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ON THE ROAD

THE OFFICIAL COMMUNICATION OF THE NEW JERSEY GASOLINE C-STORE AUTOMOTIVE ASSOCIATION
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Message From Executive Director Sal Risalvato

HONESTY AND INTEGRITY

The content for each issue of *On The Road* is planned shortly after the previous edition has hit your mailbox. Back in July, I planned

that my message for this issue would revolve around **honesty** and **integrity**. Usually, the October Voter Guide issue has a pronounced political theme. But my point at our planning meeting was this -- there is something decidedly relative to politics as it relates to honesty.

Too often, when I am together with members, friends, and even family, I hear comments such as, "politicians are all the same, there isn't an honest one in the bunch". Of course I understand the jaded thinking and overall pessimism from folks. They only judge from a distorted view of public officials as presented to them by the news media, or worse, from an extremely distorted view that is dishonestly portrayed in political advertisements. I've written before in this column how utterly sickened I am viewing political advertisements for or against a particular candidate. Even candidates that I like, support, and even admire disappoint me with their ads. Some even nauseate me.

So how can I expect the average Joe, including my own members, to know what is the truth and who is honest? Hopefully, my members read my messages and trust me enough to know that whatever I say or represent about any legislator or candidate is an honest assessment.

The same way that I hold NJGCA staff and members to a high standard with regard to honesty and integrity, I do hold legislators and public officials accountable for their honesty and integrity. I have learned to differentiate between liking a legislator and agreeing with a legislator. My job isn't to like them or agree with them. **My job is to get them to agree with YOU on issues that are important to your business!**

Of course, when a legislator agrees with an issue that is important to you, that goes a long way to liking them, if of course they also have a high level of honesty and integrity. As long as I am discussing honesty, I must be honest and share that there are legislators who I like very much and would invite home for dinner, but who I disagree with on most everything. Yet there are other legislators who agree with me on a majority of issues, but I wouldn't care to offer them a cup of coffee.

I have learned over the years in politics a little saying that was actually shared with me by a legislator who I can say is actually a "friend" even when he doesn't agree with me on some issues. I learned, "in politics someone is

your friend if you can do something FOR them - OR if you can do something TO them, and vice-versa". I can write an entire article just on that one phrase. Perhaps I will in the future.

For now, my gauge as to whether or not I like a legislator simply takes into account their personal honesty and integrity, as well as their compassion and generosity. Trust me, legislators judge NJGCA on our collective honesty and integrity. It is important to me that legislators think highly of us as an industry, and even more important that they respect NJGCA for our efforts to raise the industry bar and demand honesty and integrity from our members.

When we planned this issue back in July, I had no way of knowing that the "honesty" issue would surface in an ABC 20/20 special investigation that aired on September 12th. When I first learned that ABC had undercover cameras monitoring ten auto repair shops in New York and New Jersey, I became very nervous. When I learned further that only 2 of the 10 locations proved themselves to be honest, I had a knot in my stomach. When I learned that one of the locations that proved to be honest and competent was Quality Auto, who is also an NJGCA member, I celebrated and issued a press release letting the motoring public know that NJGCA members are a cut above others.

Please think about this -- even though a fellow NJGCA member acquitted himself with a display of honesty and integrity, 20/20 viewers still came away with an overall bad impression of auto repair shops. It reminded me of a similar CBS 60 Minutes undercover report about 30 years ago when I was the young owner of an Exxon station in Bergen County. I knew I ran an honest shop, but that 60 Minutes report planted a seed of doubt in every one of my customers' minds. I wasn't alone, as many competitors felt the uneasy feelings of their customers' mistrusts too. I am not sure that the industry ever overcomes the harsh reactions of the motoring public once a bad apple has been exposed.

Recently the national news media had extensive coverage of the former Governor of Virginia, who abused his power while still in office. It turns out that he accepted expensive gifts in exchange for his powerful influence as Governor. Once considered a possible presidential candidate, he will now be spending a few years in jail. His entire story plays right into the hands of those who are disinterested in politics and have a very jaded view that all politicians are dishonest, or as I hear so often, "they are only out for themselves".

When this **OTR** issue was being planned I was also unaware that I would be asked to participate on a panel at the annual Weights and Measures conference in Atlantic City. Yes, I knew I would be attending, and I even figured that I would be a speaker, as I usually am every year, but I did not know that a change in the itinerary to include a panel of industry leaders would be added.

What is the most important thing that I have to offer on a panel like this? The high ethical standards and our insistence of honesty and integrity among NJGCA members. It is important to me that just as I wish to portray an honest impression of NJGCA members to the motoring public, that I also portray the same impression to the enforcement officers of Weights and Measures. They already know of the "Zero Tolerance" policy that NJGCA adheres to with regard to the conduct of our members related to consumer affairs issues.

Because enforcement officers not only from Weights and Measures, but also other agencies of State government know that I will stand behind them when they uncover a bad apple, NJGCA members get an extra consideration when grace or leniency is requested. Our policy is basically to make no excuses for truly fraudulent or deceptive behavior, yet we will ask for grace when it is needed and deserved.

Let me ask you. Do you want NJGCA to apply a higher standard of integrity to its members? Don't you want to be associated with an organization that exemplifies and portrays to the motoring public that its members are representative of a higher standard of ethics and integrity? I think that you do.

The same way that we collectively as an honest industry are embarrassed and ashamed whenever a dishonest business amongst us is exposed for wrongdoing, so too are honest legislators embarrassed and ashamed whenever one of them is exposed for unethical behavior.

Similarly, just like we who operate our businesses with honesty and integrity don't want to be painted with the same brush as those who have embarrassed us, so too honest and ethical legislators shouldn't be painted with a dishonest brush because of the wrongdoing of an unethical legislator. That includes good and honest legislators with whom we may disagree. ■



NJGCA MEMBER TESTIMONIALS

From: pitcrew100@XXXXX
Sent: Thursday, September 18, 2014 10:41 AM
To: sal@njgca.org
Subject: testimonial

Good Morning Sal,
Just wanted to drop you a quick note on one of our MBP programs. PPC lubricants is working out to be a great program for us. Yesterday I received our first two out of three rebate checks and what a nice bonus it was! Castrol is a great program with many benefits not only for us but gives us a lot to offer to our customers in this very competitive market we are in. Special thanks to Dave from PPC as well as Frank from Castrol for all of their help during our transition period. Thank You Sal and all your staff for all the work you all do behind the scenes.

Joe Ocello
Pit Crew Lubes
Joes Towing auto & Truck Repair
Bricktown, NJ



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U. S. Department of Labor Q&A

Your Questions, Their Answers!



This issue we have an important update about the posters that the US Department of Labor, NJ Department of Labor, and Department of Law and Public Safety REQUIRE all businesses to display and make readily available to employees.

By: Debbie Hill, NJGCA Director of Member Services

For this article, I need to ask **YOU** a question! ***DO YOU HAVE THE CORRECT Federal Labor Posters hanging at your small business? Do you have the correct New Jersey Labor and Workforce Labor Posters displayed?***

I already know the answer... so let me warn you. ***If you do not have them displayed at your small business, YOU are subject to penalties!*** Most of you DO NOT have the proper posters!

So, I decided that the best way to address this problem is to provide you with a **simple way of getting the FREE posters for your business to HELP YOU GET YOU INTO COMPLIANCE with federal and state laws!**

I went online to the websites of the Federal Department of Labor (USDOL) at (www.dol.gov/find/posters) and the NJ Department of Labor (<http://lwd.dol.state.nj.us/labor/index.html>). Both sites offered phone numbers to call for the FREE posters.

- Federal phone number: 1-866-487-2365. Due to budget restraints, USDOL no longer prints and mails the FREE posters. ***But, you can go to their website and print them yourself for FREE.***
- ***The New Jersey Department of Labor offers a telephone number that you can call, and they will send you a package of Posters.*** NJ Department of Labor: 609-777-3200.

I have provided details of exactly what posters you need for the Federal Department of Labor and the New Jersey Department of Labor, and how you can get them. ***Please follow my simple instructions below:***

US Department of Labor Poster Requirements: SIX (6) Posters are required by the Federal Gov't.

- 1) Visit www.dol.gov/find/posters
- 2) Print the following SIX posters and display each in a prominent location at your business.

HERE THEY ARE:

- 1) Job Safety and Health Protection (OSHA) (Print on legal paper only) (Revised Feb. 2012)
- 2) Equal Employment Opportunity (Non-Discrimination Law) (Revised Nov. 2009)
- 3) Fair Labor Standards Act (FLSA) Min Wage & Overtime (Revised July 2009)
- 4) Uniform Services Employment & Re-Employment Rights Act (USERRA) (Revised Oct. 2008)
- 5) Family Medical Leave Act (Revised Feb. 2013)
- 6) Employee Polygraph Protection Act (Revised Jan. 2012)

New Jersey Department of Labor and Workforce Development Requirements: TEN (10) Posters are required by State of New Jersey.

- 1) Visit: New Jersey Department of Labor and Workforce Development website: (<http://lwd.dol.state.nj.us/labor/index.html>)
- 2) In the center of the page, go to "**Businesses**" then click "**Employer Poster Packet.**"
- 3) You can also call: 609-777-3200 to receive hard copies of the required posters.
- 4) Print the following TEN posters and display each in a prominent location at your business.

HERE THEY ARE:

- 1) Wage and Hour Law Abstract
- 2) Child Labor Laws
- 3) Reporting and Recordkeeping Requirements Under State Wage, Benefit and Tax Laws
- 4) Payment of Wages
- 5) Schedule of Minors' Hours
- 6) Family Leave Insurance
- 7) PR-1, Poster – Unemployment & Disability Insurance
- 8) CEPA (Whistle Blower)
- 9) New Jersey SAFE Act
- 10) Gender Equity Notice – English (Spanish is available)

I was also surprised to learn that under the Office of the Attorney General, the Department of Law and Public Safety also requires you to hang additional posters. **Places that provide services of any kind to the public have to hang the following posters:**

- 1) Public Accommodation 2) Employment 3) Family Leave Act

These posters can be accessed at: <http://www.nj.gov/oag/dcr/posters.html>

NJGCA MEMBERS CAN ACCESS ALL OF THIS INFORMATION ON NJGCA'S WEBSITE: WWW.NJGCA.ORG. Simply enter your member number and click on "Useful Links"

Please feel free to reach out to Debbie Hill with any questions or concerns. NJGCA Office: 973-376-0066 or email Debbie@NJGCA.org ■

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U. S. Department of Labor Q&A Your Questions, Their Answers!



Member questions are submitted to Debbie Hill who is the NJGCA Director of Member Services, and then forwarded to John Warner of the USDOL. John's answers are published below.

Member Question: I own several gas stations with a partner. We have different corporations set up for each business entity, and I have some employees that, on occasion, will work at more than one of the businesses in one week. I have a question about how the Department of Labor laws will affect us...

For example: One employee may work at one location for 30 hours and he also works at a different location, in a different town, for 15 hours (he is doing a different job, too). My question: Under these circumstance, would overtime pertain to this individual? He is working at separate corporations/separate entities in different towns and performing different jobs (for example: Island Service Attendant vs. Cashier at C-Store).

How will the Family Medical Leave pertain to me and my employees?

Warner: Under the FLSA, an "enterprise" consists of "the related activities performed" for a common business purpose." The definition makes clear that the enterprise includes all such related activities which are performed through "unified operation" or "common control." This is true even if they are performed by more than one person, or in more than one establishment, or by more than one corporate or other organizational unit. Common ownership may in some situations be sufficient to establish "common control" which would allow Wage Hour to say a group of similar businesses is an "enterprise." If a group of gas stations (or bakeries, or cell phone kiosks in malls) constitutes a single "enterprise," then all hours worked for any component establishments or corporations must be combined in determining if the worker is owed overtime premium pay. In the question posed, the worker is due five hours of OT pay because he worked 45 hours for the enterprise. This would be true even if he worked different jobs, such as pumping gas in one station and stocking shelves in the convenience store of the second.

Even if a group of businesses do not constitute a single enterprise, the FLSA includes the concept of "Joint Employment" -- where otherwise separate employers derive the benefit of the same work done by an individual, they can be held "jointly and severally liable" for compliance with overtime. An example would be in shopping malls where maintenance staff clean and repair common interior and exterior areas. The company that pays the workers, and the stores which rely on those common areas, could be held jointly and severally liable for any overtime pay maintenance workers have earned. ■

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- \$500,000+ to remediate gasoline service stations in New Brunswick and Milltown, New Jersey
- \$12,000,000 to pay for cleanup and cost of recovery action for a dry cleaning manufacturer.
- \$11,000,000 to pay for cleanup and defense costs associated with the Passaic River litigation.
- \$7,750,000 to pay for cleanup costs associated with a defunct manufacturing plant

Beyond Insurance: We assist in the remediation and negotiations with State and Federal Agencies and seek reimbursement for our clients against third parties in cost recovery actions.

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COMING SOON TO A TOWN NEAR YOU!

One Attendee at Each Meeting will Win a \$50 Gift Card from NJGCA!

WHO: YOU!... And NJGCA Staff, Executive Director Sal Risalvato and NJGCA Member Benefit Partners!
Bring your fellow small business owners to show them what NJGCA is all about!

WHAT: Breakfast meetings all around the State, sponsored by our Member Benefit Partners and **FREE** for all attendees! **PLUS, ONE MEMBER AT EACH MEETING WILL WIN \$50 FROM NJGCA!**

WHEN: 9:30 - 11:00 AM

Atlantic/Cumberland/Cape May Counties

Tuesday, November 11, 2014
Mays Landing Diner and Restaurant
6177 Harding Way, Mays Landing, NJ 08330

Gloucester/Camden/Salem Counties

Tuesday, November 18, 2014
Liberty Diner
501 S. Delsea Drive, Clayton, NJ 08312

Burlington/Camden/Gloucester Counties

Tuesday, December 9, 2014
Medport Diner
122 NJ Rt. 70, Medford, NJ 08055

Ocean and Monmouth Counties

Wednesday, December 10, 2014
Cross River Mill Diner
1200 River Ave, Lakewood Twp, NJ 07801

WHY: We want to hear from our members!

DETAILS: Join us for a **FREE breakfast!** Hear an update from Sal, and share your questions or concerns. Have casual conversation with your fellow small businesses owners! Talk to Member Benefit Partners that are sponsoring the meetings - learn what they specialize in and how you can save money!

Please RSVP with an email to jacy@njgca.org or a phone call to 973-376-0066. We look forward to seeing you!

NJGCA MEMBER TESTIMONIAL

From: Frank Resta [mailto:frank@XXXX]
Sent: Monday, July 28, 2014 8:37 AM
To: 'NJGCA'
Cc: 'Debbie Hill'
Subject: RE: Road Warrior: The Whole Truth and Nothing but the Truth!

If you want to drill a better hole sometimes you need to stop and sharpen the drill bit. If you want your business to run smoother sometimes you need to stop and sharpen your tools of knowledge.

The NJGCA Diner Tour free breakfast meetings will sharpen the minds of all NJGCA members! Thanks for organizing these meetings.

Frank Paul Resta
Resta's Car Care
Somerset, NJ

Horror Highlight

Lift Accidents & Shop Safety

By: Debbie Hill

Has this happened to you?? Hopefully it never will!! This NJGCA shop owner has been in business for more than 32 years and never once did a vehicle fall off a lift until this year. Here's what happened: Two people set the vehicle up, himself and another tech, each of them with over 30 years experience. But, after setting up the vehicle, they strayed from their customary precaution of "shaking the vehicle" when it was just inches off the ground. Usually, they give the vehicle a "good, sturdy shake" to make sure the weight of the vehicle is properly distributed and that it is sitting correctly on the lift arms.

He told me this was the scariest experience he has had at his business, and that he has read about accidents that caused serious injury or death to technicians, but never thought something like this would happen at his place. I asked, "What do you think caused this accident to occur"? He told me that this customer has been in his shop dozens of times over the years, and he said the weight of the vehicle is within the weight restrictions of the lift, but he said that on this visit the "center of gravity" must have been off, to cause this to happen.

I spoke with the tech that was working on the vehicle at the time. He said it happened so fast, and when he removed the third tire (driver's side rear tire) he heard a creaking sound. Immediately, the vehicle began to fall. When the sound registered in his mind and he knew what was occurring, he backed up, attempting to pass through the office door which was behind him. But, in his panic, he was unable to slide the office door, and he froze where he stood as the vehicle fell straight back off of the lift. He said, "Thank God it did not fall off on an angle, because I had no where to go." He also said, "Luckily this did not happen a couple moments earlier or later or I would have been pinned behind the rear of the vehicle and either the garage door and/or floor." (As shown in the picture)



In my 7+ years at NJGCA, I personally have not spoken to one member that had this type of "freak accident". I researched the OSHA website and was surprised to find out how many of these accidents do happen, and the worst part is that usually a death occurs. I listed a couple of the cases below and also included other related news stories including one in New Jersey.

Most Important: I included Automotive Lift Operator Guidelines for you to use at your business. Please take a few moments to review them; I also suggest that you even pass this article around your shop and make sure all of your technicians sign off that they read it. *****Please see guidelines below*****

OSHA WEBSITE CASES: (ALL PRIOR TO 2012)

CASE 1: On August 10, 2011, an employee was working for Foreign Auto Salvage, Inc., dba Walton Imports, in Walton, KY. The firm had three employees at this site and 12 all together. The employee, who had worked at the firm for 25 years, was underneath a car that was up on a lift. He was removing parts. This was his normal job and what he did for most of every day. Normally, he would chain the car on which he was working to the lift, but for some reason he did not do that this time. A cross member of the car's frame, which was resting on the lift arms, became deformed, and the car fell off the lift onto the employee. The vehicle landed on the employee's head, and the car had to be jacked up to remove him. He was dead when the emergency medical technicians arrived.

CASE 2: On June 15, 2011, Employee #1, a 41-year-old male, mechanic working at Bak Auto Inc., was working on a vehicle that was on a jack stand. The vehicle collapsed onto Employee #1 and crushed his upper torso. Employee #1 was pronounced dead at the scene by DeKalb County Emergency Medical Personnel.

CASE 3: At approximately 11.30 a.m. on May 27, 2011, an employee had elevated a Mercedes SUV on the mechanical car hoist and observed that the vehicle was not properly supported by the lift arms. So he lowered the vehicle and adjusted the lift arms using wooden blocks to the vehicle frame and elevated the vehicle so that he would be able to work underneath. The employee began to install an exhaust system and had to shake it and hammer it into place which resulted in the right side to become displaced from the lift arm. The vehicle fell down crushing the employee. Emergency personnel responded and the employee was transported to the hospital, where he later died.

CASE 4: On December 17, 2010, the owner of Rancho Auto Service and Smog was crushed by a vehicle. Cal OSHA had no jurisdiction since there was no employee/employer relationship. According to reports, the owner was repairing a car on a hydraulic lift when the rear of the vehicle slipped off the lift and fell on him. (Note: No Narrative provided.)

CASE 5: On May 19, 2010, Employee #1 and a friend put a car on a car lift and raised it approximately 4 feet high, to repair the left front tire and to locate a noise in the front end of the car. The friend started to take off the front tire of the car, and Employee #1 went under the car. Employee #1 asked his friend to shake the front wheel, so he could locate the noise in the front end. As the friend was shaking the front wheel, the car started to seesaw on the lift. The front of the car started leaning toward the floor and then fell to the floor. The rear of the car came off the lift and fell to the floor. It crushed and killed Employee #1, who was still under the car, when it fell from the lift.

CASE 6: On December 26, 2008 an automobile mechanic was working on a truck raised by an automotive lift. As he conducted his work, the truck fell from the lift, striking and pinning him between the floor and the vehicle. He sustained crushing injuries and died.

Other Recent Related Stories:

March 25, 2014 - Denver, CO: A man was killed when the vehicle he was working on fell off a lift and landed on him, according to the Denver Fire Department.

May 9th, 2013 - Elizabeth, New Jersey: A Summit man working at an Elizabeth car repair shop late Wednesday was killed when an automobile fell off a lift and crushed him, authorities said today. The son of the shop owner told police that he went to the auto shop to give the employee a ride home, but found the worker pinned under the automobile on which he had been working. He used a jack to lift the vehicle and pulled him out.

Here are some tips on how to prevent this from happening at YOUR Shop!!

AUTOMOTIVE LIFT OPERATOR TRAINING GUIDELINES

WHAT WENT WRONG? Only use lifts that can support a vehicle at the points designated by the vehicle's manufacturer.

AUTOMOTIVE LIFT OPERATOR SAFETY TRAINING

This training is designed to provide information regarding safety to operators and users of automotive vehicle lifts. In this training, we will cover:

- **Categories and Types of Automotive Lifts**
- **Inspection and Maintenance**
- **Steps to Take Before You Lift**
- **Lifting a Vehicle**
- **Lowering a Lift**
- **Other Safety Considerations**

This training is necessary to prevent injuries while using overhead lifts as most accidents are caused by operator error, lack of effective training, or poor judgment, and the fact that you will be working with several thousands of pound of steel and other materials over your head.

Categories and Types of Automotive Lifts:

There are two categories of automotive lifts. The first category is **Surface Mounted (or Above Ground) Lifts** which include the following types of lifts:

2 Post Surface Mounted - 2 post surface mounted lifts are the most popular type of surface mounted lift purchased today. The lift arms ride up each column and are usually synchronized mechanically, hydraulically or electronically.

Multi-Post Runway - Most commonly configured as a 4 post surface-mounted lift, this is the primary type of lift used by many muffler, oil change, and transmission shops as well as those shops that perform wheel alignment services. It allows the vehicle to be driven onto two runways and lifted by its tires, exposing the underside of the vehicle.

Low/Mid Rise Frame Engaging - These lifts usually engage the vehicle's frame or its perimeter. The lift operates in either a parallelogram-style (which moves fore or aft as it raises and lowers) or a scissors-style (which moves in a straight vertical direction). These lifts may be powered by an electric hydraulic-power unit or, in the case of some short-rise service lifts, by compressed air. The primary uses of the short-rise lift are tire, brake and wheel service and auto body repair.

Drive-On Parallelogram - Another form of surface-mounted lift is the parallelogram lift. Most parallelogram lifts (except low rise) are drive-on lifts; this type lifts the vehicle with two runways. This unit, however, uses a lifting mechanism that moves the vehicle a short distance fore or aft when lifting or lowering, depending upon the way the lift is mounted. When using this type of lift, be aware of vehicles with unusual overhangs.

Scissors - The scissors lift, either roll-on or fixed pad frame/underbody engaging, has a lifting mechanism similar to the parallelogram lift. However, the scissors lift raises and lowers the vehicle in a straight vertical path rather than fore or aft of its original position.

Moveable-Type Wheel-Engaging - Traditionally, this mobile wheel-engaging lift had been used primarily with longer, more unconventional vehicles like transit buses. This lift utilizes individual lifting columns that are used in sets of two, four, six or more units. Each of the individual columns is mobile and contains an electric power unit interconnected with the other columns. A master control unit synchronizes all columns so they operate in unison.

The second category is **In-Ground (or Below Ground) Lifts** which includes the following types of lifts:

In-Ground - Lifts whose lifting assemblies are situated below the garage floor are known as in-ground lifts. These lifts employ one or more pistons, depending on the type of vehicle and how much weight is to be lifted. For example, many one or two piston lifts are used to hoist compact, mid and full sized passenger vehicles. Three or more piston lifts are used mostly for larger vehicles, such as transit coaches and fire engines. In-ground lifts are manufactured to suit almost any type of vehicle and any type of undercarriage service; there is the basic single post model, the drive through model, the drive over model, the pad type, and the multi-post axle-engaging (fixed and movable piston) models to name a few.

It is important to remember: One lift does not fit all vehicles!!!

Inspection and Maintenance

There are three (3) types and frequencies of automotive lift inspections that must be conducted at certain intervals. They are daily visual inspections, and monthly documented inspections, both of which are conducted by the operator or user, and periodic/annual inspections that are to be conducted by a qualified automotive lift inspector.

Daily Visual Inspections (time needed to complete this inspection is 5 to 10 minutes)

Vehicle lifts must be visually inspected by the operator or authorized user daily or prior to each shift of use. The visual inspection should include at least the following:

- Safety warning labels are easy to access and read
- Readability of the rated load capacity

- Proper procedure of the lift controls, safety latches, and locking devices.
- Deformation or unnecessary wear of any of the lift structural gears.
- Deformation or unnecessary wear of other components including hoses, electrical wires, drive chains, cables or screws.
- Damage or unnecessary wear on any of the lift points which engage the vehicle during lifting.
- Evidence of hydraulic or pneumatic leaks.
- Unusual noises, unexpected activities, erratic procedure or verification of chips or filings during use.
- Cracks or loose concrete around floor anchor bolts.

Monthly Documented Inspections (time needed to complete this inspection is 15 to 20 minutes)

Vehicle lifts must be inspected by the operator or authorized user at least monthly with the inspection documented on the "MONTHLY AUTO LIFT INSPECTION" form. The monthly inspection should include at least the following:

- **Hydraulic System**
 - Function, Leaks, Valves, Hoses and fittings (for leaks or cracks)
- **Cables, Pulleys, Chains, Sprockets, and Spindles**
 - check for excessive play, wear or damage
 - proper lubrication, proper tension and adjustment
- **Safety Locks, Latches, and Limit Switches**
 - Excessive wear
 - Proper engagement and disengagement
- **Support Columns and Posts**
 - Damage, Rust (especially near the floor where water can accumulate), Alignment, Rubbing blocks or rollers, anchors and fasteners (for proper torque, damage to anchors or concrete)
- **Arms, Pads, and Extenders**
 - Lift arms are level (to within ½ inch), arm restraints, anti-skid pads in place and good condition
- **Electrical**
 - Function of switches, condition of fixtures and conduit, condition of wiring (no damaged or spliced wiring, exposed wiring)
- **Lowering Speed**
 - Should not exceed 20 (twenty) feet per minute

Periodic or Annual Inspections (time needed to complete this inspection varies)

Vehicle lifts must be inspected by a qualified automotive lift inspector according to the manufacturer recommendations and intervals, but not to exceed at least annually. The lift inspector will usually attach an inspection tag to the lift indicating the date the inspection was completed.

Vehicle lifts found to be unsafe, or that need maintenance or repairs must be removed from service and reported to a supervisor immediately. **DO NOT USE A VEHICLE LIFT THAT IS UNSAFE TO USE!!!**

Before You Lift Ensure That You:

1. Are properly trained
2. Understand the potential risks
3. Are familiar with the lift (especially safety features, proper procedures, and operation)
4. Are authorized to use the lift (only your supervisor can authorize you to use the lift)
5. Know where the power switch is located
6. Read the operator manual for the specific lift you are using.

An automotive lift is not a crane, a jack, or a mechanical ladder. As implied by the name, vehicle lifts are engineered to hoist and support vehicles... nothing else.

Before driving a car or truck into the shop, be sure the lift area is free of:

- grease and oil, tools, cords and hoses, trash and other debris

Clear the area as customers and co-workers must not be in the lift area or in the vehicle when the lift is in use. The lift should be fully lowered before driving the vehicle into the work bay. Be sure the area around the lift, adapters, and supports are positioned out of the way of the vehicle tires before driving the vehicle into the bay.

Lift Capacity

Lift capacity is the maximum load that may be lifted or raised by an automotive lift. Check the load capacity of the lift and the weight of the vehicle to be lifted. Never overload the lift. The manufacturer rated capacity is displayed on the nameplate attached to the lift. If the nameplate is missing, or the information is not readable due to wear, check immediately with the manufacturer representative to obtain the lift capacity before using. Additionally, check inside the vehicle, trunk, or truck bed for items or materials that will add weight the vehicle being

lifted to ensure that the vehicle is not too heavy for the lift or too heavy at one end of the vehicle.

Center of Gravity

Before lifting any vehicle, determine the center of gravity for the vehicle. The center of gravity is the point between the front and the rear of the vehicle where the weight is distributed equally.

Each vehicle has a different center of gravity, due to, weight distribution, wheel base, location of drive train, and other factors. In most cases, the center of gravity on rear wheel drive passenger cars is below the driver seat. On front wheel drive passenger cars, the center of gravity is slightly in front of the driver seat under the steering wheel. The center of gravity will be different for vehicles with engines located in the rear of the vehicle.

Position the center of gravity in accordance with the lift manufacturers spotting devices. Remember that extra weight in a vehicle may also cause a shift in the center of gravity of the vehicle to be lifted. The proper spotting points for vehicles on frame-engaging lifts vary, depending on the application:

- When hoisting with a two-column drive through surface-mounted lift, place the vehicle center of gravity between the two columns.
- On four-column lifts, the center of gravity should be placed at the midpoint of the runway.
- When hoisting with a single-piston in-ground lift, place the vehicle center of gravity directly over the piston.
- When using a two-piston in-ground lift, place the vehicle center of gravity on the center line between the two pistons.
- If the lift is equipped with asymmetrical lift arms, check the manufacturer specifications for spotting the vehicle's center of gravity.

Lifting Points

Determine the proper vehicle lift points for the vehicle make and model to be lifted. This can be determined by reviewing the vehicle shop manual, owner manual, or other vehicle lift point charts. The contact pads or points should be positioned only according to these specifications. Check the condition of the vehicle's lifting surfaces for damage, rust, and grease or oil.

Positioning the Vehicle

Drive the vehicle onto the lift zone. Use a spotter if needed, but ensure the spotter stands to the side of the lift zone and not directly in front of the vehicle. If using a runway type lift, ensure that at least one set of two wheel chocks is positioned in front of and

behind a wheel or wheels to prevent the vehicle from rolling in the runways.

Lifting a Vehicle

Once the vehicle is properly spotted, raise the lift until the pads or other supports are one to two (1-2) inches from contact with the vehicle. Then check for proper alignment of the lift pads and contact points with the lift points of the vehicle. If alignment is correct, continue to lift the vehicle to one (1) foot off the floor and recheck the lift contact with the lifting points. If the supports appear to be slipping or are not contacting a flat surface, a lift arm or other support has been incorrectly positioned, or a support is not firmly touching a contact point, carefully lower the lift and reposition each support as unequal weight distribution could cause the vehicle to fall.

Also, shake the vehicle moderately from the rear to ensure secure contact and stability. Once the visual inspection is complete and acceptable, continue to lift the vehicle to the working height.

- Do not use wood blocks or other adapters not designed and intended for use on vehicle lifts.
- No persons (including employees, customers, or any other person) should be in or near the vehicle when it is being raised or lowered.
- Never leave the controls while the lift is in motion.
- Never look away from the lift while it is being raised or lowered.
- Do not block or tie open the lift controls.
- Be sure lift locking devices and latches are engaged.
- Never use limit switches as controls to stop the vehicle lift, always stop short of all limit switches.
- Do not try to support a falling vehicle.
- Certain features have been installed on the lift to help use the lift safely. Do not override or remove them, and maintain these features so they work as they were designed.

Jack Stands

If working under a lift that does not have a locking device or is below the point when the locking device engages, place four (4) jack stands of rated capacity under the vehicle frame or suspension for support. Do not work under vehicle with latches or locks disengaged unless supported by four (4) jack stands. Note: Be sure to check the load rating of jack stands.

- Use four (4) jack stands if you are aggressively pulling on a vehicle or if you must remove a large component that could change the weight distribution while the vehicle is on the lift.

- Always raise the jack stands to the vehicle height and never lower the vehicle onto the jack stands.

- Use four jacks stands to equalize and stabilize the load.

Lowering a Lift

Before lowering the lift, be sure tool trays, jacks, engine, and transmission stands, oil caddies, and other obstructions are removed from under the vehicle. Be sure that everyone is clear while lowering the lift. Be especially careful not to lower the lift arms onto your feet.

Before removing the vehicle from the work bay, position lift arms and supports to provide a safe and unobstructed exit. Contact pads should be in their lowest position.

Remember, running over or striking any part of the lift with a vehicle could damage the vehicle and the lift, and affect the safe operation of the hoist.

Other Safety Considerations

Approved safety glasses, or other approved eye protection should be worn when working underneath vehicles (some state insurance and safety regulations require this).

Do not rush the lift inspection, preparation, raising or lowering process and follow all necessary safety steps.

Keep lifts clean and free of soil, mud, water, grease, and oil.

Never use a defective vehicle lift.

Review

- Read the operator manual for the specific lift you are using.
- Start every shift with a visual lift inspection.
- Use only manufacturer recommended or approved lift points.
- Never overload a lift.
- Never use a damaged or defective lift.
- Always check and double check lift points placement and stability.
- No one inside or underneath the vehicle when lifting.
- Never override or alter controls.
- Use jack stands when needed to support or stabilize a vehicle.
- Clear tools and bystanders before lowering a lift. ■



NJGCA Membership Memo

By Greg Cannon, Membership Director

Greetings Members,

In the spirit of "Life is short... Eat dessert first", I'd like to start this membership memo with my sign-off.

Finally, please remember to visit your website: www.njgca.org to keep up-to-date on current events AND check out the incredible MBP programs specially designed to save you \$\$\$.

Really, take a few minutes. The staff has put a tremendous amount of effort into the site and it contains a lot of valuable information. I have a high degree of confidence there is at least one program that will benefit each of you.

Moving on:

• I want to thank those of you who have made the effort to adapt to the change in the new billing program. On the whole there has been a positive response and more members than not have read the invoice and followed the instructions. It doesn't go unnoticed and is appreciated more than you know. For those of you that haven't received a renewal invoice yet please read

the Membership Memo in the July issue (pg. 22) for full details or... catch it on the website.

• You have read and will be reading about the NJGCA 2014 Diner Tour. Please try to participate. This is our response to your request for more face time (not the iPhone kind) to hear what's on your mind in an informal setting and to meet a few MBP's that may be able to address some of your concerns about saving money. Not to mention you get breakfast on us! So please, support our efforts to support you.

• All members that are enrolled in the Association Master Trust Health Insurance program please be on the lookout for your automatic billing options. A detailed letter will be sent to you in the coming months.

That's all I wanted to chat about this time around. Until January, I wish you and your fams a grrreat Holiday Season. Have fun, be safe, be well.

Cheers!

greg

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IMPORTANT NJGCA REMINDERS AND UPDATES!

1. MBP MEMBER SATISFACTION SURVEY

As you all should know, NJGCA has been hard at work trying to create a Member Benefit Partner (MBP) Program that is of great value to our members. As part of this process, we have asked you to provide feedback about your experiences with various different businesses, service providers and vendors in the industry. We created an MBP Satisfaction Survey, which was mailed and emailed to all members. PLEASE take 5-10 minutes to fill it out. Your input is necessary for NJGCA to be able to serve you better! The survey can be accessed from the NJGCA homepage (www.njgca.org). If you prefer to fill out a paper copy of the survey, and you misplaced the one that was previously mailed to you, please contact Jacy at jacy@njgca.org or 973-376-0066.

2. GENERATOR GRANT PROGRAM

At this time, all participants in the program should be working with a contractor to create a formal, detailed proposal to present to the State. NJGCA, and a number of our MBP contractors, continue to remain in close communication with the State. We have encountered obstacles and setbacks, but all parties remain committed to making this program a success. If you have any questions or concerns about the Generator Grant Program, please do not hesitate to reach out to Jacy at jacy@njgca.org or 973-376-0066.

3. CRIME RESEARCH SURVEY

For the past year, NJGCA has been engaged in trying to address the very real problem of violence at gas stations. This project was spurred by the unfortunate death of a gas station attendant in South Jersey, and NJGCA was contacted by a professor of Criminal Justice from John Jay College in NYC, who wanted to conduct a research project to determine how we can make gas stations safer. The success of this project depends on data gathered from a survey of our members. We need information from stations that HAVE been victims of crime, as well as those that HAVE NOT, so that we can perform a comparison and determine what factors are significant in deterring crime. The survey will remain open for responses for another TWO WEEKS. Please take a few minutes to participate! The project will produce information about how to reduce economic losses due to crime, reduce personal injury and harm associated with crime and violence, improve working conditions and quality of life, and enhance the relationship between gasoline station owners, employees and the police. **Please take a moment to help us protect your business, your employees, and your profits!** The survey is available at www.njgca.org. Please contact Jacy at jacy@njgca.org or 973-376-0066 if you have any questions or concerns.

Great News for NJGCA Members

Group Health Coverage through NJGCA and Association Master Trust

Unless you're a large business with hundreds or thousands of employees, providing and administering a health benefits plan can be a huge burden. However, if you're a NJGCA member, you can now take advantage of a great group offering through the **Association Master Trust**

NJGCA member companies are eligible for comprehensive self-funded health and dental benefits through Association Master Trust. The Association Master Trust covers approximately 10,000 participants from thirteen trade and member association benefit trusts.

Qualifying NJGCA member firms can now enjoy all of the benefits of network services and modern claims administration. By being a member of AMT you're part of a large group, and have access the same great health benefits plans the big guys do!



*To learn more about AMT's self-funded health
benefits plans call today and ask for Joy
at 973-379-1090 ext. 229
for further details.*

Association Master Trust

66 Morris Avenue, P.O. Box 359, Springfield, NJ 07081
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info@amt-nj.com



Legislative Roundup

Important Issues impacting your business!

By: Eric Blomgren

Tobacco Purchase Age Increase

The Legislature may have been on vacation for most of the summer, but that doesn't mean there wasn't movement on some of the issues most important to NJGCA members. At the last minute the state Senate passed the bill raising the minimum age for purchase of tobacco products and e-cigs to 21. It must now move through the Assembly. That is too slow for some anti-smoking advocates. They have taken to pushing this measure in individual towns in the state. Englewood and Sayreville both passed ordinances that prevent retailers in their towns from selling these products to 19 and 20 year old adults. All these laws will do is hurt the small businesses in those towns. No one will quit smoking because of it; those affected will just drive 5 minutes over to the next town and make their purchase there. The nonpartisan Office of Legislative Services announced in July that this plan, if implemented statewide, would cost about \$18 million a year to the State as a result of fewer instate purchases from 19 and 20 year old adults. Pay attention to your email, if this bill comes up for a hearing by the Assembly Health Committee, we may need your help in getting it stopped.

Mandatory Paid Sick Leave

The threat of government mandated paid "sick" leave for all employees continues to grow greater. So far, we have been able to hold up movement on this issue in the Legislature, and as a result the coalition of liberals pushing this idea has taken to the municipalities. Passaic, Paterson, and East Orange joined Jersey City and Newark in passing laws that mandate businesses located there provide paid sick leave to their employees. Additionally, Trenton, Montclair, and Irvington will put the idea to a vote this November. Nationally, California became the second state to require paid sick time (the other being Connecticut). Massachusetts hopes to become the third state when their citizens vote on the matter this November. The leader of the NJ Assembly, Speaker Vinny Prieto (D-Hudson), has already stated his support for some form of this bill. We may need your support in the coming months to keep this bill from moving forward, as our opponents are well organized, motivated, and well funded.

Emissions Inspections

As of this writing, there has been no news about the future of the emission inspection program in New Jersey. However, we know that they must move soon in order to keep the timeline mandated to them by law. The new program must go into effect in May 2016. Since this will likely require a year of preparation time, the contract

should be awarded by the Governor's Administration around May of next year, which would mean it should be publically unveiled for bidding fairly soon. NJGCA continues to advocate for a program in which 100% of inspections are performed by private inspection facilities, instead of the roughly 15% performed at them currently. Privatizing Emissions Inspections will put 2.1 million vehicles in your service bays. **Mark your calendars now, because NJGCA has scheduled a Statewide Summit of auto repair businesses for January 14th, 2015 in Hightstown primarily to discuss this issue and how the community should respond to it.** More information will be provided as we get closer to the date.

Tax on E-Cigs, Tobacco

In June, we surprised many by defeating a plan to increase taxes on e-cigs from 7% to 75%. Part of that plan, added at the last minute, was to dramatically increase the taxes on all forms of tobacco other than cigarettes. This would have included a 75% tax on chewing tobacco and a \$2.70 tax on every individual cigar. **We have reason to believe that this plan will be brought back from the grave as a way to generate revenue for other social programs, so be on the lookout. This plan was killed in June because of grassroots outreach and we will need your support to stop it again.**

Plastic Bag Taxes

This summer there was an attempt to institute a tax on plastic and other non-reusable bags within Mercer County. It was revealed to them that individual counties do not have the power to tax, so instead they will be holding a nonbinding referendum on the issue this November. They are asking voters if they approve of the idea for individual retailers to tax each of these bags at a rate of 5 cents per bag. As an attempt to deflect criticism, it also called for a few exemptions: for prescriptions, for customers using food stamps, and for fresh produce and meat. However, that only makes complying with the law even more complex, instead of just counting the number of bags and charging 5 cents each, your clerk would have to track which bags have what since a bag with a banana in it would not get the tax. Thankfully, if voters in Mercer County do pass this it will not actually become law, but it will put pressure on the Legislature to create a statewide tax.

Local Government Activism

You may have noticed a theme in the last few issue sections. Local towns (technically called municipalities) and county governments have started to aggressively push ideas that they have failed to get accomplished in Trenton for the state. In addition to tobacco, plastic bag taxes, and paid leave, we have also fought off efforts to require

gas stations install generators. The biggest problem we, and our allies in other associations, have faced is a lack of good intelligence. NJGCA pays for a service to inform us of every bill introduced in the Legislature and also whenever something is scheduled for any kind of action such as a hearing or a vote. Unfortunately, no such service exists to cover each of the 565 municipal governments in this state (plus 21 counties). So far, our success has come from one of two ways: luck (an intrepid reporter happens to write an article about the issue in advance) or information from members and local businesses. When the success of your business is on the line, we can all agree that luck should not be relied upon. The point is, we need YOU to keep your ears open about what is happening in your town. **If you hear that your town is planning action on an issue that would hurt your business, please immediately call NJGCA at 973-376-0066 or email eric@njgca.org.**

Chinese Tire Tariff

The US Department of Commerce announced that they will postpone their decision on Chinese tire tariffs until November. The United Steelworkers Union claims that the Chinese government is acting to artificially drive down the cost of their tires in an unfair way that makes US tires uncompetitive. They are asking that the federal government put into place a tariff that would significantly increase the cost of Chinese tires. NJGCA opposes any effort to significantly drive up the cost that your businesses will have to pay for tires.

Generator Bill

In September the Assembly Homeland Security & State Preparedness Committee passed A-1338, sponsored by Asw Quijano (D-Union), Asm Cryan (D-Union), and Asm Caputo (D-Essex). This bill would establish a pilot program for any station located within a half mile of certain major highways. They would be eligible for a zero interest loan of up to \$10,000 to install a generator hookup. While this program would not be as good as the Governor's program, which gives out grants instead of loans, it would apply to more stations.

Gas Tax

Rumors continue to swirl that there will soon be a fight over raising the gas tax. The state's Transportation Trust Fund is nearly bankrupt and cannot be funded by the current gas tax revenue. Legislators of both parties and even some business groups support an increase in the tax in order to fund infrastructure improvements. The main thing stopping this tax increase: Gov Christie. He has said on numerous occasions that he opposes increasing this tax, and would essentially write off his chances of ever being President if he signed off on one. However, he will not be Governor forever. His term ends January 2018, though he may be gone sooner depending on how well a possible Presidential campaign goes. Power brokers in Trenton are already turning their thoughts to a future without him. NJGCA opposes this tax and, at the very least, wants to ensure that if it must happen then something is done to benefit fuel retailers.

Ban the Box Signed

On August 11th, the Governor signed into law the compromise version of the Ban the Box legislation. This law will go into effect on March 1, 2015. Here's what you need to know: it only applies to businesses with 15 or more employees over a 20 week period. If your business has that many employees, then you (or anyone working for you) cannot ask about or look into a potential employee's criminal history until one interview has been conducted (this interview can be done on the phone). If the position requires a criminal background check, such as a manager with oversight of the lottery machine, then you can ask during the first interview. Job applications cannot ask a question about criminal history either. The original version of this bill was much more demanding of employers; thankfully NJGCA and our allies forced the opposition to the table with this much less demanding version.

Rewards Fees Bill

NJGCA continues to work on the bill, A-1985 from Asw Celeste Riley (D-Cumberland), which will prohibit big companies from forcing gas stations to pay for the rewards card programs they invent. BP stations, for example, must pay 2.5 cents every time one of their customers uses a 5 cent reward they have earned on the purchase of gas. In September, Sen. Bob Gordon (D-Bergen) introduced the Senate version of this bill.

DEP Fee Increases

The DEP has announced that they plan to drastically increase the fees that must be paid for air permits. Under the proposed rules, the fee for a general permit would increase from \$410 to \$820. While an increase of some kind was expected (DEP regularly increases fees every five years), no one expected an increase of this degree. When fees were increased in 2010 it was by an average of 20%, now they are being doubled or more. Separate permits are required for things like vapor recovery systems, used oil space heaters, and backup generators. A business with all three would be faced with having to pay an extra \$1,200 because of these increases. In late September, NJGCA was at the head of a group of representatives from the business community opposing the severity of these fee increases. If the DEP approves them, the fees will go into effect January 1, 2015.

NJGCA PAC

In order to continue to fight for your business, we need your financial support. It shows legislators that we are serious and that our members are serious about these issues. Please take a minute and go to www.njgcapac.org and sign up to contribute just \$10 a month to our PAC. Your support will go a long way, and the contributions will be charged automatically every month for as many months as you would like. If every member did this, your industry would be a true powerhouse in Trenton. Consider this too: you may not be contributing money, but Wawa, Quickchek, BP, Sunoco, Costco, and other big chains are... ■



DECISION 2014

THE NJGCA VOTER GUIDE

By Eric Blomgren

On November 4th, we and millions of other Americans will go to the polls to choose who represents us in the federal government in Washington DC.

The top of the ticket will be the only race that everyone in the State will vote on: who will represent New Jersey in the US Senate for a six-year term. New Jersey, like every state, is allowed two US Senators. One, Bob Menendez (D), was just reelected in 2012. The seat we will be voting on is currently held by Senator Cory Booker (D). Senator Booker won a special election last year to fill out the remaining term of Senator Frank Lautenberg, who died in office. This time, he is running for a full six-year term.

Challenging Senator Booker is a man named Jeff Bell, who has never held political office. He got his start working closely with Ronald Reagan in the '70s and won a huge upset against New Jersey Senator Clifford Case in the 1978 Republican Primary. Bell would go on to lose that race in November. For the last several years, he has been living and working for a group in Washington DC advocating for conservative ideas. He is particularly interested in monetary policy and returning the US to the gold standard.

After choosing a US Senator, we will vote for our member of the House of Representatives. There are 435 Representatives divided among the states based on population. New Jersey has twelve, nine of which are incumbents running for reelection, and three open seats that will be filled by a freshman representative.

Beyond these are a variety of county and local offices. Perhaps most notable among them is the race for Cumberland County Clerk, since the Democratic candidate is Assemblywoman Celeste Riley, whom NJGCA has worked with closely over the last few years.

Finally, there are the public questions. As mentioned in the "Legislative Update" on page 18, Mercer County residents will be voting on whether or not they want the State to create a plastic bag tax. The cities of Trenton, Montclair, and Irvington will be voting on whether or not businesses located there must provide paid sick leave to every employee.

There will also be two questions asked statewide, both amendments to the State Constitution. One would change the law so that some individuals arrested for a crime will not be required to be given bail if there is a real concern they will flee or are a threat to others. The other question would increase the amount of tax revenue from the corporate business tax that is used to pay for certain environmental projects, particularly open space funding. Advocates say that this is needed to ensure stable funding for these programs, but others point out that the more money that must be spent on these ultimately non-necessary programs, the less money there is to spend on the state's other serious obligations. This makes future tax increases more likely.

Our votes for Congress do not happen in a vacuum. What happens in New Jersey will shape the direction of the nation for the next two years. The US Senate has been controlled by the Democrats since 2007. They currently hold a 55-45 majority. Republicans need to gain a net of six seats in order to gain control (a 50-50 tie will be decided by Vice President Biden, a Democrat). Thankfully for them, many of the competitive seats this year are in states that voted against President Obama in 2012, some by large margins. Open seats (where the current senator is not running for reelection) in South Dakota, West Virginia, and Montana will easily go to Republicans, meaning they only need to pick up three more. Top targets include Arkansas, Louisiana, Alaska, North Carolina, Iowa, Colorado, Michigan, and New Hampshire. Republicans do have to defend a few seats of their own: Kentucky, Georgia, and Kansas.

DECISION

THE NJGCA VOTER GUIDE



2014



The House has been controlled by Republicans since 2011. Currently, New Jersey sends six Democrats and six Republicans to Congress. The most competitive seat being contested is the 3rd District in Burlington and Ocean Counties, where Rep. Jon Runyan (R) is retiring after 4 years. Rep. Rush Holt (D), representing the 12th district is also retiring after the end of this term and Rep. Rob Andrews (D) from the 1st district stepped down earlier this year. Republicans are almost universally expected to keep their majority in the House, and perhaps add a handful of seats. There are many reasons for this, one is that there are more districts in the US drawn specifically to favor Republicans than there are that favor Democrats. However, the real reason that Republicans are so dominant in the House is the way Americans live and vote. More and more people are living in areas that overwhelmingly vote the same way. The Democratic base is comprised of people who tend to live in urban areas while Republican voters tend to be more spread out, giving them an advantage in more House districts.

Midterm elections almost always go poorly for the President's party since it is the only opportunity voters have to directly express their frustrations with the direction of the country. President Obama's approval ratings have been hovering around only 40%, which should mean a good night for Republicans. The only thing that might save the Democrats, however, is that the average voter doesn't think too highly of the Republican Party either.

If Republicans take the Senate and keep the House it will give them unified control of Congress and put them on equal footing with President Obama for the first time in his presidency. This could go two ways: one, it will mean gridlock, as Republicans only pass bills that satisfy the most conservative elements of their base, but are all vetoed by the President, creating more gridlock; or, they will be able to negotiate a few meaningful reforms that fix some of America's most pressing issues as the President looks to build a positive legacy and Republicans look to prove that they can govern in advance of the 2016 presidential elections. If Republicans fail to take the Senate, expect more of what we saw the last 4 years (nothing).

Many states are also electing Governors this year. While we in NJ took care of that last year, many of our neighbors are up this year. Pennsylvania Governor Tom Corbett (R) is on track to lose his reelection to Democrat Tom Wolf. Connecticut Governor Dannel Malloy (D) is in a very close race with Republican Tom Foley. New York Governor Andrew Cuomo (D) is on his way to easily being reelected against a challenge from Republican Rob Astorino.

This Voter Guide is intended to allow you to easily find out which candidates you'll be choosing from this November and where they stand on the issues most important to you. First, you'll look up what district you live in, then who the candidates are. This year we've even listed their respective websites, so you can check them out for yourself and see where they stand on other issues you care about. After that, we have information on where they stand on current issues and how they voted on past issues. Voting is one of the most important things you can do; make sure you're informed when you do it! ■

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WHAT DISTRICT DO I LIVE (VOTE) IN?

Atlantic County: 2nd District: Entire County

Bergen County: 5th District: Allendale, Alpine, Bergenfield, Bogota, Closter, Demarest, Dumont, Emerson, Fair Lawn, Franklin Lakes, Glen Rock, Hackensack, Harrington Park, Haworth, Hillsdale, Ho-Ho-Kus, Lodi, Mahwah, Maywood, Midland Park, Montvale, New Milford, Northvale, Norwood, Oakland, Old Tappan, Oradell, Paramus, Park Ridge, Ramsey, Ridgewood, River Edge, River Vale, Rochelle Park, Rockleigh, Saddle River, Teaneck (part), Upper Saddle River, Waldwick, Washington, Westwood, Woodcliff Lake, and Wyckoff. **8th District:** Fairview. **9th District:** Carlstadt, Cliffside Park, Cresskill, East Rutherford, Edgewater, Elmwood Park, Englewood Cliffs, Englewood, Fort Lee, Garfield, Hasbrouck Heights, Leonia, Little Ferry, Lyndhurst, Moonachie, North Arlington, Palisades Park, Ridgefield, Ridgefield Park, Rutherford, Saddle Brook, South Hackensack, Teaneck (part), Tenafly, Teterboro, Wallington, and Wood-Ridge

Burlington County: 1st District: Maple Shade and Palmyra. **2nd District:** Bass River and Washington. **3rd District:** Beverly, Bordentown City, Bordentown Township, Burlington City, Burlington Township, Chesterfield, Cinnaminson, Delanco, Delran, Eastampton, Edgewater Park, Evesham, Fieldsboro, Florence, Hainesport, Lumberton, Mansfield, Medford Lakes, Medford Township, Moorestown, Mount Holly, Mount Laurel, New Hanover, North Hanover, Pemberton Borough, Pemberton Township, Riverside, Riverton, Shamong, Southampton, Springfield, Tabernacle, Westampton, Willingboro, Woodland, and Wrightstown.

Camden County: 1st District: Entire County except Waterford. **2nd District:** Waterford.

Cape May County: 2nd District: Entire County.

Cumberland County: 2nd District: Entire County

Essex County: 7th District: Millburn. **8th District:** Belleville and Newark (part). **10th District:** Bloomfield (part), City of Orange, East Orange, Glen Ridge, Irvington, Maplewood, Montclair (part), Newark (part), South Orange, and West Orange (part). **11th District:** Bloomfield (part), Caldwell, Cedar Grove, Essex Fells, Fairfield, Livingston, Montclair (part), North Caldwell, Nutley, Roseland, Verona, West Caldwell, and West Orange (part).

Gloucester County: 1st District: Deptford, East Greenwich (part), Glassboro, Greenwich, Logan, Monroe, National Park, Paulsboro, Washington, Wenonah, West Deptford, Westville, Woodbury, and Woodbury Heights. **2nd District:** Clayton, East Greenwich (part), Elk, Franklin, Harrison, Mantua, Newfield, Pitman, South Harrison, Swedesboro, and Woolwich.

Hudson County: 8th District: Bayonne (part), East Newark, Guttenberg, Harrison, Hoboken, Jersey City (part), Kearny (part), North Bergen, Union City, Weehawken, and West New York. **9th District:** Kearny (part) and Secaucus. **10th District:** Bayonne (part) and Jersey City (part).

Hunterdon County: 7th District: Entire County

Mercer: 4th District: Hamilton and Robbinsville. **12th District:** East Windsor, Ewing, Hightstown, Hopewell Borough, Hopewell Township, Lawrence, Pennington, Princeton, Trenton, and West Windsor.

Middlesex County: 6th District: Carteret, Edison, Highland Park, Metuchen, New Brunswick, Old Bridge (part), Perth Amboy, Piscataway, Sayreville, South Amboy, South Plainfield, and Woodbridge. **12th**

DECISION

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District: Cranbury, Dunellen, East Brunswick, Helmetta, Jamesburg, Middlesex Township, Milltown, Monroe, North Brunswick, Old Bridge (part), Plainsboro, South Brunswick, South River, and Spotswood.

Monmouth County: 4th District: Allentown, Avon-by-the-Sea, Belmar, Bradley Beach, Brielle, Colts Neck, Eatontown, Englishtown, Fair Haven, Farmingdale, Freehold Borough, Freehold Township, Holmdel, Howell, Lake Como, Little Silver, Manalapan, Manasquan, Middletown (part), Millstone, Neptune City, Neptune Township, Ocean Township, Red Bank, Roosevelt, Rumson, Sea Girt, Shrewsbury Borough, Shrewsbury Township, Spring Lake, Spring Lake Heights, Tinton Falls, Upper Freehold, and Wall. **6th District:** Aberdeen, Allenhurst, Asbury Park, Atlantic Highlands, Deal, Hazlet, Highlands, Interlaken, Keansburg, Keyport, Loch Arbor, Long Branch, Marlboro, Matawan, Middletown (part), Monmouth Beach, Oceanport, Sea Bright, Union Beach, and West Long Branch.

Morris County: 7th District: Chester Borough, Chester Township, Dover, Long Hill, Mine Hill, Mount Arlington, Mount Olive, Netcong, Roxbury, Washington, and Wharton. **11th District:** Boonton Town, Boonton Township, Butler, Chatham Borough, Chatham Township, Denville, East Hanover, Florham Park, Hanover, Harding, Jefferson, Kinnelon, Lincoln Park, Madison, Mendham Borough, Mendham Township, Montville, Morris Township, Morris Plains, Morristown, Mountain Lakes, Parsippany-Troy Hills, Pequannock, Randolph, Riverdale, Rockaway Borough, Rockaway Township, and Victory Gardens.

Ocean County: 2nd District: Barnegat Light, Beach Haven, Eagleswood, Harvey Cedars, Little Egg Harbor, Long Beach Township, Ship Bottom, Stafford (part), Surf City and Tuckerton. **3rd District:** Barnegat, Beachwood, Berkeley, Brick, Island Heights, Lacey, Lavallette, Mantoloking, Ocean Gate, Ocean Township, Pine Beach, Point Pleasant (part), Seaside Heights, Seaside Park, South Toms River, Stafford (part), and Toms River. **4th District:** Bay Head, Jackson, Lakehurst, Lakewood, Manchester, Plumsted, Point Pleasant Beach, and Point Pleasant (part).

Passaic County: 5th District: Ringwood and West Milford. **9th District:** Clifton, Haledon, Hawthorne, Passaic, Paterson, and Prospect Park. **11th District:** Bloomingdale, Little Falls, North Haledon, Pompton Lakes, Totowa, Wanaque, Wayne, and Woodland Park.

Salem County: 2nd District: Entire County

Somerset County: 7th District: Bedminster, Bernards, Bernardsville, Branchburg, Bridgewater, Far Hills, Green Brook, Hillsborough, Millstone, Montgomery, North Plainfield, Peapack & Gladstone, Raritan, Rocky Hill, Somerville, Warren, and Watchung. **12th District:** Bound Brook, Franklin, Manville, and South Bound Brook.

Sussex County: 5th District: Andover Borough, Andover Township, Branchville, Frankford, Franklin, Fredon, Green, Hamburg, Hardyston, Lafayette, Montague, Newton, Sandyston, Stillwater, Sussex Township, Vernon, Walpack, and Wantage. **11th District:** Byram, Hopatcong, Ogdensburg, Sparta, and Stanhope.

Union County: 7th District: Berkeley Heights, Clark, Cranford, Garwood, Kenilworth, Mountainside, New Providence, Scotch Plains (part), Springfield, Summit, Union Township (part), Westfield and Winfield. **8th District:** Elizabeth. **10th District:** Hillside, Linden, Rahway, Roselle, Roselle Park, and Union Township (part). **12th District:** Fanwood, Plainfield, and Scotch Plains (part).

Warren County: 5th District: Allamuchy, Belvidere, Blairstown, Frelinghuysen, Hackettstown, Hardwick, Hope, Independence, Knowlton, Liberty, Mansfield, Oxford, Washington Borough, Washington Township, and White. **7th District:** Alpha, Franklin, Greenwich, Harmony, Lopatcong, Phillipsburg, and Pohatcong.

DECISION

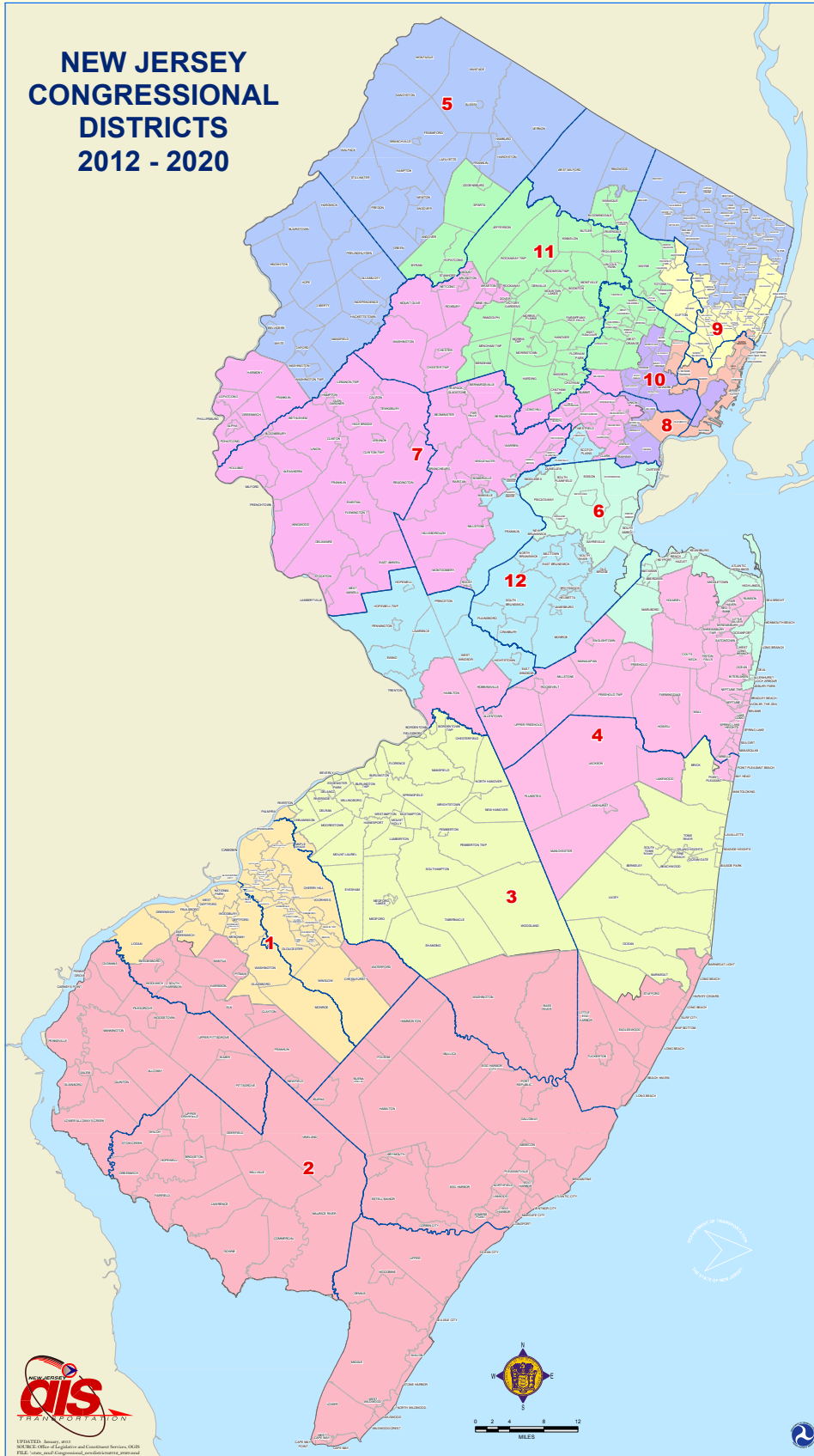
THE NJGCA VOTER GUIDE



2014



NEW JERSEY CONGRESSIONAL DISTRICTS 2012 - 2020





WHO ARE THE CANDIDATES?

Names in Italics are incumbent candidates running for re-election

United States Senate

Senator *Cory Booker (D)* & *Jeff Bell (R)*
www.corybooker.com & www.bell2014.com

US Congress District 1

State Senator *Donald Norcross (D)* & *Garry Cobb (R)*
www.donaldnorcrossforcongress.com & www.garrycobb.com

US Congress District 2

Rep. *Frank LoBiondo (R)* & *William Hughes, Jr. (D)*
www.lobiondoforcongress.com & www.hughesforcongress.net

US Congress District 3

Mayor *Tom MacArthur (R)* & Freeholder *Aimee Belgard (D)*
www.tmac4congress.com & www.belgardforcongress.com

US Congress District 4

Rep. *Chris Smith (R)* & *Ruben Scolavino*
www.smith4nj.com & www.facebook.com/scolavino4congress

US Congress District 5

Rep. *Scott Garrett (R)* & *Roy Cho (D)*
www.garrettforcongress.com & www.roycho.com

US Congress District 6

Rep. *Frank Pallone (D)* & *Anthony Wilkinson (R)*
www.pallonefornewjersey.com & www.wilkinsonfornj.com

US Congress District 7

Rep. *Leonard Lance (R)* & Mayor *Janice Kovach (D)*
www.lanceforcongress.com & www.janicekovach.com

US Congress District 8

Rep. *Albio Sires (D)* & *Jude Tiscornia (R)*
N/A & www.facebook.com/Judeanthonytiscornia

US Congress District 9

Rep. *Bill Pascrell (D)* & *Dr. Diedre Paul (R)*
www.billpascrell.com & www.facebook.com/paulforcongress

US Congress District 10

Rep. *Donald Payne, Jr. (D)* & *Yolanda Dentley*
www.paynejrforcongress.ngpvanhost.com & www.dentleyforcongress.com

US Congress District 11

Rep. *Rodney Frelinghuysen (R)* & *Mark Dunec (D)*
www.rodneyforcongress.com & www.markdunecforcongress.com

US Congress District 12

Assemblywoman *Bonnie Watson Coleman (D)* & *Dr. Alieta Eck (R)*
www.bonnieforcongress.com & www.eckforcongress.com



2014 CANDIDATE SURVEY QUESTIONS

Every year, NJGCA sends out a survey to the prospective candidates for office. Below are the exact questions asked of every candidate, followed by a chart showing their responses.

1. **Do you support an increase in the federal gas tax?**

2. Currently the federal minimum wage is \$7.25 an hour. In January, New Jersey's minimum wage was increased to \$8.25 an hour, and will be indexed every year going forward according to changes in the Consumer Price Index. Labor, along with credit card fees, is the largest expense for any business already. **Do you support an increase in the federal wage beyond \$8.25 an hour?**

3. Immigration reform is one of the most hotly debated topics and one of the country's more serious problems. **Which of the following would you support in an immigration reform bill?**

A. Requiring all employers to use E-Verify or a similar system to ensure that everyone they hire is a legal immigrant or citizen.

B. A pathway that allows some illegal immigrants to become US citizens.

C. A pathway that allows some illegal immigrants to attain a legal status, but not citizenship.

4. Major car manufacturers have historically denied small independent facilities the codes necessary to repair modern computer-managed vehicles, forcing them to turn away customers and centralizing more and more of the repair business in car dealerships. The goal of Right to Repair is to require the auto manufacturers to provide, for a fair price, access to the codes necessary to repair their vehicles to independent repair businesses. This would allow for an even playing field and open up competition by allowing consumers the ability to choose when, where, and how their car is repaired.

In January 2014, after years of fighting, the nation's auto manufacturers and advocates for auto repairers and consumers came to an agreement on a national Memorandum of Understanding that expanded Right to Repair to passenger vehicles throughout the country. However, this MOU did not cover heavy duty vehicles, as the Massachusetts law does, nor does it have the force and permanency of law. **NJGCA still supports a federal Right to Repair law that would enshrine the principles of Right to Repair into law and expand them to heavy duty vehicles. Would you support such a law?**

5. **Do you support an increase in the federal cigarette tax?**

6. Electronic cigarettes, or e-cigs, have exploded onto the marketplace in the last few years. Many longtime smokers have reported that e-cigs are the only product that has ever allowed them to quit smoking. They are significantly healthier than traditional cigarettes, the only debate is how much healthier they are. Small businesses like selling e-cigs because the profit margin on them is healthier than it is for traditional tobacco products. Some states, including New Jersey, have considered adding huge new tax rates to these products, which currently pay state sales tax. **Would you support adding federal taxes to these products?**

7. For years the estate tax, or death tax as it is commonly known, has been a burden on small business owners who want to pass their business and their life's work onto their family. This tremendous burden to Americans throughout the country comes with little benefit to the federal government: only about one half of one percent of government revenue. S-1183/HR-2429 have been introduced and sponsored by a large coalition of members from both parties. **Do you support its passage and the repeal of the federal death tax?**

8. While most Americans agree that we should be using less oil in transportation fueling, too few Americans are investing in alternate energy vehicles. The main reason is that there is a limited infrastructure, and the main reason more businesses won't install them is because of the huge upfront cost. However, there already exists a nationwide infrastructure of businesses that consumers are accustomed to refueling at: gas stations. **Would you support tax credits to businesses, particularly motor fuel retailers, which install natural gas, hydrogen, E85, or other alternate energy refueling capabilities?**

9. The Environmental Protection Agency has given final clearance for retailers to begin selling gasoline with an ethanol content of 15% (E15), up from the current level of 10%. This expanded use of ethanol has the potential to provide savings for consumers as well as reduce our nation's reliance on foreign oil. However, E15 may only be used in passenger vehicles Model Year 2001 and newer. There is a risk that customers' older cars may be improperly filled with E15 by accident, which may cause engine damage, and some auto manufacturers claim that the EPA's testing is wrong. **Would you support HR-1214, which would protect motor fuel retailers from liability as long as they were following the EPA guidelines?**

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10. There has been some discussion from members of both parties about repealing the “Last In First Out” (LIFO) rule of inventory management as a way to generate revenue for the federal government. LIFO has been used by a variety of businesses for 70 years, especially small businesses that operate on thin profit margins like gas stations and convenience stores. Its repeal would equate to a huge and retroactive tax increase on businesses that can least afford it. LIFO users would be required to recalculate their income for all the years in which they used LIFO and “recapture” into taxable income their entire LIFO reserve; the total benefit that they received from the use of the LIFO method over the taxpayer’s entire lifetime, several decades for some businesses. **Would you support the repeal of LIFO?**

11. In 2011, the US Department of Justice ruled that the federal Wire Act only applied to sports betting, clearing the way not just for online gambling but also for the sale of lottery tickets on the internet. Lottery retailers use ticket sales as a tool to increase foot traffic and bring in customers to spend money on higher margin items. If customers can purchase lottery tickets online, they will be less likely to walk into brick and mortar stores. S-2159/HR-4301 is a bipartisan bill which would repeal this ruling completely, once again protecting retailers from internet lottery. However, it would also eliminate online gambling, an important revenue generator for the state of New Jersey. **Would you support a bill that would only reapply the Federal Wire Act to internet lottery?**

12. **Do you support the repeal of the Affordable Care Act (Obamacare)?**

Office	Party	District	Candidate	1. Gas Tax Increase?	2. Minimum Wage Increase?	3a. E-Verify?	3b. Pathway to Citizenship?	3c. Legalization, No Citizenship?	4. Right to Repair	5. Cigarette Tax Increase?	6. E-cig Taxes?	7. Repeal Death Tax?	8. Tax Credits for Alt Energy?	9. E-15 Liability Protection?	10. Repeal LIFO?	11. Ban Internet Lottery?	12. Repeal Obamacare?
Senate	D	NI	Cory Booker [®]	Yes*	Yes*												No*
Senate	R	NI	Jeff Bell	No	No	Yes	Yes	Yes	No	No	Yes	No	Yes	No	Yes	Yes	Yes
House	R	1	Garry Cobb														
House	D	1	Donald Maroncross	No	Yes	Yes	Yes	Yes	No	No	No	Yes	Yes	No	Yes	No	No
House	R	2	Frank Lofiondo [®]								Yes*						Yes*
House	D	2	William Hughes, Jr.														
House	D	3	Aimee Belgard														No*
House	R	3	Tom MacArthur	No	No	Yes	Yes	Yes	No	No	Yes			No	Yes	Yes	Yes
House	R	4	Chris Smith [®]								Yes*						Yes*
House	D	4	Rubén Scollavino														
House	R	5	Scott Garrett [®]	No*	No*						Yes*						Yes*
House	D	5	Roy Cho		Yes*												No*
House	D	6	Frank Pallone [®]		Yes*		Yes*										No*
House	R	6	Anthony Wilkinson														Yes*
House	R	7	Leonard Lance [®]								Yes*						Yes*
House	D	7	Janice Kovach				Yes*										
House	D	8	Albio Sires [®]		Yes*												No*
House	R	8	Jude Tiscornia														
House	D	9	Bill Pascrell [®]	No*	Yes*	Yes*	Yes*		No*		No*	Yes*					No*
House	R	9	Dierdre Paul														
House	D	10	Donald Payne, Jr. [®]		Yes*												No*
House	R	10	Yolanda Dentley														
House	R	11	Rodney Frelinghuysen [®]								Yes*						Yes*
House	D	11	Marc D'Amico	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	No	Yes	No	No
House	D	12	Bonnie Watson Coleman		Yes*												No*
House	R	12	Alieta Edik	No*	No*			Yes*	No*								Yes*

2014 CANDIDATE SURVEY RESULTS

An * indicates that the candidate did not return their survey, so their position on this issue is taken from public comments

- Yes/No indicates the candidate agrees with the NJGCA opinion
- Yes/No indicates the candidate does not agree with the NJGCA opinion
- Yes/No indicates that NJGCA does not have a position on the issue, but we do believe it is important for our members



WHAT ISSUES DID LEGISLATORS VOTE ON?

We have only included those bills which came up for a vote within the past two years. Some bills have only been voted on by one chamber and not the other.

Since January 2011, the House of Representatives has been controlled by the Republicans while the Senate has been controlled by the Democrats. This has led to some of the worst partisan gridlock in living memory. This Congress is on track to become one of the least productive Congresses since World War II, with the previous two sessions as its closest competitors. Still, there were some bills voted on which are important to your business.

Highway and Transportation Funding Act

H.R. 5021 funded the federal Transportation Trust Fund through May 31, 2015. This multibillion dollar fund is used to pay for infrastructure projects throughout the nation. Perhaps most importantly, this version of the bill did NOT include an increase in the federal gas tax, as some members in both parties had called for. It passed the House 367-55 and the Senate 79-18 in July 2014 and was signed by the President in August. A **YES** vote on this bill supported NJGCA's position.

Greater Flexibility for Overtime Pay

H.R. 1406, the Working Families Flexibility Act, would allow employees the choice of taking time and a half compensatory time as payment for overtime. If a business chose to offer this comp time, it would be voluntary for the employees; who could later change their mind and take the overtime compensation as cash. Government workers currently have this choice. The bill passed the House 223-204 in May 2013 and has since stalled in the Senate. A **YES** vote on this bill supported NJGCA's position.

Lawsuit Abuse Reduction Act

H.R. 2655 would significantly reduce the amount of frivolous lawsuits that businesses must suffer from. Among other reforms, it would allow a judge who found a lawsuit to be frivolous to force the person who filed it to pay the attorney's fees and other costs of the person or business the lawsuit was against. The bill passed the House 228-195 in November 2013 and has been stalled in the Senate. A **YES** vote on this bill supported NJGCA's position.

Permanent Small Business Expensing Levels

H.R. 4457, America's Small Business Tax Relief Act, makes small business expensing levels permanent at \$500,000, and indexes the rate to inflation. It also makes permanent the ability to expense computer software and allows the costs of air conditioning and heating to be expensed. This bill passed the House 272-144 in June 2014 and has been stalled in the Senate. A **YES** vote on this bill supported NJGCA's position.

Permanent 50% Investment Deduction

H.R. 4718 would change the tax code to make permanent the provision that allows companies to deduct 50% of the cost of capital investments in the first year. The bill passed the House 258-160 in July 2014 and has been stalled in the Senate. A **YES** vote on this bill supported NJGCA's position.



WHAT ISSUES DID LEGISLATORS VOTE ON? (CONTINUED)

Defines Full-time Worker as 40 Hours a Week

H.R. 2575, the Save American Workers Act, defines a full-time employee as someone who works at least 40 hours a week. The Affordable Care Act (Obamacare) defined a full-time worker as one who works 30 hours per week, and all businesses with at least 50 employees working 30 hours a week or more must provide healthcare. As a result, many businesses are cutting the hours of their workers and turning full-time jobs into part-time ones. The bill passed the House 248-179 in April 2014 and has been stalled in the Senate. A **YES** vote on this bill supported NJGCA's position.

Build the Keystone XL Pipeline

H.R. 3 would allow the Keystone XL oil pipeline to be built without a presidential permit, allowing more Canadian oil to be brought into the US, thereby lowering the cost of gas by increasing supply. Under pressure from environmental activists, the Obama Administration has stalled the project for several years. The bill passed the House 241-175 in May 2013 and has since stalled in the Senate. A **YES** vote on this bill supported NJGCA's position.

Easier Pipeline Approvals

H.R. 3301, the North American Energy Infrastructure Act, changes the rules for the permitting of oil and natural gas pipelines that would come into the US from Canada or Mexico. It makes it easier and more likely that future pipelines will be approved quickly, rather than taking years because of politically motivated delays as we have seen with the Keystone XL pipeline. Over one third of all oil used in this country comes from Canada or Mexico. The bill passed the House 229-185 in June 2014. A **YES** vote on this bill supported NJGCA's position.

Increase Oil Drilling

H.R. 4899, the Lowering Gasoline Prices to Fuel an America that Works Act, would remove many of the hurdles which are preventing greater development of America's natural oil resources, specifically through our oil shale deposits, in Alaska, and offshore. If more is drilled domestically, it means lower gas prices. The bill passed the House 229-185 in June 2014 and has been stalled in the Senate. A **YES** vote on this bill supported NJGCA's position.

Repeal the Affordable Care Act (Obamacare)

H.R. 45 would completely repeal the Affordable Care Act, commonly known as Obamacare. This law has caused severe uncertainty, confusion, and increased costs and burdens for businesses throughout the nation. The bill passed the House 229-195 in May 2013 and has been stalled in the Senate. A **YES** vote on this bill supported NJGCA's position.

Plan to Prosperity

H.Con.Res. 96 is the 2015 budget written by Rep. Paul Ryan (R-WI). It would eliminate the federal deficit in ten years and cut spending by over \$5 trillion. The nonpartisan Congressional Budget Office said that it would grow the economy. It also repeals "Obamacare" and "strengthens" Medicare over the long term. While some said that these cuts are too deep, supporters say that drastic action is necessary to get the federal government's fiscal house in order, for the sake of the future economy and the nation's future prosperity. It passed the House 219-205 in April 2014 and has been stalled in the Senate. A **YES** vote on this bill supported NJGCA's position.



WHAT ISSUES DID LEGISLATORS VOTE ON? (CONTINUED)

Incumbent Candidates	District	Party	Highway & Transportation Funding	Overtime Pay Flexibility	Lawsuit Abuse Reduction	Permanent Expensing Levels	Permanent Investment Deduction	Full-time work = 40 hours a week	Keystone XL Pipeline	Easier Pipeline Approvals	More Oil Drilling	Repeal ACA/Obamacare	"Plan to Prosperity"
Frank LoBiondo	2	R	Yes	No	Yes	Yes	Yes	Yes	Yes	Yes	No	Yes	No
Chris Smith	4	R	Yes	No	Yes	Yes	Yes	Yes	Yes	Yes	No	Yes	Yes
Scott Garrett	5	R	No	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Frank Pallone	6	D	Yes	No	No	No	No	No	No	No	No	No	No
Leonard Lance	7	R	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Albio Sires	8	D	Yes	No	No	Yes	Yes	No	No	No	No	No	No
Bill Pascrell	9	D	Yes	No	No	No	No	No	No	No	No	No	No
Donald Payne, Jr.	10	D	Yes	No	No	No	No	No	NV	No	No	No	No
Rodney Frelinghuysen	11	R	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	No	Yes	Yes

Green indicates a vote in agreement with NJGCA

Red indicates a vote in opposition to NJGCA

**REMEMBER TO VOTE ON
NOVEMBER 4th!**

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THE NJGCA PAC

www.njgcapac.org

DEFENDING OUR
MEMBERS.



PROTECTING YOUR
INTERESTS.

ANSWER THE CALL & CONTRIBUTE TODAY!!

Promoting our agenda in Trenton is of utmost importance to NJGCA and our members. However, in order to truly affect the debate, we must ensure our friends in the Legislature are re-elected.

It is for this reason that your Association has established the NJGCA PAC.

For too long, the weight of funding our Political Action Committee, the arm of the Association responsible for political donations, has rested upon a few. This is not only unfair to those few members who have shouldered this burden, but means we are not utilizing our full strength to affect the debate in Trenton.

To truly understand the importance of supporting our allies, consider our successes in Trenton:

We defeated **BELOW COST SELLING**

We made history in getting **FIRST RIGHT OF REFUSAL** signed into law!

We have built large support for **RIGHT TO REPAIR** and got it passed out of the Assembly

We defended your small business against the false accusations of Attorney General Anne Milgram

We gained wide support to move New Jersey to an all PIF Inspection System and close the CIF lanes

...and MUCH MORE!!

In each instance, we achieved these goals with the help of our friends in the Legislature!

If every member contributes just \$100 we can help to ensure victory for our allies.

PLEASE SEND YOUR CONTRIBUTIONS TO:

NJGCA PAC

66 Morris Avenue

Springfield, NJ 07081

Please make your donation payable to NJGCA PAC

Or go online to njgcapac.org/donate

***We have made great progress in Trenton, but more needs to be done-
I hope that you will answer the call and contribute to the NJGCA PAC TODAY!***



In May 2009, New Jersey introduced the Site Remediation Reform Act (“SRRA”), which changed the standard for the remediation of contaminated sites in the state.

To ensure that the state’s objective to complete the remediation of sites was achieved, SRRA contained various statutory deadlines for the completion of various phases of the site remediation process. Along with these deadlines, NJDEP prepares each year, an Annual Site Remediation Program Fee Calculation Report. There are two categories of fees discussed in the Report: the annual remediation fee and remedial action permit-related fees. Responsible parties who are actively remediating sites are charged annual remediation fees, and those who have implemented a remedial strategy that involves a remedial action permit are charged remedial action permit fees. Since their adoption in 2009, the annual remediation fees have not changed. Additionally, the remedial action permit-related fees have not been adjusted since 2012.

However, for the fiscal year 2015, new fees are being implemented. NJGCA members subject to these fees can anticipate the following changes:

For Annual Remediation Fees / Remedial Action Permit Fees, if an invoice sent by the Department is dated:

- On or before June 30, 2014, the fees promulgated in the May 7, 2014 version of ARRCs apply.
- On or after July 1, 2014, the fees described in the “Annual Site Remediation Reform Act Program Fee Calculation Report” apply.

The fee structure takes into account the variation among remediation projects by requiring the person responsible for conducting the remediation to calculate the annual remediation fee based on the number of contaminated areas of concern, and the number of contaminated media that the party is remediating. A responsible party who is only remediating a single contaminated area of concern will be required to pay a significantly smaller fee than a responsible party who is remediating multiple contaminated areas of concern. Additionally, as contaminated areas of concern and contaminated media are satisfactorily remediated, the amount of the annual remediation fee will decrease, thereby providing added incentive for conducting remediation in a timely fashion!

Below you will find a tabular comparison of the currently codified fees and the calculated and final FY 2015 fees:



<i>Annual Remediation Fees</i>			
Category	Currently Promulgated Fee	FY 2015 Fee	Change from Currently Promulgated Fee
1	\$450	\$565	\$115
2	\$900	\$1,130	\$230
3	\$5,000	\$6,215	\$1,215
4	\$9,500	\$12,430	\$2,930
Contaminated media	\$1,400	\$1,750	\$350


Remedial Action Permit Activity Fees			
Activity	Currently Promulgated Fee	FY 2015 Fee	Change from Currently Promulgated Fee
SOIL REMEDIAL ACTION PERMIT			
Application	\$600	\$750	\$150
Modification	\$400	\$500	\$100
Transfer	\$300	\$330	\$30
Termination	\$600	\$750	\$150
GROUND WATER NATURAL ATTENUATION REMEDIAL ACTION PERMIT			
Application	\$800	\$1,000	\$200
Modification	\$600	\$750	\$150
Transfer	\$300	\$330	\$30
Termination	\$800	\$770	(\$30)
GROUND WATER ACTIVE REMEDIATION SYSTEM REMEDIAL ACTION PERMIT			
Application	\$1,000	\$1,250	\$250
Modification	\$800	\$1,000	\$200
Transfer	\$300	\$375	\$75
Termination	\$1,000	\$1,100	\$100

Remedial Action Permit Annual Fees				
Media	Type of Permit	Currently Promulgated Fee	FY 2015 Fee	Change from Currently Promulgated Fee
Soil	With deed notice without engineering controls	\$300	\$165	(\$135)
Soil	With deed notice with engineering controls	\$320	\$165	(\$155)
Ground water	Natural Attenuation remedial action	\$550	\$165	(\$385)
Ground water	Any other ground water remedial action	\$650	\$165	(\$485)

As a Member Benefit Partner to NJGCA, we are working hard to ensure members of the organization maintain compliance! For more information regarding the new fee structure, or to discuss other potential concerns regarding your site, please feel free to contact Mr. Dan Black at 732.537.0250 or dblack@envalliance.com.

START




Environmental Alliance, Inc.

Our petroleum site experience will expedite your UST investigation project through the maze of NJDEP requirements, remediation strategies, and LSRP guidance.

Alliance provides cost effective solutions to address your due diligence, UST closure, investigation and remediation needs.

Contact Dan Black at
732-537-0250 or
dblack@envalliance.com
for more information.



FINISH

In this article, Profit Outdo shows how in August 2014 that it was possible to achieve what appears to be impossible.

We all know that at any given point in time, if a fuel retailer RAISES their price, they will **increase** margins, but **sales volumes will fall**. At today's margins, the increase in margin is likely to more than make up for the loss in volume, so **profits will increase**. Conversely, if you LOWER price, you will **reduce margins, but sales volumes will rise**. At today's margins, a typically result is **lower profits**.

So to choose between higher profits OR higher volumes you assume you must give up one for the other. Or must you? We will show that in August, if you look at the problem from a different perspective, it was very possible to increase both profits and sales volumes at the same time!

The August Scenario

Our owner has 2 similar-sized locations far away from each other with very different competitive environments. The wholesale price of gasoline had fallen rapidly, and our owner found that competitors had dropped prices by an average of 4 cents. But some competitors had actually maintained their old prices, some had dropped prices by 4 cents, and some had dropped prices a full 8 cents. Our owner played it down the middle, dropping prices by 4 cents, just like the average.

The Challenge

Could our owner set prices to make higher profits and higher sales? The options:

1. Old: keep the old price at either or both locations
2. New: lower prices in both locations by 4 cents
3. Follow: lower prices by 8 cents, matching the most aggressive competitors

The answer is highly dependent on the unique qualities of each location's market.

Margins

Location	Margin (cents/gal)		
	Old	New	Lower
Station 1	20	16	12
Station 2	12	8	4

The 2 locations had different competitive environments. Station 2 had much lower margins than Station 1, because its competitors were so aggressive. The table on the left shows that for each station and for each of the prices that the owner considered.

Volumes and Gross Profits

The owner had a very good feel for how pricing affects their volume. We show estimated sales volume for each station and for each price considered, in the table below. Multiplying the volume by the margin provides the gross profit estimates on the right of the table:

Location	Daily Sales Volume			Gross Profits		
	Old	New	Lower	Old	New	Lower
Station 1	4,000	4,400	5,000	\$800	\$704	\$600
Station 2	4,000	4,400	5,000	\$480	\$352	\$200
Totals	8,000	8,800	10,000	\$1,280	\$1,056	\$800

Looking at the totals, it is clear that compared to the prices that were set:

1. Keeping the old prices in both locations would make more profit (\$1,280), but would sell less fuel (8,000 gallons).
2. Lowering prices in both locations by 8 cents (in order to match the most aggressive competitors) would sell more (10,000 gallons), but profits would be lower (\$800).

But there is a better alternative: LOWERING the price at STATION 1 by 8 cents, while keeping the OLD (higher price) in STATION 2. That combination generates higher volume (5,000 + 4,000 = 9,000 gallons) vs. the NEW prices, which only generates a volume of 8,800 gallons. It also results in higher profits (\$600 + \$480 = \$1,080) compared to the new prices, which only generate profits of \$1,056. Thus, the combination achieves the goal of increasing both volumes and profits.

Conclusions

Under the right conditions, pricing lower in locations where you have higher margins, and pricing higher in locations where you have lower margins, will result in both higher total sales volumes and higher total profits.

You can use that same general principle **even if you have only one gas station**. Just replace the “where” in the rule above with “when”. **When your margins are low, prefer to price higher** vs. competitors. **When margins are high, prefer to price lower**. For example, if margins were higher in August than they were in February, you would be better off pricing aggressively in August and less aggressive in February. Again, the combination is likely to result in higher total profits and volumes over time than a strategy of maintaining a constant price difference vs. competitors.

About the Authors

Profit Outdo Corp, based in New Jersey has been working with NJGCA key members for over a year to provide affordable fuel price analytics, process improvement and services that gasoline retailers can use to increase profits through better pricing practices. Profit Outdo improves daily retail fuel sales profits and process with improved retail pricing. You can respond quickly with a short-list of the best price solutions based on your unique location competitiveness and improve profit and volume targets for the next day, by location and overall company targets. The typical result is over \$10,000 additional bottom line profits for each million gallons sold. For more information, contact Debbie or look at our website, www.profitoutdo.com

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GENERAL COUNSEL CORNER: PART 1

BY PETER H. GUNST, ESQUIRE



Reconsideration Considered

A recent Petroleum Marketing Practices Act case decided in New York illustrates the extent to which federal judges are hostile to efforts to second-guess their decisions.

True, a disappointed litigant such as the service station dealer in *Scarsdale Central Service v. Cumberland Farms, Inc.*, may file a motion for reconsideration. But, as that case shows, it may not get him very far.

In the *Scarsdale Central Service* case, Cumberland, the dealer's supplier and landlord, advised the dealer that it had received a third-party offer to purchase the service station premises, and offered the dealer a right of first refusal as it was required to do under § 2802(b)(3)(D)(iii) of the PMPA. The options given the dealer were either to accept the terms of the third-party contract offer or to face nonrenewal of its lease and supply agreement.

The dealer filed suit under the PMPA attacking the sufficiency of Cumberland's offer. Cumberland responded, after the term of the dealer's franchise agreement had expired, by seeking a preliminary injunction requiring the dealer to vacate the service station premises so that it could go forward with the sale of the property to the third party.

In a decision issued on March 7, 2014, the court granted Cumberland's motion and rejected the dealer's contentions that the right of first refusal offered it failed to satisfy the requirements set forth in the PMPA because the down payment term was different and because Cumberland was also requiring the dealer to enter into a mutual termination and release agreement covering the dealer's previous operation of the service station.

The court noted that the change in the down payment term in fact benefited the dealer, and concluded that the dealer could have negotiated away the requirement that it relinquish any preexisting claims that it may have had against its supplier.

On March 25, 2014, the dealer submitted a motion for reconsideration raising the further argument that Cumberland's right of first refusal offer did not comply with the PMPA because it required the removal of underground storage tanks, fuel pumps and other property associated with the pumping of gasoline as a condition of sale.

Significant authority supported the dealer's contention that offering a dealer a right of first refusal that would require the removal of tanks and pumps will not pass muster under the PMPA.

In *Roberts v. Amoco Oil Company*, 740 F.2d 602 (8th Cir. 1984), a federal appeals court reversed the grant of summary judgment entered in favor of a supplier who had offered its dealer a right of first refusal that required

removal of tanks and pumps. The appeals court held that "the statute clearly dictates that an offer excluding the pumps and tanks cannot be considered bona fide."

The Roberts opinion made the important point that Congress' intent was not simply to provide a dealer the opportunity to match an offer submitted by a developer or any other third party who had other plans for the property, but to ensure that the dealer had an opportunity to continue to operate the service station. This intent could only be satisfied by providing the dealer an opportunity to acquire the tanks and pumps as well as the real estate.

Indeed, Congress' reiterated its intent that a dealer be permitted an opportunity to stay in business when it amended the PMPA in 1994 to provide the dealer a right to demand that its supplier make a bona fide offer to sell the dealer any "improvements and equipment" located on the real estate, once the dealer obtained title to the property See 15 U.S.C. § 2802(c)(4)(C).

Nevertheless, the court in the *Scarsdale Central Service* case denied the dealer's motion for reconsideration in an unpublished opinion entered on June 24, 2014. In so doing, the court relied on the standard applicable in that federal district that "reconsideration will generally be denied unless the moving party can point to controlling decisions or data that the court overlooked."

The court concluded that the dealer's argument constituted "an entirely new theory" of liability, which it could have advanced, but failed to do so, in its opposition to Cumberland's original preliminary injunction motion. Further, the court held that precedent such as the Roberts case, although "persuasive", did not constitute "controlling decisions" because they were decided outside of the Second Circuit, which included the New York district court.

It is easy to understand why courts are hostile to motions for reconsideration. There is a basic reluctance to grant the litigant "a second bite at the apple." Further, motions for reconsideration attack the finality of previous decisions, and prolong the litigation process.

On the other hand, the court's task is to get it right. Hopefully, the dealer can obtain a full hearing on its theory of liability either in the damages phase of the case or on appeal. The underlying lesson, however, appears to be to get it right the first time or else.

*

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To access more articles by the Service Station Dealers' legal counsel, please visit the "Service Station Dealers: Legal Issues" section of the Astrachan Gunst Thomas, P.C. website at:

<http://www.agtlawyers.com/resources/petroleum.html>



GENERAL COUNSEL CORNER: PART 2

BY PETER H. GUNST, ESQUIRE



The Franchise Industry Receives a Jolt

On July 29, 2014, the Office of the General Counsel for the National Labor Relations Board gave the franchise industry a real jolt.

The General Counsel's brief press release stated that it had instructed regional directors to pursue complaints of unfair labor practices against not only McDonald's franchisees, who were the direct employers involved, but also against their franchisor, McDonald's USA.

The General Counsel stated that McDonald's USA should be viewed as a "joint employer" bearing responsibility in at least forty-three cases in which complaints had been authorized against franchisees.

Traditionally, the law has treated franchisors and franchisees as independent entities, both in the context of employment law and otherwise.

Beyond question, franchisors and franchisees are separate legal entities, each responsible for managing separate businesses. Many franchisors have blurred the line, however, by micromanaging various aspects of their franchisees' businesses in order to protect their brand image.

The theory behind the General Counsel's directive was that McDonald's had so involved itself in its franchisees' employment practices that it should be deemed to be a "joint employer," with potential liability for its franchisees' labor law violations.

The General Counsel's directive immediately set off a firestorm, eliciting fiery rhetoric not only from franchisors but from franchisee groups as well.

Criticizing the directive, a spokesperson for the International Franchise Association complained that "the livelihoods of hundreds of thousands of independent franchise small businesses are now at risk due to the radical and unprecedented nature of this decision."

That spokesperson predicted that adoption of a "joint employers" standard would diminish the ability of franchisees to make employment decisions, and as a result "the value of [their] businesses" would be deflated."

The triumphant press releases issued by some supporters of the General Counsel's directive reveal why opponents of the directive are so concerned by its potential impact.

One pro-labor commentator pointed to the potential impact for union organization. He wrote:

Until now, employees at each franchise were limited to organizing only the workers at the franchise. This made the long, hard and expensive process of forming a union

nearly impossible because it would have to be repeated for each individual franchise. Now unions have a single target in the parent McDonald's corporation and can launch a unified organizing campaign.

In addition, that commentator said that adoption of a "joint employer" rule would make it easier to file national class-action lawsuits to attack employment law violations.

The commentator also emphasized that adoption of a "joint employer" standard should extend beyond the fast food industry, and gave as examples of franchisors at risk Dunkin Donuts, 7-Eleven stores and H&R Block tax preparers.

So how might this affect franchisees in the service station industry? To begin with, all the fuss may be premature. The General Counsel's directive to its regional offices is merely that. It does not have the force of law, and the proposed standard has not been adopted by the NLRB itself, much less by the courts. The General Counsel has merely thrown down the gauntlet on the issue.

Further, this issue might have had considerably more relevance to the petroleum industry fifteen years ago, before the majors mostly removed themselves from direct supply.

Then there were detailed operating requirements and regular station examinations and evaluations, making franchisors like Exxon and Shell tempting union organization and class-action targets.

The jobbers who have largely replaced refiners as franchisors are less likely to be impacted. Because of their relatively small size they are less likely to be tempting unionization and class-action targets. Moreover, with some very notable exceptions, jobbers are often not as involved in micromanaging as were their predecessors, and thus less likely to be branded as "joint employers." In any event it will be interesting to see where, if anywhere, all of this leads.

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