

The Communicator

T H E C A L I F O R N I A M O V I N G & S T O R A G E A S S O C I A T I O N

CMSA San Diego Movers Give Legislators Tour of Facilities to Promote Industry Issues

CMSA member companies Atlas Transfer & Storage Co. in Poway and Republic Moving & Storage in Chula Vista gave U.S. Congressman Scott Peters and U.S. Congresswoman Susan Davis tours of their San Diego operations, respectively, as part of a moving and storage industry outreach and to help legislators understand the challenges faced by the industry. The American Moving & Storage Association (AMSA) coordinated the two meetings and invited CMSA President Steve Weitekamp to join the tours to represent all California moving and storage companies.

U.S. Congressman Peters, representing California's 52nd District cities such as San Diego, Coronado and La Jolla, took a tour of Atlas Transfer & Storage Co.'s facility with Tom Oakley, co-owner of Atlas Transfer & Storage Co.; Weitekamp; AMSA Vice President of Government Affairs Dan Veoni and AMSA Manager of Regulatory Affairs Daniel Hart.

U.S. Congresswoman Susan Davis, rep-

resenting California's 53rd District cities such as Chula Vista, Balboa Park and Lemon Grove, met with Republic Moving & Storage owner Bill Lovejoy, Weitekamp and Hart for the Republic Moving's grand tour in Chula Vista.

During these visits, Weitekamp, Veoni, Hart and the CMSA members showed the legislators the ins and outs of a California moving company: a walk-through of the warehouse, truck fleet, and office space. CMSA members also explained the hardships that local moving companies face in California. They discussed several topics with legislators, ranging from restrictions in base access to current regulations from the California Air Resources Board to general business costs for a legal, licensed California moving business.

"Thanks to AMSA and our members for arranging these congressional visits. The opportunity to spend 45 minutes with a

member of congress in a CMSA member's office and warehouse is an invaluable educational opportunity for both industry and lawmakers," Weitekamp said.



Atlas Transfer & Storage Co. Tour (above): U.S. Rep. Peters, Dan Veoni, Tom Oakley and Steve Weitekamp. Republic Moving & Storage Tour (below): Steve Weitekamp, U.S. Rep. Davis, Bill Lovejoy and staff.





CHAIRMAN'S CORNER

By Robert Fraser

With November upon us, this is a good time to reflect and be thankful for all of the good things that life brings us. This past year has brought many "life-moments" to me that I am thankful for. Those moments that we each have from time to time in our lives that are so awe-inspiring, so beautiful and so unforgettable that the images are forever etched in our memories — I call these life-moments. I like to remind myself to stop and really appreciate when I'm in a life-moment. Over the years when I'm at a special place or moment with a friend or family member, I'll sometimes suggest that we stop and make sure to never forget that point in time. Last May, right before the CMSA Convention at Squaw Creek, past CMSA Chair Jill Longo said to me: "Make sure to take the time to really appreciate and enjoy the expe-

rience as the incoming Chair, because it will fly by. And before you know it, it's over."

There were plenty of life-moments to be had during the second leg of my tour of California. CMSA President Steve Weitekamp and I visited a few moving companies in the Ventura/Santa Barbara area, including Hazelwood Allied Moving & Storage and NMS Moving Systems. Casey McCann did a great job leading the Ventura/Santa Barbara Chapter meeting at Sly's restaurant.

The next morning, Patrick Longo gave us the grand tour of Andy's Transfer & Storage operation in Glendale. We proceeded to take a short golf respite at the Oakmont Country Club, where, as fate would have it, I was paired with past Chairman Dennis "Dodger" Doody the day after my San Francisco Giants were eliminated from the MLB playoffs and his Los Angeles Dodgers advanced. (We got along splendidly, by the way.) After lunch at the clubhouse, Steve and I visited fellow Stevens Worldwide Van Lines agent Pink Transfer in Monrovia. Eric Ortiz lead the Greater Los Angeles Chapter to a very entertaining meeting. Counting

(CHAIRMAN'S CORNER continued on page 4)



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PRESIDENT'S COMMENTS

By Steve Weitekamp

It is frequently said that we can't stop progress. While it is indisputable that we as individuals and a society have benefitted from many aspects of progress, many of us still have concerns about the ever-increasing pace of change. Technology is integral to all aspects of life and work. The question that comes to mind is: Where do movers fit in?

Within the last month, there was a news story that described the first self-driving truck's recent beer delivery. Technology disrupters are envisioning a freight industry with driverless/cab-less trucks in 20 to 30 years. As someone who started his career as a truck driver and is a representative to an industry reliant on truck drivers, I have a large degree of trepidation about the continuous discussion of the future of trucking being dominated by self-driving trucks.

I don't have any answers, but I can say that commercial trucking, of which moving and storage is just a very small segment, has long been a critical employer in our

(PRESIDENT'S COMMENTS continued on page 4)

Fifth Avenue in New York 1900



Fifth Avenue in New York 1913



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(CHAIRMAN'S CORNER continued from page 2)

yours truly, there were five CMSA Chairs in attendance.

We proceeded the following day up and over the grapevine to visit Ben Geissel and his staff at Galbraith Van & Storage Co. in Bakersfield, drove up to Visalia to drop in on Brad Metzner at Jack & Jeff Transfer Co. and ended the day at Lambert Transfer & Storage in Lemoore with Jeanette Homan. That night at the Central Valley Chapter meeting at the Tachi Palace Hotel & Casino, we were greeted by Donald Trump and Hillary Clinton. (It was really a couple Lambert Transfer gals in masks, but they sure had me fooled!) Mia Garza did a fantastic job

leading this unforgettable meeting.

I'd like to take this time to thank all of the chapters that I have visited so far. The energy and enthusiasm has been off the charts! It's been refreshing to see and meet all of the new members that have been in attendance. That's a direct testament to all of the hard work that our chapter presidents are doing on behalf of our Association. We should all be thankful. Great job, guys and gals!

On that note, I'd like to wish everyone a very Happy Thanksgiving!

"Be Thankful For What You Got"
— William DeVaughn, 1974

For upcoming meetings and events, see the Calendar of Events on Page 16.

(PRESIDENT'S COMMENTS continued from page 3)

economy and one of an ever-shrinking list of blue collar jobs to provide middle-class income.

On Page 3, there are two photos of Fifth Avenue in New York City that demonstrate how quickly things changed in transportation

technology at the turn of the 20th century. The photo from 1900 shows a street packed with horse-drawn wagons and carriages. I am only able to pick out one early automobile in the picture. The photo from 1913 shows that same street without a single horse.



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EPA, NHTSA Publish Final Rule on GHG Emissions; Admit Technology Could Add \$14,000 to Sticker Price

WASHINGTON — The new Environmental Protection Agency (EPA) and National Highway Traffic Safety Administration (NHTSA) jointly published the final rule on standards for medium- and heavy-duty vehicles that were finalized in August.

The Obama administration says the rule, which becomes effective December 27, will improve fuel efficiency and cut carbon pollution while bolstering energy security and spurring manufacturing innovation.

The final phase two standards were called for by Obama's Climate Action Plan, and responded to the president's directive in early 2014 to develop new standards that run into the next decade.

The final rule was published in the Federal Register, making it official.

The notice says NHTSA's fuel consumption standards and EPA's carbon dioxide (CO₂) emission standards are tailored to each of four regulatory categories of heavy-

duty vehicles: combination tractors; trailers used in combination with those tractors; heavy-duty pickup trucks and vans; and vocational vehicles.


The rule also includes separate standards for the engines that power combination tractors and vocational vehicles.

The action taken through the publication of the final rule also includes certain EPA-specific provisions relating to control of emissions of pollutants other than greenhouse gases (GHGs).

EPA is finalizing non-GHG emission standards relating to the use of diesel auxiliary power units installed in new tractors. In addition, EPA is clarifying the classification of natural gas engines and other gaseous-fueled heavy-duty engines.

The White House said the final phase two program "promotes a new generation of cleaner, more fuel-efficient trucks by

(AGENCIES PUBLISH FINAL RULE continued on page 6)



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(AGENCIES PUBLISH FINAL RULE continued from page 5)

encouraging the wider application of currently available technologies and the development of new and advanced cost-effective technologies through model year 2027.” EPA and NHTSA said the final standards are expected to lower CO2 emissions by approximately 1.1 billion metric tons, save vehicle owners fuel costs of about \$170 billion and reduce oil consumption by up to two billion barrels over the lifetime of the vehicles sold under the program.

Overall, the program is purported to provide \$230 billion in net benefits to society, including benefits to the climate and the public health of Americans. These benefits outweigh costs by about an 8-to-1 ratio, according to the federal government.

The product of four years of testing, research and outreach to industry, environmental organizations, labor unions and other stakeholders, the vehicle and engine performance standards would cover model years 2021–2027, EPA and NHTSA said.



The agencies forecast the standards would result in significant GHG emissions reductions and fuel efficiency improvements across all of these vehicle types. For example, when the standards are fully phased in, tractors in a tractor-trailer will achieve up to 25 percent lower CO2 emissions and fuel consumption than an equivalent tractor in 2018.

But, the two agencies admitted, the new demands for fuel efficiency are likely to lead to more expensive vehicles — as much as \$14,000 more for a large truck — but lower fuel costs could offset the higher sticker costs in a couple years.

In addition to improving tractor performance, the measures also require manufacturers to use lighter weight materials and more aerodynamic designs to improve the fuel economy of trailers.

Responding to the August announcement that the rule had been finalized, leaders at the American Trucking Associations said

(AGENCIES PUBLISH FINAL RULE continued on page 7)

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(AGENCIES PUBLISH FINAL RULE continued from page 6)

they were cautiously optimistic that the second round of the GHG and fuel efficiency standards for commercial trucks would achieve the targets set out by the admin-

istration, and that they hoped the 10-year phase-in period for the regulation would not be unduly disruptive to fleets and manufacturers.

Source: The Trucker News Services

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Court of Appeals Judges Uphold ELD Rule

After hearing oral arguments September 13, the Seventh Circuit Court of Appeals voted unanimously to uphold the Federal Motor Carrier Safety Administration's (FMCSA) final rule mandating electronic logging devices or ELDs in commercial trucks. The rule will now go into effect on December 18, 2017.

The ELD mandate affects an estimated 3 million interstate drivers of vehicles manufactured after model year 2000.

The Owner-Operator Independent Drivers Association (OOIDA), which had opposed the mandate in March, saying among other things that it violated Fourth Amendment rights against unreasonable search and seizure, had hoped its legal challenge would result in the rule being vacated a second time.

The first such time it was vacated, appeals judges agreed with OOIDA that the rule didn't sufficiently address the issue of the devices being used to harass drivers. This time around, however, judges thought

that area, as well as other objections, were covered sufficiently by the rule.

In response to the ruling, OOIDA President and CEO Jim Johnston told *The Truck-er*:

"We are disappointed and strongly disagree with the court's ruling. Because this issue is of vital importance to our members and all small business truckers, we are reviewing our next steps to continue our challenge against this regulation."

The American Trucking Associations (ATA), whose Deputy General Counsel Rich

Pianka had been pretty confident that the judges wouldn't overturn the rule, expressed pleasure at the outcome, saying through a spokesman:

"ATA is pleased that the court has cleared the way for this important regulation and we look forward to its implementation."

The petitioners had five arguments for vacating the 2015 final rule: ELDs will not record enough information automatically and thus didn't comply with Congress' mandate; the rule fails to protect drivers sufficiently from harassment; the rule's benefits will not

outweigh its costs; the rule fails to protect the confidentiality of personal data collected by ELDs; and the rule violates the Fourth Amendment's prohibition against unreasonable searches and seizures.

The judges' ruling said the petitioners assumed that the rule "hid" all-encompassing surveillance of CMV drivers in the word automatically"

[record] and that

they disagreed with that interpretation. They also disagreed with OOIDA that to meet Congress' mandate, ELDs must be able to tell when a driver went from off-duty to on-duty non-driving time.

Second, they held that the mandate sufficiently protects drivers from harassment as defined by Congress. The judges also disagreed with OOIDA's contention that ELDs wouldn't help with Hours of Service and added that FMCSA wasn't required to include a cost-benefit analysis with this rule.



(JUDGES UPHOLD ELD RULE continued on page 9)

(JUDGES UPHOLD ELD RULE continued from page 8)

On the issue of protecting confidentiality, the judges wrote that the fact that drivers and carriers are tasked with maintaining and storing the information themselves and that the mandate directs the information to be stored as to protect drivers' confidentiality in a manner consistent with sound business

practices, made it perfectly sufficient.

Finally, the judges called OOIDA's arguments as to unreasonable searches and seizures, "unpersuasive."

OOIDA still has the option of appealing the ruling.

Source: The Trucker Staff

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DEADLINE IS FEBRUARY 8, 2017

CMSA College Scholarship 2017

CMSA will offer \$2,000 scholarships to students who will be enrolled in an undergraduate program at an accredited college, university or community college during the 2017-2018 academic school year. Applicants are not limited to any particular field of study.

Each individual must obtain and complete the required documents listed below and submit them to be received no later than noon on **Wednesday, February 8, 2017** to: CMSA, 10900 E. 183rd St., #300, Cerritos, CA 90703, or e-mail to information@thecmsa.org or fax to: (562) 865-2944. Winners will be notified by **March 17, 2017**. The awards recognition will take place at the CMSA's 99th Annual Convention at the **Westin Mission Hills Golf Resort & Spa**, Rancho Mirage, CA, during the Scholarship Awards Luncheon, **May 6, 2017**.

Application Requirements:

- 1) Completed scholarship application form.
- 2) Résumé.
- 3) Two letters of recommendation. Whenever possible, letters should be typewritten. One letter should be from a teacher/professor, counselor or school administrator; and one letter should be from a community business member (not family).
- 4) A copy of your most recent transcript/report card.
- 5) Completed essay of 500-1000 words addressing the following topic:

The 2017 CMSA Convention theme is "Operation O.A.S.I.S. (Optimizing Association Solidarity & Inspiring Success)." Tell us about your personal experience of being part of a group or organization and how you have benefitted from that experience.

Eligibility Requirements:

- * Student **MUST** be a California resident and an employee or child/grandchild of a CMSA mover or associate member company. The member company must have a current **ACTIVE** membership status for at least one year and no outstanding balance.
- * High school students must have a minimum high school GPA of 2.5.
- * College students must show proof of enrollment and minimum cumulative GPA of 2.5.
- * Student must be enrolled in an undergraduate program at an accredited four-year college, university or community college during the 2017-2018 academic school year.

Criteria for Selection:

Upon meeting the minimum eligibility requirements, scholarship recipients will be selected upon the quality and excellence of the essay.

CMSA scholarship awards will be mailed directly to the recipient in the name of the college or university for use during the 2017-2018 academic school year only.

If you have any questions, please call the CMSA office at (562) 865-2900.

2017 CMSA Scholarship Application

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Telephone Number: (____) _____ Cell Number: (____) _____

Email Address: _____

Name of School Currently Attending: _____

Expected College Graduation Date: _____

Name of Employer or Parent/Grandparent (Sponsor) Associated with CMSA:

Name of Company: _____ Position: _____

Address of Company: _____
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CAL-T Permit number (if applicable): _____

Sponsor's Signature: _____

(CMSA will not fund a scholarship to an ineligible student. If the student was paid before being identified as ineligible, CMSA will take steps to remedy the situation. *See eligibility requirements **BEFORE** applying for this scholarship.*)

Names of colleges and universities applying to and/or currently enrolled in:

* _____

* _____

Major Field of Interest:

High School GPA: _____ Current College GPA: _____

Student's Signature: _____ Date: _____

Please list your extra-curricular and community activities. Include work experience, family activities and hobbies. (Use separate sheet if needed.)

Please answer the following in your essay in 500-1000 words:

The 2017 CMSA Convention theme is "Operation O.A.S.I.S. (Optimizing Association Solidarity & Inspiring Success)." Tell us about your personal experience of being part of a group or organization and how you have benefitted from that experience.

Once you have been notified as being a scholarship recipient, you will have 30 days to confirm scholarship notification or you will forfeit the scholarship.

How to Apply New Federal Overtime Rule to Outside Salespeople

By Barbara Wilber

Does the new federal salary requirement apply to our outside salespeople who receive a monthly salary?

No. Neither federal nor California law requires the payment of either minimum wage or overtime for an outside salesperson position that meets certain duties tests.

The federal overtime rule taking effect on December 1, 2016, under the Fair Labor Standards Act (FLSA) applies to the Executive, Administrative, and Professional exemptions that are subject to a salary basis test.

Federal Test

Under the federal outside sales duties test, to qualify for the outside sales employee exemption, all the following duties requirements must be satisfied:

- The employee's primary duty must be making sales or obtaining orders or contracts for services or for the use of facilities for which a consideration will be paid by the client or customer. "Sales" includes any sale, exchange, contract to sell, consign-



ment for sale, shipment for sale or other disposition. It includes the transfer

(OVERTIME RULE continued on page 15)



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(OVERTIME RULE continued from page 14)

- of title to tangible property and, in certain cases, of tangible and valuable evidences of intangible property; and
- The employee must be customarily and regularly engaged away from the employer's place or places of business.

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California Test

California defines an outside sales position as follows:

"Any person, 18 years of age or older, who customarily and regularly works more than half the working time away from the employer's place of business selling tangible or intangible items or obtaining orders or contracts for products, services or use of facilities."

Differences

Although the federal definition requires an employee only to meet a "primary duty" test, note that in California, an employee must perform the outside sales duties more than half the time to be exempt.

If your outside salesperson positions meet the above criteria, their salary is not subject to either the new or previously existing salary basis tests.

Source: California Chamber of Commerce,
Alert

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CALENDAR OF EVENTS

Wed., November 30 2017 Roster Update Form Deadline

Fri., December 2 Northern Region Chapter Holiday Crab Feed

Tue., December 6 North Bay Chapter Meeting

Wed., December 7 Greater L.A./O.C. Joint Holiday Chapter Meeting

Tue., December 13 Ventura/Santa Barbara Chapter Meeting

Fri., December 16 San Diego Chapter Toy Collection

Thu., December 22 Sacramento Chapter Holiday Meeting

Wed., January 11 San Diego Chapter Meeting

Thu., January 12 Central Valley Chapter Meeting & Poker Tournament

Wed., February 8 at noon CMSA College Scholarship & Vocational Scholarship Deadline

Thu., March 9 San Diego Chapter Golf Tournament

**2017 CMSA Convention
May 2-7
The Westin Mission Hills
Golf Resort & Spa in Rancho Mirage**

Fri., October 6 Monterey Bay Chapter Golf & Bocce Tournament

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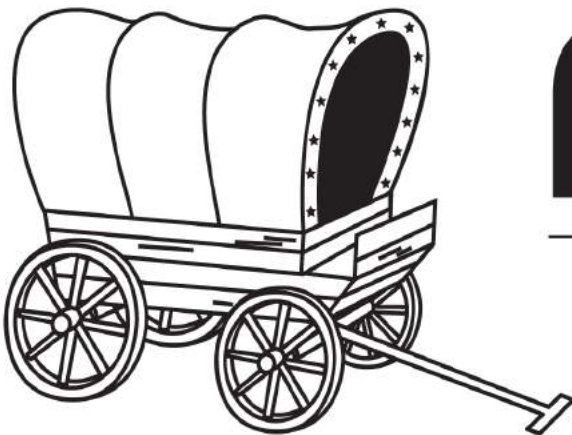
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The New I-9 Form and What Businesses Should Know About It

The United States Citizenship and Immigration Services (USCIS) announced on September 12 that employers will need to begin using the new I-9 form on or before January 22, 2017.

The agency has indicated that the form should be released by November 22, 2016, and will have an expiration date of August 31, 2019. The new form serves the same purpose as the current form, to verify employment eligibility, and asks for the same information. However, employers should be ready for some enhancements and should know how the old form figures into their I-9 practices.

Q. What changes are to come with the new Form I-9?

A. The proposed new form (available in a PDF) is said to be “smart,” as it attempts to prevent employees and employers alike from making errors on the form. The form includes features like the validation of data (ensuring the correct number of digits/type of data has been entered) and on-screen help text to explain the requirements of various fields. Other changes include:

- Replacement of the “Other Names Used (if any)” field with “Other Last Names Used (if any)” field. Drop-down lists in Section 2 (under Lists A, B and C) including the appropriate acceptable documents and issuing authorities.
- Space to record more than one

(I-9 FORM continued on page 19)

Instructions for Employment Eligibility Verification
 USCIS
 Form I-9
 Department of Homeland Security
 U.S. Citizenship and Immigration Services
 OMB No. 1615-0047
 Expires 05/31/2016

Read all instructions carefully before completing this form.

Anti-Discrimination Notice. It is illegal to discriminate against any work-authorized individual in hiring, discharge, recruitment or referral for a fee, or in the employment eligibility verification (Form I-9 and E-Verify) process based on that individual's citizenship status, immigration status or national origin. Employers CANNOT specify which document(s) they will accept from an employee. The refusal to hire an individual because the documentation presented has a future expiration date may also constitute illegal discrimination. For more information, call the Office of Special Counsel for Immigration-Related Unfair Employment Practices (OSC) at 1-800-255-7688 (employees), 1-800-255-8155 (employers), or 1-800-237-2515 (TDD), or visit www.justice.gov/crt/about/osc.

What Is the Purpose of This Form?
 Employers must complete Form I-9 to document verification of the identity and employment authorization of each new employee (both citizen and noncitizen) hired after November 6, 1986, to work in the United States. In the Commonwealth of the Northern Mariana Islands (CNMI), employers must complete Form I-9 to document verification of the identity and employment authorization of each new employee (both citizen and noncitizen) hired after November 27, 2011. Employers should have used Form I-9 CNMI between November 28, 2009 and November 27, 2011.



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- preparer/translator to be recorded.
- Space in Section 2 to document additional information that might be required, such as information on an individual's temporary protected status and the employee's E-Verify case number.
- A "Citizenship/Immigration Status" field at the top of Section 2.

Employers must keep in mind that, despite the electronic improvements, the proposed I-9 does not meet the Department of Homeland Security's definition of an "electronic form." If finalized as proposed, once completed, the form would still need to be printed, signed by both employer and employee, and stored accordingly.

Q. Must we complete new forms for all employees when the new I-9 is issued?

A. Employers must use the new form for newly hired employees beginning on January 22, 2017. (Again, employers may begin

using the new form as soon as it is released.) They should not automatically complete new I-9s for employees whose forms were completed before use of the new form was required.

Q. How do we handle updates to employees' documentation when the original Form I-9 is an older version?

A. Updates to the Form I-9 should be made on a current version of the Form I-9. If an employee's documentation requires re-verification or revision, the employer should use a current form for those updates and attach the new form to the employee's original I-9.

Between the new form's release and January 21, 2017, re-verifications and revisions may be made on the form that expired on March 31, 2016, or the newly released form. As of January 22, 2017, however, employers must use the new form for re-verifications and revisions.

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