Minimum wage act disallows paying travel time to workers who take company trucks home

by JAMES E. GUYETTE / Contributing Editor

Russ Schmidt (above) of Schmidt Landscaping, St. Louis, lets a trusted employee who's been with him for 10 years 'home-garage' his other truck. 'He takes care of it like it's his own,' Schmidt says. 'You get to a point where you can only offer people so much pay, so you begin to look around for ways to give them other perks. A company vehicle is one way.'

Legislation that increases the minimum wage to $4.75 an hour also includes a provision that allows workers to take home company vehicles without being paid for the time spent traveling.

Known as "home garaging," the strategy of allowing landscape crew members to commute to and from the jobsite in company trucks parked overnight at their homes had been under fire from the U.S. Department of Labor. The main issue is that landscape managers and other small business owners, such as contractors, seldom pay their workers an hourly wage for this time spent driving to and from the jobsite. This put them on a collision course with Labor Department regulations that mandate such travel time payments—even though workers may have negotiated away the pay in exchange for being able to take the truck home.

Allowing crews to take home company vehicles can be a matter of good business sense. Workers can arrive at the jobsite quicker, and a vehicle parked overnight at a worker's home rather than in a company lot, is often more secure. Using the company truck to get to and from work is largely viewed by employees as a perk, yet national union officials had opposed these arrangements.

The "Travel Time Bill" within the Minimum Wage Act will permit this type of program as it amends the Portal-to-Portal Act of 1947.

"The bill will become law as soon as the President signs it," says John Runyan of the Labor Policy Association, an industry trade group based in Washington. He adds that the measure first has to be passed by a Congressional conference committee because the House and Senate have approved differing specifics. "Under any scenario, it is now a virtual certainty that the travel time problem will be resolved favorably," he reports.

"Commuting in company-owned vehicles is beneficial to both employer and employees. Yet under the [previous] law, employers were at great risk if they had such programs and did not compensate employees for time spent commuting," Runyan notes.

Owners of landscaping businesses that set up these programs faced the possibility of stiff fines and other business repercussions. Runyan seeks "a common-sense answer to this dilemma. It makes clear that commuting in company-owned vehicles is not working time so long as there is an agreement between the employer and employee, and the commute is 'within a normal commuting distance' of the employer's business."

Runyan says voluntary use of company-owned vehicles results in:

- consumer savings,
- expeditious service,
- employee convenience,
- parking and vehicle storage advantages, and
- vehicle and cargo safety.

Municipal lawmakers might have something additional to say, however, many of them have laws against parking commercial vehicles of certain sizes in residential driveways. □

Nemesis 'numero uno' on lawns: brown patch

Brown patch: a frequent summer killer of turf

According to a survey of turfgrass disease diagnostic centers across the U.S., brown patch is the leading killer of grass across three frames of reference: frequency of occurrence, intensity of damage and estimated economic impact.

"There are some surprises here," says survey originator Chris Sann of the Turf Information Group, Wilmington, Del. "Conventional wisdom holds that dreschlera and dollar spot are the most common turfgrass diseases, rather than fifth and third, respectively.

"That brown patch is first is a mild surprise, but that anthracnose is second and pythium root rot is fourth is a huge surprise." Sann says that bipolaris coming in sixth is also a "moderate surprise."

The survey numbers indicate the number of specimens tested by labs. *However,* many turf managers can often diagnose the most common diseases themselves, simply by symptoms and cultural factors—including weather patterns—and thus do not send specimens to labs.

"These results indicate that labs are more sophisticated than thought, and that management practices, product use and plant breeding are having an effect on disease occurrence," says Sann.

The survey was part of a future project being conducted cooperatively by the Turf Information Group, LANDSCAPE MANAGEMENT magazine and American Cyanamid. Forty-eight questionnaires were mailed, and 27 were returned. Here are the complete results:

TURF DISEASE SURVEY

Disease	*Frequency of occurrence*	*Intensity of damage*	*Est. economic impact*
Brown patch	4.08 (1)	3.48 (1)	3.59 (1)
Anthracnose	3.26 (2)	2.89 (4)	2.74 (4)
Dollar spot	3.22 (3)	2.56 (6)	2.48 (7)
Pythium root rot	3.07 (4)	3.30 (2)	3.00 (2)
Dreschlera diseases	3.04 (5)	2.56 (7)	2.37 (8)
Bipolaris diseases	2.96 (6)	2.56 (8)	2.56 (6)
Red thread	2.96 (7)	2.33 (9)	2.04 (12)
Pythium blight	2.67 (8)	3.07 (3)	2.80 (3)
Rust	2.63 (9)	2.11 (13)	2.30 (9)
Summer patch	2.63 (10)	2.70 (5)	2.74 (5)
Pink snow mold	2.30 (11)	2.33 (10)	2.04 (13)
Gray snow mold	2.26 (12)	2.04 (14)	1.81 (14)
Necrotic ring spot	2.19 (13)	2.26 (12)	2.19 (11)
Take-all patch	2.15 (14)	2.30 (11)	2.30 (10)

NOTES: Numbers are average of all responses (5=most frequent, 1=least frequent). Numbers in parentheses are rank in group. Responses based on best estimates of personnel at participating diagnostic centers.

'Day on Hill' features Robert F. Kennedy, Jr.

Robert F. Kennedy, Jr., will be the guest speaker at PLCAA's 8th Annual Legislative Day on the Hill in Washington D.C., Feb. 3-4, 1997.

Also participating will be Edward A. Grefe, chairman of International Civics Inc., who will be conducting a classroom session entitled "Strategic Management of Political Issues & Grassroots Politics." Grefe specializes in coalition building and crisis management.

PLCAA says all lawn and landscape professionals are encouraged to attend its Legislative Day on the Hill and help influence legislation. One-on-one visits with legislators on Capitol Hill are the highlights of the event. There is no registration fee, and most meals are included.

For more information on Legislative Day, contact PLCAA Director of Government Affairs Tom Delaney at (800) 458-3466; fax is (770) 578-6071; e-mail: plcaa@atlcom.net.