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Year-round profitability calls for careful planning and selling, whether the services provided are as routine as dormant season small tree pruning, above, or as specialized as lightning protection installation, below. Lower photo courtesy of Independent Protection Company, Inc., Goshen, Indiana.

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COVER PHOTO:

TREE CARE INDUSTRY - OCTOBER 1990
Training is a profit center. Training is also a good way to make use of the non-productive time in the off-season. It’s a win-win situation for all concerned.

The company wins because employees become more productive and work more safely. The clients win because they get better quality work. The trees win because they get better care and the employees win because they are less likely to have lost time due to accidents.

Let me give you an example of the cash benefits that are readily identifiable and bear with me as I use some very round numbers.

Suppose you have a crew of four and each employee earns $10 per hour. At 40 hours per week that’s $1,600. Now suppose your workers compensation rate is $20 per $100 of payroll. That equates to $320 per week. Now suppose you could improve your workers compensation rate by 10%. That would be a savings of $32 per week or $1,664 a year. That is more than one whole week’s payroll.

With that kind of savings, you could do a week’s training once a year, almost four hours once a month or 45 minutes every week for 52 weeks.

Suppose you could increase the productivity of your crew by 10%. If $1,600 per week of payroll produces an average of $4,800 worth of work in a week, a 10% increase would allow another $480 to fall to the bottom line every week, or almost $25,000 a year.

How much does it cost to respond to customer complaints? How much would you save by reducing their frequency? What about lost time due to injuries? What does that cost, not only in dollars but in pain?

None of this even considers the fact that under several federal laws and regulations, the Occupational Safety and Health Act for one, employers are required to provide training. Department of Transportation regulations also require training.

Where do you get the training materials? Call the National Arborist Association’s toll-free number, 1-800-733-2622 and ask NAA to send you a copy of the Training By The Numbers catalog. Find out what your workers compensation insurance carrier can provide. Send your people to an ISA Chapter meeting or other tree meeting this winter. Believe me. It doesn’t cost. It pays!
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Seasonal Opportunities

How To Keep Busy All Year Long

By Peter Gerstenberger, Brian Barnard, TCI Staff, and H. Dennis P. Ryan III

In most areas of the country, tree care is a seasonal business. With the exception of certain regions such as southern California or Florida, and certain types of tree work - like utility line clearance and municipal contract work - tree businesses take a serious hit in the slow season. Tree and landscape firms have a difficult time ensuring employment and cash flow. This is especially true in New England and the upper Midwest. In the past, when the snow started to fall, the employees were put on unemployment and the owners went to Florida.

Today, this simply does not work for a company that is trying to do professional quality tree care. The key ingredient in any tree care operation is well-trained, mature employees. The day when a tree company could lay off seasonal workers and expect them to be ready and willing to work the following April is long gone. Employees have year-round expenses and need a year-round paycheck.

In addition, the tree care company has year-round expenses; the tree mover purchased last April has a payment due during November, December and January. The question, then, is how do companies ensure year-round employment and cash flow?

Some companies have managed to fight off the winter doldrums. The Swingle Tree Company in Denver, Colorado, has been particularly successful in conquering winter. Others include Arbor Transplanters, Inc. in Lake Worth, Florida; Forest City Tree Protection Company in Cleveland, Ohio; C.L. Frank and Company in Northampton, Massachusetts; Greymont Tree Specialists in Needham, Massachusetts; Maxwell Tree Expert Company in Fort Wayne, Indiana; and Woodland Tree Expert Company in Madison, New Jersey.

The services

The first things that come to mind when we consider winter work are firewood and snow plowing. Surprisingly, many companies find that there is very little, if any, profit in trying to keep crews busy with either. Terms like “marginal,” “not very lucrative” and “tough on both crews and equipment” are common descriptions. But, when it snows, the profits can be significant and carry a company through some lean weeks.

Some companies are quite creative about keeping their key employees. One Northeastern company contracted with an oil company for the delivery of home heating oil. In many ways, it’s similar to running a tree spray route and you do have the qualified truck drivers.

Another company bought a house each fall and spent the cold, snowy months renovating it. The house was sold in the spring for a profit. It usually isn’t necessary to go this far afield for additional sources of income. According to David Dickson, Swingle’s president, the plant care environment offers many opportunities to provide new services. In fact, the company’s slogan is “more than just a tree company.”

Fertilization and insect control are among the company’s services. The company has been successful with the Grow Gun for soil aeration and fertilization. It also pushes fall tree fertilization, and has invented a new class of tree fertilization called First Four - an inexpensive liquid solution formulated for new plantings. In addition, the company guarantees success with its fall spruce gall pesticide.
Arbor Transplanters in Lake Worth, Florida, used a helicopter to move a 40-foot bald cypress 3 miles.
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just by concentrating on this work in our selling."

Lauren Lanphear of Forest City Tree Protection Company, Inc., has a different approach to the winter season. About 10 years ago, the South Euclid, Ohio, company started a chimney cleaning operation. Says Lanphear, “Our idea was to take one more guy through the winter that we would have laid off. It involves one person from the summer tree crew. He is busy six days a week in the winter. If growth continues, we may consider adding another person in this area, though we are not convinced at this point to expand this operation.”

In some areas in Florida, winter means tourist season. Restrictive local ordinances mean tree care companies aren’t allowed to run chippers during the day, and tree pruning is curtailed.

Still, Bill Hodges of Arbor Transplanters in Lake Worth, Florida, says the company’s tree moving operation is in full swing and three large spades are kept busy moving trees for commercial customers. Last winter, the company even airlifted a 40-foot cypress three miles to plant on an island. The company has nine acres of nursery to ensure a supply of trees and to train employees in proper pruning techniques and safety.

The winter season also allows Arbor employees to follow up on trees that were planted in the summer. This includes fertilization and other maintenance.

For Les Maxwell of Maxwell Tree Expert Company in Fort Wayne, Indiana, the slow season is from Thanksgiving to April 1. The company has a large landscaping division and a lot of rolling stock. During the slow season, Maxwell uses his equipment for plowing snow for factories, banks, supermarkets and shopping malls.

“We have everything lined up in early October,” Maxwell says. “We contact previous clients to set up the service and notify them of any change in price. When the forecast calls for two or more inches of snow, each employee takes a certain period throughout the night to check in. If plowing is necessary, he contacts the others to come in. It works out quite well. It is an excellent form of winter capital; it keeps you from having to borrow money in the spring to purchase new plant stock and other material.”

One of the major pitfalls of snow plowing is the wear and tear on the vehicles. For this reason, many companies shy away from this service or offer it on a limited basis.

Maxwell and other companies also do regular pruning for golf clubs and country clubs, an excellent source of revenue in the off-season. Woodland Tree Expert Company in Madison, New Jersey, has expanded this type of work by offering golf course net installation.

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Woodland's Vincent Licari relates how his firm got into the business. “One of our golf course accounts was having a PGA tournament. Tournament rules required that the course have a pro driving range, and the existing driving range was not long enough. The tournament was going to help pay for the new net installation, so the course asked us to help.” Licari reports that information to do the job properly was hard to find and that his people learned as they went along. The job also required an engineer to determine where the poles should be placed and how deep and how high they had to be. Woodland used the best hardware available so the frame should last 35 or 40 years.

Little equipment is needed beyond the aerial lift device. An outside contractor installs the poles and then three or four trained employees from the tree crew install the netting. Installation is a slow process and takes three people about a month to complete a job. Still, installations are profitable. “We make more money than on tree work,” Licari says. “I bid $125,000 on one job. I figured it would take four men, four to five weeks to complete. You can get an idea what this is worth.”

Mark Tobin of Greymont Tree Specialists, Inc. in Needham, Massachusetts, uses winter to build community relations. “We do most of our donation services in the winter,” says Tobin. “This eliminates down time during the busy season. Last winter we completed $3000 worth of tree pruning for a children’s hospital. This type of activity is good publicity.”

Many companies seek opportunities for winter contracts offered by various agencies. While these contracts are competitive, they pay well and promptly. This type of contract will generally keep a crew busy for three months during the winter and then it’s back to the more lucrative private work.

Most college campuses have large blocks of shade trees and are closed from Christmas to the end of January. With the students away, this is an ideal time to prune and do removals. C.L. Frank and Company of Northampton, Massachusetts, works on several campuses during the winter, thus ensuring work for their key employees.

Suburban industrial office complexes are usually well-landscaped and require a tremendous amount of shrub and small flowering tree pruning to keep them looking good. Property management or maintenance of these and other properties such as condominium complexes or seasonal parks can be a major source of winter work. This can include more than tree care, with services such as snow removal and sanding walks.

Other companies are involved in site planning. This type of work involves tree protection on proposed construction sites, and the development of property management plans for industrial parks, condominiums and even golf courses.

Before a company becomes involved in any of these supplemental services, the owner should evaluate his company and its resources. What are the company's strengths, its capabilities? What can its employees do...
best and how can this be expanded?

The owner should develop a business plan that takes into consideration the company's year-round responsibilities. This plan should be realistic, taking into consideration monetary and human resources.

Expanding company services may require the obtaining of certain permits or licenses, and in many cases, the re-training of employees in order to provide these additional services.

The employees

"We do not lay off employees as a rule. We have professional employees doing professional work, and they expect to be treated as such," says Tobin. Other employers agree, and use various tactics to avoid major layoffs.

At Swingle, most of the production people tend to specialize. The company's department leaders get together in late summer to plan for the winter. Good employees who express an interest in staying on are given the opportunity to work in another department, with the stipulation that they will return to their respective departments in the spring.

Employee attrition from summer to the dead of winter is about 50%, but the majority of those who leave are college students. Swingle actually lays off very few workers. However, management fears that some key workers will prefer their off-season jobs.

Arbor Transplanter has three divisions - tree moving, landscaping and pruning. Hodges tries to keep a full staff all year, but is sometimes forced to release one or two. Employees are encouraged to learn new skills during the winter by working in new departments. Slow times are spent maintaining the nursery trees as well as the company's 25 trucks.

Forest City Tree's chimney sweep business was started specifically to provide year-round work for a key employee, but it brought an unexpected benefit. "This type of work offers much more personal development than his typical summer climbing duties," says Lanphear. "Because he is inside the house talking with homeowners, it has helped with his self-development."

Planning

Keeping crews working throughout the year takes planning. At Swingle, for instance, efforts are directed at selling services for specific times. Says Dickson, "You can sell all the tree work you want in the summer months, but you can't get it done soon enough to make the customer happy. Take that burden off

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your summer by concentrating upon what can be done in the winter. Six months before the fact, we look at how much work we have on the books, how many crews we expect to keep on for the winter and how much work they will be able to do, then what we need to sell to keep them busy. This becomes our sales goal.”

There is even a seasonality to the functions of the manager. In the summer, keeping track of the operation of the business requires more time - managers have to make sure all departments are operating properly, efficiently and safely. Hiring is seasonal.

Every Monday, each department at Swingle gives Dickson a quick production report that allows him to track performance relative to the company’s monthly goals. The report also enables him to make comparisons with the same period in the previous year.

Sales goals are posted and sales are monitored weekly. When salesmen keep their costs down below the projected costs, they get a percentage of the money they saved the company.

In the winter, operations at Swingle proceed at a less hectic pace and the company does its long-range planning, deciding what kind of equipment is needed and other major expenditures.

**Promotion**

Planning for the slow season also involves marketing and selling. Swingle’s newsletter, published in spring and fall, is a major marketing tool. Dickson and others make up a list of subjects for the fall newsletter, including human interest articles, public relations and, of course, promotions. For example, one promotion will be the sale of extra nursery stock offered at a discount. The fall newsletter also promotes IPM.

The spring newsletter goes out in early February and is included with estimates for renewal work. It’s written in November and is printed in January. The newsletter goes to anyone who’s been a customer in the last three years. Dickson was at first reluctant to spend the time and effort to mail to non-active clients, but he was surprised at how many came back.

Managers from other firms agree with Dickson that the key to ensure profitability throughout the year is offering a variety of services, being able to shuffle people around, and planning well ahead.

**Conclusion**

After reviewing the additional services you are able to offer, you may have found that you will be best served doing what you already do - good quality tree care at a fair market price. If this is the case, perhaps you need to become a better business manager.

Dr. H. Dennis P. Ryan III is a professor of arboriculture at the University of Massachusetts at Amherst, Stockbridge School of Agriculture.
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Excellent job

Just a word of appreciation for the excellent job that's been done by the TCI staff on its premier issues. The August issue in particular was outstanding.

It's especially refreshing to have an industry trade magazine that includes articles from recognized experts such as Alex Shigo and Elton Smith. In addition, I like the fact that the authors of all your articles are identified, in contrast to some other publications which bring a lot of unsubstantiated claims by unknown sources.

Tree Care Industry is a credit to our industry.
Lauren Lanphear, vice president Forest City Tree Protection Co., Inc.
South Euclid, Ohio

Exercise request

After reading your “Safety First” article in the July issue of Tree Care Industry, I feel robbed.

On Page 8, you ask, “Is there any one area in your workers comp claims that is conspicuous...?” You go on to say that back injury claims are, by far, the most numerous and expensive. You then say that “there are six basic stretching exercises that can be done off the running board of a truck or a fender of a chipper. They only take about three minutes, so they don't disrupt the work routine. They virtually eliminate strain injuries and have reduced claims for us by about 30%.”

Would you be so kind as to include these six exercises in your next publication. Maybe more of us could reduce some of these types of injuries.
Andrew Moore,
Certified arborist of Pennsylvania and Delaware State College, Penn.

Editor's reply:

Jerry Duke provided us with nine simple exercises that his crews practice to prevent muscle strain injuries. Five of them are designed to prevent back injury. They are all performed while standing.

Butterfly, for the upper body: Clasp hands behind neck, press elbows back, breathe in to the count of 6. Exhale, touching elbows in front of face. Repeat 3 times.

Triceps/shoulder stretch: One hand is placed behind head between shoulder blades. The other hand pulls the elbow toward the head. Hold for 10 seconds. Repeat twice for each arm.

Neck roll: Breathe in to count of 6 and move head to one side, looking up. Exhale while bringing chin down to chest. Repeat 3 times each side.


Chest stretch: Clasp hands behind back. Raise arms as high as possible while bending forward at the waist and bending the knees slightly. Hold for a count of 6.

Trunk twists: Stand with feet your shoulders' width apart. Rotate slowly at the waist, letting the arms swing chest high. Repeat 6 times.

One knee in: Bring one knee up to chest. Hold for a count of 10. Repeat twice with each leg.

Hamstring stretch: Prop heel 18” high with leg straight. Lean forward until you feel tightness in the back of your leg. Hold for a count of 6. Repeat twice with each leg.

Calf stretch: Stand approximately 4’ from a solid vertical object. Place one foot forward and lean forward against the object. Keep the front knee bent and the back heel on the ground for a count of 10. Repeat twice with each leg.

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The "M" Factor
How It Can Mean Profits For You

By Robert Felix

Your income-and-expense statement most likely doesn’t identify the "M" factor as a profit center. In fact, most arborists don’t even realize that the "M" factor can make a substantial contribution, not only in profits but also in the ability to work smarter—not harder. Only 20% of the tree service companies in the United States even have the "M" factor on their profit-and-loss statements, and they all call it something else.

There is no great mystery behind the "M" factor. Simply, it is membership in local, state, national and international arborist associations and societies. Each of these organizations will provide you with at least one idea every year that will more than pay for the cost of membership.

The "M" factor has many components—technology transfer, management assistance, networking capability and representation in the industry.

Specific benefits can be gained through membership in the National Arborist Association and the International Society of Arboriculture.

The NAA is a trade association of more than 1,000 commercial tree service firms of all sizes. With a full-time staff of 10 people, NAA provides members with management information and services and represents the tree care industry in Washington with Congress and regulatory agencies.

NAA wrote the book on tree care safety and continues to produce new programs to train field personnel in safety and tree care operations as well as programs required by OSHA and EPA. While these programs are available to anyone, they are less costly for member firms.

Besides serving as a consultant to member firms, NAA provides members with an annual profit survey that allows firms to compare their income and expenses with others of the same size. One of the major benefits of membership is the opportunity to share information with members in various parts of the country. The result is that arborists can work smarter—not harder.

NAA’s motto is “Membership doesn’t cost, it pays.” NAA’s growth in recent years and its high membership retention prove that point.

ISA also has a full-time staff. As part of its service to member firms, ISA produces a monthly publication, “The Journal of Arboriculture” and holds an annual convention. Various ISA chapters also publish newsletters and hold annual meetings.

Besides keeping its members abreast of the latest in tree care technology, ISA provides the opportunity to network with other members.

NAA and ISA work closely together on projects of mutual interest. At the present time, the two organizations are co-sponsoring a research project on Integrated Pest Management perceptions, marketing and operations.

Many of you are members of local organizations, and you know what benefits membership in those associations can bring. Maybe it’s time to consider also joining NAA or ISA.

Apply the "M" factor to your company. It will make a difference and it will pay for itself with many benefits. Try it and see for yourself.
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The Art Of Interviewing

By Jim Perrone and Larry Ambrose

Do your employee-selection interviews give you consistently good results? Do you get the people you want, who turn out to be good performers?

Good interviews don't just happen; they are carefully planned. Here are some suggested guidelines for planning and conducting a good selection interview.

1. Know the job you are hiring for. Decide specifically what you are looking for in a candidate for this position. Also, know what you expect in terms of results.

2. Review the applicant information in advance.

3. Determine your interview approach. There is a variety of ways to conduct an interview. You should decide what type of climate you want to create during the discussion and the type of impression you want to make.

In planning your approach, be concerned with establishing an appropriate tone for the interview early in the discussion and determining when you will provide the applicant with information regarding the position and the organization.

Also, decide what kinds of things you want to find out about the candidate, such as personal characteristics, professional qualifications and business talents. Then ask questions aimed at giving you information.

4. Remember, the interview is a two-way exchange. Applicants are also looking for information. While you are interviewing them, they are interviewing the organization.

Your most important task is to listen and to listen well. Clarify and confirm your understanding of the applicant's answers.

5. Set the course for the discussion and keep the meeting on track.

Remember, you are conducting the interview for a specific reason - to find the person who is the best possible fit for your company's needs. That objective is worth preparing for.

Jim Perrone and Larry Ambrose are the principals of Perrone Ambrose Associates, a Chicago-based management and training consulting firm with a wide range of experience in the green industry.
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NAA Scores Victory

OSHA Makes Changes In Electrical Safety Standard

The National Arborist Association has been successful in its efforts to convince the Occupational Safety and Health Administration to make changes in its recently issued Electrical Safety-Related Work Practices rule.

Specifically, the final rule, issued by OSHA on August 6, preserves the right of residential/commercial tree service firm employees with appropriate electrical hazards training to perform tree work near conductors when that work is incidental to the job. Utility line clearance contractors are exempt from this general industry standard, but line clearance tree trimmers will be covered by the electrical utility vertical standard, which OSHA is now developing with NAA participation.

The general industry standard will go into effect on December 4, except for the employee training requirements. By August 6, 1991, employers must be able to prove that they are offering appropriate electrical hazards training for field personnel.

Under the new rule, residential or commercial tree workers who happen to work near energized overhead power lines (including house drops, telephone lines, cable TV, etc.) will have to be trained to recognize electrical hazards and to perform their duties safely.

While the new rule does not allow residential or commercial tree workers to come within 10 feet of an energized overhead electrical conductor, it does allow them to come closer than 10 feet to power lines if they are qualified in line clearance tree trimming. Companies will have to qualify some employees in line clearance work so that they can tackle jobs to which the rule applies.

The standard also stipulates that aerial lift truck booms may not be brought within 10 feet of an overhead energized power line, unless the equipment is insulated to the voltage level involved and is operated by a person qualified in line clearance work.

It also states that employees on the ground may not touch a truck or connected equipment such as a chipper if the boom is brought within 10 feet of the line, unless the boom parts near the conductor are insulated.

Also, the rule prohibits the use of aluminum ladders near overhead wires.

In effect, OSHA dropped its requirement that work near overhead lines could be done only if a utility company was your customer as well as its requirement that the work near wires had to be directly associated with work for utilities.

OSHA modified the standard to exempt line clearance trimming trainees. OSHA further agreed that the exemption should apply even if the customer is not a utility company and even if the work is not directly associated with transmission or distribution wires.

OSHA attributed its concessions to NAA’s efforts. Those efforts included testimony by an NAA panel and cross-examination of OSHA by NAA’s attorney at OSHA hearings in Washington, D.C. NAA also submitted pre-hearing and post-hearing legal briefs to OSHA, and Ed Felix, NAA’s executive vice president, met with ranking OSHA officials.

NAA will continue its involvement as OSHA finalizes its vertical standard for line clearance contractors.
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It Doesn’t Cost, It Pays

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Lightning Strikes
But Protection Systems Are Saving Trees

By Robert Cripe

Two years ago, Louise Ross, a resident of Sarasota’s Oyster Bay neighborhood, was devastated to the point of tears when lightning struck and killed the prized oak tree in her front yard. The architecture of her new L-shaped home was designed to encompass the old 65-foot tree which stood on the property when it was part of a dairy farm. “Now all I have left are memories and a few photographs of this stately oak tree,” she said.

One consolation was that five identical oak trees were still standing in the backyard, which lies next to Oyster Bay and a few hundred feet from the Intercoastal Waterway. So the Ross’s contacted Tom Younkman, owner of Younkman’s Bamboo Gardens of Sarasota, to provide lightning protection for the remaining trees.

“I see about 40 trees a year damaged or killed by lightning. Now that I’ve added tree lightning protection as part of my services, I know I’ll be able to prevent tragedies like the Ross’s recently experienced from occurring in this area,” says Younkman.

Younkman decided he needed help designing the lightning protection systems for the Ross’s trees and called me. Fortunately, I had scheduled a combination business and pleasure trip to the Tampa Bay area and was available to design systems that would meet the latest standards and code requirements.

Lightning strikes are relatively common in Florida, where the climate is hotter and wetter than in any other part of the nation, particularly during the June, July and August thunderstorm season. As a result, lightning protection is important not only for trees, but also for residences and public, industrial and commercial structures.

Many golf courses, state and national parks and recreational areas are installing tree lightning protection systems in aesthetically valuable trees and trees strategically located near greens, along fairways or other areas where people congregate during a thunderstorm.

Materials and technology have improved over the last several decades, but lightning protection for trees has not significantly changed.

Proper design of the lightning protection systems depends on the species of tree, height of tree, relative location and public safety. The key parts of a lightning protection system are copper air terminals, copper cables and fasteners and low-resistance, minimum 10-foot depth ground rods located beyond the drip line of the tree. Aluminum lightning protection equipment should never be used in trees since aluminum has a tendency to corrode or deteriorate when moisture is present. Also, the tensile strength of aluminum conductors is less than that of copper and aluminum cannot be used in the ground.

The five trees located in the Ross’s backyard were all about the same height and air terminals, downlead cables, fasteners and connectors were installed on each tree. The grounding systems of the five trees were interconnected to provide one low resistance ground potential for all five systems. This is recommended in the installation standard of the National Arborist Association.

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Downlead cable is laid in a shallow trench. The conductor must be protected from lawn mowers, etc.

six miniature secondary conductors, two standard downlead conductors, two grounds and miscellaneous installation hardware. Cost of materials would run about $500. For the installation at the Ross residence, materials costs were held down because five trees shared a common ground. The cost of materials is approximately one-third of the total installed price, with the remaining portion divided among labor, overhead and profit. The margin of profit for a tree system is often greater than other services and products.

Don’t scrimp on materials or the time needed to install a system that will last. As for other materials, you may wish to purchase a cable stand - a collapsible stand that holds and feeds out cable. You will need a ground driver for installing the ground rods. A double-ended ratchet wrench used to tighten fasteners and connectors will speed up the installation. The cost of all these tools is under $100. A ground tester that measures the resistance to the ground is another tool you may want to buy. This tool is simple to use, but costs around $600.

In many instances, it costs more to remove a lightning damaged tree than to install a protective device. An adequately protected tree will last for generations, as evidenced by the trees around Mount Vernon, the home of George Washington; Monticello, the home of Thomas Jefferson; and other national landmarks. Furthermore, maintenance on a properly installed system is minimal, other than a periodic inspection and adjustment of air terminals to compensate for tree growth.

As for the Ross’s, they are enjoying the shade of their beautiful oaks, with the assurance that their trees will never be damaged by lightning during a thunderstorm.

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Sexual Harassment

By Steven R. Semler

A bank teller repeatedly was "propositioned" on the job by the manager of the branch office where she worked. She initially resisted the manager's entreaties, but finally gave in to them; in fact, the affair continued for months. Later, she resigned and sued the bank for sexual harassment, contending the bank was liable for its supervisor's action under the sex discrimination provisions of Title VII of the Civil Rights Act of 1964.

The bank built its defense on three issues: that sexual harassment was not sexual discrimination; the teller consented to the sexual relationship; and the bank couldn't be liable for not stopping the manager's misconduct, of which it was unaware.

The case was decided by the U.S. Supreme Court in Meritor Savings Bank v. Vinson. The court ruled against the bank on all three counts. Specifically, the Supreme Court ruled that Title VII's ban on sexual discrimination encompassed sexual harassment. As for the bank's defense that the teller "consented" to the harassment, the court ruled that the violation was the "unwelcome sexual advances" and that the teller's submission was immaterial. Lastly, as for the claim that the bank couldn't act on what it didn't know, the court ruled that the failure of the bank to have a published sexual harassment policy and complaint procedure stifled employee complaints. Thus, the employer could not claim lack of knowledge. Significantly, however, the court suggested that if the employer did have a policy against sexual harassment and a complaint procedure in place, then the employer could claim lack of knowledge as a defense if the employee did not file a complaint.

Thus, the upshot of Meritor Bank is that the violation is in the pursuit; and an employer can defend such suits by showing that the employee failed to use a published sexual harassment policy and complaint procedure that would have permitted prompt, thorough investigation.

Subsequent decisions

Subsequent court decisions have ruled that the scope of sexual harassment is all encompassing. Employers are being held liable for supervisors' actions against employees, employees' actions against co-employees, and non-employee visitors' actions against employees. Offensive physical touching of employees, or the implication that job progress depends on consent to sexual advances, as well as the failure of the employer to stop a "hostile work environment" characterized by touching, kissing, dirty jokes, or constant lewd language, all have been held actionable by the courts under the Meritor Bank doctrine. Suffice it to say, chalking up crude behavior to the thought that "boys will be boys" is a sure-fire way to end up in an expensive sexual harassment suit.

Employers, therefore, are advised to establish a sexual harassment policy, to communicate it to their staffs and managers, and to implement a complaint/investigation procedure. The net result, apart from the beneficial value to the workforce, will be the establishment of a defense to sexual harassment claims, particularly when today's "welcomed" overture becomes tomorrow's "unwelcome" advance used to fuel a lawsuit.

Proposed policy

A proposed sexual harassment policy follows. Even though tree company staffs typically are mostly male, their office staffs are not. Therefore, establishment of such a policy is appropriate.

Subject: Proposed sexual harassment policy

Purpose: To set forth company guidelines regarding sexual harassment

Policy: This company is vigorously committed to maintaining a working environment free of sexual harassment.

Scope of policy:

1. Sexual harassment is (a) any form of sexually offensive touching or verbal conduct, including, but not limited to, requests for sexual favors, unwelcome sexual advances, or sexually offensive comments, which create a hostile or offensive working environment, and (b) the use of or inference that an employee's submission to or rejection of such conduct is or may be used as a basis for employment decisions affecting the employee.

2. The above prohibitions apply to all supervisors, all non-supervisory employees of the company, and to visitors to the company. Thus, for instance, this policy prohibits non-supervisory employees creating an offensive working environment for fellow employees, as well as prohibiting offensive supervisory conduct.

Procedure:

1. Employees are encouraged to report sexual harassment because the company cannot take corrective action without being made aware of the problem.

2. Employees, at their option, should report sexual harassment
complaints to a supervisor other than the alleged offender. (A female em-
ployee who prefers to make a com-
plaint to a female member of the per-
sonnel staff will be accommodated.)

Supervisors must promptly report all sexual harassment complaints to the CEO. Complaints should be specific as possible as to the date, time, place and nature of incidents complained of, as well as whether there are any witnesses to the misconduct.

3. The director of personnel shall promptly conduct a thorough, confidential investigation of the alleged misconduct.

4. If, upon the completion of the company’s investigation, it deter-
mines that prohibited conduct did occur, it shall promptly implement corrective and disciplinary action.

Steven R. Semler is a partner in the Washington, D.C. law firm of Semler & Pritzker, which represents corporations in labor law matters. His firm is labor law counsel to NAA and to sev-
eral tree care contractors.
Twelve Months Of Profits

By Dick Proudfoot

Now that fall has come, tree care professionals across the country are finding themselves in a kind of limbo. They’ve just come off their busiest time of the year, summer, with days and weeks of wondering if they could keep up with the work load.

Now those same professionals are looking toward winter, that terribly slow period when the phone just doesn’t ring.

But the truly successful tree care firms are busy as ever. Their profits continue to grow 12 months a year all because of one thing: planning.

The old saying, “If you fail to plan, you’re planning to fail,” is particularly true for the tree care business because of the seasonal aspect of our work. When the homeowner is outside mowing the lawn, he is thinking about and noticing the work that needs to be done on his trees. When he is inside by the fire watching a football game on television in the dead of winter, it is the farthest thing from his mind.

The mistake of many tree professionals is to let tree care matters slip from the minds of their customers during the winter. In so doing, they are letting fate and cold weather control their livelihoods.

Planning, planning, planning

Planning is the key to getting things done and making things happen. But the sad truth is that most people plan trips and vacations better than they plan their business ventures.

When you plan your business, you are managing your business. The fact that so many new businesses fail underscores the need to plan.

The first step in maintaining year-round profits is to draft a business plan. Whether your business has been around 20 years or it is brand new, a plan is essential. Simply put, a business plan defines what you do, your market, company procedures and marketing strategy. It also sets goals and helps you plot out what you must do at all times of the year to keep the money rolling in.

Without it, you are lost at sea. With it, you are the navigator.

The mechanics of a business plan are as individual as the people who use them. They can be from five to 50 pages long. At the very least, writing a business plan is an exercise in helping yourself define your dreams. At its most complex, it includes a detailed accounting of your assets, financial goals for the next five years, market analyses, timetables and schedules, and a flowchart of your personnel structure.

Whatever its length, it is something that only the business owner can write. You wouldn’t hire someone to write a diary of your dreams, so don’t do the same with your business plan, because that, in essence, is what it is. You need to do as much of the work, as much of the research, as much of the investigation of your business as possible.

Think winter

In writing your business plan, you inevitably discover which months are your slowest. For most of us, the slow time is late December through February. You must plan to sell for the slow times.

Think of the types of work that can be done in winter, and communicate with your customers to sell those services. Not only does this require planning, but it forces you to approach each client’s yard with a broad focus. If the client called you to prune his apple tree, use that opportunity to take a look at the dogwood and the walnut tree. Do they need pruning? Do they need fertilization or spraying? Is that fir tree near the house a hazard; should it be removed?

Chances are all of those trees need some kind of work, and much of it can be done in the winter when business slows down. The fact that you are in the yard now gives you an opportunity to talk with the client, advise him of the work that needs to be done and suggest a schedule of work that spans several months.

By selling a series of jobs through the next six to 12 months, you accomplish several things:
—You make it easier for the client during your slow times;
—You make it easier for the client by spreading out his costs over time;
—You free yourself up to do more urgent work during your busiest times.

While this last point is often overlooked by tree care firms, it is one of the most important keys to staying busy year-round. Being almost too busy in the summer is often looked upon as a luxury; unfortunately, it can result in shoddy work and unreliable scheduling that can turn off your customers. You don’t want to be too busy. You want to be well
managed and professional.
So unless that pruning job is an emergency, is there any reason why it can’t wait until winter? Winter is often the best time to prune because the tree is dormant and the absence of leaves makes the branching structure easy to see. The job can be done in less time and the amount of cleanup is minimized—all resulting in reduced cost for the customer. You can further sweeten the pot by offering a special winter rate.

You can extend this approach to cover not only the following winter, but the next few years. Proper tree care is no more a one-shot treatment than health care; it is an ongoing philosophy.

Too often, tree care professionals are called upon to cure 20 years of neglect with one treatment, but we all know it can’t be done. Talk with the client about the treatment he wants initially, but try to convince him—if this is the case—that it will probably only be a first step. Most likely, the tree needs pruning now, but it also will need to be put on a fertilization program, a spray program, followed by a second pruning the following winter.

Now this one-shot treatment has become two or three years of work. This approach to selling tree care will build so much off-season business that you will have the same workload dilemmas in February as you have in June. If you don’t watch out, your business could become an overwhelming success.

Promotions and advertising also help attune your customers to year-round tree care. Send them a flyer seasonally and offer special promotions for each season: a pruning guarantee in the winter; free fertilization in the spring, and so on. This will do wonders to round out your annual work schedule.

Keep in touch
Without personal contact, you don’t make sales. It’s that simple. And it’s as easy as picking up the phone.

Right now, that spring treatment you did for Mrs. Smith’s tree is six months in the past. When you assessed her tree, you got her permission to inspect all the trees in her yard, and you made notes on what they will need. You talked it over with Mrs. Smith, but for her it just seemed like too much at one time.

So you tucked those notes into a file. Now you’re looking at them. The spraying, the fertilizing, the pruning—all those needs have not gone away.

Give her a call. Remind her of the few things you can do now—or three months from now—to assure that her trees remain healthy and beautiful. Do this with all the customers you talked to earlier in the year.

I guarantee the dollars will be flowing.

Dick Proudfoot is the manager of Pruett Tree Service, a full-service tree care firm in Lake Oswego, Oregon, offering pruning, removal, fertilization, insect and disease control, and arboricultural consulting.
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FROM THE FIELD

Fertilizing Blues

By Peter Felix

"Excuse me! I'm not paying you to fertilize my lawn," the woman barked at me. "You're supposed to be fertilizing my trees."

"Pardon me, ma'am, but where do you think the roots of this tree are?" I replied without thinking.

I'm not proud of this response. The fact that I had to drag a 3/4-inch hose 200 yards uphill to her back yard might be an excuse. But, for a second, this woman made me feel like an idiot. I saw the woman's husband standing behind her laughing, and I knew he would not expect an apology from me.

Frustrating as this woman was, she was among the many homeowners who make our job difficult. We have had clients watching us through their windows or peering at us through the hedges. Some have even tried to communicate with us through their bolted doors.

This particular spring week had been a rainy one. I had been fertilizing trees for four days straight. By the middle of the fourth day, the sun had miraculously broken through the clouds. I took off my muddy rain gear and stored it in the truck. My legs were soaked from sweat and I had large freckles of mud on my face and neck and particles of sand in my mouth.

Two of us were fertilizing this property, using two hose reels and probes. Of course, since there were two of us, we were capable of doing twice the amount of work - if we could travel faster between jobs.

It had become hot and humid. We had done many jobs already this week and had as many more to go. The endless counting and poking, counting and poking took its toll on us.

Each job had its share of overgrown foundation shrubs, large shade trees with 80-foot spreads and evergreens with low-hanging branches. Most of the work orders read, "Fertilize all trees on property."

Our rig was calibrated at 4 seconds per hole so the pace was quick. And, without my rain gear on, I soon learned how liquid under pressure will take the path of least resistance. Fertilizer spewed out of the ground and soaked the entire front of my body.

I was lucky because the soaking wet hemlock I was fertilizing washed the mud off my face and neck and sent cold water droplets down my back. I am now wet, depressed and frustrated.

On jobs such as these, my partner and I decide which area of the property each of us will work and then meet at the truck when we finish. We usually finish within minutes of each other.

On this particular property, my partner was working in the front yard while I worked out back. We were finishing at about the same time and were walking backwards toward each other. All the while, I was muttering under my breath about never doing this again. Suddenly, I felt a cold hard stream hit my back. My partner had just given me a 3-year application.

At that point, I found myself reassessing why I had gone to college, but somehow we got through that fourth day.

Deep root fertilization is a vital part of the tree care industry. It loosens compacted soil and adds nutrients to the soil. It provides work for rainy days. And it is profitable. Still...

Peter Felix is employed by F.A. Bartlett Tree Expert Company in New York.

Do you have a story for From the Field? TCI will pay $50 for published articles. Submissions become the property of TCI and are subject to editing for grammar, style and length. Entries must be submitted by field workers and must bear the name of the worker and his employer or they will not be considered for publication. Articles and photos must be received by the first day of the month for the following month’s issue.
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