

COVID Business/Legal Checklist

1. Employment
 - a. Tax measures
 - b. Social Security measures
 - c. Temporary layoffs
 - d. Temporary hires / outsourcing
 - e. Reduction in pay/hours
 - f. Hazard bonuses
 - g. Terminations
 - h. Payroll protection laws
 - i. Employee mobility /travel
 - j. Teleworking
 - k. Preventative actions
 - l. Liability
 - m. Employees with dependents
 - n. Independent contractors
2. Immigration
 - a. Travel bans
 - b. Immigration office closures
 - c. Pending applications
3. Financing
 - a. Banking relationships
 - b. Cashflow
 - c. Equity infusions and relationships
 - d. Non-bank debt
4. Bankruptcy preparedness
 - a. Vendors
 - b. Customers
 - c. Partners

5. Access to Government Funds and Programs
 - a. Stimulus package
 - b. SBA Economic Injury disaster Loans
 - c. FEMA
 - d. Coronavirus-related business opportunities
6. Securities Reporting
 - a. Change in reporting deadlines
 - b. Risk factors and other disclosures
7. Corporate Governance
 - a. Annual meeting
 - b. Electronic meetings
 - c. Fiduciary duties
8. Mergers and Acquisitions
 - a. Delayed or terminated transactions
 - i. Material adverse change
 - b. Diligence
 - c. Indemnification
 - d. Opportunities
 - i. Cash strapped companies
 - ii. Strategic partners
9. Insurance
 - a. Business Interruption
 - b. Contingent Business Interruption
 - c. Commercial General Liability
 - d. Cancellation Insurance
 - e. Trade Credit Insurance
 - f. Supply Chain Insurance
 - g. Specialty Coverage
 - h. D & O Insurance
 - i. E & O Insurance

- j. EPLI Insurance

10. Contracts

- a. Force majeure
- b. Frustration of purpose
- c. Impracticality
- d. Breach
- e. Remedy
- f. Insurance
- g. Exclusivity
- h. Payment rights
- i. Liquidated damages
- j. Indemnity clauses
- k. Schedule and delivery terms
- l. Termination rights
- m. Choice of law
- n. Notice
- o. Dispute resolution

11. Government Contracts

12. Real Estate

- a. Leases
- b. Obligations of building owners

13. Supply chain

- a. Exploitive sales and pricing practices
- b. Ability to meet own contractual obligations
- c. Identify affected suppliers
- d. Identify affected parts and materials
- e. Identify affected logistics providers
- f. Identify affected customers
- g. Insurance
 - i. Available coverage

- ii. Obligation to provide coverage or indemnification to supply chain partners
 - iii. Coverage from supply chain partners
 - h. Maintaining detailed records
 - i. Duty to mitigate
 - j. Local statutes and regulations
 - k. Dispute management
- 14. Logistics
- 15. Customers
 - a. Exploitive sales and pricing practices
 - b. Cash strapped / financially challenged customers
 - c. Ability to meet contractual obligations
 - d. Product liability
 - e.
- 16. Export and trade
 - a. CFIUS and public health
- 17. Compliance
- 18. Environment, Health and Safety
- 19. Data Protection and Privacy (see also IT below)
 - a. Health Care and Employer Group Health Plans- Relaxation of HIPAA for Telehealth Only for Health Care Providers
 - b. Other Privacy Laws Still in full effect, including CCPA (customer information, employee information)
 - c. Remote workforce
 - d. BYOD concerns – MFA and MDM
 - e. Control Concerns- Example, moving to personal email or unsupported databases
- 20. Litigation
 - a. Impact of court closures
 - b. Arbitration
 - c. Online dispute resolution
- 21. Tax
 - a. SALT

- b. Employment
 - c. Delayed filing dates
22. Intellectual property
- a. Delays
 - b. Enforcement
23. IT
- a. COVID Malware
 - b. Remote working (MFA push)
 - c. Additional Help Desk Roles/workforce needs
 - d. Incident Response in Remote Situations
 - e. Business Continuity/Disaster Recovery
 - f. Security Controls (consider additional controls)
 - g. Delayed projects
 - h. Support
 - i. Third party vendors (service levels)
 - ii. Call centers (particularly global)