
Vermont DMV Legislative Changes; Efficiency Vermont; Computer Fraud; Protect Your Network; Leaders for Equity and Equal Pay Free Toolkit

1 message

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Thu, Jul 1, 2021 at 5:02 PM



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Vermont Vehicle and Automotive Distributors Association

WEEKLY DRIVETRAIN

Latest regulatory reminders, state requirements & industry happenings

July 1, 2021

Greetings

June has been an interesting and eventful month. Ace Assistant Kim Gauthier, after successfully pitching in her first softball game in 100 years, tore her hamstring while running the bases and required surgery to put it back together again! She is on crutches wearing a brace and her daughter gets married tomorrow. So the office will be closed for that very happy and COVID-19 delayed occasion.

You've probably noticed some changes in our communications. We are updating our website and newsletter format. We've added the *Weekly Drivetrain* to help keep updates to weekly and monthly and are very glad to put the daily COVID-19 updates in the rearview mirror (too much with the metaphors, eh?). Let us know what you think at mmiller@vermontada.org.

On behalf of your VADA Board of Directors and staff, we wish you a safe, healthy and happy July 4th. Let's fly and wave *Old Glory*, fire up the grill, have fun with family and friends, and be grateful for all those who have helped us along the way. *This* always gets me in the spirit:



2021 Vermont DMV Legislative Changes

Deputy Commissioner Mike Smith recently acknowledged DMV is again experiencing a transaction backlog and they are working to address the situation. Increased overtime and shifting of staff will hopefully help improve turnaround time.

He also shared a [DMV Employee Memo](#) outlining the changes resulting from the 2021 Legislative Session affecting DMV (some affecting dealers) and their effective dates. Please note some of these changes take effect July 1st.

Welcome the New Member

Please join me in welcoming our newest member, Efficiency Vermont! We have worked effectively with Drive Electric which operates under the Efficiency

Vermont (VEIC) umbrella for quite some time and are excited about expanding our working relationship going forward.



Efficiency Vermont is a statewide energy efficiency utility whose mission is to reduce the cost of energy for all Vermonters. They partner with energy service providers and other leaders in the energy efficiency industry to help residents, businesses, and institutions reduce greenhouse gases.

Efficiency Vermont provides direct support through incentives, training, and technical advice to Vermont's auto dealerships and service centers. Whether you're looking to lower energy costs, improve the comfort of your space, or build resilience within our fast-changing landscape, they're here to help.

[Learn more here.](#)

Want to advertise your products or services to our members? Click here to learn more!



U.S. Supreme Court Emphasizes Need to Couple IT Safeguards with Written Policies to Safeguard Confidential Data

On June 3, 2021, the U.S. Supreme Court issued an important opinion in *Van Buren v. United States*, which provided clarification of the scope of the Computer Fraud and Abuse Act (CFAA).

The CFAA bars unauthorized access, or access that exceeds authorization, to any computer “used in or affecting interstate or foreign commerce or communication.” As the Supreme Court explains, this extends protection to all information from computers that connect to the internet. The decision in *Van Buren* explored what constitutes “unauthorized access” and “access that exceeds authorization.”

Designing access and restricting access are critical for a number of reasons, and a policy alone will not necessarily constitute adequate technical and procedural safeguards to cordon off data within that system.

If your dealership wants to properly restrict access to certain information, you must put in place “gates” to keep users out (including employees who are permitted limited access to the system). These technical IT infrastructure protections should be in addition to written policies restricting access and training programs. Once these safeguards are in place, anyone that ‘hacks’ to gain access to the restricted information will have committed a criminal violation of the CFAA and could be liable to the organization or employer for civil damages.

Dealers Must Update Safeguards and Identity Theft Programs

Safeguarding Programs and Red Flags Programs must be re-evaluated and periodically updated. Safeguarding Programs should be updated following: the results of the dealership’s safeguard audits; any material changes to the dealership’s operations or business arrangements; any changes in available technology; or any other circumstances that may have a material impact on the dealership’s program.

Safeguards Rule

Under the Federal Trade Commission’s (FTC) Safeguards Rule, dealers must have a comprehensive written information security program that protects customer information. Dealerships must also ensure that dealership employees and their affiliates use proper and secure operational and physical safeguards regarding personal, private financial information.

The Safeguards Rule also requires dealers to periodically evaluate the program and make adjustments in light of any changes to the dealership’s business arrangements or as a result of its security testing and monitoring. Dealers who have not yet re-evaluated and, if necessary, adjusted their Safeguarding Program should do so.

The FTC has investigated dealerships to determine their level of compliance with the Safeguards Rule, and whether the dealership has tested, monitored and evaluated the information security program. Failure to comply with the Rule can result in penalties of up to \$16,000 per day.



Protect Your Network!

[Colonial Pipeline](#). [JBS](#). [DMACC](#). Your dealership. It's not a matter of if, but when hackers will try to breach your network and wreak havoc. And if you don't want your dealership's name added to the list of businesses facing disastrous consequences from cyberattacks, you need to ensure that your

network is secure, your backups are off-site and protected, and your employees are trained on basic IT best practices. Not convinced you'll be a target? Think again. Ransomware attacks are on the rise. Dealerships, with exponentially valuable private personal data from customers, are very desirable targets. With the potential for catastrophic consequences should a breach occur, network security should be at the top of every dealership's priority list. Here are a few of the things you should be thinking about:

Lean on your IT team.

Whether you have IT specialists on staff or work with a third-party vendor, your IT team needs to provide trusted expertise on your particular situation.

Strengthen your password policy.

Talk with your IT team about best practices for passwords. Some to consider include minimum length, complexity requirements, banning common passwords, and requiring employees to use different passwords for work and personal accounts.

Remove former employees.

When someone leaves your organization, deactivate or remove their login credentials.

Stay current with updates and patches.

You know you need to stay up to date with your antivirus, but installing patches and updates can be just as critical for security.

Utilize a firewall.

A firewall is the first line of defense for your network. Work with your IT team to determine which type of firewall is ideal for your network, and plan to replace it on a regular schedule.

Implement multi-factor authentication.

Multi-factor authentication boosts security by requiring users to verify their identity by two or more methods, such as by typing in a password on a computer and confirming access on a separate mobile device.

Implement and validate off-site back-ups.

Your network needs to be backed up, and those back-ups need to be hosted off-site. Not only does that give you a restore point if something happens to your network, but keeping those back-ups off site prevents possible back up loss from natural disasters.

Develop a disaster recovery plan.

What are you going to do when your network is breached? Dealership management and IT should work together to develop a comprehensive plan for how to handle a breach before it happens, so leaders can turn to an established playbook in a time of high stress.

Consider cyber liability insurance.

If you don't already have it, talk with your insurance agent about cyber insurance. If you do have it, make sure you understand your policy.



Top 5 Summertime Hazards for Dealership – OSHA CONCERNS

Not purely your “top ten OSHA list for dealerships”, these 5 items are areas in which injuries occur or increase specific to summer months (and could well become OSHA concerns). Following are some tips to help keep employees safe.

1. **Heat Related Illnesses** Workers who spend even part of their day outside or even inside without climate control are at risk of developing some sort of heat related illness. Ranging from dehydration to heat stroke, heat related illnesses can be fatal! Because it is nearly impossible to personally monitor all employees' exposure to heat in relation to their individual tolerance and recovery from off work activities, training is one of your best tools to prevent an employee from falling prey to this common

summertime workplace injury. Remind employees to hydrate before, during, and after work. It is a good practice to supply water or sports drinks on hot days to facilitate adequate hydration and replenishment of key minerals and electrolytes lost through sweat. During times of extreme heat, management should also require extra breaks in an air-conditioned area for the affected employees. Employees and managers should also be trained to take signs of heat stress seriously such as headache, nausea, dizziness, irritability, heavy sweating or lack of sweating. At that point immediate action needs to be taken before heat stress or heat stroke occurs.

2. **Non-Compliance with PPE** When temperatures rise employees seem to have a harder time putting on their safety glasses, gloves, paint suits, or other protective clothing – because it is so hot. Though we can sympathize with their reasoning, hot weather is not an excuse to throw all other safety procedures out the window. Accommodating employees to better handle the heat with breaks and liquids on the house is a much better alternative than budging on your safety policies and rules. In addition to potentially being responsible for an injury, blurring lines on your own safety policies and rules never ages well in the event of a future claim.
3. **Increased Vehicle Accident Risk** We've all be caught in traffic on a Friday afternoon behind the boats and RV's heading to the lake. With summer comes more traffic and casual/careless drivers behind the wheel. This puts your employees on company business in the crossfire. Unfortunately, there are still fatalities every day because of lack of seat belts and because of distracted driving. Make sure all your employees (including part time drivers) have read and understand your policy on seatbelts and cellphone use while driving vehicles. Additionally, an occasional verbal reminder to employees to be careful, pay attention, and obey the rules of the road may save a life.
4. **Animal Bites** You read that correctly. Every year there are at least a handful of animal bites reported in some states in the summer months resulting in a rabies shot series that is incredibly expensive. If your team happens to have a run in with an animal in an engine compartment, they should all understand DO NOT TRY TO GRAB THE ANIMAL. Move the vehicle outside and wait for the animal to leave or coax it by honking the horn. If that doesn't work, then a thick welding glove, or better yet,

compressed air, may be used to coax the animal to relocate.

5. **Inexperienced Seasonal Workers and New Hires** During the summer months it isn't uncommon for dealerships to hire people completely new to the industry for work in Wash Bays, as Porters, in Sales, or even as Lube Technicians. Considering how difficult it has been finding good help over the last few month across the state, we can speculate that there will be an increase in these sorts of workers this summer- more so than usual. Be sure that all new employees receive the proper onboarding and safety training in addition to hands on safety training by a supervisor. The early interactions you have with your employees matter- especially when it comes to what is expected when it comes to safety.



Workers' Comp Safety Tip

Hourly employees and front-line supervisors are critical for your safety program. They know the job better than anyone, they use the equipment, and they spend their entire day in those areas. Be sure employees understand that safety concerns should be taken to their managers immediately. As a manager be sure that you

listen to their concerns and address the hazard appropriately - whether a correction needs to be made or not.



A Resource From the Vermont Commission on Women (Leaders for Equity & Equal Pay Toolkit)

Vermont Commission on Women joins our Change The Story VT (CTS) initiative partners in thanking everyone who attended our recent [Leaders for Equity and Equal Pay Toolkit](#) launch. We extend deep appreciation to all who

presented and contributed to the resounding success of this event.

In her brief keynote address, Ph.D. economist and national pay equity expert

[Evelyn Murphy](#) said the Toolkit could “position Vermont as the national leader on eliminating gender and racial wage gaps”. Why? Gender and racial pay equity assessments are rapidly becoming standard practice for large companies in the U.S., but there hasn’t been much work done to standardize methods and make them easily accessible (or affordable) for smaller companies (and well over 90% of the companies in VT are small). Enter the toolkit! Best of all, **IT’S FREE** because CTS initiative partners would like all Vermont employers to become leaders for equity and equal pay.

The Toolkit is a unique and powerful resource providing leaders of small to midsize organizations (< 400 employees) with the information and methodology needed to conduct in-house, ongoing gender and racial pay equity reviews. It includes:

- a Pay Equity Playbook providing a wealth of information about compensation philosophy, identifying, and fixing discrepancies, and building organizational equity into the future
- an Excel-based Equity Management Tool (EMT) to enter pay data and produce comparable ratio charts that will uncover pay inequities
- an EMT User Guide with step-by-step instructions for building great charts
- worksheets, rubrics, and templates to facilitate comprehensive equity reviews



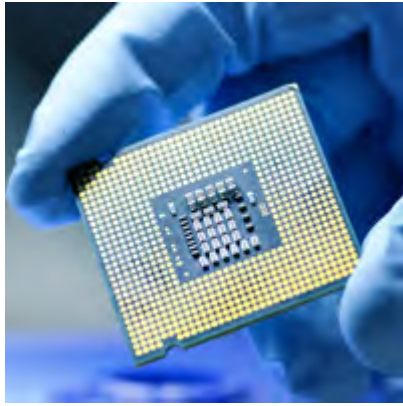
DMV Considers Closing Five Locations

The Vermont Department of Motor Vehicles is considering scheduling changes and possible permanent closures at five of its locations now that many of its services are available online.

[VTDIGGER, 6/22/21](#)

Federal Investment Would ‘Super-Charge’ Operations at Vermont Microchip Factory

Officials at GlobalFoundries say a U.S. Senate proposal to invest in



semiconductor manufacturing would help the company expand and confront an ongoing microchip shortage. [NECN, 6/21/21](#)



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