

DEALER

The Newsletter of NORTHEAST EQUIPMENT DEALERS ASSOCIATION, INC.

THE U.S. WILL REOPEN ITS BORDER TO FULLY VACCINATED FOREIGN TRAVELERS ON NOV. 8.

The U.S. will reopen its border to fully vaccinated foreign travelers on Nov. 8. White House assistant press Secretary Kevin Munoz on Friday announced the new U.S. travel policy, which applies “to both international air travel and land travel.” “This policy is guided by public health, stringent, and consistent,” Munoz wrote on Twitter. The U.S. border has been closed to discretionary travel since March 2020.

The squeeze: The Biden administration has been under intense pressure for months to remove travel restrictions for nonessential, fully vaccinated travelers at the frontier, especially at land ports of entry.

Earlier this week, the Biden administration announced that land and ferry borders would be opened next month to fully vaccinated travelers coming from Canada and Mexico.

Open questions: A concern for many travelers, and Canadians in particular, is whether the U.S. will accept travelers who were given a mixed-dose regimen of two different Covid-19 jabs.

A Canadian government source told POLITICO on Friday said the Trudeau government has yet to receive any updates from the U.S. on its policy for mixed vaccine doses.

The U.S. will look to the Centers for Disease Control and Prevention for the appropriate definition of “fully vaccinated,” a U.S. government official told POLITICO late Thursday. The public will get an answer prior to the date of the reopening, the official said.

International visitors who have received a full dose of vaccines authorized by either the FDA or listed for emergency use by the World Health Organization will meet the criteria for entry into the U.S., CDC spokesperson Jade Fulce said this week. Fulce said the CDC will release additional guidance and information as the travel requirements are finalized later this month.

The background: Jeff Zients, head of the White House’s Covid-19 Response Team, last month outlined that foreign nationals must show proof of vaccination and proof of a negative Covid-19 test taken three days prior to boarding an airplane.

Also in September, the CDC filed a notice with the Office of Management and Budget to collect data from vaccinated international travelers. The notice is still pending review.

Zients explained the data will act as a “public health surveillance system.” U.S.-bound travelers will be asked to offer up their phone number and email address to give the CDC and state and local health officials the ability to follow up with travelers if they have potentially been exposed to Covid or other diseases.

Quarantine for vaccinated travelers coming into the U.S. will not be required; any unvaccinated Americans returning to the U.S. will be subject to stricter testing requirements, Zients said. “They will need to test within one day of departure and will be required to test again post their arrival.”

For land border crossings, the ease in restrictions will not apply to asylum-seeking migrants under public health services law, Title 42. That law “remains in place,” White House press secretary Jen Psaki said Wednesday.

Airlines applaud: CEO Nicholas Calio, head of Airlines for America, on Friday said the organization has already seen an increase in ticket sales for international travel over the past few weeks, with airlines “eager to begin safely reuniting the countless families, friends and colleagues who have not seen each other in nearly two years, if not longer.”

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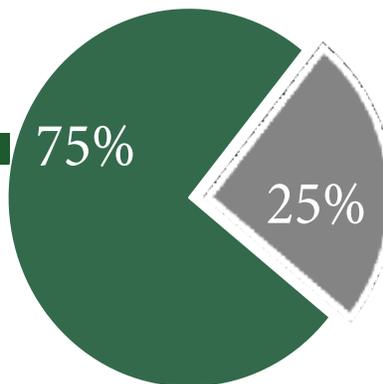
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Observations from the **FIELD**

Right-to-Repair (R2R)

R2R hearings and testimony, legislative visits and demonstrations continued to dominate our legislative/advocacy work in late September and October. As the advocates have learned, an effective social media campaigns with sound bite friendly messages like “we just want to be able to fix OUR stuff,” allows them to garner public support via an overly simplistic explanation of the issue. We regularly hear legislators repeat popular tag lines/talking points like “we bought the stuff, we paid for it, if we want to “modify” it that’s our right!” more often than not followed by a story of a delayed or overly expensive repair. Unfortunately, R2R is not a simple issue and could result in numerous unintended consequences to the environment, operator safety, liability (dealers, manufacturers, employers, etc.) and used equipment values.

There is no doubt about it even though they may look similar yesterday’s tractor is different from today’s. Technology and innovation (electrical systems/controls) have enabled “farmers” to rely on their equipment as a tool/solution to their labor and productivity challenges while at the same time use less fuel, reduce emissions, reduce input costs (fertilizer, seed, pesticide, and herbicide).

That same technology often means a repair is not a simple “mechanical” failure easily diagnosed, but more likely than not is an electrical component failure requiring higher level diagnostic skill. Virtually everyone agrees, chasing electric systems failures can be extremely frustrating. Technicians can no longer rely on a simple continuity test, they must find correct schematic, understand the complete system, interpret the schematic, then use their multimeters/tools to ensure the values match – mastering those skills does not happen overnight! Worse yet, walking a customer through an electrical/control system repair over the phone can be virtually impossible, frustrating both customers and staff. That is not to say our customers are not capable or that dealers and manufacturers don’t support a customer’s right to repair their equipment!

If collectively, we as an industry work to create as many opportunities as we can to engage with legislators, customers, Ag-affiliated associations, and communities we can help them sort through the taglines and unintended consequences. Understand how heavily you have invested in their success via your facilities, technicians and training, specialty tools, service trucks, and parts. **Dealers succeed when our customers succeed!**

Bottom line – our best opportunity to ensure the public and legislators can hear “the rest of the story” is told is for dealers to tell it.

Check out our updated legislative tracking report on the association’s website. It features an interactive states map and the ability to sort legislation by category. It is @ <https://www.ne-equip.org/legislative-update/>.

Please consider contributing to NEDA’s legislative fund and ensuring that NEDA can continue this important work on your behalf!

Workforce Development

We continue to make progress engaging with leadership and staff within the departments of Labor, Education, and Agriculture and have been able to expand our engagement to Career

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TIM WENTZ

Field Director / Legislative
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ASSOCIATION NEWS

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In Memoriam

Michael K. Hetrick

Michael K. Hetrick, 72, of New Bethlehem, passed onto greener pastures the morning of Saturday, September 18, 2021, at his home with his family by his side. Born on August 18, 1949, in Miola, he was the son of Olive Lucas Hetrick and the late Charles Hetrick.

On September 20, 1969, he married Judy Rhoades, celebrating 52 years of marriage.

He was a dedicated farmer throughout his life, as well as being a second-generation owner of **Hetricks Farm Supply, Inc.** He enjoyed raising his beef cattle and growing crops, including spending time in his sweet corn patch.

In addition to his mother, Olive and wife, Judy, he is survived by his two sons, Chad & Marcy Hetrick and Clint & Tia Hetrick; his two daughters, Laura & Alvin Heasley and Audra & Jack Fenstermaker; his brothers, Dean, Dale, Tim, and Marc Hetrick; his sisters, Judy Smith, Penny Kunselman, Cindy Hetrick and Janet Shoemake. His father, Charles Hetrick preceded him in death.

The family suggests memorial donation be made to the 4-H Scholarship Fund, PSCE- Clarion, 160 S. 2nd Ave., Suite B, Clarion, Pa. 16214. Please write Mike Hetrick on the memo line. Donations can also be made to OCOG Blessing Bags, PO Box 40, Distant, PA 16223. Blessing bags are bags of food that children can prepare themselves.



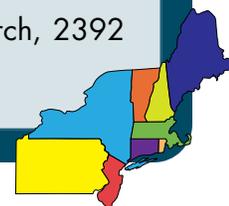
Kenneth L. Dietz

Kenneth L. Dietz, 63, of Mount Joy, died earlier this year. Born in Allentown, he was the son of the late Linford and Violet Haberle Dietz. Ken was the loving husband of Kim Johnson Dietz, and they observed their 40th wedding anniversary in October of last year. In 1979, Ken graduated from Penn State University with a Bachelor of Science degree in Ag-Mechanization.

During his career, Ken worked 15 years for Ford New Holland, and then followed with 5 years for Deere and Company. **In 1999, Ken purchased the former Landis Bros. Inc. He was President and owner of what is now known as Deer Country Farm & Lawn Inc.**

Surviving in addition to his wife, Kim, is a son, Josh, husband of Crystal Taylor-Dietz of Severn, MD, a daughter, Jenna, wife of Corey Renfroe of Pinehurst, NC, three grandsons: Jack and Noah Renfroe, Asa Dietz, and two sisters: Joyce Koder of Breinigsville, PA, and Linda, wife of Roger Erney, of Center Valley, PA.

Contributions may be sent in Ken's memory to: LCBC Church, 2392 Mount Joy Road, Manheim, PA 17545.



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HBS Systems Introduces NetView ECOM at Kubota Connect 2021

HBS Systems, a leading provider of web-based equipment dealership management solutions and rental software, will introduce NetView ECOM, a streamlined e-commerce interface, to Kubota dealers at the Kubota Connect 2021 shortly.

This solution will provide equipment dealerships an easy way to monitor and process sales orders from multiple OEMs and channels in one place. Benefits equipment dealers can expect:

- Capture online sales and increase profitability.
- Monitor status of orders at a glance.
- Review and accept orders with ease.
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- Strengthen customer satisfaction with streamlined ordering managed in one location within NetView ECO.
- Manage from one customizable screen through NetView ECOM, accessible from anywhere on any device.

"We're constantly innovating to increase our dealer's efficiency and profitability. Providing solutions that connect our dealers with their customers to strengthen customer satisfaction and loyalty is another example of partnering with our customers," said HBS Systems President and CEO, Chad Stone. "Our development team's goal over the more than 35 years has always been to deliver more technology and benefits to our customers than expected."

HBS Systems NetView ECOM Video

About HBS Systems, Inc.

Since 1985, HBS Systems, Inc. has served equipment dealers, manufacturers, and distributors worldwide in the agricultural, aggregate, construction, industrial, and material handling and rental equipment industries with our web based NetView ECO equipment dealership management software. Our integrated OEM solutions simplify complex BRP, Kubota, John Deere, CNH Industrial, Case Agriculture and Case Construction, New Holland Agriculture and New Holland Construction, AGCO, Bobcat, Vermeer, and CLAAS processes with automation and an intuitive design. To learn more, contact our experienced team at sales@hbssystem.com, or visit www.hbssystem.com.

*Courtesy of: Lisa Bennett,
HBS Systems, 800-376-6376, lbennett@hbssystem.com*

Observations *continued from page 3*

and Technology **Educators (CTE)**. Like our legislative efforts, we have found that dealer participation is vital to the success of that work. Experience has shown that teachers, administrators, regulators, and legislators are all supportive of our efforts to build a sustainable pipeline of employees, particularly when they hear from dealers! They have also told us that one of the key metrics to a successful workforce development program is ensuring that all understand and agree on the same set of required skills/competencies. While that process has been far more complicated than was anticipated, we are making progress!

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NEDA 2021 Holiday Schedule

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Friday
Friday
Friday

November 25
November 26
December 24
December 31

Thanksgiving
Thanksgiving
Christmas
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NY State HERO Act Update

Recently, the Department of Labor, in an attempt to clarify masking requirements in the workplace under the HERO Act, updated the Model Airborne Infectious Disease Prevention Plan. The revisions are as follows:

Four Face Coverings: When in use, face coverings must cover the nose and mouth, and fit snugly, but comfortably, against the face. The face covering itself must not create a hazard (e.g., have features could get caught in machinery or cause severe fogging of eyewear). The face coverings must be kept clean and sanitary and changed when soiled, contaminated, or damaged.

1. [APPLICABLE FOR MOST WORKPLACES] Employees will wear appropriate face coverings in accordance with guidance from State Department of Health or the Centers for Disease Control and Prevention, as applicable.

2. [APPLICABLE FOR WORKPLACES] where all individuals on premises, including but not limited to employees, are fully vaccinated – defined as having completed a federally authorized or approved vaccination series for an airborne infectious disease designated as a highly contagious communicable disease that presents a serious risk of harm to the public health (as is currently the case for COVID-19, pursuant to the Commissioner of Health’s designation)] Appropriate face coverings are recommended, but not required, consistent with State Department of Health and the Centers for Disease Control and Prevention applicable guidance, as of September 16, 2021.

It’s clear that the Department strongly recommends that all employees wear masks when indoors regardless of vaccination status. One could argue that the DOH/CDC guidance is just that, guidance - and does not include a mandate for universal mask wearing, but it is clearly the preference of the Department that HERO Act plans reflect such a requirement. There was no corresponding update to the Airborne Infectious Disease Prevention Standard. Industry templates have been updated.

Both the CDC and OSHA recommend face masks regardless of vaccination status, in areas of “substantial” or “high” rates of transmission. Employers should consider adopting their HERO Act plan to reflect these recommendations.

NY 2022 Upstate Minimum Wage Announced

Yesterday, the Commissioner of Labor announced that the minimum wage for miscellaneous industries in upstate New York will increase to \$13.20 per hour effective 12/31/21. See chart below. This change is made per the statute upon review by the Commissioner and the Department of Budget on how such a change would impact the upstate economy. Remember, there are separate minimum wage rates for Hospitality (including fast food workers), Building Services, and Farm Labor. New posters will be available soon and can be found on the Department’s website.

This increase will also affect the minimum salary levels for exempt employee in New York who are considered exempt under the Executive and Administrative exemption. Those salaries are 75 times the minimum wage. Therefore, those minimum salaries will rise to \$990.

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Department of Labor Issues Guidance on Cannabis Law

New York State's Cannabis Law and identifying the key policy and performance management takeaways for New York State employers.

The practical limits of testing employees for marijuana were front and center in our discussions. While we noted that (at the time) the law did not specifically prohibit marijuana testing, it seemed that apart from limited circumstances employers were better served foregoing the test.

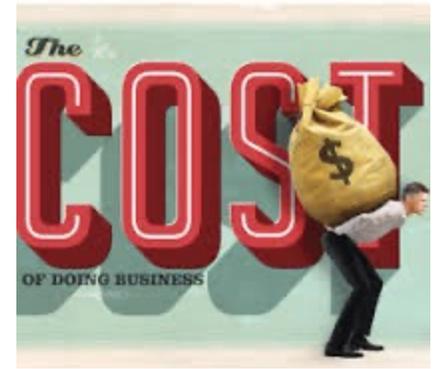
On Tuesday, October 19, 2021, the New York State Department of Labor in essence confirmed this approach. In its new guidance, the Department made it clear that employers may not test employees for marijuana unless they have an objective indication that the employee is impaired. Even with a policy that bans marijuana on a work site – which remains perfectly permissible – employers must be able to document impairment signs before they test. Intangible suspicion - even based on factors such as smell are not enough.

The Department's complete guidance can be found here.

Clients desiring assistance in drafting policies or developing a compliance plan for the Cannabis Law may contact Michael Dodd (mldodd@ferrarafirm.com) or Nicholas Fiorenza (njfiorenza@ferrarafirm.com) for assistance. Phone: 315-437-7600 | Fax: 315-437-7744-Rochester, New York 14625 | Phone: 585-441-0345 | Fax: 585-563-6883-95 Brown Road, Suite 223 Ithaca, NY 14850 | Phone: 607-272-5669.

THE RESULTS ARE IN!!

The 2021 Northeast Equipment Dealers Association Cost of Doing Business Survey (CODB) has been compiled.



Thanks to the many members who participated in our survey this year, the report continues to take on new significance in assisting dealers to:

- ◆ **Compare their financial performance to that of all dealers (regardless of lines or manufacturers represented).**
- ◆ **Assist in the valuation process of their businesses for estate planning, buy/sell agreements; sales, mergers/consolidation purposes.**
- ◆ **Utilize benchmarks in the survey so that dealership goals and budgets can be established for future years.**

Finally, your Northeast Equipment Dealers Association must continue 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.

Once again, Equipment Dealer Consulting, P.C. Certified Public Accountants (formerly SWA Financial Consulting, P.C.) – Lonnie Finch, CPA; Tom Hancock, CPA; and Bridget Staker – took the information provided by dealers and compiled the results into a Study that we are proud of and one that will be a useful tool in the management of your dealership(s).

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HOW TO PROPERLY EVALUATE AG TIRES ON TRADE-IN EQUIPMENT

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or their website at www.Dawsontireandwheel.com

~ Article courtesy of "Dawson Tire & Wheel"

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How to Respond to Employees Who Refuse Covid-19 Vaccines

Oct. 7, 2021, 4:01 AM | **Jonathan A. Segal** | Duane Morris LLP

Duane Morris LLP employment and labor partner Jonathan A. Segal offers tips for businesses to navigate the complex situations that will arise when employees refuse to get the Covid-19 vaccine. He analyzes several possible scenarios.

Initially, vaccine mandates were the exception. Now, they increasingly are becoming the rule as the data demonstrate that vaccines are highly effective against hospitalization and death.

The question becomes how do you respond to an employee who refuses to be vaccinated as mandated. You know the answer: "It depends." Let's discuss on what "it depends" means.

Government Mandates

Some state and local jurisdictions mandate vaccines. These mandates focus primarily on health-care providers, teachers, and law enforcement.

The federal government also has announced various vaccine mandates, for example:

1. A defined but large group of employees who work for certain federal contractors and subcontractors; and
2. Employees who work for nursing homes, hospitals, and other health-care providers (broadly defined) covered by the Centers for Medicare & Medicaid Services (CMS).

In some cases, the mandates specifically reference medical and religious exemptions. Even if such exemptions are not specifically referenced, or at least not yet, employers most likely need to interpret and administer government mandates with such exemptions in place.

In the absence of such exemptions, a state or local mandate would appear to conflict with federal laws (namely, the ADA and Title VII).

Absent from the list of vaccine mandates is the promised, but not yet released, Occupational Safety and Health Administration emergency temporary standard (ETS) for employers with 100 or more employees. Contrary to many summaries of it, the OSHA ETS as presaged is not a vaccine mandate. Employers will have the right to provide employees with the option of either being vaccinated or tested for Covid-19 at least weekly.

Discretionary Mandates

Many employers have issued mandates independent of government mandates. This includes the growing number of employers that have issued mandates in anticipation of the OSHA ETS.

From what we know now, nothing in the OSHA ETS will require that employers offer employees Covid-19 testing as an alternative to vaccination. Covered employers still could mandate vaccines, subject to religious and medical exemptions.

Exemptions

Let's begin with the likely assumption that all mandates, imposed by the government or discretionary on the part of employers, will include religious and medical exemptions. With regard to these exemptions, there is a two-step process.

The first question is whether the employee falls within an exemption. The second question is whether the employer can make a reasonable accommodation as required by law.

It is important not to conflate the two steps. Some employees may qualify for an exemption but that does not necessarily mean there is an accommodation that would enable them to continue working. Avoid making a decision on an exemption based on the accommodation analysis.

On the issue of analysis, let's run through some scenarios.

Refusal Scenario 1

Let's assume that the employer mandates vaccines and an employee has neither been vaccinated nor applied for a religious or medical exemption. The employer is on strong legal grounds to terminate the employee.

The employer's position is stronger if its vaccine policy addresses this scenario and makes the consequences clear to the employee. The clarity of consequences also may make less likely this scenario will apply.

In the case of union employees, employers minimize the likelihood of a challenge by giving the union prior notice of the mandate and working with the union, even if there is a strong management rights clause. This can be done in a way that does not concede a duty to bargain.

Refusal Scenario 2

Let's assume that the employer mandates vaccines and an employee has applied and been approved for an exemption but the employer concludes, after engaging in the reasonable accommodation interactive process, that there is no reasonable accommodation that would enable the employee to work remotely or safely on site. This is not a refusal, but some employers treat it as though it were by terminating the employee.

At a very minimum, and at least initially, the employee should be placed on unpaid leave. However, the leave should not be indefinite. Circumstances may change; plus, indefinite leave sets a bad precedent.

Consider granting leave for some specified period of time, for example, 30 days. Upon conclusion of the time period, additional leave may be reasonable. It is also possible that another job will become available that in the employer's judgment, and consistent with any applicable law, the employee could perform without a vaccine.

Refusal Scenario 3

Let's change the facts again. Virtually all employees agree to be vaccinated or fall within an exemption. But two key employees critical to a project are not vaccinated and have not applied for an exemption. Can you allow them to work anyway?

It is not illegal to make exceptions (as opposed to exemptions) to your policy, but such exceptions carry with them legal

continued on page 14

3 WAYS TO SELL YOUR EQUIPMENT

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Like-Kind Exchanges: Demystifying Section 1031 of the Internal Revenue Code

Prior to the Tax Cuts and Jobs Act (TCJA) of 2017, 1031 exchanges applied to more than just real estate. As a result of the TCJA, the trade of like-kind personal property for other personal property is now treated as a taxable event. In response to this change, taxpayers had numerous questions on the definition of "real property" including whether a like-kind exchange would fail if incidental personal property was received. Under Section 1031 of the United States Internal Revenue Code (26 U.S.C. § 1031), a taxpayer may defer recognition of capital gains and related federal income tax liability on the exchange of certain types of property, a process known as a 1031 exchange. It is extremely important to note that the gain is not eliminated, it is only deferred.

Under the regulations promulgated by the Department of Treasury, real property includes land and land improvements, crops and other natural products of land, and water and air space superjacent to land. The definition of real property also includes permanent structures such as buildings, roads, and bridges. Real property such as a structural component of an inherently permanent structure (i.e., walls, doors, and wiring) also qualifies under Section 1031. The regulations provide a list of structures that qualify as real property as well as factors that must be used to determine if the property is considered an inherently permanent structure.

Even if a property is not listed in the proposed regulations, it can still be considered real property, based on a consideration of all the facts and circumstances. Certain fixed assets (i.e., equipment) often accompany real property and must be analyzed to determine whether they are part of the real property. Generally, machinery or equipment is not an inherently permanent structure. As a result, it is not real property, unless it serves an inherently permanent structure and does not produce or contribute to the production of income other than for the use or occupancy of space.

Taxpayers may perform a functional test for structural components to determine whether they serve an inherently permanent structure. For example, an argument can be made that under the Treasury regulations, a natural gas line to a furnace may be real property, but a similar gas line to a fryer and ovens is not. Let's take a moment to discuss incidental personal property. If a taxpayer receives office furnishings in addition to an office building, does that mean that the Section 1031 exchange is invalid? Based on the Treasury department regulations, the answer is No.

Personal property is considered incidental to an acquisition of real property if the personal property is customarily transferred together with the acquired real property and the fair market value (FMV) of the personal property does not exceed 15% of the FMV of the real property. However, gain will need to be recognized equal to the lesser of the realized gain on the relinquished property or the FMV of the acquired personal property. Section 1031 exchanges are often over-complicated for no good reason. If a taxpayer sells a relinquished investment property and purchases a replacement investment property within the applicable period using a qualified intermediary, the transfer will often be valid in the eyes of the Internal Revenue Service.

There are other nuances and documents that are required to facilitate the exchange, including the filing of a Form 8824 on the exchanging party's tax return, but these are the very basic and barebone requires to facilitate a successful Section 1031 exchange. Is your business looking to sell real estate and reinvest into other real estate? Contact the professionals at The Center for Financial, Legal, and Tax Planning, Inc. Our office is more than knowledgeable with regards to the real estate, legal, and accounting portions of a 1031 exchange and we'd love to assist you in a successful deferral of capital gain tax. Please contact us at (618) 997-3436.



NEW YORK FARM SHOW

Indoors & Outstanding

*New York Farm Show is Back!
February 24-26, 2022*

September 15, 2021, (Syracuse, NY) "I am pleased to announce that the 2022 New York Farm Show will be back, in person and a live event." said Scott Grigor, Show Manager. The Northeast Premier Indoor Farm Show will be February 24-26, 2022 at the NYS Fairgrounds, Syracuse, NY. with over 400 exhibitors covering more than 300,000 sq. ft. of exhibit space waiting for you.

"The planning process has already begun for the 36th Annual Show and our motto "Indoors and Outstanding" is our goal to provide the best possible experience for the visitors, exhibitors and everyone involved with the show. Exhibitors from across the country, Canada and a few from overseas participate in the show." Grigor added.

New York Farm Show strives to present new and practical equipment, services and products to help make your farm operation more efficient and profitable. The latest technologies of the agricultural industry will be showcased at the show. Visit our website (www.newyorkfarmshow.com) to see a full list of the many products and services that will be at the show.

Visitors can keep updated by checking our website (www.newyorkfarmshow.com) for the latest updates and events planned. In January you can visit your local Northeast Equipment Dealer to pick up free tickets to attend the show.

Most current exhibitors have already reserved space for 2022. If you would like to be an exhibitor at the 2022 Show simply visit our website www.newyorkfarmshow.com go to the Exhibitor Resources and scroll down to Exhibitor Space Reservation and 2022 Contract. Complete and return the contract ASAP. You can also contact, Scott Grigor, Show Manager at (315) 457-8205 or sgrigor@ne-equip.com for assistance or to reserve exhibit space.

New York Farm Show takes pride in supporting our agricultural youth. The Oneida County 4H Teen Council will once again be our greeters, sell and collect ticket, handout programs and provide information to our visitors. New York FFA will host the annual Robert Watson Toy Auction with the proceeds benefitting the FFA. "I strive to support all of agriculture and it begins with our youth. They are the future of our industry." said Grigor.

"I welcome agricultural presentations and seminars to participate in the show as well. If you are interested please contact Scott Grigor, Show Manager at (315) 457-8205.

"I'm excited that New York Farm Show is back and I look forward to working with the exhibitors, 4H, FFA and presenters. It will also be great to see the thousands of visitors at the show. Enter the dates February 24-26 into your calendar. The 36th Annual New York Farm Show will be back and better than ever." said Scott Grigor, New York Farm Show Manager.

WORKPLACE CONTROVERSIES

Tuesday, November 16, 2021
(12:00 PM Central Time)

60 minutes | Complimentary |
Advance registration required

In this webinar, we will talk about common points of friction in the workplace, and how business leaders can minimize and resolve them. We will provide real life examples and a few cautionary tales — and round out the discussion with some simple steps to defuse these situations.

WHO SHOULD ATTEND:

- Risk Managers
- HR Professionals
- Managers
- Supervisor

REGISTER NOW!!!

Employees Who Refuse Covid-19 Vaccines

continued from page 10

and employee relations risks. By way of example only, let's assume the two employees for whom you want to make exceptions are white women.

One can see equal employment opportunity and other claims when exceptions are not made for women of color or men. Also, what is the message to your workplace if the safety risks are handled differently based on the perceived importance of an employee?

And that leads to the last issue.

Are You Really Able to Mandate?

Unless vaccines are mandated by law, employers should consider whether a mandate is practical for its workforce. While a mandate may be desirable in the abstract, in some workplaces, it may result in a loss of the person power an employer needs to meet its obligations, let alone goals.

In these situations, testing coupled with enhanced safety precautions to reduce the transmission risk, may be an advisable alternative. In developing the enhanced safety precautions, an employer benefits by relying on a health-care/infection control professional. Enhanced safety precautions may include, for example, double masking, relocating an employee's primary work area and/or prohibiting the employee from participating in meetings in conference rooms or other enclosed areas.

One may not prefer this option. But having to close a location, division, or department or stopping sales, service, or delivery is not a great option either. No one size fits all and no answer is risk free.

*~ Article courtesy of: Brook Duer,
Staff Attorney—Center for Agricultural and Shale Law
Cell (717) 874-0935 – dhd5103@psu.edu*



Artwork courtesy of: <https://www.freepik.com/vectors/design>

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ASSOCIATION STAFF

Ralph Gaiss, Executive VP/CEO
800-932-0607 x 222
rgaiss@ne-equip.com

Dave Close, Operations Manager
800-932-0607 x 235
davec@ne-equip.com

Kelli Neider, Administrative Assistant
800-932-0607 x 200
kneider@ne-equip.com (Business Forms)

Tim Wentz, Field Director / Legislative
Committee Chairman
C: 717-576-6794, H: 717-258-1450
wentzt@comcast.net

Scott Grigor, NY Farm Show Manager
800-932-0607, Ext. 223
sgrigor@ne-equip.com

Art Smith, Consultant/Editor, *NE Dealer*
sja1203@gmail.com

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good health, good times and good
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*From the Staff
and Officers of
Northeast Equipment
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Artwork courtesy of:
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FMCSA Issues Final Rule Regarding Drug and Alcohol Violations

The Federal Motor Carrier Safety Administration (FMCSA) has issued a final rule which requires State Driver's Licensing Agencies (SDLA) to query – or “pull” information from – the Drug & Alcohol Clearinghouse prior to issuing, renewing, transferring, or upgrading a commercial driver's license or commercial learner's permit.

If the query indicates that a driver is prohibited from operating a commercial motor vehicle, the SDLA must deny the licensing transaction, resulting in non-issuance. Additionally, the rule requires SDLAs to remove commercial driving privileges from a driver's license upon receiving a “push” notification from the Clearinghouse of a driver's violation. States must complete the downgrade within 60 days of notification, or as soon as practicable.

Certain CMV enforcement personnel will be able to access the operating status of CDL or CLP holders during roadside interventions. This information will be available as soon as the violation is reported to the Clearinghouse, even if the SDLA has not yet processed the license downgrade in the allotted 60-day timeframe. If the officer determines that a driver is prohibited from operating due to a drug and alcohol program violation, the driver will be placed out-of-service and subject to citation.

Related news:

FMCSA Rule Gives States 60 Days to Revoke CDLs for Drug Violations
FMCSA tells states to ban drivers with drug, alcohol strikes

~ Article courtesy of Tany of New York



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CYBERSECURITY AND AG CYBERCRIMINALS TAKE AIM AT AMERICA'S FOOD SUPPLY

You'll never see their faces, but high-tech criminals lurk far beyond the farmgate. Their intent is to cause chaos and financial loss for America's farmers and ranchers. The risk has only heightened as agriculture becomes increasingly digitally interconnected with the country's food supply and transportation networks.

Agriculture was reminded of that ever-present threat of cyberattack this week when NEW Cooperative in Fort Dodge, Iowa, confirmed Monday it had been hit with a ransomware attack that affected the grain cooperative's operations, which include 60 elevator locations across north-central and western Iowa. For the latest on that story, see <https://www.dtnpf.com/...>

"These attackers used to go after the Amazons and banking institutions of the world, but now they are looking at different companies, specifically those in agriculture and energy," says Sarah Engstrom, chief information security officer and vice president of IT security, productivity and privacy for CHS.

Engstrom is in the IT trenches every day for CHS, a diversified and global agribusiness cooperative organized in

1929, and headquartered in Minnesota. She did not shy away when asked to talk about the challenges large entities like CHS face from cyberattackers. "They are looking for targets they believe are more prone to caving under an attack, or to being exploited and not having the proper security resources in place," she says. "We are seeing it, and we are hearing of smaller companies getting pummeled with cyberattacks and ransomware."

Fighting cybercrime isn't as simple as installing a new lock and chain. Cybercriminals are high-tech crooks, constantly changing the tools of their trade. It's far from a new line of work.

IT'S NOT IF, BUT WHEN

Today, for many in IT, a data breach has become more of a "when" than a "what if" scenario. According to the FBI's 2020 Internet Crime Report, the agency received 791,790 cybercrime complaints in 2020, with losses of more than \$4.1 billion. That is a 69% increase from year-earlier levels. The FBI reports attackers are increasingly using tools like machine learning, artificial intelligence and even 5G mobile networks to ramp up offenses.

The website Gearbrain, which tracks data breaches and hacks, reported that in the first quarter of 2021, the number of people impacted by data breaches climbed 564% compared to year-ago levels. The number of compromised companies in the U.S. were up 12% over that same period. The report says the "rise in supply chain attacks is troubling." Some IT specialists believe one reason for the increase has been the increase in employees working from home, where they are not always connected to company computer networks.

One of the most public breaches so far this year has been against JBS USA, a processor responsible for production of about one-fifth of this nation's meat supply. The company was forced to halt slaughter operations in 13 meat processing plants, and reported it paid \$11 million to hackers to regain control of its systems. This happened despite reports from JBS USA that it spends more than \$200 million annually on IT and employs more than 850 IT specialists around the world.

~ Courtesy of: By Victoria G. Myers Progressive Farmer Senior Editor
vicki.myers@dtn.com

Illegal Tampering Toolkit



EDA we recognize that the Right to Repair legislation is an issue that could have a significant impact on dealers across the United States and Canada. Our position on this legislation states:

- EDA Supports legislation that protects consumers.
- EDA opposes legislation that allows the widespread release of proprietary equipment repair information to unqualified persons or entities which are not subject to uniform standards including training, safety, engineering, and environmental.
- Such legislation could facilitate conduct that would put equipment operators and third parties at risk and put dealerships that invest in training, safety, and liability coverage at an unfair disadvantage.

EDA has created an Illegal Tampering Toolkit for our members. This toolkit is 100% FREE OF CHARGE and includes extensive resources for your business to use.

[Click here](#) to access the section of the EDA website or email info@equipmentdealer.org.

Key points to consider when selecting a group health plan for your employees

Health insurance is complicated, lots of factors go into choosing the right plan. NEDA and our health insurance sponsors can help explain all your options and build a plan that will meet your group health insurance needs and your budget. When you talk to us, some of the topics we'll consider are:

- **Plan Type** – So many letters! – HMO, PPO, HSA, FSA, and many others. Each of these plans will cover you and your employees a little differently. Different plans have different network availability, deductibles, savings components and more. We can help you select the right one for you or design a program that allows your employees to have some choices.

- **Deductibles** – A deductible is the amount you pay for healthcare services before your health insurance begins to pay. Most plans offer a variety of deductible options from as little as \$0 to several thousand dollars. The size of the deductible you choose directly affects the cost of the plan. Together we'll consider what you and your employees may be comfortable with.

- **Maximum** – out of pocket maximums are the most an individual will pay during the year for covered medical services. These too can vary greatly and directly affect the cost of the plan.

- **Prescriptions** – prescriptions are an important

part of a healthcare program and can drastically affect how much someone will pay each year. There are many factors, but a couple we'll need to consider are, what drugs are covered, and which pharmacies participate in the plan.

- **Provider Networks** – networks can vary, some have a very broad range of providers available, while others use a very limited set of doctors. Some plans don't cover out-of-network providers, or they may provide coverage at a much lower rate. We'll need to make sure that local providers, hospitals, and pharmacies are part of your network.

- **Additional coverage** – in addition to your group health plan, you can also offer additional coverage like vision, dental, life insurance, accident policies and more. These "voluntary" programs can be employer or employee paid or a mix of both.

These are just a few parts of a health plan you should be thinking about. NEDA and our health insurance provider team is available to explain each of these topics and talk about how each can be adjusted to fit your operation and your budget. Your business has enough challenges, insurance shouldn't be one of them! Give us a call today at 1-800-932-0607 for more information on what we can offer. We look forward to hearing from you!

~ Courtesy of Morning Ag. Clips

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BY JOHN CHAPIN

“ ... you’ve undoubtably come across my statement that the biggest key to business-building and sales success is activity, or, more specifically, activity that leads to sales: prospecting, presenting, and closing.0

The Most Important Business Building Questions

If you’ve read many of my articles in the past, you’ve undoubtably come across my statement that the biggest key to business-building and sales success is activity, or, more specifically, activity that leads to sales: prospecting, presenting, and closing. It’s simple, the more people you talk to, the more business you’ll do. Even a blind pig finds corn. If you talk to enough people during the day, you’ll eventually bump into someone who says, “I need what you have”, or “I know someone who needs what you have.” Below are some questions you can use to direct your days activities.

Questions that lead to sales success – What will I do today to grow my business?

This is the most important question to ask first thing in the morning. Your answer should revolve around *proactive activities* to grow your business. Ideally that activity consists of lots of in-person calls at best, and phone calls at the very least. Cold e-mails are one of the worst, if not *the* worst, forms of initial communication unless accompanied by a phone call or in-person visit.

I tell new salespeople, “Your number one priority in life is to go out and talk to new people about what you do. Everything else comes after that.” The only exception is if they have kids. In that case, the kids come first, and the second priority is sales calls. It isn’t paperwork, cleaning your desk, spell-checking a letter, or answering a call from a client to tell them something basic like what address to send their paperwork to.

One of the primary goals of your activity is to talk to and meet new people. This is one of the challenges I have with networking groups. You’re talking to the same people repeatedly whose number-one priority is to sell you something as opposed to the other way around. When you go out and knock on doors and ring phones, you control the numbers.

Note: A variation of the above question is: “**What will I do tomorrow to grow my business?**” You of course ask this question the night before. Come up with one, two, or three ideas and then set some goals around those. For example, 10 in-person cold calls, 30 follow-up phone calls, and 30 follow-up e-mails. You might even add sending out five handwritten notes. In blue ink of course.

What am I doing right now to grow my business?

Use this question to stay focused on your sales numbers during the day. If it’s currently prime time (the time in which you can reach prospects), you should be prospecting, presenting, and closing 80% of the time, or more. I recommend you make two signs in the largest font possible on your computer that say, “Am I prospecting, presenting, or closing right now?” Put one at your work desk and the other in your car if you make in-person calls. Also, you of course want to use your time wisely by grouping calls together.

What did I do today to grow my business?

What are your results at the end of the day? Did you hit the numbers you needed to hit to be successful? How many people did you call on and how many did you talk to? Based upon your annual, monthly, weekly goals, and daily activity, did you get done what needed to get done? **How many new people did I make aware of my business today?**

Also remember how important persistence is. 81% of appointments are made after the fourth contact. 80% of salespeople don’t make the initial four contacts. The average executive gets **400 e-mails** a day and has **52 hours of unfinished work** on their desk. When they have a to-do list of 76 items and you show up as number 77, it’s most likely going to take some time to move up the list.

*John Chapin is a motivational sales speaker and trainer. For his free newsletter, go to: 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) – also the largest sales book on the planet (678 pages). johnchapin@completeselling.com. - 508-243-7359*

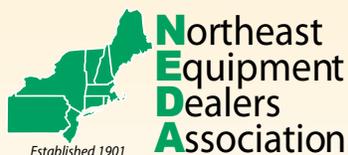
COST OF DOING BUSINESS STUDY

The 2021 Cost of Doing Business Study presents the annual financial and operational profile of independent, retail equipment dealerships.

This Study is made possible through the cooperation of participating dealers associations and their members who provided detailed financial and operational information for their individual companies. The Study assesses financial performance and presents composite income statements and balance sheets in addition to averages for key financial performance ratios. Use it to:

- Ⓞ Compare your financial performance to that of all dealers (regardless of lines or manufacturers represented);
- Ⓞ Use it to assist in the valuation process of your businesses for estate planning, buy/sell agreements, mergers/consolidation purposes;
- Ⓞ Use the benchmarks to establish future goals and budgets.

NEDA participated in this joint venture, with other Association affiliates in North America, because it is important for a trade association to generate this type of information for members to measure their own performance against industry averages. The data sets benchmarks you can use to establish financial plans to improve profitability.



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