



July 28, 2020

Greetings from VADA,

In today's message, learn about Virginia's new workplace safety regulations, which became effective yesterday (July 27). Read how some VADA members have received unannounced visits from state officials, as the Commonwealth increases its enforcement of Phase Three health restrictions on businesses and individuals. Plus, read how a new executive order is coming to Hampton Roads — albeit one that should not significantly impact VADA members. Lastly, see a reminder about changes to the background check process for prospective salespersons, effective this Friday (August 1).

### **Virginia's new workplace safety regulations are effective as of yesterday (July 27).**

Yesterday (July 27), the Virginia Department of Labor and Industry (DOLI) [announced](#) publication of the Emergency Temporary Standard for Infectious Disease Prevention: SARS-CoV-2 Virus That Causes COVID-19, 16VAC25-220 (or ETS).

That makes the ETS—a string of new, COVID-19 centric workplace safety requirements the Virginia Safety and Health Codes Board adopted July 15—effective as of yesterday for all employers and employees under the jurisdiction of the Virginia Occupational Safety and Health (VOSH) Program. Although, employers have 30 and 60 days to meet various ETS training requirements.

The ETS is separate from Governor Ralph Northam's executive orders, which implement health restrictions on businesses and individuals separate from VOSH regulation. The ETS will last six months, until the expiration of the Governor's State of Emergency, until replaced with a permanent standard, *or* until repealed by the Safety and Health Codes Board.

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Already, VADA members have taken many of the steps the ETS requires as part of preexisting obligations to remain open during the pandemic. However, the ETS stipulates additional steps that dealers (most likely considered "medium" hazard employers) must take to promote workplace safety against the coronavirus and COVID-19 disease.

DOLI has made [several documents](#) available for dealers wishing to review them (see below), and VADA staff understands more guidance could be forthcoming. Your VADA team is analyzing the materials available and intends to provide further guidance on the ETS, **including a webinar in early August**. More details will follow, but VADA intends the webinar will both educate participants on the ETS and permit dealers and their employees to satisfy ETS training requirements that must be completed by August 26, 2020. **It is critical you or someone within your organization participates in this free webinar.**

**Violation of the ETS could result in civil penalties between \$13,494 and \$134,937 per violation; therefore, it is critical you thoroughly review the materials DOLI has made available, including the full ETS, then take steps necessary to ensure compliance. VOSH will conduct compliance inspections under the ETS.**

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#### **Important Dates to Complete Designated ETS Training Requirements in 2020:**

- 16VAC25-220-80 (except 16VAC25-220-80.B) by August 26, 2020.
- 16VAC25-220-80.B by September 25, 2020.
- 16VAC25-220-70 by September 25, 2020.

#### **DOLI Resources:**

- [Emergency Temporary Standard](#) (full text)

- [Training Certification Form](#)
- [Nine Steps to Achieve COVID-19 ETS Compliance](#)
- [Frequently Asked Questions](#)
- [PowerPoint Presentation on the ETS](#) (full, 110 pages)
- [PowerPoint Presentation on the ETS](#) (abbreviated, 29 pages)
- [Hazard Assessment](#)
- [Infectious Disease Plan Template](#)
- [Infographic](#)
- [Lower Risk Training](#)

Also consider [DOLI On-Site Consultation Services](#).

- DOLI offers On-Site Consultation Services to help businesses understand and comply with VOSH standards. For the ETS, priority will be given to “high” hazard workplaces with 250 or fewer employees. (VADA dealer members seem likely to fall under the “medium” hazard category.) All such services are offered to employers at no cost. For more on consultations, contact DOLI Consultation Program Manager Tracy Fitzpatrick at (804) 786-8707 or [Tracy.fitzpatrick@doli.virginia.gov](mailto:Tracy.fitzpatrick@doli.virginia.gov).

### **As Virginia increases enforcement of health restrictions, dealers receive unannounced visits from state officials.**

On July 14, Gov. Northam said Virginia would increase its enforcement of health restrictions on businesses and individuals to counteract a spike in percent positive cases in the state, particularly in Hampton Roads.

Attributing the surge to noncompliance with state directives, the Governor indicated step one of increased enforcement would involve gathering state licensing agencies to conduct unannounced visits to establishments across the state, as needed, with emphasis on Hampton Roads.

Consistent with the Governor’s statements, we’ve learned that multiple VADA member stores *have* received unannounced visits from state officials, who observed showrooms and otherwise briefly monitored business operations, presumably to ensure everyone is abiding by Gov. Northam’s health rules.

When the Governor announced the ramped-up enforcement, he also said, **“If you own a restaurant or a business and you are not following the regulations, your license will be on the line, and we will not be afraid to take action if needed.”** Please do not underestimate the state government’s ability to shut down or otherwise penalize your business.

VADA members have taken incredible steps to comply with Virginia requirements and to create a safe environment for employees and customers. Keep it up! Visit our [Reopening Phases webpage](#) for reminders of what’s required. Record the steps you are taking, and let us know if you have any questions. We thank you for your efforts!

### **A new executive order is coming for Hampton Roads.**

Gov. Northam stated in a news conference this afternoon (July 28) a new executive order impacting only Hampton Roads will take effect this Friday (August 1); however, we do not anticipate this will alter business for VADA members in the area. For present purposes, Hampton Roads is defined as Virginia Beach, Chesapeake, Norfolk, Suffolk, Portsmouth, Hampton, Williamsburg, Newport News, Poquoson, James City County, and York County.

The Governor expressed for these localities there will be a new limit on private and public in-person gatherings — decreasing from 250 to 50. However, previous limits of this kind have excluded employees in the course of their employment. It seems most restrictions will be geared toward restaurants and other businesses that provide alcohol. We will review the order once it’s made available and notify VADA members of other relevant details.

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**Reminder: August 1 will bring changes to background check process for prospective salespersons.**

We want to remind dealers that, effective August 1, 2020, dealers are responsible for completing the required background checks for initial salesperson licenses through a Dealer Board-approved vendor.

We have submitted to the Dealer Board information on other providers of background checks referred to us by dealers. The Dealer Board staff is reviewing those providers and expects that some or all will eventually be approved. However, the approval of other vendors is not likely to happen before the August 1 implementation of this change. **PLEASE BE PREPARED TO USE ONE OF THE TWO PROVIDERS LISTED BELOW UNTIL OTHERS ARE APPROVED.**

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For some time, dealers have had the option of conducting background checks, and many have elected to do so. The new requirement should speed up the salesperson licensing process for everyone. Also, it should benefit dealers, who will know whether an applicant has a criminal history that might delay licensing. Contact our Director of Legislative and Legal Affairs, [Anne Gambardella](#), with any questions, or click [here](#) (page 1) for more information.

As stated before, VADA staff is working closely with the Motor Vehicle Dealer Board and DMV, including Commissioner Rick Holcomb, to find other ways to expedite the salesperson licensing process.

Sincerely,



Donald L. Hall

President and CEO