

Dealer Advisory

May 26, 2020



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Dealership Showrooms Are Open for Business!

Late on Friday, Governor Whitmer signed [Executive Order 2020-100](#) to extend Michigan's Safer at Home order until June 12, 2020. The governor also signed [Executive Order 2020-99](#) to extend the state of emergency declaration related to the COVID-19 pandemic. The emergency declaration is extended until June 19, 2020.

While these two orders have been extended, dealerships throughout Michigan are still permitted to reopen full operations today (by appointment), per [Executive Order 2020-96](#). Most dealers have been developing their individual reopening plan for a few weeks and have their plan in place. However, we know the new rules and requirements have been coming at you quickly. Following are a few reminders in case you still need information to help figure out your operational plan.

Customer Visits Must Be by Appointment

The governor requires that any in-person visits to the dealership be handled by appointment only. The "by appointment only" method allows dealers and team members to:

- Stagger customer visits to avoid clustering or gathering.
- Have appropriate staffing in place.
- Properly greet each customer.
- Review with the customer the new policies and procedures to maintain compliance with health and safety requirements.
- Remain with the customer throughout the entire process to ensure social distancing.
- Help the customer feel comfortable knowing what practices the dealership has implemented and that someone is especially assigned to them.

As far as what an appointment (or appointment window) looks like, and how much lead-time you need to constitute an appointment -- there is not a one-size-fits-all approach on the matter. Lead time will likely vary based on risk-tolerance, business model, number of employees available, day of the week and time of day. This should allow all potential customers to be accommodated.

Important Reminders for Reopening

[Executive Order 2020-97](#) requires businesses maintaining in-person activities to adopt social distancing practices and other mitigation measures to protect workers.

- Abbott Nicholson, PC created a [checklist](#) dealers may want to use to help meet the employer requirements detailed in EO 2020-97.
 - Colombo & Colombo, PC created a [sample template](#) (Word doc) to help develop the required COVID-19 preparedness and response plan. (Each dealer should work with his or her legal professional or other consultant to tailor it to the specific needs of each dealership.)
 - Additional links and guidance for reopening are also available within the [Coronavirus Toolkit](#) on MADA's website.
 - [DADA/MADA advisory](#) from May 21 with information about reopening.
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Face Coverings

[Executive Order 2020-96](#), Section 6(c), mandates that businesses and operations maintaining in-person activities must adopt social distancing practices and other mitigation measures to protect workers and patrons, as described in Executive Order 2020-97 and any orders that may follow from it.

This includes the use of face coverings by both your employees and your customers.

Safeguards for your employees and patrons...

[EO 2020-97](#), Section 1 maintains the requirement that employers must:

- (f) Provide non-medical grade face coverings to employees.
- (g) Require employees to wear face coverings when they cannot consistently maintain 6 feet of separation from others. Consider face shields when employees cannot consistently maintain 3 feet of separation from others in the workplace.

Section 6(d) of EO 2020-97 goes on to require retail businesses to post signs at store entrance(s) instructing customers of their legal obligation to wear a face covering when inside the store.

Rules governing face coverings for business employees and patrons are also discussed in [EO 2020-96](#), Section 15.

- (a) Except as provided in subsection (b) of this section, any individual able to medically tolerate a face covering must wear a covering over his or her nose and mouth—such as a homemade mask, scarf, bandana, or handkerchief—when in any enclosed public space.
- (b) An individual may be required to temporarily remove a face covering upon entering an enclosed public space for identification purposes. An individual may also remove a face covering while seated at a restaurant or bar.
- (c) All businesses and operations whose workers perform in-person work must, at a minimum, provide non-medical grade face coverings to their workers.

FAQs on Face Coverings...

Fisher Phillips has an extensive FAQ section on [masks in the workplace](#) that dealers may want to reference. Questions and answers include:

- What should you do if an employee claims they have a medical condition that prevents them from wearing a mask or face covering?
- After shelter-in-place orders are lifted, can an employee refuse to work without a mask?
- Should you pay for face coverings that employees wear?
- Do any OSHA requirements apply when employees wear face coverings?

Fisher Phillips also provides guidance on use of masks by customers:

- A customer or guest has indicated that they are exempt from any facemask requirement due to an underlying medical condition, and refuse to provide any further information. What should we do?

Reminder to Drop Off Dealer Paperwork

SOS branch offices are open this week to catch up on dealer paperwork.

- Drop off your dealer paperwork early in the week. Branch office staff will be working on new dealer drops-offs plus dealer work on hold since March. (Branches are scheduled to reopen to the public on June 1.)
- Attach [this form](#) to the top of your dealer paperwork so the branch can contact you when the work is complete and ready for pick up. **Allow up to (5) days for processing.**

- Knock on the branch office door and hand your paperwork to the staff person who answers. You will not be permitted inside the building.
- If you had a previously scheduled branch appointment next week – it has been cancelled to allow more time for staff to handle the drop off work.

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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