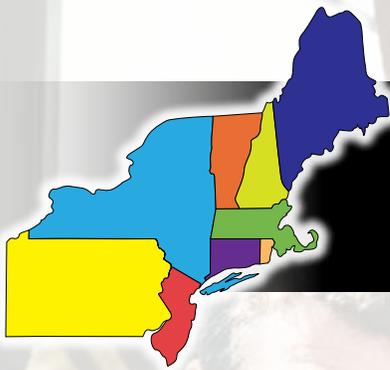


# DEALER

The Newsletter of NORTHEAST EQUIPMENT DEALERS ASSOCIATION, INC.



## DOL WAGE AND HOUR AUDITS ON THE RISE: REDUCE EMPLOYER LIABILITY BY PROPERLY CLASSIFYING EMPLOYEES AS EXEMPT OR NON-EXEMPT

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With wage and hour audits on the rise, it is important to ensure that your dealership complies with federal and state wage and hour laws before an investigator walks through your door (sometimes unannounced). During a wage and hour audit, the investigator will gather information related to wages, hours, meal breaks, and other employment conditions. Additionally, the investigator will determine whether each employee is properly categorized as "exempt" or "non-exempt" under the Fair Labor Standards Act ("FLSA").

As an employer, you should conduct a self-audit to ensure that employees are properly classified as **exempt or non-exempt**, especially in light of any reassignments of duties that might have occurred during the COVID-19 pandemic. An employee should be considered "**non-exempt**," unless the employee qualifies for certain statutory exemptions under the FLSA. The common statutory exemptions include:

1. Administrative Employees.
2. Executive Employees.
3. Professional Employees.
4. Computer Professionals.
5. Outside Sales Employees; and
6. Highly Compensated Employees.

At first glance, it may appear that an employee could easily satisfy one of the common statutory exemptions. For example, it would seem that an employee with the job title of "Administrative Assistant" should qualify for the "Administrative Employee" exemption. However, the determination of whether an employee qualifies as "exempt" is not so simple and requires a more thorough examination.

To qualify for "exempt" status under one of the common statutory exemptions, an employee must satisfy the following criteria:

1. **The "Salary Basis Requirement":** To satisfy the Salary Basis Requirement, an employer must:
  - a. Pay the employee a predetermined salary (rather than an hourly rate) each pay period, which is not reduced based upon the quality or quantity of work performed; and
  - b. The predetermined salary must satisfy the "predetermined salary threshold" set by the DOL, which, as of the time of writing is \$684/week.
2. **The "Duties Test":** The DOL often refers to the second factor as the "Duties Test." To satisfy the Duties Test, the employee must perform certain duties and responsibilities in his/her position. The duties and responsibilities that must be performed are specific to each exemption. For more information on specific duties and responsibilities, [click here](#).

An employee who satisfies the criteria listed above may be classified as "exempt" and would therefore not be subject to the FLSA minimum wage and overtime requirements. The FLSA also provides **an** *continued on page 4*

# Exclusive WC Program

New York Members of the Northeast Equipment Dealers Association



## NEDA Workers' Compensation Safety Group

Average Dividend of 25.5%  
For the Last 10 Years

### DIVIDEND HISTORY

Policy Year	Dividend
2019-2020	35.0%
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%

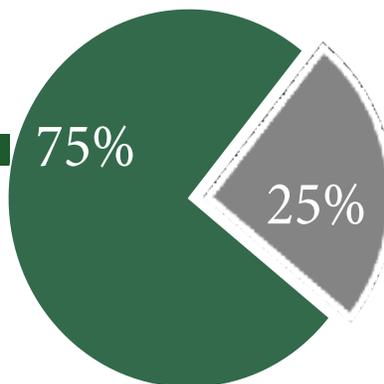
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# Observations from the **FIELD**

Commodity prices, inflation, interest rates, persistent supply chain “challenges,” the war in Ukraine, labor supply, and “business” decisions by our manufacturers will all have an impact on our dealerships and industry, and all are beyond our control! I had hoped that 2022 would be less complicated and provide dealers with a better opportunity to take stock and map out future plans. Unfortunately, that does not seem to be the case.

Inventory management, particularly access to new whole goods, and labor (hiring, training, and retaining quality staff) seem to be at the top of most dealers’ lists of challenges. It seems that dealers are not able to find enough of either these days! Achieving market share/performance objectives becomes virtually impossible without an adequate supply of inventory. Expectations are that supply chain “challenges” will persist well into 2023, if not longer. Please take time to document/record all conversations with your manufacturer representatives (follow all phone calls/personal visits with a summary email, etc.), particularly those focused on stock and retail equipment orders.

Unfortunately, March was a busy month on the legislative front. We had several new Right-to-Repair (R2R) bills introduced in CT, RI, and NJ in our region, and another in the US Senate. The bills in MA, NJ, CT, and RI are particularly worrisome to me. I would ask those of you who have market responsibilities in any of those states to please contact me!

In addition to their social media and legislative efforts, R2R advocates have added the courts as another avenue/opportunity for success, filing “antitrust” lawsuits to include a request for class action status. I cannot say how those lawsuits will play out, if there will be others filed, by whom, but the fact that they have been filed generated significant press coverage and another opportunity for R2R advocates to present “their” version of “the facts”. Rest assured, NEDA, EDA, and our regional association partners are working hard to ensure that legislators fully understand the issue and, more importantly, the unintended consequences legislative action might have on our dealerships and industry.

I was reminded how effective the advocates’ social media/online campaigns have been while talking to high school career fair participants. Several students had stopped by to talk with me about our Ag Technician Apprenticeship and Pre-Apprenticeship programs. As I was explaining the program and career potential, leaning heavily into the advanced application of “technology,” one student went directly to “advocates’” talking points. I probably should not have been surprised to hear them tell me that manufacturers want to make it impossible for farmers to fix their own equipment. That they do not have access to the diagnostic tools and parts, etc. Needless to say, we had an interesting conversation!

As I thought back to that conversation, it became clear to me that dealer engagement may be our best tool if we are to ensure that our customers and, in turn, our legislators have the “facts.” Please take the time to **educate your parts, sales, and service staff** about R2R and ensure that they can talk to your customers/the public with authority!

**Together we can do great things. REAP the benefits of membership,  
your PROFITS will follow!**



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# ASSOCIATION NEWS

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together we can  
accomplish great things!

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## Reduce Employer Liability

*continued from page 1*

exemption (from overtime provisions only) for certain salesmen, partsmen, and mechanics who are employees of dealerships primarily engaged in selling farm implements. However, the test to determine whether this exemption applies depends on the dealership's annual dollar volume derived from sales of farm implements and the amount of time the respective employee spends selling and/or servicing farm implements. The analysis to determine whether an employee is "exempt" from such requirements is often fact intensive. We recommend seeking advice of counsel to confirm the "exempt" and "non-exempt" status for each employee, which will help reduce the risk of liability for your business.

~ Article courtesy of: Hilary Holmes Rheaume, Attorney with BERNSTEINSHUR  
603-665-8839 of Manchester, NH, Portland, ME, and Augusta, ME

## Association Members Vote to Merge, St. Louis, MO (3.6.22)

The joint membership of the Midwest-SouthEastern Equipment Dealers Association (MSEDA), the United Equipment Dealers Association (UEDA), the Western Equipment Dealers Association (WEDA) and the Equipment Dealers Association (EDA) have voted overwhelmingly in favor of moving forward with a merger of these four associations to form the new North American Equipment Dealers Association (NAEDA).

The member vote was the final step in the merger process to create the new association of equipment dealers.

We appreciate the overwhelming level of support that we have been given by our members," stated Tom Rosztochy, Chair of the Long-Range Planning Group. "Now that our members have ratified the merger resolutions, we will start with our transition plan and consolidating our resources – taking the best of all four organizations to enhance our value proposition to dealers."

A major reason for proceeding with this merger is our members will benefit from a larger, financially strong association that will provide more services to address the needs of today's equipment dealers," added Rosztochy. "I am very pleased with the confidence that our members have shown in this unification plan.

The effective date of the merger is projected for July 1, 2022.

The newly formed North American Equipment Dealers Association will continue to represent dealers on a national basis with manufacturer relations and in federal government affairs in Ottawa and Washington, D.C. NAEDA will also continue to represent dealers in their 24 U.S. state capitals and state regulatory issues of the states involved in the merger, as well as in 9 Canadian provinces. The North American Equipment Dealers Association will continue to work with all regional equipment dealer associations in North America effectively representing agricultural, construction, industrial, forestry, outdoor power, lawn, and garden and/or turf equipment dealers. –

### For more information contact:

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## Deere to Sell Servicing Rights to Farmers

Starting in May, farmers and independent repair shops will be able to buy John Deere's Customer Service Advisor diagnostic tool. This will end the requirement for Deere-certified technicians to complete the work on equipment. Starting at \$1,200, the software will allow customers to clear and refresh codes, take diagnostic readings, and perform limited calibrations.

~ Article courtesy of American Agriculturist News, 3-28-2022



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## Fair Repair Act of 2022

Last week an Illegal Tampering Bill was filed in the U.S. Senate. Previously, Senator Tester from Montana filed an ag-specific tampering bill. This bill, called the Fair Repair Act of 2022, encompasses many more industries. Most troubling is this bill possesses language that would prevent dealers from earning a profit on parts and tools. While this isn't the first bill to be filed with this type of language, we have to confront it head-on each and every time we see it.

We encourage you to email, call, and contact the sponsors of this legislation and voice your opposition. In addition, call your respective Senator's office to voice your opposition to S 3830. The EDA is actively engaging with legislators to combat this bill and is scheduling meetings with each sponsor's office to explain the implications this bill will have on your business. We have created templates to assist you in your advocacy. Those are found on the EDA's website. The EDA will be engaging on your behalf, but the most important voice in this fight is yours.

### Sponsors:

Cynthia Lummis (R-WY)  
Ron Wyden (D-OR)  
Ben Ray Lujan (D-NM)

[Click here](#) to read a copy of the bill.

## NEW MEMBERS

### NEW ASSOCIATE MEMBERS

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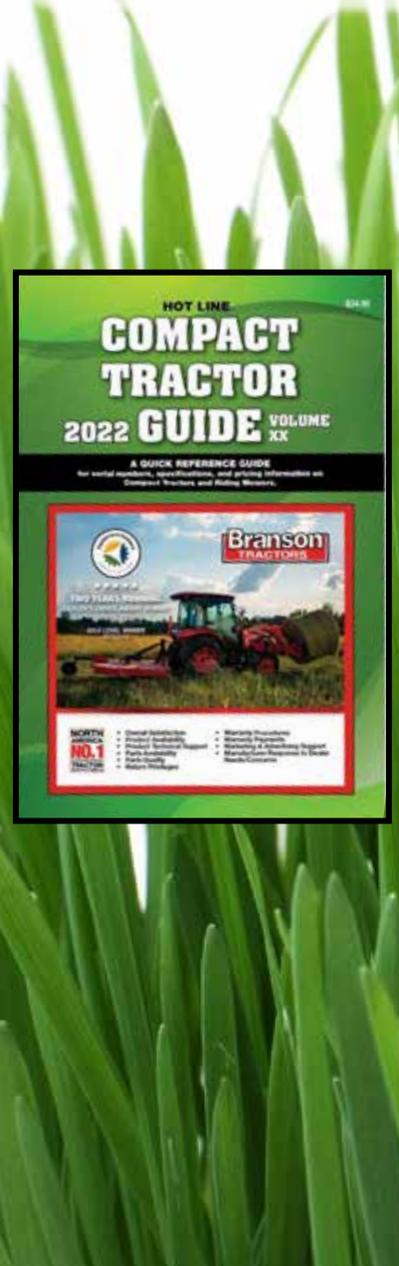
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Please Join Us In Welcoming  
Our New Members To NEDA.



# GET YOUR 2022 GUIDES TODAY!



# Why Businesses Are Turning to Text-to-Pay in 2022

Businesses adopted text-to-pay during the pandemic as a way to avoid face-to-face interactions and allow people to pay for things in the comfort of their own home. This system has grown a lot over the past two years, and now customers don't want to get rid of it.

Simplicity and convenience is the name of the game. Customers will continue to look for ways to improve their quality of life and cut down on the time they have to spend when buying things.

## Business texting leads to remote payments

From dealers who use Kenect, we have seen a dramatic increase in the number of texts being used. The trend was heading up before the pandemic and exploded once customers were stuck in their homes.

Dealers are seeing a 55% increase in text messages year over year. Some dealers are completing entire transactions via text, that's from lead to payment.

Customers have gotten familiar with limited interactions and the drop in the amount of time they are having to interact with dealerships. They now go from spending hours on the phone in some cases, to just minutes via text.

## Service Departments will turn to text-to-pay

This trend is already happening, but as word spreads, more service departments will turn to text-to-pay.

With staffing shortages and supply issues, service departments are sometimes stretched thin, and need to find ways to cut time. With texts, they can send customers quick messages with updates on parts, or updates on service so the department does not get backlogged, and employees don't have to spend all day playing phone tag with customers.

With **text-to-pay**, customers can pre-pay for services, which allows them to pick up equipment anytime they want.

Through **our data**, we are seeing dealers running 80% of service and parts payments through text-to-pay. This is new for many dealers, but it is what customers are asking for.

One of the dealerships who uses the Kenect text-to-pay system says it pretty much eliminated lines in their service department.

They would send customers a text, with a link to the invoice, and

the customer would fill out their credit card information and send it right back. With text-to-pay, they also completed \$65,000 dollars in transactions through the platform in the first two months.

## Text-to-pay growth will continue

We are already seeing the growth, but this popularity with text-to-pay will not go away. Customers now expect this from businesses.

Dealers who started using the Kenect text-to-pay system during the pandemic are seeing an average 400% growth per location in revenue year over year. This is because customers are ready for it. Also, as staffing shortages continue, businesses will be looking for ways to cut down on hours or tasks. With text-to-pay, you can take away some of that responsibility from workers. If customers are filling out the forms themselves and sending it back to you through a secure system, that's less time an employee has to deal with billing or calling a customer for payment.

There is a digital transformation among small businesses. They are being forced to embrace business texting and text-to-pay technology because the customer now wants it. Even just five years ago, this may have seemed like a passing trend, but we are seeing the data come in, and text-to-pay is here to stay.

## About the Author:

Ben Leighton is a Content Marketing Specialist with Kenect.

## About Kenect:

Kenect helps businesses connect with their customers. We build simple texting tools that are elegant and easy-to-use. Thousands of companies across North America use our platform to text their customers, generate online reviews, gather leads from their websites, video chat, and collect payments.

Based in the Silicon Slopes of Utah, our team is committed helping businesses improve their customer experience and customer communication.

To learn more about Kenect for your equipment dealership, visit [kenect.com](https://kenect.com) or text us at (888) 972-7422

## THEFT ALERT!

NEDA has been notified by the New York State Police of reported information on two (2) stolen John Deere Tractors.,  
Model # 1025 R and a 1026-R.

If anyone has any information on this, please notify the proper authorities/contacts by clicking on the link below.

**Cazenovia Equip., Cazenovia, NY**

[Click here](#) for Stolen Equipment Report details!

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**NEDA**

Northeast Equipment Dealers Association



# Changes for Small Businesses That Use Digital Payment Services in 2022

Due to a change promulgated by the American Rescue Plan of 2021, small businesses that are utilizing digital payment services such as **PayPal, Venmo, Cash App, etc. will notice a change.** Any third-party settlement provider accepting credit cards on behalf of the business and putting money into the business' bank account will have to be reported to the IRS.

If payments received from digital payment services were for goods and services that were sold to customers, it was previously up to you to make sure you were reporting that income on your tax return. But now, beginning in 2022, if you receive more than \$600 in total in the year – regardless of how many customers are paying – your payment service is required to report that amount to the IRS. In full disclosure, those amounts should have already been reported as income anyway.

But most small business owners just forget. Never fear, because now the digital payment service companies have the burden to submit the required information to the IRS (and they will send you a 1099-K) for your tax return. The new tax rule is separate from a proposed IRS reporting requirement that originally would have handed over transaction data on accounts with more than \$600 aggregate inflow and outflow.

That proposal, originally part of President Biden's Build Back Better plan, was raised to a \$10,000 threshold after much push-back and has not yet been acted on by Congress. Whether you are selling products or services on Amazon, Etsy, eBay, even technically at craft shows and face-to-face, you can now expect to receive a 1099-K form sometime around January 31, 2023, from the payment services that you're using of the revenue they reported on your behalf to the IRS for the **purchases of goods and services** made in 2022.

**KEEN READERS WILL NOTICE THAT THE NEW LAWS**

**ONLY AFFECT GOODS AND SERVICES.** How do the services keep track of payments from friends or family members? Great question and most digital payment services had these in place before January 1, 2022. A lot of digital payment services now provide you with options regarding your payment details. **It often boils down to two questions: 1) Is this a payment between family members/friends? or 2) Is this a payment for goods and/or services? If the person sending the payment's answer to the first question is "Yes," then nothing further needs to be done.**

However, if the payment is for goods and/or services, the response will be noted to the digital payment service company and the receiving entity will receive the appropriate tax forms. Some services are taking an even larger step towards compiling information related to their customers. Via its official blog, PayPal recently announced that "You may notice that in the coming months we will ask you for your tax information, like a social security number or tax ID, if you haven't provided it to us already, to continue using your account to accept payments for the sale of goods and services transactions and to ensure there aren't any issues when these changes take effect in 2022.

This helps us meet our obligations to the IRS and ensures that you will be able to continue using your account and access PayPal and Venmo features and services." This is just a very small example of how the tax laws are set to change for 2022 and beyond. There are numerous other important laws that businesses should be aware of such as the usual updates to individual income tax rates and other aspects of the United States tax code to utilize!

Please contact the professionals at The Center at (618) 997-3436 for more information.

~ Article courtesy of The Center, phone number above

## Regulatory Update: FMCSA Record of Violations Rule Update

Effective May 9, 2022, FMCSA is amending its regulations to eliminate the requirement that drivers operating commercial motor vehicles (CMVs) in interstate commerce prepare and submit a list of their convictions for traffic violations to their employers annually. This requirement is duplicative of a separate rule that requires each motor carrier to make an annual inquiry to obtain the motor vehicle record (MVR) for each driver it employs from every State in which the driver holds or has held a CMV operator's license or permit in the past year. To ensure motor carriers are aware of traffic convictions for a driver who is licensed by

a foreign authority rather than by a State, the Agency amends the rule to provide that motor carriers must make an annual inquiry to each driver's licensing authority where a driver holds or has held a CMV operator's license or permit. More information can be found here. - <https://www.federalregister.gov/documents/2022/03/09/2022-04930/record-of-violations>.

~ Article courtesy of TANY, N. York

## Free to Dealers

The Association wants to feature your dealership(s) recent news and photos in a future **NE Dealer** edition.

Please feel free to submit your dealership's news and/or press releases to editor Art Smith @ [sja1203@gmail.com](mailto:sja1203@gmail.com)



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# Keeping Your Shop Safe with an Updated Risk Management Plan

By Jerry Leemkuil, Equipment Dealer Specialist, Federated Mutual Insurance Company

Knowing the ins and outs of your business is an important aspect to success, but do you know what is going on behind the scenes — in your warehouse, or out on the shop floor? There are many facets to being in the equipment dealer's industry, and one of the most important is the health and safety of your employees. Are they operating in their day-to-day work environments to the best of their abilities? And above all else, is your shop in top-tier condition — are your employees following a strong, up-to-date risk management plan — to help allow for work to get done in the safest manner possible?

## BE PROACTIVE

There are many things that can be done to help keep your workplace safe, and that includes making necessary updates to your risk management plan. If it has been a while since the last time, you made those updates, now is the time to act. Walking through your workplace on a regular basis with a checklist — note things that are being done correctly, areas that need work, and areas with significant changes that may pose a risk if left undocumented in your plan — is a good place to start. Ensure that any problem areas are handled swiftly and appropriately.

Conduct frequent training sessions, or toolbox talks, to ensure everyone is updated on changes to the risk management plan. Work with your team to come up with solutions for a safer workplace and take their input into consideration. As you walk your shop's space, seek out the right places to post up-to-date safety signage and reminders where they will be easily seen. Above all else, leading by example can help demonstrate the value of safe working habits and conditions.

## COMMUNICATION IS KEY

Communicate with your employees — what do they see going on as they work? Do they, or you, see areas that could be improved upon to enhance safety? As upgrades are made to your workplace, bear in mind that those changes should be reflected in your risk management plan.

## PAY ATTENTION TO ITEMS SUCH AS:

- Keeping floors open and clean
- Utilizing proper lighting in poorly lit spaces
- Properly using ladders, forklifts, or operating heavy machinery

- Cleaning up any and all spills promptly and in a safe manner
- Labeling materials correctly and clearly
- Ensuring that employees are wearing the proper protective gear.

In addition, it may help to look for ways to make work less physically demanding by using the right tools and machinery, thereby reducing unnecessary strain on your employee's bodies. Conducting a Job Hazard Analysis on the tasks your employees perform may help identify where enhancements can be made.

## GROW WITH YOUR RISK MANAGEMENT PLAN

No two businesses are the same, so it is important to understand that one size may not fit all when it comes to creating a risk management plan for your business. Whatever your specific needs are, remember that a solid foundation is key. As your business grows, make sure that your risk management plan grows with it. Update it as necessary to comply with any applicable OSHA standards or other relevant regulations to help meet the specific parameters of your business.

Solid procedures, policies, and risk management practices are essential. The tricky part is that the outcomes of a good risk management plan are difficult to measure. When everything goes right, it is harder to provide examples that prove the effectiveness of your efforts. But think about it this way: a chunk of your profits can disappear, and morale can sink every time an employee slips, strains a muscle, falls, or fails to follow company policies and procedures. Whatever your company's approach, the success of any safety initiative is dependent on the support of owners and management. Start there and continue to work with your employees to help them better understand exactly how important it is to follow, and continuously update, a strong risk management plan.

**Federated's mySHIELD®** offers plenty of information on how to resources for employees and business owners alike, as well as help you sample create a risk management plan, and other checklists areas, hazard communication, and more. Reach out to your local specific to marketing representative management resources that could help to benefit your business — machine guarding, walking for more information on risk and help to keep your shop space safe for everyone.

~ Article courtesy of Federated Insurance Co.

*There are many things that can be done to help keep your workplace safe, and that includes making necessary updates to your risk management plan. If it has been a while since the last time, you made those updates, now is the time to act.*

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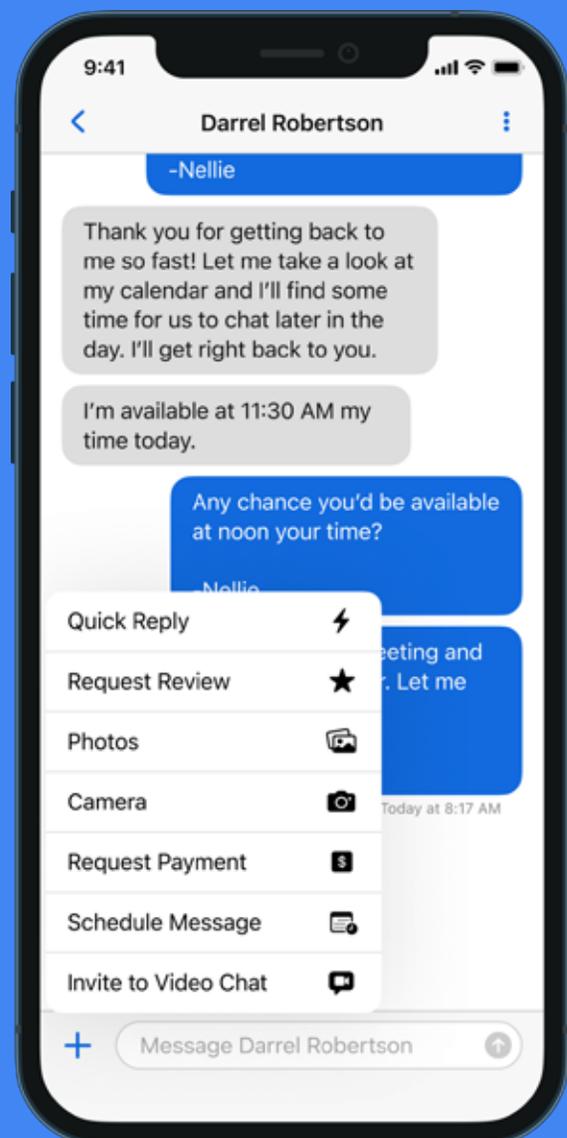
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# AMID DEEPENING UKRAINIAN CRISIS, CAT SUSPENDS OPERATIONS IN RUSSIA

MARCH 14, 2022

NATIONAL EDITION

Photo credit: Pratidin Time  
Published on: 24 Feb, 2022,  
9:54 pm  
Taken from the web

Construction equipment giant Caterpillar has joined the mass exodus of businesses leaving Russia after that country's recent military invasion of Ukraine.

The Deerfield, IL-based manufacturer announced in a press release March 9 that its operations in Russia have become "increasingly challenging, including supply chain disruptions and sanctions."

Cat's decision to suspend operations in its Russian manufacturing facilities comes as a humanitarian crisis grows by the hour following Vladimir Putin's continuing and brutal attacks on his neighbor.

In the statement, Cat added that it is following all applicable laws and evolving sanctions on Russia by the United States and its partner nations.

The company has a manufacturing facility in Tosno, near St. Petersburg. In addition, a replacement parts distribution center for Cat is based near Moscow, as is a branch of Caterpillar Financial offering financing and leasing services to clients in Russia, Kazakhstan and Ukraine.

## Cat Donating \$1 Million to Help Ukrainian People

In response to the war upon Ukraine, the Caterpillar Foundation, the philanthropic arm of the equipment maker, is donating more than \$1 million to support both urgent and long-term needs of the Ukrainian people.

Cat's donation supports three humanitarian organizations: Project Hope, the Center for Disaster Philanthropy, and the American Red Cross, which will aid the global Red Cross network response to the crisis.

Founded in 1952, Cat's philanthropic organization has contributed nearly \$850 million to help make sustainable progress possible around the world by building resilient communities that thrive in a rapidly changing world.

To learn more about the global impact of the Caterpillar Foundation, visit

[www.caterpillar.com/foundation](http://www.caterpillar.com/foundation).

~ Article courtesy of: Construction Equipment Guide



## Ukraine Export Hubs Damaged

Ukraine's ports have been closed since the war began. Now some major grain-export facilities and steel plants have been severely hit by shelling, including Bunge Ltd. in Mykolayiv on the Black Sea. Ukraine is seeking to open new routes by rail for selling goods such as crops, but volumes could be small.

~ Article courtesy of American Agriculturist News, 3-28-2022

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# Avian Influenza: Detections Now in Sixteen States

The United States Department of Agriculture's (USDA) Animal and Plant Health Inspection Service (APHIS) has **confirmed** highly pathogenic avian influenza (HPAI) detected in domestic poultry in the following states: **Indiana**—Feb. 8, 16, 23 (two separate premises) **and** 24 and Mar. 2 in commercial turkeys; **Kentucky**—Feb. 12 in commercial broiler chickens (broilers) and Feb. 15 in commercial turkeys; **Virginia**—Feb. 12 in mixed backyard poultry; **New York**—Feb. 19 and 24 (two separate premises) in various non-commercial poultry; **Maine**—Feb. 19 and 23 in backyard poultry; **Delaware**—Feb. 22 in broilers and laying hens (layers) and Mar. 8 in commercial pullets; **Michigan**—Feb. 23 in backyard poultry; **Iowa**—Mar. 1 in backyard poultry; **Connecticut**—Mar 1 in backyard poultry; **Missouri**—Mar. 4 (two separate premises) in broilers and backyard poultry and Mar. 8 and 9 in commercial turkeys; **Maryland**—Mar. 4, 8 and 10 in commercial layers and broilers; **South Dakota**—Mar. 5 in a commercial mixed species flock; **Iowa**—Mar. 6 in commercial turkeys; **Kansas**—Mar. 12 in backyard poultry; **Illinois**—Mar. 12 in backyard poultry; **Wisconsin**—Mar. 13 in commercial layers. According to APHIS, depopulation thus far has included more than: (1) 373,000 commercial turkeys; (2) 7.22 million commercial chickens, 2.3 million of which are in **Delaware and Maryland counties adjoining southeastern Pennsylvania, including Lancaster County, Pennsylvania**. According to USDA-NASS, Lancaster County, Pennsylvania is the #4 ranked county in the U.S. for poultry and egg production with an inventory of approximately 29.6 million commercial poultry as of Dec. 31, 2017. (Last updated Mar. 15, 2022.)

## Avian Influenza: Maryland Issues Poultry Litter Movement Restriction in Four Counties

On March 9, 2022, the Maryland Department of Agriculture (MDA) issued an **order** restricting the movement of all poultry litter in Cecil County, Kent County, and portions of Queen Anne County and Caroline County, Maryland due to **highly pathogenic avian influenza** (HPAI), effective immediately. Poultry litter originating within the **restricted areas** may not be transported in to, out of, or within the restricted areas. Additionally, restricted-area farms may not create new stockpiles of poultry litter, although they may distribute litter on fields with stockpiles that predate March 9, 2022. Poultry litter originating outside the restricted areas may be transported through, but haulers may not stop at any restricted-area farms. Violations of the order carry criminal penalties and fines up to \$10,000. Additionally, on March 8, 2022, MDA issued a **quarantine order** restricting the movement of hatching eggs and poultry in a ten kilometer "control area" in Cecil County, Maryland.

~ Article courtesy of: PSU Center for Ag and Shale Law  
[agshalelaw@gmail.com](mailto:agshalelaw@gmail.com)

(See related article on page 17)



# MAKE A DONATION!

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.

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HELP STOP AVIAN FLU ...  
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# Why Taking Down Bird Feeders Can Help Stop The Spread of Avian Influenza

Highly pathogenic avian influenza (HPAI) is a serious, fatal disease of poultry that is at top of mind for many. Since the beginning of the year, it has been identified in over 350 wild birds in 20 states, including New York. New York has also had 3 cases of HPAI to date in backyard poultry flocks, which resulted in the death of 268 birds. It is up to us as good friends and neighbors to help protect domestic poultry flocks. **One of the ways that we can do this is to take down our wild bird feeders for a little while.**

While this disease is mostly carried by wild waterfowl, research has shown that other wild bird populations can carry it too, especially if they share nesting and feeding grounds with wild waterfowl. These populations include perching birds and songbirds. For this reason, we are recommending that folks that feed wild birds should take down their bird feeders until the threat of the disease has passed.



It is uncertain as to when it will be safe to put feeders back out, but scientists believe that caseloads should decrease over the summer months. The highest risk of spreading the disease is now, during the spring migration. That said, this is a disease of the colder months, and we may see cases spike again during the fall migration.

For those who have poultry at home, taking down bird feeders is especially important. Additional ways to protect flocks include a.) keeping your flock away from wild birds, especially wild waterfowl b.) keeping people who are not responsible for poultry care away from your flock, and c.) if you must visit other poultry or areas that wild birds frequent, change into clean clothing and footwear before entering poultry housing.

This disease can cause unusual deaths and illness in both wild and domestic birds. Concerns about dead or sick wild birds can be directed to your local Department of Environmental Conservation (DEC) office. Unusual whole-flock illnesses or deaths in poultry can be directed to NYS Department of Agriculture & Markets: 518-457-3502; the USDA (United States Department of Agriculture): 866-536-7593; or your local Cornell Cooperative Extension Office.

~ Article courtesy of:

<https://www.morningagclips.com/help-stop-avian-flu-take-down-your-bird-feeders/>

(See related article on page 16)

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# The second Cold War is here – and supply chains will be the front lines

By Craig Fuller, CEO at FreightWaves

We are witnessing the remaking of the world order in front of our eyes — and this will impact global supply chains in unforeseen ways.

We are about to experience the most dramatic and unpredictable supply chain map we have experienced since World War II.

If the Russia-Ukraine conflict's international ramifications keep spreading, we face a real possibility of a bifurcating global economy, in which geopolitical alliances, energy and food flows, currency systems, and trade lanes could split.

During the first Cold War, the world was anything but flat. There were two worlds — the East and the West. That world is being recreated as we speak, and with it, Western companies will start to shift sourcing away from the East and more toward Western and neutral states. North American economic integration will become a new priority. Surface transportation across the Eurasian continent will become more complex and contested.

Entire supply chains will be rewritten, with new sources and partners — all in the interest of corporate and national security. This will create massive volatility and unpredictability.

Companies will prioritize vendors that can provide consistent and dependable supplies, paying a premium. In the end, those costs will be passed on to consumers in the form of higher prices.

While prices will become an important consideration for consumers, brands that offer a consistently and predictably available set of choices will enjoy pricing power.

The future market winners will be the corporations that make the

investments in supply chain infrastructure and dependable, Western-friendly production locations.

Supply chain analyst roles will become the hottest jobs of the next decade, prized by corporations, consulting and even Wall Street for the ability to interpret, analyze and predict disruptions and risks in a new world order. Those same analysts will find themselves recruited heavily by national security, intelligence, and defense organizations — as future conflicts will rise out of a desire to control materials and production.

The Ukraine crisis is perhaps the end of the preamble to a long history of geopolitical, economic, and military conflict between the East and West in the second Cold War. Now the plot is thickening. State actors like Russia and China are choosing regional hegemony over global integration — we will see this play out further in the Baltics and the South China Sea, not to mention the Middle East and the greater Pacific.

~ Article courtesy of:

<https://www.freightwaves.com/news/the-second-cold-war-is-here-and-supply-chains-will-be-the-front-lines>

Added this data – Manufacturers of construction equipment are halting exports or production of their products in Russia, following the countries' invasion of Ukraine. CNH Industrials, parent company of Case Construction Equipment and New Holland, announced March 11 that it had suspended all shipments to Russia and Belarus two weeks ago. Kubota, based in Japan, also plans to halt shipment of supplies to Russia, according to Nikkei Asia.

## She Survived Hitler and Wants to Warn America

"**Totalitarianism** didn't come quickly, it took 5 years from 1938 until 1943, to realize full dictatorship in Austria. Had it happened overnight, my countrymen would have fought to the last breath. Instead, we had creeping gradualism. Now, our only weapons were broom handles. The whole idea sounds almost unbelievable that the state, little by little, eroded our freedom." "This is my eyewitness account. "It's true. Those of us who sailed past the Statue of Liberty came to a country of unbelievable freedom and opportunity.

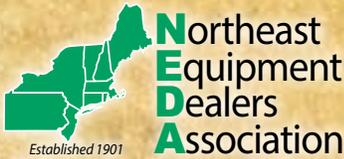
"America is truly the greatest country in the world. "Don't let freedom slip away. After America, there is no place to go."

~ Kitty Werthmann, from Ross Clark, 7-9-2015



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## February 2022 Advisory

# Importance of Stock Transfer Agents and Keeping Corporate Record Book Updated

Ever wonder how publicly traded companies keep track of individuals and entities that own their stocks and bonds? This can be a very daunting process, especially for larger companies. That is why most companies use transfer agents to manage these duties for them. What exactly are transfer agents? A transfer agent is a trusted company, bank, or similar institution assigned by corporations for the purposes of maintaining the financial records of investors.

Common and preferred stock shareholders assume the right to vote on major corporate decisions, such as merger activities as well as the sale of companies. These votes facilitate through transfer agents who then send the proxy information to shareholders. Once companies reach year-end, transfer agents and registrars provide federal tax information to the investors, which includes dividends information as well as interest paid.

Along with the passing of investor information, transfer agents can also distribute the funds and shares. Transfer agents pay distributions to investors, which are based on the registrar's records. For example, transfer agents can send interest payments to bondholders, along with the face value of their bonds, upon reaching maturity. Similarly, they can send cash dividend payments to investors when necessary.

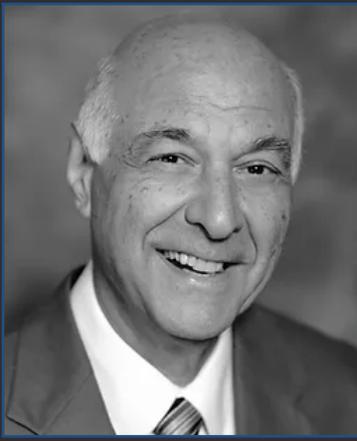
Stock transfer agents also help shareholders and bondholders whenever a stock or bond certificate has been lost, destroyed, or stolen. These agents are well-versed with the complexities of the SEC rules and state regulations concerning trading. They stay active in implementing action on behalf of their clients.

One of the most important things that stock transfer agents do is maintain records. They can record and update shareholders' names, addresses, contact information, dividend information, and much more. Keeping record books up to date is one of the most important things for a company. The importance of keeping record books updated does not stop there. It is your legal responsibility to provide records if prompted to do so. Under tax law, anyone carrying on a business must keep full records to explain all transactions. It is vital to retain these records for at least five years from the date of lodgment and must be kept where they can be referred to. In the United States, these records must be kept in the English language and must be efficient enough to enable the Tax Office to ascertain the correct taxable income of that person/company.

Stock transfer agents are very important in the world of business. From maintaining financial records to issuing stock certificates, transfer agents are very versatile and valuable to any company. Most importantly, transfer agents keep corporate record books updated. Please contact us at **(618) 997-3436** for any questions or guidance.

*~ Article courtesy of Basi, Basi & Associates at The Center for Financial, Legal & Tax Planning, Inc.*

- Mergers & Acquisitions – Business Succession Planning  
– Negotiation for Buying or Selling a Business



**BY DR. BART BASI**  
**Senior Advisor**  
**and**  
**IAN C. PERRY**

**Ever wonder how publicly traded companies keep track of individuals and entities that own their stocks and bonds? This can be a very daunting process, especially for larger companies.**



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!

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The one-dollar bill you are looking at first came off the presses in 1957 in its present design.

This so-called paper money is in fact a cotton and linen blend, with red and blue minute silk fibers running through it. It is actually material. We have all washed it without it falling apart. A special blend of ink is used, the contents we will never know. It is over-printed with symbols and then it is starched to make it water resistant and pressed to give it that nice crisp look.

If you look on the front of the bill, you will see the United States Treasury Seal. On the top, you will see the scales for the balance-a balanced budget. In the center you have a carpenter's T-square, a tool used for an even cut. Underneath is the Key to the United States Treasury. That is all pretty easy to figure out, but what is on the back of that dollar bill is something we should all know.

If you turn the bill over, you will see two circles. Both circles, together, comprise the Great Seal of the United States. The First Continental Congress requested that Benjamin Franklin and a group of men come up with a Seal. It took those four years to accomplish this task and another two years to get it approved. If you look at the left hand circle, you will see a Pyramid. Notice the face is lighted and the western side is dark. This country was just beginning. We had not begun to explore the West or decided what we could do for Western Civilization.

The Pyramid is UN-capped, again signifying that we were not even close to being finished. Inside the capstone, you have the all-seeing eye, and ancient symbol for divinity. It was Franklin's belief that one man could not do it alone, but a group of men, with the help of God, could do anything.

"IN GOD WE TRUST" is on this currency. The Latin above the pyramid, ANNUIT COEPTIS, means, "God has favored our undertaking." The Latin below the pyramid, NOVUS ORDO SECLORUM, means, "a new order has begun." At the base of the pyramid is the Roman Numeral for 1776. If you look at the right-hand circle, and check it carefully, you will learn that it is on every National Cemetery in the United States. It is also on the Parade of Flags Walkway

at the Bushnell, Florida National Cemetery and is the centerpiece of most heroes' monuments. Slightly modified, it is the seal of the President of the United States and it is always visible whenever he speaks, yet no one knows what the symbols mean. The Bald Eagle was selected as a symbol for victory for two reasons: first, he is not afraid of a storm; he is strong and he is smart enough to soar above it. Secondly, he wears no material crown. We had just broken from the King of England. In addition, notice the shield is unsupported. This country can now stand on its own. At the top of that shield, you have a white bar signifying congress, a unifying factor. We were coming together as one nation. In the Eagle's beak you will read, "E PLURIBUS UNUM", meaning "one nation from many people."

Above the Eagle, you have thirteen stars representing the thirteen original colonies, and any clouds of misunderstanding rolling away. Again, we were coming together as one. Notice what the Eagle holds in his talons. He holds an olive branch and arrows. This country wants peace, but we will never be afraid to fight to preserve peace. The Eagle always wants to face the olive branch, but in time of war, his gaze turns toward the arrows.

They say that the number 13 is an unlucky number. This is almost a worldwide belief. You will usually never see a room numbered 13, or any hotels or motels with a 13th floor. But, think about this: 13 original colonies, 13 signers of the Declaration of Independence, 13 stripes on our flag, 13 steps on the Pyramid, 13 stars in the Latin above, 13 letters in "E Pluribus Unum", 13 stars above the Eagle, 13 plumes of feathers on each span of the Eagle's wing, 13 bars on that shield, 13 leaves on the olive branch, 13 fruits, and if you look closely, 13 arrows. In addition, for minorities: the 13th Amendment. I always ask people, "Why don't you know this?" Your children do not know this and their history teachers do not know this. Too many veterans have given up too much to ever let the meaning fade. Many veterans remember coming home to an America that did not care. Too many veterans never came home at all. Tell everyone what is on the back of the one-dollar bill and what it stands for, because nobody else will.





# Northeast Equipment Dealers Association

Committed to Building The Best Business Environment for Northeast Equipment Dealers

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

# What's in it for me?

## PLENTY!!!

### NEDA IS DESIGNED TO MEET YOUR BUSINESS NEEDS

#### Legislative Representation



Your Association is involved and successful in amending state specific dealers laws. We speak with many of your state legislators on a one to one basis. We also track all bills affecting equipment dealers.

#### Dealer-Manufacturer Relations



NEDA works with EDA and other affiliate associations across North America to work with equipment manufacturers, distributors, and other suppliers to address new Manufacturer Dealer Agreements including other industry topics to help resolve dealer issues.

#### Kenect - 2 Way Text Messaging Platform



2-way Text Messaging Platform from your main Dealership phone number and Inbound Web Texting from your website. Developed for Equipment Dealers that help you increase Sales & Service Efficiency, Generate New Leads and Drive Online Reviews

#### Business/Workers Comp Insurance & OSHA Compliance Services



Your Association's recommended providers offer the best business insurance and workers compensation insurance along with OSHA consulting programs.

#### Legal Counsel Hotline



Your Association maintains relationships with various attorneys and consultants to help members address employment, labor law issues, dealer contract issues, customer relations, OSHA compliance, workplace safety issues, environmental issues, etc.

#### Business Forms and Supplies



NEDA offers you forms and supplies specific to equipment dealers. Count on a wide selection, competitive pricing and great service! Please call us.

#### Health Insurance



**opoc.us**  
ONE POINT OF CARE

NEDA, in partnership with opoc.us, provides equipment dealers and their employees with comprehensive, quality and affordable Healthcare. They will be your personal advocate on any healthcare questions.

#### Government Relations & Compliance



We represent Equipment dealers' interest in the Northeast Equipment Industry concerning Government Relations. Keeping you informed of issues affecting you is our primary responsibility.

#### Cost of Doing Business, Wages Survey



Annual Cost of Doing Business Survey along with the Wages and Benefit Survey provide data which allow dealers to compare their dealership operating results with averages of other Northeast Dealerships including all dealerships in North America.

#### Extended Warranty Program - New and Used Equipment



Specialty Protection Plan that helps protect eligible equipment beyond the Manufacturer's Base Warranty Period. We are stronger than ever to support your equipment sales with extended service warranty contracts for your new and used equipment.

#### Forklift Training – Train the Trainer



NEDA staff provides ONE (1) forklift safety training & certification course at your dealership for all staff personnel operating your forklift(s). Eligible staff must be 18 years of age or older with valid driver's license for certification.

#### Annual Regional Meetings



Annual regional meetings are conducted in various locations convenient to your dealership each year to interact with dealer principals and employees concerning various operational and marketing strategies relevant to your business.

#### Stolen Equipment – Call us Immediately!



NEDA along with National Equipment Register (NER) provides stolen equipment alerts that go out across North America to law enforcement and other equipment dealers.

**AND MUCH MORE!!!**

**LET US PROVE THAT MEMBERSHIP DOESN'T COST... IT PAYS!**

**YOUR LINK TO THE POWER EQUIPMENT INDUSTRY IS NEDA!!!**

**Regulations continue to be a large burden like OSHA, Trucking, Health Mandates, Data Security/Privacy, Retail Financing, etc. NEDA is here to help take the mystery of these burdens away from you, so you can continue to run your daily business operations.**

# You Hold the Keys

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



**It's Our Business to Protect Yours®**

Scan to learn more about helping company drivers make it home safe today.



**Commercial Insurance** Property & Casualty | Life & Disability Income | Workers Compensation | Business Succession and Estate Planning | Bonding  
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