

# NOZZLE & WRENCH



AN OFFICIAL PUBLICATION OF THE WASHINGTON DC, MARYLAND & DELAWARE SERVICE STATION & AUTOMOTIVE REPAIR ASSOCIATION

VOLUME 20/ISSUE 2  
FEBRUARY 2021

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- >> Virtual Training Conference
- >> Price Gouging During The Pandemic
- >> What Employers Can Expect Under the Biden/Harris Administration

## VOTE NO HOUSE BILL 581

## KIRK'S CORNER

# You Can Make a Difference.



By Kirk Mccauley,  
Director Of Member  
Relations &  
Government Affairs

**I sent out below instructions** on how to register on the Maryland General assembly website (MGA) on bill HB581. The same procedure is needed on any bill you wish to send testimony on oral or written so I thought it worth repeating. With all hearings and testimony written or oral done remotely, legislators are not hearing from constituents as they normally would. That is frustrating but I also see it as an opportunity to contact your legislator and make a difference. Take that 5 minutes it takes to register so when WMDA/CAR needs your expertise and passion you will be ready to respond.

How you can create an account on the General assembly website: <https://mgaleg.maryland.gov/mgawebsite/> and click on MY MGA on top right side and fill out registration. This will be good for entire

session. You need this to submit testimony.

Next go to <https://mgaleg.maryland.gov/mgawebsite/Information/VideoTutorials> and look at tutorial on submitting testimony directly to the committee. Testimony can only be submitted between **10am and 3pm 2 days before a hearing**, so in this case Wednesday the 3rd. This tutorial is at the bottom of the page on right and says witness sign up.

I know some of this is confusing and different committees have different rules, but it is what is, and it does put businesses at a disadvantage. This whole process only takes about 5 minutes and you can make a difference if you ACT NOW – create your account and on Wednesday send testimony to the committee. It is very frustrating to me also, but I do know we can make a difference acting as one, telling legislators to **VOTE NO HOUSE BILL 581**.

### Legislative Hearing Update

Last week of January we had 5 bills WMDA actively worked.

- SB 210 COVID 19 Civil Immunity for Business – **For**
- HB 117 Personal Information Protection Act – **Oppose**
- SB 177 Flavor Ban on All Tobacco – **Oppose**
- SB 211 Family and Medical Leave Act – **Oppose**
- SB 211 Electronic Smoking Devises Regulation Act – **Oppose**

*Thank you for the overwhelming response*

### OPPOSE HOUSE BILL 581

*Employment Standards During an Emergency*

Now is not the time to implement new, costly and complex employer mandates. Let your legislators know you oppose HB 581 and they should too!

Hearing is on Feb. 5 at 11am

Continues on page 4

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*The RELIEF Act will be introduced as emergency legislation so that it can take immediate effect upon enactment. The legislation is funded through the remaining surplus at the end of Fiscal Year 2020, difficult budget reductions, and a small portion of the state's Rainy Day Fund.*

*Continued from page 1*

First week of February we have very important bills that will most likely be heard before you read this.

- SB 76 A bill that would put a fee on all carbon sources that produce energy. Gas would go up about \$.10 a gallon the first year and 3-4 cent every year for the next 9 years. Electricity generated by carbon source, propane, natural gas, coal would see an even bigger jump. – **Oppose**
- HB 553 would allow lottery to be put online. – **Oppose**
- HB581 Called MD Essential Workers Protection Act would among other things force essential business to increase pay by \$3.00 per hour and much more. – **Oppose**.

You can go to the MGA website and enter the bill number in the search window to read bill.

<https://mgaleg.maryland.gov/mgawebsite/>

### **Governor Hogan's Relief Bill**

From Governor Hogan's Press release – Business Benefits

The RELIEF Act will be introduced as emergency legislation so that it can take immediate effect upon enactment. The legislation is funded through the remaining surplus at the end of Fiscal Year 2020, difficult budget reductions, and a small portion of the state's Rainy Day Fund.

Supports small businesses with sales tax credits of up to \$3,000 per month for four months— for a total of up to \$12,000—freeing-up much needed resources to protect payrolls and sustain operations. This relief will directly help more than 55,000 Maryland small businesses. (\$300 million)

Extends unemployment tax relief for small businesses, staving off sudden and substantial tax hikes in 2021. This provision codifies an emergency order the governor issued last month. (\$218 million)

Safeguards Maryland businesses against any tax increase triggered by the use of state loan or grant funds. (\$40 million)

While this bill is a long way from passing, I understand they are trying to play nice and come to a compromise. I just listed the business benefits.

### **Delaware**

In Delaware we have been waiting for a minimum wage bill and we got two of them but not the one we expected. HB 94 has to do with tipped employees and HB 88 has to do with youth workers and training wage. Both are linked below. We may see the \$15.00 bill yet or with our president from Delaware maybe they know a federal bill of the same nature is coming? We have not seen the flavored tobacco bill yet but deep

throat says its coming.

[DE HB94 | 2021-2022 | 151st General Assembly | LegiScan](#)

[DE HB88 | 2021-2022 | 151st General Assembly | LegiScan](#)

### **District of Columbia**

I had a virtual meeting with a group of mutual minded trade groups that keep track of the DC council called DC Partners and it has been a big help to me. We know the flavor tobacco bill is in committee but has not moved so far.

### **Virtual Training Conference 2021 - #VTC2021**

Our Director of Operations, Swapna Sripada, along with Sandi Weaver from BA Auto Care (Chairperson, CAR) have put together a lineup of 39 classes for the virtual training day. The classes are presented by the Who's Who in the field of training. Sessions tailored for Auto Technicians, Service writers, Business owners, HR, Succession Planning, Retirement planning, phone skills and so much more. Quality trainers and the latest topics.

There is a wide variety of classes for repair facilities, bayed stations, and convenience stores. You can get all of these for an amazing one price for your entire shop or individual prices. There are classes our Associate members could use too.

As a bonus, if you cannot make a class for any reason you can go back for 30 days and review the classes online. Two classes at same time, no problem, watch one later.

### **WMDA CONNECT – Launched!**

The WMDA CONNECT – an online member community page was launched on Jan 26th. You can access this page by going to <https://wmda.tradewing.com/home>.

This will take you our web page; you sign in with your WMDA login and it will take you to the community page. This is the perfect place to communicate with members, generate new ideas, post tech tips, give everyone the heads up on a new product, what works and what does not and share your expertise in the community, buy and sell and its setup is like Facebook and extremely easy to navigate. So, get on there and give us a shout-out!

Any questions on the Virtual Training Conference or the community page – WMDA CONNECT please contact Swapna Sripada at [ssripadabu1@wmda.net](mailto:ssripadabu1@wmda.net) .

Any questions on Legislation [kmccauley@wmda.net](mailto:kmccauley@wmda.net) or 301-775 0221. ■

Our mission is to make your life as a small business owner a little bit easier.

In February 2021, a new SIMPLE.FAST.DIRECT. online insurance purchasing website will launch from AmeriTrust intended to do just that -- maximize your time and minimize the wait. In just minutes, you and fellow WMDA members seeking workers' compensation coverage will be able to apply, receive a competitive quote, and make the initial payment online. Watch for more details about this exciting AmeriTrust enhanced web experience February of 2021.

**If you are interested in receiving a workers' compensation quote before the new website launches, or if you simply prefer to pick up the phone and call an Underwriter direct, you do not have to wait!**

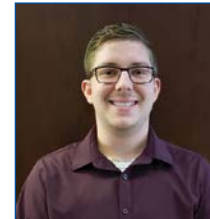
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# WMDA/CAR Virtual Training Conference

**Parts Authority**  
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**FEB. 26-28, 2021** One Low Registration fee of \$149 individual/\$349 shop –  
WMDA/CAR Members pay \$99 individual/\$299 shop.

## VIRTUAL EXPO

Visit the participating vendor booths to learn more about their products and services, have live conversations with vendors and enter to win prizes!

11:00am–2:00pm Friday  
11:00am–2:00pm Saturday  
11:00am–2:00pm Sunday

## FRIDAY, FEBRUARY 26

### KEYNOTE SPEAKER

8:30am–9:00am

Speaker: *Mick Carbo, carbocoaching.com*

### The Employment Practice Pitfalls

9:00am–11:00am **MANAGEMENT**

Speaker: *Christine V. Walters, JD, MAS, SHRM-SCP, SPHR, FiveL.net*

This presentation will provide attendees with an overview of a “Top Ten” list of employment practice issues that are likely to impact business owners and managers related policies and programs in 2021. Planned topics include: minimum wage, paid and unpaid leave, equal pay, anti-discrimination protections, accommodation requirements (religion, pregnancy, & disability), COVID-19 updates, substance testing & use, and more.

### Strategies to Reduce WCOMP

9:00am–10:00am **MANAGEMENT**

Speaker: *Brian Risen, CPCU, ARM, ALCM, AmeriTrust CONNECT*

Working through the new normal has been business owners re-evaluating expenses and identifying opportunities for savings. Insurance should be no exception. Workers’ compensation is an important coverage that protects you and your associates. Session attendees will be introduced to proactive strategies that can be implemented to help reduce workers’ compensation costs.

### ASED Updates

9:00am–11:00am **TECHNICIANS**

Speaker: *D/Sgt. Pickett, Maryland State Police, Automotive Safety Enforcement Division*

Updates on proposed COMAR regs, problem areas, what MSP/VSIs are looking for in the field.

### Low Car Count

9:00am–11:00am **SERVICE ADVISORS/MANAGEMENT**

Speaker: *Patrick McGee, Bolt On Technology*

The dream of being constantly overbooked may be just that—a dream. Overbooked and busy shops sometimes compel service advisors and technicians to cut corners, driving the bottom line further into the red.

### Succession Planning – What’s Your End Game?

10:00am–12:00pm **MANAGEMENT**

Speaker: *Bryan Stasch, Automotive Training Institute*

Where do you want to be? And where can you be in 5 years, 10 years?

### Automotive Lubricants... Fundamentals through Newest Specifications

10:00am–11:00am **TECHNICIANS**

Speaker: *Gene F. Jensen, Chevron*

Automotive lubricant fundamentals, mineral and synthetic, Engine size, Turbos, LSPI, Direct injection, Transmissions, Spec history, new specs (API SP and ILSAC GF-6 A and B), Diesel CK-4.

### New Internal Combustion Vehicles Banned! Now What?

11:00am–12:00pm **MANAGEMENT**

Speaker: *Craig Van Batenburg, ACDC Hybrid-EV Training*

This class was developed for Owners and Managers that see the writing on the wall. California and Massachusetts have set 2035 for banning sales of new ICE powered light duty vehicle. At that time all new light duty vehicles sold will be zero emissions. Seems like a long time away? That is about 3 product cycles from now for OEMs. What will you do? Do you sell gasoline or diesel? Run a convenience store? Fix ICE powered cars and trucks? You will be

affected. Time to consider what is next for your company. Spend an hour with Craig Van Batenburg engaged in this topic.

### Becoming Great on the Phone

11:00am–1:00pm

**SERVICE ADVISORS/CUSTOMER SERVICE**

Speaker: *Cecil Bullard, iforabe.com*

Customers decide whether or not they will do business with you in 4.5 seconds. What can you do in 4.5 seconds other than be energetic, enthusiastic and engaging? How we answer the phone and how we engage the customer is essential to our overall success and can mean the difference between a 16% call to appointment rate and a 40% call to appointment rate.

### Testing Strategies

11:00am–2:00pm **TECHNICIANS (advanced)**

Speaker: *Tom Rayk, The Group Training Academy*

In this course we explore the best way to achieve the most amount of diagnostic information from various systems found on a vehicle without wasting time. Learn our Go and No-Go approach to testing and how we analyze our scan tool’s data to determine what to do first when leaving the driver’s seat.

### Virtual Hands-on Digital Inspection Experience

12:00pm–2:00pm **TECHNICIANS/SERVICE ADVISORS**

Speaker: *John Burkhauser, Bolt On Technology*

Digital inspections are here and are the key to building customer trust and your profits at the same time. During this session you will be given a “Hands-on” experience and use of an actual digital inspection. We will cover the use of digital inspections in your shop with you being able to work with one during this class on your web enabled device. See how easy it is to build and use them, even send them to your customers in real life during the class!

*(Continues on next page)*

# WMDA/CAR Virtual Training Conference

FEB 26-28, 2021 [Register Online at wmda.net/events](https://wmda.net/events)

Parts Authority  
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## Financial Planning for Retirement

12:00pm–1:30pm **MANAGEMENT**

**Speakers:** Amber Terakedis, CFP®, Emily A. Youngblood, CFP®, Plante Moran

Class includes: Personal balance sheet, Financial independence planning, Investment strategy, Tax planning, Insurance/risk management fundamentals & Estate planning

## A Better Understanding of Your Financials

1:30pm–3:30pm **MANAGEMENT/ACCOUNTING**

**Speaker:** Hunt Demarest CPA/ABV, Paar Melis & Assoc.

We will dive into the importance of setting your financials up correctly to allow you to use as a strong management tool for your business. We will analyze the layout and numbers of your balance sheet and income statement.

## Top 5 Digital Marketing Mistakes made by Auto Repair Shops

2:00pm–3:00pm **MANAGEMENT**

**Speaker:** David Mills, Net Driven

Digital marketing is more effective and measurable than ever before. As a result, many auto repair shops and tire dealers have shifted the majority of their advertising dollars to digital. Unfortunately, this shift of dollars has not always been well directed. Join Net Driven's David Mills as he highlights the 5 common mistakes auto repair shops and tire dealers make and provides ways to avoid them.

## Surviving a Family Business!

3:00pm–5:00pm **MANAGEMENT**

**Speaker:** Chris Frederick, Jr., Automotive Training Institute

Learn some fun and innovative ways to work in a family run business. Even if you are not personally a family member, most small businesses have more than one family member involved. Learn how to navigate personalities and improve the performance of your shop by aligning goals, reducing miscommunication and improving the morale of your shop.

## SATURDAY, FEBRUARY 27

## Diagnosing Pulse Width Modulation for Power, Control and Sensing Circuits

9:00am–11:00am **TECHNICIANS**

**Speaker:** Gary Smith, [DiagNation.com](http://DiagNation.com)

In this web class, we will discuss Pulse Width Modulation (PWM) theory and specifically how it applies to various automotive systems. The web class will flow theory to scanner and scope analysis during diagnosis of several recent case studies. NOTE: This is NOT a Hybrid/EV class.

## Inspirational Managers and Leaders

9:00am–11:00am **MANAGEMENT**

**Speaker:** Suzanne Izzard, Crocus Coaching & Development, U.K.

Inspirational managers and leaders (the skills and behaviours that make an inspirational manager/leader, the difference between a leader and a manager, coaching and mentoring, feedback, vision setting, values).

## Coaching & Counseling for Employee Success

9:00am–11:00am **OWNERS/MANAGERS**

**Speaker:** Rick White, 180BIZ

Every employee, including your superstars, can reach higher levels of performance. All they need is a manager who can *coach*.

In this course, you will learn to:

- Improve or develop your ability to coach.
- Close the gaps between what you have and what you want in performance and outcomes.
- Challenge your best performers to greater levels of success.
- Integrate coaching seamlessly into the daily interactions with your people.

## Dynamic Duo

9:00am–12:00pm **TECHNICIANS**

**Speaker:** John Forro, The Group Training Academy

This exclusively unique course will show technicians how to maximize the data they retrieve with their scan tool to allow them to seamlessly transition when attaching their scope to the circuiting for in-depth diagnostics.

## Art & Science of a Successful Service Advisor

10:30am–12:30pm **SERVICE ADVISORS**

**Speaker:** Bryan Stasch, Automotive Training Institute

SOPs, discipline and organization along with the right "feel" for the business and the customer can drive increased profits and a better customer experience.

## Simple Secrets to Great Phone Skills

11:00am–1:00pm **SERVICE ADVISORS**

**Speaker:** Geoff Berman, Automotive Training Institute

*Excuse me but your cash register is ringing!* You have invested countless Dollars and Time in making that phone ring, only to be frustrated by callers that seem to be calling to waste your time. There is an art to handling the phone properly and getting the maximum conversion rate possible, and it is much easier than you might think. Learn how to use the most powerful tool in your shop to engage customers and convert more into visits.

## VIRTUAL EXPO

Visit the participating vendor booths to learn more about their products and services, have live conversations with vendors and enter to win prizes!

12:00pm–1:00pm	Friday
12:00pm–1:00pm	Saturday
11:00am–12:00pm	Sunday

## HVAC Systems in Hybrid and Electric Cars

11:00am–12:00pm **TECHNICIANS**

**Speaker:** Craig Van Batenburg, ACDC Hybrid-EV Training

If you are well versed in conventional HVAC systems, in one hour we can get you started in the world of high voltage electric compressors and A/C systems used for heating electric vehicle cabins. We will discuss R134a and R1234yf, oils, heat and A/C operation in hybrids. Then switch to heat pumps in EVs and Plug-ins. Do you have the right equipment and safety measures in place? Even an A/C recharge on a Prius can go sideways if you are not aware of the system requirements. This class is not entry level. It is for a working technician.

## Why Developing Leaders On Your Team Should be your #1 Goal

11:00am–1:00pm **MANAGEMENT**

**Speaker:** Mick Carbo, [carbocoaching.com](http://carbocoaching.com)

## What has Your Business Done for You Lately?

12:00pm–2:00pm **MANAGEMENT**

**Speaker:** Dan Gilley, RLO Training

Many shop owners are not earning what they could or should. This workshop looks at methods of improving profits and ways to increase business. Come prepared to adjust your thinking about what is possible and what you can achieve.

## Succession Planning, a Legal Perspective

12:00pm–2:00pm **SHOP OWNERS/MANAGEMENT**

**Speaker:** Stuart A. Schwager, Lerch, Early & Brewer, Chtd.

Most businesses fail to survive after the founder leaves. Why? No plan! Without a succession plan in place it is extremely unlikely a business will survive. This workshop is designed to help you get the process started. You will need several professionals to complete the process and getting started is the most important step.

*(Continues next page)*

# WMDA/CAR Virtual Training Conference

FEB 26-28, 2021 [Register Online at wmda.net/events](https://wmda.net/events)



## Domestic Diesel Aftertreatment Systems

12:00pm–2:00pm **TECHNICIANS**

**Speaker: Kris Lewis, Automotive Training Group**

Available service information hasn't kept up with the evolution of complex aftertreatment systems and the ways they are actually failing when out of warranty. This webinar focuses on practical high-level diagnostics to prevent getting bogged down in the long test sequences that often ignore possible causes in related systems. This course was built from the 'shop up' instead of simply trimming down OEM information, so all of the tests are developed and verified during real-world diagnostics.

## Diagnosing Difficult Fuel & Oil Deposit Related Drivability Concerns

1:00pm–3:00pm **TECHNICIANS**

**Speaker: Gary Smith, Diagnation.com**

This is an eye-opening class for techs, advisors and shop owners alike, and covers critical diagnostic methodology and knowledge that the OEMs are NOT teaching today. Learn how adding baseline strategy to your diagnostics helps to save time, unnecessary parts replacement and less comebacks.

## Gasoline Direct Injection: Analytic Test Drive

1:00pm–3:00pm **TECHNICIANS**

**Speaker: Rich Falco Jr., Carquest.com**

A test drive is not intended to isolate faults which may be causing a symptom, the purpose of an analytic test drive is to gather information. Then once the information has been analyzed, you can determine the proper test(s) to perform in order to narrow down the problem and eventually diagnose the root cause of a problem accurately. This class will examine several examples of captured scan data from GDI vehicles. This data will quickly assess the condition of the engine management system, verify correct operation, or find clues that will direct intrusive pinpoint tests efficiently. Whether the problem is DTC driven or symptom driven, a repeatable test drive cycle will determine if the root cause is air (VE) related, fuel related, or adaptive related.

## VIRTUAL EXPO

Visit the participating vendor booths to learn more about their products and services, have live conversations with vendors and enter to win prizes!

11:00am–2:00pm **Friday**  
11:00am–2:00pm **Saturday**  
11:00am–2:00pm **Sunday**

## Automotive HVAC Update

3:00pm–5:00pm **TECHNICIANS/SERVICE ADVISORS**

**Speaker: Tim Iezzi, Carquest.com**

This HVAC Update class is designed to familiarize the shop and technicians with the current state of A/C service. Topics include:

- Current standards and how to verify capabilities.
- The future with R-1234yf and how it will impact the service bays and customer satisfaction.
- Real information on safety with new refrigerants.
- Changes in leak detection and how to verify equipment operation.
- A thorough review of the new service process and machines including video demonstrations.
- A review of testing practices with added tools and techniques to save time and increase accuracy.

## High Voltage Battery Diagnosis

3:00pm–4:00pm **TECHNICIANS**

**Speaker: Craig Van Batenburg,**

**ACDC Hybrid-EV Training**

When a Prius needs a battery pack replacement what do you do? Ship it to the dealer or replace it? How do you know if the pack is bad? Lithium cells replaced Nickel Metal Hydride (NiMH) cells in 2013 in almost all hybrids with Toyota as the only exception. 90% of the high voltage battery work needed is caused by NiMH cells wearing out. 10% are other issues. Take an hour out of your Saturday and learn more than you know now about NiMH battery packs. You can't learn it all in sixty minutes, but you may be amazed at what you can learn in a short time.

## How to Advertise on Google

2:00pm–3:00pm **MANAGEMENT**

**Speaker: Mike Nazario, Net Driven**

Advertising on Google can take your digital presence to the next level and help you get found by even more potential customers. In this session, we will explore what you need to know to get started with Google AdWords and Analytics. Discover the ins and outs of PPC advertising, how to create and run an ad campaign in Google AdWords, and how to measure your results.

## SUNDAY, FEBRUARY 28

### How to Become a Talent Magnet

9:00am–11:00am **MANAGEMENT**

**Speaker: Rick White, 180BIZ**

Let's look at some sobering facts:

- The talent pool for quality technicians & advisors is shrinking.
- The old ways of chasing and finding potential help aren't working any more.

Our experience shows that it takes an average of seven months to replace a great tech. Waiting for someone to leave to recruit for their replacement

gets you "Mr. Right Now" in desperation instead of "Mr. Right." Like Apple and Google, you need the best talent banging down your door every day. This class teaches you how to become your own **Talent Magnet** and get exactly that.

## Low ARO (Average Repair Orders)

9:00am–11:00am **SERVICE ADVISORS/MANAGEMENT**

**Speaker: Steve Arbakov, Bolt On Technology**

Although a sufficient car count is vital to a repair shop's success, more cars do not necessarily mean more money. A lower average repair order can quickly become the bottleneck to any shop.

## Lack of Customer Communication

9:00am–11:00am **SERVICE ADVISORS**

**Speakers: John Linden, Bolt On Technology**

Although communication with a customer is especially critical after their vehicle has been repaired, connecting with the client is crucial throughout the entire process. If changes or updates are miscommunicated—or not communicated at all—there could be surprises when they come to pay. In this case, surprises are typically bad and could leave the customer feeling upset or angry with your shop. And in the age of Google, bad reviews travel faster than good ones.

## Homemade is the Best! How Can I Grow My Own Techs?

9:00am–11:00am **MANAGEMENT**

**Speaker: Jim Bennett, Automotive Training Institute**

Can't find them? Can't afford? Imagine no skeletons, no diva and no bad habits. Greet them green and build them right from the start.

## CAN Bus, FlexRay and Communications Network Fundamentals

9:30am–11:30am **TECHNICIANS**

**Speaker: Gary Smith, Diagnation.com**

- Study the theory of the CAN Bus Protocol and understand the communication methods.
- Study CAN Bus physical and transport lines (Wiring), voltages, termination and operating characteristics
- System Topology (Layout), Gateways and newer multi-protocol communications are covered
- Companion protocols, Flex Ray, MOST, LIN and older UART "K" Lines on Euro vehicles covered
- Learn diagnostic methodology using test approaches.
- Case studies look at CAN failures and fixes using Voltmeters, Ohmmeters and Lab Scopes
- Learn the analysis of communication bus lines using lab scope waveforms for the problem.

*(Continues next page)*



# WMDA/CAR Virtual Training Conference

FEB 26-28, 2021 *Register Online at [wmda.net/events](http://wmda.net/events)*



## Processes and Efficiency in Your Business

9:00am–11:00am **SHOP OWNERS/MANAGEMENT**  
**Speaker: Cecil Bullard, iforabe.com**

Businesses with documented and proven processes are much more likely to be consistently profitable, have happier customers and employees. This class will:

- Identify many of the processes that are necessary for a business to be productive and profitable.
- Teach you how to write them and how to teach your team to write them.
- Give you 4 of the processes you need and get you started on creating a business that can run without you and earn 20% net profit consistently as well as keep your staff and clients happy.

## VIRTUAL EXPO

Visit the participating vendor booths to learn more about their products and services, have live conversations with vendors and enter to win prizes!

- 11:00am–2:00pm Friday
- 11:00am–2:00pm Saturday
- 11:00am–2:00pm Sunday

## Digital Marketing Made Easy: 10 Proven Ways to Grow Your Sales

11:30am–12:30pm **MANAGEMENT**  
**Speaker: Doug Augis, Net Driven**

It is no secret that nearly every aspect of life was upturned in 2020. Nowhere is that more apparent than the massive shift to digital shopping. A great online presence can stabilize your business and will help drive sales. But what exactly makes a great online experience? Is it your website, online advertising, or social media? In this session, explore 10 tactics to help you develop a strong online presence so your shop can thrive in 2021.

## ADAS – Collision and Repair Shop Roles

11:30am–1:30pm **MANAGEMENT**  
**Speaker: Keith Manich, Automotive Training Institute**

This technology is already changing the industry. Do you want to do more than just keep up? Want to figure out how to get ahead and stay ahead of this next gen program?

## Creating Your Legacy

12:00pm–2:00pm **MANAGEMENT**  
**Speaker: George Zeeks, Automotive Training Institute**

Everyone would like a “Legacy” but what does that really look like? Who or What would carry your legacy? Do you want people to remember you or your shop? What about your actions in the community? If what you want for your legacy and how to get there is not crystal clear, this is a must attend session for you. Join this award winning presenter, as he shares the things to make sure that you and your Shop are known NOW and in the future! The path to building something that is worth remembering will take you to a more successful shop NOW!

## SHOP PANEL DISCUSSION

2:00pm–4:00pm  
**Panel TBA**

**All sessions will be recorded and available to access after the conference.**

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**CAR**  
Council of Automotive Repair

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## FEBRUARY 26-28, 2021



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- Sponsor Directory listing
- Branded Sponsor Hub
- Session Sponsor
- **PLUS:** Virtual Expo Booth
- **PLUS:** Event-Wide Signage

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**Session Sponsor:** Maximize exposure and collect new leads by wrapping the audience dashboard of sessions you sponsor in your brand's logo and messaging.

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### CONTACT INFORMATION

Contact Person: \_\_\_\_\_

Vendor Page Administrator: \_\_\_\_\_

Company Name: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

City: \_\_\_\_\_

State/Zip: \_\_\_\_\_

Phone: \_\_\_\_\_ Fax: \_\_\_\_\_

E-mail: \_\_\_\_\_

### PAYMENT INFORMATION

Total Amount Due: \$ \_\_\_\_\_

Check Enclosed (Payable to WMDA)

Bill my credit card:  Visa  MasterCard  American Express

Account # \_\_\_\_\_

Exp. Date: \_\_\_\_\_ CVW Code: \_\_\_\_\_

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State/Zip Code: \_\_\_\_\_

Account Name (print): \_\_\_\_\_

Signature: \_\_\_\_\_

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### SUBMIT FORM VIA:

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The Ford EcoBoost engine is in wide use by Ford and it comes in a variety of displacements and configurations. Technicians need to understand how the engine control system uses valve timing, air management, and direct injection fuel control to generate the high power available. Special techniques are needed to determine the cause of fuel control or low boost faults. The goal of this class is to prepare the aftermarket technician to diagnose and repair driveability problems on Ford EcoBoost equipped engines. We will present diagnostic scenarios including misfire, boost faults, air and fuel control faults, and EVAP codes using real world examples. We will also demonstrate components replacement best practices.

**After completing this class, a technician will be able to:**

- Identify EcoBoost engines and components
- Compare boost control systems
- Evaluate EVAP codes on EcoBoost engines
- Diagnose high pressure direct injection faults
- Analyze scan data for diagnosis
- Acquire and analyze scope waveforms for diagnosis



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# Emergency Room Visit



By Sandi Weaver  
BA Auto Care, Inc.

**This is probably not something** you thought would be in an automotive newsletter but we learn from all sorts of situations.

Last Wednesday I went to work as I usually do. A few hours later I was doubled over in pain. I had no idea what was going on but I knew I couldn't stay at work. An hour or so later the pain hadn't gone away and my husband was getting really worried. We went to an urgent care to get answers.

They then sent me to the emergency room. I waited over 5 hours in the worst pain I have ever felt, worse than the birth of two children. It ended up being appendicitis and I had my appendix removed. So why am I telling you this? Well, there were lots of take away from this experience that can be translated what we do every day as shop owners.

Let me start with being in the waiting room. It was a very busy day in the ER and all I could do was wait. I heard multiple people asking when they would be seen and how much longer they would have to wait. No one could give them an answer. There were people with more severe issues ahead of them and they would be called back when there was space available. Waiting without knowing how long and being in pain was excruciating.

**Take away number 1:** do not leave people waiting in your waiting room or at home, as things are now, without giving them an update. Even if you don't have answers for the them yet, at least let them know you know you care and are doing your best to get their vehicle in or to find answers.

It's my turn to be seen! I was so relieved. I was seen by a Physician Assistant student who seemed new to this job. She wrote down my answers to the questions she asked and did some pushing and poking. She said she was going to consult with the Physician Assistant (PA) and ordered a CT scan. When the results of the CT were in, the PA informed me it was indeed Appendicitis and the surgeon would be around to discuss surgery versus going on antibiotics. This didn't end up happening and the Nurse got a call that someone would be right there to take me to surgery. Not once in my entire ER visit did I see a doctor.

**Take away 2:** Your customers do not need to speak to the technician working on their car. They do not need a technical explanation (most don't, engineers are different story), they need someone who can translate what is needed.

**Take away 3:** Don't tell your customer something is going to happen and it doesn't. I'm pretty easy going and honestly just wanted to pain to end so not speaking

**While speaking with the nurses** during my hospital stay, I learned so much about what they are going through. We were all so thankful for their hard work when this pandemic started but we seem to have forgotten about them or so they perceive it. The wonderful nurse in the ER said "everyone hailed us heroes the first two month of pandemic now they have forgotten about us." That nurses are "dropping like flies" not due for Covid-19 but due to burning out. She also said she had been wearing the same N95 mask for five 12 hours shift so far and they have to wear two masks to help preserve those precious N95 masks. Another concern she had was the effect wearing these masks for 12 hours a day will do to them. Like the 911 survivors and first responders. Please, take a minute and send a card or a little something to the nurses and doctors who are working long hours to keep our community safe and cared for.

*Take away number 1: do not leave people waiting in your waiting room or at home, as things are now, without giving them an update.*



with the surgeon in the ER was ok with me but I'm sure it isn't for some people.

I was taken down for surgery where I spoke with the surgeon about the procedure and was able to ask questions. This was the only time I saw a doctor during my entire stay at the hospital. She was friendly, informative and got my appendix out with no complications. The doctor called my husband after the surgery to let him know everything went as planned and I was on the road to recovery.

Once in my room, I was looked after by wonderful nurses. The surgeon's Physician Assistant followed up with me a few times the following day and informed me I should not return to work for about 10 days and can't lift more than 10 pounds for the next 4 to 6 weeks. I

was stunned to hear this. I thought it would be a day or two and my life would go back to normal but hearing I could cause a hernia should I do more got me to listen.

**Take away 4:** It takes a team to care for our customers. Every person in our company plays an important role in making sure

our customers have the best experience possible.

While I'm only about a week post operation and still haven't returned to the shop, I'm fortunate to have a great team I know is taking wonderful care of the business and our valued customers. ■



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# Price Gouging During The Pandemic

By James L. Parsons, Jr., Lynott, Lynott & Parsons, P.A.

**In response to the COVID-19 pandemic**, many states enacted laws, amended existing laws, and/or issued executive orders to address the practice of “price gouging” during periods of emergency. These laws and orders control the prices that businesses may legally charge for essential goods and services. The public policy behind these laws and orders is to protect consumers from unscrupulous retailers who may take advantage of consumers by unreasonably raising prices during emergencies where essential goods and services are in limited supply.

Maryland addressed this issue through legislation and an executive order signed by Governor Hogan in March of 2020 (Chapters 13 and 14, Laws of Maryland 2020, and Governor’s Executive Order 20-03-23-03). The Maryland price gouging statute prohibits raising the price of many consumer goods and services that increase the seller’s profit by more than 10% while the COVID-19 emergency declared by the Governor is in effect. The Maryland law specifically applies to motor fuel and many items typically sold at convenience stores. Violations of the executive order are a violation of the Maryland Consumer Protection Act and are subject to injunctive relief, mandatory disgorgement and consumer restitution, civil penalties of up to \$10,000 per violation, and criminal prosecution as a misdemeanor.

The District of Columbia has its own price gouging statute codified as the District of Columbia Natural Disaster Consumer Protection Act (“NDCPA”), which was amended on March 17, 2020. The NDCPA’s price gouging provisions prohibit sellers from charging “more than the normal average retail price for any merchandise or service sold during a public health emergency.” D.C. Code § 28-4102(a). The “normal average retail price” under the NDCPA is “the price equal to the wholesale cost plus a retail mark-up that is the same percentage over wholesale cost as the retail mark-up for similar merchandise sold in the Washington Metropolitan Area during the 90-day period that immediately preceded an emergency.” *Id.* at § 28-4101(2)(B). Violations of the NDCPA are subject to injunctive relief, restitution, civil penalties of up to \$5,000 per violation.

The D.C. Mayor declared a public emergency on March 11, 2020, which triggered the application of the NDCPA. In May of 2020, the District of Columbia (“District”) brought a lawsuit against a D.C. convenience store for allegedly charging a price for Clorox bleach that was 200% greater than other retailers. That lawsuit was the subject of a Consent Order entered into in October of 2020, whereby the defendant agreed not to engage in further violations of the NDCPA and to pay civil penalties of \$1,000.00.

On November 12, 2020, the District filed another lawsuit under its price gouging statute, this time against Capitol Petroleum Group, LLC, a retailer and distributor of gasoline in D.C., and two affiliated entities (collectively “CPG”). In the lawsuit, the District alleges that CPG “saw a business opportunity” after the pandemic caused wholesale gasoline prices to fall in March and April of 2020, and “vastly increased [its] margins on [its] direct and indirect sales to D.C. consumers, doubling the normal mark-up they obtained from gasoline



*The Maryland price gouging statute prohibits raising the price of many consumer goods and services that increase the seller’s profit by more than 10% while the COVID-19 emergency declared by the Governor is in effect.*



sales immediately prior to the pandemic.” The District claims that CPG’s actions amounted to price gouging in violation of the NDCPA, and also violated the District of Columbia Consumer Protection Act (“CCPA”).

The District’s Complaint against CPG alleges that during the three months preceding the March 11, 2020, declaration of emergency, CPG’s average profit per gallon on regular and premium gasoline sold at its “commission operator” stations were \$0.44 and \$0.88, respectively, and that CPG’s average profit per gallon sold at those stations in the weeks following the pandemic increased to \$0.88 per gallon for regular and \$1.23 per gallon of premium gasoline. The lawsuit also alleges that CPG increased its margins on gasoline sales as a distributor to retail gas stations from 41.6% in the three months before the pandemic to 149.8% after the declared emergency.

In addition to the claim under the price gouging law, the Complaint alleges that CPG’s pricing actions (both as a distributor and retailer) amounted to unfair and unlawful trade practices under the CCPA. Through the lawsuit, the District is seeking injunctive relief, restitution, civil penalties, and attorney’s fees.

On December 28, 2020, CPG filed a motion to dismiss

the Complaint in its entirety. In its motion, CPG points out that after the emergency was declared, gasoline retail sales declined by between 30 and 60 percent of pre-March 2020 levels. According to CPG, retailers in the District were only able to stay in business by increasing their profit per gallon, and due to the decline in wholesale prices, retailers were able to increase their profit margin while at the same time charging lower retail prices to consumers than the prices charged before the pandemic. As grounds for its motion to dismiss, CPG claims that the Complaint fails to allege specific facts to show how the “normal average retail price” was calculated under the NDCPA. CPG also claims that the computation of the “markup” under the statute as worded would be “difficult, if not impossible, to determine,” because there is no definition of “Washington Metropolitan Area” in the NDCPA, and the use of the phrase “mark up” in the statute is ambiguous. CPG also contends that neither the NDCPA nor the CCPA apply to wholesale transactions.

The District filed its opposition to the motion to dismiss on January 11, 2021. In its response, the District states that its Complaint summarizes pricing data from the fifty four (54) gas stations that defendants operate at

the retail level and the fifteen (15) stations to which defendants sell gasoline as distributors. According to the District, the allegations that CPG more than doubled or even tripled its margins at these stations is sufficient to state a claim under the NDCPA. The District also argues that the plain language of the CCPA and the case law interpreting it support its position that the CCPA applies to wholesale, as well as retail, sales. CPG has filed a reply to the District’s opposition, pointing out that the Complaint is missing critical facts such as the dates of each alleged violation, and how the violations were determined. CPG also argues that the District is reading words into the NDCPA that “are simply not there,” and that the wholesale transactions engaged in by the defendants are not “consumer transactions” under the CCPA.

As of this writing, the court has not issued ruling on CPG’s motion to dismiss. Hopefully, the final outcome in the District’s lawsuit against CPG will provide guidance to retailers as they attempt to navigate their way through the economic uncertainties created by the pandemic. In the meantime, retailers should familiarize themselves with the price gouging restrictions that are applicable to their businesses, and implement compliance practices as necessary. ■

# DIY Websites: Four Simple Design Mistakes

*Poor website structure and navigation is the among the top factors that cause visitor frustration.*

**The internet is the number one way** that people find out about new products and services. Billions of people perform Google searches every day to find answers to their questions or solutions to their problems. Did you know that 88% of consumers research a product or service before they purchase? This is just one reason why it is so crucial to have a high-quality, effective website. While building your own website has become increasingly simple and inexpensive, there are many aspects to take into consideration. The most important to remember is your website is often the first impression a potential customer has of your business. It needs to load quickly, be easy to navigate, and provide visitors solutions to their problems.

Compare it to walking into a clean, well-organized shop versus walking into a messy, disorganized shop. A messy, disorganized website can damage your business's reputation. If a visitor struggles to find their way around your website or cannot find answers to their questions, they leave your site frustrated and likely will not return. They are left with a negative impression of your business. Designing an effective website can be tricky. This post aims to outline four common mistakes made by inexperienced website designers.

## **MISTAKE #1: POOR STRUCTURE & NAVIGATION**

Poor website structure and navigation is the among the top factors that cause visitor frustration. Website structure and navigation must meet the needs of the modern online consumer. It needs to be clear, simple, and consistent. It is best to place navigation menus horizontally across the top or vertically down the left side of your website. Putting your navigation menu in a standard place makes your site easier to use and allows visitors to find what they want within seconds of visiting your site. It also helps to lower your site's bounce rate, increase your conversion rate, and boost your page views per visitor.

## **MISTAKE #2: LACK OF SEARCH ENGINE OPTIMIZATION**

Search engine optimization, or SEO, is the process of increasing your site's position and page rank organically through effective keywords. Many business owners don't realize that search engine optimization needs to be built into the design process. Websites that are designed to be SEO-friendly draw more traffic.

Why? An SEO-friendly site allows search engines, like Google or Bing, to easily explore and read pages across the entire site. Google and others have recently taken a user-centric approach with optimization now including a focus on how quickly a webpage loads, how easy a website is to navigate on a mobile device, and the security of a site's connection. A strong SEO strategy increases the chance your website has of landing on the first page of search results improving your business's visibility and credibility, while driving more sales.







*Your website, the core of your online presence, is often the first impression potential customers have with your business.*

### **MISTAKE #3: MISSING CALL-TO-ACTION**

A clear call-to-action, or CTA, eliminates confusion and drives site visitors to take some desired action. It tells your prospective customer what to do and where to go next. That might be to learn more about a service or product you provide, to request a quote, or to read a specific article. To be effective, a CTA needs to provide enough information that site visitors know what they are going to get from taking the desired action. In addition to increasing conversion rates, CTAs also decrease visitor frustration, increase your website's usability and in turn, increases consumer loyalty.

### **MISTAKE #4: USING FREE OF LOW-COST TEMPLATES**

Your website, the core of your online presence, is often the first impression potential customers have with your business. While using a free or low-cost template may seem like an easy design solution, your site will be similar, if not identical to hundreds of

others. You wouldn't go around copying your competitor. Your website shouldn't either! Your business has a unique character and by using a free or low-cost template, you strip away the individuality of your brand.

These days your website needs to be built responsively, which means it will adjust to all screen sizes and load quickly. But some website templates are not mobile responsive. If you want an eCommerce site, functionality is often limited in free or low-cost templates. Adding eCommerce and other custom applications is hard or even impossible in a cheap template.

Your website, the core of your digital presence, is one of your business's most important assets. After all the purpose of a website isn't simply to exist. It is a tool to drive more customers to your business. Therefore, it needs to perform as intended. ■

*This article was written by the team at Net Driven. Learn more about Net Driven's digital marketing solutions by visiting [www.netdriven.com](http://www.netdriven.com).*

# Work Comp Insights: Workers' Compensation Claims for Leased or Temporary Workers

*...what happens if one of the staffing agency workers is hurt on the job? Who is responsible for covering the injury? What if the injured worker wants to sue the staffing agency's client company for negligence?*

Many companies are increasingly turning to staffing agencies to meet their personnel needs for a variety of reasons, including increased workloads and high employee turnover rates. Companies that use staffing agencies can save money because they avoid selecting, hiring and training new full-time employees. In addition, using staffing agencies frequently offers companies peace of mind because they know that workers will show up and perform their duties consistently.

But what happens if one of the staffing agency workers is hurt on the job? Who is responsible for covering the injury? What if the injured worker wants to sue the staffing agency's client company for negligence? Answering these questions requires a thorough understanding of the employment relationships between the staffing agency worker and the client company. And the way employees are classified affects how the staffing agency and the client company's workers' compensation and commercial general liability (CGL) policies apply to work-related injuries.

## Workers' Compensation Versus CGL

Generally, companies are required to cover an injured employee's medical treatment and lost wages through a workers' compensation policy. This is a system of no-fault insurance that affords employees some security while recovering from work-related injuries. In exchange for these benefits, employees waive their right to sue their employers for negligence and related damages. Workers' compensation provisions apply only where an employer-employee relationship exists between a company and its workers.

CGL policies protect companies when third parties (non-employees) are hurt because of the company's negligence or misconduct. The issue of CGLs is particularly important for companies with staffing agency workers because it is not always clear whether an employment relationship exists between the company and the staffing agency workers. To fully appreciate the complexity of the issue, companies must be able to properly classify staffing agency workers as either **leased workers** or **temporary workers**.

## Leased Versus Temporary Workers

The definitions for leased and temporary workers vary from state to state, so an adequate classification of staffing agency workers requires a solid understanding of state and local requirements.

For CGL purposes, a **leased worker** is an individual leased to a client company by a labor leasing firm under an agreement between the company and the labor leasing firm to perform duties related to the conduct of the company's business. The leased worker category does not include temporary workers. Under this definition, leased workers are considered employees of the client company and are, therefore, excluded from the client company's CGL.





CGL policies define a **temporary worker** as an individual furnished to a client company to substitute for a permanent employee who is on leave or to meet the company's seasonal or short-term workload conditions. Temporary workers are considered employees of the staffing agency and are covered by the staffing agency's workers' compensation policy and could be covered by the client company's CGL.

### The Coverage Gap

An insurance coverage gap exists when a leased employee is injured while in the client company's employ. Leased employees are considered to be employees of the client company for CGL purposes, but they may not necessarily qualify as employees under applicable workers' compensation regulations.

This results in employing individuals who could sue the client company for negligence (because they are not limited by applicable workers' compensation provisions). A company with no CGL coverage must pay any court-ordered damages (because CGL coverage does not apply to the company's employees).

### Solutions to the Coverage Gap

To bridge the gap created by leased workers, companies can look at shifting work-related injury liability to the staffing agency through an alternate employer endorsement or an extension of their CGL coverage for injury to leased workers.

### Alternate Employer Endorsement

Client companies can negotiate

with staffing agencies to include an alternate employer endorsement on the staffing agency's workers' compensation and employer liability policies. This endorsement protects the client company, providing coverage to the client company in the case of a tort action and by giving the client company all the workers' compensation coverage the staffing agency enjoys.

Contact AmeriTrust at 800.825.9489 for more information on workers' compensation insurance. ■

*This Work Comp Insights is not intended to be exhaustive nor should any discussion or opinions be construed as legal advice. Readers should contact legal counsel or an insurance professional for appropriate advice. © 2014, 2021 Zywave, Inc. All rights reserved.*



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# Government Affairs Outlook for 2021



By Roy Littlefield IV

**As we begin 2021**, WMDA/CAR continues to manage COVID-19 response through legislative actions on both the state and federal levels being represented by SSDA-AT. We expect to see a wrath of legislation this year aimed at our industry especially on environmental initiatives.

On the Federal level, Raphael Warnock and Jon Ossoff are the winners of their Georgia Senate races. Democrats now achieve a 50-50 split and take control of the US Senate once Kamala Harris votes, who can break ties in the chamber as VP. WMDA/CAR continues to monitor President Joe Biden's

aggressive plans in his early days of Presidency.

The political and economic landscape in 2021 will be challenging. The COVID-19 pandemic has greatly affected the nation's transportation users and providers since February of 2020.

COVID-19 is not happening in a vacuum. It appeared during a presidential election year, and near the end of a surface transportation authorization cycle. Political polarization is at very high levels. The period of the pandemic also overlapped with nationwide protests and episodic violence. These factors add to the challenges of enabling transportation to recover and helping the economic recovery.

COVID-19 will influence efforts in many areas including regulatory priorities, environmental considerations, private sector roles in transportation, innovative uses of transportation infrastructure, safety initiatives and others. The pandemic is a transformational event and it is hoped that a broad review of transportation activities and priorities will strengthen the quality of life and economic conditions of the country. Every mode, every level of government, the public sector, businesses that operate and support the transportation sector, travelers, and institutions should reflect on lessons learned and transportation challenges brought forth by the COVID-19 pandemic.

The U.S. economic and governance systems are remarkably resilient, as we have seen from surmounting natural disasters, economic events and disruptions such as the 9/11 attacks. The COVID-19 crisis presents new challenges but also increases the importance of addressing previous problems.

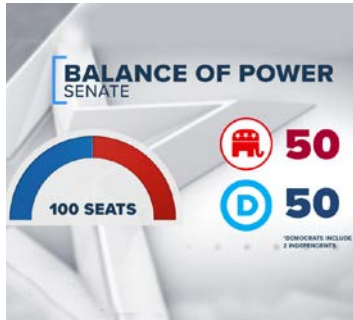
In January, SSDA-AT took part in a Save LIFO coalition meeting. As a new administration and Congress take control, the coalition is revamping our efforts and campaign to save LIFO. As the highway bill, COVID relief, and other large spending packages get discussed, we continue to educate members of Congress on the importance of LIFO and the need to preserve the system.

SSDA-AT also participated in a Family Business Estate Tax Coalition meeting. We continue to be active members of the coalition which works to eliminate estate taxes, maintain stepped-up basis, protect TCJA Estate tax provisions including the estate tax exemption, estate tax rate, and spousal transfer of exemption, and lastly to protect estate planning tools.



*The U.S. economic and governance systems are remarkably resilient, as we have seen from surmounting natural disasters, economic events and disruptions such as the 9/11 attacks.*

# GOVERNMENT AFFAIRS



During the meeting we spoke with Rep. Jason Smith (R-MO-8) and Rep. Sanford Bishop (D-GA-2) who will be introducing a bill in the House of Representatives next month to repeal the estate tax. WMDA/CAR strongly supports the legislation and we have begun the process of adding

co-sponsors to the bill we are currently up to 40 in the House. Eliminating the estate tax will be a challenge in the democrat-controlled Congress as the Biden administration may try and use the estate tax as a pay-for to address other policy priorities.

There are many bills of

concern in Maryland and on the federal level that we are monitoring and will have more information on in the coming weeks. We plan to be active on a variety of legislative fronts in 2021 and we will continue to update you and fight for the best interests of our industry. ■

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# What Employers Can Expect Under the Biden/Harris Administration



By Roy Littlefield III

With the results of the recent presidential and congressional elections, the Biden presidency will bring a dramatic shift to the federal labor and employment policy landscape. The 180 degree turn in regulatory employment policy priorities that will likely result will undoubtedly create uncertainty for employers, which are already challenged in dealing with a pandemic and a questionable economy moving forward.

The following are SESCO's predictions based on previous democratic administrations, laws enacted in democratic controlled states such as Virginia, New York, California and others, as well as Biden's recent comments. Also an excellent indicator as to where this administration will move labor and employment regulations is the recent appointment of **Boston Mayor, Marty Walsh**, as Labor Secretary.

Walsh, who served as Boston's Mayor since 2014, has an extensive labor background including leading the Boston Metropolitan District Building Trades Council from 2011-2013. He is also the current Chairman of Climate Mayors, a bi-partisan group of 470 Mayors nationwide committed to fighting climate change. Biden said in a statement that Walsh, "will help us emerge from the most inequitable economic and jobs crisis in modern history by building an economy where every American is in on the deal. They share my belief that the middle class built this country and that **unions built the middle class.**" Further, **Richard Trumka, President of the AFL-CIO**, said in a statement that Mr. Walsh, "will be an exceptional Labor Secretary for the same reason he was an outstanding Mayor: he carried the tools. As a long time union member, Walsh knows that collective bargaining is essential to building back better by combatting inequality, beating COVID-19 and expanding opportunities for women and people of color." As such, the Biden administration will be pro-union and pro-labor law that makes it much easier for unions to organize.

So, what can employers expect in the coming months?

## I. Executive Action

The newly sworn in President, Joe Biden, will rescind certain Executive Orders issued by the former President Donald Trump and issue his own Executive Orders. This is the quickest and easiest way to enact change. The list will include:

- COVID-19 travel restrictions
- Ban on non-immigrant Visas
- Reinstigate the Deferred Action for Childhood Arrivals (DACA)
- Reinstigate protected status of certain eligible nationals
- **Revoke Trump's Executive Order on combatting race and sex stereotyping**



*...the Biden presidency will bring a dramatic shift to the federal labor and employment policy landscape. The 180 degree turn in regulatory employment policy priorities that will likely result will undoubtedly create uncertainty for employers...*



- Implement requirements on federal contractors to **require diversity and inclusion or implicit bias training and programs**
- Resuscitate a version of former President Barak Obama's **Fair Pay and Safe Workplaces**

## II. Congress' Agenda

Within Congress, there will be a number of critical proposals to include:

- **Eliminating the filibuster** which would allow senators to pass legislation with a simple majority vote (51 votes). This will allow the democrats to expand the number of seats on the Supreme Court, pass legislation on voting rights, gun control, climate action, LGBTQ rights and more. Specific employment-related legislation may include:
  - **Pregnancy Accommodation** – This will include the Pregnant Worker's Fairness Act which would require employers to provide reasonable accommodation beyond what is already required.
  - **Paid Leave** – The political debate over paid family/sick leave has evolved dramatically. Expect the democrats to propose paid family leave as an extension of the Family First Coronavirus Response

Act (FFCRA) as a national requirement.

- **Immigration** – Previously the House passed the Fairness for High-Skilled Immigrants of 2019. Expect the bill to be brought to the Senate which would eliminate per country caps for employment-based immigrant Visas.
- **Department of Labor**

**Staffing** – Expect the team overseeing the DOL to include the National Labor Relations Board and the EEOC among other agencies to include many familiar faces from the Obama administration. Expect the Biden administration to be aggressive from the start in terms of both regulatory actions and enforcement



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*Republicans will maintain a majority at the NLRB into the Summer of 2021. However, expect a complete change of the Board to democrat members and subsequently, expect a rollback of current Board policies in favor of unions.*

proceedings. They will call back many of the initiatives of the DOL of the Trump administration. Beyond that, **expect this DOL to go on the offensive with an agenda that is even more progressive than that of Obama's administration's DOL.**

Employers can expect:

- **Joint employer** – The Biden DOL is expected to “repeal and replace” the rule with a broader and more friendly joint-employer standard which creates significant coverage and liability for arms-length relationships.
- **Overtime** – Salary Threshold – In 2016 the federal court

blocked the enactment of the Obama administration's overtime rule increasing the guaranteed salary basis threshold to \$47,000 or higher. Look for the Biden administration to propose an increase of the salary threshold to \$47,000 or higher and also look forward to the administration to make changes in what positions are allowed to be exempt from overtime.

- **Opinion Letters** — Opinion letters offer a very easy way for stakeholders to seek assistance from the Department of Labor when confronted with questions. In 2010, the Obama

administration ended the opinion letter process. Under the Trump administration, the opinion letter program was reinstated but again may be jettisoned in a Biden administration.

- **Office of Federal Contract Compliance Program (Affirmative Action Programs)** – It is likely that the OFCCP will pursue the following changes:
  - Roll back policies and processes established by Trump's Executive Order on combatting race and sex stereotyping. This, in essence, will require specified diversity and inclusion and/or implicit bias training.
  - Implement affirmative diversity and inclusion obligations pursuant to an Executive Order.
  - Rescind any regulation relating to religious organizations with federal contracts.
  - Restart the 2014 compensation data collection tool proposal. This regulation greatly expands affirmative action plan compliance to include analysis of compensation.

### III. National Labor Relations Board

Republicans will maintain a majority at the NLRB into the Summer of 2021. However, expect a complete change of the Board to democrat members and subsequently, expect a rollback of current Board policies in favor of unions. Expect a very pro-union Board and administration which will include:

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- **PRO Act** – The PRO Act would be the most significant change to labor laws since the National Labor Relations Act (NLRA) was passed in 1935. If enacted, **the bill would make at least 50 changes to the NLRA to make it easier for labor to achieve its organizing goals.** The bill would:
  - Give the NLRB the authority to impose civil fines of \$50,000 for labor violations, which could be doubled for a repeat violation.
  - Greatly expand the definition of “employee” and almost expunge the concept of independent contractor.
  - Expand the content of the lists of employee contact information to be provided to unions prior to an election.
  - Prohibit mandatory arbitration.
  - Greatly expand the whistleblower laws administered by the Department of Labor (DOL).
  - Weaken right-to-work laws in 27 states by permitting unions to require workers at unionized companies to pay dues. Currently, employees in right-to-work states may choose not to pay union dues.
  - Prevent employers from permanently replacing striking workers in economic strikes. Employers already are prohibited from permanently replacing striking — workers in unfair-labor-practices strikes.
  - Allow workers to bring private lawsuits for violation of the NLRA.
  - Codify the DOL’s persuader regulation, which narrowed the “advice exception” of the Labor-Management Reporting and Disclosure

Act, by requiring law firms to participate in financial disclosures about their relationships with employers.

- Prohibit mandatory meetings called by employers to present their views on union-organizing efforts.
- Make it easier to establish that two or more employers are joint employers.
- Codify many union-friendly NLRB decisions.

Most importantly, the PRO Act would codify the “**ambush election rule,**” **drastically reducing the amount of time a company has to campaign and speak to its employees about unionization once a union election petition is filed.**

- Decisions that may be reversed –
  - **Caesars Entertainment.** The Trump Board overturned Purple Communications and held that employees do not generally have a protected right to use their employers’ e-mail systems for purposes of union-organizing activity.
  - **The Boeing Company.** The Trump Board issued a new standard for evaluating challenges to employee-handbook provisions and work rules, overturning a previous standard that held neutral rules were unlawful if an employee could reasonably construe them to interfere with protected rights.
  - **Johnson Controls.** The Trump Board upheld the employer’s right, within 90 days of labor contract expiration, to suspend bargaining and withdraw recognition from the incumbent union based on objective evidence that the union no longer has majority support. ■


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# Having a Voice – Representing Our Members

## Our Industry is facing not only the overwhelming effects of COVID-19 but issues that affect the core of our business.

- Maryland, Delaware, and District of Columbia belong to the Transportation Climate Initiative (TCI) with a goal of reducing carbon fuel use up to 30% by 2030.
- New cars manufactured are installing telematics in vehicles that only send information to their dealerships – no option to the car buyer.
- Ban on menthol cigarettes (already a law in Massachusetts)
- California bans gas powered cars by 2035.
- Baltimore council member wants to ban new service stations in the city.

This sounds like a Steven Spielberg horror movie, but these are real issues that face our industry!

These issues will be or already are in the legislative process and will affect every business WMDA/CAR represents. Outside and inside sales, and car count in our shops. Legislators are looking to raising funds for their next election. They are also looking at supporters who provide those funds and support their efforts.

We are working hard to protect our members and associates and your contributions are essential to that process. The devastating effects of COVID -19 and combining that with real legislative issues that affect all our members is difficult to absorb but they are a real danger to our businesses.

### Now is the time to support the WMDA PAC and protect your business.

We suggest \$150 per location however, any amount is welcome. Please send contributions to:  
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You may direct any questions about legislation to Kirk McCauley at [kmccauley@wmda.net](mailto:kmccauley@wmda.net).

Your fellow business owners and PAC officers,  
Rick Agoris, PAC Chairman  
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#### CONTRIBUTION RULES:

1. Maryland currently is in a 4-year election cycle which began January 1, 2019 through December 31, 2022.
2. No individual or corporation can contribute more than \$6,000 to any single candidate or a state PAC over the 4-year election cycle. (The maximum contribution to the WMDA PAC cannot exceed \$6,000 in total during this cycle.)
3. Your contribution to WMDA PAC can be a personal or corporate check. Political contributions are not considered a business expense or tax deductible.