



June 2020 Bulletin

ASSOCIATION CONTEST

CONGRATULATIONS TO THE MAY 2020 CONTEST

WINNER, STAR AUTO OF MT. VERNON. Please read through this bulletin for your chance to win!!! Call the office with the correct answer to the trivia question and you will be entered in the monthly drawing for a chance to receive a free month's dues; a value of \$45.00.

CONGRATULATIONS JOE!

Our best wishes go out to our field representative Joe Litchauer on his retirement!!! Joe has been a dedicated field representative for SSDGNY for over 20 years. He serviced Orange, Dutchess, Rockland, Putnam and Upper Westchester areas. He will be missed by all of us! Good Luck to you Joe!

ATTORNEY'S CORNER

WORKERS COMPENSATION

Compensability for workers compensation will truly come down to whether or not the disease/illness is considered occupational.

In order for it to be compensable, the disease would have to be contracted during the course of employment and due to conditions specific to an employee's work.

Various statutory intricacies will also come into play. For example, healthcare workers who find themselves interacting with ill people are more likely to have workers compensation coverage, so too, Service Writers in our industry since they interact with customers.

GENERAL LIABILITY INSURANCE

General liability policies provide coverage for injury to persons (other than your employees) and damage to property of a third party for which the insured is legally liable.

Liability for such injury or damage involving COVID-19 or a similar health emergency will arise chiefly out of a failure to protect others and their property against exposure to infection. Many general liability policies have exclusions that could preclude coverage for this kind of infection. Careful examination of the policy's coverage terms, conditions and exclusions will be necessary to determine if such a limitation applies to you. Additionally, umbrella and/or excess liability policies may contain a communicable disease exclusion.

PROPERTY/BUSINESS INTERRUPTION

Standard property policies require that physical loss or damage to covered property by an insured peril occur for coverage to trigger.

Contamination of property at an insured's location may constitute physical loss or damage, but policy exclusions for pathogenic organisms, viruses, and disease- or illness-causing agents may restrict or exclude coverage.

For business interruption coverage to trigger, the loss or damage must generally occur on the insured's premises. Business interruption extensions such as contingent business income, ingress/egress, loss of attraction and denial of access are subject to the same coverage parameters outlined above, although not necessarily occurring at an insured location. Think Government mandated shutdown.

Limited available coverage for communicable or infectious disease is offered on some property forms. This coverage is likely sub-limited and narrow in its coverage scope, especially outside of an insured location. Covered costs include cleanup, removal and disposal of contaminated property. Any business interruption extension will likely not apply to locations that are not owned or operated by the insured.

You should file a claim no matter what your broker tells you. If the Governor and NY Legislature require insurance companies to provide coverage, you would want your claim in if the inclusion requirement stands.

ENVIRONMENTAL INSURANCE

In addition to the property policy, consideration should be given to the Environmental Liability Policy. Currently Environmental Liability Policy forms do not identify COVID-19 as a pollutant and do not specifically exclude it by name.

Some policies, however, do contain communicable disease exclusions that preclude coverage when a disease is transmitted by personal contact. However, they do not exclude transmission of the disease caused by the environment within the insured site.

If a pollution event has taken place, or a pollution condition exists, coverage may apply in cases of negligence or strict liability. In turn, negligence can be the failure to prevent the spread of the disease on an insured premises, or the coverage may be triggered by strict liability as the result of a pollution event that has taken place or a pollution condition under environmental laws.

REFERRALS

Do you know of a station that needs our services and is interested in becoming a member? Refer them to us and upon signing you will receive a free month's dues. A \$45.00 credit will be added to your account. If you know of someone who may be interested, please contact our Sales Representative Bill Griese at 914-227-0144.

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SNAP-ON TAKES THE BUGS OUT OF SPRING REPAIRS

By: [MOTOR AGE Wire Reports](#)

Snap-on® HDP1835 Harmonic Damper Pulley Puller – This revolutionary design increases the bite of the side-turned leg to the pulley as it is being tightened, which allows it to be used in a wide array of applications. The unique geometry increases its versatility and pulling power and saves technicians up to 30 minutes when working on the engines of GM® Chevrolet® Camaro® 3.6L, 2018 Ford® Mustang® Coyote, 3.0L Duratech and many more models. The HDP1835 is now more versatile and has a broader range of uses, and the compact design accommodates tight engine compartments.

Blue-Point® (a Snap-on® brand) OFCA3HDKT 75-153 mm Spider Filter Wrench with Adaptor – This spider filter wrench is perfect for lower clearance work on a range of oil filters including those in tight spots. The heat-treated, longer legs are sharpened to better engage, and the chrome plated finish cleans easily after use. It has an expanded range of 73-153 mm and comes with a 3/8 to 1/2" drive adaptor.

Snap-on® PACKRPDKIT Restore/Polish/Detail Kit – Springtime's environmental residue is less likely to damage a vehicle's finish when it's protected with PACKSEALANT® Ceramic Coating Spray Sealant. The product is water-based, covers up to six full-sized vehicles for up to one year, is silicone-free, and leaves no powder residue. The starter bottle comes in a detail kit that contains PACKLQDPLSH Liquid Polish that is non-abrasive and removes tarnish, rust, and water stains. It is non-flammable, non-toxic and works on all metals, fiberglass, plastics, glass and painted surfaces. The kit also comes with a PACKBB3 3" viscose Fabric Buff Ball, PACKTBP3P 3" Polishing Turbo Buff Pad, PACKSD31000 3" Abrasive disc 1000 grit, PACKEXT4PP 4" Extension Shaft for the Buff Ball, and KACKMCFIBER1 Microfiber cloth.

Find out more about taking the bugs out of spring repairs with these and other Snap-on tools and products by contacting your participating Snap-on franchisee or other representative, visiting www.snapon.com or calling toll-free 877-SNAPON-4 (877-762-7664).

About Snap-on Tools

Snap-on Tools is a subsidiary of Snap-on Incorporated, a leading global innovator, manufacturer and marketer of tools,

equipment, diagnostics, repair information and systems solutions for professional users performing critical tasks. Products and services include hand and power tools, tool storage, diagnostics software, information and management systems, shop equipment and other solutions for vehicle dealerships and repair centers, as well as for customers in industries, including aviation and aerospace, agriculture, construction, government and military, mining, natural resources, power generation and technical education. Snap-on Tools is one of the largest non-food franchise companies in the world, selling its products and services through franchisee, company-direct, distributor and internet channels. Snap-on Incorporated, which was founded in 1920, is a \$3.7 billion, S&P 500 company located in Kenosha, Wisconsin, with operations throughout the world. For additional information, visit www.snapon.com



REOPENING A BUSINESS WITHOUT OPENING EMPLOYER LIABILITY (SESCO)

Employers face a myriad of issues in thinking through whether and how to reopen for business, or how to thoughtfully phase out furloughs or teleworking models currently in place for ongoing enterprises. While federal, state, and local authorities haggle over who will decide which businesses can reopen and under what circumstances, employers should start preparing now.

The Occupational Safety and Health Administration ("OSHA") and the Equal Employment Opportunity Commission ("EEOC") have both released updated guidance regarding COVID-19 and its effects on workplace practices.

OSHA Guidance

Federal law requires that all employees be given a workplace free from recognized hazards that are causing or are likely to cause death or serious physical harm to employees. OSHA makes clear that the guidance they have released "is not a standard or a regulation, and it neither creates new legal obligations nor alters existing obligations."



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OSHA identifies three classes of occupational exposure to COVID-19:

- Low risk. Positions that do not require contact with people suspected of being infected with COVID-19 or close contact with co-workers and the general public. OSHA does not recommend these employers require employees to wear personal protective equipment (PPE), like face masks; rather, OSHA recommends that these employers just monitor public health communications and communicate such with employees as needed.
- Medium risk. Positions that require frequent close contact with people who may be infected with COVID-19. These include jobs that have frequent contact with the general public, such as high population density work environments and high-volume retail settings. This category also includes employees who may have contact with travelers who return from international locations. OSHA recommends these employers require sick employees to wear face masks and develop strategies to minimize face-to-face contact; whether other forms of PPE (gloves, face shields, etc.) would be recommended is based on work tasks and types of exposure.
- High risk. Positions with a high potential for exposure to COVID-19, mostly through medical, postmortem, or laboratory procedures. Jobs in this category include employees in hospitals, medical facilities, nursing homes, settings that handle human remains, and biomedical labs. OSHA recommends these employers require all employees wear face masks; whether other forms of PPE would be recommended is based on work tasks and types of exposure

NOTE: State or local law may require employees to wear face masks or other PPE.

EEOC Guidance

The EEOC has released guidance that first affirms that all the laws it enforces are still in full effect during COVID-19. However, the guidance explains that these laws should not interfere or prevent employers from following health guidelines issued by the Centers for Disease Control (CDC) or other public health authorities. The EEOC also warned employers that CDC and public health guidance will continue to change as the pandemic evolves, so employers should follow the most current information on maintaining workplace safety.

The EEOC's guidance provides the following:

- Health risk inquiries. Employers may ask employees if they or anyone in their home have tested positive for COVID-19, have taken a test for the virus, or have symptoms associated with COVID-19. Employers are not permitted, however, to ask these questions to teleworking employees. Employers may also require employees to have their temperatures taken before entering the employer's premises.
- Confidentiality. All medical information gathered by employers about their employees regarding COVID-19, including information about symptoms and body temperatures, is confidential medical information. Therefore, this information should be stored separately in a medical file. An employer can tell a public health agency if it learns an employee has COVID-19. Employers must take measures to limit the dissemination of employee health information and limit the number of people who are told the name of an infected employee.
- "High risk" employees. Employers may not exclude from work employees who have been identified as high risk, such as pregnant women, who neither have symptoms of COVID-19 nor have tested positive for COVID-19.
- Hiring and Onboarding. Employers can screen job applicants for symptoms of COVID-19 after making a conditional offer of employment, as long as it does so for all applicants for that position. Employers can also delay the start date if an applicant has COVID-19 or withdraw the job offer if the employer needs the applicant to start immediately.

Reasonable Accommodations and PPE. While an employer can always require its employees to wear PPE, employers should be prepared to make reasonable accommodations based on disabilities, such as breathing conditions or allergies to certain materials. Religious accommodations can also be raised by employees based on the requirement to wear PPE.

*Don't forget to visit our website
for the latest news and events.*

WWW.SSDGNY.ORG

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WORKERS COMPENSATION

If you are in our workers compensation Safety Group #485 you will be receiving a dividend check in the amount of 37.5% of your premium. These checks are being mailed out the first week of June.

Marshall & Sterling did an amazing job this year managing this group. In addition to the 37.5% dividend, an upfront discount of up to 25% has also been approved again. However, you must be in compliance and run your shop safely and efficiently. The New York State Insurance Fund has been known to come around to inspect facilities and to ensure payroll is as reported. They will do this unannounced, therefore please always keep your facility in compliance and report all earnings accurately.

If you do not receive your check by the end of June, please contact the Association. The Association and Marshall & Sterling recently sent out notices to members regarding dues/fees that were not current. Please be aware that in order to remain in The Safety Group #485 and receive a wonderful dividend and discount you must be current with your dues/fees/premiums to Service Station Dealers, Marshall & Sterling, and The New York State Insurance Fund. If you have a discrepancy with their notice, please contact the Association and we will be happy to help you.

If you are not in this Safety Group and not receiving the benefit of the dividend, please call Dave Horton at 914-474-1449 to get in this group!

EASING EMPLOYEE STRESS SURROUNDING THE CORONAVIRUS PANDEMIC

The coronavirus disease 2019 (COVID-19) pandemic, which was first detected in Wuhan, China in late December 2019, has now spread to over 150 countries, including the United States.

As the number of confirmed cases increases daily, employers, employees and their families are experiencing immense uncertainty. In uncertain times such as these, employees are looking for guidance wherever they can find it. Employers can help calm some of their employees' fears by taking the following actions:

- Acknowledge employee fears surrounding their jobs and the company, but also reassure them of their value to the company and the company's desire to keep them as members of the team.

- Be open with employees about management decisions and ask for suggestions to rectify problems.
- Provide as much information as possible about the pandemic.
- Highlight employee benefits that employees might not know about to relieve any financial stress.
- Encourage employees to take advantage of any tele-mental health services to preserve their mental well-being.
- Communicate the future of the business with employees often—in meetings, on the company intranet site, in newsletters and in blogs.
- Be empathetic in your communications, as every employee's situation may be different.

In these uncertain times, it is imperative that you clearly communicate your business's plans as frequently as possible. It's not possible for you to control the pandemic, but it is possible for you to help ease the stress your employees are experiencing.

NEW NORM OF DOING BUSINESS

We must now change our way of doing business and ways of reaching out to customers. I joined a webinar which helped give insight on how to conduct business in the new normal environment we are living in. Suggestions included, creating a My Google Business listing, use Facebook for advertisements, have customers check in with Facebook when they are at your shop, have on line reservations available to customer. We are hosting this webinar which explains these topics and more in depth on June 11th at 10:00 am and 2:00 pm. It will take only a half hour of your time which may help your business thrive. Information on how to join will be emailed to you beforehand.

TRIVIA QUESTION

If you are in our workers compensation Safety Group #485 what percentage of your premium will your dividend check be? Call the association with the correct answer and be entered into the monthly drawing for a chance to win a free month's dues.

I hope you enjoyed reading this month's bulletin. If you have any questions, feel free to call the association. We are here to help you and your industry.

Regards,

Carla Obalde

Operations Manager