

Dealer Advisory

May 8, 2020



Trouble viewing this message? [View as Webpage](#)

New EO Extends the "Stay Home" Order and Reopens Manufacturing

On Thursday, Governor Whitmer announced an extension to the current "stay home, stay safe" order, which is the order that keeps dealership showrooms closed. (Temporarily suspending certain activities that are not necessary to sustain or protect life.) The previous "stay home" order was set to expire on May 15, 2020. The new [Executive Order 2020-77](#) extends this through May 28, 2020.

While the date has been extended, the order does not change anything else about the way dealerships are currently operating. However, if your dealership does not already have a formal preparedness and response plan, it will be necessary to develop one, in accordance of Section 11(a) of the EO.

- *11) Businesses, operations, and government agencies that remain open for in-person work must, at a minimum:*
- *(a) Develop a COVID-19 preparedness and response plan, consistent with recommendations in Guidance on Preparing Workplaces for COVID-19, developed by the Occupational Health and Safety Administration and available [here](#). Such plan must be available at company headquarters or the worksite.*

Governor Whitmer also announced her MI Safe Start Plan, which outlines how we will begin to re-engage while continuing to keep our communities safe. Re-engagement will happen in six phases. She has stated that the businesses necessary to protect and sustain life are already open. As we move into lower-risk phases, additional business categories will re-open and the restrictions on public gatherings and social interactions will ease.

The governor has stated that Michigan is currently in phase 3.

MI Safe Start Plan: Phase 3, Flattening

Of significance to our industry, manufacturing reopens

Phase 3 is defined as daily new cases and deaths remaining relatively constant over a time period. As part of this phase, manufacturing is again permitted with additional safety measures and guidelines. Executive Order 2020-77 will allow manufacturing workers, including those at Michigan's Big 3 auto companies, to resume work on or after Monday, May 11.

The governor appears to be following her previous EO in allowing the top of the supply chains to open and then follow with the downstream businesses. She is remaining consistent in saying she is the only one who can make the decision as to when a business can open.

DADA, MADA and ADM continue to provide the governor with information daily on the need to open dealership showrooms. We have written joint letters, emailed and phoned her team daily, and continue to work with the legislative leaders and members to advocate for the reopening. As we learn more, we will follow up with dealers.

More detailed information on these updates...

- [Press release extending "stay home" and opening manufacturing](#)
 - [Executive Order 2020-77](#)
-

MI Safe Start Plan: Controlling Spread in the Workplace

In announcing the six phases, Governor Whitmer has also provided "best practices" that workplaces should follow, with different levels of importance depending on the industry. The proper implementation of these best practices will mitigate risk in the workplace and allow for a safe and sustained return to work. If workplaces fail to follow some or all of these guidelines, it may curb the state-wide progress toward the revitalization phase and result in a re-instating of stricter social limitations.

These best practices fall into five categories:

- Access control: Implementing best practices to quickly identify and catalogue potential introductions of COVID-19 into the workplace
- Social distancing: Minimizing levels of close contact within the workplace to limit the spread of COVID-19 among workers
- Sanitation / Hygiene: Increasing both the frequency and vigor of common cleaning practices as well as implementing new ones to reduce the amount of time COVID-19 can live on surfaces
- PPE: Ensuring all employees have access to personal protective equipment to keep them from both contracting and transmitting the COVID-19 virus
- Contact tracing / Isolation: Designing and imparting to employees important procedures and protocols on what occurs if an employee is suspected to have and/ or diagnosed with COVID-19

Please see the final two pages of the MI Safe Start Plan for complete bullet points that fall under each of these categories.

More detailed information on these updates...

- [Press Release on the MI Safe Start Plan](#)
- [MI Safe Start Plan Outline](#)

REMINDER: Monday Conference Call with Senator Jim Ananich

Dealers are reminded of the opportunity to listen-in on a conference call with Senate Minority Leader Jim Ananich (D-27, Flint). This is our second conference call with legislative leadership to discuss Michigan's COVID-19 response.

**Conference Call with Senator Jim Ananich
Monday, May 11 at 11:00 am**

Email Debbie Stapleton-Korn (dkorn@michiganada.org) to request the call-in information.

New and Updated Information from Fisher Phillips

Loan Calculations and a Checklist

Dealers will find the following two documents from Fisher Phillips very informative and helpful.

NEW! [10 Steps to Paycheck Protection Program Loan Forgiveness](#)

This document covers the calculation for determining loan forgiveness.

NEW! [Back to Business Checklist](#)

From hiring and recalling considerations, to developing a COVID-19 reporting process and workplace safety operational considerations, plus more.

Legal Action from Current and Former Employees

Fisher Phillips has also provided three new legal alerts related to employees suing as a result of unpaid wages or termination.

May 6 -- [New COVID-19 Lawsuit Sends Warning To Employers Too Large To Be Covered By FFCRA](#)

The case, filed in federal court in the Northern District of Indiana, is one of the first of many anticipated lawsuits as the country begins to emerge from the worldwide pandemic. What can all employers – especially those who believed they were well outside the reach of the FFCRA – learn from this claim?

May 6 -- [Fair WARNING: COVID-19 WARN Act Class Action Filed Against Hooters](#)

It took less than a month for the plaintiffs' bar to seize upon what is likely to be the first of many COVID-19-related class action lawsuits alleging violations of the Worker Adjustment and Retraining Notification Act, also known as the WARN Act. The first such lawsuit, filed against a popular restaurant chain in Florida, highlights several important lessons for employers who are considering or have recently implemented layoffs due to government shut-down orders and a decline in business.

May 7 -- [Litigation Seeking Unpaid Wages From Employers Has Arrived](#)

One recent class and collective wage and hour lawsuit filed in a New Jersey federal court highlights the risks employers face should they fail to pay their employees in accordance with the law. In *Olsen v. Ratner Companies L.C. d/b/a Hair Cuttery, et al.*, a former hair stylist seeks to recover wages that she claims remain unpaid for work performed prior to the COVID-19 shutdowns...

Fisher Phillips Back to Business FAQs

May 6 -- [Post-Pandemic Back-To-Business FAQs For Employers](#)

New questions and answers include:

- After shelter-in-place orders are lifted, can we require an employee to notify the company if they have been exposed, have symptoms, and/or have tested positive for the COVID-19 coronavirus?
- Will the loan forgiveness amount be reduced if we offered to rehire the same employee we laid off, but the employee declined the offer?
- We applied for and received a PPP loan, but are having second thoughts about using it. What should we consider if we may want to return the loan?

News from NADA

NADA Releases Guide on Federal Aid Programs

May 7 -- NADA has released a short summary of federal aid programs that are available to qualifying businesses to respond to the COVID-19 crisis. Dealers should review these options with their legal and financial advisors. [Read the Guide](#)



Next Week's Webinars from NADA

How Digital Retailing Impacts Profitability

Tuesday, May 12, 1pm-2pm ET ([register](#))

NADA Academy instructor Michael Lucki and Roadster chief marketing officer Michelle Denogean will explore the impact of digital retailing on gross profits, staffing and organizational structure.

Payment Automation: Your Dealership's Continuity Plan

Wednesday, May 13, 1pm-2pm ET ([register](#))

Pam Cichoke, VP of sales at Nvoicepay, will discuss how payment automation can ensure accurate and timely payments to your suppliers and secure your payment data, security and availability.

Proactive Recovery: Comprehensive Planning for Reopening Your Dealership

Thursday, May 14, 1pm-2pm ([register](#))

Ian Grace, senior manager of Partner Performance, will share his approach for reopening dealerships, detailing specific and actionable measures you can take now.

The Best Ideas from ATD 20 Groups, Part 2: In Times of COVID-19 Pandemic

Friday, May 15, 1pm-2pm ET ([register](#))

ATD 20 Group consultant Ray Grapsy will review best ideas on business development, marketing, sales, parts and service and communications and discuss key short- and long-term strategy initiatives as dealers recover from the economic damage of the pandemic.

The complete NADA Lifeline Series webinars can be found [here](#).

Please feel free to contact DADA at (248) 643-0250 or MADA at (800) 292-1923 if you have any questions.

*This advisory has been prepared in conjunction with
Colombo & Colombo, P.C., and Abbott Nicholson, P.C.*

Michigan Automobile Dealers Association

1500 Kendale Boulevard, P.O. Box 2525

East Lansing, MI 48826-2525

www.michiganada.org

Phone (517) 351-7800

Fax (517) 351-3120

Detroit Auto Dealers Association

1900 West Big Beaver

Troy, MI 48084-3537

www.dada.org

Phone (248) 643-0250

Fax (248) 643-8788