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SOGGDA NEWS

Southwestern Ohio Garage & Gasoline Dealers Association, Inc.

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Volume 38, No. 5

September/October 2010

It's time for... SOGGDA'S 19th Annual SAFETY & MEMBERSHIP MEETING

on Wednesday, OCTOBER 13, 2010
at the Holiday Inn Dayton Mall
BUFFET 7:00 ~ MEETING 7:45

(See Page 15 for Registration Form & Information)



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others when you
give the best of
yourself.
-Harvey Firestone

Visit us on the Web at www.soggda.com

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.

Patricia S. Booker Executive Director
Vonnie Schriml Accountant

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Patricia S. Booker Editor

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R.I.C.E

What you do during the first hours after a sprain or muscle injury may determine whether you're back to your normal routine in a week or still hobbling around. The consensus among sports physicians and physical therapists is to start icing immediately after an injury and continue icing for at least 48 hours in nearly all cases.

Icing is recommended for acute injuries such as sprains, torn ligaments, bruises, and muscle strains or soreness. Not only does ice dull the pain, but also reduces blood flow, thereby lessening internal bleeding and swelling. By reducing swelling, icing can limit the damage and cut recovery time. Heat, in contrast, stimulates blood flow and increases swelling.

During the first two days, apply ice for 10 to 20 minutes every hour or two. To minimize swelling, remember the acronym R.I.C.E.:

- Rest the injury
- apply Ice
- apply Compression
- Elevate the injured area above heart level

A few precautions: don't use ice on blisters or open wounds, or if you have a circulatory problem. To avoid skin damage and frostbite, stop icing once the skin is numb; set a timer so that you don't go beyond 20 minutes.

SOGGDA'S

19th Annual

SAFETY & MEMBERSHIP MEETING

OCTOBER 13, 2010

Holiday Inn Dayton Mall

31 Prestige Plaza

BUFFET 7:00 ~ MEETING 7:45

Speakers: ProComp: John Daney
Division of Safety & Hygiene: Bob Heater
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Ohio Bureau of Workers' Compensation

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July 2010

RE: Group-Rating Safety Accountability

Dear Employer:

Each year Ohio employers have the opportunity to participate in BWC's Group-Experience-Rating Program or Group-Retrospective-Rating Program. While these programs are not required, they do provide you with an opportunity to significantly reduce your workers' compensation premiums, while increasing your awareness of safety and risk-management strategies.

Workplace safety is an important component of these programs. To succeed in accident prevention, we encourage you to use the many resources available to you. We believe a group-rating program is a partnership that includes you and your employees, your sponsoring organization or third-party administrator (TPA) and BWC. Each has specific roles and responsibilities, all designed to assist in preventing workplace accidents. This letter outlines the safety services expectations you should have as an employer enrolled in a group-rating program.

The employer will:

- Maintain a safe workplace;
- Attend safety training to enhance workplace safety;
- Implement BWC's 10-Step Business Plan for Safety and use available safety services as needed;
- Attend the required two-hour training and provide proof of attendance to sponsor for claim(s) occurring within the last two rating years.

The certified primary and affiliated sponsoring organizations will:

- Communicate, educate and verify BWC's 10-Step Business Plan for Safety to group members;
- Sponsor eight hours of safety training (this may be done at one time or may be provided incrementally as long as the total is at least eight hours);
- Provide information regarding safety resources to group members;
- Possibly assist an employer in achieving its safety needs;
- Manage employer fulfillment of the two-hour training requirement, where applicable;
- Publish this letter to group members.

The TPA may:

- Assist sponsoring organizations with fulfilling the group-rating safety requirements;
- Assist an employer with its safety needs;
- Work in conjunction with sponsors to develop safety training and deliver safety resources;
- Provide resources for claims handling.

BWC will:

- Monitor all group-rating safety activities to confirm requirements are met;
- Meet at least annually with sponsoring organizations to provide recommendations for fulfilling safety requirements;
- Provide safety training through Ohio's Center for Occupational Safety & Health;
- Offer on-site safety consultation (hazard assessments, air and noise monitoring, ergonomics evaluation, training) by a BWC safety professional;
- Offer publications and videos for safety program support;
- Conduct employer visits to confirm the employer is meeting group-rating requirements, when appropriate.

The goal of this collaborative effort is to make sure all your safety needs are met. Using these resources will assist you in preventing accidents, reducing claims costs and achieving the highest discounts possible. Below you'll find contact information for various resources.

Group sponsor: Southwestern Ohio Garage & Gasoline Dealers Association

TPA: ProComp

BWC: <http://www.ohiobwc.com/employer/services/safetyhygiene.asp>, groupratingsafety@bwc.state.oh.us

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“Load” or No Load Funds?

A load fund is simply an instrument where you pay a commission when the investment is made. This compensates the professional handling of the transaction. A no load fund, generally speaking, is purchased directly by the investor without an intermediary and there is no commission to be paid. If the investor is going to buy no-load funds for you, in other words provide the advice etc., then he or she will have to be paid a fee otherwise they won't stay in business very long. Is one better than the other? No! There are some absolutely splendid load funds where a commission paid is a good idea. There are also some excellent no-load funds. The less-than-2-percent charge is not unreasonable. It should be noted that the commission on a load fund is established, paid and is over. The no-load 1.75 percent annual fee is payable Even if the investments go down in value, you are still obligated to pay the fee. Both methods have their strengths and their weaknesses.



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General Counsel Corner

By: Peter H. Gunst, Esq.
pgunst@aggt.com

Déjà vu All Over Again

The Federal Trade Commission recently charged U-Haul International with engaging in “unfair methods of competition” in violation of the Federal Trade Commission Act because U-Haul made an unsuccessful invitation to its competitor, the Avis Budget Group, to conspire to charge higher prices to their customers.

Senator Orrin Hatch responded by complaining during a hearing of a Senate anti-trust subcommittee that the “unfair and deceptive” practices standard applied by the FTC was too vague for companies like U-Haul to know whether their conduct was illegal. It is difficult to fathom why the senator was so solicitous of U-Haul’s supposed plight.

Entering into an agreement with a competitor to raise prices charged to consumers has been illegal since the enactment of the Sherman Act one hundred twenty years ago. It is widely deemed to be the most heinous of all antitrust violations. Participants in such a scheme risk criminal prosecution and triple damage claims.

The only reason why U-Haul could not be prosecuted for price-fixing was the fortuitous fact that its competitor rejected its invitation to conspiracy. The Sherman Act contains **no** explicit prohibition of “attempted conspiracy” analogous to, for example, a law criminalizing “attempted armed robbery.”

Clearly, U-Haul knew that the goal it sought to achieve was wrong and illegal, so that the FTC was more than justified in charging U-Haul with engaging in an un-fair method of competition.

Invitations made by large corporations to their rivals to fix prices only occasionally see the light of day. One classic instance involved the call placed in 1982 by the president of American Airlines, Robert L. Crandall, to Howard Putnam, the president of its then-competitor, Braniff Air-lines.

Upset that consumers were not being charged high enough prices at the Dallas- Fort Worth International Airport, Crandall conducted the following dialogue with Putnam:

Crandall: I think it’s dumb as hell for Christ’s sake all right, to sit here and pound the * *” out of each other and neither one of us making a dime.

Putnam: Do you have a suggestion for me.

Crandall: Yes. I have a suggestion for you. Raise your goddamn fares twenty percent. I’ll raise mine the next morning.

Putnam: We can’t talk about pricing.

Crandall: Oh bull* * *, Howard. We can talk

about any damn thing we want to talk about.

Unknown to Crandall, Putnam taped their call and turned it over to the government. The Justice Department, although unable to pursue a price-fixing claim because nothing had been agreed to by Braniff, was able to bring a suit for attempted monopolization because of the very high market share - a combined ninety percent - that American Airlines and Braniff enjoyed on flights from the Dallas-Fort Worth airport.

In the U-Haul case, despite Senator Hatch’s concern of overreaching by the FTC, the company agreed in June of this year to accept a settlement order prohibiting it from colluding or inviting collusion for twenty years, and imposing monitoring and compliance provisions upon U-Haul.

The case is a reminder of the risk that continues to exist that large corporations may be all too willing to yield to the temptation of engaging in predatory conduct directed against their customers, unless they are constrained by law.

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 Imp://www.agglawyers.com/resources/petroleum.html.

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- \$ 30 Ambassador is/becomes a WPCU member (one time award)
- \$ 40 Company newsletter or email promotions of WPCU
- \$ 40 Direct mailing from credit union to all SEG employees
- \$ 50 Link to www.wpcu.coop from company website (one time award)
- \$ 50 On-site membership drive
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Senate Passes Swipe Fee Reform (Credit Card Interchange Fee)

The Senate passed the financial reform package (Dodd-Frank Bill) with a 60 to 39 vote in support of H.R. 4173. Interchange fee reform has long been a priority to provide relief for restaurants, grocery stores and other small businesses. For restaurants the interchange fees are often the third greatest operating expense, and convenience and gasoline industry's second largest expense.

The legislation includes a provision that the Federal Reserve issue rules preventing card networks from requiring that their debit cards can only be used on one debit card network. Retailers would have the choice of at least two networks in which to run transactions. The amendment would allow merchants to choose to decline credit cards for small dollar amount purchases due to the fact that the transaction fees may be larger than the purchase. Retailers may then offer a discount to customers for paying cash, check or debit card. Currently Visa and MasterCard imposes fees of 1% to 2% of the transaction amount.

Highlights...

- The Federal Reserve will:
- Issue standards for debit interchange fees that are reasonable and proportional to the cost of the transaction.
- Rules stating that a debit card issuer must offer at least two networks through which debit transactions can be processed.
- It allows retailers to set a minimum transaction level for credit card transactions. (Not to exceed \$10.00)
- It allows retailers to discount for different methods of payment and opens up the types of discounts permitted.
- Major credit card companies warn of fines if merchants create a surcharge for using one of their cards. The new legislation does not change this rule.
- The merchant may offer discounts to customers who pay cash.
- Interchange fees are still to be regulated.
- Rules for the discounts on co-branded cards were not changed. Any discounts are to be applied after the transaction.
- Merchants may offer in-kind incentives, for using the merchants preferred method of payment. These could include free merchandise, preferred services or other perks of value to the customers.

The conflict connected to interchange fees is not over by any means.

Visa Clarifies Security Rules

Merchants may store only partial credit card numbers on the receipts they keep in case charges are challenged.

This week Visa Inc. said it's going to reduce unnecessary storage of sensitive card information in merchant payment systems. Specifically, Visa is clarifying that existing operating regulations ensure acquirers and issuers allow merchants to present a truncated, disguised or masked card number on a transaction receipt for dispute resolution in place of the full 16-digit card number.

"By reducing the amount of vulnerable data in merchant systems that must be protected from compromise, merchants can see greater security as well as more streamlined compliance needs," said Visa's Eduardo Perez, head of global payment system security, in a statement.

StorefrontBacktalk.com writes that Visa's announcement is an "unusual twist in the ongoing saga of Visa versus the retailers," noting that merchant groups, such as NACS, have maintained for years that retailers should not be forced to retain primary account number (PAN) data to which Visa typically responded: "We don't

require that."

Now Visa is recognizing that there was in fact confusion and ample room for misinterpretation.

"Due to misinterpretation of Visa dispute processing rules, some acquirers require their merchants to unnecessarily store full PANs for exception processing to resolve disputes. The unnecessary storage of full card PAN information by merchants has led to incidents of data compromise, theft or unintended disclosure during disposal," noted a Visa statement. "Additional confusion exists due to inconsistent dispute resolution practices by issuers and acquirers in use across different geographies, leading some merchants to conclude that PAN data must be retained for all transactions."

Gray Taylor, NACS payments consultant, noted: "We are pleased that Visa has decided to enforce some operating rules that benefit the retailer. In meetings with Visa, we have constantly highlighted the acquirers' requirement to retain PAN data for retrievals as inconsistent with Visa rules and PCI standards, and Visa has agreed. With Visa's decision, retailers are out of at least one 'damned if you do, damned if you don't' situation related to data security compliance."

A Lot of Things Have Changed Since 1910

As it Was 100 Years Ago...

NATIONAL FACTS

- There was a population of 92,228,496 in 46 states.
- William Howard Taft was the 27th President (1902-1912) with James S. Sherman as Vice President.
- Aviation development was progressing rapidly with the Wright brothers' first powered flight only seven years earlier, on December 17, 1903.
- Events in the world leading up to World War I, 1913-1917, were of deep concern.
- A rainless summer contributed to forest fires which claimed the lives of 85 people and burned three million acres in western Montana and northern Idaho.

ECONOMIC STATISTICS

- The average starting salary for a college graduate was \$750 a year.
- One dollar in 1910 had the purchasing power of twenty dollars today.
- A loaf of bread cost 3¢.
- Cigarettes cost 10¢ a pack.
- Gas - 7¢ per gallon, a Hershey bar - 2¢, a dozen eggs - 25¢.
- The tax burden was 5% and it took only until January 19 at work to earn enough to pay the federal tax.

HISTORICAL EVENTS

- **February 15** - The Boys Scouts of America was founded.
- **March 23** - The first U.S. auto speedway race was held at the Los Angeles Motordome.
- **April 3** - The highest mountain in North America, Alaska's Mt. McKinley was climbed.
- **April 15** - President Taft was the first president to throw out the first ball at a baseball game.
- **May 10** - The 36th Kentucky Derby was won in 2:06.4 by Donau. The fastest time is 1:59.40 by Secretariat in 1973.
- **June 19** - Father's Day was celebrated for the first time.
- **November 22** - Arthur Knight obtains a patent for steel shaft golf clubs.
- **November 29** - A patent was obtained for the traffic light system.

FAMOUS DEATHS

- **January 17 or 27** (Exact date unknown) - Thomas Clapper - A significant contributor to England's plumbing history is said to have invented the flush toilet.
- **April 21** - Samuel Langhorne Clemens (Mark Twain) - Author of The Adventures of Tom Sawyer and Huckleberry Finn and many other books.
- **May 6** - Edward VII, King of England, 1901-1910.
- **July 12** - Charles Stewart Rolls - British automaker and aviator. Co-founder of Rolls Royce Ltd.
- **August 13** - Florence Nightingale, English nurse. Best known for her work as a nurse during the Crimean War.

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SOGGDA SAFETY

Employee Safety Orientation

By Dan Stockwell

Introduction

No business organization can expect good safety performance unless its top management demonstrates that safety is a key organizational value. A leader must communicate the need for safety to all employees. Accountability is one of the key factors to commitment. Every level of your organization needs to be accountable for its safety responsibilities. Make safety orientations for new and transferred employees a part of your organization's basic safety processes.

Discussion

According to the National Safety Council, statistical data differs. However, experts generally agree new employees are significantly more prone to work-related accidents. Along with production and quality, safety must be a top priority. This applies to an employee who is new to the organization, transfers to a new job or returns from an extended work absence. A safety orientation provides specific safety information. It can also promote the importance and value of safety within an organization.

The orientation leader uses a check list to provide direction and consistency when presenting information. Because orientation attendees absorb only so much in one sitting, give them a written outline to improve their comprehension and retention.

Topics

These topics are usually part of a basic safety orientation.

- Review of the safety policy and safety rules
- Review of specific safe work practices and procedures

- Dress requirements
- How to report injuries
- How to seek first aid
- How to report unsafe conditions, unsafe practices and near misses
- How to respond during fire and emergency situations
- Housekeeping standards
- Discussion of specific work hazards
- Use and care of personal protective equipment
- Hazardous material identification and safe use (material safety data sheet)

This is by no means a complete list. Each organization may develop a more comprehensive orientation. To record employees participating in the orientation, use a sign-in sheet.

A successful safety orientation includes follow-up and additional education. Supervisors need to ensure employees understand

specific work practices and procedures. Encourage employees to ask questions.

Soon after the orientation and on a continual basis, evaluate employees' knowledge and understanding. To ensure that new or transferred employees comprehend your company's standard operating procedures, supervisors need to closely supervise and educate them.

Summary

A well-planned and implemented safety orientation lays the foundation for an employee's future safety performance. To continue the safety process, conduct training on a regular basis. This training may include:

- Safety meetings;
- Safety contacts;
- Specific safety issues and/or safety training on changes in work practices.

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Recent Legislation Offers Special Tax Incentives for Small Businesses to Provide Health Care, Hire New Workers Continued...

ments for each of these groups. Certification by the state workforce agency is generally required. Normally, a business must file Form 885() with the state work-force agency within 28 days after the eligible worker begins work.

An eligible employer can claim both the WOTC and the new hire retention credit for the same employee. However, an em-

ployer may not claim both the payroll tax exemption and the WOTC for the same employee. Therefore, any employer that chooses to apply the exemption to wages paid to a qualified employee may not receive the WOTC on any wages paid to that employee during the one-year period beginning on the employee's hiring date.

COBRA Credit

Employers that provide the 65 percent CO-BRA premium subsidy to eligible former employees can claim credit for this subsidy on their quarterly or annual payroll tax returns. To help avoid imposing an unnecessary cash-flow burden, affected employers can reduce their payroll tax deposits by the amount of the credit. For details, see the instructions for Form 941.

Small business owners can find a variety of helpful on-line resources in the Small Business and Self-Employed Tax Center on IRS.gov.

Federal & State Poster

Do you receive letters in the mail from companies stating...

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Recent Legislation Offers Special Tax Incentives for Small Businesses to Provide Health Care, Hire New Workers

In recognition of National Small Business Week, the Internal Revenue Service encourages small businesses to take advantage of tax-saving opportunities included in recently enacted federal legislation.

A variety of business tax deductions and credits were created, extended and expanded by the American Recovery and Reinvestment Act of 2009 (ARRA), this year's Hiring Incentives to Restore Employment (HIRE) Act and the Affordable Care Act. Because some of these changes are only available this year, eligible businesses only have a few months to take action and save on their taxes. Here is a run-down of some of the key provisions.

New Health Care Tax Credit Helps Small Employers

The small business health care tax credit, created under the Affordable Care Act, is designed to encourage small employers to offer health insurance coverage for the first time or maintain coverage they already have.

The credit takes effect this year and is generally available to small employers that pay at least half the cost of single coverage for their employees in 2010. The credit is specifically targeted to help small employers that primarily employ low and moderate income workers.

For tax years 2010 to 2013, the maximum credit is 35 percent of premiums paid by eligible small business employers. The maximum credit goes to smaller employers those with 10 or fewer full time equivalent (FTE) employees paying annual average wages of \$25,000 or less. The credit is completely phased out for employers with more than 25 FTEs or with average wages of more than \$50,000.

Because the eligibility rules are based in part on the number of FTEs, not the number of employees, businesses that use part time help may qualify even if they employ more than 25 individuals. More information about the credit, including a step-by-step guide and answers to frequently asked questions, is available on the IRS website.

Two New Benefits for Employers that Hire and Retain Recently Unemployed

Employers who hire unemployed workers this year (after Feb. 3, 2010, and before Jan. 1, 2011) may qualify for a 6.2-percent payroll tax incentive, in effect exempting them from the employer's share of Social Security tax on wages paid to these workers after March 18. In addition, for each qualified employee retained for at least a year whose wages did not significantly decrease in the second half of the year, businesses may claim a new hire retention credit

of up to \$1,000 per worker on their income tax return.

These tax benefits are especially helpful to employers who are adding positions to their payrolls. New hires filling existing positions also qualify but only if the workers they are replacing left voluntarily or for cause. Family members and other relatives generally do not qualify.

Employers must get a signed statement from each eligible new hire, certifying under penalties of perjury, that he or she was not employed for more than 40 hours during the 60 days before beginning employment with that employer. IRS Form W-11 can be used to meet this requirement. Further details, including answers to frequently asked questions, are posted on IRS.gov.

Work Opportunity Tax Credit Aids Employers That Hire Certain Workers

The work opportunity tax credit (WOTC) offers tax savings to businesses that hire employees belonging to various targeted groups. These groups include people ages 18 to 39 living in designated communities in 43 states and the District of Columbia, recipients of various types of public assistance, certain veterans, ex-felons and certain youth workers. The instructions for Form 8850 detail the require-

Continued on next page

SOGGDA News

July 2010 - September 2010

Ohio Bureau of Workers' Compensation

Safety & Hygiene Training Center

Classes for Ohio Workers

Attend one of the more than 60 occupational safety, health and ergonomics courses offered by the Ohio Bureau of Workers' Compensation Division of Safety & Hygiene. Classes are held in eleven locations throughout the state as well as online.

The division offers courses at no extra cost to Ohio employers with active workers' compensation policies.

Course	Day (s)	Course	Day (s)
Accident Analysis	1.0	Measuring Safety Performance	1.0
Behavior-based Safety Systems	1.0	Mechanical Power Press	2.0
Bloodborne Pathogens	0.5	Mold and Other Indoor Air Quality Concerns	1.0
Confined Space Assessment and Work	1.5	NFPA 70E and You: Insight and Implementation	1.0
Controlling Cost through Claims Management	1.0	Nonviolent Strategies for Caregiver and Other Staff Working Directly with the Public	1.0
Controlling Workers' Compensation Costs	1.0	OSHA Recordkeeping	1.0
Effective Safety Teams	1.0	Personal Protective Equipment Selection Criteria	0.5
Electrical Hazard Recognition and Abatement	3.5	Powered Industrial Trucks: Developing a Training Program	1.0
Electrical Safety Audits	2.0	Respirator Fit Testing	2.5
Emergency Preparedness Planning	1.0	Respiratory Protection	2.5
Ergonomics Applied	3.0	Restaurant and Food Service Safety	1.0
Ergonomics: Basic Principles	1.0	Safety and Ergonomics for Extended-care Facilities	1.0
Ergonomics: Developing an Effective Process	1.0	Safety Fundamentals Examination (ASP) Review	3.0
Fall Hazards in Construction and Maintenance	2.0	Safety Works for Industry Module 1	0.5
First Aid in the Workplace	1.0	Safety Works for Industry Module 2	0.5
Fundamentals of an Effective Safety and Health Program	2.0	Safety Works for Industry Module 3	0.5
Hazardous Waste Operations and Emergency Response Awareness	0.8	Ten Steps for Safety	0.5
Hazardous Waste Operations and Emergency Response Operations	2.0	Train the Trainer	1.5
Job Safety Analysis	1.0	Trenching and Excavation	3.0
Laboratory Safety	1.0	Wellness in the Workplace Workshop	0.5
Lockout/Tagout and Safety-related Work Practices	0.5	You Don't Have to Speak Spanish to Communicate Safety to Your Spanish Speaking Workforce	1.0

For more information, call 1.800.OHIOBWC. To register for a class online follow directions on reverse side.

Online courses

- Avoiding Back Trauma
- Getting Started with Safety
- Industrial Hygiene Overview
- Ladder/Stairway Safety
- Preventing Cuts and Lacerations
- Preventing Slips/Trips/Falls



Congratulations Max!!!!

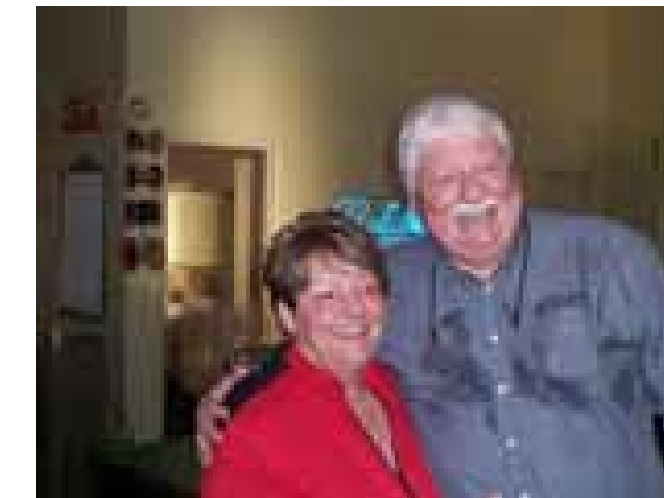
Our congratulations to Max Williams on his retirement from Genuine Auto Parts, ending a 47 ½ year career.

Max has been a friend, mentor, and business associate to many SOGGDA members and various other business owners in the Dayton and surrounding area. Max was always there for those who needed his help or advice.

Many business associates, friends and family gathered at the Packard Museum in Dayton on July 17 to celebrate with Max and Terri. Complete with tours of the museum, delicious food, a memorable time was experienced by all present.

Our very best retirement wishes to Max and his wife Terri.

Max, you will be greatly missed...



Medical Marijuana a Growing Workplace Concern

Conflict of laws (state vs. federal) creates headaches for corporate HR departments, while a Michigan lawsuit involving WalMart may provide guidance.

Companies across the nation are facing issues concerning medical marijuana in the workplace, the Wall Street Journal reports.

A Michigan lawsuit against Wal-Mart, where an employee who used medical marijuana was fired after failing a drug test, is of particular interest to corporate HR directors nationwide.

Fourteen states and the District of Columbia permit the use of medical marijuana by patients suffering from certain medical conditions, such as cancer or glaucoma. The Obama administration has directed federal prosecutors to respect medical marijuana users who follow their states' laws, even if that conflicts with federal law, which bans marijuana use.

That conflict-of-laws scenario has created uncertainty for employers, who are trying to accommodate state laws on medical marijuana use while having to respect and enforce corporate drug-use policies that are based on federal law.

"It's certainly an issue that's coming up regularly," said Danielle Urban, an attorney with Fisher & Phillips. "Employers are between a rock and a hard place."

According to federal law, marijuana is listed as a Schedule 1 drug, and employers can fire or refuse to hire employees for using the drug without risk of violating the American with Disabilities Act or any federal anti-discrimination statute.

States vary in how they apply their laws. Courts in Oregon, California, Montana, and Washington have ruled that employers can rightfully fire medical marijuana patients for using the drug, while Rhode Island and Maine laws dictate that most employers cannot

penalize individuals solely because of their use of medical marijuana.

Of considerable interest to employers is whether medical marijuana patients can use marijuana on-site or come to work impaired.

Michigan law forbids registered patients from facing disciplinary action at work because of their marijuana use, though it allows employers to terminate workers who use marijuana while on the job or who come to work high.

But determining if a worker is impaired on the job can be difficult if not expensive, requiring sophisticated instruments and testing.

Regardless of state laws that might permit medical marijuana use, some employers maintain that marijuana use leads to workplace accidents, raising safety concerns.

All eyes will therefore be on the WalMart suit, hoping that its resolution will shed clarity on an evolving legal issue.

A WalMart spokesperson labeled the decision to fire its employee as "difficult," adding, "As more states allow this treatment, employers are left without any guidelines except the federal standard. In these cases, until further guidance is available, we will always default to what we believe is the safest environment for our associates and customers."

Arizona Reports 30 Cases of Skimmers at Gasoline Stations

The state has issued warnings to consumers to be extra careful when pumping fuel.

Skimmers have come to Arizona, the Arizona Republic reports. During the last six months, the Arizona Department of Weights and Measures have reported at least 30 cases of illegal credit card readers found attached to legitimate card readers at gasoline pumps across the state.

It appears that the skimmer activity has popped up spontaneously during the past 12 months, but not in a concentrated effort or area, with the skimmers moving in and out of the locations fast. In July, Gov. Jan Brewer asked the department to raise awareness of skimming with training and more inspections to catch the illegal devices.

This month, state inspectors will up their examinations of fuel pumps, have extra training sessions for officers on technology used to catch skimmers and work with the petroleum industry on finding and preventing skimming, said Shawn Marquez, director of compliance programs for the state agency.

Sometimes, skimmers are used in other industries, too, such as in restaurants, said Jenó Erdelyi, who works in the restaurant industry. Waiters can hide skimmers in their wallets or belts to swipe cards undetected.

With most gasoline purchases made with credit or debit cards, skimmers can capture a lot of numbers in a short span of time. Gouinda Das, who works at the Phoenix Shell, said only around 30 to 40 customers pay with cash daily.



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