

**WMDA
CAR**

NEWS

VOLUME 15
ISSUE 7
JULY 2016

An Official Publication of the Washington DC, Maryland & Delaware Service Station & Automotive Repair Association

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CAR TALK:

Let WMDA/CAR Work for You... see page 8



Industry Issues Forum Will Meet in Ocean City... see page 2

***More on the WMDA/CAR Convention &
Trade Show... see pages 11-12***

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EDITORIAL

Industry Issues Forum Will Meet in Ocean City

by Roy Littlefield

There is so much to report, on every level, that would impact your business. I urge every member to attend the Industry Issues Forum meeting.

At every WMDA/CAR Convention for the past decade, the open and free Industry Issues Forum is packed. And every year I hear people comment as they leave that the amount of industry legislative news that is exchanged is mind boggling.

This year the meeting will take place on Friday, September 9, between 9:30 a.m. and 12:00 noon at the Ocean City Convention Center, in conjunction with the WMDA/CAR Convention and Trade Show.

Reports will be made on legislative and regulatory issues on the state level nationwide.

Kirk will be joined by MAPDA and MPC to outline the latest from Maryland, Delaware and Washington, DC.

And there will be a chance to review and discuss what is happening on the Federal level. We discuss the local and state issues so much that sometimes we overlook what is happening on the national level. But don't forget that WMDA/CAR leads the national lobbying effort for both WMDA/CAR and SSDA-AT.

This year, our government affairs efforts have been seen across the country at several state shows and at a variety of meetings and events in Washington. WMDA/CAR has been focused on several issues that have played an integral role in our government affair's platform for 2016.

We testified, attended coalition meetings, actively lobbied on the hill, attended conferences, fundraisers, and met with dealers to discuss these issues:

WMDA/CAR Supported Legislation Passed Into Law:

- 1) Make permanent Section 179
- 2) Extend 50% Bonus Depreciation through 2017
- 3) Delayed for two years the "Cadillac Tax"
- 4) Delayed for two years the Medical Device Act

2016 Issues:

- 1) Comprehensive Tax Reform
- 2) LIFO Repeal
- 3) Estate Tax
- 4) Online Sales
- 5) Tariffs
- 6) FLSA- Overtime Proposal
- 7) Social Issues

Regulatory Issues:

- 1) NHTSA- Registration and Recall
- 2) IRS Inspections for Wage and Hour
- 3) IRS Inspections for Imported Casings
- 4) OSHA Inspections

We heard from Members across the country regarding issues important to them. These included, OSHA inspections, 40 hour work week, AAA, state inspections, tire registration, healthcare, tariffs, online sales, and negative ads.

In December 2015, Congress passed a five-year, \$305 billion highway bill. The bill – which spans the longest time frame for a transportation measure in 17 years – provides money for roads and rail projects, renews the Export-Import Bank, and restores a crop-insurance subsidy. The bill passed on a vote of 359-65 in the House and 83-16 in the Senate.

President Obama signed the bill. The SBA 1,301 page bill does contain the tire registration language but does not include any tax increases on the tire industry.

During the conference, the bill was amended and does contain WMDA/CAR's language requiring the Secretary of Transportation to conduct a study (and to submit it to the Committee on Commerce, Science, and Transportation in the Senate and to the Committee of Energy and Commerce in the House of Representatives) requiring manufacturers to include electronic identification on every tire that reflects all of the information required in the tire identification number and to ensure that the same type and format of electronic information technology is used on all tires.

In December 2015, President Obama signed H.R. 2029, "Consolidated Appropriations Act for Fiscal Year 2016" into law as soon as it reached his desk on December 18. This means

WOTC and VOW To Hire Heroes Act credits are extended retroactively for five years, effective this date. WMDA/CAR applauds Congress' passage of a key tax package which will, among other things, make permanent Section 179 deduction limits and extend 50 percent bonus depreciation. This has been a sustained effort on Capitol Hill by WMDA/CAR and other small business interests.

Earlier this year, WMDA/CAR led the discussion at the SBA Office of Advocacy, Pension Roundtable on the IRS's new proposed rule on cross-testing retirement plans. WMDA/CAR also met with top officials at the Treasury and IRS to explain the problems with this proposed rule.

WMDA/CAR regularly attends the small business labor safety (OSHA/MSHA) roundtable meetings. We remain strong voices in the Family Business Coalition, working to repeal the Estate Tax, and the Save LIFO coalition which aimed to save the accounting system used by many in the industry.

WMDA/CAR also participated in a roundtable on the Department of Labor's proposed rules to implement the President's Executive Order on paid sick leave for government contractors hosted by the Small Business Administration with a number of representatives from the Department of Labor.

WMDA/CAR also attended CPAC (Conservative Political

Action Conference) and spoke directly with 2016 Republican candidates. WMDA/CAR also attended a private dinner for the Maryland Federal delegation.

WMDA/CAR participated in a strategy call with the growing coalition to support and promote hosting another White House council on small business.

On June 15, 2016, the House Ways and Means Committee passed legislation (H.R. 5447), the Small Business Healthcare Relief Act, that WMDA/CAR has been promoting on Capitol Hill for more than a year. The legislation would free small businesses from the many mandates and provisions imposed by the patient Protection and Affordable Care Act that may lead to higher premiums and greater financial burdens.

Under current law, employers who do not sponsor a group health plan, but instead reimburse their employees for their premiums for obtaining individual health coverage, are violating the Act and are running the risk of being liable for an excise tax of \$100 per day per reimbursed employee (or \$36, 500 per employee per year).

There is so much to report, on every level, that would impact your business. I urge every member to attend the Industry Issues Forum meeting on Friday, September 9. ♦



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ON THE LEGISLATIVE FRONT

OSHA Issues New Requirements for Electronic Reporting of Workplace Injuries and Illnesses

by Roy Littlefield IV
Government Affairs Assistant

On May 11, 2016, the Occupational Safety and Health Administration (OSHA) issued a final rule intended to inform workers, OSHA and the public about workplace hazards that occur at an employer's worksite. Under the new rule, employers are now required to submit workplace safety information electronically and are prohibited from retaliating against workers who report such incidents. The Department of Labor has stated that the information will be used to create "the largest publicly available data set on work injuries and illnesses."

OSHA requires many employers to keep a record of injuries and illnesses to help these employers and their employees identify hazards, fix problems and prevent additional injuries and illnesses. The Bureau of Labor Statistics reports more than three million workers suffer a workplace injury or illness every year. Currently, little or no information about worker injuries and illnesses at individual employers is made public or available to OSHA. Under the new rule, employers in high-hazard industries will send OSHA injury and illness data that the employers are already required to collect, for posting on the agency's website.

DETAILS OF FINALIZED RULE: WHO, WHAT, AND WHEN

Under the final rule, OSHA has revised its requirements for recording and submitting records of work-based injuries and illnesses. Once the new rule takes effect, you will be required to electronically submit the recorded information for posting on the OSHA website. Establishments with 250 or more employees that are currently required to keep OSHA injury and illness records must electronically submit information from the OSHA 300 Logs, the 300A Summaries, and the 301 Injury and Illness Incident Reports to the agency.

The new requirements take effect August 10, 2016, with phased in data submissions beginning in 2017. These requirements do not add to or change an employer's obligation to complete and retain injury and illness records under the Recording and Reporting Occupational Injuries and Illnesses regulation.

For these establishments, there will be a phase-in where only the 300A Summaries for 2016 will be required to be electronically submitted by July 1, 2017. Meanwhile, the OSHA Forms 300A, 300, and 301s for 2017 will all be required to be submitted by July 1, 2018.

This new rule will also cover those establishments with 20 to 249 employees that are classified in 67 specific industries which have historically high rates of occupational injury and illness. These businesses must also electronically submit information from their 2016 OSHA 300A Summaries to OSHA by July 1, 2017. Beginning in 2019, the submission deadline will be changed from July 1 to March 2 for the previous year.

The final rule also allows OSHA to collect information from employers that are not required to submit information to the agency on a routine basis. These employers would only be required to submit the data requested upon written notification from OSHA.

Just as public disclosure of their kitchens' sanitary conditions encourages restaurant owners to improve food safety, OSHA expects that public disclosure of work injury data will encourage employers to increase their efforts to prevent work-related injuries and illnesses.

The availability of these data will enable prospective employees to identify workplaces where their risk of injury is lowest; as a



result, employers competing to hire the best workers will make injury prevention a higher priority. Access to these data will also enable employers to benchmark their safety and health performance against industry leaders, to improve their own safety programs.

To ensure that the injury data on OSHA logs are accurate and complete, the final rule also promotes an employee's right to report injuries and illnesses without fear of retaliation, and clarifies that an employer must have a reasonable procedure for reporting work-related injuries that does not discourage employees from reporting. This aspect of the rule targets employer programs and policies that, while nominally promoting safety, have the effect of discouraging workers from reporting injuries and, in turn leading to incomplete or inaccurate records of workplace hazards.

WHAT THESE REPORTING CHANGES MEAN

Before, employers could only be cited by OSHA for not having a workplace illness/injury procedure in place. Now OSHA can cite an employer if the company's procedure is not 'reasonable' or discourages employees from reporting.

Before, OSHA had to wait for an employee to file a whistleblower retaliation claim to investigate the company. Now, OSHA can cite and fine employers directly and demand abatement for alleged retaliation against employees who report workplace injuries and illnesses.

Before, employer reports of injury/illness events were in an open chronological format that allowed updates and changes to the report as needed. Now, because the electronic report will be made public at the initial filing, it may be difficult for employers to revise the report at a later date. This means the first filing will stay on the Internet as it was written and later updates may or may not be easily found. This can lead to either accidental or willful misinterpreted of the information by anyone who has an Internet connection.

The public availability of the employer's and employee's data also raises security concerns.

OSHA says it will use software to remove private employee information, but if anything has been learned about computer data security it is that software programs are not infallible. If sensitive data is somewhere in the system, it will be somehow available.

Employer information in the new electronic reports is also open to subjective interpretation by competitors, media, or other interested parties. The current business and media environment already plays fast and loose with easily accessed data.

WMDA/CAR'S CONCERNS

WMDA/CAR had submitted comments in strong opposition to this new rule.

In the background materials accompanying the rule, OSHA refers to

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the alleged benefits of “public” access to these reports in terms of customer decision-making. While this approach may be well intentioned, it ignores the realities of the marketplace. Competitors have obvious incentives to use injury and illness data for competitive advantage. Meanwhile, customers viewing the raw data out of context may well draw incorrect conclusions, particularly if aided by the self-interested and distorted representations of these competitors.

Absent proper context, raw data on workplace injuries and illnesses is an unreliable measure of an employer's safety record. In addition to commercial competitors, other hostile interests (political, personal, ideological) could use or threaten to use this data to fashion negative ad campaigns, create frivolous litigation, or engage in other mischief based on easy access to sensitive information in its most raw form.

WMDA/CAR is also concerned that the posting of this raw data will negatively affect the accuracy of reporting based on a company's knowledge that competitors and consumers will be able to view the data. There will be a strong incentive to “fudge” the data or participate in “creative” reporting, based in part on the assumption that “everyone's doing it.” The more companies that believe consumers are viewing this data, the greater the incentive for distorting their own data or designing schemes to have their competitor's data viewed negatively.

WMDA/CAR's primary objection is to the “publication” and public access to raw injury and illness data without the benefit of a contextual explanation. There is a great risk of misuse of such highly sensitive data by both competitors and other adversaries. Since it would be in such a raw form and subject to distortion, this data will be of questionable value in consumer decision-making.

Our members understand OSHA's desire for this data to direct its policy making, but we urge that the data remains confidential between the Agency and the employer. We also urge that the scope of this rule be pared down to a much smaller volume of data, impacting far fewer establishments and targeted to obtain only the most serious injury and illness information. Then there must be an evaluation of the data collection and reporting program to determine whether it actually leads to concrete improvements in workplace health and safety. Finally, any form of electronic reporting must be phased in to allow for a smooth transition for those establishments that have not moved to entirely electronic systems.

Without any empirical data to support the perceived benefits or justify the additional costs, OSHA is speculating that the implementation of this proposed rule will have a positive impact on workplace health and safety. In many instances, businesses will be forced to reallocate resources from proven risk management practices in order to comply with the increased reporting requirements.

As an industry we must come together to combat regulations like this coming down on us.

Please attend the 2016 WMDA/CAR Industry Issues Forum, where we will discuss this issues and others. The Forum will be held on Friday, September 9, 2016 from 9:30 a.m. to 12:00 noon at the Ocean City Convention Center, in Ocean City, Maryland.

This year we have extended the Forum by 30 minutes to accommodate all of our speakers. We should have a broad section of our industry in attendance, and WMDA/CAR looks forward to your participation and attendance!! ♦

WMDA/CAR PAC

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make sure your voice is heard!*



For more information, please contact:

Frank Eberle, PAC Chairman

e-mail: eberlecitgo@aol.com

phone: 301-390-0900



2016 WMDA BOARD NOMINATIONS

Dear WMDA Member:

In accordance with the Association Constitution by-laws, it is our pleasure to present to you the Nominating Committee Report filed with me on May 1, 2016 by Chairman Melvin Sherbert.

Board of Directors nominations to be placed on the ballot for 2016-2018:

Anne Arundel County Board Member..... Erten Musa

Delaware Board Member Robert Weber

Baltimore Area Board Members Khalid Azam
Kassandra Foster
Larry Jackson

Prince George's County Board Member K.B. Bakhsh

Southern Maryland Area Board Member Dawn Dowden

Association elections are open to all regular members in the District of Columbia, Maryland and Delaware in good standing. Any member may nominate either himself/herself or another member to run for any available position on the Executive Committee or on the Board of Directors. The Nominating Committee interviewed members so nominated to assure that he or she will serve, if and when elected, in the capacity for which they are nominated. Nominations were filed with either the Nominating Committee or me by June 2, 2016. On July 12, 2016, election ballots will be sent to all Association members in good standing. These ballots must be completed and returned to the Association office by July 21, 2016. Ballots will be tabulated and the new Board Members will be sworn in at the August Board meeting.

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CAR TALK

Let WMDA/CAR Work for You

by Ken Quasney
Auto Sense & CAR Committee Chairman

**“WMDA/CAR
is like any other
tool you use –
a scanner, a wrench,
an impact gun...
and yes, even a hammer
from time to time.**

**WMDA/CAR
is a tool in our arsenal
for business.”**

Twenty-two YEARS. Yep, 22 years I have been a member of WMDA/CAR. I remember an Area Meeting we had about 10 years ago. Frank Eberle stood up and asked everyone to close their eyes. He then asked for everyone to imagine running their Gas Station or Repair Shop without the influence of WMDA/CAR. He went on to say, “WMDA/CAR is like any other tool you use – a scanner, a wrench, an impact gun... and yes, even a hammer from time to time. WMDA/CAR is a tool in our arsenal for business.” WOW, what a strong statement.

The more I think about it, the more I realize just how right Frank was that day. Legislation alone is reason enough to be a member. I have watched this in action for many years and I can tell you with confidence we are much better off because of the efforts of WMDA/CAR. Lots of groups ask for your money to lobby in Annapolis, but I have watched them in action and they are nothing like Kirk McCauley and the volunteers from WMDA/CAR. We actually tell our story to legislators and we have won a lot of battles because of it.

We offer training, endorsed programs, a summit for you to sound off, and many other features behind the scenes. All of this winds up around the WMDA/CAR Convention and Trade Show. Shop owners from all over the eastern seaboard attend the Convention in Ocean City and discuss issues affecting our industry.

If you have never been to the WMDA/CAR Convention and Trade Show in Ocean City, this might be the year to attend.

CAR is trying desperately to help with

the technician shortage. This year we will have a roundtable discussion (Saturday, September 10, from 10:00 a.m. - 11:30 a.m. at the Ocean City Convention Center) to figure out the best course of action, and you should be a part of that discussion.

As I write this article, we are working on getting local industry trainers to the Convention to help figure out how best to tackle the problem. This is an action packed three days. The Golf Tournament at Rum Pointe starts off Thursday morning, and that evening is the Welcome Reception at Seacrets with lots of food and drink with your friends and fellow shop owners. Friday morning starts the day with a General Membership meeting to point the direction of the coming year. Good information to have! Then the Trade Show starts, followed later that night by the Hospitality Suites at the host hotel, the Clarion Fontainebleau, with plenty more food and drink... yummy! The following day is the awards breakfast and more classes and then again the Trade Show.

I could talk all day about the Convention and still not give it the justice it deserves. You have to be there yourself. We have discounted prices on rooms if you sign up early and the beach is right outside your window. Use this time as a business expense and take the family to the beach for a good time. The Trade Show is packed with suppliers for making a deal on equipment, Door Prizes, more food and drink and plenty of friends. **So, get your butt down to the ocean for the Convention and Trade Show. I'll even buy you a drink at the Reception... lol.** ♦



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KIRK'S KORNER

Member Update

by Kirk McCauley
Director of Member Relations & Government Affairs

Local Legislative Issues from May and June 2016 That Affect Every Member & Associate

WMDA/CAR submitted written position papers and testified on Minimum Wage Bill hearings in the District of Columbia, the city of Baltimore, and Montgomery County. (Each was independently trying to raise the minimum wage in their specific area.)

We also submitted written position papers and testified on a bill in the District of Columbia "Hours and Scheduling Stability Act of 2016" – a really bad bill for our members (you would have to post the schedule 21 days ahead of time and get written permission to change a person's schedule, etc.).

We submitted written position papers and testified on the Baltimore city bill on sugar in drinks that would have hurt anyone that sold drinks.

The Minimum Wage Bill in D.C. passed, and will now go to the Mayor to sign. We have been working with D.C. Council Members on the hours of the Scheduling Stability Bill.

The Baltimore City Minimum Wage Bill will go to the Work Session Committee on July 19 and 21. We will participate in those work groups.

Montgomery County's Minimum Wage Bill is still a question mark. We had a good group testifying against the bill, but when a bill is sponsored by five Council Members out of nine, it is tough to stop.

The emails you sent and phone calls that you made to Council

Members all help, and I hear comments from legislators all the time on participation and how that affects them. Members that respond truly make my job easier. Thank you.

If you ever have questions about any legislation, just give me a call or send me an email, I will be glad to talk to you about them.

Convention and Trade Show September 8-10 in Ocean City, Maryland

There is a full schedule of events in this issue (see page 12), but I want to touch on one very special event. Murf's Turf Town Hall Meeting on Friday, September 9, from 2:00 p.m. to 4:00 p.m. will deal with "What is the Future of the Independent Dealer?"

Our industry has gone through many changes – starting with major oil selling their assets, property, and indeed everything but the kitchen sink, to jobbers. The jobbers started buying up each other. Where does this leave the independent dealer? What will the independent dealer need to survive in the future?

Four of our major suppliers will be there to give you their viewpoint and a peek into the future. This is not a palm reading session – this group lives it every day with companies that have been in business for a combined 265 years. Whether you are an owner/lessee of one station, or 15 stations, you can't afford to miss this because it's all about your money and your future. The guest panel includes: John Phelps, Carroll Independent Fuel; Blackie Bowen, Ewing Oil; Hussain Ejtemai, PMG; and Mel Strine, SMO/PEH.

I look forward to seeing you there. ♦



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AS I SEE IT

Countdown to the Convention and Trade Show

by Marta Gates-Jones
Director of Operations

The clock is ticking – the 43rd Annual WMDA/CAR Convention and Trade Show will be here before you know it! If you haven't made plans yet, now is the time to register for any, or all, of the events that will be happening in Ocean City September 8-10.

Take advantage of all the events – check out the schedule of events on page 12 of this newsletter. And don't forget to register for the Fall Golf Tournament at Rum Point Seaside Golf Links.

There is so much to do, see and learn – and there is no place like Ocean City to do just that! Why not register today? Visit www.wmda.net to register online or download a form and fax or mail it in to WMDA.

The host hotel is the Clarion Resort Fontainebleau Hotel – and those rooms will book up fast – so, reserve yours today!

Come on down to the ocean – and bring the entire family! ♦

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CALL FOR ALL AWARD NOMINATIONS

If you have any nominations for the **Friend of the Industry Award**, **Member of the Year**, and/or **Hall of Fame**, please have them to President Riaz Ahmad (rahmad217@aol.com) or Roy Littlefield (rlittlefield@wmda.net) by August 5, 2016.

For questions about the awards, please contact Marta Gates at 301-390-0900, ext. 115.

2016 HARRY T. MURPHY CUSTOMER SERVICE CONTEST AWARDS FOR EMPLOYEES

Don't forget to nominate and acknowledge your employees this year! There are four categories that will be presented at the Awards Breakfast in Ocean City on Saturday, September 10, during the annual WMDA/CAR Convention and Trade Show. They are:

1. **Manager of the Year** – C-Store/Service Station
2. **Service Writer/Manager of the Year** – Independent Repair Facilities
3. **CAR Technician of the Year** – Independent Repair Facilities
4. **WMDA Technician of the Year** – Service Stations with Bays

All nominations for these awards need to be in to us no later than July 15. If you have any questions or need a nomination form sent to you, call Marta Gates at 301-390-0900, ext 115, or email mgates@wmda.net.

Don't miss out on a chance to honor your employees who go above and beyond to keep your business performing at it's best.



2016 WMDA/CAR CONVENTION & TRADE SHOW

SEPTEMBER 8-10, 2016 • OCEAN CITY CONVENTION CENTER • 4001 COASTAL HIGHWAY • OCEAN CITY, MD

TENTATIVE SCHEDULE OF EVENTS

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with other local
station and shop owners,
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THURSDAY, SEPTEMBER 8, 2016

8:30 a.m. – 3:30 p.m.	Golf Tournament – 9:00 a.m. Shotgun Start**	Rum Pointe Golf Links
7:00 p.m. – 10:00 p.m.	Welcome Reception**	Seacrets

FRIDAY, SEPTEMBER 9, 2016

8:30 a.m. – 9:30 a.m.	SSDA-AT Board of Directors Meeting	O.C.C.C.
8:30 a.m. – 9:30 a.m.	WMDA Board of Directors & General Membership Meeting	O.C.C.C.
9:30 a.m. – 12:00 p.m.	Industry Issues Forum	O.C.C.C.
12:00 p.m. – 1:00 p.m.	Grille on the Bay**	O.C.C.C. - Bay Terrace
1:00 p.m. – 2:00 p.m.	Multiple Educational Sessions	O.C.C.C.
2:00 p.m. – 4:00 p.m.	Murf's Turf	O.C.C.C.
4:00 p.m. – 7:30 p.m.	Trade Show with Reception from 5:30 p.m. – 7:30 p.m.	O.C.C.C. - Hall A
8:00 p.m. – 10:00 p.m.	Hospitality Suites	Clarion Resort Fontainebleu Hotel

SATURDAY, SEPTEMBER 10, 2016

7:45 a.m. – 10:00 a.m.	Awards Breakfast and Harry T. Murphy Customer Service Contest Awards Presentation**	Clarion Resort Fontainebleu Hotel
10:00 a.m. – 11:15 a.m.	Multiple Educational Sessions	O.C.C.C.
11:30 a.m. – 3:30 p.m.	Trade Show	O.C.C.C. - Hall A
7:00 p.m. – 9:30 p.m.	Crab Feast**	Higgins Crab House

** Ticketed Event

The Trade Show, Educational Sessions, and Hospitality Suites are open to all members at no cost.
(Free admission is restricted to owners and personnel of service stations and repair shops only.)

Schedule subject to change.

Visit www.wmda.net to register or download a form.



HOTEL INFORMATION

Clarion Resort Fontainebleu Hotel
10100 Coastal Highway
Ocean City, MD 21842
Phone: 800-638-2100

Cut-Off Date: August 8, 2016

ROOM RATES

Double/Double	\$155
One Bedroom Condo	\$175
Two Bedroom Condo	\$205
Three Bedroom Condo	\$310

Mention WMDA to receive group rate.



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