



**VEHICLE AND AUTOMOTIVE
DISTRIBUTORS ASSOCIATION**

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Helping you drive Vermont's economy

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MARCH 2021

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PPP APPLICATIONS EXTENDED TO MAY 31

Yesterday President Biden signed an extension of the [Paycheck Protection Program](#), after legislation authorizing applications through May 31 was passed by a large, bipartisan majority in both chambers of Congress earlier this month. The program still

has billions of dollars in authorized funding remaining, including an additional \$7.5 billion that was authorized as part of the American Rescue Plan.

Under the extension, the Small Business Administration and approved 7(a) Lenders can process applications through June 30. Previously, the PPP application window had been set to close today.

Under the current terms of the program, which were not changed by this extension, a minimum of 60 percent of the forgivable loan amount must be spent on payroll costs, including employee benefits. The other 40 percent can be spent on other business expenses like rent and utilities. We will continue to publish updates as they may occur.

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BIDEN \$2 TRILLION INFRASTRUCTURE PLAN

President Joe Biden's \$2 trillion, eight-year "American Jobs Plan," unveiled today, contains money for a smorgasbord of interests from roads to the power grid and will also include money for cleaning up abandoned mines - an obvious nod to coal state senators who could be the key to its passage. According to several sources who were on a call where White House officials briefed lawmakers Tuesday afternoon, the plan would encompass not just highways and transit but water systems, broadband, supply chain issues and more. It would address electrification and has a major plank on innovation, which involves research funding targeted at areas where the United States is falling behind China and other competitors, such as on semi-conductors and batteries.

NADA Note: Today, the White House released a [summary of the "American Jobs Plan."](#) NADA is closely reviewing the plan with particular attention on provisions providing \$174 billion to spur the electric vehicle market and the increased corporate tax rate from 21% to 28%. Proposals to increase the individual tax side are expected in a later proposal. The President's proposal will jump start infrastructure legislation on Capitol Hill, and NADA continues to work on a bipartisan basis with Members of Congress as they debate new infrastructure and tax proposals.

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NADA DEALERSHIP WORKFORCE STUDY

Only NADA and ATD members are eligible to participate.

There is *no cost* to participate.

Participation is the only way for you to receive:

- A complimentary [custom report](#) comparing your dealership against aggregated data from your peers across the nation and region, right down to dealerships selling your brand in your state.
- A complimentary [Payroll and Retention Report](#) with analysis of workforce data across the nation and by region.
- **EXCLUSIVE one year access to the DWS Database Search Tool: An online based customizable search tool with archived tenure and compensation data from all NADA Dealership Workforce Studies for over 60 positions!**

Compete smart.

- Make informed decisions on pay plans.
- Take steps to reduce turnover and retain your best employees.
- Know the demographic issues facing your dealership.

Click Dealership Enrollment button (in the below link) to get started.

- You will need the NADA Member ID for your single store or Dealer Group to enroll. If you do not have this NADA ID number, please contact NADA Customer Service at 800.557.6232.

Enrollment for the 2021 Study closes promptly on April 15, 2021.

To participate: [2021 Dealership Workforce Study](#)

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COVID-19 CASES INCREASE

Please be supportive of COVID Vaccination

Dealerships have an opportunity to help those planning on getting vaccinated and to encourage those who aren't planning to do so or who are still trying to decide. If at all possible, dealerships should accommodate employees who are receiving their COVID-19 vaccinations with flexibility both when scheduling the shot and in the event of any side effects. The Centers for Disease Control and Prevention recommends offering flexible, non-punitive sick leave options for employees with signs and symptoms after vaccination.

The CDC has put together a [resource for workplace vaccination programs that dealerships may find helpful.](#)

Dealers and other managers should work to make vaccine confidence visible in the dealership. If comfortable, leaders should share reasons why they are getting vaccinated and talk about the importance of vaccination with employees.

The benefits of a vaccinated workforce include:

- Reduced absences
- Increased productivity
- Improved morale

Dealerships can share the [CDC's COVID-19 Vaccines fact sheet](#) to provide accurate, science-based information about the safety and efficacy of the vaccines to their employees.

It's also important to remember that even as employees are vaccinated, dealership **employees and customers should continue to wear masks and social distance** until guidance from the CDC and other agencies changes.

We've provided excellent links below from the State of Vermont!

[GETTING THE COVID-19 VACCINE](#)
[TRAVEL & QUARANTINE](#)
[TESTING](#)
[BUSINESSES & EMPLOYEES](#)

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NADA EEO-1 Data Collection Begins April 26

The U.S. Equal Employment Opportunity Commission (EEOC) will start to collect annual EEO-1 reports April 26. The EEOC requires dealerships with more than 100 employees to file annually an Employer Information Report ([EEO-1 Report](#)). The EEO-1 Report asks for the number of employees sorted by job category, race, ethnicity and gender. Dealerships must also display an "EEO is the Law" [poster](#).

2019 EEO-1 Component 1 data collection was delayed due to the COVID-19 public health emergency; the EEOC announced that 2019 *and* 2020 EEO-1 Component 1 data collection will open Monday, April 26, 2021; employers will have until Monday, July 19, 2021, to submit two years of EEO-1 data.

Beginning March 29, the EEOC began to formally notify EEO-1 filers via email. Filers should prepare to submit data in anticipation of the April 26 opening of the data collection period. When the collection opens, resources to assist filers with submissions will be available online at <https://EEOCdata.org>. An EEOC Filer Support Team will also be available to respond to filer inquiries and to provide additional filing assistance. Questions can also be directed to NADA Regulatory Affairs at regulatoryaffairs@nada.org.

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A NOTE FROM DMV RE: INPUT ON DEALER TRAINING/REGISTRATION PROCESSING

Please encourage your dealership staff to share their ideas/suggestions via return email to me. Thanks!

We are developing a dealership training program that will include an element of registration processing. It will be in a Teams or other similar platform. The goal is to make sure the dealers have the tools needed to submit correct information to both the dealer section and mail processing to avoid (or at least lessen) returns. The training will be basically around forms, correct usage and completing properly. At this time, it does not include ideas for speeding up processing (titles) which has been voiced in earlier communications.

To that end, do you know of specific subject matters of interest to dealers for this training or the number of individuals from dealerships who would attend? We anticipate offering this more than once a year. Historically, a significant number of submissions are incomplete and require follow up, which cause delays. It would be helpful for us to know if there are specific needs for training relative to forms.

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SCAM ALERT: ADS CAN LOOK A LOT LIKE INVOICES

ITEMIZED ORDER FORM / QUOTE	QTY	UNIT PRICE	AMOUNT
Concentrated Cleaner and Degreaser	1	\$579.99	\$579.99
Shipping	1	\$60.99	\$60.99
Discount (Code:50OFF2021)	1	(\$50.00)	(\$50.00)
ADD ADDITIONAL ITEMS BELOW THIS LINE			
SUBTOTAL			590.98
TAX			-
TOTAL			\$ 590.98

YOUR BUSINESS IS APPRECIATED

Keep an up-to-date list of approved vendors and carefully review all invoices. Those two steps will help prevent accidentally paying for a product or service you didn't order.

As unscrupulous organizations try to find new ways to bilk businesses out of money, the "fake invoice" approach continues to be popular. With this scam, a dealership receives what appears to be an invoice for services or products already purchased. A look at the fine print will usually make it clear that the paper is actually a quote or order form, but someone paying the bills quickly could miss those words. And that is what these

companies are banking on.

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REGULATORY REFRESH: WITH FFCRA ENDING, FMLA MAY COVER LEAVE

The Families First Coronavirus Response Act (FFCRA), which required most employers with fewer than 500 employees to provide employees with emergency paid sick leave and paid expanded family and medical leave for specified reasons, expired on December 31, 2020. Covered private employers with fewer than 500 employees are permitted to claim the same tax credit associated with FFCRA leave that they voluntarily provided to their employees between January 1, 2021 and March 31, 2021. Beginning April 1, 2021 FFCRA-related leave and associated tax credits are no longer available. The FFCRA poster no longer needs to be displayed.

Some employees may be entitled to unpaid leaves of absence under the Family and Medical Leave Act (FMLA) which provides employees at covered employers with job-protected leave for qualified family and medical reasons-but the law can be confusing for both employers and employees.

Who is a covered employer?

Covered employer means that you have 50 or more employees (that means the number of total human beings on the payroll-not "full-time equivalents" or other measurement) working within a 75-mile radius for each working day during 20 or more calendar workweeks (those workweeks do not have to be consecutive) in the current or prior calendar year.

Who is an eligible employee?

In order to be eligible for benefits under FMLA, an employee must work for a covered employer and have been employed for at least 1,250 hours of service for the employer during the previous 12-month period immediately before the leave begins. If an employer is not "covered" or the employee is not "eligible" as defined above, the FMLA does not apply and the employee is not entitled to leave under the act. In situations where FMLA applies it provides for up to 12 weeks of unpaid, job-protected leave in a 12-month period for one or more of these reasons:

1. For the birth and care of a newborn child of an employee;
2. For placement with an employee of a child for adoption or foster care;
3. To care for an immediate family member (spouse, child, or parent) with a serious health condition; or
4. To take medical leave when the employee is unable to work because of a serious health condition.

What happens to health benefits when an employee is on leave?

During the period of leave, the employer is required to maintain group health benefits on the same terms and conditions as if the employee continued to work instead of taking leave. People who are not at work, on paid leave, or on FMLA leave may not be eligible for participation in your group health insurance program. You should consult

with your health insurance provider or COBRA administrator to determine eligibility for coverage for such people.

Does FMLA leave have to be paid?

FMLA does not require paid leave. However, it does permit an employee to choose, or an employer to require, the use of accrued paid vacation leave or paid sick or family leave for some or all of the FMLA leave period.

Are there any other provisions to be aware of?

There are separate provisions permitting up to 26 workweeks of leave during a single 12-month period to care for a covered military service member with a serious injury or illness when the employee is the spouse, child, parent, or next of kin of the service member.

Are there any Vermont-specific laws?

In addition to the provisions of FMLA, [Vermont's Parental Leave](#) law covers employers with 10 or more employees who work an average of 30 hours per week over the course of a year.

Questions?

[FMLA Frequently Asked Questions from the Department of Labor.](#)
[The Family and Medical Leave Act \(FMLA\) Handbook](#) - provided by UNUM

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New NADA Driven Guide: Buying & Selling a Dealership

NADA has added to its suite of learning products ***A Dealer Guide to Buying and Selling a Dealership***. The latest management guide applies the planning considerations to each phase of the buying and selling process and includes a detailed checklist of action items for both buyers and sellers. [ACCESS THE GUIDE](#) (NADA member login required.)

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WORKERS' COMP SAFETY CORNER

"Service Advisor trips on air hose and fractures elbow." ALL TOO COMMON AN INJURY. Make sure your employees roll up air hoses when not immediately in use. Leaving them out in walkways with electric cords and other tools is a common cause of WC injuries. Good housekeeping is critical to having a safe workplace.

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ADVISORS SEE CONTINUED DEMAND FOR DEALERSHIP ACQUISITIONS

High demand for dealership acquisitions is likely to continue in 2021, according to firms that broker buy-sells. "We are well on pace to exceed our record activity in 2020 of the sale of 37 dealership franchises including the largest strategic transaction from a price perspective in history," says George Karolis, president of the Presidio Group. Karolis is referring to last year's \$735 million acquisition by Asbury Automotive Group

of most of the Dallas-based Park Place Dealerships, representing additional annual revenue of about \$1.7 billion. In 2021, Karolis and his competitors expect keen demand for dealerships to continue, led by publicly traded new-vehicle dealership groups such as Asbury and Lithia Motors, which have announced huge acquisition targets in the next few years.

Source: WardsAuto

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BIDEN'S INFRASTRUCTURE PLAN WILL AVOID GAS TAX HIKE, VEHICLE MILES FEE

Transportation Secretary Pete Buttigieg said on Monday the White House will not propose hiking gasoline taxes or a new vehicle miles traveled fee to pay for a proposal to massively boost infrastructure spending. According to Automotive News, Buttigieg told CNN a vehicle miles traveled fee is "not part of the conversation about this infrastructure bill." Buttigieg has previously spoken about the idea of a VMT but has acknowledged it faces challenges regarding privacy and technology. He also told CNN a gas tax hike is not under consideration. "I want to reiterate the president's central commitment here. If you're making less than \$400,000 a year, this proposal will not involve a tax increase for you," he said. Earlier, the White House said President Joe Biden will outline on Wednesday how he would pay for his \$3 trillion to \$4 trillion plan to tackle America's infrastructure needs, a proposal likely to include tax increases first laid out on the campaign trail. Read more here (requires subscription).

Source: Automotive News

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NADA: Managing Pricing Discretion in Credit Transactions

Several consumer advocates and senior government officials allege that dealers exercise "unfettered" pricing discretion when determining the amount they will earn for originating credit contracts with consumers. They further argue that this can lead to arbitrary pricing and, worse, pricing that discriminates against protected groups of consumers.

The Department of Justice recognizes this risk but also has stated that there are ways to manage it. In "[Managing Pricing Discretion in Credit Transactions: A Path Forward](#)," NADA explains how the optional [NADA/NAMAD/AIADA Fair Credit Compliance Policy & Program](#) provides a means of managing pricing discretion that fully adopts and builds on the method DOJ has used to settle pricing discrimination claims against automobile dealerships.

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