

KADA BULLETIN

KADA is working to keep you informed of all the various developments related to COVID-19. Below is a summary of the most recent information and important links to obtain more resources. You can also see the latest press release and news from Governor Andy Beshear by going to the link below: <https://governor.ky.gov/news>

IMPORTANT PROVISIONS OF CORONAVIRUS LEAVE ACT

Congress has passed and the President is signing the Families First Coronavirus Response Act. Additionally, the Emergency Paid Sick Time Act has also been enacted into law. This Act is also known as the "E-FMLA" which expands the Family Medical Leave Act to add public health emergency leave. These laws both sunset December 31, 2020 and most importantly do **not** go into effect until fifteen (15) days from the effective date of the Act. The President signed the bill yesterday, March 18 and thus, it goes into effect on April 2. Therefore, employers do have a short period of time to take necessary measures to comply with the Act. Attached please find an analysis of each Act prepared by attorneys from our retained law firm, Stoll Keenon Ogden PLLC.

Please take the time to review the attached analysis thoroughly. We are sure that our members are going to have additional questions. If so, please do not hesitate to contact Gay Williams at gwilliams@kyada.com or your trusted SKO professional. More information will follow.

If you have specific employment law related questions, you may contact Amy Miles at SKO at 502-568-5751.

[Families First COVID-19 Response Act](#)

OFFICIAL ORDER FROM THE SECRETARY OF THE TRANSPORTATION CABINET

KADA continues to work on issues related to dealer title work and lien filings. For now, we have been told that the county clerks are closed to the general public, but should be providing procedures for processing dealer paperwork, including temp tags. We have also been told that Sheriff's should still be making some arrangements for inspections, although this may be on a limited basis. If you are having problems with these issues, please let us know and we will try to address it on a case-by-case basis.

Attached is an Official Order from the Secretary of the Transportation Cabinet which implements additional emergency provisions, including a 90 day extension for temp tags and lien filings.

We will continue to keep you informed and work to resolve these issues as long where we are able. If you have any questions, please contact Gay Williams at gwilliams@kyada.com, 502-695-3333.

[Official Order No. 112155 - Emergency - 90-Day Ext. re Licenses Exp. Dates and Registration Deadlines 3.18.20](#)

DEALER GUIDELINES FOR COVID-19

KADA is providing the following information related to Coronavirus (COVID19) in the workplace and additional guidelines developed by our outside retained legal counsel, Ron Smith, at Stoll Keenon Ogden. You can download additional policy guidelines and recommendations [Dealer Guidelines COVID 9](#)

Information is being updated as needed and each dealership's situation may be different. We know that you join us in monitoring news outlets and the information provided by NADA at www.nada.org/coronavirus/resources. We would also direct you to the Center for Disease Control (CDC), the World Health Organization (WHO), as well as advise you to follow statewide and local government recommendations.

If you have questions regarding your dealership's situation, please call Gay Williams, gwilliams@kyada.com or 502-695-3333

Dealers across the state should implement measures to secure the safety of your employees, customers and vendors. Common sense things like washing hands with soap and water, providing access to hand sanitizers, disinfecting public surface areas, door handles, etc., are a good start. Below are some helpful things to take into consideration when deciding how to address this serious health threat.

Dealerships can enact proper protocols to reduce the possibility of people getting sick from the Coronavirus.

Below is a summary of some steps dealers can take now to try to ensure the health and safety of your staff to prevent illness:

- Encourage employees to report travel plans;
- Encourage employees to wash with soap and water or sanitize hands frequently;
- Make hand sanitizer and boxes of tissues available throughout the dealership;
- Keep anti-bacterial wipes around and frequently wipe down the interior of vehicles in the showroom and demos before/after test drives;
- Treat customer cars that come in for service the same way - disinfect them before your technicians diagnose and repair these vehicles;
- Suggest that, for now, employees may wish to avoid shaking hands;

- Require your cleaning companies to treat all work surfaces, including phones, computers, floors, and restrooms, with proper disinfectants;
- Discourage employees from using other employees' phones, desks, offices, or other work tools and equipment;
- Minimize situations where people are crowded together, like meetings. Use e-mail, phones, and text messages to communicate with each other. When meetings are necessary, avoid close contact by keeping a separation of at least six feet, where possible, and assure that meeting rooms are well-ventilated; and
- Allow employees to work from home when possible;
- Encourage all sick employees and anyone with a fever to stay home

For additional resources, please visit the following:

[KY Department of Health Kentucky COVID-19 Resource and Hotline Page](#)

[Centers for Disease Control and Prevention 2019 novel coronavirus site](#)

[CDC's Resources for Businesses and Employers](#)

[Keeping Workplaces, Homes, Schools, or Commercial Establishments Safe](#)

DHS GUIDANCE INCLUDES AUTO REPAIR AS ESSENTIAL CRITICAL INFRASTRUCTURE

KADA Editorial Note: The following is from the NADA 60-second email that went out late last night. As information, KADA has been in contact with Governor Andy Beshear with a request to define Automobile Dealerships as an essential function and we are still awaiting a response. However, it is likely this guidance from the DHS may inform any decisions that individual states take in the matter.

NADA 60 SECOND EMAIL

In response to a joint [NADA/Alliance letter](#) sent to President Donald J. Trump stressing the need to consider auto dealerships essential businesses, the U.S. Department of Homeland Security issued guidance today that includes automotive repair and maintenance facilities on the list of the nation's essential critical infrastructure workforce.

In the cover memo, DHS and the Cybersecurity and Infrastructure Security Agency (CISA) stress that "As state and local communities consider COVID-19-related restrictions, CISA is offering this list to assist prioritizing activities related to continuity of operations and incident response, including the appropriate movement of critical infrastructure workers within and between jurisdictions."

In the body of the guidance, DHS and CISA go on to say: "This guidance and accompanying list are intended to support State, Local, and industry partners in identifying the critical infrastructure sectors and the essential workers needed to maintain the services and functions Americans depend on daily and that need to be able to operate resiliently during the COVID-19 pandemic response."

The inclusion of automotive maintenance repair facilities can be found on p. 8 of the [attached guidance](#).

This bulletin is for informational purposes only and should not be considered legal advice rendered by the Association or the authors. Please consult your own attorney for advice specific to your dealership. You may also contact Ron Smith at Stoll Keenon Ogden at 317-822-6787.