



Equipment Dealers ASSOCIATION

COVID-19 WRAP UP WEEK OF APRIL 20, 2020

Here is a helpful wrap up of COVID-19 information for your dealership. This update and other COVID-19 resources are a benefit of membership of the Equipment Dealers Association. A full list of resources for dealers can be found [here](#).

Remember, EDA Members also have access to our legal hotline. Natalie Higgins, EDA's general counsel, is a practicing labor and employment attorney who can assist dealers with implementation questions. Email Natalie at nhiggins@equipmentdealer.org.

EDA TO WEBINAR: RETURN TO WORK AND ESTABLISHING A NEW NORMAL

EDA will host a FREE dealer webinar on best practices in returning to work and establishing a new normal in the wake of the ongoing COVID-19 pandemic. Questions and topics covered in this webinar will include:

- ✓ How do we handle employees who refuse to return to work in the dealership, either due to an irrational fear or due to liking the work from home?
- ✓ My employee is flying out of state. I requested he/she self-quarantine for 14 days upon return. He/She said she will sue. What should I do?
- ✓ Can we require taking temperatures?
- ✓ Can you require a health questionnaire before someone returns to work?
- ✓ Once the vaccine becomes available, can we require our employees to get the vaccine?
- ✓ When do we let a sick employee return?
- ✓ What if someone refuses to do their job due to fear?
- ✓ When anti-body testing is available, can we require employees to have this test and provide the results?
- ✓ Can we ask or require our employees to use social distancing apps?
- ✓ If an employee believes they contracted COVID at work, is this a workers' compensation claim?
- ✓ Can you ask customers if they test positive or have been exposed to positive?
- ✓ Are we liable to 3rd parties if they become ill?
- ✓ Do we have to tell our employees someone tested positive?

This webinar will be held at 1:00pm on May 5, 2020. [Register here](#).

*This announcement is brought to you in
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UPDATED EEOC GUIDANCE AVAILABLE RELATED TO RETURN TO WORK

On April 23, 2020, the EEOC [updated its COVID-19 guidance](#) on the interactive process, undue hardship, reasonable accommodations, and now has some return to work guidance. Dealers should review this guidance and update policies and procedures, if necessary.

C.1. If an employer is hiring, may it screen applicants for symptoms of COVID-19? (3/18/20)

Yes. An employer may screen job applicants for symptoms of COVID-19 after making a conditional job offer, as long as it does so for all entering employees in the same type of job. This ADA rule applies whether or not the applicant has a disability.

C.2. May an employer take an applicant's temperature as part of a post-offer, pre-employment medical exam? (3/18/20)

Yes. Any medical exams are permitted after an employer has made a conditional offer of employment. However, employers should be aware that some people with COVID-19 do not have a fever.

C.3. May an employer delay the start date of an applicant who has COVID-19 or symptoms associated with it? (3/18/20)

Yes. According to current CDC guidance, an individual who has COVID-19 or symptoms associated with it should not be in the workplace.

C.4. May an employer withdraw a job offer when it needs the applicant to start immediately but the individual has COVID-19 or symptoms of it? (3/18/20)

Based on current CDC guidance, this individual cannot safely enter the workplace, and therefore the employer may withdraw the job offer.

C.5. May an employer postpone the start date or withdraw a job offer because the individual is 65 years old or pregnant, both of which place them at higher risk from COVID-19? (4/9/20)

No. The fact that the CDC has identified those who are 65 or older, or pregnant women, as being at greater risk does not justify unilaterally postponing the start date or withdrawing a job offer. However, an employer may choose to allow telework or to discuss with these individuals if they would like to postpone the start date.

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UPDATED DOL GUIDANCE – Q & A Revised and Updated

On April 23, 2020, the United States Department of Labor (DOL) continues to expand and to revise ongoing guidance to employers as they work to comply with the terms of the FFCRA. Dealers are encouraged to continue to closely review the [DOL Guidance](#) as implementation of the FFCRA continues in your dealership.

Phase 3 Stimulus (CARES 2) – Passes House

Yesterday, the United States House of Representatives passed legislation authorizing a third round of stimulus funding (Phase 3 Stimulus) to support ongoing COVID-19 programs contained within the CARES Act, such as the Paycheck Protection Program (PPP). The stimulus included within the Phase 3 bill totals 483 Billion. For equipment dealers, key aspects of the Phase 3 stimulus include:

- ✓ Increased the authorization levels for EIDL (Economic Injury Disaster Loans) Grants from 10 Billion to 20 Billion;
- ✓ Increased the appropriation levels for the PPP from 349 Billion to 659 Billion;

Substantial funding in the stimulus bill was also allocated for small lenders and healthcare entities. The legislation allows qualifying agricultural enterprises to receive EIDL grants and loans (previously excluded).

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