19."

EDUCATION LAW NOTES: U.S. Department of Education Clarifies That Video Recording Virtual Lessons and Making Them Available to Students Does Not Violate FERPA and Provides Other Advice on FERPA Compliance in the Age of Virtual Learning – April 2, 2020

The U.S. Department of Education Student Privacy Policy Office recently provided more in-depth information regarding FERPA and virtual education – here are some clarifying answers.

A Summary of Pullman & Comley Advisories on Coronavirus (COVID-19)

EDUCATION LAW NOTES: Executive Order 7R: Its Impact and Obligations on Connecticut School Districts – April 2, 2020

On April 1, 2020, Governor Lamont issued Executive Order 7R which directs districts to maintain individuals' employment "to the greatest extent practicable" and to negotiate agreements with their providers that will look to cover certain actual costs incurred by their bus contractors and certain service providers.

EDUCATION LAW NOTES: Must School Districts Pay for Bus Transportation and All Employee Salaries While Schools Are Closed? What the "CARES Act" May Mean to Connecticut School Districts – March 29, 2020

A brief summary of what the CARES Act means for public schools, including a possible mandate to continue to pay all employees and contractors, even if they may not be providing services.

EDUCATION LAW NOTES: Dispelling the Myth: Yes Virginia, You Can Use Interactive Videoconferencing with Students as Part of Distance Learning – March 27, 2020

Despite the protestations of some teachers and their unions, there is nothing illegal about directly teaching students through videoconferencing. This neither violates the Family Educational Rights and Privacy Act (FERPA) nor state law regarding data privacy.

EDUCATION LAW NOTES: Happy Talk! Connecticut's Bureau of Special Education Issues Guidance for the COVID-19 Era – March 27, 2020

On March 24, 2020, the Bureau of Special Education issued guidance on the provision of special education during the COVID-19 pandemic and provided districts with some wiggle room as they try to fit a school-based IEP into the virtual confines of distance learning.

EDUCATION LAW NOTES: Teach On! Remote Group Instruction, Student Privacy, and FERPA in the Age of the Coronavirus – March 24, 2020

A particularly pressing concern has been determining how to handle student privacy rights in the course of providing remote instruction.

EDUCATION LAW NOTES: "How About Never!?" – COVID-19, School Closures, and Planning and Placement Team Meetings – March 19, 2020

There has been some confusion as to whether school districts are currently permitted to unilaterally decline parent requests to PPT meetings or to otherwise indefinitely postpone them.

EDUCATION LAW NOTES: Governor Lamont's Executive Order Regarding the Municipal and Regional School District Budget Deadlines (and Waiver of Certain Educational Mandates) – March 18, 2020

With "Executive Order 7C," Governor Lamont has ordered that notwithstanding any contrary statutes, charters or local ordinances, all municipal budget deadlines occurring on or before May 15, 2020 that pertain to the preparation of a municipal budget for the 2020-2021 fiscal year are extended by 30 days.

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EDUCATION LAW NOTES: OCR Issues Guidance on Nondiscrimination in the Age of Distance Learning – March 18, 2020

The U.S. Department of Education Office of Civil Rights (OCR) issued a fact sheet entitled “Addressing the Risk of COVID-19 in Schools While Protecting the Civil Rights of Students,” addressing various types of discrimination that must be avoided while providing education to students in these uncertain times.

EDUCATION LAW NOTES: Complying with FERPA During COVID-19 – March 17, 2020

A school district’s obligations under the Family Educational Rights and Privacy Act are not relaxed during these difficult times where school districts are trying to cope with COVID-19. However, schools should understand the “health or safety emergency” exception to FERPA’s general consent requirements.

EDUCATION LAW NOTES: How to Implement Distance Learning and Still Comply with Existing State and Federal Laws - March 17, 2020

As a return to regular school seems less likely in the near future, schools need to devise creative ways to provide high quality education to their students. Yesterday, the Connecticut Commissioner of Education issued two letters aimed at making this easier for schools to accomplish.

EDUCATION LAW NOTES: Governor Lamont’s Executive Order and the FOIA’s “Open Meetings” Requirements – March 16, 2020

The outbreak of COVID-19 has caused practical concerns regarding how public agencies can comply with Connecticut’s Freedom of Information Act (FOIA) and its posting and open meeting requirements when large gatherings have been prohibited.

EDUCATION LAW NOTES: Special Education in the Age of the Coronavirus – March 16, 2020

Connecticut’s mandated closing of school districts up to March 31, 2020 in response to COVID-19 has left school districts struggling with how they can best continue to provide legally mandated specialized instruction and related services to special education students.

EDUCATION LAW NOTES: Addressing Your Labor Matters While Closing Your District Due to COVID-19 - March 16, 2020

Connecticut school districts have been directed to be closed until at least March 31, 2020. The CIAC has cancelled winter sports playoffs and schools have cancelled extracurricular activities. So, what happens next?

EDUCATION LAW NOTES: What If Your District Shuts Down and Cannot Meet the 180 School Day Minimum for Instruction? - March 13, 2020

Governor Lamont issued an Executive Order waiving the 180 days as long as certain conditions are met.

EDUCATION LAW NOTES: Guidance to Address COVID-19 - March 10, 2020

What school districts in Connecticut should know.

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