



## VEHICLE AND AUTOMOTIVE DISTRIBUTORS ASSOCIATION

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*Helping you drive Vermont's economy*

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## TIME DEALER OF THE YEAR NOMINATION DUE JULY 31ST

VADA is now requesting nominations for the 2021 TIME Dealer of the Year Award. If you know a dealer who exemplifies the traits of a "quality" dealer in his or her business, civic, and charitable duties, take this opportunity to place his/her name in nomination. To nominate a dealer, simply review the requirements and complete the [2021 nomination form](#), which is included with this Hotwire, and fax it to VADA at 802-461-2659. **Please submit your nomination before July 31, 2020.**

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## DOL CLARIFIES ELIGIBILITY FOR FFCRA IN LIGHT OF SUMMER PROGRAM CLOSURES

The U.S. Department of Labor's Wage and Hour Division [clarified eligibility for paid sick or expanded family and medical leave](#) under the Families First Coronavirus Response Act (FFCRA). This provides guidance for employers and employees affected by the closure of summer camps, summer enrichment programs and other childcare programs. DOL also issued a [poster](#) and an [eligibility tool](#).

For more information on the FFCRA, see NADA's updated [FAQs on the federal emergency paid leave mandates](#), which reflect this latest guidance. An important addition:

Q: May an employee request FFCRA leave based on the closure of summer camps or other summer programs?

A: **Yes.** FFCRA leave may be taken if the employee is unable to work or telework due to a need to care for his or her child whose place of care is closed due to COVID-19 related reasons.

*Source: NADA/ATD*

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## Legal Update for Auto Dealers and Finance Companies

[The FTC, Auto Dealers, and Credit Discrimination: What's Next?](#)

*Source: Spot Delivery/Counsel Library*

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## Retailers' Big Need for Loans Is Met

Data released last week by the U.S. Small Business Administration and analyzed by Automotive News shows that 16,226 Paycheck Protection Program loans totaling between \$7.8 billion and \$12 billion were approved for U.S. new-vehicle dealerships in the second quarter. The number of loans represents about 93 percent of all privately owned U.S. dealerships. The six large, publicly traded retail groups, representing 925 dealerships, did not participate in the program. According to the loan documents compiled by the SBA, the cash infusion retained at

least 761,000 U.S. dealership jobs - though that number likely was higher because a large number of the loans did not specify the number of jobs retained.

*Source: Automotive News*

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## FCC Issues Ruling On "Peer-to-Peer" Texting Platforms

### [FCC Issues Ruling on "Peer-to-Peer" Texting Platforms](#)

On June 25, 2020, the Federal Communications Commission ("FCC") issued a Declaratory Ruling ("Ruling") relating to text messages, autodialers, and the Telephone Consumer Protection Act (TCPA). Specifically, the Ruling holds that because a specific "peer-to-peer" ("P2P") texting platform was "not capable of originating a call or sending a text without a person actively and affirmatively manually dialing each one, that platform is not an autodialer and calls or texts made using it are not subject to the TCPA's restrictions on calls and texts to wireless phones."

*Source: NADA*

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## THE NADA DEALER ATTITUDE SURVEY DEADLINE JULY 30TH

Dealers (car and truck) received an email from [chairman@nadasurvey.com](mailto:chairman@nadasurvey.com) with instructions for how to complete the survey, which will be open until July 30. The survey results convey a timely and comprehensive assessment of dealer sentiment to auto manufacturers. In this survey we have included special questions related to OEM response during this COVID crisis. The goal of the anonymous survey is to encourage automakers to regularly engage in constructive and beneficial discussions with their franchised dealers, to improve business practices. A great resource for help and questions is: <http://nadasurvey.com>. We look forward to hearing from you!

*Source: NADA*

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## Used Car Sales Jump 17% In June

While new vehicle sales in the U.S. continue to lag due to the coronavirus pandemic, used-car sales are seeing much better results during the same time frame, reports The Detroit Bureau. Last month, new car sales fell nearly 30% while sales of used vehicles jumped 17% above the pre-pandemic forecasts in June after dropping 38% in April, according to J.D. Power. The reasons for the strong performance are multiple. First, buyers are more likely to find exactly what they want on a dealer's used car lot rather than the new vehicle showroom when it comes to popular vehicles, especially trucks. Next is the fact that a one- or two-year-old used vehicle is significantly cheaper than its brand new counterpart. Finally, they're not only cheaper on the total price, but drops in interest rates on used vehicle - which are typically a couple points higher than those of new cars and trucks - have come down as the federal government has taken steps to try to stimulate the economy. [Read more here.](#)

*Source: The Detroit Bureau*

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## Margin For Error Just Got Smaller In New-Car Operations

### [Margin For Error Just Got Smaller In New-Car Operations](#)

The U.S. consumer and economy are returning to some semblance of normalcy, but the new-car business is likely to be anything but normal for the foreseeable future. Dealers are facing a rare situation in many markets: Consumer demand is higher than supply. Online shopping metrics are off the charts across various Cox Automotive properties, such as Autotrader and Kelley Blue Book, as many shoppers are in need of some "retail therapy" and excited to take advantage of compelling incentive offers.

*Source: WardsAuto*

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## Ford Mach-E, Cadillac Escalade, Nissan Sentra Among Contenders For Vehicles Of The Year

The process to name the best new vehicles introduced this year has begun, reports The Detroit Free Press. Driving and learning about the SUVs, cars, and trucks will dominate consumers' interest and auto writers' time for the rest of 2020. North American Car, Truck and Utility Vehicle (NACTOY) jurors have to answer a set of 'where, how and when' questions before we can even begin to address them. Things are different this year. Every year, a few important vehicles go on sale so late in the calendar that NACTOY jurors have to scramble to evaluate them before jurors vote on the best in late December. Development and production delays this year promise to make that more of a scramble than usual. At the same time, journalists are figuring out how to evaluate those vehicles when they can't sit down and grilling the executives, engineers, and designers responsible for them. It's like assembling a jigsaw puzzle whose pieces are scattered across an acre. [Read more here.](#)

*Source: The Detroit Free Press*

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## WORKERS' COMP SAFETY CORNER

Vehicle collision with fixed object is a common accident among WC claims submitted. Cars backing into the building, other cars, employees or even light poles on the dealership's lot occur often, through all dealership departments. All managers need to be diligent about how vehicles are operated around the facility and who operates them. Remember, all vehicle accidents are required to be reported to VADA regardless of whether vehicle occupants were injured or not.

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## IRS Warns of COVID-19 Fraud

The IRS is warning taxpayers to be cautious of tax fraud and other financial scams related to COVID-19. Unfortunately, the IRS Criminal Investigation division (CI) has seen a variety of Economic Impact Payment (EIP) scams and other financial schemes looking to take advantage of taxpayers. [View full warning from IRS](#)  
COVID-19-related scams should be reported to the National Center for Disease Fraud (NCDF) [online](#) or by phone: 866.720.5721.

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## Donovan Issues Guidance On Changes To Data Breach Notification Law

**Vermont Business Magazine** Attorney General TJ Donovan has released [guidance](#) to assist businesses in complying with changes to Vermont's Security Breach Notice Act. As of July 1, 2020, more types of information-including health and genetic information, login credentials, and additional government IDs like passport numbers-are considered "Personally Identifiable Information" that requires notice to consumers if stolen or otherwise subject to a breach. By helping businesses understand the law, the guidance aims to help ensure that timely notice is provided to Vermont consumers so they can protect themselves if their sensitive information is exposed. [Read More Here](#)

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## Procedure For If An Employee Tests Positive COVID-19

If an employee tests positive for COVID-19, the dealership should follow this four-step plan from the Center for Disease Control (CDC) when addressing a confirmed COVID-19 case in your workplace:

### **Isolate/Quarantine Confirmed Employees**

The infected employee should remain at home until released by a physician or public health official. If a medical note releasing the employee is unavailable, follow the CDC guidelines on when an employee may discontinue self-isolation, which contain specific requirements dependent upon whether the employee tested positive for COVID-19 and the symptoms exhibited.

**Address And Isolate Employees Working Near An Infected Co-Worker** You should ask infected employees to identify all individuals who worked in close proximity. Individual who has had close contact are those who were less than 6 feet from the individual for 15 minutes or more. Also beware of employees who may have shared tools or other items with them during the 48-hour period before the onset of symptoms.

Send home all employees who worked closely with the infected employee for 14 days under CDC Guidance to ensure the infection does not spread. While quarantined, those employees should selfmonitor for symptoms, avoid contact with high-risk individuals, and seek medical attention if symptoms develop.

### **Clean And Disinfect Your Workplace**

After a confirmed COVID-19 case, follow the CDC guidelines for cleaning and disinfecting the workplace. Your cleaning staff or a third-party sanitation contractor should clean and disinfect all areas (e.g., offices, bathrooms, and common areas) used by the ill person, focusing especially on frequently touched surfaces. If using cleaners other than household cleaners with more frequency than an employee would use at home, ensure workers are trained on the hazards of the cleaning chemicals used in the workplace and maintain a written program in accordance with OSHA's Hazard Communication standard. Simply download the manufacturer's Safety Data Sheet (SDS) and share with employees as needed, and make sure the cleaners used are on your list of workplace chemicals used as part of a Hazard Communication Program.

**Notify Your Employees** Following a confirmed COVID-19 case, and as recommended by the CDC, notify all employees who work in the location or area where the employee works of the situation. You will want to do so without revealing any confidential medical information such as the name of the employee. Inform employees of the actions you have taken, including requiring employees who worked closely to the infected worker to go home. Let employees know about your sanitizing and cleaning efforts and remind them to seek medical attention if they exhibit symptoms. The failure to notify employees at your location of a confirmed case may be a violation of OSHA's general duty clause, which requires all employers to provide employees with a safe work environment.

### **NADA Guide Available: Operating Dealership During Pandemic**

Recently, NADA released "A Dealer Guide to Safely Operating Your Dealership During a Pandemic". The online publication aims to assist dealers in maintaining their essential operations while minimizing unnecessary risks. The Guide is available at:

[www.nada.org/Safely-Operating-your-Dealership-Pandemic](http://www.nada.org/Safely-Operating-your-Dealership-Pandemic)

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## **New COVID-19 Related Guidance - FLSA and FMLA Qs & As**

The US DOL announced additional guidance to provide information to workers and employers about how the requirements and protections of the [Fair Labor Standards Act \(FLSA\)](#), the [Family Medical Leave Act \(FMLA\)](#), and the [Family First Coronavirus Response Act \(FFCRA\)](#) impact the workplace as America continues to reopen from the coronavirus. The new guidance provides plain-language questions and answers addressing critical issues under all three laws. Please click on the hyperlinks above to view the new guidance.

FMLA-related questions address issues including whether telemedicine visits count as in-person visits with a health care provider and whether the FMLA restricts employers' ability to require workers to get a COVID-19 test before returning to the worksite. FFCRA-related questions address whether employers can require workers to telework or take leave until they test negative for COVID-19 after taking leave to care for someone in quarantine.

FLSA-related questions address issues including how employers must count the number of hours employees work in flexible scheduling and telework situations, whether hazard pay is required for employees working during the COVID-19 pandemic, the effect of employers' reducing salaries for exempt salaried workers during an economic slowdown, and whether salaried exempt employees under Section 13(a)(1) who perform other nonexempt duties during the COVID-19 public health emergency and may continue to be treated as exempt.

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## COVID: FAQs For Businesses From CDC

**What should a business do if an employee comes to work with COVID symptoms?** Employees who have symptoms when they arrive at work or become sick during the day should immediately be separated from other employees, customers, and visitors and sent home. Employees who develop symptoms outside of work should notify their supervisor and stay home.

### **What should you do if you have a suspected or confirmed case of COVID?**

There is no requirement to shut down your facility. Businesses should close off any areas used for prolonged periods of time by the sick person. Wait 24 hours before cleaning and disinfecting to minimize potential for other employees being exposed to respiratory droplets. If waiting 24 hours is not feasible, wait as long as possible. Follow the CDC cleaning and disinfection recommendations:

- \* Clean dirty surfaces with soap and water before disinfecting them.
- \* To disinfect surfaces, use products that meet EPA criteria for use against SARS-Cov-2external icon, the virus that causes COVID-19, and are appropriate for the surface.
- \* Be sure to follow the instructions on the product labels to ensure safe and effective use of the product.
- \* You may need to wear additional personal protective equipment (PPE) depending on the setting and disinfectant product you are using.

In addition to cleaning and disinfecting, employers should determine which employees may have been exposed to the virus and need to take additional precautions:

If an employee is confirmed to have COVID-19, employers should inform fellow employees of their possible exposure to COVID-19 in the workplace but maintain confidentiality as required by the Americans with Disabilities Act (ADA).

Employees who test positive for COVID-19 (using a viral test, not an antibody test) should be excluded from work and remain in home isolation if they do not need to be hospitalized. Employers should provide education to employees on what to do if they are sick. Employers may need to work with local health department officials to determine which employees may have had close contact with the employee with COVID-19 and who may need to take additional precautions, including exclusion from work and remaining at home. Most workplaces should follow the Public Health Recommendations for Community-Related Exposure and instruct potentially exposed

employees to stay home for 14 days, telework if possible, and self-monitor for symptoms.

### **When can employees return to work?**

Employees should not return to work until they have met the criteria to discontinue home isolation and have consulted with a healthcare provider.

### **How can you keep employees who interact with customers safe?**

To keep your employees safe, you should:

- \* Consider options to increase physical space between employees and customers such as opening a drive-through, erecting partitions, and marking floors to guide spacing at least 6 feet apart.
- \* At least once a day, clean and disinfect surfaces that are frequently touched by multiple people. This includes door handles, desks, phones, light switches, and faucets.
- \* Consider assigning a person to rotate throughout the workplace to clean and disinfect surfaces.
- \* Consider scheduling handwashing breaks so employees can wash their hands with soap and water for at least 20 seconds. If soap and water are not available, use hand sanitizer that contains at least 60% alcohol.
- \* Consider scheduling a relief person to give cashiers and service desk employees an opportunity to wash their hands.

### **How can you protect employees who may be at higher risk for severe illness?**

Have conversations with employees if they express concerns. By using cleaning and masking strategies that help prevent the spread of COVID-19 in the workplace, you will help protect all employees, including those at higher risk.

### **How should face coverings be worn, stored, handled and washed?**

On July 1, 2020, Pennsylvania Secretary of Health, Dr. Levine, signed an order mandating mask-wearing in any public space. The order is in effect until further notice and expands the requirements for mask wearing that businesses were already subject to under a Department of Health order issued on April 15, 2020. When wearing a cloth face covering, it should fit over the nose and mouth, fit snugly but comfortably against the side of the face, and be secured with ties or ear loops. The cloth face covering should allow the wearer to breathe without restriction. Employees should avoid touching their eyes, nose, or mouth as well as the inside or outside of the face covering while putting on, wearing, and removing it. When putting on and removing it, they should only touch the ties or ear loops. If storing the cloth face covering while at work, employees should place the used cloth face covering into a container or paper bag labeled with the employee's name. Cloth face coverings should not be shared with others unless they are washed and dried first. If the cloth face covering becomes wet, visibly soiled, or contaminated at work, it should be removed and stored to be laundered later. The employee should put on a clean cloth face covering or disposable face mask.

Employees should wash hands with soap and water for at least 20 seconds before and after putting on, touching, or removing cloth face coverings. If soap and water are not available, they should use a hand sanitizer with at least 60% alcohol.

In general, cloth face coverings should be washed regularly (e.g., daily after each shift) using water and a mild detergent and dried completely in a hot dryer. If a washing machine and dryer

are not available, an alternative is to soak the cloth face covering in a diluted bleach (0.1%) solution, rinse, and air dry completely.

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## Used Truck Sales Metrics For May Indicate Volumes, Age Down From April

Used Class 8 same dealer sales volumes dropped 12 percent month-over-month in May, with longer-term sales down 20 percent year-over-year compared to May 2019. Year-to-date sales are up 2 percent, according to the latest release of the State of the Industry: U.S. Classes 3-8 Used Trucks, published by ACT Research. The report also indicates used Class 8 average price and miles rose from April's levels, up 2 percent and 1 percent, respectively, with average age 1 percent lower than the previous month.

*Source: Trucks Parts and Service*

[June Class 8 Net Orders See Upturn](#)

*Trucking*

*Source: Heavy Duty*

[Dealer Sales Volumes Hit Blip Due to Holiday but Remain on Positive Trend](#)

*Service*

*Source: Trucks Parts &*

[Truck Orders Begin to Climb as Freight Volumes Improve](#)  
*Journal*

*Source: Commercial Carrier*

[All-new 2021 side-by-sides revealed; \\$22K MSRP to start 26K side-by-sides recalled due to crash hazard](#)

*Source: Power Sports Business*

[RV Surge: 'Overwhelming the Way Demand Has Been Now' Report: NHTSA Issues Latest Weekly List of RV Recalls \(6/29/20\)](#)  
[ARVC Announces Move to Virtual Format for 2020 Trade Show Report: NHTSA Issues Latest Weekly List of RV Recalls \(7/6/20\)](#)

*Source: RV Business*

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