

inside



CALIFORNIA LANDSCAPE CONTRACTORS ASSOCIATION
EAST BAY CHAPTER

April 24: Bocce Ball and Award Entry Submittal

Drop off your East Bay Chapter Beautification Awards entry forms and fees at Plank Beer Garden Bowling & Bocce, 98 Broadway in Oakland on Friday, April 24, at 6 p.m. then join us for food, fun and bocce ball. If you have an entry form to drop off - join us! If you have already submitted your entry form - join us! If you are not entering this year - join us! This will be an informal and fun evening with fellow chapter members. The cost is only \$15 per person.

On the cover: Backyard Retreat by Calvin Craig, winner of the achievement award for Large Design Build Installation at the 2019 CLCA East Bay Chapter Beautification Awards.

Below: Members of the CLCA East Bay Chapter took part in a Listen Lab exercise recently to help set the future course for CLCA.



Call for Entries Beautification Awards 2020

Ready. Set. Enter! Applications are now available on the chapter website for the East Bay Chapter Beautification Awards! Enter your best projects today and strut your stuff at the Beautification Awards Banquet on Friday, June 12.

- When you win, you earn bragging rights to market yourself as a CLCA-award-winning company. Hang those award plaques in a prominent place in your office so the whole world can see your accomplishments.
- Entering the awards also shows your clients that you are confident of your work and provide a quality product.
- The awards are great for employee morale and provide an incentive for your employees to do their best.
- Winners are featured on the chapter website and on the front page of this newsletter throughout the year and on future chapter awards program

promotions.

Entry forms are available on the chapter website (clcaeastbay.org) under the awards tab. Entries and payment must be received by Friday, April 24, 2020. You can hand deliver your Beautification Awards entry forms at Plank Beer Garden Bowling & Bocce, 98 Broadway in Oakland, then join us for food, fun and bocce ball. Payment may be made online

at <https://bit.ly/39d0CKZ> or you may mail a check with your entries to:

CLCA East Bay Chapter, c/o Laura A Leuer
3130 Balfour Rd., Suite D #215, Brentwood, CA 94513.

No entries or payment will be accepted after Friday, April 24. Judging will take place Thursday and Friday, May 7-8. Projects are judged anonymously by judges from outside of the chapter. All qualified entries will be evaluated and scored according to the judges guidelines. The awards will be presented at the beautification awards ceremony on Friday, June 12, 2020.



Above: Hiatt Residence by Garden Lights Landscape Development, winner of the Sweepstakes Install Award in 2019.

At right: Members of the Tierra Landscape Team receiving the Sweepstakes Landscape Maintenance Award in 2019.

Below: The Gaffney Residence by Garden Lights Landscape Development, winner of the Judges Award in 2019





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president's message

Planting Trees.... What a Concept

Leeanna Schoeder, CLCA East Bay Chapter President

Greetings from inside the Arctic Circle! I am currently in the northern most part of Finland. Although we are enjoying a well deserved vacation, the chosen destination took many weeks and months of planning. We had a checklist of items we wanted to see and do, but most of all, we wanted to immerse ourselves in the native culture. So, picking a remote destination was necessary, and remote it is!

Why am I sharing this with you? Because suprisingly, it is an area being severely affected by climate change. Why is this important to you? Hopefully, after reading this you will gain some perspective of how our own local climate is changing and how this will force changes to the landscape industry where we live... sooner than we think.



Finland and Norway are a few of the areas on earth where reindeer run wild and are used for food, clothing and traditional ceremonies, which go back millenia. Unfortunately, due to thawing and refreezing of the natural habitat of the reindeer, they are unable to dig to reach the lichens and moss that provide their primary food source in winter. People are having to truck food into remote areas where the

reindeer graze. However, even with help, thousands of these beautiful animals are dying of starvation. Since winter can last for up to eight months, this is a nationwide growing concern, and a hot topic among the people we met.



What is Finland doing to mitigate this situation? With over 23 million hectares (a metric unit of square measure equaling 10,000 square meters or 2.47 acres) of forest covering 75% of its territory, one might think Finland is well-prepared to use reforestation to fight climate change. That's why the Finnish government pledged last April to make the country carbon neutral by 2035. Trees absorb and store the carbon dioxide emissions that are driving global warming, which is having a great impact in all the Nordic countries.

The National Resources Institute of Finland has an important role in creating more resistant seeds in their tree nurseries. They say that with the rate of climate change, they need to breed trees faster than

what would happen in nature. Their main concern is protecting against pests and diseases that are coming from outside Finland because the summers and winters are now warmer. Pines, spruce and birch are their primary tree species.

Recently, the European Commission announced the creation of a new multi-stakeholder platform to protect and restore the world's forests. We as leaders in the horticultural industry need to work to educate others on this new focus and on the importance of saving existing trees and planting new ones.

I hope to see you on April 24 for the awards entry dropoff party at Plank in Oakland. This will be your last opportunity to turn in entries for the chapter awards program. Plan to join us for bocce ball and networking even if you aren't entering. I look forward to seeing all the wonderful work you have been doing over the past year.



You Mean Exempt, Not Salaried

Steven Cesare, Ph.D.

The Harvest Group, Landscape Business Consulting | harvestlandscapeconsulting.com

A business owner from Wisconsin contacted me to tell me that he wanted to make one of his supervisors a salaried employee. By making the supervisor salaried, the supervisor would have a more stable income from week-to-week. While I agreed with that aspect of the proposal, I quickly informed the owner that salaried employees can be legally classified as either non-exempt or exempt. Much to the surprise of the owner, non-exempt salaried employees must still be paid overtime as defined by state or federal law, while exempt salaried employees do not receive overtime pay.

The real distinction is not between hourly and salaried, but rather non-exempt and exempt. To simplify this, I gave a brief overview of the Fair Labor Standards Act, Administrative Exemption, which defines the two tests necessary to be classified as an exempt employee:

Salary Test

To qualify for the Administrative Exemption, the employee must be compensated on a salary rate not less than \$684 per week (this rate applies to Wisconsin, though it varies in other states, most notably, California); and

Duties Test

To qualify for the Administrative Exemption, the employee's primary duty must be the performance of office or non-manual work directly related to the management or general business operations of the employer or the employer's customers, and the employee's primary duty includes the exercise of discretion and independent judgment with respect to matters of significance.

With reference to the owner's original proposal, the supervisor was making more than \$684 per week and as such, satisfied the requirement of the Salary Test.

However, when asked if the supervisor's primary duty involved "manual work" (e.g., mowing, edging, pruning, trimming, planting) or non-routine tasks that involved "discretion and independent judgment" (e.g., employee selection, performance reviews, estimating, labor scheduling, reviewing proposals), the owner divulged that during an average workweek, the supervisor spends more time working with the crews than performing tasks requiring discretion and independent judgment. Thus, it quickly became clear that the supervisor did not satisfy the requirement of the Duties Test. Therefore, the supervisor could not be classified as exempt.

In actuality, the owner simply wanted to classify one of his Foremen as a "supervisor" and then pay him a salary, thinking he could work the supervisor more than 40 hours per week and avoid all overtime expenses (and in some states, required meal periods). Such a misclassification could have led to major fines, unpaid overtime wages, and other financial liabilities to the owner.

Within the green industry, positions at the level of Foreman, Irrigator and below, as well as Mechanic and Administrative Assistant are almost always non-exempt. Conversely, positions at the level of Account Manager, Estimator, and Office Manager are almost always exempt. Positions like "Supervisor" must be clearly analyzed against the Salary Test and Duties Test to determine their accurate classification.

So, in practical terms, the owner could make the supervisor a non-exempt salaried employee, which would require overtime payments; but he could not legally make the case for the supervisor to be an exempt employee.

If you have any questions or comments call me at (760) 685-3800.

East Bay Chapter Member Standings

Congratulations to the following members who reached membership milestones this month.

30+ Year Members

Joe Korematsu (1956)
Roger Fiske (1962)
Cagwin & Dorward (1963)
Ken Gerlack (1966)
Lafayette Tree & LS (1967)
Horizon (1970)
Ewing Irrigation (1973)
BrightView Tree Co. (1973)
SiteOne Landscape Supply (1974)
Professional LS Mngmt (1980)
Delta Bluegrass Co. (1980)
Landscape Care Co. (1985)
LandPlan's LS Inc. (1982)
Village Nurseries (1983)
L.H. Voss Materials (1987)
P.J. McNamara (1987)
Suma Landscaping Inc. (1988)
Berndt Landscape & Garden Maint (1988)
Trimacs Maint. & LS Const, Inc. (1988)
Diamond K Supply Ltd. (1990)

27 Year Members

Brad Hlady, Buffalo Landscape Co.

26 Year Members

Richard Kerri, Kerri Landscape Svcs.

23 Year Members

Christopher Paynter, CLP Landscaping

22 Year Members

Luca Donisi, Donisi Landscape Const.

10 Year Members

Luis Hernandez, Amanecer Landscaping

9 Year Members

Eric Santos, BrightView

8 Year Members

Linda Middleton, Terralinda Design

6 Year Members

John Spanne, Calstone Co.

4 Year Members

Barry Sacher, Rock Paper Scissors Landscape

3 Year Members

Kendall Archie, Student

Rick Del Prete, Black Diamond Pavers

1 Year Members

Eric Anderson, BrightView

Stokes Colton, BrightView

Jon Plotnick, BrightView

Tom Stoutt, BrightView

Kevin Pearson, Banksia Landscape

CLCA Member Benefits

Did you know that your CLCA membership entitles you to a plethora of invaluable benefits? Check out this short list than visit www.clca.org >> Member Resources >> Member Benefits for the complete list and take advantage of your membership.

- Peer Consulting Service
- Human Resources Hotline
- Professional Development
- Certification
- Water Management Certification
- Networking Opportunities
- Attorney on Retainer
- Credit Card Processing
- Group Insurance
- Job Bank
- Supplier/Materials Search
- Customizable Employee Handbook
- Legal Forms and Contracts
- Lien Paperwork
- Fuel Card
- Leadership Opportunities and Training

Connect. Learn. Grow... with CLCA Member Advantages.

The East Bay Chapter Thanks Our 2020 Partners for Success

Gold - \$1500

- Four Dinner Tickets to the Beautification Awards Banquet and sponsorship of a prestigious Judges or Sweepstakes Award plaque.
- Four Tickets to the Baseball Event (includes tailgate party).
- Free Admission to All Dinner Meetings during the year.



Silver - \$1000

- Three Dinner Tickets to the Beautification Awards Banquet and Sponsorship of an Award plaque for one of the award categories.
- Three Tickets to the Baseball Event (includes tailgate party).
- Free Admission to Three Dinner Meetings of your choice during the year.



Bronze - \$750

- Two Dinner Tickets to Beautification Awards Banquet and Sponsorship of an Award plaque for one category.
- Two Tickets to the Baseball Event (includes tailgate party).
- Free Admission to Two Dinner Meetings of your choice during the year.



All Partners Receive

- Company Name recognition in the chapter's monthly newsletter, Inside Scoop and the mid-monthly electronic newsletter E-Scoop. Company event promotion in electronic newsletter, E-Scoop.
- Company Name recognition at every event, logo on table-tents or event fliers, Company logo on the chapter website and event announcements.

For information, or to become a sponsor, call Laura Leuer at (510) 207-4350.



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East Bay Chapter Monthly Board Meetings

Board meetings are held on the 1st Thursday of the month at 4:00 p.m. (some exceptions). Check the calendar for locations.

The CLCA East Bay Chapter newsletter is published monthly. Copy and advertising deadlines are the 10th of the month preceding publication. Materials may be mailed to: Jerrie Beard & Associates, PO Box 96, Coloma, CA 95613. Or email to: jsb@beardassociates.com. For information on advertising and rates, contact Jerrie Beard at (530) 621-1701.

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2020 CLCA State Executive Board

clca.org/about/board-of-directors/

Past CLCA State Presidents from the East Bay Chapter

2018 Aaron Huxley
2017 Tim Hendricks
1996 John Redmond Jr.
1986 Roger D. Fiske
1978 Joe Tanouye

East Bay Past Chapter Presidents

2018 Eric Santos
2017 Roxy Wolosenko
2016 Calvin Craig
2014-15 Peter Rosen
2012-13 Tim Hendricks
2011 DeeAnn Schuttisch
2009-10 Nate Silin
2007-08 Barry Minor
2006 Gregory Wrenn,
Rick Martens, CLT
2005 Dennis Brewer
2003-04 Rick Martens, CLT
2000-02 Gregory Wrenn
1999 Rob Solomon CLT, CLP
1997-98 Dave Wolkenhauer, CLT
1996 Diane McNally
1995 Dan Berger, CLT
1994 Craig Hutchinson
1993 Steve Schlitt
1992 Matt Schiller
1991 Robert Battinich
1990 John Redmond
1989 Jim Kwiat
1988 Thomas Raeth
1986-87 John Nishizawa
1985 Thomas A. Adan
1984 David Burnley
1983 Don Young
1982 David Gutru
1981 Joe Tanouye
1979-80 J. Warren Thurston
1979 Peter Rumore
1978 Pat Nichols
1977 Joe Korematsu
1976 Chuck Rich

East Bay Chapter Life Members

Congratulations and Thank You to the following CLCA East Bay Chapter Members for their continued support for over 25 years.

Roger Fiske Ken Gerlack
Jeffrey Jones Joe Korematsu
George Sunayama Jack Rydman
Thomas Raeth Kevin Berndt

CLCA East Bay Chapter Contractor's Honor Code

The CLCA East Bay Chapter exists to support Contractor's AND their employees. To successfully meet this objective, and encourage the involvement of all levels of the landscape industry, the Board of Directors is committed to supporting the following Contractor's Honor Code:

The solicitation, recruitment of, or attempt to hire another Contractor's employees while attending any CLCA function is strictly prohibited.

ReScape Design Qualification Renewal Training

Wednesday, May 13, 2020 9:00 AM - 4:00 PM PST
StopWaste, 1537 Webster St. in Oakland | (510) 891-6500
Registration Closes Wednesday, April 29

\$220 (includes 2-year membership)
\$265 (includes 2-year membership plus Directory Listing)

Open to any and all current or formerly qualified ReScape Qualified Professionals in Landscape Design. Please reach out to info@rescapeca.org with questions about your qualification status.

- Refresh your skills
- Get the latest best practices from field experts
- Join like-minded professionals regenerating our landscapes

ReScape Qualification Renewal Trainings include:

- Updated practices for ReScape's ecologically based, whole systems approach to the design and construction of public and private landscapes
- Technical information for meeting new local and state landscape ordinances and policies
- Updated information about habitat restoration, local plant communities, and the benefits of biodiversity
- Recognition of the global connections between soil health, waste management, water conservation, air and water quality, greenhouse gas reduction, urban forestry, and carbon sequestration
- Receive Qualified Professional Membership with ReScape California for 2 years
- Listing in our online Qualified Professional Directory

Register online at <https://rescape.memberclicks.net/dqr-oak20>

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L.H. Voss Materials Inc.
Dublin 925.560.9920

Sponsor Profile:

Devil Mountain Wholesale Nursery

Devil Mountain Wholesale Nursery was founded in 1995 to fulfill one goal: provide our community with better access to plants. Driven to overcome the limited plant palettes available to architects, designers, and landscape contractors, our founder Pat Murphy set out to find and procure whatever plants necessary to meet any-and-all design specifications with premium quality material. Today, we operate four locations across Northern California, where customers can find plants and trees (from 4" to 48"+), fertilizers, soils, mulches, stakes, and more.

Devil Mountain Wholesale Nursery is proud to serve our community not only as a wholesale broker, but also a grower. In 2006, we opened our growing ground in Clements to offer more possibilities and better quality to our customers. Our

dedication to this industry extends beyond helping our customers succeed to supporting the creation of livable spaces. Devil Mountain offers several carefully curated plant collections, created with the intent to help guide decision making in designing sustainable and regenerative landscapes. Our collections include Drought Devils, Erosion Control, Planting Under Oaks, Planting Under Redwoods, and more.

With 25 years of experience in the California nursery industry, we have developed an expertise in water efficient plant varieties and are committed to carrying the most diverse selection available in the trade. Each variety found in our Drought Devils collection meets Water Use Classification of Landscape Species (WUCOLS) requirements for "low" or "very low" water use and Bay-Friendly/ReScape

California's standards for sustainable landscaping.

Devil Mountain Wholesale Nursery is dedicated to the knowledge and education of our customers. We are proud to offer workshops that focus on creating bay-friendly designs and that address the vulnerabilities of modern landscapes and how we can mitigate these through plant selection and design, including in areas affected by wildfires, and landscapes for future climates. Our website also offers educational brochures to the public, as well as an active blog discussing gardening topics and cultivars.

Sharing knowledge with our community is one way that we give back, and we take pride in the extensive knowledge and experience of our sales team. Our mission is to help your landscape designs come to life, and support designs that help make our state a beautiful place to be, today and into the future.



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