



# September 2020 Bulletin

## ASSOCIATION CONTEST

**CONGRATULATIONS TO THE AUGUST 2020 CONTEST WINNER MCLEAN AUTO SHOP OF YONKERS, NY.** 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.

## ATTORNEY'S CORNER

*The Families First Coronavirus Response Act* (the Act) requires certain employers to provide employees with paid sick leave or expanded family and medical leave for specified reasons related to COVID-19. The Department of Labor's Wage and Hour Division (DOL-WHD) administers and enforces the law's paid leave requirements. These provisions will apply through December 31, 2020.

Generally, the Act provides that employees of covered employers are eligible for:

1. Two weeks (up to 80 hours) of paid sick leave at the employee's regular rate of pay where the employee is unable to work because the employee is quarantined (pursuant to Federal, State, or local government order or advice of a health care provider), and/or experiencing COVID-19 symptoms and seeking a medical diagnosis; or
2. Two weeks (up to 80 hours) of paid sick leave at two-thirds the employee's regular rate of pay because the employee is unable to work because of a bona fide need to care for an individual subject to quarantine (pursuant to Federal, State, or local government order or advice of a health care provider), or to care for a child (under 18 years of age) whose school or child care provider is closed or unavailable for reasons related to COVID-19, and/or the employee is experiencing a substantially similar condition as specified by the Secretary of Health and Human Services, in consultation with the Secretaries of the Treasury and Labor; and
3. Up to an additional 10 weeks of paid expanded family and medical leave at two-thirds the employee's regular rate of pay where an employee, who has been employed for at least 30 calendar days, is unable to work due to a bona fide need for leave to care for a child whose school or child care provider is closed or unavailable for reasons related to COVID-19.

### Covered Employers:

A. The paid sick leave and expanded family and medical leave provisions of the Act apply to certain public employers, and private employers with fewer than 500 employees. Most employees of the federal government are covered by Title II of the Family and Medical Leave Act, which was not amended by this Act, and are therefore not covered by the expanded family and medical leave provisions of the ACT.

B. Small businesses with fewer than 50 employees may qualify for exemption from the requirement to provide leave due to school closings or childcare unavailability if the leave requirements would jeopardize the viability of the business as a going concern.

### Eligible Employees:

All employees of covered employers are eligible for two weeks of paid sick time for specified reasons related to COVID-19. Employees employed for at least 30 days are eligible for up to an additional 10 weeks of paid family leave to care for a child under certain circumstances related to COVID-19. Where leave is foreseeable, an employee should provide notice of leave to the employer as is practicable. After the first workday of paid sick time, an employer may require employees to follow reasonable notice procedures in order to continue receiving paid sick time.

### Qualifying Reasons for Leave:

Under the Act, an employee qualifies for paid sick time if the employee is unable to work (or unable to telework) due to a need for leave because the employee:

- I. is subject to a Federal, State, or local quarantine or isolation order related to COVID-19;
- II. has been advised by a health care provider to self-quarantine related to COVID-19;
- III. is experiencing COVID-19 symptoms and is seeking a medical diagnosis;
- IV. is caring for an individual subject to an order described in (1) or self-quarantine as described in (2);
- V. is caring for a child whose school or place of care is closed (or childcare provider is unavailable) for reasons related to COVID-19; or
- VI. is experiencing any other substantially-similar condition specified by the Secretary of Health and Human Services, in consultation with the Secretaries of Labor and Treasury.

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## **Duration of Leave:**

For reasons (I)-(IV) and (VI): A full-time employee is eligible for 80 hours of leave, and a part-time employee is eligible for the number of hours of leave that the employee works on average over a two-week period.

For reason (V): A full-time employee is eligible for up to 12 weeks of leave (two weeks of paid sick leave followed by up to 10 weeks of paid expanded family & medical leave) at 40 hours a week, and a part-time employee is eligible for leave for the number of hours that the employee is normally scheduled to work over that period.

## **Calculation of Pay:**

For leave reasons (I), (II), or (III): employees taking leave are entitled to pay at either their regular rate or the applicable minimum wage, whichever is higher, up to \$511 per day and \$5,110 in the aggregate (over a 2-week period).

For leave reasons (IV) or (VI): employees taking leave are entitled to pay at 2/3 their regular rate or 2/3 the applicable minimum wage, whichever is higher, up to \$200 per day and \$2,000 in the aggregate (over a 2-week period).

For leave reason (V): employees taking leave are entitled to pay at 2/3 their regular rate or 2/3 the applicable minimum wage, whichever is higher, up to \$200 per day and \$12,000 in the aggregate (over a 12-week period).



## **COVID-19 Relief**

The artificial deadline of August 7 that Congressional negotiators had set for reaching a deal on the next round of COVID-19 relief legislation has come and gone.

Unfortunately, with key sticking points, like funding for state and local governments and liability shields, still unresolved, the prospects of a comprehensive package coming together in the next few weeks are looking increasingly dim. Ongoing negotiations may be further complicated and polarized by the executive actions that the President took over the weekend which have already been the subject of significant criticisms and threats of legal actions, particularly from Democrats.

As you may have heard, on 8/8, the White House announced four executive actions on payroll taxes, unemployment benefits, student loans and evictions. In particular, the actions on payroll taxes and unemployment are likely to raise some significant questions and issues for small businesses and their employees in the coming weeks.

## **Payroll Taxes**

In a Memorandum to the Secretary of the Treasury, the President directed the Secretary to defer the "withholding, deposit, and payment" of the payroll taxes that would otherwise be owed by certain employees between September 1 through December 31, 2020. As you may recall, pursuant to the CARES Act and the Paycheck Protection Program Flexibility Act that were passed earlier this year, businesses have already had the option to defer (50% to Dec. 31, 2021, and 50% to Dec. 31, 2022).

Specifically, the Memorandum would apply to payroll taxes owed by employees whose pre-tax bi-weekly pay is less than \$4,000. While the Memorandum specifies that the taxes be deferred "without any penalties, interest, additional amount, or addition to the tax," unless Congress takes further action on this point, these employee payroll taxes will ultimately still be due.

The prospect of having to collect and remit these payroll taxes in the future, coupled with the concern about communicating to employees the distinction between a tax deferral and

## **Tech Tip**

**Bob Coholan an SSDGNY board member says:**

**"When doing an engine oil change service, recommend deposit cleaning fuel system additives on all (GDI) direct injected engines. We recommend deposit cleaning fuel system additives with every oil change on any type of engine."**

**Thanks Bob for this wonderful Tech Tip!**

***If anybody else would like to share your thoughts, please call the office or email us with your incite.***

*Don't forget to visit our website*  
[WWW.SSDGNY.ORG](http://WWW.SSDGNY.ORG)

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forgiveness, have many employers understandably very nervous. This is before even considering the logistics that would be involved in changing the way payroll is run for some but not necessarily all of their employees.

The Department of Treasury is expected to be releasing further guidelines about how it will be implementing the Memorandum which will hopefully provide more direction.

In particular, many businesses will be eagerly awaiting further clarifications on a number of key issues including:

- Whether they will be required to implement the deferral or whether they will be permitted to either collect and hold or collect and remit the payroll taxes for their employees if they (or possibly their employees) elect to do so (Treasury Secretary Steven Mnuchin said in an interview over the weekend that the IRS can't force employers to stop withholding payroll taxes).
- How the deferred taxes will ultimately be collected (lump sum or over time), what employers' role and liability will be if they are unable to collect and remit the taxes, for example if the employee is no longer employed and whether, if it is determined that the employer is ultimately liable for taxes they are unable to collect from an employee, the payment by the employer of such taxes will be deemed additional income to the employee that the employer will owe even more payroll taxes on.
- How compensation will be calculated for the purposes of the \$4,000 bi-weekly threshold.

## Unemployment Benefits

On July 31, 2020, the Federal Pandemic Unemployment Compensation (FPUC) program expired. The FPUC program was created under the CARES Act and provided an additional \$600 per week benefit for individuals claiming unemployment (which in most states included individuals who had been furloughed).

The continuation of enhanced unemployment benefits has been a key area of discussion as lawmakers have tried to negotiate the latest COVID-19 relief package. While the packages being promoted by both parties' leadership include some form of extension of enhanced benefits the details are very different. The HEROS Act, which was passed by the House in May, would simply extend the \$600 per week benefit through

January 31, 2021. The HEALS Act, which was introduced by Senate Republicans in late July, would provide an additional \$200 per week through the end of September.

## NYVIP2 MESSAGE NO. 259

Starting September 1, 2020 DMV will begin to implement online inspector certification final exams.

The new inspector training process will eliminate the need for applicants to schedule a final exam at a DMV proctored location on a designated date and time. This change has become necessary in order to follow social distancing guidelines and promote public health and safety.

Features of the new online training and certification process include:

- Completion at an individualized pace
- Minimized risk given current health concerns
- Personalized email notifications and messaging

Detailed instruction letters will be mailed out to all applicants who have submitted application forms (VS-120) and who qualify to begin the new online training and examination process.

We highly recommend you reach out to inform any employees, or potential employees, that are waiting to begin their Inspector Certification process of the implementation date.

For applicants who receive a passing final exam grade, DMV will order certified inspector ID cards. These ID cards will continue to be mailed out from the Albany Central Office.

Training material is always available at [WWW.NYVIP.ORG](http://WWW.NYVIP.ORG) from the Home Page. Just click on the blue "Public Access to Inspector Training Materials" button. Training slides and Commissioner's Regulations are available for all who wish to begin training or refresh their skills. Additional information and instructions are also available under the "Inspectors" tab. Please consider having your staff take advantage of the "always available" online Certified Inspector training. You may call Opus Inspection at 1-866-623-8378 or the Office of Clean Air at 518-473-0597 and select option #4 with any questions.

### REFERRALS

If 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 credited to your account. If you know of someone interested, please contact our Sales Representative Bill Griese at 914-227-0144.

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## 2020 MERCEDES-BENZ GLS FEATURES CARWASH MODE

NEW YORK — According to [www.jalopnik.com](http://www.jalopnik.com), the 2020 Mercedes-Benz GLS, a luxury crossover model, features a carwash function. When the carwash function is activated, the article added, it results in the following:

- The car's suspension shifts to the highest position to reduce track widths, thereby making driving into the carwash easier as well as exposing the wheel arches more for better cleaning.
- The exterior mirrors fold in.
- The windows and sunroof close.
- The rain sensors for the windshield wipers shut off.
- The climate control changes to recirculation mode.
- The 360-degree camera activates after eight seconds to assist the driver in navigating into the carwash.

All of these settings automatically shut off after the car reaches a speed above 12 mph upon exiting the wash, the article noted.

As seen on [www.carwash.com](http://www.carwash.com)



## NYSIF'S CREDIT PROGRAM

NYSIF has a new [PPE credit program](#). Their Personal Protective Equipment (PPE) Premium Credit Program rewards you with a credit of up to 5% of your annual premium (capped at \$500) for the purchase of PPE and other eligible items. It's an easy way to save money while protecting your employees and taking steps toward a safe reopening.

This credit is designed to help offset the cost of vital PPE and safety-related items needed to help protect workers from the COVID-19 virus. Eligible equipment includes masks, goggles, gloves, gowns, hand sanitizer and other COVID-19 safety related items.

Once a policyholder logs into their online account, it only takes a moment to upload their receipts and apply for the credit. Policyholders will see the credit reflected on their next bill. Visit <https://ww3.nysif.com/ppecredit/index> to get your credit.



## GUIDANCE FOR MANAGING RECALLED ALCOHOL-BASED HAND SANITIZER

In July 2020, the Federal FDA issued a warning about a sharp increase in hand sanitizer products that are labeled to contain ethanol (also known as ethyl alcohol) but that have tested positive for methanol contamination. Methanol, or wood alcohol, is a substance that can be toxic when absorbed through the skin or ingested and can be life-threatening when ingested. The FDA is working with manufacturers to recall products. This guidance addresses actions you can take to dispose of recalled hand sanitizer.

- **Households** with recalled hand sanitizer products should take advantage of any return, takeback, or exchange programs for the products they possess. If a takeback program is not available, alcohol-based hand sanitizer generated by a household can legally be disposed of with regular trash, though DEC recommends you take it to a local household hazardous waste (HHW) collection event or facility. Residents can check with their municipality for available HHW collection events or facilities in the area.
- **Businesses** are also encouraged to take advantage of any return, takeback, or exchange programs for hand sanitizer products they possess. Hazardous waste regulations provide an exemption for any amount of alcohol-based hand sanitizer that is returned to the manufacturer or to a recycler that can reclaim the material. Generators are required to notify DEC as described in [6NYCRR Part 371.1\(c\)\(7\)](#) that they are taking advantage of this exemption. If reclamation or return to the manufacturer is not available, a business that disposes more than 100 kilograms (220 pounds) of alcohol-based hand sanitizer must ensure the waste is transported under a hazardous waste manifest to an authorized hazardous waste disposal facility. Businesses that generate less than 100 kilograms per month of all hazardous waste may self-transport up to 100 kilograms of the waste to solid waste management facilities that are authorized to receive it. Businesses may send questions to: [info.sqg@dec.ny.gov](mailto:info.sqg@dec.ny.gov)



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## THE DISENGAGED EMPLOYEE

How many of you have an employee that's always on his or her cell phone? Maybe you've noticed someone taking a longer than usual lunch break on more than one occasion. We've all been there, had that employee. Here's the thing: they're not the ones at fault—you are. The young man working for you who seems disenfranchised is that way because he has nothing to look forward to. You, as the leader, haven't fulfilled your end of the deal. When you see a tech start chasing the shortcut, that's when you know you're guilty of not providing them enough opportunities.

For the first two weeks, new employees crush it. Then, many shop owners start to see a decline in performance. Maybe they begin slacking on SOPs. They're not producing as many hours as you know he or she is capable of. This isn't because they're lazy, it's because they see no advancement in their future. They start to relax because there's no point. They show up late, leave early. They're playing on their cell phone. These are all signs. These employees are choosing immediate pleasure because they don't know how to voice their frustrations at the fact that there is nowhere for them to go in the shop. If you are not providing opportunities for advancement, you will emotionally lose them and shortly after, physically lose them.

How do you prevent this from happening? Start from the beginning. When a new employee starts, lay out a career plan in writing. Set benchmarks for getting that person to where he or she would like to be. Set dates for your new employee to hit these benchmarks. Show you're invested in their future. Set time aside to talk to them. Buy tools for them. Put them through training. Let them know that there is opportunity if they stick around and put the work in.

If you want to keep your employees highly productive and engaged—and retain them—you need to get them to dream. Remember when you started out? It's not easy to work in a hot shop in the middle of the summer. But we did it. Why? For the hope of a better future. Employers need to remember this and understand where these young techs are coming from. Rather than getting frustrated and saying, "screw it," inspire them to get to the next level.

Think about a part-time job that you had. Did you slack off? Be honest. If you were just in it for the paycheck, you probably didn't put your all into it. Now, think about how much you busted your butt to get to be a shop owner. You put in the long

hours. Made the sacrifices. Why? Because you saw the opportunity. That's the key.

The reason that anyone does anything hard is because of the meaning that it has for them—they know that's something waiting on the other side for them. We, as owners, need to make sure we keep opportunity in front of them. It's our fault if they check out. Find out what they want to get out of this career. Find out why they got into the auto repair industry in the first place. Where do they want to be and how do you get them there? Figure this out, and you'll see the employee bounce back to the person that you hired.

*As seen in ratchet and wrench*

## WELCOME NEW MEMBERS

J & P Auto Repair  
Hicksville, NY

Three Cousin's  
Mt. Vernon, NY

Ozzy's Auto Clinic  
Peekskill, NY

Quickie Svc & Disc. Tire  
Harriman, NY

## CLASSIFIEDS

For Sale: Powersports Dealership for sale, Motorcycles, ATVS, UTVS, Snowmobiles, Generators/power washers. Parts dept. Service dept. 8500 sq. ft. building on 8 acres. Rent or buy. Kawasaki and Arctic Cat, Kymco, Generac generators. We are located on the Newburgh/Marlboro NY, RT 9w. High traffic road. Check our website [bigboyztoysny.com](http://bigboyztoysny.com)  
Call Tony 845-781-3082 cell.



Check out our  
Facebook page  
@SSDGNy

## TRIVIA QUESTION

How much is the max NYSIF's PPE credit? Call the office with the correct answer 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