

REVISED COVID-19 DAILY ALERT: April 8

April 8, 2020

Below is today's updated compilation of key information and resources for GADA members. **New, revised and updated links are in bold.** Alerts will be posted to "COVID-19 Information" page on www.gada.com each night.

EXECUTIVE ORDERS

- **This evening, Governor Kemp extended the statewide "shelter in place order" through April 30.** The order has been in effect since Friday, April 3, 6:00 p.m. [See 4-2-20 Statewide SIP Order Alert from GADA](#)
- To generally summarize, new motor vehicle dealers perform certain Critical Infrastructure operations that allow them to remain open, subject to certain conditions. Dealers are encouraged to read GADA's entire Alert (link in bullet point above) to fully understand the scope of obligations under the statewide "shelter-in-place" order.
- Importantly, the statewide order overrides any local county or city orders.
- Although guidance from the Governor's office specifically states that a letter from an employer is NOT required to prove that an employee works for a business that is an exception, view link to a [form letter](#) that may be used for that purpose.
- Over the weekend, Governor Kemp issued two executive orders concerning enforcement of the statewide Shelter in Place Order which is currently in effect. As a result of these recent orders, sheriffs, county and city police are now authorized to enforce Governor Kemp's order. Local law enforcement may shut down businesses that are not in compliance with the shelter in place order, but should allow businesses an opportunity to comply with their directions prior to mandating closure.

SALES PRACTICES - COOLING OFF PERIOD

- **GADA has prepared a memo addressing application of the FTC Cooling Off Period Rule as it relates to sales practices under the circumstances.**
[View memo](#)

FAMILIES FIRST CORONAVIRUS RESPONSE ACT (FFCRA) FOR EMPLOYERS

- In conjunction with the FFCRA FAQ specifically geared toward dealership operations, Fisher Phillips has also developed a customizable FFCRA Leave Request Form that may be used by dealerships. [View FAQs](#) | [View customizable FFCRA Leave Request Form](#)
- Dealers are reminded that the provisions in the FFCRA take effect April 1, 2020. Employers [must provide required FFCRA notice](#) to employees by posting or electronic delivery by that date.
- **NADA FAQ on FFCRA are updated often.** [View FAQ](#)
- The U.S. Department of Labor has updated and added more guidance on the Families First Act. The Q&A answers many questions regarding eligibility and documentation for expanded leave provisions under the Family Medical Leave Act and Emergency Paid Leave. For Q&A, Fact Sheets and applicable posters click [here](#).
- One important clarification in USDOL Guidance is related to whether a state or local shelter-in-place Order constitutes a quarantine or isolation under FFCRA. USDOL has now more broadly defined quarantine or isolation order as INCLUDING "quarantine, isolation, containment, shelter-in-place or stay-at-home orders" that cause the employee to be unable to work even though employer has work for them. Employees who cannot work or telework because their businesses are subject to a government shutdown order and there is no work available to them will not qualify for Emergency Paid Sick Leave or Emergency FMLA. [See Fisher Phillips Alert April 2, 2020](#)

CORONAVIRUS AID, RELIEF AND ECONOMIC SECURITY (CARES) ACT

- View U.S. Treasury Department [FAQ about the Paycheck Protection Program](#)
- The Coronavirus Aid, Relief and Economic Security (CARES) Act, known as Phase 3, includes generous and unprecedented provisions to help provide liquidity for dealerships and to help businesses keep their employees on the payroll. [View NADA's CARES Act and DEALERSHIP FAQ](#) As of 4/3/20
- Dixon Hughes Goodman has prepared a [CARES Act Summary](#).

- NADA conducted a webinar reviewing the provisions of the Paycheck Protection Program in the CARES Act. [View copy of webinar slides](#)
- NADA has prepared an analysis regarding applicability of CARES to dealers with more than 500 employees. [View NADA's SBA Affiliation Analysis](#). A list of OEMs with SBA Franchise Identification Numbers is available [here](#).
- NADA has created a [DRAFT Addendum A language](#) for potential use in responding to Question 3 on the Borrower Application. NADA has suggested that borrowers consider listing their businesses that are under common management and control. NADA's draft Addendum A language may be modified as necessary.
- The CARES Act includes an Employee Retention Credit available to many small businesses, designed to encourage them to keep employees on the payroll. The refundable tax credit is 50% of up to \$10,000 in wages paid by an eligible employer whose business has been financially impacted by COVID-19. Before applying for the credit, dealers are encouraged to review the IRS [Employee Retention Credit FAQs](#) to understand how the credit works and how it may affect eligibility for other assistance under the CARES Act.
- The U.S. Treasury Department has updated its website to provide resources. [View website](#) Specifically, under the Assistance for Small Businesses section, there are four links entitled:

For a top-line overview of the program [CLICK HERE](#)

If you're a lender, more information can be found [HERE](#)

If you're a borrower, more information can be found [HERE](#)

The application for borrowers can be found [HERE](#)

- The U.S. Chamber of Commerce has issued a summary [Guide and Checklist](#).
- For additional guidance, view the [SBA Coronavirus Resource page](#).

OSHA

- OSHA has issued a COVID-19 workplace safety poster. The poster highlights 10 infection prevention measures every employer can implement to protect workers' safety and health during the coronavirus pandemic. Safety measures include encouraging sick workers to stay home; establishing flexible worksites and staggered work shifts; discouraging workers from using other workers' phones, desks and other work equipment; and using Environmental Protection

Agency (EPA)-approved cleaning chemicals with label claims against the coronavirus. Poster is available [here](#).

- View [OSHA COVID-10 Resource page](#)

CDC GUIDANCE & RECOMMENDATIONS

- The CDC now recommends wearing cloth masks in public settings. [View CDC recommendation](#)
- View Fisher Phillips article [Cloth Face Coverings at Work: Are They PPE and Who Pays for Them](#)
- [CDC Interim Guidance for Businesses and Employers](#)

TAG & TITLE INFORMATION

- The Georgia Department of Revenue (GADOR) has made available a DRIVES e-Service that allows customers to pay for and order a tag online. This can be used when dealers perform title only transactions via ETR. [View Message from GADOR](#)
- GADOR issued an extension of tag and registration deadlines as well as income tax deadlines. [View details here](#)
- Note that GADOR's extension of registrations and temporary tags does not extend the time period in which dealers must submit title applications. For purposes of timely lien perfection and remittance of TAVT, dealers must continue to submit title applications within 30 days of transaction.
- Many county tag offices are closed but continue to allow drop-off of title work. View a [list of county tag offices](#) and the services they are providing.

UNEMPLOYMENT / PARTIAL UNEMPLOYMENT CLAIMS

- The Georgia Department of Labor has updated its website to assist employers with new requirements for filing unemployment claims. [View website](#)
- The Georgia Department of Labor has addressed partial unemployment claims for reduced hours. Important information can be found [here](#).
- The Georgia Chamber has a fact sheet about new rules for unemployment claims. [View fact sheet](#)

OTHER GUIDANCE FOR BUSINESS

- [NADA Coronavirus Hub](#)
- [Fisher Phillips COVID-19 resource page.](#)
- The law firm of Bass Sox Mercer has issued a newsletter helpful to dealers. [View newsletter](#) In addition, BSM has summarized provisions of the CARES Act. [View BSM summary](#)
- A general FAQ addressing many issues, including workplace safety, workers compensation, Americans with Disabilities Act can be found [here](#).
- Dixon Hughes Goodman has also developed a knowledge resource page addressing, among other items, tax issues. [View DHG resource page](#)

The GADA staff stands ready to assist members. If you have any questions, please direct them to legal@gada.com.

