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Thought for the week...

Maryland MVA clarifies vehicle prior-use disclosure requirement of dealers

Disclosure can be on buyers order or separate paper

The Motor Vehicle Administration of Maryland last week cleared up some ongoing confusion over the manner in which dealers in the state are required to disclose prior-use of used vehicles they retail to consumers. In an official bulletin to Maryland dealers dated August 25, MVA said that dealers may make the mandatory written disclosure to used car buyers for prior use -- such as service in a short term rental fleet -- either on the buyers order or on a separate document.

What's the big deal? Lawsuits against Maryland dealers, of the costly class action variety, have been brought by plaintiffs' lawyers in recent times that have attempted to make the case, among other things, that the required prior-use disclosure had to appear on the dealer buyer's order, which MVA has now set straight.

For everyone's ready reference, the MVA bulletin can be read [here](#).

As can be seen, the MVA bulletin is helpful also because it includes the Code of Maryland Regulations which sets forth the various categories of prior-use, which dealers must disclose.

WANADA dealers are urged to take care that vehicle sales managers and F&I directors see the MVA memo and understand its implications.

Reminder - Mandatory EEOC filings

Members are reminded that Equal Employment Opportunity Commission (EEOC) reports (form EEO -1) are required by federal law to be submitted by employers who have 100 or more employees, and employers who employ 100 or more employees from “affiliated entities.”

The report must be generated from data collected during any pay period between July and September 2011. The data must include all full-time and part-time employees. These reports are due to the EEOC no later than September 30, 2011.

Affiliated Entities

Entities are considered “affiliated” if they have centralized ownership, control or management. Even if each location or business operation is a separate corporation or business for tax and other purposes, they will still be considered affiliated entities if there is common ownership or control.

Multi-establishment employers must file the following multiple reports:

- 1) A report for the principal or headquarters office;
- 2) A report for each individual location which employs more than 50 persons;
- 3) A consolidated report covering all locations and entities, including those with fewer than 50 employees; and
- 4) A list showing the name, address, total number of employees, and the major activity for each location (i.e., the type of product manufactured or sold or the type of service provided). This information must accompany the consolidated report.

Purpose of the Report

The information gathered in this report is primarily used for statistical purposes to measure the hiring practices of women and minorities, and eliminate employment discrimination based on race, color, religion, sex or national origin in private industry. The information is also used in investigating employment discrimination allegations and the enforcement of federal anti-discrimination laws.

Penalties for Non-Compliance

In the event of a discrimination or harassment complaint, either the EEOC or a local agency considering the complaint will review the reports to aid in a determination of the validity of the complaint. Detailed instructions and forms are available at www.eeoc.gov

Happy Labor Day!

Final rule on labor relations' rights posters published

The National Labor Relations Board (NLRB) has issued the final rule requiring employers to display a poster explaining to employees their labor relations' rights. The final rule takes effect on November 14, 2011.



The posting requirement applies to all private-sector employers (including labor unions) subject to the National Labor Relations Act (NLRA), which excludes agricultural, railroad and airline employers. Even if there is no union in your workplace, you still have to post the notice.

The NLRB will provide copies of the notice on request at no cost to the employer beginning on or before November 1, 2011. These can be obtained by contacting the NLRB at its headquarters or its regional, sub-regional, or resident offices. Employers will also be able to download the notice from the NLRB's website and print it out in color or black-and-white on a minimum size of one 11-by-17-inch paper or two 8-by-11-inch papers in landscape format taped together. Employers can also satisfy the rule by purchasing and posting a set of workplace posters from a commercial supplier.

In addition to the physical posting, the rule requires every covered employer to post the notice on an internet or intranet site if personnel rules and policies are customarily posted there. Employers are not required to distribute the posting by email, Twitter or other electronic means.

The notice must be posted in English and in another language if at least 20 percent of employees are not proficient in English and speak the other language. The NLRB will provide translations of the notice, and of the required link to the NLRB's website, in the appropriate languages.

The rule has no record-keeping or reporting requirements. Failure to post the notice may be treated as an unfair labor practice under the NLRA. The NLRB investigates allegations of unfair labor practices made by employees, unions, employers, or other persons, but does not initiate enforcement action on its own. The NLRB has said "it expects that, in most cases, employers who fail to post the notice are unaware of the rule and will comply when requested by a NLRB agent. In such cases, the unfair labor practice case will typically be closed without further action. The NLRB also may extend the 6-month statute of limitations for filing a charge involving other unfair labor practice allegations against the employer. If an employer knowingly and willfully fails to post the notice, the failure may be considered evidence of unlawful motive in an unfair labor practice case involving other alleged violations of the NLRA." The NLRB does not have the authority to levy fines.

Poster language is set out below:

EMPLOYEE RIGHTS UNDER THE NATIONAL LABOR RELATIONS ACT

The National Labor Relations Act (NLRA) guarantees the right of employees to organize and bargain collectively with their employers, and to engage in other protected concerted activity or to refrain from engaging in any of the above activity. Employees covered by the NLRA* are protected from certain types of employer and union misconduct. This Notice gives you general information about your rights, and about the obligations of employers and unions under the NLRA. Contact the National Labor Relations Board (NLRB), the Federal agency that investigates and resolves complaints under the NLRA, using the contact information supplied below, if you have any questions about specific rights that may apply in your particular workplace.

Under the NLRA, you have the right to:

- Organize a union to negotiate with your employer concerning your wages, hours, and other terms and conditions of employment.
- Form, join or assist a union.

- Bargain collectively through representatives of employees' own choosing for a contract with your employer setting your wages, benefits, hours, and other working conditions.
- Discuss your wages and benefits and other terms and conditions of employment or union organizing with your co-workers or a union.
- Take action with one or more co-workers to improve your working conditions by, among other means, raising work-related complaints directly with your employer or with a government agency, and seeking help from a union.
- Strike and picket, depending on the purpose or means of the strike or the picketing.
- Choose not to do any of these activities, including joining or remaining a member of a union.

Under the NLRA, it is illegal for your employer to:

- Prohibit you from talking about or soliciting for a union during non-work time, such as before or after work or during break times; or from distributing union literature during non-work time, in non-work areas, such as parking lots or break rooms.
- Question you about your union support or activities in a manner that discourages you from engaging in that activity.
- Fire, demote, or transfer you, or reduce your hours or change your shift, or otherwise take adverse action against you, or threaten to take any of these actions, because you join or support a union, or because you engage in concerted activity for mutual aid and protection, or because you choose not to engage in any such activity.
- Threaten to close your workplace if workers choose a union to represent them.
- Promise or grant promotions, pay raises, or other benefits to discourage or encourage union support.
- Prohibit you from wearing union hats, buttons, t-shirts, and pins in the workplace except under special circumstances.
- Spy on or videotape peaceful union activities and gatherings or pretend to do so.

'Hire Our Heroes' Award

The U.S. Chamber of Commerce is currently seeking nominations for its first annual "Hiring Our Heroes" award from the business community—including new-car dealerships—that have taken leadership roles in employing military veterans or their spouses.

WANADA is urging all its members to contact association headquarters if you have a story to tell in helping military veterans return to the workforce. Call Jake Kelderman, director of communications at (202) 237-7200 or email him at jak@wanada.org.



There are five award categories: 1) Veteran and Military Spouse Employment (General Award); 2) Veteran and Military Spouse Employment (Small Business Award); 3) Wounded Warrior Transition Assistance; 4) Providing Employment or Internships for Post 9-11 Veterans; and 5) Women Veteran Employment.

Award finalists and winners will be recognized at the Chamber's 4th Annual "Hiring our Heroes" event and awards dinner in Washington, D.C., on Nov. 10, 2011. Representatives of the nominated businesses and up to one guest must be able to attend.

To be eligible for the award, a dealership must currently employ at least one person who is a veteran. The brief nomination form, which is available online, must be completed and submitted

before noon, Friday, Sept. 23. For questions or more information, email vets@uschamber.com. Click [here](#) for the nomination form.

WANADA presents –

Leasing 101: A primer for vehicle sales associates on the benefits of leasing – September 28, 2011, WANADA headquarters

A service of the Automobile Dealers Education Institute (ADEI)

The “Leasing 101” training workshop provides vehicle sales associates with the information they need to fully understand leasing and how to present leasing as an option (and benefit) to the customer. The target audience for this class will be Finance Managers, Sales Managers, and select Sales Consultants.



Ty Courtney, of JM&A Group, which specializes in lease training, will present the day-long seminar. Mr. Courtney received his law degree from the University of South Carolina and after spending 25 years of his career in the legal profession and politics, changed to an automotive career where he held sales manager, finance manager and finance director positions. In 2006, Ty became a JM&A Group trainer where he has been able to share his automotive and legal experiences with dealers throughout the country.

The topics covered in the Leasing 101 class include:

- Background of Leasing & Lease Terminology
- Pros & Cons of Leasing
- Normal Wear & Tear vs. Excess Wear & Tear
- Benefits of Leasing
- The 100% Rule
- Common Leasing Questions and Objections
- How to Calculate a Lease
- Leasing Role-Plays

For more information, please contact Kristina Henry at kh@wanada.org or 202-237-7200, or click [here](#) to register online, by downloading the form and faxing to (202) 237-9090.

Warning! Be careful not to open bogus email claiming to be from FTC

The FTC is warning small businesses that an email with a subject line “URGENT: Pending Consumer Complaint” is not from the FTC. The email says that a complaint has been filed with the agency against their company. The FTC advises not to click on any of the links or attachments with the email. Clicking on the links may install a virus on the computer.

Old newspapers could be new fuel for cars

Scientists at Tulane University have discovered a new use for discarded newspapers, turning the organic material into butanol, a bio-substitute for gasoline.

"In the United States alone, at least 323 million tons of cellulosic materials that could be used to produce butanol are thrown out each year," said Harshad Velankar, a postdoctoral fellow working on the project.



The researchers are using old editions of the New Orleans Times Picayune newspaper to experiment with microbes they discovered that can produce butanol in the presence of oxygen.

Butanol is different from ethanol in that it can readily fuel existing cars and trucks without any engine modification and has a higher energy density, making it more like unleaded gasoline.

A patent is pending on the microbe strain, and it's unclear whether the technology has any market viability. The auto industry hasn't expressed much interest in butanol, choosing instead to pursue hybrid, electric and enhanced gasoline engine technology as the way forward to fuel efficiency.

Register for 2012 NADA/ATD Convention, Feb. 3-6 in Las Vegas

Online registration and housing for the 2012 NADA Convention in Las Vegas opened July 25, 2011. President George W. Bush and Sergio Marchionne, chief executive officer of Chrysler Group and Fiat S.p.A., are the scheduled keynote speakers for the 2012 NADA and ATD Convention and Expo in Las Vegas next February.



The inspirational address will be provided by Aron Ralston, who had to amputate his right arm with a knife to free himself from a boulder after a hiking accident. His autobiography "Between a Rock and a Hard Place" was the subject of the film "127 Hours."

Dealers wishing to register for the convention can click [here](#).

Thought for the week...

Labor disgraces no man; unfortunately, you occasionally find men who disgrace labor.

-- Ulysses S. Grant