

# NOZZLE & WRENCH

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



VOLUME 19/ISSUE 8  
AUGUST 2020

## KIRK'S CORNER

# Business and Financial Planning



By Kirk Mccauley,  
Director Of Member  
Relations &  
Government Affairs

**Planning has always been** part of a successful business profile and the backbone to measuring progress. COVID 19 has not changed the importance of planning but has sure required some adjustments.

When all this started, we were being told that by summer this will disappear but could come back in the fall. The way things are looking now by fall we could be back in lock down if infections keep growing. As essential businesses our members were never closed and most tried to keep all employees working. Now is the time to look back and see what worked and what did not work and lay a plan down for the future if it comes to that. Plan B if never used would be a good thing.

Plan B could involve, hours of operations, insurance, delivery of c-store items, pickup and delivery of vehicles for service, stocking up on gloves, wipes, face masks and being prepared in general along with your long-term goals of growing your business and protecting your employees. Signs that tell your customers what you are doing to protect them would also be a good thing in any plan.

### Paycheck Protection Program (PPP) Loans Available Until August 8, 2020

Time is running out on PPP program with last date August 8th unless it is extended again. This program can be applied for online with a one-page form. Remember these loans are forgivable under most conditions  
<https://tinyurl.com/pppborrowerapp>

### Economic Injury Disaster Loans

These loans can be up to 2 million dollars and come with friendly repayment terms and can be applied for online. Maryland alone has had 51,551 EIDL loans as of July 27 totaling \$2,794,778,800. If your business plan includes needing more capital now would be the time to look at EIDL loans and what they can be used for.  
<https://covid19relief.sba.gov/#/>



*As essential businesses our members were never closed and most tried to keep all employees working.*

Continues on page 4

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**TABLE OF CONTENTS**

**KIRK'S KORNER**

Business and Financial Planning ..... Cover

**CAR TALK**

Why Independent Repair Shops have the Advantage Over Dealerships ..... 5

**NEWS FROM WASHINGTON**

Legislative Update – Government Affairs Report from Washington ..... 18

Editorial – Guidance for Workers, Employers as America Returns to Work. .... 20

**ALSO IN THIS ISSUE**

WMDA/CAR 2nd Annual Charity Golf Outing ..... 6

Four Best Practices for Marketing in the Pandemic ..... 8

What to Look for in Your Supply Agreement ..... 12

NextGear™ will Shift any Auto Repair Shop's Revenue into High Gear ..... 14

Work Comp Insights: The First 24 Hours After an Injury ..... 16

**ADVERTISERS' INDEX**

Carroll Motor Fuels ..... 4

CMR Insurance Agency, LLC/Erie Insurance ..... 10

Day, Deadrick & Marshall ..... 11

Parts Authority ..... Inside front cover

Petroleum Marketing Group ..... 15

Service Station Vending Equipment, Inc. .... 11

Spigler Petroleum Equipment, LLC ..... 11

The Wills Group. .... Back cover

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Continued from page 1

Bottom line is nothing is free, sooner or later every business will be hit with higher taxes, taxes for individuals will go up and whether you received a forgivable loan or a low interest loan or no loan at all you will be included in the payback.

### Employee Handbook

Members have made inquiry about employee handbooks that spell Employer/Employee requirements, harassment and discrimination, responsibilities, payroll deductions, vacation and more. You can find many templates online, but I urge members to seek advice of a professional to put together a handbook or at least to review what you do yourself. Any member that has suggestions on this subject please let us know. I think a lot of the problems that have surfaced since the pandemic has highlighted the need for a comprehensive employee handbook. I believe the money you spend for professional advice is the best way to protect your business.

### Coronavirus Stimulus Bill

The White House and GOP lawmakers reportedly settled on trimming the temporary federal unemployment benefit from \$600 weekly to about 70% of pre-pandemic wages in one report and \$200 a week in another report. The move that did not sit well with House Speaker Nancy Pelosi and Democrats.

I have had many conversation with members about the \$600 payment and they all said the same thing – “employees are making more staying home, why would they come back to work” and that has been a problem in our repair facilities, and convenience stores.

Liability protection to shield businesses from COVID 19 Lawsuit is in GOP version, we saw lawsuits popping up soon after virus started. WMDA/CAR has supported this provision through our business coalition as a top priority. There are many more parts to this bill that the GOP has put together and Speaker Pelosi has the democratic version. Will the 2 sides compromise in time to keep some unemployment benefits rolling? I hope that they can come to a compromise for those employees whose business have shut down but get the employees back to work in businesses that are open.

### Changes to Face Covering Orders in Maryland, District of Columbia

- On July 22, District of Columbia changed Face covering directive to

include outdoors – <https://coronavirus.dc.gov/maskorder>

- On July 31, Maryland’s new face covering order takes effect at 5pm and will cover outdoors and just about all indoor areas also – <https://tinyurl.com/MDmaskorder>
- Delaware stays the same – <https://tinyurl.com/DEstateemerg>

### Informational links That Might Be Useful COVID-19 and the Fair Labor Standards Act Questions and Answers

<https://www.dol.gov/agencies/whd/flsa/pandemic>

### Employee Paid Leave Rights <https://tinyurl.com/FFleaverights>

### COVID-19 and the American Workplace <https://www.dol.gov/agencies/whd/pandemic>

### COVID-19 and the Family and Medical Leave Act Questions and Answers <https://www.dol.gov/agencies/whd/fmla/pandemic>

### Families First Coronavirus Response Act: Questions and Answers

<https://tinyurl.com/FFResponseQA>

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# Why Independent Repair Shops have the Advantage Over Dealerships



By Sandi Weaver  
BA Auto Care, Inc.

**A potential customer** called us a few months ago at her wits end with her 2018 Honda Clarity EV. She had a lawyer and was seeking Lemon Law consideration for this car. When she called, I could hear the desperation in her voice when she asked if we work on all types of electric vehicles and the relief when I said yes. For over a year the brakes on her Honda Clarity would engage while driving on the highway, the lane departure would engage the brakes when she wasn't changing lanes and the check engine light would come on. She had returned to the dealership she purchased the car from over and over again and every time they would tell her nothing was wrong with her vehicle.

After a long conversation and many questions asked and answered, she dropped the vehicle off with us. That same day we also had a rep from Auto out to demonstrate how their ADAS system works. Convenient, right? While checking the system it was determined there was a fault with a camera. Knowing we had found the problem and it is still under warranty, we arranged to take the car to the Honda dealer we use for parts and have a good relationship with. The dealer calls and said, yes it's the camera and it needs to be replaced but we won't do it. Take it back to the dealer she purchased it from. I know dealers don't like doing warranty work but this just blew my mind. The customer just needed the information for her lawyer so wasn't worried about if they fixed it or not.

Fast forward to this past Monday and she calls about her 2018 Honda CR-V having a similar issue, brakes activating while driving on the highway. What are the chances, right? We start, as most of us do, with thinking how the heck can she buy two cars, from the same dealer and have the same problem. There must be something they are doing or something in the car messing up. We did a little research and this is a known problem. She drops the car off and we take it to the dealer to have it fixed. Long story short, the Honda dealer she bought both her cars from kicks us out and says the lady is crazy there is nothing wrong with this vehicle. We are then told she has to bring the car to the dealer herself and sign off that she wants the work done. So we arrange for this to be done.

Come to find out, this is the third vehicle she has purchased from this dealer group and they have all had similar issues. Had we not taken the time to listen to her and gather the information needed, we too might have thought she was crazy. Getting to know our customers and truly listening to their concerns are what makes our independent shops so successful. ■



*Getting to know our customers and truly listening to their concerns are what makes our independent shops so successful.*



# WMDA/CAR 2nd Annual Charity Golf Outing

The **WMDA/CAR 2nd Annual Charity Golf outing** was held on Thursday, July 23rd at the Renditions Golf course in Davidsonville, Maryland, supporting the Alzheimer's Association. The great turn out of golfers and the generous sponsorship made this event a HUGE SUCCESS. We had a total of 64 golfers participate despite the pandemic. Everyone wore masks and adhered to the social distancing guidelines and had fabulous day on the course. Ice cold beers, complimentary cigars, good company & round of golf – that spells FUN !

Here are the contest winners :

**Closest to Pin** – Sponsored by CMR Insurance  
**Winner:** Andy Tawney

**Longest Drive** - Sponsored by Carroll Motor Fuel  
**Winner:** Mike Bryant

**Best Score Team Award** – Sponsored by L.S. Fuel  
 Mike Bryant  
 Dennis Rader  
 Travis Black  
 Sean Bannon

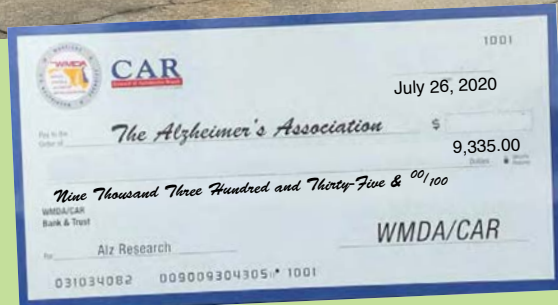
**Door Prize Winner** – Sponsored by Parts Authority  
 Mike Goitom

*Masks for every golfer provided by PUHFF.*

We also had several winners at the Double your Money and Putting contest. Congratulations to all the contest winners. And a big thank you to everyone who supported this event.



*Thank you to our Main Sponsors: The Wills Group, Petroleum Marketing Group, Agisol LLC, Parts Authority, Maryland Pump & Tank, and Global Partners.*



*Cigars sponsored by L.S.Fuel*





*Best Score Team Award: Mike Bryant, Dennis Rader, Travis Black, Sean Bannon. Sponsored by L.S. Fuel.  
Longest Drive winner: Mike Bryant. Sponsored by Carroll Motor Fuel.*

*Door prize winner Mike Goitm, wireless headphones sponsored by Parts Authority.*



*Closest to Pin winner: Andy Tawney. Sponsored by CMR Insurance.*



*Breakfast sponsored by Gilbarco Veeder Root.  
Lunch sponsored by Century Distributors*





# Four Best Practices for Marketing in the Pandemic

**The arrival of COVID-19** has changed the entire landscape for tire dealers, from traditional selling venues to the way leads are generated and deals are closed. In the space of two weeks this past March, more than 155-million Americans went into lockdown and began practicing social distancing. Although the national lockdown of this past spring has ended, staged restriction levels, an emphasis on social distancing, and other containment measures aimed at slowing the spread of the virus have radically altered people's daily routines.

One of the responses we've seen is how consumers are approaching this period of isolation and uncertainty and the huge changes in their shopping behaviors. With some studies showing a surge of up to 50% in Internet usage, the result has been a massive migration to online engagement that has happened almost overnight.

## Thriving in The New Normal

Although we are in the early phases of re—opening the economy, most experts are predicting a bumpy ride for the foreseeable future. If infections or crowd sizes spike, new lockdowns will be imposed, and many buyers will lean more heavily on internet research to narrow their choices of dealers and models. As online shopping becomes the “new normal” in terms of consumer behavior, optimizing your ability to engage prospective buyers through virtual channels will be critical to your continued success.

This creates a unique opportunity to upgrade your virtual marketing and sales operations because every lead matters and dealers need to convert as many prospects as possible. Here are four ways in which you can respond and thrive in the new normal:

## Responsive Website Design

Your website is the heart of your e-commerce operation, but much of today's browsing happens on mobile devices such as phones and tablets with different screen sizes. For example, Apple and Samsung alone are currently selling products with more than 30 different screen sizes! Mobile-based web traffic has accounted for 50% of all online browsing since 2017 and 57% of shoppers say they won't recommend a dealer if their website isn't mobile friendly. Responsive design is an approach to web page creation that allows you to have web pages that automatically detect the visitor's screen size and orientation and change the layout accordingly to provide a seamless browsing experience. This allows you to connect with prospective buyers no matter where they are or what device they are on.

Right now, Michelin is leading the way in offering dealers extra marketing funds if they start investing in their ecommerce operations and many manufacturers are moving towards including extra online support in their dealer programs.

To drive more qualified leads both in-store and online, your website should have the following features:

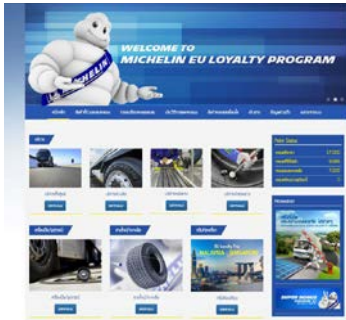
- **Mobile Device Optimization:** Responsive content adjusts to a prospect's screen size, allowing them to shop anywhere, anytime, from any mobile device
- **Optimized Lead Forms:** Make it as easy as possible for interested buyers to get in touch and submit their information so you don't lose any leads. Optimized tools like Lead Manager allows you to identify customers who haven't visited recently or didn't convert to enable targeting with a service promotion to get them back in the door

*...some studies showing a surge of up to 50% in Internet usage, the result has been a massive migration to online engagement that has happened almost overnight.*





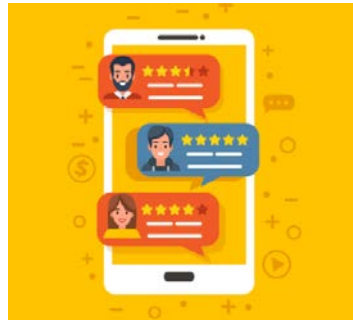
*...it's critical to let shoppers know that they can reach you through multiple channels and get a quick response.*



- **Automated Drop-Off Forms:** Allow customers to quickly check-in prior to their appointments as an initial point of online contact to make your “No Touch Retail” program easy and accessible while delivering social distancing as a safety measure
- **Optimized Online Security:** Responsive designs always have a safe, encrypted connection for the security of your dealership and your customers alike
- **ADA Accessibility:** Ensures that your web content will meet all legal requirements to be accessible to the blind, deaf, and those who must navigate by voice, screen readers or other assistive technologies.

**Messaging Optimization**

It's critical to let prospects know how you are coping with COVID-19 and ensuring their safety. A banner on your homepage can let folks know when you are open and what precautions you have in place to protect them and your employees. Many dealers are emphasizing a new “No Touch” or “Contactless” sales capability that lets shoppers purchase online. This can take the form of after-hours drop off services, curbside pick-up or a vehicle pick-up and drop off service that stresses adherence to CDC safety guidelines. Offering a



coupon or discount is a great way to drive online traffic and remind customers how safely they can do business with you.

Also be sure to review your current campaign planning and discard any efforts that do not align with the current regulations or restrictions in your area. Then update all online ad/promo copy to reflect any new OEM offers and make sure all product data, images, and marketing text are accurate.

Beyond the messaging, it's critical to let shoppers know that they can reach you through multiple channels and get a quick response. A great way to do this is to offer the option to chat with sales staff via Facebook Messenger, WhatsApp, or any other instant messaging platform. You can also offer shoppers video conferencing through Skype or FaceTime to deliver that “face-to-face” experience without having to leave the safety of their home. Naturally, features like these should be emphasized on both your site and across your social media platforms.

**Social Media and Online Reviews**

The importance of social has exploded in the last few years and you can be sure all your customers are already on the major platforms like Facebook and Twitter. But given how quickly

the coronavirus has expanded internet usage, there's a new level of usage frequency as people check for updates in their city and state. This creates an opportunity to gain added exposure for your dealership, so be sure to simultaneously post the same COVID-19 messaging outlined above on all your social channels and Facebook business page when you update any messaging on your website. Since people always remember those who stood by them in difficult times, you can also use social to be a resource to the community by reposting the latest updates from Federal, State, and City officials.

Also, be sure to monitor all online reviews on other social sites like Yelp or Google and engage users wherever possible. User reviews are one of your most effective online marketing tools and recent research indicates that 70% of consumers seeking to buy tires begin with evaluating the market and models through search engines to evaluate models, performance, and dealer experiences through user reviews. If you respond to a negative review, be sure to keep your tone professional, positive, make all response short and to the point, and always remember to thank the reviewer for their business and feedback. This is a great way to build a brand voice for your dealership and, once the issue has been resolved, don't be shy about asking the reviewer to update their initial posting.

**SEO and SEM**

Search Engine Optimization (SEO) increases your platform visibility on search engines such as Google and drives more traffic to your dealership's website. It's

critical because 90% of searchers don't go past page one of search engine results for any query they've made, and 60% of organic traffic goes to the top three listings. When it comes to finding a dealership, 97% of online users perform a search to find local businesses. To compete in an ever-changing digital market, it's crucial to build SEO into your marketing strategy with features such as:

- **High-Value, Targeted Keywords:** Unique, keyword-rich content increases site rankings in relevant searches
- **Streamlined Business Listings:** Consistency across business listings helps customers find your dealership
- **Create a YouTube Channel:** YouTube is the second largest search engine outside of Google and 72% of consumers would rather watch a video to learn about it than read text.

While SEO is the foundation of your online marketing, Search Engine Marketing (SEM) is what can turbocharge it through paid search ads. Since paid search ads drive traffic to your website and directs visitors straight to your service and inventory pages, SEM dramatically improves visibility of your business online while boosting your lead conversion rate.

SEM not only helps with your organic SEO on all the key search engines but allows you to extend your messaging and visibility across a variety of online platforms to create a 360-degree. Key SEM best practices include:

### Pay-Per-Click Ads

Pay per click (PPC) has become one of the most popular and effective marketing channels. It offers a level playing field for all companies, regardless of their size to advertise to the world.

If you have the budget, you can create a PPC marketing campaign to do anything from promoting specials, highlighting your COVID-readiness, to lead generation to drive more sales. PPC ads appear in the top search engine slots with paid ads and you pay for the space only when a user clicks thru to your site

### Video Ads

If you haven't invested in video, now is the time to begin experimenting with and build video assets. As the customer journey for car buyers moves deeper in virtual channels, video will play an increasingly bigger role in your marketing mix. According to data from Facebook, 79% of all users claim they would rather watch a video to learn about a product than reading text on a page and product videos have proven to increase tire sales by nearly 15%.

Plus, video clips can also supercharge your social marketing efforts! A great way to start is to launch compelling ads on traffic-heavy video platforms through pre-, mid-, or post roll placements in popular video or streaming clips.

### Dynamic Remarketing Ads

Re-engage previous visitors as they browse across the web and bring them back to your site with ads that reflect past searches and areas of interest. Since there is so much comparison shopping going and it's such a key component of the buying process it is important to not lose new leads in the early stages of a prospect's search.

Sending out reminders who have already engaged through intriguing display ads is a great way to ensure no leads fall out of the funnel. Try showing them a deal or a specific offer to get them to connect with your sales team.

As online shopping becomes the "new normal" in terms of consumer behavior, optimizing your ability to engage prospective buyers through your virtual channels will be critical to your continued success. ■

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



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# What to Look for in Your Supply Agreement

**Unless you are purchasing** motor fuel on the “spot” market, your motor fuel supply agreement may be one of the most critical agreements impacting the success of your business. Years ago, when direct supply relationships dominated the market, these agreements were typically for three year terms. Now, with the local market being primarily supplied by jobbers/distributors, many of these agreements are for longer terms (e.g., ten years or more). All dealers should be familiar with the terms of their supply agreement, and such knowledge is especially critical for those dealers whose supply agreement is coming up for renewal. If you own the real estate upon which your business operates, you will have more leverage to negotiate the terms of your supply agreement, but even if you don't, you should be aware of the important provisions and seek to negotiate the most favorable terms with your supplier.

## **Price, Price, Price**

Perhaps the most important provision in any supply agreement is the price term. Dealer tank wagon (DTW) pricing is the price set by the supplier to sell fuel to its dealers. This type of pricing is typically offered to dealers who lease their site from their supplier. While the supplier has some discretion to set the DTW price, it is subject to the limitations in the Uniform Commercial Code that it be set in “good faith – pursuant to reasonable commercial standards of fair dealing in the trade,” and cannot be discriminatory. The other type of pricing typically offered by suppliers is “rack plus,” i.e., the price paid by your supplier at the terminal “plus” a stated margin (e.g., two cents). While there are instances when DTW pricing can be more favorable (referred to as a “price inversion”), a “rack plus” deal will generally be more favorable to the dealer. If the dealer owns the land on which the dealer's gas station operates and the supply agreement is nearing its expiration date, then the dealer will have considerable leverage to negotiate and should shop around for the lowest possible price. Even if such leverage does not exist, care should be taken to make sure that the supplier is offering a price that is at least as favorable as that being offered to other similarly situated dealers in the same geographic area. If the dealer is selling branded fuel (and has leverage), then the dealer may wish to explore unbranded pricing to better protect the dealer's business from possible competition in the future from the “hypermarketeters” that are gaining more of a presence in the region. The price charged by the supplier for freight may also be negotiable.

## **Commissioned Agent**

If you are a lessee dealer and your supplier insists upon dealer tank wagon (DTW) pricing, then you may wish to look into the possibility of a commissioned agent (CA) relationship. The benefit of making such a change may be lower rent and better margins (commissions) for fuel. Just be aware that, if you are selling motor fuel under a trademark owned by a refiner and you transition from a franchise agreement to a commissioned agent relationship, you will lose the protections of the Petroleum Marketing Practices Act (PMPA) and its restrictions on when and how a franchise relationship may be terminated or non-renewed by the supplier. In other words, the CA agreement may be subject to non-renewal at the expiration of the term, with

*All dealers should be familiar with the terms of their supply agreement, and such knowledge is especially critical for those dealers whose supply agreement is coming up for renewal.*





*Any proposed new supply agreement should be carefully reviewed with the assistance of your attorney.*

no PMPA protections requiring the renewal of the relationship. Switching to this type of relationship may also impact the price at which you may be able to sell your business, due to the added uncertainty regarding the continuation of the relationship with the supplier.

### **Minimum Quantity**

Another provision typically included in a supply agreement that is related to pricing is the monthly and annual minimum quantity of fuel that a supplier will require the dealer to purchase. This provision is typically linked with language in the agreement that allows the supplier to collect damages from the dealer based upon a stated amount (e.g.,  $x$  cents per gallon) for any shortfall, which may be collected monthly or annually. There may also be language in the agreement allowing the supplier to extend the supply agreement beyond its stated expiration date to allow the dealer to complete its minimum purchase obligation for the entire term. To avoid any shortfall “damages” or forced extensions of the supply agreement, it is preferable to leave minimum quantity requirements out of the supply agreement. In fact, in the District of Columbia, sales quotas for motor fuels may not be included in a “marketing agreement.” In jurisdictions where minimum quantity requirements are not prohibited and are required by the distributor, care should be taken to make sure that the minimum volume requirements are low enough so that they are obtainable, taking into consideration the possibility of additional competition entering

the market area during the term.

What are the damages that would be payable if a dealer terminates a supply agreement before its stated termination date without legal justification? In addition to the shortfall “damages” mentioned above, the supplier may seek common law damages for breach of contract, including lost profits, which may be substantially higher than the shortfall damage calculation. Therefore, if the dealer has leverage, a provision should be included in the agreement that limits the supplier’s remedies in the event of an early termination of the agreement. “Right of first refusal” and automatic extension provisions should also be avoided if possible. It may be that the dealer will want to extend the agreement upon its expiration, but it is better to be able to “shop the competition” at the expiration of the agreement rather than be forced into an extension.

### **Equipment Maintenance**

Another important provision in a supply agreement is the language that sets forth the requirements for the maintenance and/or replacement of equipment. These provisions are typically in the lease for the premises, but they may also be included in the supply agreement. A lessee dealer should make sure that the agreement provides that the supplier is responsible for the maintenance and replacement obligations for the fueling system (UST’s, lines, and dispensers). If the UST’s are old and/or damaged, then the dealer should avoid any responsibility for their removal and/or replacement. The removal of UST’s can be

extremely expensive, especially if contamination is found in the process of removal. If possible, it is best to make it clear that the supplier is responsible for removal of UST’s and any cleanup costs. The dealer will typically be responsible for the replacement of the hoses/hanging hardware, the theory being that the dealer is on site and should be able to control “drive-offs.” Often times the lease will include a maintenance schedule, and it is important that the dealer review the schedule carefully and understand everything that will be the dealer’s responsibility.

If the dealer owns the business premises, then the dealer may also own all of the equipment, including the dispensers and the UST’s. If that is the case, then the dealer should make sure that the dealer has sufficient insurance in place to cover possible contamination issues. The dealer must also make sure that the equipment is in compliance with all applicable laws and regulations.

### **Summary**

The foregoing is intended to address some of the more important provisions in a supply agreement, but it is not intended to be all inclusive. Any proposed new supply agreement should be carefully reviewed with the assistance of your attorney. It may be that some of the terms in a can be modified or deleted to make the agreement more favorable to your business. The fact that many supply agreements now have terms of ten years or more makes it especially critical to reach an agreement that you are happy with and allows your business to thrive for years to come. ■

# NextGear™ will Shift any Auto Repair Shop's Revenue into High Gear

*New Tool Can Now Deliver Digital Vehicle Inspections without “Bolting On” to Existing Shop Management Software*

**BOLT ON TECHNOLOGY**, a leading supplier of technology solutions to auto repair shops, is shifting even more automotive repair businesses into high gear with NextGear™, an innovative new product which enables BOLT ON's signature Digital Vehicle Inspections (DVI) to be used without the need to be “bolted on” to an existing shop management system. This game-changer will expand access to revenue-generating and customer relationship-building tools to repair shops of any kind, even those still relying on spreadsheets and third-party accounting software to run their business.

NextGear requires no additional equipment and can be quickly and easily accessed on any internet-enabled mobile device.

At just \$199 per month, NextGear offers the DVIs, two-way texting, and future appointment scheduling capabilities that repair shops love in BOLT ON's award-winning suite of products like Mobile Manager Pro with little setup or consultation. Data shows that digital vehicle inspections can increase Average Repair Orders (AROs) by nearly 40 percent when vehicle owners can see and more fully understand the nature of the repair. What's more, the two-way texting ability allows drivers to approve recommended repairs and book follow-up appointments with just a few taps on their cell phones or tablets, further increasing revenue for shops.

NextGear evolved from the feedback BOLT ON received working with more than 5,500 shops across the country for the past 10 years.

“There's been huge demand among shop owners for digital vehicle inspections – which have now eclipsed 40 million repair photos sent using our legacy DVI software – but not everyone had a compatible management system, or even any shop management software at all,” said Mike Risich, BOLT ON TECHNOLOGY's founder and CEO. “NextGear provides those shops the ability to access our award-winning software in a streamlined package, on any internet-enabled device. We expect it will become an indispensable tool for these shops, as it enhances customer relationships and shifts shop revenue into high gear from the moment they log on.”

Aside from increased AROs, customers appreciate the transparency DVIs provide. As a result, NextGear can also help build customer trust, confidence and repeat business.

NextGear's capabilities include:

- Vehicle condition photographs and videos
- BOLT ON's red/yellow/green-light vehicle health reports
- Two-way texting between customers and the shop
- Speech-to-text note taking
- Complete vehicle maintenance profiles
- Ability to clearly track progression and wear of parts over time
- Future appointment scheduling

*We expect it will become an indispensable tool for these shops, as it enhances customer relationships and shifts shop revenue into high gear from the moment they log on.*





*Any digital tool that can help keep the lines of communication open with customers is worth its weight in gold...*

- Cloud storage of all data, for protection and easy access
  - No annual subscription fee, simply pay as you go, month-to-month
- NextGear can also shift your customer communications into overdrive with access to helpful inspection templates that include hundreds of pre-written or canned recommendations and notes, standardizing and giving a professional polish to just about every diagnosis while reducing inspection times and providing quicker customer turnaround. Shops can also build their own customized inspection reports that support their existing processes and practices.

Additional modules, or 'gears,' will be released for NextGear in the coming weeks offering even more of the most popular features and functionality that BOLT ON is known for.

"Any digital tool that can help keep the lines of communication open with customers is worth its weight in gold, especially during a time of social distancing," said Risich. "Combined with expanding digital vehicle inspections into a previously unserved segment of the auto aftermarket, NextGear won't just help sustain your business, but will kick revenue into the next gear."

For more information or to take a test drive, please visit the NextGear website.

#### **About BOLT ON TECHNOLOGY**

BOLT ON TECHNOLOGY equips the automotive repair and maintenance aftermarket with award-winning technology tools to improve customer communication. The company's technology instantly transmits photos, videos and text messages to communicate automotive repair details, thereby increasing customer trust, boosting sales and empowering shops to build long-term customer relationships. Along with ongoing training and support, BOLT ON's integrated mobile, digital as well as standalone tools also reduce problems inherent in the service process, while increasing shop productivity, revenue, and customer satisfaction. For more information, visit the BOLT ON TECHNOLOGY website or call 610-400-1019. ■

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# Work Comp Insights: The First 24 Hours After an Injury

Brought to you by AmeriTrust Group, Inc.

**The moment an injury occurs**, it initiates a sequence of events that can last for weeks or even months. But no matter how prolonged the recovery period, the first 24 hours after an injury are the most crucial. To respond effectively to an incident, the majority of the action items should occur within 24 hours.

Your supervisors may already be experienced in handling injuries. Still, a clearly defined 24-hour injury response plan will help them provide even more effective and consistent responses, and ensure that supervisors and employees know what to expect when someone is injured. The plan will also provide the necessary guidance when experienced supervisors are not immediately available to respond to an accident or injury.

## **The First 24 Hours after an Injury are Critical**

Injured employees may feel worried about keeping their jobs, worried about their health and frustrated or confused by company policies. A rapid response plan turns a potentially negative event into a more manageable scenario for you and the employee by addressing their concerns up front, helping them get the care they need and lowering claims costs.

Both organizations that work with injured employees—such as the American Academy of Orthopedic Surgeons—and those that work with risk management for organizations—such as the Public Entity Risk Institute—agree that prompt and thorough action promotes the best outcomes for everyone involved. The lag between when an injury occurs and the reporting of that injury has a significant effect on both the time it takes to close the claim and the final cost of the claim.

A study published by the Hartford Financial Services Group found the following:

- Claims reported during the second week after an occurrence had an average settlement value that was 18% higher than that for claims reported during the first week.
- Waiting until the third or fourth week resulted in claims costs that were about 30% higher.
- Claims that were not reported until 1 month after the occurrence were typically 45% higher.
- According to the study, back injuries were particularly sensitive to delayed reporting; waiting just one week to report a back injury typically results in a 40% increase in the ultimate cost of the claim.

## **Common Reasons for Delaying Reporting**

The most common reason for delayed reporting is that the injured party believes the pain will go away. This creates problems, as most injuries that are not addressed immediately take longer to heal. The second most common reason for delayed reporting is a lack of employee training. Approximately 97% of employees injured on the job do not know what process to follow; in many cases, they will go to their own doctor rather than reporting to their supervisor.

Less common, but certainly prevalent, is the concern that there will be a negative reaction from a supervisor. This highlights the importance of supervisor training, creating a clear message about immediate reporting, and maintaining a supportive work environment.

Delayed reporting may also be caused by a conflict over a non-injury issue. This occasionally can result in an employee belatedly reporting a real or fabricated injury in order to retaliate for some other grievance against the company or supervisor. Unfortunately,

*A rapid response plan turns a potentially negative event into a more manageable scenario for you and the employee by addressing their concerns up front...*





claims of this nature are rarely resolved quickly.

### **Training and Communication**

Since time is so valuable to the process, it is important that training is given in advance so employees will not be confused about their responsibilities should an injury occur. For supervisors, training allows them to take a more active role in managing the response and to serve as a guide for injured employees. This means quicker reporting times and better health outcomes.

Training should ensure employees are aware of how to access appropriate care. Employees should be comfortable reporting injuries knowing they will be treated with care and respect. During training, continually reinforce the company's commitment to helping every injured employee heal properly and return to work promptly.

To aid in educating your staff about workplace injuries, your company should create and post a written, 24-hour response plan for employees and supervisors to follow.

### **Prompt Medical Treatment**

Immediate assessing of the injury and facilitating appropriate and personal treatment is crucial. Determine the type and severity of the injury; ideally, a staff member

trained in first aid can assess the severity of the injury and the appropriate action needed. For injuries that usually result in the most lost time and highest claims costs, such as sprains, strains, neck and back injuries, appropriate medical care is most likely a prompt visit to a clinic or a doctor well versed in evidence-based, occupational health care delivery. An established clinic relationship facilitates prompt and appropriate treatment for injured workers.

### **Timely Reporting**

After triaging the victim and providing prompt medical attention, it's important that the injury gets reported to the appropriate parties immediately. Ensure that injury reporting is quick across all levels (supervisor, injury management coordinator and insurance carriers). Timely reporting is one important result of effective training and results in rapid return to work and minimized indemnity claims.

### **Expedited Return to Work**

From the moment an injury is first examined, there should be considerations made as to when the employee will be able to return to his or her duties. Return to Work programs tend to result in better health outcomes and preserve many important benefits, such as health coverage, that are

contingent on attendance. Return to Work programs also tend to limit claims costs to medical costs only. Whenever possible, employers should facilitate a return to work in order to minimize indemnity payments, because even small indemnity payments can have an adverse effect on your mod. To facilitate your Return to Work program, you should do the following:

- Communicate caring and concern as soon as possible, letting injured employees know that you care about their well-being and want them back on the job as soon as they are able.
- Give the injured employee forms to take to the doctor. These forms allow the doctor to authorize return to work and note any temporary restrictions an employee may have.
- Follow up with the injured employee by finding out how the doctor's visit went. Together, you can formulate an appropriate Return to Work plan.

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. © 2011, 2019 Zywave, Inc. All rights reserved.*

# Government Affairs Report from Washington

*In addition to coronavirus relief, Congress is also attempting to take on the not-so-small task of trying to pass an infrastructure funding bill in advance of September 30th when federal highway, rail and transit programs are set to expire.*



By Roy Littlefield IV

**As we head into** a unique fall legislative season and a paramount November election cycle, to say that there is a lot going on in Washington these days would clearly be a woeful understatement.

As the COVID-19 pandemic unfortunately continues on, WMDA/CAR working through SSDA-AT on the federal level continues to respond to member requests on a daily basis.

Our vast membership is facing different issues in different parts of the country and we continue to adhere to those concerns. WMDA/CAR working through SSDA-AT remains active in a variety of coalitions dealing with recovery and response and we have signed onto and lead over two dozen industry letters over the past three months as we seek solutions and help for the industry.

There are a number of pieces of legislation that are must pass and have looming deadlines in the fall, including the National Defense Authorization Act, a surface transportation package, the Water Resources Development Act, and spending bills to keep the government open past September 30th. SSDA-AT continues to monitor these efforts on the federal level.

In addition to coronavirus relief, Congress is also attempting to take on the not-so-small task of trying to pass an infrastructure funding bill in advance of September 30th when federal highway, rail and transit programs are set to expire.

House Democrats have recently passed a large infrastructure package to reauthorize surface transportation program and fund a number of infrastructure projects which proponents say will create jobs.

Although the House passed the package, it was largely along party lines and given the overall cost of the bill, as well as certain provisions related to the application of state wage rates to federal contractors and clean energy incentives, sets the bill's chance of passage in the Senate to slim to none.

In a legislative victory for SSDA-AT, both the House and Senate unanimously passed S. 4116, which the President signed into law. SSDA-AT strongly supported the bill.

The sole purpose of this short but important piece of legislation is to extend the deadline for eligible businesses to apply for a Paycheck Protection Program (PPP) loan. Despite the initially high demand for PPP loans, which prompted Congress to pass increased funding for the program just weeks after it was established, the SBA has reported that there is still approximately \$130 billion left in available PPP loan funds.

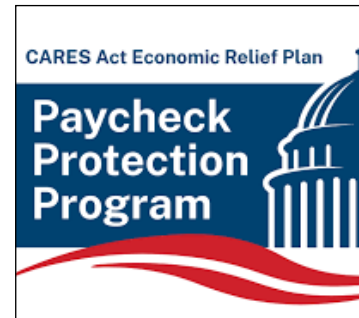
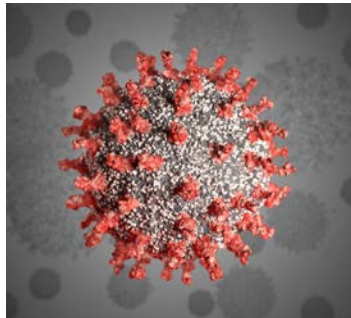
The CARES Act, which established the PPP loan program, set June 30, 2020 as the end date for businesses to request a PPP loan. At the time Congress passed the CARES Act, the members certainly did not anticipate the continued level of impact that the coronavirus would have through the summer.

This legislation extends the PPP loan application deadline through August 3, 2020





# GOVERNMENT AFFAIRS



giving businesses more time to access the PPP loan funds if they have not done so already.

SSDA-AT plans to remain involved in the fury of action expected from Congress in the coming months and we will continue to update you.

In a letter to Chairman Rubio, Chairwoman Velázquez, and Ranking Members Cardin and Chabot, SSDA-AT expressed strong support for S. 4117, “The Paycheck Protection Program Small Business Forgiveness Act”, sponsored by Senators Kevin Cramer, Bob Menendez, Thom Tillis and Kyrsten Sinema. The Paycheck Protection Program (PPP), established by Congress in the Coronavirus Aid, Relief, and Economic Security (CARES) Act, has provided millions of small businesses the economic relief they need to meet the challenges posed by the COVID-19 crisis. This bipartisan legislation would ensure our nation’s small business owners can focus their time, energy, and resources back into their business and communities instead of allocating significant time and resources into completing complex forgiveness forms.

SSDA-AT is part of America’s Recovery Fund Coalition. Through the coalition, we represent more than 150

organizations – from local chambers to trade associations – which have come together in the interest of promoting a sustainable economic recovery for America.

For the American economy to recover, Congress must do more. It must provide access to additional funds for businesses to keep workers on payroll, to keep paying rent and other operating obligations, and to keep moving forward even as re-openings are paused in the name of public health. Additionally, access to this capital lifeline should be focused broadly on the most impacted businesses with as little administration and future financial liability as possible. Without further federal action and assistance, temporary layoffs will become permanent, consumer spending may never recover to pre-pandemic levels, business revenues will fail to achieve the necessary levels to continue, and the deflationary cycle will repeat itself long into the future.

SSDA-AT now in several letters has asked Congress to take the necessary steps to improve support for Americans as they work so hard to get through this time. It is only through such support that a sustainable recovery is possible.

In July, SSDA-AT took part in the Highway Users’ roundtable

discussion with key Congressional staff that focus on the transportation authorization and the path forward for the Senate and House. We also discussed at the round table the next steps for COVID-19 economic relief. At the roundtable, SSDA-AT had discussions with Clare Doherty Clerk, Senate Subcommittee on Transportation, and Housing and Urban Development Appropriations, Michael Falencki, Staff Director, House Transportation Subcommittee on Railroads, Pipelines, and Hazardous Materials, Committee on Transportation and Infrastructure, Richard Russell Staff Director, and Senate Committee on Environment and Public Works, Rebecca Higgins.

WMDA/CAR continues to take part in a number of virtual legislative meetings. During the month of July, we took part in an America’s Recovery Fund Coalition meeting, a small business OSHA roundtable meeting, and an SBLC government affairs meeting. We also took part in a PPP Forgiveness Coalition Call.

As things ramp up as we move towards the November elections, we will continue to update you on the latest news from Washington. ■

# Guidance for Workers, Employers as America Returns to Work

*As repeated shutdowns and rollbacks of reopening plans continue to disrupt the economy, this legislation will provide the stability that Main Streets across America so desperately need.*



By Roy Littlefield III

The U.S. Department of Labor's Wage and Hour Division (WHD) announced additional guidance to provide information to workers and employers about how the requirements and protections of the Fair Labor Standards Act (FLSA), the Family and Medical Leave Act (FMLA), and the Families First Coronavirus Response Act (FFCRA) impact the workplace as America continues to reopen. The new guidance provides plain-language questions and answers addressing critical issues under all three laws.

This guidance published adds to a growing list of compliance assistance materials published by WHD, including a Fact Sheet for Employees, a Fact Sheet for Employers, and a Questions and Answers resource about paid sick and expanded family and medical leave under the FFCRA. Available guidance also includes two posters, one for federal workers and one for all other employees, that fulfill notice requirements for employers obligated to inform employees about their rights under the FFCRA. The guidance also includes Questions and Answers about posting requirements and simple Quick Benefits Tips to determine how much paid leave workers may take under the FFCRA.

WHD provides additional information on common issues employers and employees face when responding to COVID-19 and its effects on wages and hours worked under the Fair Labor Standards Act and job-protected leave under the Family and Medical Leave Act at <https://www.dol.gov/agencies/whd/pandemic>

For more information about the laws enforced by the WHD, call 1-866-4US-WAGE or visit [www.dol.gov/agencies/whd](http://www.dol.gov/agencies/whd).

## **Bipartisan Recovery Fund Legislation Will Help Save American Businesses, Jobs, And Communities**

America's Recovery Fund Coalition (ARFC) applauds the effort by Representatives Filemon Vela (D-TX-34) and Lance Gooden (R-TX-05) to establish a fund that would provide stability to American businesses as the country continues to grapple with the COVID-19 pandemic.

We wholeheartedly endorse and support the legislation introduced by Representatives Vela and Gooden to establish the Small Business Recovery Fund. In this bill, we finally have a vehicle to cultivate a sustainable economic recovery. By prioritizing the hardest-hit businesses and with greater flexibility in how the money can be used, the Recovery Fund will help fill the gaps left by earlier programs and give business owners the immediate relief and certainty needed to keep their doors open.

As repeated shutdowns and rollbacks of reopening plans continue to disrupt the economy, this legislation will provide the stability that Main Streets across America so desperately need. We thank Representatives Vela and Gooden and call on Congress to pass the Small Business Comeback Act now. The longer we wait, the more costly – and perilous – inaction becomes.

Through a direct grant program with strong oversight and anti-corruption guardrails, the Small Business Comeback Act would allow businesses to retain and rehire employees, continue to provide benefits including health care, pay rent, local, and state taxes, and meet certain debt obligations. This will allow businesses to weather the pandemic, keep American





workers employed, and preserve the health and livelihoods of communities across the United States, regardless of business structure or employment type.

### Recovery Fund 101

The Small Business Recovery Fund would provide federal grants for operational expenses to help businesses reopen and stay open as they navigate a new normal. The fund will include anti-abuse mechanisms and strict federal oversight.

1. Businesses apply for a grant online through an easy-to-access form, entering data on operating costs and revenue from March 1 to application date.
2. The decision is nearly instant and distributed quickly, helping businesses recoup lost revenue due to social distancing and forced shutdowns.
3. Funds would help cover essential operating expenses including rent, utilities, payroll, and state and local taxes to give businesses financial certainty and confidence to reopen.

### IRS is Sending Letters to Those Experiencing a Delay With Advance Payment of Employer Credits

The Internal Revenue Service has started sending letters to taxpayers who have experienced a delay in the processing of their Form 7200, Advance Payment of Employer Credits Due To COVID-19.

A taxpayer will receive letter 6312 if the IRS either rejected Form 7200 or made a change to the requested amount of advance payment due to a computation error.

The letter will explain the reason for the rejection or, if the amount is adjusted, the new

payment amount will be listed on the letter.

A taxpayer will receive letter 6313 if the IRS needs written verification from a taxpayer that the address listed on their Form 7200 is the current mailing address for their business. The IRS will not process Form 7200 or change the last known address until the taxpayer provides it.

### PPP Forgiveness Coalition Update

WMDA/CAR working with SSDA-AT remains an active participant in the PPP Forgiveness Coalition. In the Senate, we are up 4 more members to a total of 14 cosponsors of S. 4117: Senators Cramer (R-ND), Menendez (D-NJ), Tillis (R-NC), Sinema (D-AZ), Cotton (R-AR), Capito (R-WV), Cornyn (R-TX), Moran (R-KS), Perdue (R-GA), Loeffler (R-GA), Murkowski (R-AK), Barrasso (R-WY), Crapo (R-ID) and Rounds (R-SD).

Senate Democrat offices are expressing interest in the bill and understand the need for a simplified forgiveness process. We have good momentum with Senate offices. Negotiations are underway and if we have hopes of being included in the package.

In the House, Cong. Houlahan and Cong. Upton are still awaiting leg council to review and send them bill language, apparently leg council is still dealing with the backlog from the high number of NDAA amendments. In the interim, both offices plan on sending to House offices a Dear Colleague and section-by-section outlining the bill and asking for members to cosponsor. We will pass along more information when we get updates from our House sponsors.

Talking Points for: S. 4117 – “The Paycheck Protection Program Small Business Forgiveness Act”:

- The current PPP forgiveness application and guidance issued by Treasury and SBA outlining the forgiveness process is overly complex.
- It is apparent that the process will be unnecessarily burdensome for many businesses, particularly the smallest of small businesses that do not have the administrative support needed to complete the form.
- In order to help these businesses, Congress should pass S. 4117, “The Paycheck Protection Program Small Business Forgiveness Act” sponsored by Senator’s Cramer, Menendez, Tillis and Sinema.
- This legislation forgives PPP loans of less than \$150,000 upon the borrower’s completion of a simple, one-page forgiveness document.
- This threshold would account for 86 percent of total PPP recipients, but less than 27 percent of PPP loan dollars. Lenders would continue to meet the PPP requirements provided by SBA for these loans, but the loan forgiveness process would be faster for these small businesses.
- Small businesses and their employees are the backbone of our nation’s economy and communities. Their time and resources would be better focused on getting the economy safely back up and running, not processing overly complicated paperwork.

We will continue to update you on these legislative issues. ■



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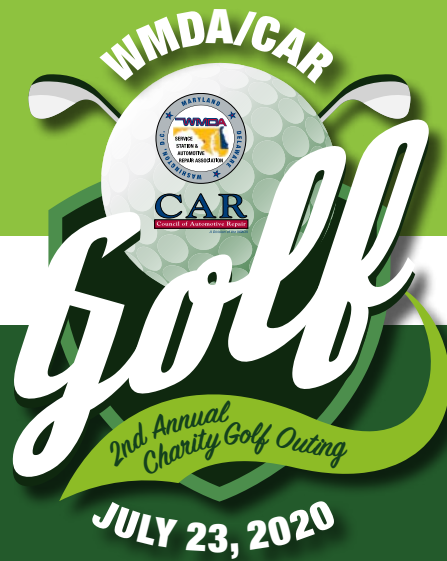
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