Budgets and bureaucracy are common bonds for government landscape managers. Now, with some cities requiring certified contractors on jobs, and unions pushing for federal legislation, the red tape is closer to home. And government managers aren’t the only ones affected.

by Heide Aungst, managing editor

There was silence at the other end of the phone. 
“Can you tell me something about the unions in Chicago?” I repeated to a Chicago landscape contractor.
“They can virtually wipe out your business,” he answered hesitantly.
“That’s an extremely touchy subject for this area, and we’re at peace with them now.”

Unions are a part of the green industry that’s rarely been subject to debate. The fact is that some landscape contractors are unionized, some aren’t, and some companies are both. But new legislation which passed the House in June (vote: 227-197) could force companies which have both union and open shops to become unionized or go out of business. Green industry associations such as the Associated Landscape Contractors of America (ALCA) and the American Association of Nurserymen (AAN) are fighting the legislation, known as the anti-double breasting bill.

The bill has brought the debate to the forefront. Construction unions have pushed for the legislation, which they say would prevent the formation of “dummy” companies to get around government contracts. The bill would force double-breasted shops (with both union and non-union workers) to become unionized. Wiping out non-union contractors would force higher bids in jobs and higher salaries, say those opposed.

AAN and ALCA say that forcing companies into unions will cost companies contracts that the non-union side of the business could have fulfilled. The bill’s passage also would make union membership compulsory for workers who might not want to become members.

“We run union operations in Michigan and Illinois and a non-union in the Southwest,” says Jerry Lankenau, Lankenau-Damgaard & Associates, and chairman of ALCA’s legislative committee. “If you talk in terms of
discipline, there's no comparison between the non-union crew in our trade and the union crew. The stronger the union, the less productivity."

If the Senate passes the bill, it is expected that President Reagan will veto it, says Ben Bolusky, AAN director of governmental affairs.

**Government unions**
The legislation does not affect unionized landscape crews at government agencies. "There's a federal union here, but it's an option to join," says Ed Chmielewski, transportation/grounds foreman for the Cleveland Veterans Administration. "There's really no advantage to joining it." Chmielewski says he sees little difference on productivity levels of union or non-union workers.

AAN says the legislation will cost companies $3.35 an hour to $4.65 an hour by Jan. 1, 1990. H.R. 2508/S. 1265 would require companies to carry health insurance and require companies to carry health insurance, while, so far, only 16 people have qualified for certification. The program requires applicants to have a combination of eight years education and experience, with several years in a supervisory capacity. Although the PGMS program is open nationally to members or non-members, many state landscape associations are starting their own programs to stave off government involvement. Arizona is such a state. The first qualified participants were certified in November through a program started by the University of Arizona.

"With landscape professionals training individuals, you can be more positive about getting people to classes. There's no coercion," says Paul Bessey, Ph.D. at the University of Arizona.

Participants go through six bi-monthly, day-long training sessions. Then they must pass a written exam and a hands-on test, which includes calibrating spreaders, repairing equipment, and identifying diseases.

Participants have included both government and private industry workers, says Terry Mikel, extension agent. But both Bessey and Mikel say that, in the long run, the consumer benefits most from certification programs.
Still, neither likes the idea of state government regulating such programs. "I personally don't want anything to do with regulatory programs," Mikel says.

Playing politics
States have long regulated pesticide applicators. Few landscape managers disagree with the purpose behind such safety measures, even though it varies between states.

"Under California law, every worker is under the blanket of my license," says Mark Hodnick, landscape supervisor at Cal-Poly Pomona. "That way, they make sure I stay on top of things."

Cities are now cracking down on landscape managers by passing laws. "Anytime you're dealing in a government situation, you're dealing with politics," says Mark Eynatten, assistant director of parks and recreation for Coral Springs, Fla. "Specific interest groups impact on what you're able to do. Sometimes you have to change your priorities on a minute-to-minute basis."

Coral Springs is a planned community, which means landscaping laws are strict. "We impose strict guidelines on developers," Eynatten says. "As a result, we have to comply with the same level of landscaping. For example, he says, the city law states that parking lots must have a complete landscaped island every 40 feet.

Federal legislation
EPA laws aside, the federal govern-

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—Ben Bolusky

ment rarely gets involved in laws written directly to the landscape industry. But 1987 has seen the introduction of labor legislation which ALCA and AAN says will hurt the green industry.

The minimum wage bill, the minimum health insurance bill, and the parental/medical leave bill would escalate the cost of running a company, possibly closing down some small businesses.

"Labor-related issues affect all parts of the industry," Bolusky says. "We're not crying wolf; these are real threats when totalled all up."

A fourth piece of legislation currently before Congress, like the antidouble-breasting bill, affects the landscape industry more closely. Bolusky says the High Risk Notification Act steps on state and community right-to-know laws, the OSHA Hazard Communication Standards (which go into effect in 1988), and the Farm Worker's Protection Standards (which fall under the EPA and FIFRA). "No one can argue that we've got to protect our workers, but one arm of the government doesn't know what the other arm is doing," he says.

Can so many laws be good for an industry?

"I would much prefer that we police ourselves than have the government involved," says PGMS executive director Allan Shulder.

The battle between legislation and the landscape will take organized efforts among professional industry groups to fight off excessive regulations.

Bolusky offers simple advice: "Write your representative." LM

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