



August 13, 2020

Greetings from VADA,

Today's update provides the materials VADA and the Virginia Department of Labor and Industry (DOLI), respectively, have created to help you comply with the state's new COVID-19 workplace safety regulations, also known as §16VAC25-220, Emergency Temporary Standard (ETS). Also, check out the latest from the U.S. Small Business Administration (SBA) on the Paycheck Protection Program (PPP).

VADA and DOLI separately offer resources to help dealers understand and comply with ETS.

Remember, violation of the ETS may result in civil penalties between \$13,494 and \$134,937 per violation. Therefore, it is essential you thoroughly review the resources below then take steps necessary to ensure compliance. If you have questions about the ETS or any other COVID-19 related requirements, don't hesitate to contact us. We're here for you.

VADA Materials

[VADA Guidance: §16VAC25-220, Emergency Temporary Standard Checklist](#)

Link: [Checklist](#)

Created by VADA, the checklist addresses ETS requirements for franchised auto dealers plus VADA notes and analysis, placing certain requirements into context for our industry. By no means is this checklist a perfect document, but VADA staff has trimmed 47 pages of regulations into a seven-page list of requirements, as we seek to help you understand what these unprecedented regulations require. We encourage dealer leaders to share the checklist with general counsel and HR teams. And it might be wise to consider the document in combination with the [DOLI Nine Steps to Achieve COVID-19 ETS Compliance](#).

[VADA Webinar: Understanding the ETS, as Employers](#)

Links: [Presentation](#) (1 hour, 5 minutes) | [Q&A](#) (37 minutes)

Gentry Locke employment and labor lawyer Todd Leeson, Esq.; VADA General Counsel Mike Charapp, Esq.; and VADA Legal & Legislative Affairs Manager Tommy Lukish, Esq. conduct an employer-focused webinar that will help dealers understand the management decisions they need to take now that the ETS rules are in effect. Employers will face many decisions in satisfying their obligations under the ETS. **This webinar is intended only for VADA members** and is designed to provide dealers a roadmap, and the tools and resources, they will need to comply.

[VADA Webinar: ETS Training Presentation](#)

Link: [Presentation](#) (1 hour, 14 minutes)

Pursuant to §16VAC25-220-80 of the ETS, employers of any risk level must train their employees on the regulations no later than August 26, 2020. This webinar, led by VADA Director of Legal & Legislative Affairs Anne Gambardella, Esq. and VADA Legal & Legislative Affairs Manager Tommy Lukish, Esq., is designed to allow those "medium" risk employers and employees watching to satisfy their training requirements.

Under the ETS, training requirements are more extensive for “very high,” “high,” and “medium” level employers than they are of “lower” level employers. If, upon your hazard assessment, you find *any* employees at the “medium” risk level, you must provide the more thorough training to *all* your employees, regardless of risk level. If you find your business has only “lower” level employees, then you may satisfy the training requirements orally or in writing, and DOLI has provided a [Lower Risk Training document](#) for that purpose.

Employers and employees must verify they’ve completed the necessary training by meeting ETS certification requirements. You may use the [DOLI Training Certification Form](#) for that. Whomever facilitates the training at your organization, should it be through this video, should identify that VADA reviewed the [DOLI Training Presentation](#). Also, it might be wise to list the name of the manager or supervisor who observed employees complete their training requirement. **This webinar is intended only for VADA members.**

This webinar would *not* satisfy the training requirements of §16VAC25-220-70 or §16VAC25-220-80.B.10, which concern training of an employer’s infectious disease preparedness and response plan, and which must be completed by September 25, 2020.

VADA Questions & Answers

Weeks ago, VADA released questions and answers to help dealers understand their new requirements under the ETS. The above materials and such Q&As are available on our website at vada.com/ets.

DOLI Materials:

- » [All ETS Outreach, Education, and Training Materials](#)
- » [ETS](#) (full text)
- » [Training Certification Form](#)
- » [Nine Steps to Achieve COVID-19 ETS Compliance](#) (other languages available [here](#))
- » [Frequently Asked Questions](#)
- » [Training Presentation](#) (other languages available [here](#))
- » [Overview](#)
- » [Hazard Assessment](#) (other languages available [here](#))
- » [Infectious Disease Plan Template](#) (other languages available [here](#))
- » [Infographic](#)
- » [Lower Risk Training](#)

Also, 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. 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.

SBA releases additional borrower guidance on the PPP.

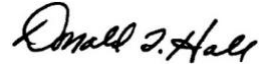
Tuesday (August 11), SBA released new guidance for PPP loan recipients. The guidance includes:

- » [SBA PPP FAQs](#), which added FAQ 51 and now clarifies whether the provision of group health care benefits, including insurance premiums, include vision and dental benefits.
- » [SBA PPP Loan Forgiveness FAQs](#), which address, among other items, the interaction between Economic Injury Disaster Loans (EIDL) and PPP loans.

- » [Interim Final Rule](#) on appealing SBA loan review decisions under the PPP. In its [Coronavirus Hub](#), NADA recommends dealers review the new FAQs and Interim Final Rule with their lenders and, as needed, with accountants and legal counsel.

More than ever, it is a pleasure to serve the new car and truck dealers of Virginia.

Sincerely,



Donald L. Hall
President and CEO