

# Dealer Advisory

May 28, 2020



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## A Proper COVID-19 Preparedness Plan Will Be Key

DADA and MADA would like to remind dealers of the importance of your mandated COVID-19 preparedness and response plan. The governor's executive order gives businesses until **June 1, 2020, or within two weeks of resuming in-person activities** (whichever is later) to have this plan finalized. The plan must also be made readily available to employees and customers, whether via website, internal network, or by hard copy. See [Executive Order 2020-97, Section 1\(a\)](#).

We know there are people who are cautious about returning to the workforce, despite work being available and the business taking necessary actions to protect all those concerned. Anyone who is concerned that a business is not doing enough to keep employees and the public safe can file a complaint with MIOSHA. A business's preparedness plan has proven effective as a defense against MIOSHA complaints.

Dealers are again reminded that Colombo & Colombo, PC has created a [sample template](#) if you still need guidance on developing your required COVID-19 preparedness and response plan. (It is important to note that this is just a template - each dealer should work with his or her legal professional or other consultant to tailor it to the specific needs of each dealership.)

If you have additional questions please contact your association.

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### Branch Office Reminders and Update

The Michigan Department of State opened their branch offices to dealer work *only* this past Tuesday. Dealers may drop off any and all work they have that requires processing. Dealers are to knock on the door and leave paperwork with the staff member who answers. The dealership will be notified when the work is complete. (Please complete [this form](#) and submit with your paperwork.)

Any previously scheduled appointments to visit the branch office have been canceled for the foreseeable future. For the time being, dealers will continue to drop off any work that needs to be processed and will be notified by the branch when work is completed. On Monday, June 1 the branches will be open for consumer work via appointment only.

**Dealers may not use the consumer appointment process.** If a dealer makes an appointment using the consumer appointment system, they will be turned away at the window and be required to drop off their work for completion.

*Note: branch offices may be closed during lunch. If so, there may not be a person answering the door during that time.*

### Other News and Updates

#### PPP Updates from NADA

Many dealers in Michigan and other small business owners have had difficulty working within the timelines of the Paycheck Protection Program funds. This is a topic we discussed on the conference call with Governor Whitmer recently. DADA



and MADA have also been working with NADA to get this message to Congress.

Last week, NADA joined a broad coalition of 126 national trade groups in sending a letter to the Trump Administration, asking for prompt action on a number of pandemic-related items, including more flexibility for small businesses participating in the PPP.

One of the issues NADA raised is a concern about dealerships finding it difficult to pay employees within the allotted time frame, based on individual state shutdown orders. This was obviously a significant concern for Michigan dealers, who only recently were allowed to fully reopen. NADA and others have pushed for an extended time frame to use the funds, and some flexibility on how the funds may be used such as increasing the percentage amount for non-employee expenses.

The House is now expected to [pass changes to the Paycheck Protection Program](#) on Thursday. House Majority Leader Steny Hoyer said the House and Senate should quickly agree on elements that will make the PPP more flexible. According to the Small Business Administration, loan approvals have slowed dramatically but there's \$100 billion in funding still available.

*More news from CNN: [House to vote on changes to small business pandemic aid program](#)*

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## Guidance from Fisher Phillips

### **May. 28 -- [Employers Beware: COVID-19 Litigation May Spark Additional Claims](#)**

As businesses across the country begin to face a wave of COVID-19-related workplace litigation, some are learning the hard lesson that some of these claims may also dredge up long-simmering employment conflicts unrelated to the pandemic.

### **May 27 -- [New Paycheck Protection Loan Rules Provide Some Answers](#)**

Questions about employee bonuses, payments made to owner employees and the Small Business Administration's (SBA) authority to audit Paycheck Protection Program loans (PPP) were answered just before the long Memorial Day weekend. Late on Friday evening, May 22, exactly one week after the SBA released its much anticipated PPP Forgiveness Application, the SBA and the U.S. Department of the Treasury issued two interim final rules (IFR) addressing some of the lingering issues with respect to PPP loan forgiveness.

### **May 26 -- [6-15-48: These 3 Numbers Offer A Simple Way To Understand Contact Tracing In The Workplace](#)**

Perhaps the most challenging aspect of encountering a suspected or confirmed case of COVID-19 among your employees as you reopen your business is identifying those employees who worked near the infected worker – and thus must also be quarantined. Luckily, there is a simple numerical sequence you can remember that will enable you to follow the CDC contact tracing guidelines for general businesses: 6-15-48....You will need infected employees to identify others who worked within 6 feet of them, for 15 minutes or more, within the 48 hours prior to the sick individual showing symptoms, or later.

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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.*

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