

Dealer Advisory

May 20, 2020



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New Information This Week for Dealerships

We would like to thank the many dealers who dialed-in for the Monday conference call with Governor Whitmer. Nearly half of our dealerships were represented!

When asked about dealership showrooms reopening, the governor mentioned that she hoped to have new information for our members later this week. A press conference was originally scheduled for this afternoon. However, it has been moved to Thursday at 10:00 am, to allow the governor to focus today on the failure of two dams and significant flooding in some areas of mid-Michigan. This may be a press conference you would like to watch.

We are cautiously optimistic that her Thursday press conference will provide some reopening guidelines, specific to dealerships and showrooms. We encourage dealers throughout the state (including northern dealers in regions 6 and 8) to become familiar with the requirements previously discussed in [Executive Order 2020-91](#) section 6, describing safeguards to protect Michigan's workers from COVID-19. Revisions to the guidelines may be necessary once we hear from the governor on Thursday, but this will provide an initial look on what reopening operations may look like.

Dealers are also reminded of the various resources within the DADA/MADA [advisory from May 14](#), which discussed developing a plan to reopen your dealership.

We will follow up with dealers tomorrow, after the press conference.

MDHHS Authorizes Civil Fines and Referral to Licensing Agencies for Violations of EOs

Michigan Department of Health and Human Services (MDHHS) Director Robert Gordon issued an [Emergency Order](#) on Monday, May 18, finding that the procedures and restrictions in Executive Orders 2020-69, 2020-71, 2020-91 and 2020-92 are needed to control the COVID-19 epidemic, reinforcing the governor's orders and allowing for civil fines of up to \$1,000 and referral to licensing agencies for violations.

The Emergency Order requires that everyone must comply with the procedures and restrictions outlined in the following Executive Orders:

- Executive Order 2020-69, which places temporary restrictions on the use of places of public accommodation.
- Executive Order 2020-71, which establishes temporary safety measures for food-selling establishments and pharmacies and temporary relief from requirements applicable to the renewal of licenses for the food-service industry.
- Executive Order 2020-91, which places safeguards to protect Michigan's workers from COVID-19.
- Executive Order 2020-92, which establishes a temporary requirement to suspend certain activities that are not necessary to sustain or protect life.

Any violations of this Emergency Order by a person regulated by a licensing agency must be referred to the relevant licensing agency for a determination on whether to pursue additional enforcement action on a case-by-case basis.

This new order rescinds an April 2 order that made the same finding with respect to earlier versions of the governor's orders.

[Press release](#)

New Information from Fisher Phillips

Fisher Phillips has released two new legal alerts and provided new FAQs for those who applied for and received PPP loans.

May 19 Legal Alert -- [Michigan Governor Consolidates In-Person Workplace Safety Requirements And Announces Initial Reopening Standards](#)

Summary of the general requirements all employers must follow, as well as the industry-specific requirements that must be followed.

May 19 Legal Alert -- [Labor Board Temporarily Changes Notice Posting Requirement Due To Pandemic](#)

The National Labor Relations Board usually requires employers to post on their premises notices of findings made against it by the Board within 14 days. However, the NLRB has temporarily modified this standard rule in order to account for the changing environment created by COVID-19. Specifically, the Board recently decided that, in light of the coronavirus pandemic, employers whose facilities are currently closed but have been ordered to post a notice of violations of federal labor law must wait to do so until their offices reopen.

May 19 -- [Post-Pandemic Back-To-Business FAQs For Employers](#)

Fisher Phillips has added an updated a number of questions related to PPP loans and loan forgiveness. Following are a few of these questions. Please see the section on [SBA loans](#) for more information.

- What if the employees I want to pay under such a circumstance are collecting unemployment?
- How we can secure loan forgiveness if some of the employees we want to rehire to comply with the program refuse to come back to work?
- Do we have to bring everyone back by June 30 that we laid off since February 15? Do we have to restore all wages too? Are both required?
- What if we have an employee who hasn't worked a full quarter? What rate do we use?
- 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?
- What is the exact calculation for determining loan forgiveness?
- What is included in "rent"?

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
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