

Northeast

DEALER

The Newsletter of NORTHEAST EQUIPMENT DEALERS ASSOCIATION, INC.

Personal Protective Equipment for Pesticide Handlers

Editor's note: *It's the time of year service techs are working on spray equipment and herbicide application. Equipment dealers have an obligation to ensure their technicians/employees are following proper procedures to ensure that they are not inadvertently exposing themselves to harmful chemicals (protective gloves, hand washing, masking, etc.).*

Duties Related to Personal Protective Equipment Handler employers must do all of the following:

- Provide handlers with the appropriate personal protective equipment (PPE) in clean and operating condition.
- Make sure the handlers wear the PPE correctly and use it according to the manufacturer's instructions.
- Make sure that any respirator used fits the handler correctly.
- Inspect all PPE before each day of use for leaks, holes, tears, or worn places, and repair or discard any damaged equipment.
- Provide handlers with clean places away from pesticide storage and pesticide use areas to:
 - * Store personal clothing not in use.
 - * Put on PPE at the start of any exposure period.
 - * Take off PPE at the end of any exposure period.
- Take any necessary steps to prevent heat illness (too much heat stress) while PPE is being worn.
- Do not allow any handler to wear home or take home PPE contaminated with pesticides.

Cleaning and Maintaining PPE Handler employers must do all of the following:

- Keep pesticide-contaminated PPE away from other clothing or laundry and wash it separately.
- If PPE will be reused, clean it before each day of reuse according to the instructions from the PPE manufacturer unless the pesticide labeling specifies other requirements.
- If there are no instructions or requirements, wash PPE thoroughly in detergent and hot water.
- Thoroughly dry the clean PPE before it is stored or put it in a well-ventilated place to dry.
- Store clean PPE separately from personal clothing and away from pesticide-contaminated areas.

[Read entire article.](#)

► Published online [United States EPA](#)

IN THIS ISSUE

April 2024 | Vol. 27 No. 299

- 3 Observations from the Field
- 4 FREE WEBINAR: Franchise Agreements
- 4 NAEDA's Endorsed Provider to Support Your Dealership
- 6 2024 Dealer-Manufacturer Relations Survey is Underway
- 6 Corporate Transparency Act Ruled Unconstitutional
- 8 Workforce Development Update
- 10 Half of Workers Will Need Reskilling
- 11 4 Ways to Focus a Tech Audit
- 12 Privacy Beats Ransomware as Top Insurance Concern
- 15 FREE WEBINAR: Succession Planning
- 16 How to Standout from Other Salespeople
- 20 Best Selling Construction Equip. by State
- 21-23 Manufacturer News

ADVERTISERS

- 2 Haylor, Freyer & Coon
- 5 Custer Products
- 7 OPOC US Care Center
- 8 Kenect
- 9 HBS Systems
- 10 J.J. Keller
- 18 Bernstein Shur [Free Legal Advice]
- 24 Federated Insurance



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DIVIDEND HISTORY

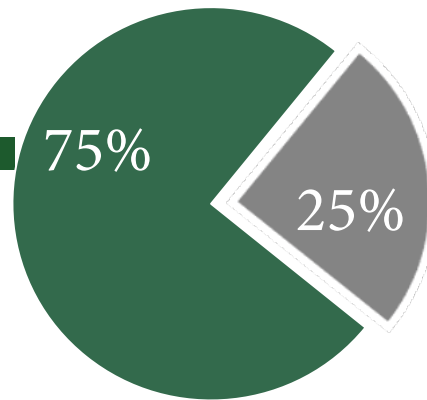
Policy Year	Dividend
2021-2022	35.0%
2020-2021	35.0%
2019-2020	35.0%
2018-2019	40.0%
2017-2018	40.0%
2016-2017	35.0%
2015-2016	30.0%
2014-2015	20.0%
2013-2014	15.0%
2012-2013	15.0%

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Observations from the **FIELD**

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Last month, I referred to consumer/data privacy bills moving through legislatures in our region (I suspect that similar bills are moving outside our region as well) and urged dealers to take time to examine the dealership's policies, procedures, and practices, ensuring that they both protect and limit access to your customer's data (financial and otherwise). It's important that we as dealers and as an industry understand what "data" is collected, what is potentially accessed by staff and partners/service providers, what constitutes "customer" data, and whether current policies and procedures meet established best practices.

Increasingly, manufacturers (in multiple industries) are looking to software/subscription sales (data analysis, etc.) as a cost-effective opportunity to improve the company's financial performance. A recent article on Reuters highlighted Ford's plan to grow their software sales to include trucks operated by small businesses (<https://www.reuters.com/business/autos-transportation/ford-has-big-goals-software-sales-small-business-truck-fleets-2024-03-14/>). Clearly, equipment manufacturers have been and are in the software services sales game as well (think Precision Ag, Service/PM notifications, etc.). From a business ROI perspective, it makes lots of sense, particularly when one considers the potential impacts of artificial intelligence to both leverage coding, equipment control, etc.

Knowing manufacturers are increasingly moving towards a software sales-as-a-service (SAS) business model, that access to telematics (data) have been at the forefront of successful ballot initiatives in Massachusetts, and that "access to telematics" has been referenced in "Right-to-Repair" bills, I think it is reasonable to expect that dealerships' (and retailers') operations will be impacted moving forward. Dealerships who have the "right" staff in place with the "right" skills, along with robust policies and procedures, are most likely to profit from the transition/reliance on the SAS business model.

I'd like to thank Cory Forrester and his crew for their help facilitating Thaddeus Stevens College's purchase of a tractor to be used for their diesel technology program, outreach to high school Ag programs, and continuing professional development opportunities for teachers in Pennsylvania's high school Ag programs. **THANK YOU! Having access to current equipment means "we" are more likely to see more students pursuing a career as an Ag Equipment Technician and that graduates will have the skills and competencies required.**

Please know that, first and foremost, NEDA is dedicated to advocating on our members' behalf! Regardless of where advocacy takes place (D.C., state capitals or government agencies/departments, etc.), rest assured that our mission guides all our efforts.

NEDA Mission

The NEDA mission is to promote the general welfare of equipment dealer members by supporting favorable legislation and reducing their cost of doing business. This means that we address issues affecting equipment dealers outside of their normal day-to-day business activities with their customers.

The general information provided in this publication by Northeast Equipment Dealers Association, Inc., (NEDA) is not intended to be nor should it be treated as tax, legal, investment, accounting, or other professional advice. Before making any decision or taking any action, you should consult a qualified professional advisor who has been provided with all pertinent facts relevant to your situation. This publication is designed to provide accurate and authoritative information regarding the subject matter covered. Changes in the law duly render the information in this publication invalid. Some of the editorial material is copyrighted and should be reproduced only when permission is obtained from the publisher and the association.

ASSOCIATION & MEMBER NEWS

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Tuesday
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10:00 A.M. EDT

Franchise Agreements and Voluntary Termination Best Practices

Are you interested in learning more about franchise agreements and best practices for voluntarily terminating them?

Please join Bernstein Shur and Northeast Equipment Dealers Association for a webinar on April 9 at 10:00 a.m., where experienced Automotive & Equipment Dealer attorney, Hilary Holmes Rheume, will discuss:

- How to interpret Dealer Agreements to understand your rights.
- How applicable state laws dictate your rights before, during, and after termination.
- How to manage disputes with manufacturers after the notice of termination has been delivered.

Following the formal program, Attorney Rheume will answer attendee questions and suggest additional resources to help dealers navigate franchise agreements and termination.

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[Read entire article.](#)



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ASSOCIATION & MEMBER NEWS

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2024 Dealer-Manufacturer Relations Survey Is Underway



KANSAS CITY, MO – The North American Equipment Dealers Association (NAEDA) has released the 2024 Dealer-Manufacturer Relations Survey questionnaire to dealership contacts throughout North America. The survey was sent to agricultural, construction, industrial, and outdoor power equipment dealers in both the United States and Canada. The Dealer-Manufacturer Relations survey is conducted annually by NAEDA and allows equipment dealers to anonymously rate manufacturers and distributors on the product lines they carry in their dealership.

Dealers will have the opportunity to rate up to 15 manufacturers and distributors they represent on various factors. Dealers rate their manufacturers in key business categories such as product quality, availability, and technical support; parts availability, quality, and return policy; communication, warranty, and marketing/advertising support. Responses are compiled anonymously and distributed to NAEDA dealer members as a member benefit and to the manufacturers featured in the survey report for comparison, analysis, and review.

Manufacturers are also compared to other manufacturers, as well as subdivided into four categories: Full-Line, Tractor, Shortline, and OPE. Manufacturers can and do utilize the data from the report to make year-to-year comparisons and to identify areas for improvement. Due to the independent nature of the survey, manufacturers also use the survey to measure their incorporated operational decisions.

"The survey report provides key information to support and enhance NAEDA's Manufacturer Relations efforts on behalf of our dealer members," stated Kim Rominger, NAEDA CEO. "The survey data is also helpful to dealers who wish to evaluate their current product lines and for those who are exploring new product lines."

The NAEDA Dealer Manufacturer Relations survey has seen continued growth in dealer participation over the past 24 years. Only manufacturers and distributors who receive enough rankings will be listed in the report.

The companies and the dealers who participate in the survey will receive a copy of the report at no charge.

More information on the Dealer-Manufacturer Relations Survey is available [here](#).

Corporate Transparency Act Ruled Unconstitutional by Federal District Court

By **MATTHEW ERSKINE**, Contributor • Forbes

On March 1, 2024, the U.S. District Court for the District of Alabama declared the Corporate Transparency Act (CTA) unconstitutional, a pivotal moment in the ongoing discourse on corporate transparency and privacy rights. In the case of National Small Business Association v. Yellen (Case No. 5:22-cv-01448) [1], initiated by the National Small Business United, the challenge was against the CTA's mandate for small businesses to disclose their beneficial owners to the Financial Crimes Enforcement Network (FinCEN).

The Verdict

In a 53-page ruling, Judge Liles C. Burke determined that the CTA "transcends the limits imposed by the Constitution on the legislative branch and lacks a strong connection to any enumerated power to serve as a necessary or appropriate means to achieve Congress' policy objectives." This judgment was based on the argument that the CTA goes beyond Congress' legislative authority as outlined in the Constitution. While the court did not delve into the potential violations of the First, Fourth, and Fifth Amendments by the CTA, the focus was on Congress surpassing constitutional boundaries.

[Read entire article.](#)

► Published online [Forbes](#) | 3.4.24

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WORKFORCE DEVELOPMENT UPDATE

I spent much of March participating in Workforce development board meetings (local and state), apprenticeship development and management meetings, helping secure equipment in support of technical schools, conducting outreach to K-12 administrators, and other workforce development related projects. While working on these projects, I thought about my comments in last month's article regarding the role existing staff play in helping solve a dealership's labor (workforce) puzzle and some of the "leadership" lessons I learned during my military career.

While I was fortunate to have served under several extraordinary commanding officers during my career as a Naval Intelligence Officer, two of the very best shared a primary focus on ensuring that they were fully engaged

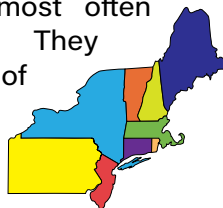
with the sailors under their command. They made a special effort to ensure that they got to know each sailor, including their experiences, challenges, and goals. It became evident to me that their troop's success in climbing "the ladder" was the first priority of these officers. Identifying "career pathways" and professional development and leadership training/opportunities for both officers and enlisted personnel was clearly a priority for the organization!

Hindsight makes it easy to see why those commanding officers focused so intently on the successes of their sailors (both personally and professionally): both commands received unit commendation! Everyone understood their role, career pathway, and opportunities. Together, both unit commands were able to identify themselves with the highest quality product, produced more efficiently than any of our "sister" commands, and were regularly task with special projects.

No doubt you're asking what those "leadership lessons" have to do with your dealerships. I would like to argue: LOTS!

Over the years, and particularly of late, I've heard dealer principles and service managers complain about either losing quality techs or an inability to recruit staff while others are regularly fielding employment inquiries. Although I only have informal observations to pull from, it appears that dealers who have actively prioritized staff investment and growth are those who are most likely to be identified as the community's employer of choice. They seem to always be in growth mode and are rarely stressing about labor challenges, market share, etc. They have been able to identify themselves as employers of choice.

Becoming the employer of choice doesn't happen overnight. It's not an easy thing to accomplish, nor is it an easy position to maintain. It takes lots of work, and a commitment to "see it through", both financially and through significant time and attention. Dealers that have become employers of choice are most often the most profitable dealers! They understand the value of their existing staff and management and its impact on their income statements.



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Most HR Leaders Say Half of Workers Will Need Reskilling In Coming Years

The clock is ticking as leaders try to tackle the skills gap, emphasizing a need for skills-based talent strategies, a new report says.

By **CAROLYN CRIST** • HRDIVE

About 90% of HR leaders believe up to half of their workforce will need to be reskilled in the next five years, according to a Jan. 23 report from PeopleScout and Spotted Zebra.

However, only 7% noted an active investment in their reskilling programs, and 45% said they had no plans to undertake a workforce transformation initiative to prepare for the changing skills landscape.

"Skills-based talent strategies are essential, and

the clock is ticking for employers across all regions and industries," Nick Shaw, founder and chief customer officer of Spotted Zebra, an HR tech company, said in a statement.

"Without future-focused skills strategies for both hiring and development, organizations will suffer lost revenue and productivity when critical jobs are left unfilled," he said.

In a survey of more than 100 senior HR and talent acquisition leaders, 80% said their top workforce challenge is recruiting skilled talent, followed by retaining key personnel and upskilling current employees.

Talent shortages seemed to be the most widespread in education, hospitality, healthcare, technology and manufacturing, according to the report. Skills gaps and talent shortages are most severe in areas related to automation, AI adoption and the green economy.

In particular, technology adoption is driving the need for reskilling, according to the report. About 50% of HR leaders said job roles at their organization would transform due to shifts in required skills, yet 34% of employers lack plans for workforce adoption of automation and AI.

In addition, half of HR leaders said they lacked an understanding of skills-based talent practices, which would aid in hiring for these skills.

Although learning and development needs are growing, L&D efforts may not be moving fast enough, according to a LinkedIn report. About 40% of companies are still in the early stages of building an upskilling program, and 54% are in the middle stages of developing and activating their programs.

A large percentage of recent L&D investment seems to be in AI-related training, according to a Udemy report. The company noted a 60% increase in AI training during the past year, as well as major jumps in leadership development topics such as communication, emotional intelligence and digital transformation.

Workers say they want a skills-first approach and would stay longer at a company focused on skills, according to a report from EY and iMedia. However, integrating skills data in HR processes remains a key challenge for HR objectives such as career pathing and internal mobility.

► Published online [HRDIVE](#) | 1.30.24

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4 WAYS TO FOCUS A TECH AUDIT

By STEVE CUBBAGE • AgWeb Farm Journal

Editor's Note: *Although this article is really geared toward our farmers, I believe that the 4 Focuses easily translate to Ag equipment business.*

There is a tremendous amount of new technology available these days, and the list is constantly growing.

While technology access and options might be the greatest in the history of farming, implementing and benefiting from the deployment of such technology, in many cases, is an entirely different story.

Most traditional row-crop and livestock operations have limited resources to devote to this area, especially in the wake of rising costs of iron, inputs and interest. When resources and cash flow are running tight, investment in new technology is typically one of the first players to be cut from the team.

In today's farming environment, putting the capital into technology is paramount for the viability and growth of the business. To make sure you're getting the most bang for your buck, start with a technology audit before making decisions about how to maximize those resources.

The focus of a farm technology audit, and subsequent purchase plans, can be based on these four key areas:

1. Grow business revenue.

The first thing farmers think about when growing the farm is growing the number of acres or bushels. But today's technology also allows for ways to grow business revenues without expending a mountain of capital resources. For example, more comprehensive digital field and grain bin tracking technology allows for more targeted contracts based more on a crop's condition and digital data pedigree than solely its yield. There's also emerging sustainability markets where the revenue is totally decou-

pled from the crop itself. The catch-all of these new opportunities are impossible to scale without digitizing the farm from top to bottom.

2. Increase productivity.

Automating tasks and processes can help with costs and performance. Auto-steer is likely one of agriculture's greatest examples of a technology that checked this box on a massive scale. In a Southern Agricultural Economics Association auto-steer impact study, the authors saw, in some cases, ROIs approaching nearly 25% productivity gains. As robotics and artificial intelligence advance, agriculture is ripe for leapfrog gains in this area.

3. Reduce costs.

Shrinking costs and reducing complexity can help even small and medium-sized farms enable growth. Hands down, automatic swath control and planter clutch technology have been two of precision agriculture's greatest ROI technologies. Even a decades-old Auburn University study reported input savings ranging between 1% and 12% per field. As even more targeted input technologies evolve and are brought to market, this will certainly be an area to keep your eye on.

4. Stabilize daily operation.

Technology has become the heartbeat of a modern farm. In fact,

technology has become so embedded that in some cases it is absolutely critical to the daily operation of the business. For example, nearly 50% of acres planted to corn, soybeans, cotton and winter wheat are now managed with auto-steer and guidance systems. What happens if the GPS constellation failed or was jammed by a foreign hacker? On an individual farm, what happens when the electri-



cal grid goes out and automated fans don't turn on for a grain bin full of wet grain or a chicken production facility.

Peeling back the layers on how your farm is doing in each of these four areas comes down to answering some detailed and pointed questions about your farm's overall technical health. Those questions include:

What technology is missing that I absolutely need today or especially will need tomorrow?

Do my technology pieces play nice together and talk to each other?

[Read entire article.](#)

► Published online

[AgWeb Farm Journal](#) | 1.30.24

Privacy Beats Ransomware as Top Insurance Concern

Despite ransomware losses remaining high, privacy violations have quickly risen to second in a list of expected cyber insurance claims costs.

By **STEPHEN LAWTON, Contributing Writer** • **DARK READING**

As corporate directors and security teams scramble to ensure they meet the Securities and Exchange Commission's (SEC) new cybersecurity regulations, claims due to mishandling protected personally identifiable information (PII) could rival the cost of ransomware attacks, warns David Anderson, vice president of cyber liability at Woodruff Sawyer, a national insurance brokerage.

While privacy claims take years to work their way through the legal process, "losses are generally just as catastrophic over the course of three to five years as a ransomware claim is over the course of three to five days," he says.

In a [presentation focusing on 2024 litigation trends](#), Dan Burke, senior vice president and national cyber practice leader at Woodruff Sawyer, noted, "Pixel-tracking claims are the latest target for the plaintiffs' bar — going after companies tracking website activity through pixels on the screen without obtaining proper consent."

Activities like that could be why 31% of cyber insurance underwriters in a Woodruff Sawyer survey picked privacy as their top concern for 2024 — second only to ransomware, chosen by 63% of respondents.

PRIVACY IS A BUSINESS ISSUE

James Tuplin, senior vice president and head of international cyber at Mosaic Insurance, agrees that underwriters will be taking a much closer look at privacy trends this year. It often takes five to seven years for privacy litigation to work through the courts, he confirms, which means 2024 will see the culmination of privacy cases filed in 2017 to 2019 — before many countries and US states began passing new privacy laws. For example, the European Union's General Data Protection Regulation (GDPR) went into effect in 2018, so these cases represent initial GDPR violations.

For the insurer, however, the payout for privacy claims may not be as large because the "underwriters have a long time to play with their capital while those losses build to their final resolution," Anderson explains. That's because insurers retain the interest from holding funds in escrow while claims work their ways through negotiations and litigation.

While boards of directors generally have capable advisors on privacy, boards still tend to think of privacy issues as an IT matter rather than a business matter, Tuplin says. Some regulators, including the SEC, are putting [CISOs in the crosshairs](#) of regulations even though they do not control the budgets or have the authority to solve all cybersecurity issues, he adds.

TRACKING PRIVACY LAWS

Among the reasons privacy has become challenging to boards and security teams is that in many cases, organizations do not know what kinds of data they are collecting and where that data resides, notes Sherri Davidoff, founder and CEO at LMG Security. [Companies tend to hoard data](#) as an asset rather than considering it as a hazardous material, she says.

"It's like nuclear waste," she says. "The more data you have, the more risk you have."

Enterprises need to do a better job of eliminating data — PII, in particular — that could trigger a [regulatory or legal violation](#) should the data fall into the wrong hands. While security pundits have been [telling companies for years](#) that they need to know what data they have and where it is located, many companies, including those subject to strict regulatory oversight, often do a poor job of classifying and identifying the locations of all of their data, she says.

Another major challenge many firms face is they do not track all of the privacy laws and regulatory requirements of the data they hold. Understanding the [US data privacy law landscape](#) is difficult enough, but it becomes more challenging when one considers that nearly [every state has unique laws](#) dealing specifically with health records and children's data. Additionally, organizations that have PII on European Union citizens also must [comply with the GDPR](#). Companies doing business in other countries need to have legal counsel look into laws in every country where a company does business to ensure they meet those privacy laws.

SMALL ERROR = BIG LOSS

Many companies think that if they comply with the various compliance regulations, adhere to state laws, and have cyber insurance, then they are all set.

"That is not, in fact, enough," says Michelle Schaap, who leads the privacy and data security practice at law firm Chiesa Shahinian & Giantomasi (CSG Law). "While it might be sufficient to protect against a consumer's suit or legal action from attorney generals' or another enforcement agency's action against the compromised entity, there are other considerations."

What might seem like a minor infraction — such as not following through completely on a posted privacy policy — could trigger multiple regulatory violation fines.

[Read entire article.](#)

► Published online [DARK READING](#) | 2.23.24

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FinCEN Requirement: Beneficial Ownership Information Reporting

By IAN C. PERRY and ROMAN A. BASI

With remote work becoming a growing theme in the workforce, more and more households are equipped with a home office. For those who are business owners, and conduct their business from their home, the IRS allows qualified taxpayers to claim a home office on their tax return and deduct certain home expenses when they file their taxes. This deduction is known as the Home Office Deduction. Self-employed individuals may have a home office that includes a desk, chair, computer/laptop, internet capability, and adequate software. For a taxpayer to be eligible for a home office deduction, the dwelling unit must be one of the following:

- Principal place of business.
- A place to meet patients, clients, or customers in the normal course of business.
- A separate structure not attached to the dwelling and used in connection with the business; or
- If the dwelling is the only fixed location of the taxpayer's business, a space within it that is used regularly for the business's inventory or product samples.

There is no requirement that your home office needs to be partitioned off from other areas with a wall or additional barrier. For example, if you have a desk in the corner of your dining room where you conduct your business, you can still qualify for the deduction provided you don't use that specific area of your home for any personal use. You can calculate the deduction in two different ways: The actual expenses method or the simplified method.

While using the actual expenses method, you will categorize by direct vs indirect business expenses. Direct expenses can be fully deducted. For example, the cost of carpeting and painting for the home office area. When using the actual expenses method for indirect expenses, it is important to keep in mind that you can only count a portion of home-related expenses. For example, your house is 2,500 square feet. The area being used as your home office is 250 square feet. You are then eligible to claim 10 percent of your home's annual heating, cooling, and water bills, along with other common housing expenses that make it possible for you to conduct your business there.

For those who don't want to go through the trouble of keeping records of direct vs indirect expenses, the simplified method may be for you. When using this method, taxpayers may use the prescribed rate of \$5 per square foot of the portion of the home used for business. For the tax year 2024, the rate would be \$5 per square foot for up to 300 square feet. You, as the taxpayer, have the option to choose between the simplified method or the actual expense method.

While employees who are required to or have the ability to work remotely may qualify for the home office deduction, W2 employees are not eligible. Before 2018, unreimbursed job expenses that exceed 2% of your AGI could be deducted from your federal tax return using Schedule A. Unfortunately, for those employees, that is not the case anymore.

Let's say you happened to be self-employed for only a portion of the year. You are still eligible to take the home office deduction, however, you must only use expenses for the months you were self-employed to calculate eligible deductions. You must be engaged in the business for at least 15 days in the calendar month to take a deduction for that month. Using the simplified method, you would prorate the amount based on the number of months you worked from home. For actual expenses, you must allocate the expenses (based on the percentage of your home's square footage that you used as a home office) for the months you worked from home.

In today's world, self-employed individuals and small business owners must receive as much money owed to them as possible come tax time. If you happen to be one of those self-employed individuals or small business owners and have questions about the proper deductions to take, including the home office deduction, reach out to the professionals at The Center for Financial, Legal, and Tax Planning, Inc. at our website, www.taxplanning.com or by phone at (618) 997-3436.

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How to Standout from Other Salespeople

In sales you simply must stand out from other salespeople, not just the ones in your industry, but ALL the salespeople that are calling on your prospects and customers, as they are also competing for their time, attention, and money. Here are several ways to be unique in sales.

1. Exceed customer expectations.

Go above and beyond; under promise and over deliver. Do more than the customer expects you to do. You exceed customer expectations by delivering more, better, and/or faster. Deliver earlier than expected (assuming the customer can take delivery sooner) and deliver more than expected. If your customer tells you they need it within five weeks, deliver it in four, or sooner, if you can. If possible, include a little something extra that the customer wasn't expecting. Focus on always delivering a little more than you are being paid for. If you make a habit of going above and beyond and delivering more than is expected, you will have happy customers.

2. Focus on your unique selling proposition.

You, your company, and your product have advantages that your competition does not. What are those advantages and unique benefits? You, for one, are the one thing your competition doesn't have. With a simple decision to do so, you can be more focused on and more committed to your customers and prospects than anyone else. Sell the unique value that you, your company, and your product have to offer.

3. Do the things that most other salespeople don't.

Send personal, hand-written thank you notes, follow-up promptly, and do what you say you'll do, when you say you'll do it. Send holiday gifts, ask better questions, and know the industry and how it affects your customers and prospects better than the competition does. Be a true business partner with customers and prospects.

4. Stay in touch and build solid relationships with your customers.

Obviously the better your relationships with your customers, the better customers they will be. Work hard at getting customer and prospect information, and use that information to build strong relationships. Show a sincere interest in what your customers and prospects are interested in. Reach out to customers via mail, e-mail, phone, and in-person visits. Focus on building solid personal relationships with all your contacts. E-mail me and I'll send out the 28 items you want to know about each customer.



BY JOHN CHAPIN

5. Dare to be different.

Be unique in your approach. Here are some quick examples:

One salesman we know has a unique way to get to "tough to reach prospects". He buys small plastic skeletons at a Halloween Store and puts them in envelopes with his business card and a note attached; the note reads, "This is me waiting for you to call."

A woman who is the top salesperson at her company buys cheap baby shoes then attaches a business card and note, "Just trying to get my foot in the door."

One woman sings to "difficult to reach" prospects on their voice mail.

A top salesperson for a pharmaceutical company dresses up for Halloween and brings candy.

A top computer salesperson puts helium balloon in a box with his card attached. NOTE: Make sure the ceiling isn't too high.

Another top salesperson sends his customers six cards a year: Thanksgiving, holiday, birthday, anniversary (the anniversary date of the day the customer started doing business with him), the start of Spring, and the start of Summer.

Yes, some of these ideas are a bit out there, but they absolutely work and will definitely set you apart.

6. Be more committed than everyone else.

Decide that you are willing to work as hard as you need to in order to help your prospects and customers be successful. In addition to working hard, commit yourself to working smart to find creative solutions for prospects and customers. Dedicate yourself to professional and personal growth and commit yourself to your success as well as that of your customers. Be the one that comes to mind when customers think of: professionalism, work ethic, and integrity.

With the speed of business today and the vast amounts information and people all begging for our attention, you MUST greatly differentiate yourself. These six tips will help you stand out and thus garner you more time, attention, and business from prospects and customers.

John Chapin is a motivational sales speaker, coach, and trainer. For his free eBook: 30 Ideas to Double Sales and monthly article, or to have him speak at your next event, go to www.completeselling.com John has over 36 years of sales and sales management experience as a number one sales rep and is the author of the 2010 sales book of the year: *Sales Encyclopedia* (Axiom Book Awards). You can reprint provided you keep contact information in place. E-mail: johnchapin@completeselling.com.

Same Store Sales Report, February 2024

By GLENN HANSEN

We publish these same-store sales reports monthly to show both a snapshot and a trendline of retail sales activity at OPE dealerships in North America. For February 2024, we see a mixed picture of sales and service activity that is showing signs of improvement, especially in the Parts and Service segments.

Lack of winter weather may have had a negative impact on wholegoods sales nationwide, with dealers in the West and Midwest showing modest gains. See the table.

[Ideal Computer Systems](#) companies have developed the largest database of dealership transactional sales, inventory position and task completion information. Drawing from more than 1,700 dealers on a nightly basis, this data warehouse is the largest, most accurate source for dealership and market year-over-year trending information in the industry.

► Published online [OPE+](#) | 3.25.24



1486 OPE Dealers Same Store Sales February 2024 over February 2023

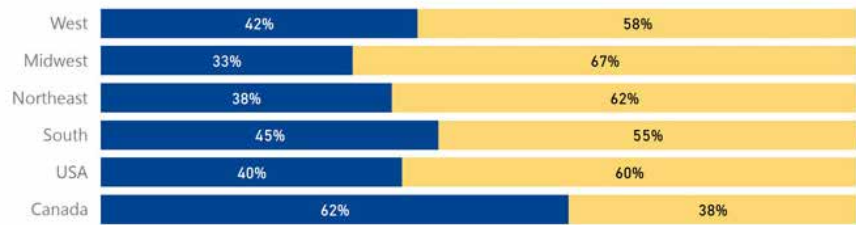


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Region	Parts	Service	Wholegoods	Total Dealership
West	4%	86%	2%	8%
Midwest	16%	98%	2%	14%
Northeast	3%	14%	-12%	-5%
South	5%	9%	-4%	-1%
USA	7%	43%	-3%	3%
Canada	-5%	19%	-15%	-4%

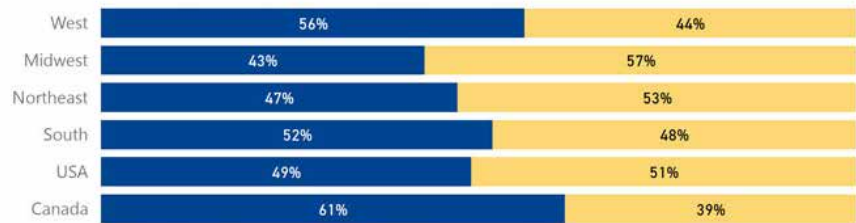
Parts

Dealers ● Down ● Up



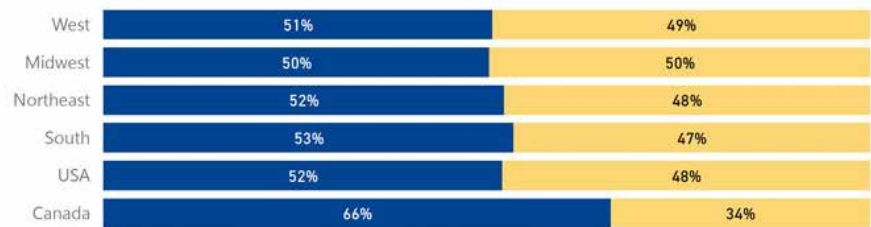
Service

Dealers ● Down ● Up



Wholegoods

Dealers ● Down ● Up



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Internship Programs Under The Fair Labor Standards Act



Updated January 2018

This fact sheet provides general information to help determine whether interns and students working for “for-profit” employers are entitled to minimum wages and overtime pay under the Fair Labor Standards Act (FLSA).¹

Background

The FLSA requires “for-profit” employers to pay employees for their work. Interns and students, however, may not be “employees” under the FLSA—in which case the FLSA does not require compensation for their work.

The Test for Unpaid Interns and Students

Courts have used the “primary beneficiary test” to determine whether an intern or student is, in fact, an employee under the FLSA.² In short, this test allows courts to examine the “economic reality” of the intern-employer relationship to determine which party is the “primary beneficiary” of the relationship. Courts have identified the following seven factors as part of the test:

The extent to which the intern and the employer clearly understand that there is no expectation of compensation. Any promise of compensation, express or implied, suggests that the intern is an employee—and vice versa.

The extent to which the internship provides training that would be similar to that which would be given in an educational environment, including the clinical and other hands-on training provided by educational institutions.

The extent to which the internship is tied to the intern’s formal education program by integrated coursework or the receipt of academic credit.

The extent to which the internship accommodates the intern’s academic commitments by corresponding to the academic calendar.

The extent to which the internship’s duration is limited to the period in which the internship provides the intern with beneficial learning.

The extent to which the intern’s work complements, rather than displaces, the work of paid employees while providing significant educational benefits to the intern.

The extent to which the intern and the employer understand that the internship is conducted without entitlement to a paid job at the conclusion of the internship.

Courts have described the “primary

Footnotes

¹ The FLSA exempts certain people who volunteer to perform services for a state or local government agency or who volunteer for humanitarian purposes for non-profit food banks. WHD also recognizes an exception for individuals who volunteer their time, freely and without anticipation of compensation, for religious, charitable, civic, or humanitarian purposes to non-profit organizations. Unpaid internships for public sector and non-profit charitable organizations, where the intern volunteers without expectation of compensation, are generally permissible.

² E.g., *Benjamin v. B & H Educ., Inc.*, --- F.3d ---, 2017 WL 6460087, at *4-5 (9th Cir. Dec. 19,

Where to Obtain Additional Information

For additional information, visit the Wage and Hour Division Website: <http://www.dol.gov/agencies/whd> and/or call the toll-free information and helpline, available 8 a.m. to 5 p.m. in your time zone, 1-866-4USWAGE (1-866-487-9243).

This publication is for general information and is not to be considered in the same light as official statements of position contained in the regulations.

beneficiary test” as a flexible test, and no single factor is determinative. Accordingly, whether an intern or student is an employee under the FLSA necessarily depends on the unique circumstances of each case.

If analysis of these circumstances reveals that an intern or student is actually an employee, then he or she is entitled to both minimum wage and overtime pay under the FLSA. On the other hand, if the analysis confirms that the intern or student is not an employee, then he or she is not entitled to either minimum wage or overtime pay under the FLSA.

2017); *Glatt v. Fox Searchlight Pictures, Inc.*, 811 F.3d 528, 536-37 (2d Cir. 2016); *Schumann v. Collier Anesthesia, P.A.*, 803 F.3d 1199, 1211-12 (11th Cir. 2015); see also *Walling v. Portland Terminal Co.*, 330 U.S. 148, 152-53 (1947); *Solis v. Laurelbrook Sanitarium & Sch., Inc.*, 642 F.3d 518, 529 (6th Cir. 2011).



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Warm Weather Whacks Sales?

In November, I decided I needed a snowblower, so I visited a couple local dealers before narrowing my options to two models. I told Alex, the owner of LTG Power Equipment, I would call him in a week or two. Then it hit 50 degrees. In Minneapolis. In December.

In February, we received a few inches of snow. I shoveled that little bit and never did buy a snowblower. I visited LTG recently to pick up a new saw chain. The parts salesperson told me they did sell a few snowblowers pre-season, but not many. They were, however, moving lots of chain saws and parts; Minnesota's lack of winter created an abnormal level of tree care work. Minnesota is not the whole nation, but the winter of 2023-2024 was unusual, weatherwise.

Temperature

- The average temperature across the contiguous U.S. during January was 31.8°F, which is 1.6°F above average.
- Regions with above-average temperatures included the Carolina Coast, Northeast, parts of the West Coast, central Rockies, Upper Midwest, and Great Lakes.
- Minnesota, Wisconsin and much of the upper Midwest experienced record-setting warm winter weather.

Precipitation

- In January 2024, the contiguous U.S. experienced above-average precipitation, making it the 10th-wettest January in the historical record. The total precipitation for the month was 3.18 inches, which is 0.87 inch above average.

- Most areas in Minnesota received less than 50% of their normal snowfall through the middle of February and had observed 30-60 days since December 1 with no snow on the ground.
- Much of the eastern U.S. and parts of the West received more rainfall than usual. Massachusetts and Connecticut ranked third wettest among the states.

With this in mind, we asked OPE dealers and landscape professionals, "How has this winter's weather impacted your sales?"

DEALER SALES

Overall sales and revenue (units sold)

Negative.....	65.4%
No change.....	19.2%
Positive.....	15.4%

Inventory of products

Negative.....	43.1%
No change.....	45.1%
Positive.....	11.8%

The foot traffic of patrons

Negative.....	60.8%
No change.....	25.5%
Positive.....	13.7%

[Read entire article.](#)

► Published online [OPE+](#) magazine | 3.24

Best-Selling Construction Equipment By State of 2023

By JORDANNE WALDSCHMIDT • EQUIPMENT WORLD by Fusable

New construction equipment is more readily available as production has stabilized since 2021 and 2022. Nearly 135,000 new pieces of construction equipment were financed in the United States in 2023, according to Fusable's latest EDA equipment finance data, a 2.7% increase from the 131,262 new machines financed in 2022.

While 2023 sales started off slower than 2021 and 2022, 2023 saw more units per month sold from August through December than the previous two years. Texas, Florida and California had the most buyers of new financed equipment during the year.

Accounting for 21.5% of total sales, Caterpillar maintained its position at the top of the charts, while Kubota held on to its second-place position. Bobcat edged out Deere to move into the No. 3 spot, and Komatsu held onto its fifth-place ranking year-over-year. There was no movement in positions 6-10, held by Case CE, Takeuchi, Volvo CE, New Holland and Sany.

Here are the top construction equipment manufacturers in the U.S. in 2023 by new financed sales:

Top Construction Equipment Manufacturers in the U.S. by New Financed Sales

Company	2023 Ranking	2022 Ranking
Cat.. .. .	1.	1
Kubota	2.	2
Bobcat	3.	4
Deere.	4.	3
Komatsu	5.	5
Case	6.	6
Takeuchi	7.	7
Volvo	8.	8
New Holland	9.	9
Sany	10	10

Table: Equipment WorldSource: EDACreated with Datawrapper

[Read entire article.](#)

► Published online [EQUIPMENT WORLD](#) by Fusable | 3.24

Ego Launches Battery-Powered Commercial Mower

By **ROBERT AUGSDORFER**

Ego Commercial is launching its first walk-behind mower targeting landscaping professionals with the release of its new LMX5300SP commercial 22" aluminum deck lawn mower.

The battery-powered LMX5300SP features a 1,600W motor—230cc gas equivalent—that delivers 14 foot-pounds of torque for best-in-class power, gas or cordless. Featuring Peak Power technology, which combines the power of two Ego 56V ARC Lithium batteries, the LMX5300SP delivers up to 120 minutes of runtime with two 12.0Ah batteries. It has a durable cast aluminum deck with dual height adjustment points across eight settings. Other features include an IPX5 weather rating, an LED user interface that controls three blade speed settings and lights, and a 2.5-bushel grass bagger.



[Read entire article.](#)

► Published online [OPE+](#) | 3.25.24



John Deere, Kinze, and Ag Leader Announce Collaboration Agreement to Enhance Customer Experience with Improved Technology and Data Integration

MOLINE, IL, Ames, IA, and Williamsburg, IA, (March 19, 2024) — John Deere (NYSE: DE), [Kinze Manufacturing](#), and [Ag Leader Technology](#) today announced a collaboration agreement that will make it easier for farmers to integrate each company's equipment and technology solutions into their farming operation.

The collaboration enables farmers to combine the quality equipment and digital solutions offered by John Deere, Kinze and Ag Leader. As part of the agreement, farmers operating Kinze and Ag Leader planting and display products will now have the option to seamlessly integrate their agronomic data into the [John Deere Operations Center™](#). The companies have also agreed to resolve all outstanding litigation through an arrangement where John Deere will license planting technology to Kinze and Ag Leader, ensuring their customers continue to have access to the True Speed™ and SureSpeed™ technologies.

"At John Deere, we're proud of the equipment and technology solutions we develop for farmers, but we also know our customers have choices when they make equipment purchase decisions," said Aaron Wetzel, Vice President of Production & Precision Agriculture Production Systems. "We put our customers first with this agreement, which will result in a more seamless integration of Kinze planting solutions with John Deere equipment and our technology stack. We remain committed to helping all of our customers, including those with mixed fleets, be more productive, profitable, and sustainable in their operations."

Susanne Veatch, President of Kinze said, "We are excited to have True Speed back on the market. A key component of technologies like True Speed is the creation and collection of data. This agreement will benefit our joint farmer customers who utilize John Deere Operations Center by ensuring they can seamlessly integrate their data generated by any Blue Vantage controlled equipment."

"Ag Leader is excited SureSpeed is available to our customers again. Our focus has always been to provide tangible solutions to the market through quality precision products that fit the mixed fleet grower. Being able to connect with other platforms like John Deere Operations Center through AgFiniti gives our growers the ability to seamlessly map and analyze data in one place regardless of equipment color. This agreement allows us to take another step toward better serving our customers' growing needs," said Al Myers, President of Ag Leader.

In addition, Deere and Kinze announced plans to explore further technology collaborations, with details to be shared when they are available.

[Read entire article.](#)

► Online news release [John Deere](#) | 3.19.24

Exmark Expands Vertex Mower Line

By **GLENN HANSEN**

[Exmark](#) introduced two new products to its stand-on mower lineup with the Vertex X-Series and compact Vertex E-Series. The new models join Exmark's existing Vertex S-Series and electric Vertex V-Series.

Exmark Director of Marketing Jamie Briggs said the new machines expand the Vertex line, with a complete range of models in cut widths from 32- to 72-inches. "Our customers were very happy with the Vertex models we launched last year," Briggs said. "Our most common customer feedback was that they wished there was a wider range of Vertex models, so that's what we focused on delivering in 2024."

[Read entire article.](#)

► Published online [OPE+](#) | 3.11.24

SimpleBale Brings Large Square Baler Functions to Small Balers

This new kit is designed to improve bale consistency on the Massey Ferguson 1800 Series small square balers.

By **ALEX GRAY**

Massey Ferguson has revealed SimpleBale, an electronic aftermarket monitoring and control system that can be retrofitted to the 1800 Series small square balers.

"SimpleBale delivers better hay with less work," says Dane Mosel, tactical marketing manager for Massey Ferguson. "By retrofitting onto new and existing 1800 Series small square balers, SimpleBale is an affordable solution that demonstrates AGCO's and Massey Ferguson's farmer-first commitment to our customers and their operations."

Small Baling Consistency

The retrofit kit is intended to simplify the work required for consistent hay baling. The kit is modular, allowing farmers to select the options they need for their operations, with minimal modifications required to their baler.

"We're taking the information we provide to operators on our large square balers and moving it down to our small square baler frames," says Karl Hofstetter, engineer for AGCO. "We're trying to improve efficiency, give you good bale formation, and keep uptime on our balers."

[Read entire article.](#)

► Published online [Successful Farming](#) | 3.6.24

Sunseeker Introduces Robotic Mower

By **GLENN HANSEN**

Sunseeker announced the Orion X7, the company's flagship wire-free robotic lawn mower.

"Sunseeker is proud to introduce the Sunseeker Orion X7, our latest innovation in robotic mowing technology," says Justin Novosel, EVP and GM of North American operations for Sunseeker US. "With its advanced features and cutting-edge technology, the Orion X7 is set to revolutionize the way we maintain our lawns."

The Sunseeker Orion X7 features three core technologies. Real-time Kinematic (RTK) enables the mower to track boundaries with a 2 cm (less than one inch) margin. Virtual Simultaneous Localization and Mapping (VSLAM) and Vision AI and Deep Learning System are in place to help the mower in challenging situations such as dense bushes that could potentially weaken the signal, disrupt connectivity, or induce disorientation.

"We have designed the Orion X7 to tackle any obstacle that may come its way," adds Novosel. "With the combination of RTK, VSLAM, and Artificial Intelligence technologies, this mower delivers exceptional performance and reliability."

[Read entire article.](#)

► Published online [OPE+](#) | 3.25.24



Monarch Tractor Named to Fast Company's World's Most Innovative Companies of 2024

LIVERMORE, CA - **Monarch Tractor** has been named to Fast Company's prestigious list of the World's Most Innovative Companies of 2024, earning the number one position in the Agriculture category. As one of the World's Most Innovative Companies of 2024, Monarch Tractor joins the ranks of Nvidia, YouTube, Taco Bell, and more.

This year's list shines a spotlight on businesses that are shaping industry and culture through their innovations. These organizations are setting new standards and achieving remarkable milestones in all sectors of the economy. Alongside the World's 50 Most Innovative Companies,

Fast Company recognizes 606 organizations across 58 sectors and regions. Brendan Vaughan, editor-in-chief of Fast Company, describes being named to the Annual List of the World's Most Innovative Companies as the highest honor Fast Company bestows on the companies it covers.

#1 in Agriculture

Of the nine categories that make up Fast Company's World's Most Innovative Companies of 2024, the enterprises that made the top 50 in Agriculture are those that are improving how to feed the world with less stress on the planet. By partnering with the world's farmers, listening to their needs, and engineering solutions that help them, Monarch Tractor's innovations are working towards long-term gains for farmers, consumers, and the planet all while supporting a healthier global food ecosystem.

[Read entire article.](#)

► Published online [MonarchTractor.com](#) | 3.19.24



Solectrac Announces Strategic Reorganization to Further Amplify Electrification Efforts and Enhance Customer Support

Windsor, CA – [Solectrac](#), a leader in the electric tractor industry and a wholly-owned subsidiary of Ideanomics (NASDAQ: IDEX), today announced a strategic reorganization and shift in its business model. The California-based distributor of electric tractors, recognized as an innovator in regenerative agriculture through its B Corp certification, is refocusing its efforts from expanding its dealer/distributor network to prioritizing direct-to-consumer sales and partnering with select dealers in key markets. This move is motivated by Solectrac's commitment to lead the transition to zero-emission regenerative agriculture and utility operations and aims to leverage government EV subsidy programs and cooperative purchasing agreements that incentivize electrification as part of the larger DTC strategy.

Solectrac has been awarded e-tractor vendor status with two prominent national cooperative purchasing agencies: The Interlocal Purchasing System (TIPS) and The Association of Educational Purchasing Agencies (AEPA). These partnerships are instrumental in assisting public education organizations, higher education entities, and city and county governments enhance operational efficiency, be capital-efficient and in the case of Solectrac, offer an affordable clean energy solution.

[Read entire article.](#)

► Published online

GlobalNewsWire by notified | 3.27.24

Echo Introduces 3-battery Backpack Blower for Homeowners

By GLENN HANSEN

[Echo Incorporated](#) launched a new battery-powered backpack blower. Echo says its new DPB-5800T is the world's first and only three-battery port backpack blower. Designed for homeowners and light commercial applications, this mid-range tool uses Echo's 56V batteries.

"We continue to invest in battery-powered technology, bringing consumers professional power with battery ease," said Jason Wilk, Echo senior product manager. "Our new backpack blower is just the latest in our battery-powered lineup. It's comfortable, it's powerful and it provides great flexibility with the option to engage one, two or three batteries simultaneously for longer run times and bigger projects. It's a blower that's truly ahead of its time."

Echo's eForce 56V Battery System offers significant benefits for both the homeowner and the professional, including long usage times, power for dense/tough jobs, quiet operation, easy starts and maneuverability, cost efficiency and simple maintenance. Echo's line of outdoor products is available to consumers through more than 6,000 independent lawn care dealers, homedepot.com and Home Depot retail stores across the United States.

[Read entire article.](#)

► Published online [OPE+](#) | 3.18.24



Tuff Torq Fined for Child Labor Laws Violations

By HANNAH MOORE • [wjhl.com](#), News 11

MORRISTOWN, Tenn. (WATE) — A Tennessee manufacturer, known for making parts for companies like John Deere and Yamaha, has been accused of breaking child labor laws.

The U.S. Department of Labor said Tuff Torq Corporation employed several children under 18. According to the DOL, at least one minor was seen operating a power-driven hoisting apparatus, an occupation deemed "particularly hazardous" for those under 18. A statement from Tuff Torq said that the children were temporary workforce employees, who were provided to and placed at Tuff Torq by a temporary workforce staffing agency.

Tuff Torq has been ordered to turn over profits earned between December 24, 2023, and January 23, 2024, and pay \$296,951 in fines. According to the judgment, the proceeds paid will be used for the benefit of the children employed illegally.

"Even one child working in a dangerous environment is too many," said Wage and Hour Division Administrator Jessica Looman. "Over the past year, we have seen an alarming increase in child labor violations, and these violations put children in harm's way. With this agreement, we are ensuring Tuff Torq takes immediate and significant steps to stop the illegal employment of children. When employers fail to meet their obligations, we will act swiftly to hold them accountable and protect children."

[Watch the news report.](#)

► Reported online [wjhl.com](#) | 3.27.24

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