

Coronavirus Laws and Your Dealership: Live Q&A

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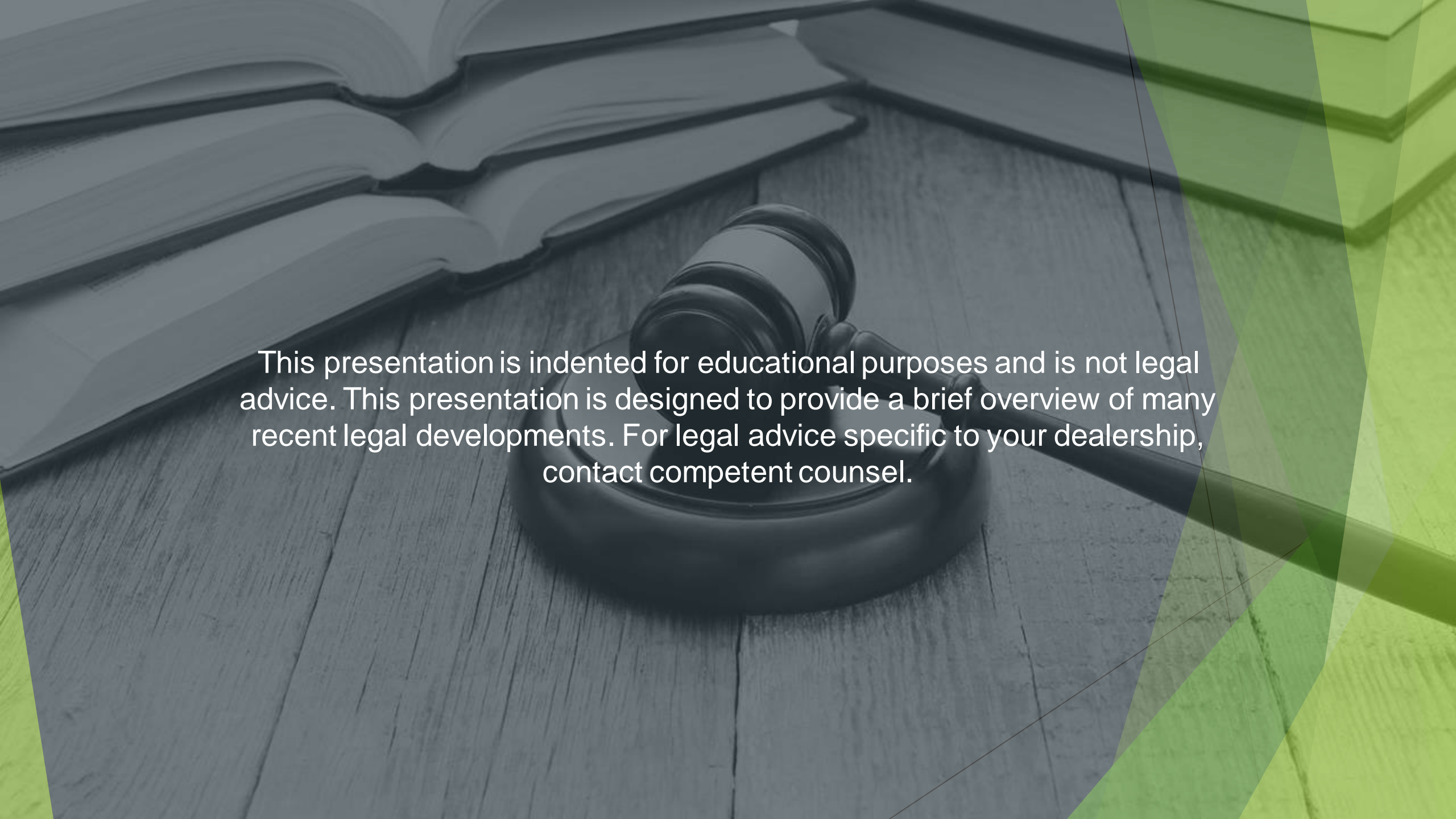
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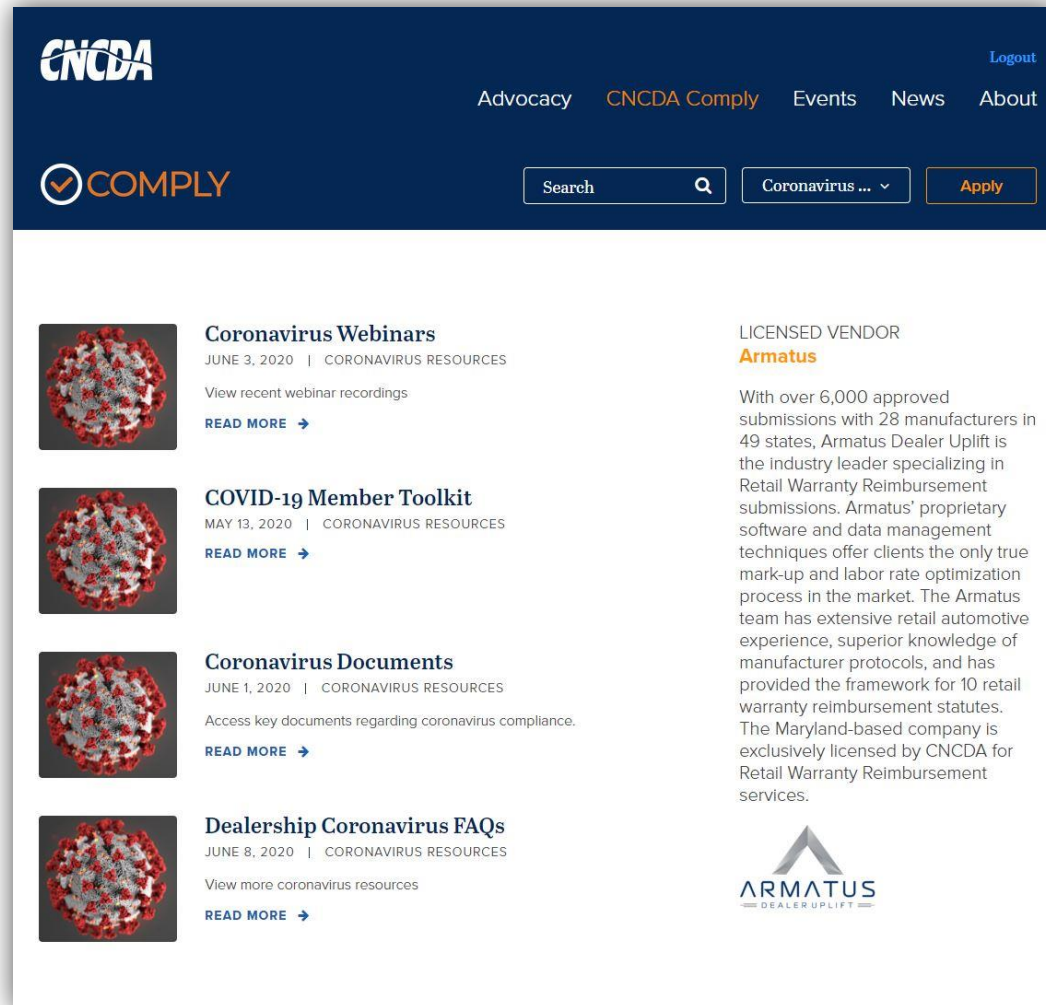
What are we covering today?

1. Status of Dealership Operations
2. Frequently Asked Questions
3. Live Q&A



This presentation is indented for educational purposes and is not legal advice. This presentation is designed to provide a brief overview of many recent legal developments. For legal advice specific to your dealership, contact competent counsel.

Free Online Resources for CNCDA Members



The screenshot shows the CNCDA website's 'COMPLY' section. The header includes the CNCDA logo, a 'Logout' link, and navigation links for 'Advocacy', 'CNCDA Comply', 'Events', 'News', and 'About'. Below the header is a search bar with the text 'Coronavirus ...' and an 'Apply' button. The main content area features four resource cards, each with a coronavirus icon, a title, a date, and a 'READ MORE' link. To the right of these cards is a section for 'LICENSED VENDOR Armatus', which includes a detailed description of their services and their logo.

CNCDA Logout

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Access key documents regarding coronavirus compliance.
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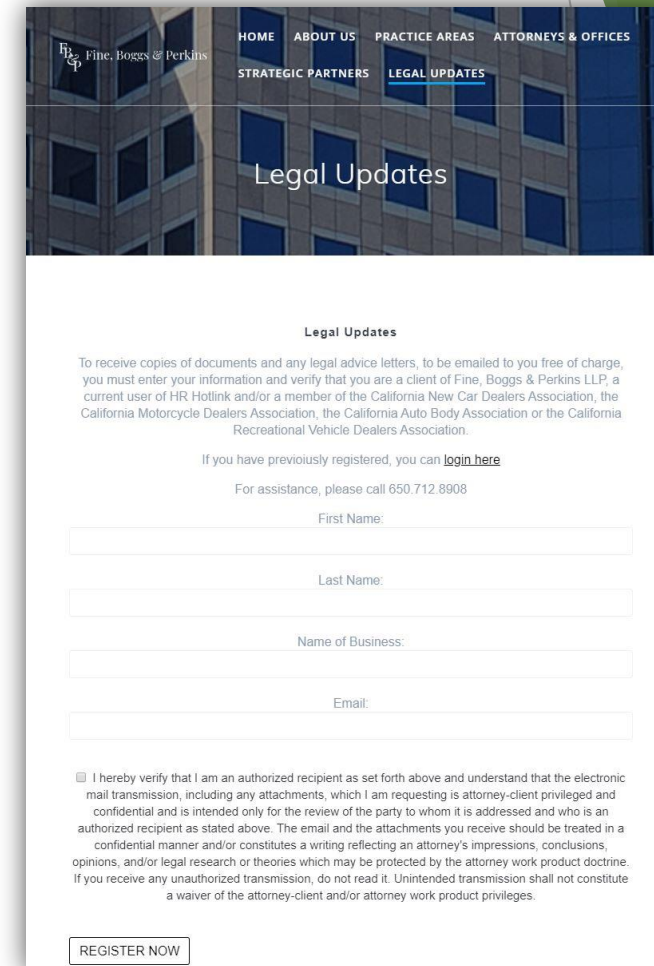
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With over 6,000 approved submissions with 28 manufacturers in 49 states, Armatus Dealer Uplift is the industry leader specializing in Retail Warranty Reimbursement submissions. Armatus' proprietary software and data management techniques offer clients the only true mark-up and labor rate optimization process in the market. The Armatus team has extensive retail automotive experience, superior knowledge of manufacturer protocols, and has provided the framework for 10 retail warranty reimbursement statutes. The Maryland-based company is exclusively licensed by CNCDA for Retail Warranty Reimbursement services.

ARMATUS
DEALER UPLIFT

<https://www.cncda.org/dealer-coronavirus-resources/>



The screenshot shows the 'Legal Updates' form on the website of Fine, Boggs & Perkins LLP. The header includes the firm's name and navigation links for 'HOME', 'ABOUT US', 'PRACTICE AREAS', 'ATTORNEYS & OFFICES', 'STRATEGIC PARTNERS', and 'LEGAL UPDATES'. The form itself is titled 'Legal Updates' and includes a paragraph explaining the purpose of the form. Below this are four input fields for 'First Name', 'Last Name', 'Name of Business', and 'Email'. A checkbox is provided for users to verify that they are an authorized recipient. At the bottom of the form is a 'REGISTER NOW' button.

Fine, Boggs & Perkins LLP

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STRATEGIC PARTNERS **LEGAL UPDATES**

Legal Updates

To receive copies of documents and any legal advice letters, to be emailed to you free of charge, you must enter your information and verify that you are a client of Fine, Boggs & Perkins LLP, a current user of HR Hotlink and/or a member of the California New Car Dealers Association, the California Motorcycle Dealers Association, the California Auto Body Association or the California Recreational Vehicle Dealers Association.

If you have previously registered, you can [login here](#)

For assistance, please call 650.712.8908

First Name:

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REGISTER NOW

<https://www.employerlawyers.com/legal-updates/>

CNCDA COVID-19 Member Toolkit

- ▶ Contains many helpful resources on issues discussed in this webinar
- ▶ Available on CNCDA Comply
- ▶ Frequently Updated

MEMBER TOOLKIT



Restarting California's New Car Dealerships in the Wake of COVID-19

OVERVIEW

This CNCDA Member Toolkit is designed to help dealerships implement new protocols and procedures, ensuring the health and safety of consumers and employees, in the wake of the COVID-19 crisis. This document is not intended as legal advice, nor is it intended to be comprehensive regarding all COVID-19 compliance matters. Instead, this toolkit is designed as an informational checklist, which includes key resources for critical areas that dealerships need to be aware of as they reopen to the public and begin to resume day-to-day operations. Dealers should also note that while CNCDA intends to use its best efforts to update this document, COVID-19 compliance issues continue to change quickly. For legal advice, contact competent counsel.



Key Resources

- State of California – [Industry Guidance and Checklist on Auto Dealership COVID-19 Operations](#)
- Cal/OSHA – [Guidance on Requirements to Protect Workers from Coronavirus](#)
- Centers for Disease Control and Prevention (CDC) – [Interim Guidance for Businesses and Employers to Plan and Respond to COVID-19](#)

GENERAL REQUIREMENTS

- ✓ Designate someone at your dealership that is responsible for COVID-19 health and safety compliance.
- ✓ Purchase equipment necessary to comply with health requirements (e.g., face masks, touchless body thermometers, hand sanitizers, disinfectant wipes, etc.).

COVID-19 General Checklist for Automobile Dealerships and Rental Employers

July 2, 2020

This checklist is intended to help automobile dealerships and rental employers implement their plan to prevent the spread of COVID-19 in the workplace and is supplemental to the [Guidance for Automobile Dealers and Rental Employers](#). This checklist is a summary and contains recommendations for some parts of the guidance; familiarize yourself with the guidance before using this checklist.



Contents of Written Workplace Specific Plan

- ☐ The person(s) responsible for implementing the plan.
- ☐ A risk assessment and the measures that will be taken to prevent spread of the virus.
- ☐ Use of face coverings, in accordance with the [COVID-19 Guidance](#).
- ☐ Training and communication with workers and worker representatives on the plan.
- ☐ A process to check for compliance and to document and record decisions.
- ☐ A process to investigate COVID-cases, alert the local health department, and identify and isolate close workplace contacts of infected workers.
- ☐ Protocols for when the workplace has an outbreak, in accordance with [COVID-19 Guidance](#).
- ☐ Update the plan as necessary to prevent further cases.



Register for Workplace Training

Part 1 STATUS OF DEALERSHIP OPERATIONS

Status of Dealership Operations



- ▶ Most California dealerships are now subject to the state's Regional Stay Home Order.
- ▶ The Regional Stay Home Order is triggered in a region when ICU availability falls below 15%. It is currently triggered in the following regions:
 - ▶ Southern California: Imperial, Inyo, Los Angeles, Mono, Orange, Riverside, San Bernardino, San Diego, San Luis Obispo, Santa Barbara, Ventura
 - ▶ San Joaquin Valley: Calaveras, Fresno, Kern, Kings, Madera, Mariposa, Merced, San Benito, San Joaquin, Stanislaus, Tulare, Tuolumne
 - ▶ Bay Area: Alameda, Contra Costa, Marin, Monterey, Napa, San Francisco, San Mateo, Santa Clara, Santa Cruz, Solano, Sonoma
- ▶ Greater Sacramento existed the Regional Stay Home Order on January 12. Most counties currently in somewhat less restrictive Purple Tier.

Regional Stay Home Order Restrictions

- ▶ Allows “critical infrastructure sector” businesses (such as dealerships) to continue to operate, subject to various requirements.
 - ▶ Dealerships must observe the COVID-19 Industry Guidance and Checklist (discussed in December 2020 webinar)
- ▶ Regional Stay Home Order imposes stringent restrictions on retail businesses:
 - ▶ Indoor operations limited to 20% capacity.
 - ▶ When calculating capacity limits, staff is generally not included.
 - ▶ Exception: Santa Clara County (staff included)
 - ▶ Bottom line: capacity limitations must be imposed to maximize social distancing.
 - ▶ Customer access to indoor spaces “must be strictly metered” to ensure compliance.
 - ▶ The sale of food, beverages, and alcohol for in-store consumption is prohibited.
 - ▶ Does not prohibit customers from purchasing food and consuming it outside.
 - ▶ Does not prohibit employees from bringing their own food to work to eat.
- ▶ CNCDA recommends that dealers observe the retail business requirements for their retail operations (vehicle and parts sales)

Always Enforce the Basics!

- ▶ Businesses are increasingly being penalized by fire marshals, health inspectors, and other local officials for non-compliance with health requirements.
- ▶ Enforcement may involve warnings, monetary fines, and/or an order to temporarily shut down a business.
- ▶ By far, the biggest reason why business are being penalized are non-compliance with face covering requirements and overcrowding.
- ▶ **The proper use of face coverings and social distancing must be enforced on an ongoing basis. Compliance with these requirements are the most visible example of how serious your dealership is adhering to health requirements.**

Prior Webinar Recordings Available

- ▶ Prior webinar recordings available on CNCDA Comply.
- ▶ The December 15, 2020 webinar provides an overview of requirements applicable to California dealerships. (Still mostly current)
- ▶ CNCDA members can view at: <https://www.cncda.org/publications/coronavirus-webinars/>

The screenshot displays the CNCDA website's 'Coronavirus Webinars' page. The header features the CNCDA logo and navigation links for 'Advocacy' and 'CN'. Below the header, a breadcrumb trail reads 'HOME | CNCDA COMPLY | CORONAVIRUS WEBINARS'. The main heading is 'Coronavirus Webinars', dated 'DECEMBER 15, 2020', with links to 'CNCDA' and 'COVID-19 UPDATES'. A 'PRINT' button with a right arrow is visible. To the right is a small image of a coronavirus particle. The featured webinar is 'Coronavirus Laws and Your Dealership: Part VI', dated 'December 15, 2020'. Below this is a video player with a green geometric background. The video title 'Coronavirus Laws and Your Dealership: Part VI' is prominently displayed in green. A small CNCDA logo and the text 'from CNCDA' are in the top left of the video frame. The video player includes a play button, a progress bar showing '1:40:36', and a 'vimeo' logo. On the right side of the video frame, there are icons for a heart, a clock, and a share arrow. The CNCDA logo is also visible in the bottom right corner of the video frame.

CNCDA

Advocacy CN

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Coronavirus Webinars

DECEMBER 15, 2020 | CNCDA | COVID-19 UPDATES

PRINT →

Coronavirus Laws and Your Dealership: Part VI

December 15, 2020

CNCDA
from CNCDA

Coronavirus Laws and Your Dealership: Part VI

December 15, 2020
Brian Maas, CNCDA President
Anthony Bento, CNCDA Director of Legal and Regulatory Affairs
John P. Boggs, Fine, Boggs & Perkins LLP

1:40:36 vimeo



Part 2

FREQUENTLY ASKED QUESTIONS

Common Questions – Employee Leave

- ▶ I heard the FFCRA expired; should I continue to pay my employees that are on leave due to contracting COVID-19 or close contact to a person that has COVID-19?
 - ▶ Unless you can demonstrate that exposure was not workplace related, you should continue to pay them while they are quarantining due to exposure or isolation.
 - ▶ Best practice: Pay all employees if they qualify for FFCRA paid sick leave (tax credit available through March 31).
 - ▶ Note: Law may change in near future. Biden Administration is proposing modifying and reinstating the FFCRA mandate and extending it through September 2021.
 - ▶ Note: Some local jurisdictions are imposing paid sick leave requirements akin to FFCRA. (e.g., Oakland)

Common Questions – Employee Leave

- ▶ Should I require that employees quarantine after interstate travel?
 - ▶ The state *recommends* (but does not require) a 10-day quarantine period after non-essential interstate travel. If an employee elects to quarantine, they should be provided with leave and FFCRA tax credits could reimburse dealers for providing compensation during the leave period.
 - ▶ Major local jurisdiction exceptions:
 - ▶ Los Angeles County (quarantine required after non-essential travel outside Southern California Region)
 - ▶ Santa Clara County (quarantine required after non-essential travel of more than 150 miles from County borders)

Common Questions – Operations

- ▶ Do I need to shut down employee break rooms?
 - ▶ Not under the statewide guidance. However, some local jurisdictions require break rooms to be closed (e.g., Santa Clara County). Also, social distancing and the use of face coverings must be strictly enforced in the break rooms. Consider reconfiguring your break room to enforce distancing and stagger lunch breaks to minimize high traffic. Closing a break room is preferable to allowing employees to congregate in a manner that violates social distancing.

Common Questions – Operations

- ▶ Do I need to shut down vending machines?
 - ▶ If your dealership is subject to the Regional Stay Home Order, shutting down vending machines is strongly encouraged, as retailers are prohibited from selling food or drinks for in-store consumption. If your dealership is not subject to the Regional Stay Home Order, frequently touched areas of vending machines should be regularly cleaned, and customers should be encouraged to eat outside.

Common Questions – Returning to Work

- ▶ How long should employees quarantine? 10 or 14 days?
 - ▶ A 10-day quarantine period is now recommended for employees with no COVID-19 symptoms that are quarantining due to “close contact” with an infected individual.
 - ▶ Employees that contract COVID-19 and are symptomatic may return to work after at least 10 days since symptoms first appeared and at least 24 hours with no fever without fever-reducing medication and other symptoms of COVID-19 are improving.
 - ▶ If a person tests positive, but has no symptoms, they can return after 10 days from the date of the positive test.

Common Questions – Returning to Work

- ▶ May I require negative tests for employees before they can return to work?
 - ▶ No. Cal/OSHA regulations specifically prohibit the use of negative tests in this manner.
 - ▶ Why? People can test positive for COVID-19 weeks after they are no longer contagious or symptomatic.



Part 3 LIVE Q&A

Thank you!

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