



ADA NEWS

JANUARY 2014

a publication of the Ohio Automobile Dealers Association

OADA Lawsuit Alleges BMV Ignored State Licensing Requirements

OADA and four central Ohio dealers filed suit against the Ohio Bureau of Motor Vehicles and Tesla Motors Inc. on December 11th, 2013. The suit, filed in the Franklin County Court of Common Pleas, alleges that the BMV allowed a manufacturer of motor vehicles to obtain a

new motor vehicle dealer license in violation of Ohio's licensing statutes. We are asking the court to grant both a preliminary and permanent injunction to revoke any license improperly issued and prevent further licenses from being issued.

Ohio law distinguishes the roles of a motor vehicle dealer and a motor vehicle manufacturer. Our law defines a new motor vehicle dealer as "any person engaged in the business of selling at retail, displaying, offering for sale or dealing in new motor vehicles pursuant to a contract with the manufacturer or distributor". A manufacturer is defined as "a person who manufactures, assembles, or imports motor vehicles..." Can a manufacturer be both a dealer and a manufacturer? No. Ohio law states that "An applicant for a new motor vehicle dealer license must provide the BMV with a contract between the applicant and the manufacturer." One of the most basic principles of law is that a party can't contract with itself.

As this litigation unfolds, we will provide additional information.

Additionally, OADA-backed Senate Bill 260 (Patton) was introduced on December 23, 2013 in the Ohio Senate. Senate Bill 260 would reinforce that Ohio law prevents manufacturers from obtaining a license to sell motor vehicles direct without contracting with an independent dealer. All dealers need to contact both their state senator and state representative to urge their co-sponsorship of Senate Bill 260. Dealers may identify legislators and contact information under the State Leg-

islator Directory at www.oada.com.

Please contact Sara Bruce, V.P. of Legal Affairs, with any questions regarding this litigation. Inquiries regarding OADA-backed Senate Bill 260 should be directed to Joe Cannon, V.P. of Government Relations. ■

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Latta Bill to Reduce Paperwork at Auto Dealerships Advances in House

The US House Energy and Commerce Committee on December 11th, 2013 approved by voice vote a bipartisan bill, H.R. 724, which would eliminate some red tape required by the Environmental Protection Agency when buying a new car or truck. The bill would repeal a 1977 mandate that dealers certify the vehicle complies with the Clean Air Act. This form is required to be presented by the dealer to the purchaser of a new vehicle even though all vehicles must comply with the Clean Air Act before being sold in the United States. Additionally, a Clean Air Act certification sticker can be found under the hood of most vehicles, or in the owner's manual, making an additional certification by the dealer that the vehicle complies with the Clean Air Act redundant. The legislation will now go to the floor of the House for consideration.

Latta Bill...

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Cascade Auto Group Provides Cuyahoga Falls Fire Department with Much-Needed CPR Equipment



Left to right: Zach Doran (OADA), Don Walters (Mayor of Cuyahoga Falls), Pat Primm (Cascade Auto Group), Scott Lyons (Cuyahoga Falls Fire Department Lieutenant)

Cascade Auto Group kicked off the new year by making a special donation of Little Anne CPR Manikins on January 3rd to the Cuyahoga Falls Fire Department in conjunction with the Ohio Automobile Dealer's Association.

Cascade Auto Group obtained a grant through the National Automobile Dealers Association to purchase baby CPR manikins to assist the local fire department in their training of life-saving procedures. The Cuyahoga Falls Fire Department has

not had any new baby manikins in at least 15 years and was in desperate need of new equipment. The donation from Cascade Auto Group is sure to be put to immediate good use in replace those old, worn out manikins. This new type of baby manikin also has some great technology – a USB connection that plugs into a computer to monitor for proper training, like the force and timing of CPR on an infant.

Pat Primm of Cascade Auto Group and Zach Doran of OADA presented the baby manikins along with Don Walters, the Mayor of Cuyahoga Falls, to the Cuyahoga Falls Fire Department Lieutenant and CPR Training Officer Scott Lyons.

Through the NADA Charitable Foundation, OADA is proud to have been involved for over 10 years with member dealers in CPR equipment donations. Hundreds of these manikins have been donated across the state to worthy groups through their member dealers to train more people and save more lives. ■

BWC: Important Deadlines and Reminders

provided by CareWorks Consultants Inc. (CCI)

Hello and Happy New Year! As you know, this is a very busy time of year in the workers' compensation world. In order to keep you informed of what is going on, I wanted to share some reminders with you.

Deadlines:

- Employers are now receiving payroll reports for the second half of the 2013 policy year (July 2013 through December 2013). This is the first premium payment based on 2013 rates. Please note that if you report payroll and pay premium online, you will not receive a paper statement in the mail. You must pay your premium on the BWC website (www.bwc.ohio.gov). Premium is due to BWC by 2/28/14.
- The deadline for traditional group rating is right around the corner. By now, current program participants and those requesting group proposals have received their

quotes for the 2014 policy year. OADA must receive your enrollment documents and payment by 2/21/14.

- The deadline for group retrospective rating is in April. OADA must receive group retrospective rating program enrollment documents by 4/25/14. Many dealers are eligible for both traditional group rating and group retrospective rating program. Dealers in this scenario must determine their program of choice by 2/21/14 so that we can ensure you are filed in the correct program with BWC.

2-Hour Safety Training Reminder

Per BWC, any employer participating in traditional group rating or group retrospective rating program for the 2013 policy year who experienced a workers' compensation claim between January 1, 2012 and December 31, 2012 is required to complete two hours of mandatory safety training. This

BWC-mandated training must be completed by June 30, 2014. Stay tuned to OADA for information about opportunities to satisfy this requirement.

Alternative Rating Programs

This is the time of year to let us help you determine which alternative rating program is the best fit for your dealership. Traditional group rating, group retrospective rating and the deductible program are just a few of the many options available to reduce workers' compensation expenses. Each program has its own unique features that might be attractive to you. Furthermore, each program has different savings potential, as well as eligibility and compatibility requirements. Please contact Kirsten Gibson, OADA Account Executive at CareWorks Consultants, to help answer any questions about these programs. She can be reached directly at (614) 526-7110 or via email at kirsten.gibson@ccitpa.com. ■

The Top Five Legal Reminders for January

- 1. Dealers cannot sell a vehicle with an emissions system that has been tampered with:** Under Ohio law, it is illegal to sell, lease, rent, or operate a vehicle that has had its emissions system tampered with. Tampering includes acts such as removing the catalytic converter from a vehicle and installing a straight pipe; removing the substrate from inside the catalytic converter (“cleaning” it out); removing an air pump or disabling the air pump by removing the air pump belt; or installing a non-standard thermostatic air cleaner. For a “Fact Sheet” put out by the Ohio EPA on what auto dealers need to know about emissions tampering, please visit http://epa.ohio.gov/portals/27/echeck/docs/tamper_dealers.pdf.
- 2. Use Employment Applications:** Some dealers have gone away from using employment applications in favor of just accepting resumes and interviews. However, employment applications serve a great purpose of providing additional information to the dealer about the candi-

date and also making certain disclosures about employment. On the back of many employment applications are a series of disclosures that the candidate must sign and acknowledge. These are important and provide some coverage to dealers. Employment applications also ask questions that no potential employee would put on their resume such as criminal history. This can provide a significant amount of information that a dealer may not find out otherwise until it is too late.

- 3. Cannot have separate “Internet Price” and on lot vehicle price:** Many dealers want to advertise one price online, an “internet price,” and different prices either in newspapers or on the lot to measure which advertising is most effective and to drive people to their website. While this is a good idea, there are numerous issues due to the Consumer Sales Practices Act (CSPA) and the Attorney General’s Guidelines on Motor Vehicle Advertising. Dealers are required to inform consumers of their lowest advertised price for a

vehicle. This makes it nearly impossible to have different prices in different places because the dealer is required to inform the customer no matter where it is advertised. Additionally, any prices shown on a vehicle in a dealer’s online inventory is considered an advertisement. Thus, even if a consumer has never visited the dealer’s website or seen the “internet price,” the dealer is still required to inform the consumer of it. If you need a copy of the CSPA or the Attorney General’s Guidelines on Motor Vehicle Advertising please contact Don Boyd at dboyd@oada.com or (614) 923-2232.

- 4. When it comes to employee issues, document, document, document:** Even minor employee disputes or issues can eventually turn into a major issue. Therefore, it is important to always document any problems, discipline, or reprimands that an employee has or receives in the employee’s file. If down the road there is a much larger issue that may be cause for termination, it is important to have a well-documented employment history should any litigation arise. Memories may fade but having a complete employee file will refresh the memories and provide a complete picture.

- 5. Effective 1/1/14, Sales Tax Rate Changes in Franklin and Putnam Counties:** On January 1st, 2014, the sales tax rate will change in Franklin and Putnam Counties. In Franklin County, the sales tax rate will increase from 7.00% to 7.50%. In Putnam County, the sales tax rate will decrease from 7.25% to 7.00%. Any customer paying for a vehicle on or after January 1, 2014 will pay the new sales tax rate. To view a map of the sales tax rates for all Ohio counties effective January 1, 2014, please visit http://www.tax.ohio.gov/Portals/0/tax_analysis/tax_data_series/sales_and_use/salestaxmapbw.pdf. To utilize the Ohio Department of Taxation’s “The Finder” website which provides sales tax information on local taxing jurisdictions and tax rates for all addresses in the State of Ohio, please visit <https://thefinder.tax.ohio.gov/StreamlineSalesTaxWeb/Default.aspx>. ■



oadaservices, inc.
1-800-686-9100

We're blowing out our 2013 stock inventory

\$4 each for demo plate holders with a bar magnet
(normal price is over \$10 each)

Order as many as you'd like until they're gone!



Contact OADA Services with questions or to order

- Lindsey Bladen - (614)923-2238, lbladen@oada.com
- Matt Wolf (Columbus & Southern Ohio) - (614)923-2242, mwolf@oada.com



ADREVIEW corner

Attention to Detail Makes All the Difference

Attention to detail can mean the difference between a good ad and a bad one. Often when we look at ads, we find two or three “small” problems in one advertisement. Taken separately, each mistake isn’t so bad, but taken together, they create an ad that could mislead an unsophisticated consumer. It’s time to make sure that you’re not missing these details.

- Invoice pricing: If you use the word “invoice” in any advertisement, you must also include the statement, “invoice pricing may not reflect dealer’s

actual cost” in the advertisement. This requirement applies regardless of the advertising medium used—print, electronic, television or radio.

- “Drive for”: creative dealers often advertise a lease with a statement like, “Drive for \$239/mo.” Make sure that the ad clearly and conspicuously discloses that this offer is a lease offer. Reg. M requires that the word “lease” be in the body of any lease advertisement and consumers don’t always make the connection between “drive” and “lease”.
- Abbreviations: Use of abbreviations like “FMC”, “GMS”, and “WAC” are considered unfair and deceptive according to the Ohio Attorney General’s Guidelines for Motor Vehicle Advertising.
- “0% for 60 months” and similar offers: Reg. Z requires that any credit advertisement which includes a monthly term must also include a monthly payment and down payment. If a dealer wants to advertise that a manufacturer is offering 0% financing on a particular vehicle without including additional Reg. Z

disclosures, the solution is simple: advertise “0% available” without mentioning the monthly term.

- “With approved credit”: Any advertisement that includes an APR offer like “1.9% APR on all 2011 Toyotas” must also state “with approved credit” or words of similar import.
- Stock numbers: Remember that a stock number cannot be used to indicate a limited quantity of the new vehicle being advertised. If the quantity in stock isn’t enough to meet reasonably anticipated demand, the advertisement needs to indicate “1 at this price” or similar language.
- Terms and limitations: Don’t hide your disclosures. Can you read the terms and limitations or are they in an indistinguishable color or size? Are they in close proximity to the offer they modify? Make sure people understand the offer you are making.

Don’t let a good ad go bad. A few minutes addressing the details is all it takes to design a compliant, effective advertisement. ■

The Future of the OADA Advertising Review Program

OADA is committed to working toward a high level of advertising compliance and an equal playing field for all dealers. Over the past nearly ten years, OADA and the Attorney General’s office have maintained a Memorandum of Understanding (MOU) on advertising compliance. This MOU allowed OADA to review advertisements and counsel dealers on corrections prior to regulatory action by the Attorney General. Also, under this MOU, if a dealer did not correct an issue, or had three compliance infractions within six months, the dealer’s name and issue were to be submitted to the Attorney General’s Consumer Protection Division for further action. For most of this program’s history, it was a resounding success for our dealers and kept with their best interests. However, nothing in the MOU prevented the Attorney General’s office, or any other regulatory agency, from taking

regulatory action against a dealer for advertising issues prior to the “three strike policy.”

This program worked well while it was in effect but over time some of the collaboration broke down and the program became more focused on enforcement rather than achieving a higher level of compliance and an equal playing field for all dealers. This change prompted meetings between OADA and the Attorney General’s office which eventually resulted in, with approval from the Board of Trustees, the non-renewal of the MOU. OADA remains committed to advertising compliance and working to help dealers achieve compliance. Under the MOU, OADA reviewed advertisements and counseled dealers on corrections. OADA will continue to do this. Under the MOU, OADA worked to educate dealers through webinars and seminars. OADA will continue to do this on an even more frequent basis. Under the

MOU, OADA provided dealers with educational materials in the form of newsletter articles and memos. OADA will continue to do this. The only true change that will happen is that OADA will not be submitting reports to the Attorney General’s office with the names of dealers who had committed advertising infractions in the previous month and OADA will not submit dealers for regulatory action under a “three strike policy.”

OADA remains committed to achieving a high level of compliance and an equal playing field for all dealers. Going forward, OADA will continue to work with the Attorney General’s office on advertising compliance issues and educational material to help dealers achieve that high level of compliance. If you have any questions or need any guidance on advertising compliance, please contact Don Boyd at (614) 923-2232 or dboyd@oada.com. ■

Why Lift Safety?

by Peter Zaidel, KPA Environmental and Safety Product Director

So you've been using forklifts for years. You've used a variety of forklifts with success, and have never had an incident. Why should you have to take part in forklift training again? Research shows that many forklift related fatalities and injuries could be prevented with better training. Refresher training covers different forklift varieties and new technology, as well as reminds users of compliant and safe use, which often slips from the mind over the years. OSHA estimates that forklifts cause about 85 fatal accidents per year and an additional 34,900 accidents that result in serious injury. Forklift training could abate these numbers.

To stay in compliance, OSHA requires the following of companies using Powered Industrial Trucks (the term OSHA uses for all types of forklifts):

- Companies must provide a multitude of training, including classroom and hands-on courses.
- The trainer must have sufficient knowledge and training to teach the sessions.
- Training must be site specific and equipment specific. This means that equipment used on site but each individual must be covered in the training.



- All personnel who operate equipment must be trained with the forklifts.
- Complete refresher training must be provided every 36 months.
- Refresher training must be provided in the event of any forklift related injury.
- All training, exams, and evaluations must be documented and maintained.
- Training must cover 100% of OSHA forklift regulations.

Do you have questions about lift regulations and training? Does your dealership need training? Contact KPA for information on how you can maintain Lift Safety compliance.

This safety article is provided by KPA, an OADA endorsed partner for Environment & Safety services for Auto, Heavy Equipment/Agricultural, RV, and Truck Dealers. If you have additional questions, please contact KPA Engineer - Glorianna Cooley at (614) 432-5044. ■

You're Doing the Right Things in Social, But are You Avoiding the Mistakes Too?

by Erika Simms, KPA Social Media Advisor

With social media steering the automotive world, we are inundated with the many things that we should all be doing every minute of every day to make sure that all of our digital and social efforts are successful. In fact, there's a tendency to get so caught up in what we should be doing that sometimes we forget to take the time to consider what things that we might be doing wrong. What social media mistakes should you be taking into account? Whether you've made these mistakes yourself, or you're learning from others, it's important to slow down and be aware of these habits in your routine:

Skiping images on Facebook:

At KPA, we encourage a variety of posting types, including text, images, videos, and hashtags. Many individual skip images, which hinders their ability to increase their social reach. Research shows that 40% of people will respond better to visual information than plain text. Your goal with social is to present it

in ways that is understandable and accessible to all consumers. So don't skip out on any methods that will increase your following.

@ versus #

With social media comes an entirely new language, full of LOLs, BRBs, and now additional characters like @ and # have been added in. It's easy enough to confuse the abbreviations, and the characters add in a new level of difficulty. Here's the basic explanation:

- The "hashtag" character allows you to tag your conversation with specific concepts and subjects. Simply use it before the subject to categorize your conversation.

@ - The "at" character is used to privately reply to a conversation. If you put @ before your conversation's hashtag, it will privately respond and only show in you and your recipients feed.

.@ - Placing a period before the "at" char-

acter creates a public response and will show up in all of your followers feeds.

Using Irrelevant Hashtags

Hashtags should be used as a method to provide context for a conversation, but if too many are used, the conversation becomes, redundant, confusing, overwhelming. We encourage the use of hashtags, but only in strategic methods, limiting each post to one to two hashtags. This will allow your hashtags to work for you, making it easy to search your concept. This is something that we've touched on before, and it is best demonstrated by Jimmy Fallon's comic use of hashtags.

This article is provided by KPA, a provider of Internet Marketing services including Social Media for over 5,100 dealerships and service companies. If you have additional questions or interest in our service, please contact KPA at info@kpaonline.com or 800.853.9659. ■

NADA News

A Message from Ohio NADA Director, Bill Reineke, Jr.

NADA Convention Offers 174 Workshop Sessions

Sixty-four workshops will be presented by 100 speakers over 174 sessions at the 2014 MADA Convention & Expo in New Orleans, January 24 - 27. "The workshop program is one of the great attractions of the NADA convention, and this year's program is the most comprehensive and information-packed ever offered," said Kenneth C. Vance, chairman of the NADA's Dealership Operations Committee, and a new-car dealer in Eau Claire, Wisconsin. "Nearly half of the speakers are new to the convention workshop program." Organized by NADA University Online, the online education and training arm of NADA, the sessions are designed to give new-car and -truck dealers the information and training they need to succeed in an increasingly competitive and rapidly changing market. "There is no other one-stop-learning opportunity like this anywhere for dealers and their managers to gain the insights and ideas they need to drive up performance and profitability as soon as they get back to their stores," Vance added.



Bill Reineke, Jr.
Ohio NADA Director

Steven Szakaly Named Chief Economist at NADA

NADA has named Steven Szakaly as its new chief economist. "Steven brings several years of experience working in economics and the auto industry," said NADA President Peter Welch. "As the industry and economic environments continue to change, his analytical-thought leadership will benefit the membership as well as add to the public policy discussions." Szakaly brings more than 10 years of forecasting and industry analysis experience to NADA. Prior, he led economic forecasting at Cliffs Natural Resources in Cleveland, Ohio. He has worked with General Motors in powertrain forecasting in Detroit and was an economist with the Center for Automotive Research in Ann Arbor, Michigan. Szakaly began his career as an associate economist with the Federal Reserve Bank of Chicago.

A Bipartisan Majority of Florida House Members Question Consumer Bureau's Auto Lending Changes

A bipartisan group of 16 congressional members from the Florida delegation, led by Democratic Congressman Alcee Hastings and Republican Bill Posey, sent a letter to the Consumer Financial Protection Bureau on Dec. 18 asking it to justify its effort to end a consumer's ability to negotiate competitive auto loan rates at new-car dealerships. "We fear that the CFPB's decision to issue guidance, without public comment or a formal rulemaking process, will significantly restrict consumer choice and services," the members of Congress wrote. "Consumers will ultimately bear the cost as auto dealers will remain restricted in their ability to offer them the most competitive auto loan rates." Last March, the CFPB issued "fair lending guidance" to pressure lenders to eliminate or limit a dealer's ability to "meet or beat" competitive financing for their customers in favor of a "flat fee" system.

NADA Unveils Online Tool to Search Dealership Workforce Study Database

NADA has unveiled an online tool that allows users to search the entire 2013 and 2012 NADA Dealership Workforce Study database. The new product, called the NADA Dealership Workforce Study Compensation and Tenure Search Tool, provides dealers, OEMs and anyone interested in national, regional and state data from the database, which represents 680,000 payroll records from nearly 5,000 dealerships. For example, a dealer can find out the total turnover for all service positions in neighboring states by using the tool. "The word 'groundbreaking' is often overused when it comes to new products, but this one truly earns that description," said Kenneth C. Vance, chairman of NADA's Dealership Operations Committee, and a new-car dealer in Eau Claire, Wis. "It's the only online product available that provides access to detailed dealership compensation and tenure data right at your fingertips to let you see how you size up against the competition in the compensation and retention arenas." ■

Latta Bill...

continued from Page 1

The bill attracted wide bipartisan support, including House Energy and Power Subcommittee Chairman Ed Whitfield (R-Ky.) and House Energy and Commerce ranking member Henry Waxman (D-Calif.). H.R. 724 has no known opposition.

"Federal and state laws already require a myriad of forms that must be reviewed and signed by the customer to close a deal on a new car or truck. This bill will eliminate a form that serves no purpose, and should make buying a new vehicle a little easier," said Dave Westcott, chairman of the National Automobile Dealers Association and a dealer from North Carolina.

"America's franchised auto dealers commend the leadership of Reps. Bob Latta, R-Ohio, and Gary Peters, D-Mich., for their bipartisan efforts to repeal this unnecessary government form," Westcott added. ■



Ohio Automobile Dealers Association 2014 OADA Convention April 10-13, 2014 The Waldorf Astoria Naples



The Convention Package Includes:

- 3 nights, four days at Waldorf Astoria Naples (formerly Naples Grande), Naples, Florida
- 2 general business sessions with “Informative Speakers and Programs”
- Afternoon break-out sessions
- 2 continental breakfasts
- Welcome Reception/Buffer Dinner/Entertainment
- Cocktails and Dessert Reception
- Cocktail Reception and Farewell Dinner
- Farewell Breakfast/Brunch

Please visit the Waldorf Astoria website:
www.waldorfastorianaples.com

Visit www.oada.com and click on events
for convention information and the
convention registration form.

OADA Welcomes Kevin Smith, University of Akron

Kevin Smith is the Director of the Institute for Leadership Advancement for the College of Business Administration for the University of Akron. Kevin is developing a globally competitive leadership institute from a \$1 million gift from the J.M. Smucker Company. In his previous work at Ohio University, Kevin founded and drove the vision for a nationally award winning leadership center.

As a private speaker and corporate trainer, Kevin has spoken to, taught, and trained over 20,000 industry executives, entrepreneurs, college faculty, and students in various leadership topics including multi-generational leadership, executive brand development, strengths, strategic talent profiling, among others.

Kevin has a unique combination of experiences which positions him well to engage audiences in the ever crucial topic of “Leadership in Today’s Multi-generational Workforce.” Kevin is forward thinking and progressive. He shares practical advice versus theory. He is highly engaging, and holds the attention of his audience. He has the ability to have his audience UP and OUT of their seats.

Registration is EASY! Call Sheryl McGavern 614-923-2228, FAX: 614-766-9600 or e-mail smcgavern@oada.com





Temporary Authorization to Review Information

TO: EMPLOYER SERVICES DEPARTMENT
 Ohio Bureau of Workers' Compensation
 c/o CAREWORKS CONSULTANTS INC.
 5500 Glendon Court
 Dublin, OH 43016
 800.837.3200
 FAX 888-837-3288
www.careworksconsultants.com
info@ccitpa.com

From: Policy Number
Entity
DBA
Address

Note: For this to be a **valid** letter, the self-insured department for self-insured employers, or the employer services department for all other employers, must stamp it. Being temporary in nature, BWC will not record via computer or retain this authorization. Representative must possess a copy when requesting service relative to the authority granted therein.

This is to certify that CAREWORKS CONSULTANTS INC. (ID NO. 150-80) and the Buckeye WC Alliance/Ohio Automobile Dealers Association (44000, 2014/2015, Code 11/171) including its agents or representatives identified to you by them has been retained to review and perform studies on certain workers' compensation matters on our behalf.

This limited letter of authority provides access to the following types of information relating to our account:

1. Risk files;
2. Claim files;
3. Merit-rated or non-merit rated experiences;
4. Other associated data.

This authorization does NOT include the authority to:

1. Review protest letters;
2. File protest letters;
3. File form *Application for Handicap Reimbursement (CHP-4)*;
4. Notice of Appeal (I-12) or *Application for Permanent Partial Reconsideration (IC-88)*;
5. File self-insurance applications;
6. Represent the employer at hearings;
7. Pursue other similar actions on behalf of the employer.

I understand that this authorization is limited and temporary in nature and will expire on April 30, 2014 or automatically nine months from the date received by the employer services or self-insured departments, whichever is appropriate. In either case, length of authorization will not exceed nine months.

Telephone number	Fax number	Email address	
Print name	Title	Signature	Date

Completion of the temporary authorization provides a third-party administrator (TPA) limited authority to view an employer's payroll and loss experience. By signing the AC-3, the employer grants permission to the BWC to release information to the employer's authorized representative(s). The form allows a TPA to view an employer's information regarding payroll, claims and experience modification.

Attention group rating prospects

- Employers may complete the AC-3 for as many TPAs or group-rating sponsors they feel are necessary to obtain quotes for a group-rating program.
- Group sponsors must notify all current group members if they will not accept them for the next group-rating year. The deadline for this notification is prior to the first Monday in February for private employers and prior to the second Friday in August for public employers.
- All potential group-rating prospects must have:
 - Active BWC coverage status as of the application deadline;
 - Active coverage from the application deadline through the group rating year;
 - No outstanding balances;
 - Operations similar in nature to the other members of their group.
- Any changes to a group member's policy will affect the group policy. Changes can result in either debits or credits to each of the members.

Note: For complete information on rules for group rating, see Rules 4123-17-61 through 4123-17-68 of the Ohio Administrative Code or your TPA. All group-rating applicants are subject to review by the BWC employer programs unit.



Brown Bag Lunch Webinar Series

presented by
The Ohio Automobile Dealers Association

Top Legal Trends for Automobile Dealers in 2014

This Webinar is being hosted and moderated by OADA. There is a \$25 connection fee for OADA member dealers. Non-member fee is \$50 per connection. **The Webinar is scheduled for Tuesday, January 14, 11:00 a.m. - 12:00 p.m.**

Once again, OADA is pleased to present Eric L. Chase of the firm Bressler, Amery & Ross, P.C., as he delves into several key points of his annual publication, *Top Twenty Legal Trends for Automobile Dealers*. His annual publication will be available to everyone prior to the webinar.

Given the time frame, Mr. Chase expects to cover approximately five or six of the top twenty trends. These will include: a discussion of the proliferation and complexity of regulations that dealers must cope with. That topic will include an analysis of how Obamacare and Dodd-Frank are impacting and will impact dealer operations and profitability.

He will also discuss what strategies a dealer may deploy in response to factory initiatives, including various kinds of pressures and incentives, consumerism and other top issues.

Eric Chase is one of America's leading automotive franchise attorneys. Over many years he has represented hundreds of dealers in their disputes with automobile factories, distributors and importers, as well as in investigations by and disputes with state and federal agencies. As a litigation partner in the New Jersey office of Bressler, Amery & Ross, P.C., he has served as lead counsel in a variety of landmark cases that are important and enduring legal precedents for dealers.

Mr. Chase has written dozens of articles on automotive subjects which have appeared in, among other publications, *Automotive News*, *Dealer Business (Auto Age)*, *Automotive Executive*, *Dealer Insider*, *Dealers Edge*, *Automotive Dealers Digest* and *Defender*. He is a frequent speaker at seminars, webinars, and workshops for dealers, CPAs and lawyers throughout the United States, including NADA's national convention, and his advice regarding state franchise legislation is often sought by state associations.

Don't miss this one! Registration fee for OADA member dealers is \$25 per connection, with a \$50 connection fee for non-member dealers. Register today!

Registration Form

Top Legal Trends for Automobile Dealers in 2014

Registrant

Name (s) _____

Position (s) _____

Dealership Name _____

Address, City, State & Zip _____

Telephone () _____

Fax () _____

E-mail _____

There is a \$25 connection fee for OADA members, and \$50 per connection for non-member dealers.

Please register me for the webinar. (Registrants must provide an email address)

I have already registered online. My payment is attached/ enclosed.

Return to: OADA • 655 Metro Place South, Suite 270 • Dublin • Ohio • 43017 **or fax to** 614-766-9600
You can also **register by logging onto the OADA web page** at www.oada.com, or by calling 800-686-9100 x109.



Brown Bag Lunch Webinar Series

presented by
The Ohio Automobile Dealers Association



Unemployment Concerns for Dealers

New Claim Penalties, How to Win Unemployment Claims, and More!

This Webinar is being hosted and moderated by OADA. There is no connection fee for OADA member dealers. Non-member fee is \$50 per connection. **The Webinar is scheduled for Wednesday, January 29, 11:00 a.m. - 12:00 p.m.**

As many of you know, the recent passage of House Bill 37 may affect your unemployment account. Portions of Ohio HB 37 became effective on October 21, 2013. These changes are designed to comply with Federal Unemployment Tax Act (FUTA) improvements in the state system by ensuring only those individuals entitled to unemployment benefits receive them.

So what does this mean for you? Tune in for this complimentary OADA webinar, presented by OADA with Care-Works Consultants Inc. (CCI). This program will cover a wide range of topics to help save your business money and ease the ongoing burden of knowing the best way to handle various disciplinary and termination issues. Join us for this presentation to gain a better understanding of the following:

- *What are the new claim penalties for employers that can impact your business*
- *How unemployment claim liability is determined for an employer and how long can the employer stay liable*
- *What is ODJFS (Ohio Department of Job and Family Services) looking for from the employer when a claim is being contested*
- *Tips to assist you in winning unemployment claims*
- *What to consider doing or not doing when disciplining or terminating an employee*
- *How part time employees can collect unemployment*

Joining OADA will be Kammy Staton, Unemployment Manager from CCI. Kammy has 29 years of unemployment third party administration experience, including program implementation, claims management, hearing representative, account executive, training, and benefits charge auditor. Her experience has benefited a wide range of employers including many small business owners and specifically those in the auto industry.

There is no connection fee for OADA members to attend. Non-member dealers will be charged a \$50 connection fee. Once your registration is verified, you will receive a confirmation email with connection instructions.

Registration Form

Unemployment Concerns for Dealers: New Claim Penalties, How to Win Unemployment Claims, and More!

Registrant

Name (s) _____

Position (s) _____

Dealership Name _____

Address, City, State & Zip _____

Telephone () _____

Fax () _____

E-mail _____

There is no connection fee for OADA members, and \$50 per connection for non-member dealers.

Please register me for the webinar. (Registrants must provide an email address)

I have already registered online. My payment is attached/ enclosed.

Return to: OADA • 655 Metro Place South, Suite 270 • Dublin • Ohio • 43017 **or fax to** 614-766-9600
You can also **register by logging onto the OADA web page** at **www.oada.com**, or by calling 800-686-9100 x109.

What to do When Your Employees Cannot Work: Managing the ADA, FMLA and Workers' Compensation

OK, so you have an employee that is off of work for an extended period of time. You think that it might fall under the purview of the FMLA, but aren't sure. What do you do? What steps do you need to follow? Could this particular employee absence fall under more than one federal law or restriction? How do you keep this all straight?

The interplay between the Americans with Disabilities Act (ADA), the Family and Medical Leave Act (FMLA), and state Workers' Compensation Laws can be complicated when dealing with employee absences and extended leaves. How do you sort through all of this? OADA and Fisher & Phillips are here to help!

Does your dealership have problems with:

- *Intermittent employee absences?*
- *Employee leaves that keep getting extended?*
- *Incomplete medical certifications?*

When dealing with a leave of absence, do you ever ask yourself:

- *When and under what circumstances can the employee be terminated?*
- *Can the vacant position be filled?*
- *What medical information can I access to verify the absence?*
- *How do I deal with an addicted employee? How about an employee that became addicted as a result of a workers' comp injury?*

These are real issues dealerships face on a regular basis

and compliance with the numerous federal and state laws can leave dealers with their heads spinning.

During this 3 1/2 hour seminar, Melanie Webber, a partner with Fisher & Phillips, will discuss employee absences and the interplay of the Americans with Disabilities Act, the Family and Medical Leave Act, and Workers' Compensation. She will discuss innovative and practical approaches to effectively manage employee leaves and intermittent absences.

We will also explore real-life case studies, which include requests for leave, incomplete doctor's certifications, intermittent absences, second opinions, recertifications, light duty, reasonable accommodation and return-to-work issues, including interplay with Ohio's Workers' Compensation Law. This will provide not only the actual legal requirements but also practical advice for handling the real world situations that arise in your dealership every day.

We are pleased to present Melanie Webber, a partner in the Cleveland office of Fisher & Phillips, LLP, as our speaker. Melanie counsels employers on a wide array of human resource, employment law and labor issues. She also provides consulting to employers in formulating positive, pro-active, employment relations programs including employee opinion surveys, employment practice audits, and supervisory training. She frequently lectures on a variety of employment law issues including the FMLA, the ADA, the FLSA, sexual harassment and maintaining union free status.

We are offering this seminar in both Akron and Columbus. Register today!

Registration Form (please circle your preferred location)

What to do When Your Employees Cannot Work: *Managing the ADA, FMLA and Worker's Compensation*

Wednesday, January 22, 2014

AKRON

Hilton Akron/Fairlawn, 3180 W. Market Street, Akron

Registration: 8:00am, Program: 8:30-noon

Thursday, February 6, 2014

COLUMBUS

Crowne Plaza Dublin, 600 Metro Place North, Dublin

Registration: 8:00am, Program: 8:30-noon

Registrant

Name (s) _____

Dealership Name _____

Address, City, State & Zip _____

Telephone () _____

Fax () _____

E-mail _____

Payment: Check No. _____

Credit Card: Visa/MC # _____

sec. code _____

exp. _____

Registration fee is \$95 per person for OADA members. Non-member dealers pay \$225.

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