



March 2021 Bulletin

**Please Pass Me Along to Share
with other Stations!**

ASSOCIATION CONTEST

**CONGRATULATIONS TO THE FEBRUARY 2021
CONTEST WINNER BRADY'S AUTO SERVICE OF
CHESTER, 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

This month's column is devoted to invoices, how to write them,
what you must keep and how to protect yourself for work done
and for work recommended but not done.

Written Estimate

The customer has the right to ask for a written estimate as to the
vehicle repair. If a written estimate is requested by the customer,
the repair shop must give an estimate of the parts and labor
necessary for each specific repair. The shop may charge a
reasonable fee for developing a written estimate, but the labor
charge for an estimate may not exceed the shop's usual hourly
labor charge.

The estimate must list each part and its cost, and show what
parts, if any, are either used, after-market or OEM. It must show
the labor charges for each repair and by what method they are
calculated. The shop may not charge more than the estimated
price without the customer's permission.

Authorizing Work

A shop may not perform any services unless the customer gives
permission. If the shop prepares a written work order, it must
give the customer a copy. A copy of the written work order
should be attached to the invoice. Some Regions feel that it is
mandatory to do this. Better practice is to attach. **If work is
authorized verbally or by telephone, the invoice must show
the date, time, and name of the person giving authorization.**
*This is usually the subject of the complaints so the shop should
do everything to protect itself including recording the calls, after
informing the customer, "for training and quality assurance."*
[When you call into a company and hear this, you don't really
believe it, do you?]

Parts

The customer is entitled to the return of all replaced parts, except
warranty and exchange parts, but they must ask for them in
writing before any work is done. Remind the customer. The work
is authorized by phone, the shop must keep any replaced parts,
and make them available to the customer when the customer
picks up the vehicle.

Invoice

When repairs are completed, the shop must give the customer a
detailed invoice listing each repair done, each part replaced, the
cost for each, and the cost of labor. The invoice must show which
replacement parts, if any, are used, after-market or OEM. It must
show the odometer reading at the time the vehicle was left for
repair *and* when the invoice was prepared. If the shop promised a
delivery date, that must be listed on the repair order. The invoice
also needs to contain a listing of recommended repairs which
were declined by the customer. You need to do this to protect
your shop.

For example, on an inspection, you cannot fail a vehicle for bad
ball joints. We all know that if one is driving a vehicle and they
break you can lose steering and cause a catastrophic
outcome. However, bad ball joints are not considered a
failure. As a repair shop owner and technician, you cannot let
the consumer leave the shop without explaining what can
happen. Therefore, make sure you put in your job estimate the
recommendation of replacing the ball joints. This way if the
customer chooses not to and something happens while they are
driving you are not liable. The Association is going to address
this issue with the DMV and see if they can amend the regs in
regards to ball joints.

Inspection After Repair

The customer has the right to inspect the vehicle at the shop
before paying for repairs. However, this does not give the
customer the right to remove the vehicle from the shop without
paying for the repairs, or to inspect it in areas where only
authorized employees are allowed.

Guarantees

A shop is not required to guarantee its work, but a shop, if it
wants to get and keep customers, usually voluntarily guarantees
repairs. If the shop does give a guarantee, the terms and time
limit of the guarantee must be listed on the invoice.

Any questions you can call the Association and they will transmit
your question to me to answer.

Vincent P. Nesci, Esq. General Counsel

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SSDA-AT Signs onto Letter Opposing Federal Minimum Wage Increase

Dear Chair Murray, Chairman Scott, Ranking Member Burr, and Ranking Member Foxx:

On behalf of Main Street businesses across America, we write to strongly oppose the *Raise the Wage Act of 2021*. Small businesses, ravaged by the COVID-19 pandemic, are struggling to keep their doors open and keep employees on payroll. More than doubling the federal minimum wage presents a significant obstacle to ailing small businesses trying to survive the pandemic.

The *Raise the Wage Act of 2021* would increase the federal minimum wage to \$15 per hour over five years, allow for annual automatic increases without the consent of Congress, and eventually eliminate the tipped wage. When small employers are confronted with increased labor costs, they are left with few options, all undesirable. They can increase the price of their product or service or reduce spending. Often, this means that employers reduce their total labor force, keep open positions unfilled, and reduced employees' hours.

In 2019, the House of Representatives considered legislation under the same title, the *Raise the Wage Act* (H.R. 582), which sought to increase the federal minimum wage to \$15 per hour by 2025. *According to the nonpartisan Congressional Budget Office (CBO), this legislation would result in up to 3.7 million job losses by 2025, with a median estimate of 1.3 million job losses.* A \$15 per hour federal minimum wage would reduce business income and raise prices as higher labor costs were absorbed by business owners and then passed on to consumers. *CBO estimates the legislation would represent a \$64 billion reduction in business income and a reduction in total real family income of \$9 billion by 2025.*

Additionally, your proposal includes increasing the federal minimum tipped wage from \$2.13 per hour to \$15 per hour. Tipped workers are already required to earn the full federal minimum wage from a combination of their base wages and tips, and many earn far more than the minimum. There is concern among tipped workers that if the tipped wage is eliminated, restaurants will either close or adopt no-tipping models—leaving these workers with less take home pay or without a job. The prospect of eliminating the minimum tipped wage was so unpopular with food service workers in Washington, D.C. that

the Mayor and D.C. Council repealed a 2018 ballot initiative to eliminate the minimum tipped wage. Increases to the federal minimum wage would also impact the agriculture industry. Farmers rely on skilled employees and pay competitive rates, often well above minimum wage. In an industry where margins are slim, farmers often struggle to keep up with rising costs while remaining competitive with agricultural imports. Taking a one-size-fits-all approach to wages could drive more farms out of business at the cost of jobs rural economies depend on.

More than doubling the federal minimum wage while small businesses across America are barely surviving shutdowns due to an unprecedented pandemic is a recipe for more shuttered businesses and millions more job losses. **On behalf of Main Street employers across America, we strongly oppose the *Raise the Wage Act of 2021*.**

Sincerely,

NFIB, SSDA-AT, and other trade associations

IRS UPDATES FAQs ON PAID SICK LEAVE CREDIT AND FAMILY LEAVE CREDIT

The Internal Revenue Service posted updated FAQs about recent legislation that extended and amended tax relief to certain small- and mid-sized employers under the Families First Coronavirus Response Act (FFCRA).

The updates to the FAQs cover how the COVID-related Tax Relief Act of 2020, enacted December 27, 2020, extends the availability of the tax credits created by the FFCRA to eligible employers for paid sick and family leave provided through March 31, 2021, as well as other amendments to the credits.

The paid sick and family leave credits, which previously were available only until the end of 2020, have been extended for periods of leave taken through March 31, 2021.

The paid sick leave credit is designed to allow qualified businesses – those with fewer than 500 employees and who pay “qualified sick leave wages” – to get a credit for wages or compensation paid to an employee who is unable to work (including telework) because of coronavirus quarantine or self-quarantine or has coronavirus symptoms and is seeking a medical diagnosis. Eligible employers may claim credit for paid sick leave provided to an employee for up to two weeks (up to 80 hours) at the employee's regular rate of pay up to \$511 per day and \$5,110 in total.

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In addition, an eligible employer can receive the paid sick leave credit for employees who are unable to work due to caring for someone with coronavirus or caring for a child because the child's school or place of care is closed, or the paid childcare provider is unavailable due to the coronavirus. Eligible employers may claim the credit for paid sick leave provided to an employee for up to two weeks (up to 80 hours) at 2/3 the employee's regular rate of pay, or up to \$200 per day and \$2,000 in total.

Employers are also entitled to a paid family leave credit for paid family leave provided to an employee equal to 2/3 of the employee's regular pay, up to \$200 per day and \$10,000 in total. Up to 10 weeks of qualifying leave can be counted towards the family leave credit.

Eligible employers are entitled to immediately receive a credit in the full amount of the paid sick leave and family leave plus related health plan expenses and the employer's share of Medicare tax on the leave provided through March 31, 2021. The refundable credit is applied against certain employment taxes on wages paid to all employees.

Eligible employers may claim the credits on their federal employment tax returns (e.g., Form 941, Employer's Quarterly Federal Tax Return), but they can benefit more quickly from the credits by reducing their federal employment tax deposits. If there are insufficient federal employment taxes to cover the amount of the credits, an eligible employer may request an advance payment of the credits from the IRS by submitting a Form 7200, Advance Payment of Employer Credits Due to COVID-19.

SSDGNY is a member of TST. Because you are members of SSDGNY, you are automatically able to receive certain benefits from that organization.

This means:

- Discount - Live Seminars
- Discount - Yearly Big Event & Trade Show
- Discount - Live Simulcast / Webcasts
- Discount - On-Line Videos
- Watch Members only Videos
- Discount - Tools and Equipment
- Access to Members only Store
- Discount - Training Materials (Books)

LEGISLATIVE ISSUES:

NEW YORK STATE INSPECTION PROGRAM

As you all know we are constantly making efforts to improve our industry. The NYS Motor Vehicle Inspection Program Regulations is the guide on how to be in compliance with the NYS when operating an inspection station.

You as an inspector also know that like many things in life there is much room for improvement in this area. There are many gray areas that seem unclear in this program.

We are working in a collaborative effort with other associations to improve the program and change any gray area to black and white. Please think about any issues or glitches you have experienced when performing an inspection and email cobalde@ssdgnny.org your 3 main items that matter most to you and that you would like to see improved.

ZONE PRICING

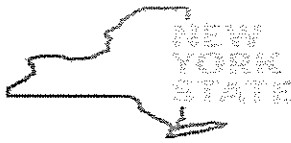
Zone pricing is a gasoline industry practice of selling the same brands and grades of fuel to retail sellers at different prices depending on the "price zone" in which the retail seller is located. Price zones are not established by law. Instead, gasoline suppliers determine their own price zones.

This has been an issue we have been battling for many years. We were successful in getting a law passed that prohibits Zone Pricing. If this is still an issue at your station, please let us know.

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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ALERT

The Federal Government determines how much vaccine New York State receives. The Federal Government has only given New York approximately 300,000 vaccines/week for over 7 million people who are eligible – as a result supply is very limited.

Vaccines are available at pharmacies, hospitals and through local health departments statewide – please contact your provider of choice to schedule your vaccine appointment.

Additionally, there is a network of State-run sites distributing vaccine statewide – to determine eligibility and to schedule a first-dose appointment through April 16 at New York State-run vaccination sites only, use the Am I Eligible app. at: <https://am-i-eligible.covid19vaccine.health.ny.gov/>

AN APPOINTMENT IS REQUIRED. IF YOU VISIT A LOCATION WITHOUT AN APPOINTMENT YOU WILL NOT RECEIVE A VACCINE.

NEW YORK STATE PAID FAMILY LEAVE OVERVIEW

As we finish our four-year phase in of New York State's landmark Paid Family Leave (NYPFL), there are exciting updates to share! In 2021, Paid Family Leave (PFL) benefits have been significantly enhanced to further improve the lives of working New Yorkers and their families.

More time off.

In 2021, eligible employees will have access to up to 12 weeks of job protected, paid time off to bond with a new child, care for a family member with a serious health condition, or to assist loved ones when a family member is deployed abroad on active military service. This time can be taken all at once, or in increments of full days.

More uses.

In addition to the above uses, a law signed by Governor Cuomo in April 2020 guarantees workers job protection and financial compensation in the event they, or their minor dependent child, are under an order of quarantine or isolation due to COVID-19. In these situations, PFL may be available for use.

More financial security.

The Paid Family Leave wage replacement benefit is also increasing. In 2021, employees taking Paid Family Leave will receive 67% of their average weekly wage, up to a cap of 67% of the current Statewide Average Weekly Wage of \$1,450.17. The maximum weekly benefit for 2021 is \$971.61.

Same strong protections.

Employees can take leave to care for their family members knowing New York has their backs. With some of the nation's strongest worker protections, New York Paid Family Leave guarantees that:

Employees have job protection, ensuring they can return to the same job (or a comparable one) when they return from Paid Family Leave.

Employees can keep their health insurance while on leave on the same terms they had while working.

Employers are prohibited from discriminating or retaliating against employees for requesting or taking Paid Family Leave. And as New York continues to look out for some of our most vulnerable workers, citizenship is never a factor in eligibility for New York Paid Family Leave.

Fully funded by employees.

New York Paid Family Leave is insurance that may be funded by employees through payroll deductions. In 2021, the contribution is 0.511% of an employee's gross wages each pay period. The maximum annual contribution is \$385.34. Employees earning less than the current Statewide Average Weekly Wage (SAWW) of \$1,450.17 will contribute less than the annual cap of \$385.34, consistent with their actual wages.

Here are two examples at different income levels:

Employees earning \$519 a week (about \$27,000 a year) will pay about \$2.65 per week: $\$519 \times 0.511\%$. When taking the benefit, these employees will receive \$347.73 per week, up to a maximum total benefit of \$4,172.76.

Employees earning the SAWW of \$1,450.17 (\$75,408 a year) or more will pay $0.511\% \times$ their gross wages each pay period until they reach the maximum of \$385.34. When taking the benefit, these employees will receive \$971.61 per week, up to a maximum total benefit of \$11,659.32.

For more information or assistance on NYPFL for 2021, you can visit <https://paidfamilyleave.ny.gov/2021> or call the Paid Family Leave Helpline at 844.337.6303 from 8:30am to 4:30pm, Monday through Friday.

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EMPLOYEE HANDBOOK

Does your company need an Employee Handbook? Call the association or visit www.ssdgny.org and click on handbook questionnaire to receive the questionnaire. Once the questionnaire is filled out and sent back you will receive your handbook(s) bound and customized to what your company policies are. The cost for the initial handbook is \$100.00 and \$15.00 for each additional book.

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.



WELCOME NEW MEMBERS

KIT Down Motorsports, Inc.
Mt. Vernon, NY

Port Chester Collision
Port Chester, 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
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: NYS Insp. machine & license in Westchester County.
Asking \$25,000. All interested parties please call 914-804-2412.

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

TRIVIA QUESTION

What is New York State's current Statewide Average Weekly Wage? 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



Marshall & Sterling Insurance is proud to provide an exceptional portfolio of insurance and risk management services to members of SSDGNY - Service Station Dealers & Automotive Service of Greater New York. Both Marshall & Sterling and SSDGNY are committed to helping service station and garage owners manage the risk to their business.

Service Station Dealers & Automotive Service of Greater New York provides members with a variety of services as well as local, state, and national representation. The benefits of membership include:

- ◆ Insurance Programs
- ◆ Workers Compensation Program
- ◆ Legal Program
- ◆ Medical Insurance
- ◆ Special Exclusive Member Programs
- ◆ Legislative Representation & Lobbying
- ◆ Special Training Programs

Become a SSDGNY Member Today! Visit www.marshallsterling.com/ssdgny.com to get started.

Our experienced and dedicated service team can work with SSDGNY members to provide exceptional insurance coverage with unparalleled cost efficiency. Marshall & Sterling's Workers' Compensation Program provides valuable benefits to SSDGNY members, including:

- ◆ Large Year End Dividends – Seven-year average – 32.8%
- ◆ Dividend History...
 - 2018-19... 37.5%
 - 2017-18... 37.5%
 - 2016-17... 35%
 - 2015-16... 35%
 - 2014-15... 35%
 - 2013-14... 25%
 - 2012-13... 25%
- ◆ Substantial Upfront Discounts – Up to 25%
- ◆ Strong Contingent Balance
- ◆ Premier Claims Administration & Loss Control Services
- ◆ Professional Underwriting & Audit Review Services
- ◆ Experience Rating Modification Analysis & Review
- ◆ Prompt issuance of Insurance Certificates
- ◆ Established, Solid Safety Group – Founded in 1967
- ◆ Historical Security of State Insurance Fund Safety Groups

In addition, our Garage Insurance Program provides industry-leading protection against property and liability threats to your business.

- ◆ Garage Liability
- ◆ Garage Keepers Liability
- ◆ Commercial Auto
- ◆ Contents Insurance
- ◆ Building / Property Coverage
- ◆ Business Interruption Protection
- ◆ Umbrella Insurance
- ◆ Underground Storage
- ◆ Pollution Insurance

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