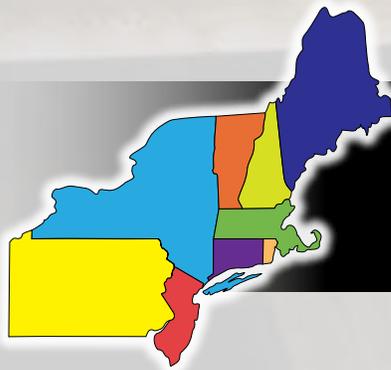


# DEALER

The Newsletter of NORTHEAST EQUIPMENT DEALERS ASSOCIATION, INC.



## OPE / U.S. WHOLEGOODS Sales Rise 43% in April

U.S. OPE dealerships saw a significant increase in wholegoods sales in April, according to data collected exclusively for OPE Business readers by Constellation Data Solutions. When compared to April 2020, same store sales results in April 2021 showed a 43% increase in wholegoods sales on average.

Pulling from 1,260 OPE dealerships that use Constellation's Ideal and c-Systems and Charter DMS products, the composite data compares same store sales stats from April 2021 versus April 2020.

**The Northeast region considerably outperformed the rest of the country, with Northeast dealerships reporting an impressive 86% increase in wholegoods sales. In the survey, the northeast is comprised of all dealers in: Northeast: Connecticut, Massachusetts, Maine, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, and Vermont.**

All regions indicated that wholegoods sales were up in April 2021 versus April 2020 – 79% of all U.S. dealers indicating this, while 87% of all Canadian dealers indicated wholegoods sales were up.

**By region,** the Northeast again led the way – 89% of dealers indicated wholegood sales were up in April. Other regions: South 80%; Midwest 78%; West 65%.

Other U.S. regions:

- Midwest dealers reported a 38% growth in wholegoods sales in April 2021 vs April 2020.
- Dealers in the South showed 36% growth in wholegoods sales: and
- Dealers in the West region experienced 25% growth in wholegoods sales.

Canadian dealers reported a 28% growth in their wholegoods sales for April 2021 versus April 2020, according to Constellation. [See page 8 for related article]

~ Article courtesy of OPE Business magazine, May 18, 2021

### IN THIS ISSUE

- 3 Observations from the Field
- 4 In Memoriam - Carl Wenger
- 6 In Memoriam - Jeanie Snyder
- 8 Theft Alert
- 8 Connecticut Bill Addresses Warranty Claims for OPE Dealers
- 9 Expenses Paid with 2020 PPP Loans Can Be Deducted on 2021 Tax Returns
- 10 Cost of Doing Business Survey
- 12 Manage Your Service Department in Real-Time
- 14 Why You Should Take Sales Rejection Personally
- 16 VA Questions & Answers
- 18, 20 Human Resources Q & A

### ADVERTISERS

- 2 Haylor, Freyer & Coon
- 5 AgDirect / Farm Credit System
- 7 Custer Products
- 11 Lancaster Farming
- 13 Fastline
- 15 HBK CPAs & Consultants
- 19 Specialty Equipment Ins. Services
- 21 OPOC.US CARE CENTER
- 23 Weather Proof Equipment ID Tags
- 24 Federated Insurance

## Krone North America Recognizes Top 10 Dealers 2 Northeast Dealers Made This List!!

Krone North America, a global leader for reliable, high-quality hay and forage equipment, announces its Top 10 Sales Volume Dealers for 2020. Leading the list is Noble Equipment, Nobleford, Canada, earning the #1 spot in North American for Krone Equipment sales.

Rounding out the Krone Top 10 are (in alphabetical order), **Champlain Valley Equipment, Middlebury, VT**; James River Companies, Ashland, VA; Krone America, El Centro, CA; Krone America, Kaukauna, WI; Krone America, Plattsville, WI; Les Equipments Adrien Phaneuf, Saint-Martine, Que., Canada; TriGreen Equipment, Athens, AL; and **Salem Farm Supply, Salem, NY**.

# Exclusive WC Program

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Average Dividend of 24.5%  
For the Last 10 Years

### DIVIDEND HISTORY

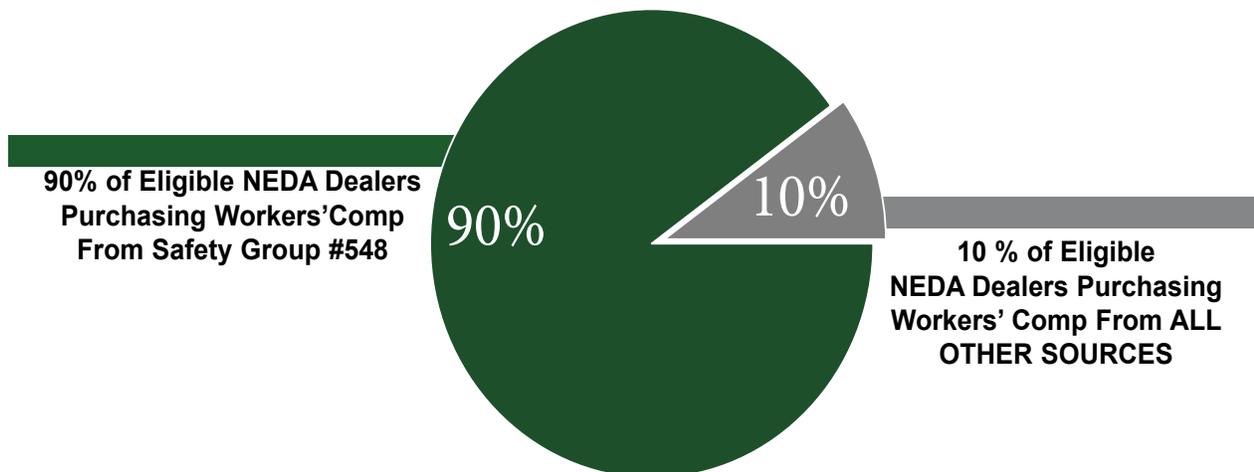
Policy Year	Dividend
2018-2019	40.0%
2017-2018	40.0%
2016-2017	35.0%
2015-2016	30.0%
2014-2015	20.0%
2013-2014	15.0%
2012-2013	15.0%
2011-2012	5.0%
2010-2011	20.0%
2009-2010	25.0%

### ELIGIBILITY

- Members of NEDA Inc.
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- Farm Equipment Dealers
- Outdoor Power Equipment Dealers
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# Observations from the **FIELD**

March/April was a busy month! Our advocacy work and participation in the Pennsylvania Department of Education's (DOE) bi-annual review of the high school Ag Mech programs task list and our continuing engagement with Pennsylvania's agricultural education commission, the Professional Development Office, and legislators resulted in the commission investing \$40,000.00 in curriculum development and Ag teacher training/professional development opportunities specifically focused on hydraulics, diesel technology and electrical systems and diagnostics. It is exciting to be invited to the table and, more importantly, see our participation result in impactful investments. Knowing that there is much more work to be done, I feel confident that our work will enable NEDA and our members to more fully engage with teachers, students, parents, and education leadership throughout our region.

As I stated last month, dealer engagement and, more specifically, participation are the absolute keys to successful outcomes in workforce development programming. Simply put, teachers, school districts, customers, the community, legislators, educators, and manufacturers all respond to repeated prompts from dealers before all others.

Manufacturers know that a service department staffed by fully qualified and capable technicians minimizes their warranty obligations. More importantly, they also know that service departments sell iron! Educators, particularly in the Career and Technology Education system, respond to employers. Their future programs' success and funding is directly tied to their ability to successfully prepare and place their students in jobs at your dealerships. Administrators at high schools and technical colleges fully understand that their ability to recruit students lies with their ability to place graduates in jobs immediately after graduation. Legislators understand that successful business generate cash flow (taxes) and pay family-sustaining wages. Happy constituents and full coffers = reelection!

Dealer engagement can mean lots of different things and, more often than not, will take multiple tracks, repeated follow up, and adaptation. Students, educators, parents, and administrators need to understand that "employment" is directly tied to the skills and competencies mastered by their graduates. At the same time, it is important that they have an appreciation for how and where those skills and competencies are applied on the job. As I thought about a recent phone conversation I had with a dealer principle, it occurred to me that the planter seminar they'd just hosted may have been an opportunity to multi-purpose one event for the benefit of all concerned. An invite, a link to a seminar recording, or a copy of the handouts may turn out to be your best opportunity to engage with educators, legislators, and the community.

**There is a lot more work that needs to be done and we are excited about the opportunities and possibilities ahead. Please take the time to think about how your dealership can engage and participate in the industry's workforce development initiatives. We are all in this together.**

**Please remember that your Ag Technician Skills validation test has been added to your association's website at <https://www.ne-equip.org/member-benefits/education-programs/employee-skills-test/>. Dealers and leading technicians have confirmed that the test "does what it is intended to do"! The cost for members is \$65.00 each, and \$100.00 each for non-members.**



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Committee Chairman

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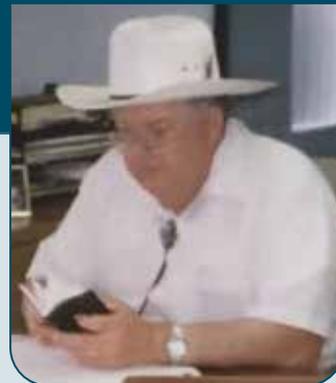
Alone we can do so little ...  
together we can  
accomplish great things!

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## In Memoriam

### Remembering Our Founder, **CARL WENGER** **Wenger Farm Machinery / Wengers of Myerstown**



Carl I. Wenger died at the age of 88 at home with the full knowledge that he was going to meet his Savior on April 30th.

Carl was the son and only child of the late John Kettering Wenger and Bertha Kreider Wenger. He was born in Rexmont, PA on May 20, 1932.

Carl married Margaret Buffenmeyer on December 23, 1950. They have celebrated 70 years of marriage.

They are the parents of seven children: Lloyd (Kitty) Wenger, Larry (Becky) Wenger, Nancy Layser (John), Carol Dieffenbach (Dennis), David Wenger (Gwen), Glenn Wenger (Robin) and Rose Walmer (Wally). They have 12 grand-children and 18 great grandchildren. Carl was preceded in death by two granddaughters.

His early years observing his father's business attributes in farming and merchandising were formative years for Carl. He graduated from Myerstown High School, class of 1950, and excelled in Future Farmers of America. FFA became a life-long passion as was evidenced in his and his son's involvement at State and National levels. He has always encouraged High School students to participate in FFA and Carl has been a life-long supporter of the organization.

He and His wife, Margaret began their marriage as dairy farmers on the Wenger Farm in Myerstown, Lebanon County. It did not take long for Carl to begin selling used farm equipment from behind the dairy barn. As the business grew the dairy cows were dispersed and the implement business became a full-time enterprise. Those early efforts have grown into what is today Wengers of Myerstown, one of the largest used farm & construction equipment and parts dealers east of the Mississippi River.

Carl and Margaret have been supporters of livestock sales for decades, supporting youth who show and sell their animals at county fairs and local 4-H and FFA shows where they not only bid generously, but since 2004, those young exhibitors have received a U.S. Savings Bond or paid club dues for each year they exhibit their livestock.

Perhaps the greatest of these has been the contributions made to charitable organizations by The Wenger Foundation, most notably the annual Praise Dinner. Since its beginning, the Foundation has raised and distributed over three million dollars to Christian, educational and community programs.

Carl and Margaret focused much of their philanthropy on organizations supporting youth; FFA, 4-H, On Fire Youth Ministry, COBYS Family Services, Rodeheaver Boys Ranch, and many other organizations.



*continued on page 6*



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# ASSOCIATION NEWS

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together we can  
accomplish great things!

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## In Memoriam

### **CARL WENGER** *continued from page 4*

Carl's legacy of hope is that others will follow his philanthropic spirit and that others will live their lives with the same sense of care and compassion for the people they interact with.

Carl was recognized wherever he appeared, at auctions or local events, by his Western Stetson Hat (he owned 25 of them), his bolo tie and the emblazoned W belt buckle. Carl's legacy as the man with the "Big Hat, Big Heart" will live on.

In lieu of flowers gifts may be made to On Fire Youth Ministry, PO Box 381, Myerstown, PA 17067.

### **JEAN A. "JEANIE" SNYDER**

Jean A. "Jeanie" Snyder, 74, of Andreas, passed away Saturday, May 1, 2021, in St. Luke's Hospital, Bethlehem. She was the wife of Charles C. "Chester" Snyder. They were married on April 25, 1964 and celebrated 57 years of marriage.

She and her husband were co-owners of Charles S. Snyder, Inc. Farm Equipment, Tamaqua, PA. Jeanie was an integral part of the family farming operation. She also was the mechanic for her husband's Tractor Pulling Team. She was a member of St. Peter's Church, West Penn, and of PA-NY Tractor Pulling Association.

Surviving in addition to her husband, are three daughters, Cathy, wife of Terry Wehr, of Tamaqua, Charlene, wife of Scott Coombe, of Andreas, and Cheryl, wife of Charles Kistler Jr., of Tamaqua; three brothers, Richard, and his wife Judy, Berlyn, and his wife Ruth, and Dale, and his companion Sharon, all of Andreas; sister, Madeline Ruch, of New Ringgold; sister-in-law, Delores Troxell, of Andreas.

Contributions may be made to the church memorial fund at: St. Peter's Church, 184 St. Peter's Rd., Tamaqua, PA 18252.

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.



# ***NEW Thermal Management LED Light***



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## Connecticut Bill Addresses Warranty Claims for OPE Dealers: Report

**In Connecticut**, retail dealers of power equipment inched closer to a legislative win when it comes to warranty claims.

Connecticut Senate Bill 264 – an Act Concerning Fair Reimbursement to Retail Dealers of Power Equipment – passed the Senate in April. The bill guarantees fair reimbursement for retail dealers of power equipment and specifies when they should be paid a warranty claim.

Under the bill, when a small repair shop performs warranty work on behalf of a supplier/manufacturer, they must be paid their stated hourly rate. The seller would pay the supplier the current net price plus 18 percent for any parts that are needed to be fixed, on top of the hourly labor rate.

Businesses that perform repair work on behalf of the manufacturers would simply have to submit a claim back to the seller to receive the reimbursement within 30 days.

State senator James Maroney (D-Milford), chair of the General Law Committee led discussion and the passage of the bill in the Senate. "I was proud to lead passage of this bill in the senate," said Sen. Maroney. "This legislation will ensure that our quality local businesses are paid fairly for their repair work. I am happy to see an agreement made between both the equipment manufacturers and the dealer repair shops."

The proposed bill currently resides in the state's House of Representatives.

If passed, the act is scheduled to take effect January 2022; the full bill and its current status in the **Connecticut General Assembly can be found [here](#)**.

*~ Article courtesy of OPE Business*

## Did You Know?

Did you know you can update your dealer profile on our website?

Go to [www.ne-equip.com](http://www.ne-equip.com) and login in with your user ID and password. Once your logged in place your cursor in the upper right hand corner and click on "Edit my Profile"

Here you can put any events happening at your dealership, upload profile pictures, your company logo, etc...

Email [davec@ne-equip.com](mailto:davec@ne-equip.com) or call the Association, 800-932-0607 if you have any problems getting into the website.

## ***THEFT ALERTS***

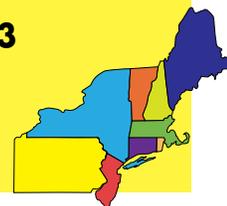
### **New York Kubota Tractor**

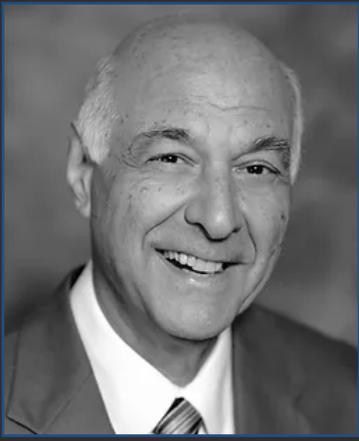
Northeast Equipment Dealers Association (NEDA) reports to NER that between April 1 and May 11, 2021, the below described Kubota Utility Tractor was stolen from an enclosed barn in Binghamton, New York. Machine is in excellent condition, 375 hours.

Please forward this alert to anyone who may encounter the equipment, and investigators working on similar crimes.

**Broome County Sheriff's Office case: 21-09863**  
**Contact Detective Barcak 607-778-8861**

***Click here for more information***





**BY DR. BART BASI**  
Senior Adviser

## Reminder from the IRS: Expenses Paid with 2020 PPP Loans Can Be Deducted on 2021 Tax Returns

If you are a business owner that received PPP funds but did not utilize them on your tax return, pay close attention to the substance of this publication. The IRS has publicized a safe harbor for certain companies that received first-draw Paycheck Protection Program (PPP) loans but did not deduct any of the original qualified expenses because they relied on direction issued before the execution of the Consolidated Appropriations Act, 2021 (CAA), in December 2020.

In Notice 2020-32 and Rev. Rul. 2020-27 (which were made obsolete by Rev. Rul. 2021-2) the IRS stated that a taxpayer who received a loan through the PPP was not permitted to deduct expenses that are normally deductible under the Code to the extent the payment of those expenses resulted in PPP loan forgiveness. Essentially, if you paid for usually deductible expenses using PPP loans, you could not claim a deduction on your tax return.

In reliance on that advice, many taxpayers, such as ones with odd tax end years, did not deduct expenses paid with PPP loan proceeds on their 2020 tax returns. Congress later clarified and overruled the IRS in the CAA, stating that deductions are allowed for otherwise deductible expenses paid with the proceeds of a PPP loan that is forgiven and that the tax basis and other attributes of the borrower's assets will not be reduced because of the loan forgiveness. The new safe harbor in Rev. Proc. 2021-20 allows taxpayers who filed a tax year 2020 return on or before Dec. 27, 2020, to deduct those expenses on their 2021 tax return rather than file amended returns or administrative adjustment requests.

Under the safe harbor, a taxpayer may elect to deduct otherwise deductible original eligible expenses on the taxpayer's timely filed, including extensions, original federal income tax return or information return for the taxpayer's immediately subsequent tax year, rather than on an amended return or administrative adjustment request for the taxpayer's 2020 tax year in which the expenses were paid or incurred, if the taxpayer meets the following criteria:

- 1) The taxpayer must be a "covered taxpayer" (to be discussed later); and
- 2) The taxpayer must satisfy all the requirements for the time and manner of making the election to apply the safe harbor.

A covered taxpayer must satisfy all the following requirements:

- 1) The taxpayer received an original PPP covered loan.
- 2) The taxpayer paid or incurred original eligible expenses during the taxpayer's 2020 tax year.
- 3) On or before December 27, 2020, the taxpayer timely filed a federal income tax return or information return for the 2020 tax year: and
- 4) On the taxpayer's federal income tax return or information return, the taxpayer did not deduct the original eligible expenses because: (a) The expenses resulted in forgiveness of the original PPP covered loan; or (b) the taxpayer reasonably expected at the end of the 2020 tax year that the expenses would result in that forgiveness.

To make a valid election to apply the safe harbor, a covered taxpayer must attach the statement described below to the covered taxpayer's timely filed, including extensions, federal income tax return or information return for the covered taxpayer's first tax year following the covered taxpayer's 2020 tax year in which the original eligible expenses were paid or incurred.

*continued on page 12*

**If you are a  
business owner  
that received PPP  
funds but did not  
utilize them on  
your tax return,  
pay close attention  
to the substance of  
this publication.**



# 2021 NEDA COST OF DOING BUSINESS SURVEY

**GET YOUR COPY FREE!!!**

**SEND IN YOUR INFORMATION TODAY!!**

**To: Northeast Dealers Association Equipment Dealers/Members**  
**Subject: Cost of Doing Business Study Deadline is July 16, 2021**

It's that time of year again – time for the Northeast Equipment Dealers Association (NEDA) Cost of Doing Business Survey (CODB) compilation.

It is imperative that our organization continue this annual study/project:

- Participants can compare their financial performance to that of all dealers (regardless of lines or manufacturers represented);
- Dealers/Members need this information to assist in the valuation process of their businesses for estate planning, buy/sell agreements, sales, merger/consolidation **purposes**;
- The CODB Report will include benchmarks in the survey so dealership goals and budgets can be established for future **years**;
- As your trade association we established the tradition of generating this type of survey so that trends in business can be established and information can be gleaned that will help dealers improve financial performance in future years.

**The completed survey results will be priced as follows:**

- Member/Dealers who submit financials – **FREE**
- Members who do not submit financial information – **\$300 per survey.**
- Nonmembers who do not submit financial information – **\$500 per survey.**

You have two (2) options in sending your financial information to NEDA:

**OPTION 1:**

Simply click on the link below and enter your information online  
[Click here](#) to input information Online

**OPTION 2:**

Submit your most recent year-end financial statement (after prudent adjustments truly reflecting your year-end results have been made) and answer all questions on the Dealer Form (below) and send the transmittal sheet along with your financial statements Note: This statement may differ from your "13th month statement."  
[Click here to get Dealer Form](#)

**Please note that your information will be kept in strictest confidence and if you choose to not disclose your store/dealership name, that is certainly acceptable. (If you choose to submit anonymously, be sure to send us the tear-off from the dealer form separately to get the results at no charge.)**

You may also mail all your forms to the Association office at:

Northeast Equipment Dealers Association  
Attn: CODB Study

128 Metropolitan Park Drive, Liverpool, NY 13088

Or e-mail results to: [davec@ne-equip.com](mailto:davec@ne-equip.com)

Again this year, it is imperative that at least 100 equipment dealers submit financials for our Northeast Equipment Dealer Association CODB Report to be credible. Please assist us in making the 2021 Study – our 18th – meaningful and useful to the entire industry.

**Financial Statements returned later than July 16, 2021 will NOT be included in the 2021 Report.**

If you have any questions, comments or concerns please contact your Association office at 800-932-0607.

Thank you again for your support in this years Cost of Doing Business.

# STRONGER TOGETHER

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## Reminder from the IRS

*continued from page 9*

The statement must be titled "Revenue Procedure 2021-20 Statement" (and named Rev Proc2021-20.pdf for e-file attachments) and include the following:

- 1) The covered taxpayer's name, address, and Social Security number or taxpayer identification number.
- 2) A statement that the covered taxpayer is applying the safe harbor in Rev. Proc. 2021-20.
- 3) The amount and date of disbursement of the taxpayer's original PPP covered loan; and
- 4) A list, including descriptions and amounts, of the original eligible expenses paid or incurred by the covered taxpayer during the covered taxpayer's 2020 tax year that are reported on the federal income tax return or information return for the first tax year following the 2020 tax year.

The revenue procedure is effective for any tax year ending in calendar year 2020 and for the immediately subsequent tax year. The safe harbor does not apply to PPP second-draw loans enacted under the CAA. Because PPP second-draw loans are not original PPP covered loans, eligible expenses that may result in forgiveness of those loans are not covered by Rev. Proc. 2021-20.

Are you a taxpayer that received PPP funds but did not utilize them on your tax return? The taxation and legal professionals at The Center for Financial, Legal, and Tax Planning are more than knowledgeable to assist in your issues. For a consultation, please contact us at (618) 997-3436 or reach out to us online at [www.taxplanning.com](http://www.taxplanning.com)

~ Article courtesy of: Basi, Basi & Associates  
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# Why You Should Take Sales Rejection Personally



BY JOHN CHAPIN

**The average salesperson calling on a major account gets rejected 11 times before they get an appointment. If you don't have a ton of motivation and resolve, how are you going to persist and get through the 11 rejections?**

All of us have heard, pretty much since week one of our sales careers... don't take sales rejection personally. You know the mantra: "They're not rejecting you, they're rejecting your product or service." I must admit, I agreed with that for my entire 31-year sales career until a recent experience changed my mind.

About two weeks ago I was calling insurance agencies to let them know about a sales seminar I was doing for one of the local State Insurance Associations. Typically, this is a very warm call where I simply state my name, the name of the association I'm doing the seminar for, which they usually have a very good working relationship with, state who the seminar is for, the ultimate benefit to the target audience, and let them know I'm sending them an e-mail with the details. This takes about 15 seconds. The call is a layup because there's no real sale involved, I'm simply e-mailing information about a seminar that offers a large benefit to the target audience. Every call I'd made in the past, about 1200 of them, had gone fine, but on this day, one call did not. When I finished speaking, the person on the other end of the phone said, "Thanks for the offer, but I'm all set." This was not a normal response and it threw me off for a second. My brain did a quick scan for possible reasons for the prospect's answer and the most obvious was, he doesn't have a need because he doesn't have any agents (the target audience) working for him. I responded immediately with, "Oh, I'm sorry, I didn't realize you didn't have agents." He said, "I do. But they know everything."

I know, consider the source and 'win the battle, lose the war.' This person obviously wasn't my market because he didn't believe in training and improvement. For some reason though, none of that seemed to matter to me in the moment. In addition to breaking the five or six rules such as: Rule #1: Agree, and Rule #2: Ask questions versus throw a bunch of stuff on the wall and hope something sticks, I became completely unglued. I didn't care that I was being combative and argumentative, another broken rule. All I could focus on was: how dare he dismiss me with such a backhanded, brush-off response such as: "I'm all set."

As I regained my composure and debriefed after the call, one thing became crystal clear: I was so sold on my seminar and its ability to help any and all insurance agents, that I took the rejection personally. I also realized that the personal rejection I felt after that call was like rocket fuel.

## THE ADVANTAGES OF TAKING SALES REJECTION PERSONALLY

### **Advantage #1: It strengthens your resolve.**

This is about the motivation that I mentioned above. Think about the things in your life that mean the most to you: family, friends, being a good example for your kids, perhaps your faith, other causes that are important to you, or proving yourself to others. These are all things that you take personally, and they are all things you're willing to fight for and in many cases probably even die for. This fight and belief are one you want to have about your product or service if you are going to go out and get beat up and rejected. The average salesperson calling on a major account gets rejected 11 times before they get an appointment. If you don't have a ton of motivation and resolve, how are you going to persist and get through the 11 rejections?

### **Advantage #2: It strengthens your soft underbelly.**

When I looked more closely at the premise of not taking sales rejection personally, something occurred to me. It appears "not taking things personally" is simply a way to protect one's fragile ego. While it's true that a healthy ego is important in sales, it's also important to have a strong ego, in other words, an ego that doesn't fold like a lawn chair or cheap suitcase when times are tough.

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 31 years of sales experience as a number one sales rep and is the author of the 2010 sales book of the year: *Sales Encyclopedia* (Axiom Book Awards) - The largest sales book on the planet (678 pages).

Contact John at E-mail: [johnchapin@completeselling.com](mailto:johnchapin@completeselling.com), phone: 508-243-7359  
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Committee Chairman  
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# Questions and Answers



## Education and Career Counseling

**Q** *I was recently discharged from the Army. I've heard a lot about Chapter 33, the Post-9/11 GI Bill, but I am not sure of my next steps. Is there a program that can help me decide what career or educational path to follow?*

**A** VA's Educational and Career Counseling provides personalized counseling and support to help guide you along your career path. To be eligible, you must be within a year from discharge or currently eligible for VA educational benefits. It is easy to apply for this program:

- Go online, log in to your eBenefits account at [www.ebenefits.va.gov](http://www.ebenefits.va.gov) and select "Apply."
  - Next, select "Vocational Rehabilitation and Employment Benefits." Apply for "Educational and Career Counseling."
- If VA determines that you are eligible for the program, you will be invited to attend an orientation session at the nearest VA regional office.

## VA and Work-Study

**Q** *I am currently receiving my Post-9/11 GI Bill benefits as a full-time student at a barber college. I have been looking for a part-time job while attending school. I recently heard about the VA Work-Study program. Do I qualify to participate in this program?*

**A** The VA Work-Study Allowance program is available to persons training on a full-time or three-quarters-time basis. You will earn an hourly wage equal to the federal or state minimum wage, whichever is greater. However, the services you may perform under a VA work-study program must be related to VA work, including:

- Preparation and processing of necessary papers or other documents at educational institutions.
- Any activity at a VA facility.  
DoD or state veterans agency related to providing assistance to veterans in obtaining any benefit under Title 38, U.S. Code.  
Any veterans-related position in an institution of higher learning.  
To obtain information concerning the work-study program, contact your school or VA.

## ACICS Status and the GI Bill

**Q** *I've been attending a school that is accredited by the Accrediting Council of Independent (colleges and AQCS). I heard that if I attend a school accredited by ACICS, I may not be able to use my Chapter 33 GI Bill benefits. Is that true?*

**A** GI Bill benefits may only be used at higher education institutions that are accredited by federally recognized accreditors. ACICS' recognition as a nationally accredited agency was terminated by the Department of Education because it allegedly failed to provide consumer protection measures. New legislation will allow a veteran to continue GI Bill benefits for up to 18 months while a school seeks alternate accreditation or program approval. You may want to re-evaluate your educational goals and decide whether or not your current school and program will meet your need for the next 18 months, and perhaps consider other options, courses and/or schools.

Provided by Valerie Heffner is a Marine Corps veteran and member of American Legion Post 27 in Arizona. [askva/erie@egion.org](mailto:askva/erie@egion.org)

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## Declare Salary or Job Offer Confidential?

**I am responsible for writing and sending our job offer letters. While I know I cannot explicitly prohibit an employee from discussing their salary, terms of employment, etc., am I allowed to declare a job offer as “Private and Confidential,” stated within the job offer itself?**

**A:** You are correct that compensation discussions among employees are protected under the federal National Labor Relations Act (NLRA), which applies to both unionized and non-unionized employers alike. Indeed, among other things, the Act prevents an employer from interfering with, restraining, or coercing employees in exercising their statutory rights, and it specifically protects the right of employees to discuss their wages (as well as other terms and conditions of employment) with one another for their mutual aid or protection.

To this end, the employer needs to take care that the wording selected for an offer letter or in any other communication with applicants, offerees or employees, does not risk being misunderstood as a directive not to share salary information or any other similar data should an employment relationship begin. We advise that the employer omit any language or notation in an offer letter or other communication that might suggest to an offeree that he or she cannot reveal or disclose the information contained therein, including to co-workers should the offer be accepted. A notation of “Private and Confidential” may do just that, so the employer is advised to exclude it.

We appreciate, however, that the employer may want to emphasize that the information contained in an offer letter is for the “recipient’s eyes only” upon receipt. If the employer’s objective is to ensure that no one other than the offeree opens the letter, you may wish to include a notation along the lines of “Private Correspondence” on the outside of the envelope in which the offer letter is contained. This would presumably alert others in the offeree’s household that the envelope is for the recipient only to open. Language to this effect on the outside of an envelope is less likely to create a substantial risk of an NLRA violation. By contrast a notation on, or language in, the letter itself that suggests the recipient cannot share the information contained therein (if he or she wants to do so) can indeed expose the employer to a potential NLRA violation, and thus is ill-advised.

## Unpaid FMLA and Paid Holidays?

**We received a question regarding unpaid FMLA leave and holiday pay. An employee has requested unpaid FMLA leave. There are paid holidays during the leave period. Is the employee entitled to holiday pay?**

**A:** In determining whether an employee on FMLA leave is entitled to holiday pay for a holiday that falls during the leave period, the employer’s policy governs. The FMLA Regulations provide specifically that “[a]n employee’s entitlement to benefits other than group health benefits during a period of FMLA leave (e.g., holiday pay) is to be determined by the employer’s established policy for providing such benefits when the employee is on other forms of leave (paid or unpaid, as appropriate.)” See 29 CFR 825.209(h). In other words, the employer’s policy relative to holiday pay eligibility and whether FMLA leave affects it should be uniformly enforced for all types of leaves to avoid potential

*continued on page 20*



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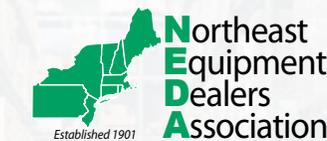
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*continued from page 18*

discrimination or retaliation claims. If employees on other types of leaves of absence, whether protected by the FMLA or not, are eligible for holiday pay, employees on FMLA leave should be, too.

If your policy does not specifically address holiday pay eligibility under these circumstances, we recommend that you consider revising your policy to ensure it addresses this issue in a manner that comports with your company's objectives while remaining compliant with applicable law. Any policy that is changed should be communicated in advance of its implementation, and uniformly enforced to avoid discrimination concerns. From an employee relations standpoint, if this is the first situation of its kind and your policy is silent, you may want to consider paying the subject employee for the holidays until such time as the policy is changed (and then move forward consistent with the new policy), even though strictly speaking this is not a statutory requirement.

## Is Fitness for Duty Certification Legal After FMLA Maternity Leave?

**One of our employees went on maternity leave and wants to return to work a few weeks earlier than planned. Is it required or legal to ask her to bring Fitness for Duty Certification?**

**A:** If the employee's leave was taken as baby bonding leave under the protection of the federal Family and Medical Leave Act (FMLA), then such leave was not taken in connection with a serious health condition, and as such the employer would not need or necessarily be entitled to a release to return to work, which is by definition inconsistent with a leave that was not taken due to the employee's inability to work. If, however, all or any part of the employee's absence was in connection with a pregnancy-related medical condition that rendered her ineligible to work, and the employer has a policy or practice of requiring employees who are absent in connection with medical conditions to produce a fitness for duty certificate upon their return, the employer is within its rights to treat the employee no differently. If the employee was not absent in connection with a medical condition, but the employer has a policy that requires all employees who take time off from work in connection with the birth of a child, whether FMLA protected or not and regardless of gender, to produce a fitness for duty certificate before returning to work, we are not aware of any law which would prohibit this (although as noted, it would seem irrelevant and incongruent to require employees who take time off from work for a non-medical reason to produce a medical fitness for duty statement). Keep in mind that employers ARE prohibited by federal and state law from discriminating against employees on the basis of gender, including pregnancy. This means that the employer should ensure that any policy requiring a fitness for duty certificate from employees who take leave to have a baby should be similarly imposed upon employees who take leave in connection with other temporary medical conditions.

Generally, the best practice and our recommendation is to allow an employee who has taken FMLA leave to bond with a newborn child to return to work at or before the conclusion of the 12-week period of leave under the Act. Unless the leave was also taken in connection with a serious health condition, we would not recommend requiring a fitness for duty certificate unless requiring one is consistent with an employer policy in connection with ALL employees who take time off to give birth or otherwise for any temporary medical reason.



# NEDA 2021 Holiday Schedule

Monday	May 31	Memorial Day
Monday	July 5	Independence Day
Monday	September 6	Labor Day
Monday	October 11	Columbus Day
Thursday	November 25	Thanksgiving
Friday	November 26	Thanksgiving
Friday	December 24	Christmas
Friday	December 31	New Years

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# The Demographics of American Newspapers

1. The **Wall Street Journal** is read by the people who run the country.
2. The **Washington Post** is read by people who think they run the country.
3. The **New York Times** is read by people who think they should run the country and who are very good at crossword puzzles.
4. **USA Today** is read by people who think they ought to run the country but don't really understand The New York Times. They do, however, like their statistics shown in pie charts.
5. The Los Angeles Times is read by people who wouldn't mind running the country – if they could find the time – and if they didn't have to leave Southern California to do it.
6. The **Boston Globe** is read by people whose parents used to run the country and did a poor job of it, thank you very much.
7. The **New York Daily News** is read by people who aren't too sure who's running the country and don't really care as long as they can get a seat on the train.
8. The **New York Post** is read by people who don't care who is running the country as long as they do something really scandalous, preferably while intoxicated.
9. The **Miami Herald** is read by people who are running another country but need the baseball scores.
10. The **San Francisco Chronicle** is read by people who aren't sure if there is a country or that anyone is running it; but if so, they oppose all that they stand for. There are occasional exceptions if the leaders are handicapped, minority, feminist, atheist, dwarfs who also happen to be illegal aliens from any other country, or galaxy, provided of course, that they are not Republicans.
11. The **National Enquirer** is read by people trapped in line at the grocery store.
12. The **Minneapolis Star Tribune** is read by people who have recently caught a fish and need something in which to wrap it.

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## NEDA Has Your COVID 19 Supplies!

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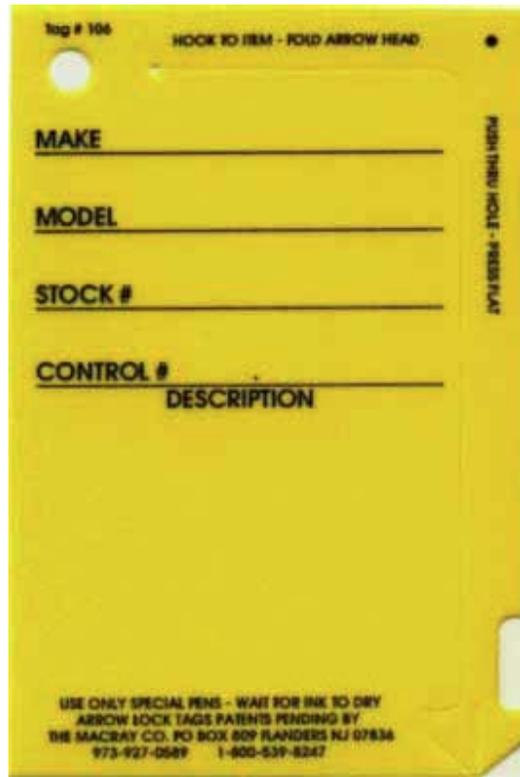
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**USE ON:**

- Tractors*
- Combines*
- Implements*
- Lawn Mowers*
- Garden Tractors*
- Snow Blowers*
- Chippers*
- Chain Saws*
- Wheel Barrows*
- Gardening Carts*

**ANYTHING!!!**



200 Tags per box  
 2 Fade Proof Pens  
 Enclosed in a Handy Flip Top Box

**Yellow Tags - \$40.00 per Box**

Sales Tax and Shipping additional

**Other colors available:**

Red, Orange, Green, Blue, Gray,  
 White, Tan.

**All other tag colors are priced as follows:**

**\$55.00 per box**

**\$40.00 per box minimum 10 boxes**

Let us know if you would like a  
 sample.

**ORDER YOURS TODAY!!!**

- Yellow Tags (\$40.00 per box)** Qty: Other Color \_\_\_\_\_ boxes
- Tags (\$40.00 per box - minimum 10 boxes)** Qty: Other Color \_\_\_\_\_ boxes Color: \_\_\_\_\_
- Tags (\$55.00 per box - less than 10 boxes)** Qty: \_\_\_\_\_ boxes Color: \_\_\_\_\_

**Dealership Name:** \_\_\_\_\_ **City/State:** \_\_\_\_\_

**PAYMENT METHOD:**

- Bill Me
- Check Enclosed, Payable to "NEDA Inc."
- Please charge to: \_\_\_ MasterCard \_\_\_ Visa Acct# \_\_\_\_\_ Exp \_\_\_\_/\_\_\_\_

Cardholder (printed) \_\_\_\_\_

Cardholder Signature \_\_\_\_\_

**Fax your order back to 315-451-3548**

*Jan-18*

# You Hold the Keys

Confidently place people behind the wheel of your company vehicles with the help of driver screening tools and risk management resources.



Scan to learn how to help your company drivers make it home safe today.



*Please make it home safe today.*

