



May 2021 Bulletin

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ASSOCIATION CONTEST

CONGRATULATIONS TO THE APRIL 2021 CONTEST WINNER FRED'S AUTO OF BRIARCLIFF MANOR, 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

Given the business climate today, including the opening of marijuana shops for both medical and recreational purposes, that we are now operating in, ALL COMPANIES, including your Service Station, C-Store, Repair Shop and other automotive business should have in place a written Drug & Alcohol Policy. Understand that aspects of the Company's operations are subject to regulation by various federal, state and local agencies.

Your business should maintain a policy that the unauthorized use, sale, purchase, transfer, possession, or presence in one's system of alcohol or drugs or any other intoxicating agent by any employee while on the Company's premises, engaged in Company business, operating Company equipment, or while under the authority of the Company is strictly prohibited. There are many reasons why your business should implement a drug and alcohol testing program, which should include but are not limited to:

- Deter employees from abusing alcohol and drugs.
- Prevent hiring individuals who use illegal drugs.
- Be able to identify early and appropriately refer employees who have drug and/or alcohol problems.
- Provide a safe workplace for employees.
- Protect the general public and instill consumer confidence that employees are working safely.
- Benefit from Workers' Compensation Premium and Group Discount programs.
- Comply with State, Federal and Local laws and regs.

All employee drug and alcohol test records are considered confidential. For the purpose of this policy/procedure, confidential recordkeeping is defined as records maintained in secure manner, under lock and key, accessible only to designated employees.

This policy can be added to the employee handbook that the association can prepare for you. Contact Carla Obalde for details.
Vincent P. Nesci, Esq. General Counsel



TOP 10 WORKPLACE DISCRIMINATION CLAIMS

In the 2020 fiscal year, the Equal Employment Opportunity Commission (EEOC) resolved more than 70,804 charges of workplace discrimination. Discrimination lawsuits can be very time-consuming and expensive for employers and can result in a loss of employee morale or reputation within the community.

Top Causes of Discrimination

According to the EEOC, the following are the top 10 reasons for workplace discrimination claims in fiscal year 2020:

1. Retaliation—37,632 (55.8% of all charges filed)
2. Disability—24,324 (36.1%)
3. Race—22,064 (32.7%)
4. Sex—21,398 (31.7%)
5. Age—14,183 (21.0%)
6. National Origin—6,377 (9.5%)
7. Color—3,562 (5.3%)
8. Religion—2,404 (3.6%)
9. Equal Pay Act—980 (1.5%)
10. Genetic Information—440 (0.7%)

Steps for Employers

Employers should consider the following steps to protect themselves from retaliation and other discrimination claims:

- Audit their practices to uncover any problematic situations.
- Create a clear anti-retaliation policy that includes specific examples of what management can and cannot do when disciplining or terminating employees.
- Provide training to management and employees on anti-retaliation and other discrimination policies.
- Implement a user-friendly internal complaint procedure for employees.
- Uphold a standard of workplace civility, which can reduce retaliatory behaviors.

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SENATOR LUMMIS SUGGESTS TAX ON PASSENGER TIRES TO PAY FOR TRANSPORTATION FUNDING

On Wednesday, April 14, at 10:00 AM ET, the Senate Committee on Environment and Public Works (EPW) held a hearing entitled, “Long-term Solvency of the Highway Trust Fund: Lessons Learned from the Surface Transportation System Funding Alternatives Program and Other User-based Revenue Solutions, and How Funding Uncertainty Affects the Highway Programs.”

During the hearing, Committee members discussed various funding options for transportation funding. The Senate EPW committee has been examining for some time alternative user-based revenue streams meant to achieve sustainable funding for future transportation programs. During the hearing, the following panel presented various funding options: Joseph Kile Ph.D., Director of Microeconomic Analysis, Congressional Budget Office; Jack Basso, Chair, Mileage Based User Fee Alliance; Patricia G. Hendren Ph.D., Executive Director, The Eastern Transportation Coalition; Robert Poole Director of Transportation Policy Reason Foundation; and Douglas Shinkle, Transportation Program Director, National Conference of State Legislatures.

Senator Lummis (R-WY) raised the question to the committee and made the following statement:

“Has anyone ever looked at a user fee tax on tires? ...what about passenger vehicles? A tax on tires that could be assessed at the point of sale or earlier in the manufacturing process. That would capture electric vehicles as well as gas vehicles.”

The committee members and panel members both answered that they had not considered this fee but acknowledged federal excise tax on commercial truck tires were already in place.

SSDA-AT will monitor and consider all transportation proposals brought forth in the 117th Congress.

IRS PROVIDES GUIDANCE FOR EMPLOYERS CLAIMING THE EMPLOYEE RETENTION CREDIT FOR THE FIRST TWO QUARTERS OF 2021

The Internal Revenue Service recently issued guidance for employers claiming the Employee Retention Credit under the Coronavirus Aid, Relief, and Economic Security Act (CARES Act) modified by the Taxpayer Certainty and Disaster Tax Relief Act of 2020 (Relief Act).

Notice 2021-23 explains the changes to the Employee Retention Credit for the first two calendar quarters of 2021, including:

- the increase in the maximum credit amount,
- the expansion of the category of employers that may be eligible to claim the credit,
- modifications to the gross receipts test,
- revisions to the definition of qualified wages, and
- new restrictions on the ability of eligible employers to request an advance payment of the credit.

As a result of the changes made by the Relief Act, eligible employers can now claim a refundable tax credit against the employer share of Social Security tax equal to 70% of the qualified wages they pay to employees after Dec. 31, 2020, through June 30, 2021. Qualified wages are limited to \$10,000 per employee per calendar quarter in 2021. Thus, the maximum employee retention credit available is \$7,000 per employee per calendar quarter, for a total of \$14,000 for the first two calendar quarters of 2021.

Employers can access the Employee Retention Credit for the 1st and 2nd calendar quarters of 2021 prior to filing their employment tax returns by reducing employment tax deposits. Small employers (i.e., employers with an average of 500 or fewer full-time employees in 2019) may request advance payment of the credit (subject to certain limits) on Form 7200, Advance of Employer Credits Due to Covid-19, after reducing deposits. In 2021, advances are not available for employers larger than this.

Under the American Rescue Plan Act of 2021, enacted March 11, 2021, the Employee Retention Credit is available to eligible employers for wages paid during the third and fourth quarters of 2021. The Department of the Treasury and the IRS will provide further guidance on the Employee Retention Credit available under the ARPA.

Additional coronavirus relief [information for businesses](#) is available on [IRS.gov](#)

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U.S. LAWMAKERS INTRODUCE BILL TO REDUCE TOBACCO USE & CLOSE LOOPHOLES

The Tobacco Tax Equity Act of 2021 would create a federal tax on electronic cigarettes.

WASHINGTON, D.C. — Several federal legislators joined together to introduce the Tobacco Tax Equity Act of 2021 in the U.S. Senate and the House of Representatives.



In addition to closing loopholes in the tax code, the bill would establish the first federal electronic cigarette tax and increase the tobacco tax rate for the first time in a decade.

Bringing the bill to both chambers were U.S. Senate Majority Whip Dick Durbin (D-Ill.) and Senate Finance Committee Chair Ron Wyden (D-Ore.), along with U.S. Representative Raja Krishnamoorthi (D-Ill.) and U.S. Sens. Patty Murray (D-Wash.), Sherrod Brown (D-Ohio), Jack Reed (D-R.I.), Jeff Merkley (D-Ore.), Richard Blumenthal (D-Conn.), Ed Markey (D-Mass.), and Mazie Hirono (D-Hawaii).

"Tobacco-related disease accounts for one out of every five deaths in America, and I know that story firsthand. Data shows that the most effective strategy to prevent children from starting this deadly habit is to price it out of their range," Durbin said. "This bill would help reduce tobacco and e-cigarette use by ending loopholes that the industry has exploited to target our children. If America can kick its nicotine addiction it would go a long way to improving our public health for generations to come."

The Tobacco Tax Equity Act of 2021 would close tax code loopholes for tobacco products by increasing the federal tax rate on cigarettes, pegging it to inflation and setting the federal tax rate for all other tobacco products at this same level.

The bill would also follow the lead of 21 states and Washington, D.C., that already tax e-cigarette and vapor products.

"Loopholes in our tax code continue to favor big tobacco while the American public, especially our youth, pays the price," Krishnamoorthi said. "The Tobacco Tax Equity Act increases taxes on cigarettes and finally imposes taxes on the e-cigarettes hooking our children on nicotine, which would generate billions of dollars in federal revenue. As a father of a high schooler and middle schooler, I'm determined to make sure we end the youth nicotine and vaping epidemic."

The Tobacco Tax Equity Act of 2021 is endorsed by the Campaign for Tobacco-Free Kids, American Academy of Pediatrics American Lung Association, American Heart Association, American Cancer Society Cancer Action Network, American Public Health Association, National Association of County and City Health Officials, Trust for America's Health and American Thoracic Society.

As seen in CSNews April 2021

SEXUAL HARRASSMENT POLICY AND PROCEDURE

Under the law, every employer in New York State is required to establish a sexual harassment prevention policy and provide sexual harassment prevention training to employees. We will supply you with your company policy and training model for you to present to your employees, give you copies of the policy and the training and case studies along with acknowledgements of receipts for all of these items for each and every employee.

This must be done every year. Last year's requirement was done using the 2019 Edition of the NYS Sexual Harassment Program. We are waiting for the Training Procedure the 2020 Edition to be released. Many of you are in need of renewals the fee for renewals is \$50.00 1-5 employees , \$75.00 for 6-15 employees and \$150.00 for over 15 employees.

If you haven't fulfilled the requirement yet please do so soon. The fee for the original policy with packets is \$75.00 for 1-5 employees, \$125.00 for 6-15 employees and \$200.00 for over 15 employees. You will have all the necessary documentation to be in compliance with the DOL and the DHR.

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 \$50.00 Amazon gift card. If you know of someone interested, please contact our Sales Representative Bill Griese at 914-227-0144.

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WHAT TO DO IF YOU MISSED THE EMV

Non-compliant stores are now liable for any fraud related to the card portion of a transaction.

NATIONAL REPORT — Despite a request made earlier this month by several industry groups to again push back the deadline for EMV compliance on the forecourt, the major financial companies decided to push forward with the original deadline, meaning the EMV liability shift has now arrived.

As of April 17, non-compliant stores are liable for any fraud related to the card portion of a transaction at their location, rather than the card issuers taking on this burden — and this can easily become a significant number depending on the amount of fraud that takes place.

“In some locations, they may not see anything in terms of fraud, but as the year goes on, and especially next year, you will see the fraud hotspots shift,” said Paul Kern, executive director of product management at NCR Global, a hardware and software provider based in Atlanta. “Those who are now impacted by fraud in Florida or Texas, for example, if they don’t convert, they will get destroyed by the amount of fraud, but then as they become compliant, you will see fraud move to the retailers who were not impacted before.”

According to newly released data from ACI Worldwide, a global provider of digital payment software and solutions, less than half of fuel merchants (48 percent) met the EMV automated fuel dispenser (AFD) compliance mandates as of April 17. Among those who are not yet fully compliant, just 50 percent expect to be compliant by the end of 2021. ACI surveyed fuel merchants that collectively represent 45,000 gas stations nationwide, including major oil companies, convenience stores and grocers.

The industry will likely continue to increase compliance numbers as time goes on, but there are still challenges with solutions being not yet available, hardware production being backed up, as well as a backlog of technician appointments to get the equipment installed, said Linda Toth, managing director of Conexxus, an Alexandria, Va.-based nonprofit technology organization dedicated to the development of standards, technologies innovation and advocacy for the c-store and petroleum market.

“We have encouraged merchants to look at which sites could potentially have the most fraud and prioritize those sites,” Toth said. “Not to say something with zero [fraud] today will be zero tomorrow, but we know certain geographical locations are more fraud-prone. Attacking it that way seems to be what a lot of merchants are doing.”

In addition to prioritizing high-fraud or fraud-risk locations, there are a few other options c-store and fuel retailers can consider if they weren’t able to meet the deadline — or chose not to try.

One of those is using a fraud monitoring system through Visa or their payment processor to score each transaction at the pump and send the riskiest transactions inside the store to pay, according to Toth. “Most retailers, especially in high-fraud areas, are probably already doing zip code checking, but they can take drastic steps and force people to prepay or only accept certain types of transactions outdoors,” Kern added. However, he cautioned that “the cure could be worse than the problem because it could reduce revenue.”

Another option would be to turn off pay at the pump at certain locations, forcing customers to go into the store to pay for their transactions. If a store is branded with a major oil company, they would need to check with them first, Toth noted. “It’s not ideal, but that is one surefire way to have no fraud at the pump,” she said.

The convenience store industry originally had a deadline of October 2015 to get locations EMV compliant on the forecourt. That date was then moved to October 2017 when it became obvious the deadline would not be met. It was pushed again to October 2020, and then the COVID-19 pandemic hit, which added more delays to the process. As a result, the date moved out by another six months to April 2021.

As seen in CSNews April 2021

If you have any questions on what to do please contact Rob Appel of Automated Merchant Services at 516-887-1797, email rappel@amsprocessing.com or Rich Giacco, from Prime Payments at 914-232-7700 or 914-469-3227, email richgiaccio@gmail.com.

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CDC SAYS FULLY VACCINATED PEOPLE CAN EXERCISE, HOLD SMALL GATHERINGS OUTDOORS WITHOUT MASKS

On April 27, 2021, the Centers for Disease Control and Prevention revised its public health guidance, saying fully vaccinated people can exercise and attend small gatherings outdoors without wearing a face mask.

People two weeks removed from their last vaccine shot can exercise alone or with other household members outside without a face covering, the CDC said. They can also meet outdoors with a small group of other fully vaccinated people, or a mixture of fully vaccinated and unvaccinated people, the agency added. The guidance did not say what counts as a small gathering.

Dining unmasked at an outdoor restaurant with friends from multiple households is also acceptable, according to the CDC. The CDC still recommends that fully vaccinated individuals wear a mask at outdoor spaces where the risk of Covid-19 is less clear. Those include sporting events, concerts, parades and other crowded places.

“In public spaces, the vaccination status of other people or whether they are at increased risk for severe COVID-19 is likely unknown,” the CDC wrote in its guidance. “Therefore, fully vaccinated people should continue to follow guidance to protect themselves and others, including wearing a well-fitted mask, when indoors or in an outdoor setting or venue where masks are required.”

“CDC cannot provide the specific risk level for every activity in every community, so it is important to consider your own personal situation and the risk to you, your family, and your community before venturing out without a mask,” the agency added.

The updated guidance from the CDC comes as some former health officials and infectious disease experts say outdoor mask mandates are no longer necessary as the U.S. vaccinates more Americans.

As of April 26, 2021, more than 140 million Americans, or 42.5% of the total population, had received at least one dose of a Covid-19 vaccine, according to data compiled by the CDC. Roughly 95.8 million Americans, or 28.9% of the population, are fully vaccinated, according to the CDC.

Dr. Scott Gottlieb, a former Food and Drug Administration commissioner, told CNBC on Monday that public health officials should take a more relaxed stance on outdoor activities

in general because vaccination levels in the U.S. are driving down new infections. Officials should take steps “to allow more gatherings outside, allow more large groups, allow sporting events, things of that nature,” he told “Squawk Box.” “The weather is warming up. We have the opportunity to bring more activities outside. We know activities outside are lower risk than things done indoors.”

Dr. Isaac Bogoch, an infectious disease specialist at the University of Toronto, said that he supported the anticipated guidance. He said that more research is showing that few Covid-19 infections happen outdoors. He added masks should still be mandated in indoor settings until most of the U.S. population is vaccinated and it is difficult for the virus to spread from one person to the next. The CDC still recommends vaccinated people wear masks in places such as hair salons, shopping malls, museums, movie theaters and houses of worship.

“It’s been over a year. We have a very good understanding of who gets infected and how they get infected,” he told CNBC in a phone interview. “I think it’s fair to say you don’t need to wear a mask outside unless you can’t maintain 2 meters or 6 feet of social distancing.”

Over the weekend, White House chief medical advisor Dr. Anthony Fauci indicated that the new mask guidance was imminent, but also warned that Americans should adhere to public health measures until the CDC makes an assessment.

“What I believe you’re going to be hearing, what the country is going to be hearing soon, is updated guidelines from the CDC,” Fauci told ABC’s Sunday program “This Week With George Stephanopoulos.” “The CDC is a science-based organization. They don’t want to make any guidelines unless they look at the data and the data backs it up.”

As seen on CNBC Breaking News



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CLEAN GETAWAY! GUN-TOTING CROOK SWIPES DELIVERYMAN'S SUV FROM BROOKLYN CARWASH

Last month a deliveryman had his SUV stolen by a gun-toting crook who drove off in the vehicle as it emerged squeaky clean from a Brooklyn car wash last month.

Door Dash driver Malcolm Butler was waiting for his silver 2020 Nissan Murano to exit the automated Shiny Car Wash on Atlantic Ave. near Georgia Ave. in Cypress Hills about 7 a.m. when he saw a stranger already behind the wheel.

"This dude was already in the driver's seat," Butler, 56, told the Daily News. "I said to him, 'What are you doing in my car?'"

The crook pulled a handgun and started screaming "What? What?" but Butler wasn't about to relinquish his wheels. "He had a gun, but I still tried to fight him," Butler said. "He drove off with me still in [the car] and I fell out."

Butler cracked his head on the pavement when he fell, suffering a minor injury. The carjacker sped off the wrong way down a nearby one-way street.

Taylor, who makes deliveries for Door Dash and other app-based delivery services, refused medical attention at the scene. "The cops are looking for the car now," Butler said. "Hopefully we'll find it."

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
Call Tony 845-781-3082 cell.

For Sale: NYS Insp. machine & license in Orange County. Asking \$20,000 or best offer. Please call Greg at 845-782-2505.

For Sale: On major state highway. Established Automotive business in the CATSKILLS. Body shop offers 4 plus bays, spray booth w/ complete inventory. Plus, Log home w/3 beds 2 + baths FDR, FIREPLACE. Too much to list. Owner retiring. Priced to sell \$549,000. 845 586 4882

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E-MAIL ADDRESSES

If you are not on our email list that means you are not receiving important information as soon as we get it. If you would like to be on our list, please email mconner@ssdgnny.org and you will receive the latest news and opportunities.

TRIVIA QUESTION

What are three top causes of discrimination? 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, please call the association.

Regards,

Carla Obalde

Operations Manager