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SOGGDA'S 16th Annual SAFETY & MEMBERSHIP MEETING OCTOBER 9, 2007

Chantrell's

20 Commercial Way, Springboro, Ohio

BUFFET 7:00 ~ MEETING 7:45

Topics of discussion

- | | |
|-----------------------|--|
| Katrina Thames | I have a claim...What should I do? |
| John Daney | Successor liability law...What should you know if you are
buying or selling a business? |
| BWC Speaker | TBA |
| HMS Speakers | Mike Pulsfort & Laurie Poston |

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THE SOGGDA NEWS

Official publication of Southwestern Ohio Garage Gasoline Dealers Association is published 12 times yearly and dedicated to the betterment of the position of independents in the automotive and petroleum industry.

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Editor

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SEPTEMBER 11th

This year marks the sixth anniversary of the terrorist attacks that killed more than 3,000 Americans. Memorials to commemorate the victims are planned at the site of the World Trade Center in New York City, at the Pentagon in Washington, D.C., and in a field near Shanksville, Pa., where passengers crashed a hijacked plane to prevent an attack on the nation's capital. The Pentagon memorial is expected to be completed this fall; it will feature lighted benches, reflecting pools, and trees.

The World Trade Center Memorial Foundation in New York City has changed its memorial design several times. Two constants have been the desire to list the names of the victims, as well as include a museum documenting the events of Sept. 11, 2001 and its aftermath. It is expected to be completed by Sept. 11, 2009.

The Flight 93 Memorial in Shanksville, Pa., is projected to be completed two years later. It will include walking paths around the crash site, a tower with wind chimes, and a grove of maple trees.



Measuring Blood Pressure

According to the Center for Science in the Public Interest, one of four Americans has high blood pressure. The next time you have yours checked, see how it compares with these standards:

Optimal – below 120/80

Normal – 120-129/80-84

High normal (indicates a risk of hypertension) – 130-139/85-89

High – 140 or higher/90 or higher

Dust in Your Eyes

If your eye becomes irritated from embedded particles of dust, resist the urge to rub it – you could scratch the cornea, cautions the British Columbia Ministry of Health. Instead, follow this advice:

- If you wear contacts, remove them.
- If the particle is over the colored part of your eye, try flushing it out with water. If that doesn't work, seek medical attention.
- If the particle is over the white of your eye or inside the lower lid, you can use a dampened tissue to gently remove it.
- If your eyes start to water, don't dab away the tears because they might help wash the particle out.

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General Counsel Corner

By: *Peter H. Gunst, Esq.*
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Is the Doctor Out?

In *PSKS, Inc. v. Leegin Creative Leather Products, Inc.*, 171 Fed. Appx. 464 (5th Cir. 2006), the federal appellate court was presented with what appeared to be almost a ludicrously simple case. The jury had found that a manufacturer of women's accessories had terminated its retailer illegally because the retailer had discounted the manufacturer's goods. On appeal, the manufacturer conceded that its conduct constituted price fixing of the sort ruled per se illegal almost a century ago in *Dr. Miles Medical Co. v. John D. Clark & Sons Co.*, 220 U.S. 373 (1911).

Unanimously affirming the jury's verdict, the appellate court emphasized that the Supreme Court "has consistently applied the per se rule..., consistent with Congressional intent, to distributor termination cases in which there is a concerted action to set prices."

Enter the Justice Department and the Federal Trade Commission, which now appear to be more interested in dismantling the anti-trust laws than in their enforcement.

Despite their purported concern with consumer welfare, which would appear to be well served by the long-standing rule that condemns agreements intended to increase the prices that consumers are required to pay for goods, the Justice Department and the Federal Trade Commission united to urge the Supreme Court to reverse the jury's verdict and to disavow the *Dr. Miles* rule. Oral argument in the Supreme Court was scheduled for March 26, 2007.

In a remarkable gesture of protest; dissenting Federal Trade Commissioner Pamela Jones Harbour addressed a lengthy open letter to the Supreme Court Justices in defense of *Dr. Miles*. It begins emphatically, "Vertical minimum price fixing is almost always harmful to consumers."

Arguing persuasively for the retention of the *Dr. Miles* rule, Commissioner Harbour urges that overruling the decision would be —

- bad as a matter of law
- bad as a matter of economic policy;
- expressly contrary to Congressional findings and intent; and
- unsupported by the facts of the *Leegin* case itself

As a matter of economics, Commissioner Harbour contends that reversing the *Dr. Miles* rule will likely result in —

- higher prices set by manufacturers;
- reduced efficiency in distribution and retailing;
- higher rates of business failure;
- reduced opportunities for effective entry by new competitors and products;
- distortion of retailer incentives to provide objective comparisons of competing brands on the shelves;
- diminished levels of competition between competing brands of goods; and

- Increased competition by manufacturers for the loyalty of their dealers, the cost of which would be borne by consumers.

Commissioner Harbour concludes, "It is no wonder, therefore, that most industrialized nations of the world treat vertical minimum price fixing as per se illegal."

Commissioner Harbour also argues forcibly that the effort to jettison *Dr. Miles*' per se prohibition of minimum price fixing flies in the face of the express intent of Congress, which "explicitly forbade the use of federal antitrust enforcement appropriations to advocate for the reversal of per se illegalities for such conduct" And, after all, it is the role of the Justice Department and Federal Trade Commission to uphold and implement — and not to frustrate — Congress' enforcement objectives with respect to the nation's antitrust laws. Or so one would think.

The Supreme Court will not rule in the *Leegin* case for several months. Nevertheless, it is disturbing that the nation's antitrust enforcement agencies have aggressively assailed well-recognized Supreme Court precedent, which is intended to protect both consumers and independent retailers and distributors against coerced price fixing. We hope that their effort will be rejected, and that the venerable *Dr. Miles* will retain his office hours.

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To access the latest articles by the Service Station Dealer's legal counsel, please visit the "Service Station Dealers' Legal Issues" section of the Astrachan Gunst & Thomas P.C. website at: <http://www.agtalawyers.com/resources/petroleum.html>.

Who's Buying Tobacco?

State and local governments, under the guise of public safety, are continuing to pursue "sting" operation to identify irresponsible convenience store clerks that are selling tobacco products to minors. While safety, I'm sure, is part of the equation, the revenue generated by fines is the far bigger picture for lawmakers.

The legal smoking age in most states, at least for the moment, is 18. In three states—Alabama, Alaska and Utah—the legal age is set at 19. Some local communities, such as Suffolk County in New York, have even dismissed state law and independently raised the legal smoking age to 19.

The bottom line is if clerks sell tobacco products to someone under the legal age, they are guilty of a crime and can be fined \$200 or more for each offense. In addition, employers whose clerks break the law could also be fined and possibly lose their tobacco licenses.

To ensure this does not happen, many state associations offer free tobacco sales training for members to make sure clerks have a clear understanding of the law and help keep store-owners from becoming another statistic in U.S. legal system.

Effective sales training tips include:

- Always ask for picture identification from anyone purchasing tobacco who appears to be under the age of 27. Use a short phrase such as "May I see some picture I.D., please?"
- Take the time to examine the I.D. Simply glancing at an I.D. is not enough. You must confirm that the identity on the card matches the customer. You also must calculate age.
- Here's an easy way to quickly calculate the age. It's called the "Plus 20; Minus 2 rule." Add 20 years to the birth date listed on the driver's license and subtract two years from that total (birth date: 1986+20=2006-

2=2004). This means that if today's date is 9-1-06, the customer's birth date must be 9-1-88 or earlier to make him or her old enough to buy tobacco.

- Checking an I.D. is the best way to make sure tobacco is not sold to minors. You must not rely on how old a person looks or acts. Some features (such as height, build, a beard or mustache, make-up, clothing or attitude) may lead employees to think that teens are older than they appear.

If a customer complains, tell them it is against state law to sell to minors and that there are fines and penalties for breaking the law. Tell the customer, "If I sell to you I could be fined \$200 and charged to a crime."

Tip for Employers

When a policy matters to managers, it matters to employees. Set the tone in your store by showing you are serious about not selling tobacco to minors.

- Regularly schedule an employee meeting to train employees on how to comply with state law.
- Require that all employees attend.
- Require all employees to read and sign the written agreement that clearly states your store policy prohibiting the sale of cigarettes and tobacco products to minors.
- Offer positive reinforcement and ongoing reminders to employees about the Importance of obeying the law.
- Remind employees that following this law maintains your store's reputation of being a good citizen.

Post Signs

Display signs near the front counter where customers and employees will see it and be reminded of the law, criminal charges and fines they can receive if they sell tobacco products to minors or are a minor trying to illegally purchase tobacco.

Signs might not stop minors from trying to buy cigarettes, but they will serve as constant, positive training tools for employees as well as forewarn adult consumers that they need to be prepared to show ID. when making tobacco purchases.



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Aggressive Driving Behavior: Tools to Protect Yourself from Becoming A Victim of Road Rage

More drivers are getting behind the wheel and letting anger, frustration, and impatience take priority over safe driving. Incidents involving road rage are being reported more and more. As a result, public concern about road rage is greater than ever. Surveys conducted in Washington, D.C. show 40 percent of drivers feel more threatened by those who drive aggressively rather than those who drive drunk. Aggressive driving was perceived as the number one cause of crashes.

The term “aggressive driving” is often referred to as “road rage.” However, each is different in classification and definition. The United States National Highway Traffic Safety Administration classifies aggressive driving as a traffic offense. It is defined as, “The opera-

tion of a motor vehicle in a manner which endangers or is likely to endanger people or property.” In contrast, road rage is classified as a criminal offense. The definition reads, “An assault with a motor vehicle or other dangerous weapon by the operator or passenger(s) of one motor vehicle on the operator or passenger(s) of another vehicle or vehicles precipitated by an incident which occurred on a roadway.”

Events leading to aggressive driving can be remarkably small. Research indicates that arguments over parking spaces, loud music, overuse of horn, slow driving, tailgating, and failure to use a turn signal can lead to violent traffic disputes. Surveys suggest a majority of drivers involved in aggressive driving are men between the ages of

18 and 26. However, anyone can become aggressive. Traffic violence can result from stress in the motorist’s daily life, including running late for appointments, frustration over slow or congested traffic, and/or anger over another driver’s actions.

Polls indicate nine out of ten motorists witnessed aggressive driving last year, and eight out of ten witnessed aggressive driving within the last month. One out of every two motorists surveyed admitted to driving aggressively within the last year. Also, for every aggressive driving incident reported, there are several unreported. Given these alarming statistics, how do you avoid offending other drivers or becoming the victim of an aggressive driving act?

Consider these helpful tips to protect yourself and others from the critical dangers of road rage:

- Allow yourself plenty of time to get to your destination.
- Don’t tailgate.
- If another driver is tailgating you, simply move over and let him/her pass. Don’t make the driver more angry by applying your brakes.
- Don’t block the passing lane.
- If another driver is taunting you, do not retaliate.
- Keep your cool. Don’t assume the driver’s mistakes are personal or intentional.
- Signal before you change lanes. Be sure you don’t cut off the other driver when changing lanes.
- Don’t take more than one parking space.
- Don’t let your vehicle door hit the vehicle parked next to you.
- Avoid ridiculing, criticizing, or making obscene gestures at drivers, regardless of the circumstances.
- Don’t drive when you are angry, upset, or tired.
- Drive with the same courtesy you extend in other everyday situations.
- Although you cannot control traffic, you can control your reaction to it.
- Be considerate with music volume and excessive horn blowing

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The History of Labor Day

Labor Day: How it Came About; What it Means

“Labor Day differs in every essential way from the other holidays of the year in any country,” said Samuel Gompers, founder and longtime president of the American Federation of Labor. “All other holidays are in a more or less degree connected with conflicts and battles of man’s prowess over man, of strife and discord for greed and power, of glories achieved by one nation over another. Labor Day...is devoted to no man, living or dead, to no sect, race, or nation.”

Labor Day, the first Monday in September, is a creation of the labor movement and is dedicated to the social and economic achievements of American workers. It constitutes a yearly national tribute to the contributions workers have made to the strength, prosperity, and well-being of our country.

Founder of Labor Day

More than 100 years after the first Labor Day observance, there is still some doubt as to who first proposed the holiday for workers.

Some records show that Peter J. McGuire, general secretary of the Brotherhood of Carpenters and Joiners and a cofounder of the American Federation of Labor, was first in suggesting a day to honor those “who from rude nature have delved and carved all the grandeur we behold.”

But Peter McGuire’s place in Labor Day history has not gone unchallenged. Many believe that Matthew Maguire, a machinist, not Peter McGuire, founded the holiday. Recent research seems to support the contention that Matthew Maguire, later the secretary of Local 344 of the International Association of Machinists in Paterson, N.J., proposed the holiday in 1882 while serving as secretary of the Central Labor Union in New York. What is clear is that the Central Labor Union adopted a Labor Day proposal and appointed a committee to plan a demonstration and picnic.

The First Labor Day

The first Labor Day holiday was celebrated on Tuesday, September 5, 1882, in New York City, in accordance with the plans of the Central Labor Union. The Central Labor Union held its second Labor Day holiday just a year later, on September 5, 1883.

In 1884 the first Monday in September was selected as the holiday, as originally proposed, and the Central Labor Union urged similar organizations in other cities to follow the example of New York and celebrate a “workingmen’s holiday” on that date. The idea spread with the growth of labor organizations, and in 1885 Labor Day was celebrated in many industrial centers of the country.

Labor Day Legislation

Through the years the nation gave increasing emphasis to Labor Day. The first governmental recognition came through municipal ordinances passed during 1885 and 1886. From them developed the movement to secure state legislation. The first state bill was introduced into the New York legislature, but the first to become law was passed by Oregon on February 21, 1887. During the year four more states — Colorado, Massachusetts, New Jersey, and New York — created the Labor Day holiday by legislative enactment. By the end of the decade Connecticut, Nebraska, and Pennsylvania had followed suit. By 1894, 23 other states had adopted the holiday in honor of workers, and on June 28 of that year, Congress passed an act making the first Monday in September of each year a legal holiday in the District of Columbia and the territories.

www.dol.gov

Labor Day Statistics

Here are some facts and figures about the U.S. labor force, which is honored on Labor Day:

- More than 17.5 million people work for the various levels of government — federal, state, and local.
- More than 8 million are self-employed, 7 percent of the working population.
- The highest starting salaries for recent four-year college graduates were paid to petroleum, chemical, and computer engineers — \$49,000 a year on average. Graduates of five-year pharmacy programs start at \$65,000 a year.
- Physicians and surgeons have the highest median hourly earnings at \$60. Dentists, aircraft
- Pilots, flight engineers, podiatrists, and lawyers follow.
- Vermont, Colorado, and Minnesota are the states with the highest percentage of women who work — 69 percent. The national average is 60 percent.
- The state with the highest average annual income is Connecticut at \$38,895.
- The following figures show the value of a college degree:
Women with high school degrees — \$21,963 in average income
Women with college degrees — \$35,408
Men with high school degrees — \$30,868
Men with college degrees — \$49,982

Right to Repair: A Worldwide Concern

By Roy Littlefield

On May 24, 2007 Paul Fiore and I attended a meeting with representatives from automotive aftermarket associations worldwide. The subject of this meeting, held in conjunction with the Autop-romotec Show in Bologna, Italy with over 30-Countries represented, was on the worldwide concern of right to repair legislation.

Proposed legislation would provide car owners with the right to decide where and how they could have their car serviced, whether it be at a new car dealership or at an independent repair facility.

Our efforts in both the United States and Canada have been well documented. What shocked me was that this is truly a global issue.

On June 12th and 13th, members of TIA, WMDA, SSDA/NCPR-AT, AAIA, AASP, ACTA, ASO, MAP, APRA, ARA, ASAAA, and AW-CIA took their care to Capitol Hill to again seek legislation that would require automobile manufactures to share the same information and tools that they make available to their franchised dealer with the independent service industry.

With the increase use of computers and electronics controlling nearly every system on late model vehicles, car companies now possess the ability to control access to the information and tools necessary for the independent service industry to stay competitive with the franchised new car dealers. Over two thirds of car owners patronize independent service facilities after their warranty has expired due to price, convenience and trust. Failure to enact right to repair legislation could jeopardize the ability of car owners to choose where they have their vehicle serviced and likely would lead to increased repair costs and reduced convenience. Ultimately, car owners and many small businesses would be harmed.

The Automotive Aftermarket Industry Association urges law-makers to support The Motor Vehicle Owner's Right to Repair Act for the following key reasons:

- Requires vehicle manufacturers to provide the same service information and tools capabilities to independent shops that they offer to their franchised dealer network to repair and maintain late model computer controlled vehicle systems;
- Restores the right of consumers to have their vehicle serviced and maintained at the repair facility of their choice; and,

- Authorizes the Federal Trade Commission (FTC) to enforce requirements in order to protect consumers and to promote competition in auto maintenance and repair.

Right to repair would not

- Affect the dealer's warranty agreement with the vehicle manufacturers; and
- Require manufactures to disclose manufacturing processes or trade secrets unless that information is made available to the new car dealer.

Modern cars and light trucks contain advanced technology that monitors or controls virtually every function of the vehicle including: brakes, steering, air bags, fuel delivery, ignition, lubrication, theft prevention, emission controls and soon, tire pressure. Car owners and independent shops need full access to the information, parts and tools necessary to accurately diagnose, repair or re-program these systems.

Vehicle manufactures are making access to such vital information increasingly difficult to obtain for the independent aftermarket and its customers. Without access to critical information, parts and tools, motorists are forced to patronize new car dealerships, which may not be convenient or easily accessible to a car owner.

A nationwide survey of a 1,000 independent repair shops conducted by Opinion Research, Inc. found that either much or some of the data needed to repair vehicles was not provided by the vehicle manufactures. Further; the survey found that the manufactures never or only sometimes provide capabilities in their tools needed to complete repairs. The difficulty in accessing the needed tools and information has caused a 5.6% loss in productivity per month for independent repair shops, adding up to a whopping \$5.8 billion loss of revenue per year for the industry.

Everything done to motor vehicles after they are sold by a car or truck dealer - from changing the oil, service the brakes, diagnosing and repairing a complex emission problem, to repainting a fender, reupholstering a seat, to installing an alarm system - involves the automotive aftermarket.

The aftermarket industry supplies the products and services that are fundamental to the proper maintenance and repair for passenger cars, minivans, sports cars,

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SOGGDA News

Right to Repair: A Worldwide Concern Continued...

pickups, heavy-duty and sport utility vehicles (SUVs).

These products and services include replacement parts, accessories, lubricants, appearance products, maintenance and repairs, as well as the tools and equipment necessary to effectively make the repair.

The automotive aftermarket caters to both the do-it-yourself (DIY) side of the industry (those motorists who choose to maintain and repair their own vehicles), and the car owner that prefers to have their vehicle serviced by independent service facilities that employ highly-trained professional technicians. Either way, the independent aftermarket represents the choice of 70 to 80 percent of car owners based on price, trust and convenience over the new car dealership once the new car warranty expires.

The automotive aftermarket represents one of the largest U.S. employers. Automobiles require annual routine maintenance, and thus create jobs for many Americans. Our industry employs nearly 4.5 million people, which represents 2.9 percent of the work force, at more than 500,000 business locations.

Service repair technicians continue to play a major role in the aftermarket, with employment of more than 871,000 people. More than 326,000 people work at automotive parts stores, many of those are family-owned and operated. Nearly 165,000 people work at tire dealerships and another 349,000 are involved in the distribution of motor vehicle parts and supplies.

The U.S. motor vehicles aftermarket is a \$294 billion industry which maintains, repairs, and accessorizes

vehicles. The automotive aftermarket industry is a significant contributor to:

- U.S. GDP- More than 2.4 percent of America's total gross domestic product (GDP) was generated by the automotive aftermarket. We are the 11th largest contributor to the GDP.
- Exports- U.S. motor vehicle parts and accessories exports measured more than \$54 billion in 2006. More than half of these exports were sent to Canada. Other prominent markets for U.S. motor vehicle products are Mexico, Japan, Germany, the United Kingdom, and Australia.

Today, there are more than 245 million registered vehicles on the road in the U.S. An alarming percentage of motorists are neglecting recommended maintenance of critical emissions, performance and safety equipment and systems. In fact, unperformed vehicle maintenance results in more than 5 percent of all vehicle accidents.

These accidents result in 2,600 deaths, 100,000 disabling injuries and a financial cost of more than \$2 billion every year. The U.S. Environmental Protection Agency estimates that 30 percent of the vehicles are responsible for the majority of pollution from motor vehicles.

A well-maintained car is safer and costs less to run. Simple and inexpensive steps such as properly inflating tires and routine check-ups can help increase the safety of vehicles, benefit the environment and save consumers' money and protect their investment

Aiming to reduce the more than \$60 billion in unperformed vehicle maintenance, a coalition of major aftermarket organizations and companies has created a consumer education campaign about the benefits of regular vehicle care, maintenance and repair called "Be Car Care Aware." During April's National Car Care Month, numerous aftermarket businesses sponsor vehicle check-up events, where trained technicians perform five inspections on consumer's vehicles. The inspections cover vehicles' tires, fluids, filters, batteries, belts and hoses, wipers and other automotive parts.

The automotive aftermarket is working hard to keep America on the road by helping you get where you are going safely and reliably.

The Motor Vehicle Owners Right to Repair Act is critical to ensuring that the independent vehicle aftermarket have access to the service information and tools necessary to repair today's computer controlled vehicles.



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Increase in Federal Minimum Wage

By SESCO Management Consultants

Congress passed an increase in the federal minimum wage, which became effective July 24, 2007. The current hourly minimum was of \$5.15 has been in place for the last ten years.

There will be incremental increases in the federal minimum wage over a two-year period. The minimum wage will increase to \$5.85 effective July 24. Only year later, the minimum wage will increase to \$6.55. After an-other year (summer of 2009), the federal minimum wage will increase to \$7.25 per hour.

This increase in the federal minimum wage will obviously affect those businesses that compensate some workers at or near the current minimum wage. Subsequently, this change may impact the internal equity of pay structures of some organizations. Prior to making any across-the-board adjustments as the current pay scales, consider the potential impact upon practices.

Impact on the States:

Employers of employees who are subject to both state and federal minimum hourly wage rates will have to comply by paying the employee the greater of the two rates. In addition, there are several states whose wage rates are tied to changes in the federal rate. The following states will automatically see increases in their state hourly minimum wage rate on July 24, 2007:

Idaho. Provides that state law is to conform to and be on trace with the federal minimum wage rate. When the federal minimum wage increases, the state is to increase accordingly.

Indiana. Provides that the state minimum wage rate for employers of two or more employees in any work week on or after June 30, 2007, is to be not less than that of the federal minimum hourly wage rate. Increases to the federal minimum wage and training wage

would be automatically adopted by the state, by reference, effective July 1, 2007.

Kentucky. Kentucky law provides that employers must pay no less than the

federal minimum hourly wage rate, adopting the federal rate automatically by reference. However, Kentucky's minimum hourly wage rate is also scheduled to increase to \$5.85 per hour but on June 26, 2007. Scheduled increases also include an increase to \$6.55 per hour on July 1, 2008, and to \$7.25 per hour on July 1, 2009.

New Hampshire. New Hampshire law states that if the federal minimum wage rate is higher than the state rate, then the federal rate would apply. Currently, the minimum wage rate is scheduled to increase to that of \$6.50 per hour on September 1, 2007, and again to \$7.25 per hour on September 1, 2008. Thus the federal increase would apply only until September 1 of 2007.

North Dakota. Provides that the state minimum wage rate would increase to \$5.85 per hour if legislation increasing the federal rate is approved effective on the same date the federal rate increases (July 24, 2007). The minimum wage rate for North Dakota would increase again to \$6.55 per hour one year later and then to \$7.25 per hour two years later, coinciding with the federal rate changes.

Oklahoma. Oklahoma law states that the state minimum wage rate is to be the same as the federal minimum hourly wage rate. The state minimum



Continued on next page...

SOGGDA News

Increase in Federal Minimum Wage Continued...

wage rate applies to employers having 10 or more employees at one location and also to employers having gross annual sales of over \$100,000, regardless of how many employees are employed. For all others, a minimum wage rate of \$2.00 per hour applies.

South Dakota. Provides that the state minimum wage rate will increase to \$5.85 per hour when the federal minimum wage rate increases or on July 1, 2007, which is later. Thus, South Dakota's minimum wage rate will increase to the new federal rate on the same date the federal rate increases, July 24, 2007. The state minimum wage would increase to \$6.55 per hour one year later and then again to \$7.25 per hour two years later, in alignment with the federal rate changes.

Texas. Texas law provides that the state minimum wage rate is to be the same as the federal rate. Thus, minimum wage in Texas will increase to \$5.85 per hour on July 24, 2007.

Virginia. Virginia law provides that the state minimum hourly wage rates to be the same as the federal rate. Thus, the minimum wage rate in Virginia will increase to \$5.85 per hour on July 24, 2007. The state's minimum wage applies to employees of employers having four or more employees (not including family members) who are age 16 and over.

The following states have minimum wage rates that on July 24, 2007, will remain higher than the federal minimum hourly wage rate:

- Alaska (\$7.15 per hour)
 - Arizona (\$6.75 per hour)
 - Arkansas (\$6.25)
 - California (\$7.50)
 - Colorado (\$6.85)
 - Connecticut (\$7.65)
 - Delaware (\$6.65)
 - Florida (\$6.67)
 - Hawaii (\$7.25)
 - Illinois (\$6.50; eff. 7/1/2007, \$7.50)
 - Iowa (\$6.20)
 - Maine (\$6.75; eff. 10/1/2007, \$7.00)
 - Maryland (\$6.15)
 - Massachusetts (\$7.50)
 - Michigan (\$7.15)
 - Minnesota (\$6.15 for employees of employers with \$625,000 or more in gross sales only; the rate is \$5.25 for employees of small employers)
 - Missouri (\$6.50)
 - Montana (\$6.15, large employers only; a \$4.00 rate applies to employees of employers with annual gross sales of \$110,000 or less)
 - Nevada (\$6.15 if no quali-
- fied health insurance plan provided; effective 7/1/2007, \$6.33 per hour if no health insurance plan provided) (minimum wage for employees of employers providing qualified health insurance plans is \$5.15 per hour with a scheduled increase to \$520 per hour on 7/1/2007)
 - New Hampshire (eff. 9/1/2007, \$6.50)
 - New Jersey (\$7.15)
 - New York (\$7.15)
 - North Carolina (\$6.15)
 - Ohio (\$6.85, ages 16 and over)
 - Pennsylvania (\$6.25; effective 7/1/2007, \$7.15) (\$5.65 if there are 10 or fewer employees; eff. 7/1/2007, \$6.65 if there are 10 or fewer employees)
 - Rhode Island (\$7.40)
 - Vermont (\$7.53)
 - Washington (\$7.93, ages 16 and older)
 - West Virginia (\$5.85; eff. 7/1/2007, \$6.55)
 - Wisconsin (\$6.50, nonagricultural employments)





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SOGGDA Safety...

Action steps for responding to violent behavior

Step 1:

General response to disruptive behavior (no threats or weapons)

1. Respond quietly and calmly. Try to defuse the situation.
2. Do not take the behavior personally. Usually, the behavior has little to do with you, but the person is using you as a target in the situation:
3. Listen with empathy and ask questions. Respectful concern and interest may demonstrate that aggression is not necessary.
4. Consider offering an apology. Even if you have done nothing wrong, an apology may calm the individual and encourage cooperation "I'm sorry that happened. What can we do now that will solve the problem?"
5. Summarize and document what the individual says. Make sure you are communicating clearly. In crisis, a person feels humiliated and wants respect and attention. Your summary of the individual's concerns reflects your attention
6. Focus on areas of agreement to help resolve the concern.

If this approach does not stop the disruption, assess whether the individual seems dangerous. If in your best judgment he or she is upset but not a threat, set limits and seek assistance as necessary.

Step 2:

Step 1 response, ineffective, individual does not seem dangerous.

1. Calmly and firmly set limits. For example, say, "Please lower your voice. There will be no disruptions in this office." "Please be patient so that I can understand what you need and try to help you."
2. Ask the individual to stop the behavior and warn that you may take official action. For example, say, "Disruption is subject to further action. Stop or you may be reported."
3. If the disruption continues despite a warning, tell the individual he or she may face discipline or prosecution, state that the discussion is over, and direct him or her to leave the office. Say, for example, "Please leave now. If you do not leave, I will call security and the human resource manager."
4. If the individual refuses to leave after you direct him or her to do so, state that this refusal is also a violation subject to disciplinary action.

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Step 3:

Step 1 response ineffective and the individual seems dangerous

1. If possible, find a quiet, safe place to talk, but do not isolate yourself with an individual you believe may be dangerous. Maintain a safe distance, do not turn your back, and stay seated if possible. Leave the door open or open a closed door, and sit near the door. Be sure a co-worker is near to help if needed.

Continued on next page...

SOGGDA News

Action steps for responding to violent behavior continued...

2. Use a calm, non-confrontational approach to defuse the situation. Indicate your desire to listen and understand the problem. Allow the person to describe the problem.
3. Never touch the individual yourself to try to remove him or her from the area. The agitated individual may interpret even a gentle push or holding his or her arm as an assault and may respond with violence toward you or file a lawsuit later.
4. Set limits to indicate the behavior needed to deal with the concern. For example, say, "Please lower your voice." "Please stop shouting (or using profanity) or I'll have to ask you to leave."
5. Signal for assistance. The individual may be antagonized if you call for assistance, so use a prearranged distress signal to have another staff member check on you to determine how you are. If you need help, the co-worker should alert your supervisor and/or the police.
6. Do not mention discipline or the sheriff's office if you fear an angry or violent response.
7. If the situation escalates, find a way to excuse yourself, leave the room or area and get help. Say, "You've raised some tough questions. I'll consult HR to see what we can do."

In an emergency

For violent incidents in progress or specific threats of imminent violence, call the local law enforcement.

Immediately contact a member of management (human resources, the general manager or the health and safety supervisor). Have someone call for you if an individual:

- Makes threats of physical harm toward you, others or him or herself;
- Has a weapon;
- Behaves in a manner that causes you to fear for your own or another's safety.

Use a phone out of sight/hearing of the individual. The law enforcement agency will respond and take appropriate action.

1. Do not attempt to intervene physically or deal with the situa-

tion yourself. It is critical that the local law enforcement agency take charge of any incident that can or does involve physical harm.

2. Get yourself and others to safety quickly.

Post-incident response

Violent incidents affect many people: the victim, witnesses, bystanders, as well as friends and co-workers of those involved in or witnessing the event. To avoid long-term difficulties following a violent event (often called past-traumatic stress syndrome), be sure to take appropriate follow-up actions and interventions. There are crisis management companies and counselors available who can guide you in taking the appropriate steps for post-event counseling and intervention.

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April Poppel, Service Rep.

A Priceless Joke for Fall...

CURTAIN RODS...

She spent the first day packing her belongings into boxes, crates and suit-cases.

On the second day, she had the movers come and collect her things.

On the third day, she sat down for the last time at their beautiful dining room table by candle-light, put on some soft background music, and feasted on a pound of shrimp, a jar of caviar, and a bottle of spring-water.

When she had finished, she went into each and every room and deposited a few half-eaten shrimp shells dipped in caviar into the hollow of the curtain rods.

She then cleaned up the kitchen and left. When the husband returned with his new girlfriend, all was bliss for the first few days.

Then slowly, the house began to smell.

They tried everything; cleaning, mopping and airing the place out.

Vents were checked for dead rodents and carpets were steam cleaned.

Air fresheners were hung everywhere. Exterminators were brought in to set off gas canisters, during which they had to move out for a few days and in the end they even paid to replace the expensive wool carpeting. Nothing worked. People stopped coming over to visit.

Repairmen refused to work in the house.

The maid quit.

Finally, they could not take the stench any longer and decided to move.

A month later, even though they had cut their price in half, they could not find a buyer for their stinky house.

Word got out and eventually even the local realtors refused to return their calls.

Finally, they had to borrow a huge sum of money from the bank to purchase a new place.

The ex-wife called the man and asked how things were going.

He told her the saga of the rotting house. She listened politely and said that she missed her old home terribly and would be willing to reduce her divorce settlement in exchange for getting the house back.

Knowing his ex-wife had no idea how bad the smell was, he agreed on a price that was about 1/10th of what the house had been worth, but only if she were to sign the papers that very day.

She agreed and within the hour his lawyers delivered the paperwork.

A week later the man and his girlfriend stood smiling as they watched the moving company pack everything to take to their new home...

And to spite the ex-wife, they even took the curtain rods!!!

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SAFETY & MEMBERSHIP
MEETING
OCTOBER 9, 2007

Chantrell's

20 Commercial Way, Springboro, Ohio

BUFFET 7:00 ~ MEETING 7:45

Speakers: ProComp ~ John Daney and
Katrina Thames: Claims Specialist
Dayton BWC:
Managed Care Organization (HMS)
Mike Pulsfort & Laurie Poston

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SOGGDA

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VANDALIA, OH 45377

Directions To Chantrell's:

From the North: I-75 South to exit 38. Turn left onto OH-73, follow 73 - turn right. on Sharts Rd., turn right on Commercial Way

From the South: I-75 North to exit 38. turn right onto OH-73. Turn right onto Sharts Rd., turn right onto Commercial Way

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