



# ARKANSAS AUTOMOBILE DEALERS ASSOCIATION

## AADA NEWS AND UPDATE #12

DECEMBER 3, 2021



### LATEST ON THE STAY OF OSHA'S "VAX OR TEST" MANDATE

As previously reported, OSHA last month published a COVID-19 Emergency Temporary Standard (ETS) mandating that employers with 100 or more employees require that those employees either (1) be vaccinated against COVID or (2) produce negative COVID tests on a weekly basis.

While certain mandates were due by December 6 and the testing mandate was scheduled to kick in on January 4, 2022, numerous legal petitions filed around the county challenging the ETS have put this schedule on hold.

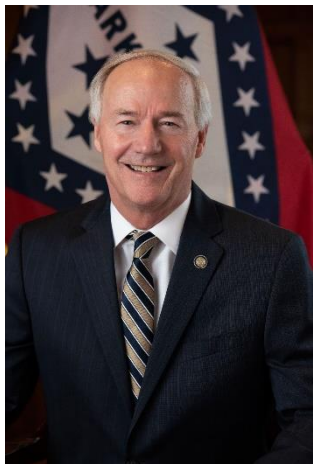
#### ***Potential Future Timeline***

Dealers are undoubtedly interested in how these legal challenges to the ETS will play out, including, in particular, whether and for how long the ban on enforcement will remain in place. At this point, the complex status of these court proceedings makes giving definitive guidance on those questions difficult. However, there have been recent developments that provide some insight into what the future timeline will be.

Specifically, the OSHA filed a motion on November 23 urging the 6<sup>th</sup> Circuit to lift the 5<sup>th</sup> Circuit's order banning enforcement of the ETS. How the court rules on that motion will determine how long enforcement of the rule will be stayed. Final briefs on OSHA's motion are not due until December 10, and it is anticipated that the 6<sup>th</sup> Circuit will not rule until after that date. Accordingly, it is expected that at least until the 6<sup>th</sup> Circuit completes its review of the 5<sup>th</sup> Circuit's order sometime after December 10, enforcement of the ETS will remain stayed (halted); this effectively puts the December 6 compliance date on hold for the time being.

For now, AADA recommends that dealers continue to review the requirements in [OSHA's ETS](#) and, in that regard, are directed to the following NADA webinar: [OSHA's New COVID-19 Employer Vaccine-or-Test Mandate: A Summary for Franchised Dealerships](#). Of course, businesses may at any time voluntarily adopt a vaccine and test mandate, so long as they comply with all applicable federal, state and local laws (including anti-discrimination laws). Questions regarding the adoption of a voluntary policy or on whether to continue to prepare for compliance with the ETS should be addressed to your individual counsel. General questions on the ETS or on the 6<sup>th</sup> Circuit's deliberations can be directed to [regulatoryaffairs@nada.org](mailto:regulatoryaffairs@nada.org).

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## **SPECIAL SESSION STARTS MONDAY**

Gov. Asa Hutchinson has formally called the Arkansas General Assembly into a special session starting Monday, December 6 to consider income tax cuts.

The income tax cut bill would cut the state's top individual and corporate income tax rates and consolidate low- and middle-income tax tables.

The measure would eventually reduce the top individual income tax rate from 5.9% to 4.9% and the top corporate income tax rate from 5.9% to 5.3%, if the tax-cut triggers are met. Under a 2019 state law, the top corporate income tax rate will drop from the current 6.2% to 5.9% on Jan. 1, 2022.

The proposal also would create a nonrefundable low-income tax credit; make adjustments to smooth the tax cliff between tax tables; index the standard deduction to the consumer price index; create triggers for some individual and corporate income tax rate cuts; and rename the state's long-term reserve fund as the catastrophic reserve fund.

A two-thirds vote of the House and Senate is required to introduce legislation not on the governor's call for a special session. Several lawmakers said they plan to try to introduce legislation during the session.

AADA will keep you updated as this special session progresses.

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## ADDITIONAL AND HELPFUL LINKS

For additional information related to maintaining your dealership as safe, we would recommend monitoring updates from the [CDC](#), [OSHA](#), and the [Arkansas Department of Health](#).

If you have any questions about this bulletin please don't hesitate to call, (501) 372-2596, or email Greg Kirkpatrick [greg@arkautodealers.com](mailto:greg@arkautodealers.com).