



August 20, 2020

Greetings from VADA,

In today's update, read about the Virginia General Assembly's Special Session, which began in both the Senate and House of Delegates on Tuesday (August 18). Also, see a reminder of the materials VADA has made available to help your business comply with the Commonwealth's new COVID-19 workplace safety regulations also known as the Emergency Temporary Standard (ETS). That includes video review of the new ETS Medium Exposure Risk Level Training Presentation from the Virginia Department of Labor and Industry (DOLI).

General Assembly begins unique Special Session in Richmond.

On Tuesday (August 18), lawmakers in the Virginia Senate and House of Delegates gathered in Richmond to commence a Special Session. The legislature will consider bills on COVID-19, the state's budget, and social justice.

Unable to maintain physical distancing at their usual confines in the State Capitol building, the Senate convened at the Science Museum of Virginia, as it did in April when legislators contemplated bills that Governor Ralph Northam vetoed or amended following the 2020 Regular Session. The House opted for the Siegel Center at Virginia Commonwealth University. In both locations, representatives were assigned individual folding tables spaced far apart, creating an abnormal scene for the more than 400-year-old legislature.

Tremendous uncertainty surrounds this Special Session both in procedure and substance. In the House, Democrats have paved the way to virtually meet, despite concerns and protests from their Republican counterparts, and did so yesterday (August 19). Both chambers will grapple with how best to serve a Commonwealth in a year unlike any other.

At the General Assembly, lobbying in-person is non-existent for the time being. As far as testimony, those wishing to provide input are required to register then speak through a teleconferencing system.

Nevertheless, you can rest assured the VADA Legislative Team is monitoring legislation and session daily, mindful that while typical transportation issues seem beyond the scope of this Special Session, bills that could impact your stores might arise. For instance, Sen. David Suetterlein (R) has introduced familiar legislation to eliminate Virginia's safety inspection program. Whether in-person or via Zoom, VADA's lobbyists stand ready to advocate on your behalf.

Reminder: VADA offers 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 other COVID-19 related requirements, don't hesitate to contact us. We're here for you.

[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. conducted an employer-focused webinar can help dealers understand the management decisions they need to take now that 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 Medium Hazard Risk Level Training Presentation

Link: [Updated Presentation](#) (22 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.

Under the ETS, training requirements are more extensive for “very high,” “high,” and “medium” level employers than they are for “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. In the linked video, VADA’s Anne Gambardella, Esq. and Tommy Lukish, Esq. review the new DOLI [Medium Exposure Risk Level Training Presentation](#), which the agency recently made available.

This new video replaces the ETS Training Presentation review VADA circulated last week. The updated, streamlined presentation is just 24 slides and leaves out ETS details less pertinent for your dealership(s).

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 training by meeting ETS certification requirements. The [DOLI Training Certification Form](#) might help. Whoever facilitates the training at your organization, should it be through this video, should identify that VADA reviewed the DOLI Medium Exposure Risk Level 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.**

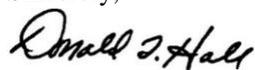
This webinar would *not* satisfy the training requirements of §16VAC25-220-70 or §16VAC25-220-80.B.10, which concern training of an employer’s infectious disease preparedness and response plan, and which must be completed by September 25, 2020.

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.

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

Sincerely,



Donald L. Hall
President and CEO