



August 6, 2020

Greetings from VADA,

In today's update, VADA staff offers a checklist and general guidance document plus two webinars next week, all designed to help dealers better understand and comply with Virginia's new COVID-19 workplace safety regulations known as the §16VAC25-220, Emergency Temporary Standard (ETS). Also, catch an interview of Vince Sheehy of Sheehy Auto Stores on CBT News. Lastly, be sure to watch or listen to our latest High Octane video podcast episode, featuring industry expert and consultant Glenn Mercer.

VADA offers checklist, webinars to help dealers understand and comply with ETS requirements.

Since July 27, Virginia employers under the jurisdiction of the Virginia Occupational Safety and Health (VOSH) Program have been subject to a new, unparalleled set of COVID-19 workplace safety regulations known as the §16VAC25-220, Emergency Temporary Standard.

We've provided dealers [our initial Q&A analysis](#), plus the [materials made available by the Virginia Department of Labor and Industry \(DOLI\)](#), as VADA members seek to understand and comply with the ETS.

To assist in that regard, we now offer a checklist and two upcoming webinars. We continue to closely monitor any new material from DOLI and further analyze what's available. If you have questions about the ETS or any other COVID-19 requirements, don't hesitate to contact us. We're here for you.

Checklist

[This document](#) is intended to serve as a master checklist and general guidance for VADA members. It addresses ETS effective and expiration dates, mandatory requirements for all employers, rules for hazards or job tasks classified at medium exposure risk, infectious disease preparedness and response plan requirements, training, and discrimination against an employee for exercising rights under the ETS.

In addition to the checklist items, VADA offers notes and analysis, placing certain requirements into context for our industry. By no means is this a perfect document, but VADA staff has trimmed 47 pages of regulations into a six-page checklist, as we seek to help you understand what these unprecedented regulations require. We will modify the document as needed.

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 dealers (most likely considered "medium" hazard employers under the ETS) must take additional steps to promote workplace safety against the coronavirus and COVID-19 disease.

Violation of the ETS may result in civil penalties between \$13,494 and \$134,937 per violation. Therefore, it is essential you thoroughly review this document and [the materials DOLI has made available](#)—including the [full, 47-page ETS](#)—then take steps necessary to ensure compliance.

VADA thanks Todd Leeson, Esq. of Gentry Locke, and Kevin Oddo, Esq. of the Berglund Auto Group, for their consultation as we created this material. Todd is available at (540) 983-9437 or leeson@gentrylocke.com. See [the checklist](#).

Webinar: Understanding the ETS, as Employers

When: 10 a.m. Tuesday, August 11
How: Live Zoom Webinar
Registration: Click [here](#).

Panelists: Todd Leeson, Esq., partner with Gentry Locke
Mike Charapp, Esq., VADA General Counsel and partner with Charapp & Weiss
Tommy Lukish, Esq., VADA Legal & Legislative Affairs Manager

Description: This employer-focused webinar will help dealers understand the management decisions they need to take now that the ETS rules are in effect. For instance, dealers must know how to accomplish an assessment of the risk exposure for their employees. They must also know the steps to take in developing and implementing an infectious disease preparedness and response plan. Employers will face many decisions in satisfying their obligations under the ETS. This webinar is designed to provide dealers a roadmap, and the tools and resources, they will need to comply. **This webinar is intended only for VADA members.**

Webinar: ETS Training Presentation

When: We will send VADA members a link to the recorded presentation next week.
How: Recorded Zoom Webinar
Registration: Not applicable

Panelists: Anne Gambardella, Esq., VADA Director of Legal & Legislative Affairs
Tommy Lukish, Esq., VADA Legal & Legislative Affairs Manager

Description: Pursuant to 16VAC25-220-80 of the ETS, employers must train their employees on the regulations no later than August 26, 2020. This webinar is designed to allow those watching to satisfy their training requirements. Keep in mind: Employers and employees must verify they've completed the necessary training by meeting ETS certification requirements. Whomever facilitates the training at your organization, should it be through this video, should identify that VADA reviewed the DOLI Training PowerPoint. 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.**

Note, this training will not address employer requirements under 16VAC25-220-70 or 16VAC25-220-80.B.10, which concern training of an employer's infectious disease preparedness and response plan, which must be completed by September 25, 2020.

Sheehy Auto Stores President Vince Sheehy joins Jim Fitzpatrick on CBT News.

After a record-breaking June and July for Sheehy Auto Stores, group President Vince Sheehy joins CBT News to discuss business, lessons learned, and community involvement during the pandemic.

“We learned more in four months than we would have learned in four years,” says Sheehy, citing “digital” as the biggest category of recent lessons. For instance, the business has learned not to waste one minute of the customer’s time by doing something in the showroom they could do online, from the comfort of their home.

CBT noted Sheehy Auto Stores has also been active in its dealership communities, delivering food and donating time and money during these difficult times. Sheehy accurately states many other dealers around the country are doing this type of work, a reminder of franchised auto dealers' continued tradition of community service in good times and bad.

"We don't ever want to be known as takers from the communities without giving back," says Sheehy. We thank Sheehy Auto Stores and the many VADA dealer members that continue to give back. Watch [the interview](#).

Auto industry expert offers future view of the retail business.

Automotive News has called Glenn Mercer "the auto industry expert dealers want to hear from," and now, Virginia dealers and others can hear directly from the longtime VADA friend with our latest High Octane video podcast.

In 2017, Glenn published "The Dealership of Tomorrow: 2025," which gave a comprehensive view of what automotive retailing would look like to franchised dealers, consumers, and manufacturers in the near future. Among other things, Mercer was one of the first to predict an "evolution not a revolution" of the dealership business model in spite of wild pronouncements about disruptive technologies and behaviors that "promised" to blow up everything we knew about personal vehicle ownership.

His follow-up, "Dealership of Tomorrow 2.0," came out earlier this year, and it's safe to say things have changed since then. A version 2.5 is coming soon to incorporate the permanent and accelerated changes to the industry due to COVID-19. Glenn talks about what we can expect from 2.5 as well as the long-discussed "carpocalypse" of EVs and autonomous vehicles. [Watch now](#).

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

Sincerely,



Donald L. Hall
President and CEO