

# DEALER

The Newsletter of NORTHEAST EQUIPMENT DEALERS ASSOCIATION, INC.

## NEDA MEMBERS

**NEDA Benefits Program Director, Carl Swanson**

937.765.0848 | cswanson@opoc.us

Dealers all across the country are being affected by the COVID-19 outbreak, and in this rapidly changing environment we urge all members to rely on the incredible partners and resources available through our association.

The NEDA Benefits Program partnership with OPOC.us, is more important now than ever. They've created a COVID-19 dealer resource data base, accessible to all members, to help you find necessary information quickly and easily.

Collectively, the team of industry and compliance experts at OPOC.us are prepared and ready to help you navigate this challenging time. We encourage you to contact the CARE Center, or Carl Swanson for any questions related to current and updated employer guidelines or needs surrounding benefits as a whole.



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### COVID-19 Dealer Resource Database / Update Click the following links to preview/download documents:

- [DOL's Questions/Answers on COVID-19](#)
- [States Relax Unemployment Benefits Eligibility](#)
- [National Coronavirus Guidelines For Americans](#)
- [Managing Coronavirus Symptoms from Home](#)
- [FAQs on Catastrophic Plan Coverage](#)
- [Easing Employee Stress Surrounding Coronavirus](#)
- [Coronavirus Fact Sheet Poster](#)

# NEDA Workers' Compensation Safety Group

## Over 24.25% Average Dividend For The Last 10 Years!

Exclusively for New York Members of the Northeast Equipment Dealers Association

### DIVIDEND HISTORY



<u>Policy Year</u>	<u>Dividend</u>
2017-2018	40.0%
2016-2017	35.0%
2015-2016	30.0%
2014-2015	20.0%
2013-2014	15.0%
2012-2013	15.0%
2011-2012	5.0%
2010-2011	20.0%
2009-2010	25.0%
2008-2009	37.5%



- ELIGIBILITY**
- Members of NEDA Inc.
  - Construction/Industrial Equipment Dealers
  - Material Handling & Lift Truck Dealers
  - Farm Equipment Dealers
  - Outdoor Power Equipment Dealers
  - Rental Equipment Dealers with Repair Facilities

- ADVANTAGES**
- Aggressive Advance Discount (up to 25%)
  - Excellent Dividend Potential
  - Claims Management & Loss Control Services
  - Monthly Installments for Qualifying Dealers

Eligible  
NEDA Dealers  
Purchasing  
Workers' Comp  
From Safety Group  
#548



Eligible  
NEDA Dealers  
Purchasing  
Workers' Comp  
From ALL OTHER  
SOURCES

To see if you qualify, call Pat Burns at Haylor, Freyer & Coon 315-703-9148 / 800-289-1501 or fax a current declaration page to 315-703-8159 or Call Ralph Gaiss (Executive Director of NEDA) at 315-457-0314 for more information.  
You may also visit us at [www.haylor.com/NEDA](http://www.haylor.com/NEDA)

# Observations from the **FIELD**

Successfully and profitably operating an equipment dealership has always been a challenge. Figuring out how to adapt, particularly in today's ever-changing business environment, adds to the challenge. That being said, I believe our dealerships and agribusiness in general might have an advantage. We have been there, done that. We have seen and responded to epidemics such as Avian Influenza, Porcine Parvovirus, Invasive Plants and Insects over the years, not to mention mother nature's willingness to throw curve balls!

Those dealerships willing to adapt, identify themselves and, more importantly, prove themselves as invaluable partners could potentially use the current environment to separate themselves from the crowd. Although "today's environment" may seem different than any situation we have ever seen, those willing to see "it" as an opportunity for long term investment may very well benefit. Historically, those businesses willing to listen and understand their customer's needs and build and implement effective solutions focused specifically on those needs, can prosper in especially challenging times. I would argue that "challenging times" bring opportunities for those willing to do the hard work.

On the legislative front, we have had some recent successes. Our amendment to the warranty provisions of the CT dealer law was voted out of the Joint General Law committee with overwhelming support and is ready to move forward when the Senate reconvenes. R2R (Right-to-Repair) legislation continues to be a focus of our legislative work. Although most every state in our AOR has introduced or is working towards the introduction of legislation, NJ and MA are currently occupying focus of late. In PA, we continue to work with legislators towards the establishment of an annual permit and the use of limited access highways for transport of AG equipment. Workforce development/Apprenticeship, tax (to include sales tax) and rural broadband legislation are all also on our radar. I find myself wishing we had more time and resources.

It goes without saying that the better both those legislators "inside the beltway" and in your state capitals understand your concerns and challenges, the more successful we are at advocating on your behalf. State and Federal policy and regulation have direct impacts on your dealership's profitability and future! When we actively engage with legislators and their staff, they are more likely to enact legislation and develop policies in support of your dealerships, customers and employees – everyone wins! When we chose not to engage – everyone loses.

***"When we work together as an  
Equipment Dealer Association,  
we speak in a unified voice.***

***Together we can achieve what individuals could not;  
the ability to attain our mutual goals."***



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# ASSOCIATION NEWS

Alone we can do so little ...  
together we can  
accomplish great things!

...

[www.ne-equip.com](http://www.ne-equip.com)



## OPEI Provides Education on Risks of 'Right to Repair' Legislation

OPEI has a new webpage on its website providing broad stakeholder education on the potential risks associated with state "right to repair" legislation, which would require equipment OEMs to broadly provide to the general public additional tools and information for the digital/electronic diagnosis and repair of equipment. The concern of manufacturers and dealers of equipment is that some of these newly accessible resources could enable the improper modification and illegal tampering of equipment, leading to the impairment of safety and emission controls.

## Penn State Extension Offers Tractor-Safety Instructor Training Online

UNIVERSITY PARK, PA | March 17, 2020 — Penn State Extension is offering an online course for adults interested in teaching and certifying safe tractor and machinery operation practices to youth working in agriculture.

The "National Safe Tractor and Machinery Operation Program Instructor Training" online curriculum provides the education and materials necessary for participants to become certified program instructors, according to Peggy Newel, program coordinator.

These instructors will teach the National Safe Tractor and Machinery Operation Program, which is for 14- and 15-year-olds seeking employment in production agriculture. The U.S. Department of Labor requires youth younger than age 16 who wish to work on a nonfamily-owned farm to complete the training.

"We offer this training to increase the number of qualified instructors, **not only in Pennsylvania but across the country**," she said. "The more instructors that we certify, the more opportunities there will be for youth to receive the training and certification they need."

Course participants will learn how to identify minimum core content areas; effectively organize and communicate safety information to youth; conduct written, operating-skills and driving tests that youth are required to complete; and understand the Labor Department's agriculture Hazardous Occupation Orders.

To learn more and to enroll, visit [extension.psu.edu/nstmop-training](http://extension.psu.edu/nstmop-training). Media contact is Amy Duke, [ajd217@psu.edu](mailto:ajd217@psu.edu), P: 814-865-6616.

## NEW MEMBERS

### NEW DEALER MEMBERS

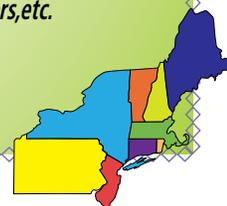
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6926 Fly Road, East Syracuse, NY 13057 • Onondaga County  
P: 315-437-2881 • F: 315-437-5034  
Email: [dks@thompsonandjohnson.com](mailto:dks@thompsonandjohnson.com) • [www.thompsonandjohnson.com](http://www.thompsonandjohnson.com)  
Lines: Toyota, Crown, Clark, Bobcat

#### MARK SUPPLY COMPANY, INC

Principal: Wanda Miller  
18563 Bunn Mountain Road • Saxton PA 16678  
814-658-3066 F: 814-658-3100  
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Lines: CID, Virnig, Old Dominion Tracks, Loegering Tracks, Used equipment like skidsteers/excavators, etc.

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Welcoming Our New Members To NEDA.



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*AgDirect.*



*Dan Abrahamson  
CT, ME, MA, NH, NJ,  
NY, RI, VT  
(607) 765-6271*

AgDirect is an equipment financing program offered by participating Farm Credit System Institutions.

# ASSOCIATION NEWS

Alone we can do so little ...  
together we can  
accomplish great things!

...

[www.ne-equip.com](http://www.ne-equip.com)

## In Memoriam



**Scot Larkin Stanton**, 62, of Somers, CT, passed away peacefully on Tuesday, March 24, 2020 at Hartford Hospital after a courageous battle against esophageal cancer.

Born in Bridgeport, CT on June 4, 1957, he was the son of the late Samuel T. and Anna Larkin Stanton and was raised in Sandy Hook, CT. Scot is survived by his 5 loving children, Amanda Stanton, Nathaniel Stanton, Theodore Stanton, Jensen Stanton, and Adeline Stanton; 3 brothers, Thomas, Kurt, and Brad Stanton; 2 sisters, Dale Ambrose and Kim Stanton. Scot was predeceased by his son Benjamin Larkin Stanton.

Scot began working on farms as soon as he could sneak out of school to do so. In 1980, he started selling John Deere farm equipment in East Windsor, CT. Scot became an asset to the agricultural community in Connecticut, serving as president of the Connecticut Farm Bureau and **board member and President in 2003 of the Northeast Equipment Dealers Association.**

Stanton Equipment expanded to three locations in the 1990's. Scot built an incredible team at Stanton Equipment with his right-hand man, Eddie Graczewski.

Due to the public health crisis, services were private for immediate family. On Friday, March 27th the family had a "drive by" wake for Scot. Scot's immediate family was outside and available from a safe and socially distanced greeting. While not ideal, they had a creative solution during these trying times. **The family asked those attending the drive by wake to drive their automobiles and/or John Deere tractors to greet the family.**

Donations in Scots honor can be made to the Hole in the Wall Gang Camp, the Connecticut Rivers Council of the Boy Scouts of America, or the 4-H Centennial Fund. Flowers were displayed during the drive by wake. For online condolences, please visit [www.somersfuneralhome.com](http://www.somersfuneralhome.com).

## Responding to the Coronavirus: Practical & Legal Considerations

By John Vering and Mark Opara

COVID-19 ("Coronavirus") presents several challenging labor and employment issues for employers. With the spread of the virus becoming more widespread, now is the time to prepare for the potential consequences. Therefore, we are providing our clients and friends with potential strategies and suggestions for dealing with the Coronavirus and the risks it poses to employers. Please bear in mind that the situation is changing daily, for example, many cities and states are declaring a State of Emergency because of the Coronavirus, and the CDC continues to issue new Guidance on Planning for a Coronavirus Pandemic. Thus, new legal strategies may need to be employed in the future.

To begin with, we encourage all employers to keep updated on the latest developments being provided by federal, state and local medical authorities including but not limited to the Centers for Disease Control and Prevention (CDC) and the United States Department of State. Regularly review [cdc.gov](http://cdc.gov), [coronavirus.gov](http://coronavirus.gov) and the CDC's Interim Guidance for Businesses and Employers. Read balance of report [here](#)

# Coronavirus Suggestions

*Received this from a friend and not sure if it will work, but sure worth the breath or two to try it. Keep safe.*

"I got this from a friend whose brother is at the Stanford hospital board. This is their feedback for now on Corona virus":  
The new Coronavirus may not show sign of infection for many days. How can one know if he/she is infected? By the time they have fever and/or cough and go to the hospital, the lung is usually 50% Fibrosis and it's too late. Taiwan experts provide a simple self-check that we can do every morning.

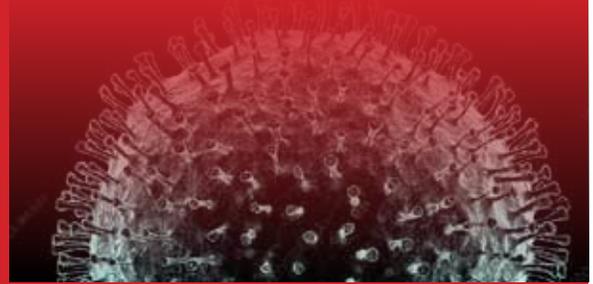
Take a deep breath and hold your breath for more than 10 seconds. If you complete it successfully without coughing, without discomfort, stiffness or tightness, etc., it proves there is no Fibrosis in the lungs, basically indicates no infection. In critical time, please self-check every morning in an environment with clean air.

Serious excellent advice by Japanese doctors treating COVID-19 cases:

- Everyone should ensure your mouth & throat are moist, never dry.
- Take a few sips of water every 15 minutes at least. Why?

Even if the virus gets into your mouth, drinking water or other liquids will wash them down through your throat and into the stomach. Once there, your stomach acid will kill all the virus. If you don't drink enough water more regularly, the virus can enter your windpipe and into the lungs. That's very dangerous.

Please send and share this with family and friends. Take care everyone and may the world recover from this Coronavirus soon.



## TAKE THE RISK OUT OF YOUR BUSINESS

Specialty Equipment Insurance Services is a leading provider of specialized insurance and equipment protection products to meet the unique needs of agricultural, construction and material handling equipment dealers.

**WE ARE YOUR ONE STOP SHOP  
FOR ALL OF YOUR EXTENDED  
WARRANTY/PROTECTION PLAN NEEDS  
FOR NEW AND USED EQUIPMENT**

### Other product offerings include:

- Physical Damage Insurance
- Rental Damage Waiver
- Floor Plan Property Physical Damage Insurance
- Inspection and Asset Remarketing Services



**1-800-726-5070**

specialtyequipment@amyntagroup.com  
specialtyequipmentinsurance.com



# APPRENTICESHIP UPDATE

...

**BY TIM WENTZ**

Field Director / Legislative Committee Chairman

[www.ne-equip.com](http://www.ne-equip.com)

**AG TECHNICIAN ASSESSMENT**

# WORKFORCE DEVELOPMENT

Last month I mused about “What comes first? The chicken or the egg?” and began to talk about demographics. I noted that long term projections are that the labor force is growing, but slowly, and that we have got to build a bigger, better funnel if we are going to be able to find and hire the best possible employees for our dealerships.

As we begin to think about how to build that bigger, better funnel, I’d like to encourage you and your staff to take a minute and look at a picture I took at a recent career fair for high school FFA students in Lancaster County. What do you see?



This picture was taken at the same event during a presentation given by some of the support/sales staff at local dealerships focused on precision ag technology and its applications and benefits.

Comparing students visiting table-top exhibits to those who chose to attend the precision ag presentation it became clear that we’d lost virtually all of the female students. We went from about 50% female participation to roughly 8%. Does that ratio represent the current workforce at equipment dealerships? More often than not, yes.

Are we missing an opportunity? I need to point out that one of the presenters was in fact female. I would also like to tell you that she had been a technician before moving into customer service/support for Precision Ag customers. Granted her career path is not the norm at most of our dealerships. For customers to find a female in either position is the exception rather than the rule. That being said, she proved herself capable and trusted in both positions as have others given the opportunity.

If we accept that a customer’s first priority is maximizing uptime and getting the highest return on their equipment investment(s), and that it is easiest for dealers to deliver that return when we have the “best” people in the right place, then maybe “we” need to

start looking at the entire labor pool. History has taught us that, regardless of the current circumstances, competition for qualified employees is likely to become even more challenging in the future with demographics being what they are!

So, what can we learn from participating in similar events? How can we maximize participation in those events? Are we telling the “best” story? Are we missing opportunities? I don’t know that I have the answers to those questions, but I can assure you that your association is working hard to build tools that your dealerships can use to tell your story to students, parents, and guidance counselors.

***Many Hands Make Light Work***

~ Merriam-Webster



**Northeast  
Equipment  
Dealers  
Association**

Established 1901  
Committed to Building the Best Business Environment for Northeast Equipment Dealers

APPRENTICESHIP can be your pathway to a career as an

# AG TECHNICIAN

A high paying job that is and will continue to be in demand



## AS AN **APPRENTICE** YOU WILL

- Earn while you learn
- Build on classwork you've completed
- Participate in structured hands-on learning and OJT (*on-the-job training*)
- Get credit for skills you've already mastered
- Build a career you can be proud of
- Earn Industry Credentialed
- Achieve your goals

The Agricultural Equipment Technician Apprenticeship is sponsored and administered by the Northeast Equipment Dealers Association and is limited to participating members and their employees. If you are a student, veteran or adult interested in a clear pathway to a well-paying career, an agricultural equipment technician apprenticeship might be for you!

# NEDA



For more information visit us at [nedaapprentice.com](http://nedaapprentice.com)

# Federated Insurance Response to Coronavirus

As a valued client, we want to personally share how Federated Insurance is proactively taking steps to prevent the spread of COVID-19, or coronavirus. We are a company committed to risk management and enhancing client success, and our highest priority is supporting the health and safety of you, our employees, and our communities. Please know that the entire Federated team stands beside you and all the 38,000+ businesses we have the privilege to serve during these uncertain times.

## OUR RISK MANAGEMENT CULTURE

Here at Federated, we are modeling and implementing the following precautionary measures:

- We have enhanced hygiene and cleaning protocols in our offices
- We have limited visitors to our offices, as well as outside meetings
- We have enacted social distancing practices in all our offices
- We have restricted non-essential business travel and are limiting in-person meetings
- We are enacting special employee paid-leave policies to help ensure continuity of pay in the event of illness or uncontrollable work absences
- We are deploying technology solutions to help ensure communication and operations are maintained
- As always, our marketing representatives are available to serve your needs

Federated has had a pandemic response plan in place for several years and our established Business Continuity Team is working diligently to help ensure you receive the same high-quality customer experience you have come to expect as the coronavirus pandemic unfolds. We are committed to supporting your business during this event and providing continuity of service. However, as is true for every business, we may need to adjust communication methods in the days ahead. Conversations that traditionally take place in person may need to be handled via a phone call or email. Please know that this is strictly for your safety and the safety of our employees at this time, as Federated remains committed to face-to-face relationships of trust with policyholders.

## Pandemic-Related Losses and Insurance Coverage

We recognize this is an unsettling time for our clients and understand that you may have insurance questions related to the coronavirus. For questions regarding coverage, first look to your insurance policies. If you believe you have sustained a compensable loss, please report the claim to Federated via our website:

[www.federatedinsurance.com](http://www.federatedinsurance.com).

We regret that we cannot respond to hypothetical inquiries. Whether your policies apply to a given situation depends on many factors, including the relevant facts, the applicable laws, and the specific wording of the policies issued to you. Federated will investigate all claims in accordance with the facts of each case, and the policy language. As always, it is our goal to continue to provide prompt, fair, and equitable claims resolution and service. Coverage depends on the type of policies you purchased and your individual circumstances.

## Pandemic Resources

As a valued policyholder, our Risk Management Resource Center is available to take your calls. Since the initial outbreak of the coronavirus, they have been assisting business owners throughout the country with questions about written pandemic policies and procedures, recommended response plans, communications to employees, as well as specific wage and hour questions. Call today to visit with one of our expert risk consultant professionals in the Risk Management Resource Center at 1-888-FED-4949 and ask for a risk consultant between 7:00 a.m. and 5:00 p.m. CST.

If you are seeking current updates pertaining to coronavirus, assembled below for your convenience are relevant topic links to trusted authorities like the CDC, OSHA, FEMA, and the Department of Labor:

- CDC – Coronavirus - Interim Guidance for Business and Employers
- OSHA –How to Maintain Operations During a Pandemic
- CDC –Business Pandemic Influenza Planning Checklist
- FEMA –Pandemic Influenza Continuity of Operations
- US Department of Labor – Coronavirus Resources

We will continue to monitor the coronavirus situation closely and plan to follow guidance of local, state, and national health authorities. We wish you, your employees, and their families the best as, together, our nation rises to this new challenge.

**Jeff Fetters, Chairman and CEO**  
**It's Our Business to Protect Yours.**

We regret that we cannot respond to hypothetical inquiries. Whether your policies apply to a given situation depends on many factors, including the relevant facts, the applicable laws, and the specific wording of the policies issued to you.

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[www.federatedinsurance.com](http://www.federatedinsurance.com)



# Emergency Federal Paid Leave Legislation

On March 18, 2020, Congress passed the Families First Coronavirus Response Act to provide workers impacted by COVID-19 with short-term additional benefits and paid leave. President Trump signed the legislation into law the same day.

The following is a summary of the key provisions employers need to be aware of related to the expanded Family Leave and Medical Leave Act of 1993 (FMLA) protections, emergency paid sick leave, and tax credits for employers.

[Click here to read Summary >>](#)

## Waiver of Penalties on Accelerated Sales Tax Prepayments

To assist the business community as the commonwealth responds to the COVID-19 outbreak, the Department of Revenue is waiving penalties for businesses that are required to make Accelerated Sales Tax (AST) prepayments by the deadline of Friday, March 20.

Additionally, for April sales tax payments, the department is waiving the AST prepayment requirement and asking businesses to simply remit the sales tax that they have collected in March.

Visit the Department of Revenue's page on Accelerated Sales Tax Prepayments for more information on how to calculate your prepayments.

All businesses are encouraged to remit online using e-TIDES, the department's online tax system for businesses. Find the REV-819 on the department's website for a schedule of return and prepayment due dates. You can also visit the department's Online Customer Service Center to find answers to common tax questions or submit a question to the department.

For other updates from the Department of Revenue, visit the department's alert webpage.

## IN CASE YOU MISSED IT!! EDA Webinar, Resources for Dealing with COVID-19

Below is a link to download the webinar slides and a link to a full recording of yesterday's webinar. Do not hesitate to contact us if you need anything. Stay safe, stay healthy.

[WEBINAR SLIDES](#)

[WEBINAR RECORDING](#)



**Equipment Dealers**  
A S S O C I A T I O N

We regret that we cannot respond to hypothetical inquiries. Whether your policies apply to a given situation depends on many factors, including the relevant facts, the applicable laws, and the specific wording of the policies issued to you.

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[www.federatedinsurance.com](http://www.federatedinsurance.com)

# STRONGER TOGETHER



## NORTHEAST EQUIPMENT DEALERS ASSOCIATION & LANCASTER FARMING

*For over 60 years, Lancaster Farming newspaper has helped set the market value of ag-related products on the east coast. Lancaster Farming Locator will increase each dealer's brand value by having a year-round presence on a national website, so that customers can find the right dealer at anytime and drive sales from new areas.*



## LANCASTERFARMINGLOCATOR.COM

- EASILY UPLOAD**  
your complete inventory, large or small, with photos too.
- AUTOMATIC INVENTORY UPDATES**  
through your website or one of our many inventory partners.
- MANAGE YOUR INVENTORY ON THE GO**  
from your phone, tablet or computer.
- GOOGLE PREFERRED, MOBILE-READY MINI-SITES**  
make it easy to find your products no matter what device is being used.
- UNLIMITED, HIGH-QUALITY IMAGES**  
helping your equipment to be noticed.
- INTUITIVE LIVE SEARCH**  
empowers buyers to find your equipment more easily than any other website.
- SEO BEST PRACTICES**  
ensure buyers can find your inventory quickly from any search engine.
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## Legal Notes:

Defining data under traditional views of property ownership will require legal guidance.

...



# Who Really Owns Your Farm Data?

By Paul Goeringer | Feb 26, 2020

As we move into spring, many of you are getting ready for the growing season or reflecting on how the farm business did last year.

You're likely also considering how to improve your farm's results based on data from the previous season.

Today's machinery has technology that can provide a farmer or custom operator with real-time information on yield, variable-rate planting and other data to better understand what's being applied and produced in each field. This technology can produce data that's valuable to a farmer.

But one area of the law is still being wrestled with: Who owns the data? The answer to that question is not entirely clear.

A producer might be getting site-specific geospatial and metadata across many acres on a typical farm. This data is typically uploaded to the cloud and shared with the agricultural technology provider. The APT might combine this data with other producers' data across a region to create what is known as "big data."

Traditional property ownership usually provides you with certain rights. For example, if you're currently storing grain from the previous season, you have a right to use it as you see fit. You may use that grain for on-farm feeding or sell it, and you can exclude others from using it. You can also sell or transfer your rights to the grain to another person, or you could destroy the grain altogether. Ownership gives you all these rights.

But looking at data in the context of property ownership, we find that it does not fit neatly into our traditional views of ownership. Data is not a tangible asset like grain, hay, livestock or machinery. Much of this data is stored in the cloud, and once in the cloud you may no longer exclude others from accessing it.

The law rarely keeps up with advances in technology. Defining data under traditional views of property ownership will require additional guidance from courts, or even legislation, to help us understand it in the context of property ownership.

Some agricultural law scholars have argued against treating farm data as a type of intellectual property known as a trade secret — any confidential business information that provides a firm with a competitive advantage over other firms. For example, Google's search algorithm or the formula for Coca-Cola are trade secrets.

With an agricultural operation, if you develop a process giving you a competitive advantage over other farmers, this would also potentially be a trade secret protected under the law.

Forty-seven states have adopted the Uniform Trade Secrets Act. To qualify as a trade secret under UTSA, there must be a formula, pattern, compilation, program, device, method, technique or process. A trade secret derives actual or real independent economic value from not being generally known to others who might obtain economic value from its disclosure or use. This trade secret must also be the subject of reasonable efforts, under the circumstances, to maintain its secrecy.

If we try to apply this to an agricultural operation, though, we run into some issues. Is there a pattern to spraying, planting or harvesting a field? Is there a pattern to how you care for your livestock that generates real economic value from not being known to others?

I would argue, yes, many of you have patterns to how you work your fields or care for your livestock. Do you derive economic value from these patterns? Again, I would argue yes. The issue becomes how generally unknown your process is to other farmers. You are doing much of this out in the open and not in secrecy, which could create issues with this portion of the trade secrets law.

At the same time, what are you doing to maintain confidentiality in practices used on the farm? And how does this relate to the data your farm is generating?

When looking at trade secrets laws, ag data protections will vary from case to case or even from state to state. Currently, the law is not clear about how ag data should be protected even though most ag companies that deal with ag data have said publicly that farm data is owned by the farmer.

As I mentioned earlier, the law rarely keeps up with technology, and data ownership is not as clear as we might expect.

*Goeringer is an Extension legal specialist with University of Maryland. This is not legal advice.*

*~ Article courtesy of American Agriculturist magazine.*

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Rex Collins, CPA, CVA  
PRINCIPAL

## Canada approves USMCA

WASHINGTON — U.S. Secretary of Agriculture Sonny Perdue issued the following statement after the Canadian Parliament approved the United States-Mexico-Canada Agreement (USMCA): "USMCA is a great victory for America's agriculture industry, and I am pleased to see Canada's Parliament approved the...

### READ MORE

(courtesy of Morning Ag Clips, Farming News, Harvested Daily)

<https://www.morningagclips.com/canada-approves-usmca/>

## International Trade: Canada Formally Approves USMCA

On March 13, 2020, The Canadian House of Commons approved, the Canadian Senate approved, and Canada's Governor General gave royal assent to legislation that formally represents Canada's agreement to the terms of the United States Mexico Canada Trade Agreement (USMCA). Canada was the final government to formally approve the USMCA. For more on the USMCA, see the Agricultural Law Weekly Review of January 23, 2020, titled "International Trade: USMCA Receives Congressional Approval, Awaits President's Signature."



## Invasive Species: Pennsylvania Spotted Lanternfly Quarantine Order Expanded



On March 3, 2020, the Pennsylvania Department of Agriculture announced that, effective March 2, 2020, the following twelve counties have been added by amendment to the geographic scope, and are therefore now subject to the requirements, of the Spotted Lanternfly Quarantine Order of May 26, 2018: Allegheny, Beaver, Blair, Columbia, Cumberland, Huntingdon, Juniata, Luzerne, Mifflin, Northumberland, Perry, and York. (Courtesy of: Written by: Brook Duer—Staff Attorney Audry Thompson—Research Assistant - The Agricultural Law Weekly Review provides an update of recent agricultural law developments from the local, state, national, and international levels. Subscribe to the ALWR at [pennstateaglaw.com](http://pennstateaglaw.com)

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**Question:** An employee came back from the chiropractor with a handout of specific ergonomic measurements for her work station, stating that the employee's back problem - a previous condition - is being exacerbated by what she is doing at work. The company's office is state of the art, and designed with ergonomic considerations. The employee sits at a station to type, and turns her head to address patients, versus turning her chair and whole body. The employee also wants to have the computer screen higher, despite the desk and screen currently being set at the proper height. The company feels that the issues are caused by the employee not using the equipment properly, versus facilities that are being provided. What does the company need to document or purchase now, to ensure it does not get a future claim for the employee's back issue?

# Reasonable Accommodation - OR NOT?

**Response:** Generally employers are required to provide a safe and healthful work environment under OSHA, including appropriate chairs and workstations for employees who do their work seated. This does not mean that the employer has to buy the most expensive chair and equipment available. Rather, a chair and workstation, including a computer screen and keyboard, that are well-designed and appropriately adjusted, even if moderately or even inexpensively priced, will still fit the bill of contributing to a safe and productive workstation. For more information, please see OSHA's excellent guidance on the subject at <https://www.osha.gov/SLTC/etools/computerworkstations/components.html>

If, however, the employee is disabled - as may be the case if the employee suffers from a back condition - and needs accommodation in the form of a more ergonomically sound chair and/or workstation than what is currently provided, an employer may need to change (or upgrade) the chair or workstation, or perhaps look into less expensive options such as supportive pillows, cushions, articulating keyboard drawer, monitor riser, foot stools etc., if doing so is reasonable. The employer may require medical documentation to assist in determining whether the employee has a disability and if so, to support the employee's need for reasonable accommodation. If the employee is not disabled, the employer is not required by law to provide an accommodation. As I mentioned, though, the employer does have an obligation to ensure that the employee is still provided an appropriate chair and workstation as every other employee should be provided. If the employee is disabled, then she would be entitled to a reasonable accommodation under the Americans with Disabilities Act if she needed one in order to perform the essential functions of her job. Keep in mind that a reasonable accommodation for purposes of the ADA is not necessarily one the employee wants (such as a brand new or certain brand of equipment, chair or workstation) if there is another, less expensive option available (i.e., cushions, foot rest, modifications to the existing chair and workstation, etc.) that achieves the same result. However, denying an accommodation altogether because the expense of doing so is not in the budget may create exposure to a potential failure-to-accommodate claim under discrimination laws, particularly if the accommodation would not, in fact, cause the employer to suffer "significant difficulty or expense."

The employer in this instance should engage the employee in an interactive discussion to explore these options. For more information, please see <http://www.eeoc.gov/facts/accommodation.html> and see also <http://askjan.org/media/Back.html> for specific assistance in exploring accommodations to back conditions.

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The impact (value) of the association's legislative advocacy, work-force development, and Industry Relations work can easily be overlooked. Our efforts cannot be accomplished without significant financial investment, support, and grassroots participation. If we're to continue that work, we are going to need your help participating in and financially supporting our legislative work, association governance/direction, and program development. We need your help recruiting new members, participating in legislative visits, giving testimony, contributing financially to the legal/legislative fund, association governance/direction, and program development!

When you REAP the benefits of membership, your PROFITS will follow! Call Ralph Gaiss at 800-932-0607 for questions and support.





## Drug & Alcohol Clearinghouse Information: Query Plan Questions

The Federal Motor Carrier Safety Administration (FMCSA) has provided the following guidance for motor carriers and other employers regarding purchasing and paying for a query plan:

### How do I purchase a query plan in the clearinghouse?

Consult these step-by-step instructions.

As a reminder, only employers may purchase a query plan. Consortium/third-party administrators (C/TPAs) may not purchase a query plan on an employer's behalf.

### What are the possible payment methods for purchasing a query plan in the clearinghouse?

The acceptable payment methods include:

- Electronic funds transfer (EFT) from a checking or savings account (ACH)
- Debit or credit card
- Amazon Pay
- PayPal

Note that employers cannot make payment via check or money order; any checks or money orders received will be returned to sender.

### Can I pay via a purchase order?

FMCSA is not able to support payments via purchase order. However, FMCSA can provide a completed W-9 form, which includes the agency's tax identification number. The W-9 can assist employers requesting tax information. This may be especially helpful to school districts and municipalities.

## EDITOR'S NOTE:

"If you would like your dealership featured in the 'Northeast Dealer' monthly newsletter for viewing by over 500 dealers in the northeast, please email [arts@pa.net](mailto:arts@pa.net) with your press materials", include pictures with names of individuals showing for publication. This would include open houses, special programs and any local award, etc., your dealership earned.

## Service: Check-In Process

As season begins to heat up, it's a perfect time to make some adjustments to your service processes that might have gotten a little rusty during the winter months. As you know, profitability in the service department happens from following a good process and holding your people accountable to it. Every process has a beginning; a first step that makes all the other parts of the process work. In service, the first step of the process begins when the customer interacts with you, either face-to-face or by phone, and you begin to document the information on a work-order so that it makes sense to both the service techs and the customer. [Read more.](#)

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# Management Succession

## PREPARING THE TRANSITION

By **Rex A. Collins CPA, CVA**

HBK Dealership Industry Group

It's going to happen. At some point you will move your dealership to another owner, be it one of your children, an employee or an outside buyer. Doing it right requires advanced planning and a multitude of considerations: the financial security of the business, transfer of wealth, taxes, future business strategies, family values, your long-term personal goals. Most of all, transitioning to a new set of leaders is critical to ensuring the ongoing success of the dealership. Managing leadership succession involves a number of difficult steps including consensus building and assembling key parties into a succession planning team.

Knowing when to start is one key to an orderly transition. The longer you wait to get your team together, the more difficult the initiative becomes and the more obstacles you will encounter in making the transition. At a minimum, an owner should start planning three to seven years in advance of selling or retiring. We recommend starting when the dealership demonstrates the ability to generate consistent profits and the current owner reaches age 50.

Some of the usual starting considerations:

- Will your children be coming into the business and how will each be involved? That will require educating children about the functions and conditions of the business and making sure everyone involved remains open to the evolution of, or changes in, the succession plan.
- If no children are involved, then how and when will a successor be determined?
- Or should you simply sell the business, monetize your investment?

Starting early is also important as any succession plan should include a contingency plan addressing an untimely death or disability or other unexpected event.

Starting early gives you time to build your succession team. Your team could include family members, employees, a banker, a member of your 20 group, and outside advisors. Regardless of the makeup of the team, it should exhibit four characteristics: trust, openness, realization and interdependence. A team with those qualities will be able to overcome what are bound to be multiple hurdles and challenges in negotiating the process toward a successful successor.

A succession plan will address four phases of transition:

- Initiation or point of entry: when succession planning begins
- Selection and assessment: choosing the leaders for the next generation based on accomplishment and dedication, which could involve psychological and other testing.
- Education and training: ensuring the successor has the skills and knowledge to continue a profitable operation
- Passing the baton: transferring authority and accountability to successors

Some common issues to address:

- How to encourage your children to think positively about a succession plan?
- How to determine when children are mature enough to be considered as successors?
- Who should succeed as dealer-operator or CEO?
- When should the current dealer retire?
- Will your manufacturer have an opinion (positive or negative) of your chosen successor?
- What are your options in terms of a prospective leader?
- Should you sell the business to an external buyer?
- A personal development plan for the successor dealing with "operational" skills—technical, financial, and organizational issues—and "essential" skills—the ability to communicate with staff, customers and manufacturers.

*continued on page 21*

Managing leadership succession involves a number of difficult steps including consensus building and assembling key parties into a succession planning team.

# PREPARING THE TRANSITION

continued from page 20

- A leadership development plan, including creating a vision for the future of the business, commanding respect and being professional.
- The transition process, including the changing roles of the current and succeeding dealer, their evolving job descriptions and who's making key decisions at what points.
- A plan to communicate the succession to your constituents, including family, company and community
- The organizational succession plan, including how top management will be affected, the career paths of key managers, and the future participation of family members in the business.

As famed management consultant Peter Drucker noted, "The final test of greatness in a CEO is how he chooses a successor and whether he can step aside and let the successor run the company."

HBK Dealership Group,- Rex Collins is a Principal at HBK CPAs and Consultants. Rex can be reached by email at [rcollins@hbkcpa.com](mailto:rcollins@hbkcpa.com), or by phone at 317-504-7900.

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# Business Etiquette for Salespeople – Some Finer Points

By John Chapin

## Most business etiquette is common sense. The following are some finer points:

If someone tells you that you didn't get their business, smile, find out why, thank the person for his or her time, make sure the door is open for the next opportunity, and exit courteously.

- Always allow the customer or prospect to decide where you're going to eat.
- If you have someone else from your company with you, always let the customer or prospect sit in the front seat of the car.
- Always pick up the check.
- Make sure you're at least of average skill before you try bonding over any kind of game.
- Extend common courtesy to everyone you encounter. This includes all people at the company you're calling on, not just the person you're there to see.
- Don't sit down until the customer or prospect is seated.
- Never assume anything, and always give the customer or prospect a chance to save face.
- Never argue with the customer or prospect.
- Never walk into a customer's facility with a competitive product that is sold on the premises.

### GENERAL RULES FOR SOCIAL SITUATIONS:

Watch what you say. Don't say anything you don't want someone to hear. For the most part, avoid any controversial topics.

### ITEMS YOU PRESENT TO THE PROSPECT OR CUSTOMER

Brochures, proposals, business cards, gifts, and other items speak volumes about you, your company, and your product. They may not make or break the sale, but they can dramatically affect your image.

Keep these rules in mind:

- Brochure pictures and the brochure itself should be in color and professionally printed.
- Make sure all spelling and grammar is correct.
- Have the prospect's name and title correct.
- Proposals should be thorough but not overwhelming.
- Make sure all gift items are clean, brochures and proposals are not wrinkled, or soiled.
- **Don't skimp on business cards. Here are some quick rules:**
  - \* Get your cards printed by a professional, not on your home computer.
  - \* Use raised print.
  - \* Use color.
  - \* Add your picture to your business card.

### THE PEN YOU USE

Have a high-quality pen and make sure it works. Also, have a backup pen. By high quality, I mean a Cross pen or something similar.

### THE CAR YOU DRIVE

If you have a company car, you can disregard this part. The car you drive projects a certain image. You can impress people with a car, turn people off with a car, and you can make people jealous with a car. Some potential customers will decide you make too much money or, perhaps not enough money, based solely upon the car you drive.

Your approach to a sales call begins in the prospect's parking lot, sometimes even before. One person I know got cut off in traffic and gave the other driver a "not so nice" gesture. The driver followed him into the parking lot of the company he was calling on. It was the CEO's secretary. Not good.

### WHERE YOU PARK YOUR CAR

Do not park up front in the prime parking spots. These are reserved for customers and sometimes upper-level management. You should park in spots at the back of the lot or spots that are the farthest from the facility.

*John Chapin is a motivational sales speaker and trainer. For his free newsletter, go to: [www.completeselling.com](http://www.completeselling.com). John has over 32 years of sales experience as a number one sales rep and is the author of the 2010 sales book of the year: Sales Encyclopedia. Sales Encyclopedia (Axiom Book Awards) – also the largest sales book on the planet (678 pages). E-mail: [johnchapin@completeselling.com](mailto:johnchapin@completeselling.com) or phone 508-243-7359.*



The impact (value) of the association's legislative advocacy, work-force development, and Industry Relations work can easily be overlooked. Our efforts cannot be accomplished without significant financial investment, support, and grass-roots participation. If we're to continue that work, we are going to need your help participating in and financially supporting our legislative work, association governance/direction, and program development. We need your help recruiting new members, participating in legislative visits, giving testimony, contributing financially to the legal/legislative fund, association governance/direction, and program development!

**When you REAP the benefits of membership, your PROFITS will follow!**

## NEDA MEMBERS ENCOURAGED TO UPDATE MEMBER PROFILES

Please take a moment to review it and make any necessary updates or changes on your company profile on the associations' website. Current contact information is vital to keeping our members apprised of current events, hot-topics and NEDA events. Please log into the Members Only page of the NEDA website and view or update your profile information directly at any time. (If you have any questions about access to the Members Only page, please contact Dave Close at: [davec@ne-equip.com](mailto:davec@ne-equip.com).)

As a member, you will receive updates and important information via email. Meeting and event attendance is always encouraged, but we wouldn't want someone to be behind on information just because they didn't attend a meeting.

NEDA appreciates the support of our members and looks forward to another year of service to our members of Northeast Equipment Dealers Association, the Association that works only for the equipment dealers here in the northeast.

Committed to providing **Business Support Services, Dealer Advocacy** and **Enactment of Legislation** favorable to our dealers, the industry, and our dealer's customers.

**Teamwork is the foundation of our success!**

***Alone we can do so little... together we can accomplish great things!***



**N**ortheast  
**E**quipment  
**D**ealers  
**A**ssociation

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