

MPA/MPAMACS FACTS

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April 7, 2020

VISA DENIES NACS REQUEST FOR EMV DELAY

Visa denied a request to delay the EMV liability shift deadline for automated fuel dispensers (AFDs). The deadline, which is set for October 1, 2020, has become unfeasible for many retailers as a result of the global COVID 19 pandemic. Merchant Advisory Group, National Association of Convenience Stores (NACS), National Association of Truck Stop Operators (NATSO), Petroleum Marketers Association of America (PMAA) and Society of Independent Gasoline Marketers of America (SIGMA) sent joint association letters to the four global card networks requesting a delay after it became evident that retailers were facing significant disruptions to both the workforce and the supply chain.

In its denial of the request, Visa stated that it is monitoring the situation and believes that it is too soon to determine if a delay of the liability shift is needed. NACS would argue otherwise as the deadline is less than six months away and retailers are facing millions in potential fraud losses.

Since the associations first wrote the networks two weeks ago, conditions have only worsened. While convenience stores are essential businesses, many vendors and technicians are unable to visit sites due to social distancing policies, travel restrictions and “stay-at-home” orders, which are now in place in 41 states. Yesterday, the associations sent follow-up letters to Mastercard, American Express and Discover, and have not yet responded.

WHAT TO DO IF AN EMPLOYEE CONTRACTS THE VIRUS?

The National Association of Convenience Stores (NACS) law firm Fisher Phillips has put together a Comprehensive FAQs on employment-related issues facing employers in the wake of the COVID-19 coronavirus. Section 2 of the FAQ addresses specific questions related to an employee testing positive and other related issues.
<https://www.fisherphillips.com/faqs>

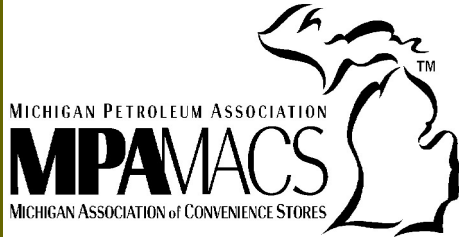
The Centers for Disease Control (CDC) offers immediate guidance for disinfecting your facility if someone is sick
<https://www.cdc.gov/coronavirus/2019-ncov/prepare/disinfecting-building-facility.html>

The CDC also suggests that employees with confirmed cases of COVID-19 or a family member with a confirmed infection should notify their supervisor and refer to CDC guidance on how to conduct a risk assessment of their potential exposure. The agency recommends that employers inform fellow employees of their possible exposure to COVID-19 in the workplace but keep the information confidential as required by the Americans with Disabilities Act. Employees exposed to a co-worker with confirmed COVID-19 should refer to CDC guidance to assess their potential exposure. CDC Risk Assessment Guidance: <https://www.cdc.gov/coronavirus/2019-ncov/php/risk-assessment.html>

The U.S. Occupational Safety and Health Administration (OSHA) put together a Guidance document on Preparing Workplaces for COVID-19: <https://www.osha.gov/Publications/OSHA3990.pdf>

MAY 2020 PREPAID SALES TAX RATES GAS-10.0¢ - DIESEL-14.1¢

Michigan Department of Treasury has announced that the Prepaid Gasoline Sales Tax Rate will change to 10.0 cents per gallon and Prepaid Diesel Sales Tax Rate will change to 14.1 cents per gallon. These rates will take effect on May 1, 2020. These prepayment rates for gasoline and diesel fuel will be effective for the period May 1, 2020 through May 31, 2020 and were determined by the Michigan Department of Treasury based on statewide average retail prices for the period March 1, 2020 and ending March 30, 2020. The current prepaid sales tax rates until April 30, 2020 are 12.2 cents per gallon for gasoline and 14.9 cents per gallon for diesel.



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LEGISLATURE EXTENDS EMERGENCY, DISASTER DECLARATIONS THROUGH APRIL 30

The Michigan House and Michigan Senate today used voice votes to adopt a concurrent resolution extending the state of emergency and disaster declarations in response to the new coronavirus through April 30. Senate Concurrent Resolution (SCR) 24 cleared both chambers which met using extraordinary protocols, including taking member temperatures as they entered the Capitol, asking members and other visitors screening questions related to potential COVID-19 symptoms and allowing few members on the floor at one time and almost no staff.

While the resolution extends the emergency and disaster through April 30, Governor Gretchen Whitmer said that results in just a one-day extension while Republicans said it was a 23-day extension of her declarations. Senate Minority Leader Jim Ananich (D-Flint) offered an amendment to extend the declarations until June, the full 70-day extension requested by the governor, but the Senate did not adopt the amendment.

House Minority Leader Christine Greig (D-Farmington Hills) introduced a resolution allowing the House to meet remotely and another concurrent resolution extending the declarations until June. Both were referred to the House Government Operations Committee.

Governor Whitmer has signaled that she will likely extend her stay home stay safe order beyond the current date of April 13. (Source: Gongwer News Service)

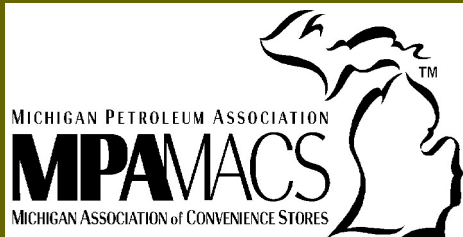
MICHIGAN SENATE ANNOUNCE SAFE BEHAVIOR FOR SAFE WORKPLACE WORKGROUP

Senate Majority Leader Mike Shirkey, R-Clarklake, and Sen. Ken Horn, R-Frankenmuth, announced the formation of the "Safe Behavior for Safe Workplaces" Senate workgroup. For the past few weeks, the Senate Republicans have been working on ways to support workers and families since our Governor issued her 'Stay Home, Stay Safe' Order. Our willingness to embrace handwashing, social distancing, and the use of masks is the key to transitioning back to a more typical daily life. We believe citizens who can maintain these behaviors within their homes can also maintain strict health and safety measures in the workplace. The Senate bipartisan workgroup will be led by Sen. Ken Horn, R-Frankenmuth, and will include Sen. Wayne Schmidt, R-Traverse City; Sen. Curt VanderWall, R-Ludington; Sen. Stephanie Chang, D-Detroit; Sen. Sylvia Santana, D-Detroit; and Sen. Jeremy Moss, D-Southfield.

Sen. Ken Horn agreed with the importance of getting people back to work so long as proper social distancing measures can be met. "Michigan families, especially those who own a small business have been forced to make some incredibly difficult decisions during the last few weeks," said Horn. "Businesses across the state will be feeling the negative effects of the mandatory closures for months to come. As soon as we can safely do so, we need to get people back to work and get our economy back on track."

The workgroup will gather information from businesses, medical professionals, and citizens across Michigan to create recommendations for best practices in the workplace in preparation for the transition back to work. The goal is to have recommendations to the Governor by April 17. The workgroup will utilize various communication tools to interact with businesses, citizens, and members of the medical community, remotely.

To see the full video statement from Senate Majority Leader Mike Shirkey go to:
<https://www.youtube.com/watch?v=eoy8XlhtVNA&feature=youtu.be>



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CDC UPDATES FACE MASK GUIDANCE

The U.S. Centers for Disease Control (CDC) on April 3 issued an updated recommendation regarding the use of face masks to help slow the spread of COVID-19. The agency now says Americans should use simple cloth face coverings as a voluntary public health measure in public settings where other social distancing measures are difficult to maintain, such as grocery stores, convenience stores and pharmacies, etc.

“We now know from recent studies that a significant portion of individuals with coronavirus lack symptoms (“asymptomatic”), and that even those who eventually develop symptoms (“pre-symptomatic”) can transmit the virus to others before showing symptoms,” notes the CDC’s website. “This means that the virus can spread between people interacting in close proximity—for example, speaking, coughing, or sneezing—even if those people are not exhibiting symptoms.”

The agency emphasizes the importance of maintaining six-foot social distancing to slow the spread of the virus. Additionally, the use of simple cloth face coverings can help people who may have the virus and not know it from transmitting it to others. CDC notes that the cloth face coverings are not surgical masks or N-95 respirators, which are reserved for health-care workers and other medical first responders, as recommended by current CDC guidance.

Here are two resources for homemade cloth face masks:

A YouTube video on how to make a mask from household items like t-shirts and bandanas
<https://www.youtube.com/watch?v=tPx1yqvJgf4&feature=youtu.be>

CDC guidance on how to make, wear and clean homemade face masks
<https://www.cdc.gov/coronavirus/2019-ncov/prevent-getting-sick/diy-cloth-face-coverings.html>

For workers on farms, and in food production, processing, and retail settings who do not typically wear masks as part of their jobs, the CDC suggests that they consider the following if they choose to use a cloth face covering:

- Maintain face coverings in accordance with parameters in FDA’s Model Food Code sections 4-801.11 Clean Linens and 4.802.11 Specifications
- Launder reusable face coverings before each daily use
- CDC also has additional information on the use of face coverings, including washing instructions and information on how to make homemade face covers

Some communications with retail members suggest that there are many companies that already had flexible policies on face mask usage prior to the April 3 CDC announcement, and some companies are working to secure masks so long as their inventory requests do not interfere with health-care and other medical workers and first responders obtaining necessary equipment.

To view the full NACS article go to: [https://www.convenience.org/Media/Daily/2020/Apr/7/1-CDC-Updates-Face-Mask-Guidance_GR?utm_content=NACS%20Daily%20040720:%20newsarticle1%20\(CDC%20Updates%20Face%20Mask%20Guidance\)&utm_source=NACS%20Daily&utm_campaign=NACS%20Daily%20040720&utm_medium=email&utm_term=306529](https://www.convenience.org/Media/Daily/2020/Apr/7/1-CDC-Updates-Face-Mask-Guidance_GR?utm_content=NACS%20Daily%20040720:%20newsarticle1%20(CDC%20Updates%20Face%20Mask%20Guidance)&utm_source=NACS%20Daily&utm_campaign=NACS%20Daily%20040720&utm_medium=email&utm_term=306529)