September 2014



# CMSA Chapter Presidents Meet for Local Event Planning Strategies

The CMSA Chapter Presidents assembled to attend the 2014—2015 Chapter Presidents/ Leadership Orientations on August 19 in Sacramento and August 20 in Cerritos. Lead by CMSA President Steve Weitekamp, the orientations focused on sharing and generating new

and extensions, illegal mover company reporting, Independent Contractors vs. Employee comparison documents and the current Richardson Grove agreement protocol.

The meetings also allowed chapter leaders to share valuable insight on what it takes to plan

program ideas and techniques in running a CMSA chapter.

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Chapter Presidents were given resource information at the orientation meetings, which informed them of current CMSA activities and issues being faced by the industry. First. CMSA President Weitekamp had informed the chapter leaders that an extra push for consumer awareness on the CMSA website was a focus this



as helping to increase chapter member partici-From left to right, CMSA President Steve Weitekamp, Tom pation, which Smith of La Habra Relocations Inc., Megan Andersen of Anhelps boost dersen Van & Storage, Terry Pettigrew-Rolapp of Beverlv vearly contribu-Hills Transfer & Storage, Mark Layton of Apple Valley tions to the Transfer & Storage Inc. and Eric Ortiz of Ortiz Bros. Moving CMSA Scholar-& Storage attended the Southern California Chapter Presiship Fund and dents Orientation on August 20. the Special Olym-

summer. He had shown the attendees current press releases on consumers tips and how-tos on selecting the best mover for their moving needs and avoiding moving scams. Other topics discussed included the current CARB updates

In addition to creative and informational meeting programs, participation is the other key component to a successful year for the chapter. It was suggested that an open discussion or

(Chapter Presidents cont. on page 5)

pics programs.



#### Chairman's Corner By: Jay Casey

The importance of teamwork! It is a concept we hear quite often with phrases such as: "building the right team," "there is no 'I' in team" or "our team is only as strong as our weakest link" are frequently tossed around. We

are frequently part of several teams at work, at home and in our community. Some of us are leaders and some are followers. As the household goods moving peak season comes to an end, it gives us an opportunity to reflect on the successes of our team. How did we do this summer? Do we need to review the basics; should we promote from within? When a team member fails, who is at fault? Leaders should be leading their teams to success, not pushing them. Has the leader shared his or her vision? If not, how are we supposed to get somewhere if we don't know where we are going?

If we look at any successful team, what is

essential? I think a few things that are a must are: communication, understanding your part and a common goal. Communication is not just sitting in a room talking about issues, but also having a clear and concise objective, staying focused on the matter at hand and having a plan of action. Like any good sports team the players are always talking, supporting each other and working out the obstacles. Your team is no different; just pick up the ball and score. Know your part, this is very important. Otherwise, like the old saying goes, "Too many chiefs and not enough indians." You need to know your responsibility for your team to work. Your job as a team member is not less or more important than someone else. A respected mentor once told me to remember all jobs are important. The new hire sweeping the warehouse floor and the CEO are both important to the success of the team. The common goal should also be relevant and should reflect forward thinking that can propel the team to success. Does everyone understand the goal? Does everyone know what is needed of them to accomplish the goal?

(Chairman's Corner cont. on page 4)





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#### **President's Comments** By: Steve Weitekamp

The American Trucking Associations (ATA), the Owner-Operator Independent Drivers Association (OOIDA) and several other national associations have joined efforts on a trucking image campaign. The program titled "Trucking Moves America

Forward" is expected to spend more than \$5 million in the next five years to improve the image of industry. ATA President Bill Graves stated, "One of our most important jobs is to tell the trucking industry's story." I couldn't agree more.

ĆMSA has long promoted the importance of the legal and permitted household goods carrier industry to the moving public, regulators and legislators. We have advisory press releases on our website and advise anyone who will listen about the importance of using a legal CMSA member company to handle his or her move. In communication with our membership, we have even spoken more broadly of the importance of mobility to the American way of life, as a service of which we all should be proud to be participants. The ability to move for personal and professional opportunity is one of the key factors in the success of the American economy.

President Graves speaks of telling the industry's story and CMSA does just that. But almost certainly more important is for you to tell your story to make sure that your customers and potential customers know who you are and what makes your organization one with which they want to do business. We all have a unique story that makes us stand out from the crowd. Discovering that story and sharing it on social media as well as in direct selling has a powerful impact.

What makes CMSA stand out? Let me share two of what I believe to be many reasons. From an industry perspective, CMSA stands out because of our strong volunteer leadership. Our leadership includes an engaged board of directors; committees that review and set strategies related to insurance, government affairs, membership and the military; and 12 statewide chapters with their own leadership, sharing ideas and conducting fundraisers supporting the CMSA's best-in-the-industry scholarship

(President's Comments cont. on page 4)

The CMSA Executive Board had the opportunity to meet at a retreat in late August. We were able to discuss issues affecting our association. Our meeting was extremely productive and positive. I am very proud of the Executive Board for the time and energy they put forth at this retreat. I can honestly say that the team we have put together to represent the CMSA is going to be communicative, focused, and forward-thinking and will propel us to the next level of success!

Please remember you are all part of the CMSA team. Your support and participation at the chapter level is important to our success. Your involvement will benefit the Association as well as your own team.

(President's Comments cont. from page 3)

program. From a customer perspective, CMSA stands out because we are a valuable resource funded entirely by the industry that helps consumers make educated decisions. Even when consumers have made poor choices and not used CMSA members for their moves, the Association is there to attempt to provide hard-to-find information on potential next steps in difficult times. That is a story worth telling.



# Have you been missing CMSA emails on important industry information?



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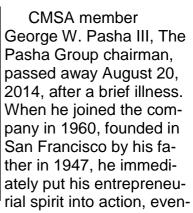
#### (Chapter Presidents cont. from page 1)

forum be held during a chapter meeting to get feedback on program topics and to see which members are interested in taking on leadership roles to increase participation. CMSA Associate members were also noted to play a big role in a meeting's success. Many Associate members maximize their networking efforts by sponsoring events and volunteering to do tasks during meetings. Tasks such as overseeing the check-in desk, managing the raffle or even donating door prizes provide tremendous help to Chapter Presidents.

Wrapping up the meetings, CMSA President Weitekamp briefly reviewed the current CMSA Bylaws in place (approved by the CMSA membership in early 2014), the Chapter Presidents list and contact information, upcoming chapter events this year and the 2015 CMSA Convention in San Diego.

If you or someone else is interested in upcoming chapter meetings or fundraiser activities this year, please call the CMSA office at (562)865-2900 or visit our online calendar of events at http://www.thecmsa.org/html/ calendar/calendar.htm.

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tually creating the global transportation and logistics company that exists today as The Pasha Group.

He appreciated the company's long-term membership in CMSA, and adhered to its code of ethics, as it reflected his own strong corporate values.

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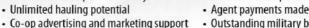
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## California Supreme Court Rules on Independent Contractors

By: Paul Finkle, SharedHR.com

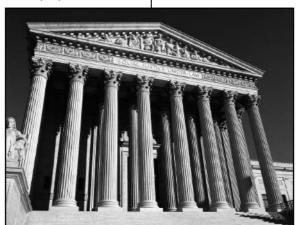
The California Supreme Court recently ruled, in *Ayala V. Antelope Valley Newspapers*, that

the existence of a standard contract which contained a high level of control over how the work was performed might be sufficient to support a class action certification.

#### Case Summary

Antelope Valley Newspapers, Inc. (AVP) entered into contracts with a series of individuals as independ-

ent contractors to deliver newspapers. The plaintiffs, the independent contractors, alleged that AVP controlled what was to be delivered, when and how it was to be delivered, and had



the right to terminate contracts with 30 days' notice.

The plaintiffs argued that these factors, which were common in each contract, formed

the basis of not only the right of AVP to control the mannered means with which they perform the services, but also established a basis for a class action lawsuit. The California Supreme Court ruled that whether or not an individual is viewed as an independent contractor or an employee "turns foremost on the degree of the hirer's

right to control how the end result is achieved," although secondary factors can also be relevant. According to the court, these secondary

(Independent Contractors cont. on page 7)



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#### (Independent Contractors cont. from page 6)

factors include whether the carriers were engaged in distinct business, did they provide the instruments and place of work, the length of time services were performed and other factors.

#### Ruiz v. Affinity Logistics Corp.

In the June 2014 case, the Ninth Circuit Court of Appeals determined that California delivery drivers were improperly classified as contractors because the evidence established that the engaging entity had the right to control the drivers' work and secondary factors supported employee status. In Ruiz, it was a clear case of bad facts making bad law. Contractors leased equipment, received dispatches, painted vehicles and wore uniforms which made them appear to be Affinity employees, were trained by Affinity and many other factors which led the court to conclude that the contractors were actually misclassified employees.

Once again, the right to control was a key issue and the case highlighted important secondary factors which led to the conclusion that the contractors were misclassified employees.

#### Significance

With recent cases at the California Supreme Court level as well as the Ninth Circuit Court of Appeals level, it should be obvious that there is increased scrutiny on contractor relationships. Contractor relationships should be negotiated at least annually, there ought to be some differences between contracts as highlighted in the AVP case and clearly the contractor must be able to control the manner and means by which the services are performed. In addition, contractor agreements should be supported by arbitration agreements. The current state of the law in California still provides that a well-drafted arbitration agreement can limit class action opportunities for plaintiffs. In organizations with large numbers of contractors, staying on top of this evolving area of the law should be a key priority.

For engaging entities even with a few contractors, if these agreements and the relationships that support these agreements have not been reviewed recently, these cases should be a wake-up call to take a look at those agreements.

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# Ernie's Van & Storage Expands with New Rocklin-Based Branch

ROCKLIN— Since 1935, the Sowell family has operated Ernie's Van & Storage out of

Northern California. Now, the moving company and trusted Atlas Van Lines agent is expanding for the first time since 1975 by opening a new full-service location in Rocklin, Calif.

"The majority of our business since the mid-1970s has been focused on residential moves." said Matthew

Sowell, general manager of Ernie's Van & Storage. "Opening our new facility in Rocklin gives us the ability to achieve one of our primary



goals of breaking back into specialized transportation and national accounts business."

"Ernie's Van & Storage has been a reputable agent of ours for more than 16 years," said Steve Hermann, vice president of agency development at Atlas Van Lines. "The company's outstanding team and commitment to bring the absolute best services to their customers will be two of the driving

factors in their success in this new market. We are proud to be a part of Ernie's exceptional moving services."

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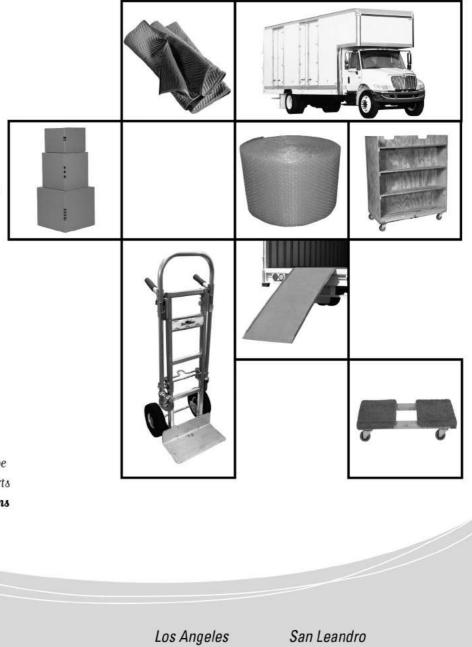
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# Health Care Reform: What Does it Mean for You?

How the health care reform law affects you varies greatly depending on your income, who you work for and many other factors. So what does it mean for you? Below is a list of how health care reform affects different groups of people.

**Everyone:** Beginning in 2014, every individual must either have health insurance that meets minimum standards of coverage or pay a penalty when filing tax returns.

The penalty in 2014 is 1 percent of your

yearly income or \$95 per adult for the year, whichever is greater. For children, the penalty is \$47.50 per child, up to a \$285 maximum per household.

The penalty increases every year. In 2015, the fee will be 2 percent of income or \$325 per person, whichever is greater. In 2016, it will be 2.5 percent of income or \$695 per person, whichever is greater. After 2016, it will increase with inflation.

Those who choose to pay the penalty and remain uninsured will still be responsible for 100 percent of the cost of their medical care.

While the penalty applies to the vast majority of Americans, there are certain exemptions. Uninsured people will not have to pay a penalty

if they:

- Are uninsured for fewer than three months of the year
- Have low income and coverage is considered unaffordable
- Are not required to file a tax return because their income is too low

- Would qualify under the new income limits for Medicaid, but their state has chosen not to expand Medicaid eligibility
- Are a member of a federally recognized Indian tribe
- Participate in a health care sharing ministry
- Are a member of a recognized religious sect with religious objections to health insurance



Elderly: The elderly now receive free preventive services under Medicare, including annual wellness visits and personalized prevention plan services. Once those with Medicare prescription drug coverage enter the "donut hole" coverage gap, they will be eligible for drug discounts and subsidies, until the donut hole is completely closed in 2020. Medicare beneficiaries earning \$85,000 or more will pay higher Part B premiums until 2019. High-income individuals will also pav higher premiums for Medicare prescription drug coverage. Those

with Medicare Advantage plans may lose some benefits or experience an increase in copayments.

**Employees of a Large Company:** Employers with 50 or more employees will be required to provide health coverage that is affordable and provides minimum value, or pay a penalty. These rules take effect in 2015 for most large employers. Mid-sized large employers with 50 to 99 employees may have

(Health Care Reform cont. on page 11)

# **New Member Spotlight**

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"California Diesel Compliance is a mobile Smoke Opacity test company, that's serves more than 400 cities statewide. Our electronic recordkeeping ensures safe, anytime access. The DPF shop, a division of CDC, services Southern California's diesel particulate filter needs with 2 locations and a mobile unit."

(Health Care Reform cont. from page 10)

an additional year, until 2016, to comply with these coverage rules.

Low-Income Employees: Some states have expanded their Medicaid programs to cover all low-income adults below a certain income level. Also, those who earn less than 400 percent of the federal poverty level (about \$95,000 for a family of four) may be eligible for subsidies to help buy coverage through the Marketplace. The expansion of funding for community health centers, designed to offer free and reduced-cost care, will also provide relief.

**Unemployed and Uninsured**: Individuals who are unemployed may qualify for Medicaid, the Children's Health Insurance Program (CHIP)

or lower costs on Marketplace coverage based on their income. An individual's household size and income, and not employment status, will determine what health coverage options they are eligible for and how much help they get paying for coverage.

In the Marketplace, unemployed individuals may qualify for lower costs for monthly premiums and out-of-pocket costs on private health insurance. You can enroll in a Marketplace plan during the annual open enrollment period or, if you qualify, during a special enrollment period.

**Small-Business Owners**: Organizations with 25 or fewer workers may be eligible for a tax credit to help provide coverage for

(Health Care Reform cont. on page 12)

#### (Health Care Reform cont. from page 11)

employees. Starting in 2014, this tax credit is only available to small business owners that use a Marketplace's Small Business Health Options Program (SHOP) to purchase health coverage for their employees. Employers

with 50 to 99 employees must provide benefits or face a penalty beginning in 2016, and employers with 100 or more full-time employees must provide benefits or incur a penalty starting in 2015.

Young Adults: Children may stay on their parents' policies until age 26. People under 30 may buy a catastrophic health plan through the Marketplace. This

type of plan mainly protects covered individuals from very high medical costs. Also, unless an exemption applies, young adults must have health coverage or pay a penalty, beginning in 2014.

Adults with a Pre-Existing Condition: Starting in 2014, health insurance companies can't refuse to cover adults with pre-existing conditions, or charge more because of an individual's pre-existing condition. This is true even if an individual has been turned down or refused coverage in the past due to a preexisting condition. This provision applies to all employer plans and plans offered through the

> Marketplace. The only exception is for grandfathered individual health insurance plans—these plans don't have to cover preexisting conditions. If an individual has one of these plans, he or she can switch to a Marketplace plan that covers pre-existing conditions during an open enrollment period (or during a special enrollment period, if applicable).

Children with a Pre-Existing Condition: Group health plans

and health insurance issuers may not impose exclusions on coverage for children with preexisting conditions. This provision applies to all employer plans and plans offered through the Marketplace.

Source: Champion Risk & Insurance Services L.P.

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# **CARB Truck & Bus Amendments Update**

By: Sean Edgar, CleanFleets.net

Movers that have not yet complied with CARB's rules will find some tough sledding this

winter as I predict that enforcement will be ramping up and only those with a true "economic hardship" will survive without a filter or new truck in 2015. This article provides an enforcement update and a few steps you can take if you in-



tend to file for "economic hardship" once the process opens for filing by the end of this year.

# Issue #1 — Check out YouTube and the CARB Enforcement Reports

For web-savvy readers, I suggest that you

search the Internet by typing in "Diesel Crackdown" on YouTube to see a video clip of late 2013 roadside inspections by CARB in Riverside County. Fines are real and high. Last

month, CARB received a notice from the federal EPA that will apparently allow them to enforce the "Smartway" tractortrailer aerodynamic requirements and the pattern on past regulations rolling out has been that CARB will issue an advisory indicating

enforcement almost immediately. I expect this by the end of September.

CARB enforcement reports for the past 15 years are posted on the CARB website. The

(CARB Update cont. on page 14)



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(CARB Update cont. from page 13) 2013 report at the following link indicates more than \$3.4 million collected from roadside inspections and fleet audits affecting more than 30,000 trucks. Does every truck get stopped every year? No, but the penalties assessed can be very serious and the DMV and other state agencies can make a trucker's life miserable. See the report at: http://www.arb.ca.gov/enf/ reports/2013\_summary.pdf

# Issue #2 — Jump-Starting the Economic Hardship Filing

While we are still waiting on the final language, the indicators are that in order to claim "Economic Hardship" (EH), you must do the following by the end of 2013:

- a) Priced-out a DPF (this includes the assessment and data logging by a recognized CARB installer);
- b) Priced-out a replacement truck that is "like for like";
- c) Priced-out a one- to three-year truck lease for your truck type; and
- d) Have your financial condition evaluated by

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a state-recognized small business lender.

EH is not available to you in 2015 if you do not take the four actions above. CleanFleets is assisting members for a nominal fee to complete the filing process.

#### Issue #3 — If You Still Need a Diesel Particulate Filter (DPF), Do This...

Just like the day you bought your truck, keeping it legally on the road has not come for free! Be prepared to <u>pay for an opacity test</u> and pay for <u>data logging</u>. (This is mandatory to determine whether the less expensive "passive" filter is even possible for your truck.) You should get a copy of the data-log results and "histogram" of the test that you pay for. My advice is to pay the \$300 to \$500 fee and demand a copy of the data.

#### Who you gonna call?

- CARB's help line is 1-866-6DIESEL.
- Clean Fleets can quickly resolve your issues at a discounted fee by emailing Service@CleanFleets.net or calling (916) 520-6040 Ext 102.

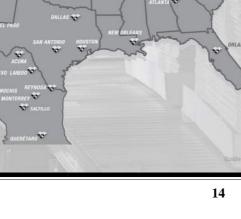
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# **Disposing of Your Mobile Device**

Thinking of upgrading to a new mobile phone or device? Maybe returning one that did-

n't work out for you? It's important to delete any personal information you stored on the device.

#### How to Remove Personal Information

Your mobile device probably holds sensitive information like addresses and phone numbers, passwords, account numbers, email, voicemail and text message logs. When getting rid of your old device, it's important to take steps to help en-

sure this information doesn't fall into the wrong hands.

First, try to use the factory reset. Many devices allow you to "wipe" your device and clear

nearly all the information in its memory. Sometimes, this is called a "hard reset" or "factory re-

set." You may be able to save or transfer the information to your new device before you delete it from your old one. For detailed instructions on how to "wipe" your device, read your owner's manual, or check the website of your mobile provider or device manufacturer.

Second, remove or erase SIM and SD cards. Many mobile devices store information on a SIM card or an external SD card as well as in the de-

vice's internal memory. If you're keeping your phone number, ask your mobile provider about

(Disposing Mobile Device cont. on page 16)



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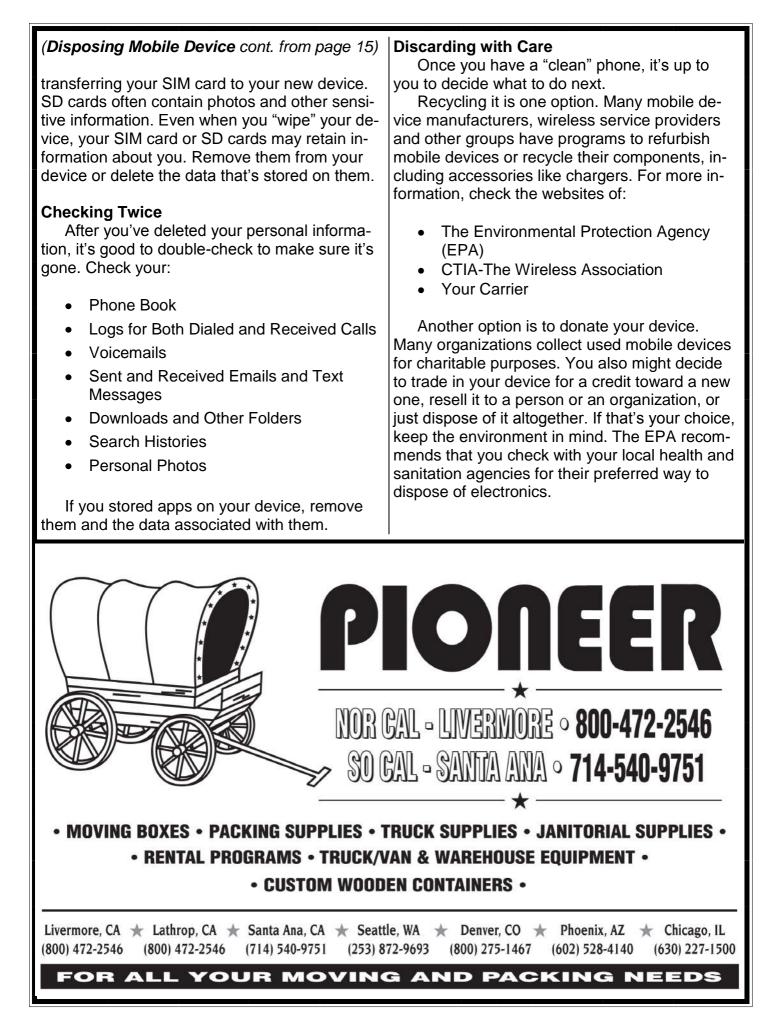
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## **Daimler Debuts 'Autonomous' Truck**

Daimler has introduced the world's first autonomous truck, a specially built Mercedes-Benz Actros 1845 designed to run without the active participation of a driver, particularly over

long distances. The company demonstrated what they call "Future Truck 2025" to 300 journalists from more than 30 nations on a new, unopened section of autobahn near Magdeburg, Germany, on July 3. Daimler Trucks North America, a division of the company, manufactures and distributes Freightliner trucks in the U.S. Canada and Maxie

in the U.S. Canada and Mexico.

Daimler executives at the introduction made clear that the autonomous truck, while quite real, is not expected to be on the market until 2025, at which time they hope traffic laws will have been amended to allow for such vehicles. Autonomous trucks, they say, will be more fuelefficient and far safer than today's trucks.

Daimler was careful not to use the expres-

sion "driverless" in the elaborate introduction. The ability of the truck to guide and control itself on the highway, they explained, was to relieve the driver of stress, not to replace him or her.



Every photograph provided by Daimler of the Mercedes-Benz Acros was photoenhanced to make perfectly clear that a driver was always in the vehicle, ready to take over control.

The autonomous truck is equipped with "Highway Pilot" technology to monitor its surroundings, including but

hardly limited to what is immediately ahead, beside and behind it on the roadway. According to Daimler, Highway Pilot will ultimately involve information shared wirelessly among vehicles in any area, a virtual cloud of data called CAM, the Corporate Awareness Message. CAM will enable autonomous vehicles to factor in what

(Autonomous Truck cont. on page 18)

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#### (Autonomous Truck cont. from page 17)

sensors on other vehicles can perceive, enabling all to see around curves, beyond traffic jams and more.

During the autobahn demonstration, the Future Truck drove slowly past the reviewing stand while a camera inside the cab displayed on a giant screen across the highway. It showed the driver, his special seat turned at a 45-degree angle from the steering wheel. Most of the time, he was looking at an iPad. But Daimler executives suggested they might add a desk at which the driver could carry out other duties while the truck drives itself. They envision the first commercial autonomous trucks to be used on longdistance runs where driver fatigue is an issue.

The Future Truck did not drive itself at all times during the demonstration. At one point, the Mercedes was challenged by an extremely slow truck in front of it. The autonomous truck notified the driver, who then took control, accelerated into the left lane, overtook the laggard vehicle and returned to the right lane ceding control back to the truck. As we could see on the display screen, the driver then swiveled to his right and returned to his iPad. After its initial solo drive-by, the autonomous Mercedes passed the reviewing stand a number of times in company with as many as 20 other vehicles, accelerating and decelerating as needed. While passing a staged emergency on the shoulder, the autonomous truck moved as far to the left in its lane as possible — a subtle move to say the least.

Journalists were told they would be "flabbergasted" by what they were about to see. But it's hard to be flabbergasted by traffic passing by without incident even if one truck in the group is steering itself. Few things are less visually arresting than safety systems actually working.

But if the Daimler's road show was less than entertaining, it was very exciting in another, more significant sense. Daimler, which claims to spend \$1.2 billion a year on research and development, has launched a major initiative to push trucks into the rapidly evolving world of selfdriving cars. In a stroke, Daimler has made freight transportation a major part of any relevant conversation. And now, Daimler trucks lead a market that does not yet exist, but that in a foreseeable future will clearly be enormous.

Source: Land Line Magazine



# San Diego Chapter Runs to Fight Hunger at AFC Race





Team Move for Hunger Republic Moving & Storage (left) & Champion Risk & Insurance Services L.P. (above)

What do you get when you combine sun, surf and the CMSA San Diego Chapter? A winning combination for Team Move for Hunger at the America's Finest City Half marathon & 5K! On Sunday, August 17, the team from CMSA along with **Republic Moving & Storage** helped Move for Hunger raise \$1,200 for hunger relief programs in the San Diego area. The fantastic team of seven members from **Republic Moving & Storage** and **Champion Risk & Insurance Services L.P.** ran through the streets of sunny San Diego, all to race away hunger in America's Finest City. Move for Hunger appreciates the support; the fundraising dollars will help keep the food banks full and meals on the table.

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#### EMPLOYMENT OPPORTUNITY

Ortiz Bros. Moving & Storage is looking to hire an experienced Customer Service Representative/Move Coordinator. This is part-time work for 30–35 hours per week. Must have excellent verbal and written communication skills, great phone etiquette, and experience working with Macintosh and Windows computers. Please send cover letters and resumes to: rortiz@ortizbros.com.

# **Calendar of Events**

Tues., October 14	Ventura/Santa Barbara Chapter Meeting	Thurs., November 13	Central Coast Chapter Meeting
Wed., October 15	Greater Los Angeles Chapter Meeting	Tues., November 18	Twin Counties Chapter Meeting
Mon., October 20	O.C./Beach Cities Golf Tournament	Thurs., December 18	Sacramento Chapter Meeting
Wed., October 22	San Diego Chapter Meeting	Tues., January 13	Twin Counties Chapter Meeting
Wed., October 22	Northern Region Chapter Meeting	Wed., January 14	San Diego Chapter Meeting
Thurs., October 23	Sacramento Chapter Meeting	Tues., February 10	Ventura/Santa Barbara Chapter Meeting
Tues., November 11	Mid Valley Chapter Meeting	Wed., February 11	Greater Los Angeles Chapter Meeting
Wed., November 12	Monterey Bay Chapter Meeting	Wed., March 11	San Diego Chapter Golf Tournament
Wed., November 12	San Diego Chapter Meeting	2015 CMSA Convention April 28–May 3, 2015 Paradise Point Resort & Spa in San Diego	



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Link: [lingk] noun A relationship between two things or situations, especially where one thing affects the other. A connecting element; a tie or bond.

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