

## California New Car Dealers Association / Silicon Valley Auto Dealers Association Vehicle Dealership COVID-19 Operations Protocol

The following protocol was principally developed by Arent Fox LPP and is recommended as a best practice and is suitable for most dealerships. However, the actual protocol a dealership develops must be based on the dealership's location, as well as local enforcement, which may vary. Some California counties and cities have enacted local Stay-at-Home Orders (Local Orders), which must be observed by businesses within the area, in addition to the [statewide Executive Order](#). These Local Orders differ significantly throughout California. Some counties have not enacted any local orders, in which case only the statewide Order applies. Other counties have enacted somewhat relaxed Local Orders, while other counties and cities have enacted very stringent Local Orders. Because these Local Orders change frequently, dealerships should check them regularly and update their protocol based on the most current version of the State Executive Order and any applicable Local Order(s). This sample protocol is provided on guidance available as of **April 24, 2020** and is not a substitute for applicable Local Orders. Dealerships should check for updates to this sample periodically.

### Task Force

- Form a task force consisting of management personnel and designate a task force leader. Task force is responsible for:
  - Establishing, posting and enforcing a written protocol for screenings and social distancing consistent with federal, state and local guidelines
  - Ordering supplies for cleaning/sanitization
  - Ordering supplies for personal protective equipment (PPE) for employees
  - Preparing a written response plan to notify employees, vendors and customers of actual or possible exposure and/or infection
  - Establishing and distributing written rules/guidelines for employees who are permitted to work from home
  - Training employees about protocol
  - Reviewing [CDC Guidance](#), [OSHA Guidance](#), [EEOC Guidance and Resources](#), including [Pandemic Preparedness in the Workplace and the Americans With Disabilities Act \(must check for updates regularly\)](#)
  - Reviewing Local Orders (must check for updates regularly)

### Employee Scheduling / Working Arrangements

- Stagger shifts to reduce number of people in the dealership at the same time and the number entering at any one time.
  - Because entry protocol delays will be “hours worked,” staggering shifts will reduce or eliminate the amount of paid time spent waiting in line to enter the dealership.
  - Staggered shifts will also promote staggered break/meal times.
- Employees who can work from home are instructed to do so.
- Limit meetings to groups of less than 10, where social distancing can be observed.
  - This may mean conducting the same meeting multiple times, or allowing some people to attend via video conferencing.
  - Avoid non-essential meetings or events.
- Set maximum capacities for break rooms and bathrooms.
  - Post signage at the entrance and within regarding maximum capacity and any other social distancing protocols required by Local Order(s)

- Encourage employees to take their meal breaks in their cars.

### Health Screening

- Instruct all employees not to come to work if sick.
- Create a response protocol for responding to notifications of employees calling in with symptoms.
- If required by Local Order, conduct symptom checks on employees and other persons designated in the Local Order, such as contractors, vendors and visitors. [Note- most Local Orders that require symptoms checks do not provide guidance regarding how to perform the checks. Dealers should consult with knowledgeable counsel prior to implementing a symptom check process.]
  - Dealers should consider purchasing touchless thermometers intended for human use (as opposed to ambient air equipment).
    - If temperature checks are used, they should be conducted by someone trained to use the equipment.
  - If possible, perform testing at entrance(s) to parking lot, while person is in their vehicle; otherwise perform testing at building entrance(s). If at entrance, make sure six-foot markers appear on ground to keep people waiting 6 feet apart.
  - Anyone who does not pass screening must immediately leave the premises.
    - If an employee is denied entry, the incident should be documented in writing, and the record should be retained as confidential medical information.
    - Employees who are denied entry should be instructed not to report to work for 7 days or a minimum of 3 days after all symptoms cease without the use of medication, whichever is longer.
  - Update privacy forms to provide disclosures regarding collection of this personal information, pursuant to the California Consumer Privacy Act (CCPA).
    - Post signage at testing areas, providing the URL where your Privacy Policy and Notice at Collection can be viewed and offering to provide copies of these documents.
- Upon entering the facility, employees should be instructed to immediately wash their hands. Sanitizer and wipes should be provided to all employees, customers, vendors and contractors.
- Employees who become sick during the day should immediately be separated from other employees and customers and sent home for 7 days, or a minimum of 3 days after all symptoms cease without the use of medication, whichever is longer.
  - If an employee is confirmed to have COVID-19 infection, inform co-workers of their possible exposure to COVID-19 in the workplace but maintain confidentiality as required by the Americans with Disabilities Act (ADA). Instruct fellow employees about how to proceed based on the CDC [Public Health Recommendations for Community-Related Exposure](#) and [Implementing Safety Practices for Critical Infrastructure Workers Who May Have Had Exposure](#).

### Face Coverings

- If required by a Local Order or future State Order, employees must wear a face covering when:
  - interacting in person with any member of the public or with co-workers;
  - working in any space visited by members of the public, such as reception areas, service counters, public restrooms, cashier and checkout areas, waiting rooms,

- service areas, and other spaces used to interact with the public, regardless of whether anyone from the public is present at the time;
  - working in any space where food is prepared or packaged for sale or distribution to others;
  - working in or walking through common areas such as hallways, stairways, elevators, and parking facilities; or in any room or enclosed area when other people are present.
- If a Local Order is more strict, comply with the Local Order. For example, some Local Orders require all employees to wear masks at all times. This includes service technicians working alone in their service bays and employees who work alone in a single office, even when their office door is closed.
- Some Local Orders require the employer to provide face coverings for employees at the employer's expense.
- Even if there is no Local Order requiring face coverings, an employee who has been exposed to COVID-19 within the past 14 days should wear a face covering. [See [CDC Interim Guidance - Implementing Safety Practices for Critical Infrastructure Workers Who May Have Had Exposure.](#)]

### Facility Changes

- Rearrange work areas and break rooms to assure at least 6 feet of separation.
  - If 6 feet of separation cannot be achieved, add cubicles/partitions to separate people.
    - A plastic sheet can be installed between technicians' stalls to avoid close contact while working on the same side of one another in adjacent stalls.
- Rearrange customer waiting areas to allow for 6 feet of separation between customers, including ground markings outside designated entrances to keep waiting people at least 6 feet apart.
- Provide hand sanitizer dispensers (with at least 60% alcohol) throughout the dealership, in prominent places for use by customers and employees.
  - At or near public entrance(s), by the parts/service cashier, and anywhere else inside the store or immediately outside where people have direct interactions
- Use hands-free devices for shared items, to the extent possible, such as:
  - Trash cans
  - Motion sensor lights
  - Contactless payment system
    - Or disinfect all payment portals, pens, and styluses after each use.
  - Soap dispensers
  - Paper towel dispensers
  - Hand sanitizer dispensers
  - Biometric time clock (timekeeping)
    - Or have an employee clean shared time clock in between each time clock punch.
  - Door openers
    - Or consider keeping some doors propped open during business hours.
- Do not permit persons to share keyboards, telephones, devices, equipment where possible, and disinfect between uses where sharing is unavoidable.
- Require single person use of elevators.

### Customer Interactions/Services

- Limit number of customers permitted in showroom, parts and service departments to ensure social distancing requirements are satisfied in each area.
  - Determine maximum number of customers permitted in each area to maintain social distancing of at least six feet.
    - Post maximum numbers on signage at entrances.
    - Post an employee at each public entrance to ensure maximum number of employees is not exceeded.
  - Encourage appointments.
  - If capacity is reached, have customers wait in cars (consider placing numbered cones on top of cars) or line up by door, with spacing marks in six foot increments, beginning at building entrance(s).
- Use sanitary gloves when handling customer's photo identification and paperwork.
- Vehicle test drives to be conducted by customer alone.
  - Dealership employee can follow in a separate vehicle or allow customer to take an extended test drive with dealer plate, after customer executes a borrowed vehicle agreement.
    - Requires verification of customer's adequate insurance.
- Install plexiglass or other clear barriers to separate customers from salespeople, finance managers, receptionist and cashiers.
- Provide customers with pens in sealed bags and direct them to keep the pens to minimize the risk of cross contamination.
- Offer curbside pickup or delivery.
  - Place signs on drive requiring customers to wait for dealership representative to come to customer's car for assistance.
  - Deal terms are previously agreed upon through online/remote sales.
  - Verify identification and obtain all necessary signatures at time of pickup/delivery.
- Provide information regarding vehicle features (i.e., vehicle delivery process) through videos or from a distance of at least six feet.
- Discontinue shuttle services.
- Discontinue service loaner vehicle program.
- Eliminate handshakes.

### Food and Beverages

- Do not provide unpackaged, self-serve food or drinks.
  - Close vending machines and water fountains.
  - Beverages (if any) provided by designated staff, who wear gloves.

### Personal Protective Equipment

- Provide face coverings/masks to employees as necessary. [See page 2 regarding Face Coverings.]
- Provide employees with disposable gloves to be used when driving customer or dealership vehicles and for other designated purposes.
- Provide high-quality masks and gloves to employees responsible for disinfection and to employees engaged in health screening, along with any other PPE recommended by CDC.
- Provide means for hygienic disposal of face coverings/masks and gloves.

- Consider offering face coverings and gloves to customers.

### Cleaning/Sanitization

- Before anyone returns to work, disinfect everything in the dealership, including computer screens, keyboards, and phones.
- Frequently disinfect items like tables, chairs and microwaves in break rooms and other common areas.
  - Sanitize after use by each customer.
- Post disinfection schedules for break rooms, bathrooms, and other common areas.
- Clean test drive vehicles after each test drive.
- Clean trade-in vehicles prior to driving them.
- Clean service vehicles before and after servicing them.
- Provide sanitizing wipes, disinfectant and related supplies in designated areas, available to all employees.
- Allow employees frequent breaks to wash their hands.
  - Follow any applicable Local Order(s) - some Local Orders require that employees be allowed to wash their hands or use hand sanitizer at least every 30 minutes.
- For further details regarding cleaning and sanitization of vehicles and dealership facility, see [NADA's Dealer Guide to Safely Operating Your Dealership During a Pandemic](#).

### Employee Training

- Provide training to managers regarding protocol before their staff members return to work.
- Provide training to remaining workers immediately upon their return to work.
- Provide copies of protocol to employees and require employees to sign to acknowledge.

### Signage

- Post signage regarding protocol at each public entrance to facility and in various locations throughout the dealership including break rooms. Signage should inform employees and members of the public:
  - they should avoid entering the facility (or if they have entered, they should leave the facility) if they have body aches, chills, shortness of breath, cough, or runny nose;
  - if required by Local Order(s), customers, contractors, owners, visitors and volunteers must wear a face covering when they are inside of, or in line to enter the dealership;
  - employees that have contact with the public or co-workers must wear a face covering [or if required by more restrictive Local Order: employees must wear a face covering at all times while working];
  - maintain a minimum six-foot distance from one another;
  - sneeze and cough into a cloth or tissue or, if not available, into one's elbow; and
  - not shake hands or engage in any unnecessary physical contact.
- Signage must comply with local Social Distance Protocol.

### Responding to Local Enforcement

- To the extent possible, communications go through Task Force Leader
  - Consider having the Task Force Leader reach out affirmatively to local law enforcement officials for pro-active coordination

- Instruct other employees to immediately notify Task Force Leader of any interactions
- Present copy of site protocol and statewide or Local Order(s) allowing operations

#### Transition Expectations

- Face coverings are required by some, but not all counties. It is likely that face covering requirements, some more stringent than others, will be enacted in more areas throughout the State.
- We anticipate that retail businesses in some areas may be required to perform symptom checks on all people who enter the facility, including customers.
- We expect Local Orders to be updated to provide more guidance regarding how businesses should perform symptom checks.