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hour at peak efficiency. This figure converts to a trailerload an hour for every two harvesters.

The industry has itself to thank for its innovations, for it is the sod growers themselves that have invented and manufactured their new equipment. The 13-gang mowers that cut McGovern's fields are the largest available in the industry and used almost exclusively by sod growers. Big rolls, 48-inches wide and 50-feet long, have been developed for large scale sod laying operations.

Although improvements in technology have definitely increased the efficiency of the sod growing operation, McGovern doesn't foresee it reaching the point of computerization. "It's an eyeball business," he explains. Sod fields are visually studied every day, and something additional is usually found that needs to be done. Studies were done to set up irrigation parameters, for example, but it was found that there were too many soil differences, too much variance in temperature to make it work.

McGovern's crews harvest an average of 5,000 square feet per hour per machine, allowing for down time.

McGovern's sod fields are generally fertilized three times a year, with the type of fertilizer varying with the age of the turf. A 1-2-1 ratio, 50% organic fertilizer is used at seeding time and on young turf, with a switch to a 16-8-8 for mature stands. If visual inspection reveals that a fourth application is necessary, it is done.

Turf is mowed on a regular schedule but this again can vary with rainfall and heat. Cutting height is set at 1 1/4 inches in spring and raised to 1 5/8 inches about the first of June. If it becomes very hot in summer, height can be increased to as much as two inches, but McGovern explains that this is not necessarily desirable since long grass invites fungus diseases. While mature sod is cut every three to four days, sod ready to be harvested is cut every day or two, again based on physical inspection. If it's too long, it doesn't stack properly.

New turfgrass varieties and hybrids have also been a boon to the sod grower, since they contribute attributes

such as disease resistance, faster establishment rate, seedling, vigor, darker color or earlier greening-up. Varieties grown at McGovern are primarily bluegrass and include Adelphi, A-34, Touchdown, Eclipse and Ram I, with the tendency being away from non-bluegrass shade mixtures in very recent years.

Like many other segments of the Green Industry, the sod farming operations on a national level, especially

the smaller farms, have been hurt by recent economic times and the decline in new construction. This downward trend has, however, started to turn around already, and McGovern expects it to be back on level course by late this year to next spring. With 70% of the members of the American Sod Producers Association farming on 200 acres or less, one would not be surprised that the industry felt the effects hard and saw some diversification to

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other crops in some areas. That, too, is changing back at present. Long Island's sod business remained in healthier shape than the rest of the country's during the recession, primarily because of its microcosm of better economic conditions.

Even the healthy Long Island industry has seen some decline, however. The number of sod growers has decreased dramatically in the last dozen years from eleven to four, but the acre-

age has remained approximately the same or down only slightly to its current 2500 acres.

Dick McGovern's philosophy in keeping his operation strong is one of realism, pragmatism and adjustment to the market. He takes advantage of new innovations to the ultimate, keeping his eyes open and asking questions at meetings and of salesmen. The most important thing to him is to make a profit first, balancing the economics

and technical aspects of producing a quality product. He has a belief in the future which he feels he couldn't operate without.

McGovern got his sod growing experience on the job, and he feels it came hard to him without a technical background. His degree is in economics from Fordham University. Working "hands on" in the business and visiting other growers brought the necessary experience. If he were to start over again today, McGovern feels a university degree in agronomy would be a necessity.

In the last several years, McGovern has taken his "hands on" experience in sod production and sales and shared it with others by becoming highly involved in the turfgrass industry. He is a member of the Board of Directors and Conference Chairman for the New York State Turfgrass Association, member of the Research Committee of the American Sod Producers Association, member of the Nassau County Turf Advisory Committee and Chairman of the Suffolk County Agricultural Advisory Board. McGovern sees the role of associations as being a forum for disseminating information, bringing technical and legal problems to the forefront and dealing with them in a concerted effort, funding research and unifying divergent interests.

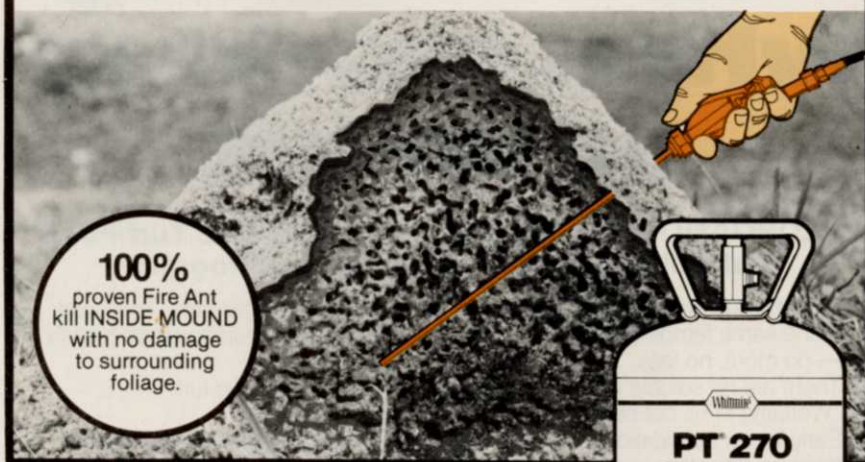
In hours "off duty" from McGovern Sod Farms and industry-related activities, Dick McGovern enjoys the many faceted life of his wife, three children, tennis, golf, weightlifting, traveling, wood-working, collecting fine wines and investing in real estate and the stock market.

Robert Russell of J. and L. Adikes, a close friend and fellow member of the turfgrass industry, sums up what makes McGovern the successful man he is. He says, "Dick McGovern is a product of the old school. He knows how to work when the need is there. As a youngster, before the age of mechanization, he learned the hard way from tough masters, his father and his uncle. He learned what it was like to get up at 4 a.m. be at the field at daybreak, and cut, pile and load by hand trailer after trailer of 12-inch squares.

"He has been meticulous about changing with the times and keeping abreast of new technology and knowledge concerning the requirements of today, needed to produce a first class, merchandisable piece of sod. Dick makes a point of knowing what is going on in his industry."

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Workmen's Comp

Workmen's compensation provides funds to cover work accidents without lengthy litigation about fault.

By Richard I. Lehr, attorney

One of the most confusing areas of the law for employers and employees is workmen's compensation. This is primarily due to the fact that many workmen's compensation statutes are not easy to comprehend.

Furthermore, in a typical injury-related matter, such as an automobile accident, the fault or negligence of the parties is an essential issue. In workmen's compensation claims, however, the relative fault of employer and employee is rarely an issue.

The purpose

Workmen's compensation statutes were drafted to give employees greater protection in the case of an injury or death resulting during the course of employment. The reason why fault is not an issue is because state legislators preferred structuring a system that was less litigious than typical personal injury situations, unless an employee is guilty of willful misconduct. Thus, employees could receive compensation promptly, rather than waiting until all trials and appeals in the judicial system are exhausted. The cost for this protection, according to the legislative intent, would ultimately be borne by the consumer, shifted to the consumer by employers who elected to be covered under the workmen's compensation statutes.

Workmen's compensation does not displace an em-



ployer's duty to comply with the Occupational Safety and Health Act. Nor is workmen's compensation a form of income compensation, such as unemployment compensation or disability insurance. Rather, workmen's compensation is simply a statutory value of a particular injury.

Statutory coverage.

Each statute from state to state varies regarding the minimum number of employees an employer must have in order to elect workmen's compensation coverage. Many require a minimum of 10 employees, others re-

quire only three employees. An employer who is not covered by the workmen's compensation statute then may face typical common law litigation arising out of an employment-related accident. Therefore, those employers who are either ineligible or elect not to be covered by the workmen's compensation statute had better secure a comprehensive insurance policy in the event an employee is injured in a job-related accident.

A frequent issue in workmen's compensation matters is whether or not a particular injury is compensable. Generally, workmen's compensation statutes are given liberal construction, to cover an injury "by accident arising out of and in the course of employment." Thus, unforeseen, unexpected or sudden accidents resulting in injuries are generally covered. Accidents arising when an individual is performing incidental duties are also covered. Matters

Richard Lehr is a labor lawyer for the Birmingham, AL, firm of Sirote, Permutt, Friend, Friedman, Held, & Apolinsky, P.A.

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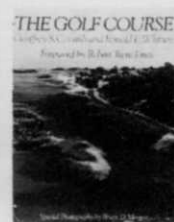
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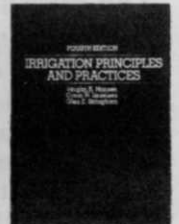
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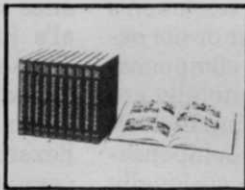
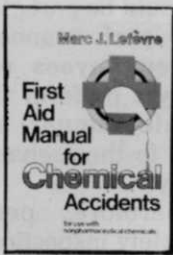
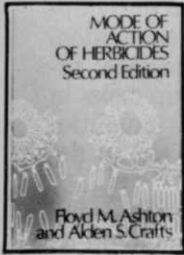
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Richard I. Lehr, attorney

arising out of natural causes, such as degenerative eyesight or other medical conditions caused

by the aging process, would not be covered.

A developing area in workmen's compensation is whether or not occupational diseases are compensable. Though diseases generally are not compensable, occupational-related diseases may be compensable. If an employee is occasionally or remotely exposed to substances that may cause an occupational disease, it is unlikely that such exposure would be significant to justify the conclusion that the exposure contributed to the disease.

Pre-existing conditions.

Employers are frequently concerned that an employee with a pre-existing medical condition may join the work force and subsequently become injured, thereby qualifying for workmen's compensation. A pre-existing medical condition, though perhaps disqualifying a new employee from benefiting from the company's medical insurance for that matter, would probably be eligible for workmen's compensation if the pre-existing condition is aggravated at work. Employers who hire an individual with a pre-existing medical problem that may be aggravated at work runs serious legal and economic risks. Employers have the right to inquire about a prospective employee's medical condition at the time of employment, and we strongly advise employers to do so in the following manner:

1. First determine that an individual is qualified for the job.
2. Investigate the individual's medical history. Inquire about prior job-related injuries and illnesses and verify the accuracy of the information conveyed to the employer by the individual.
3. The employer may require the employee to submit to a pre-employment physical examination.

Preventing workmen's compensation disputes.

There are a number of things that employers and employees can do to limit potential workmen's compensation problems. Employers should implement a safety and

accident prevention program. Safety consciousness and compliance should be part of an individual's job performance evaluation. Those employees who are retained, yet perform their tasks in an unsafe manner, are potential hazards to themselves and to the company.

Furthermore, periodic spot check safety inspections should be made by the employer's insurance carrier. Alternatively, many state universities have "Safe State" programs where members of the university perform a similar inspection, free of charge, and recommend to the employer what needs to be done to improve safety at the work place. This, in turn, may become an effective shield should subsequent safety disputes or litigation arise.

Finally, employees should be told that if they believe they have been injured on the job, they should cease working and report to their supervisor immediately. Unless an emergency, the employer should immediately investigate and document the accident, because the employer's liability and employee's eligibility for disability insurance or workmen's compensation is contingent on the nature and facts of the accident. Then, the employer should send the employee to a company doctor to determine immediately the severity of the injury and approaches that need to be taken. In most states where workmen's compensation claims are contested through administrative procedures, this initial examination may be admissible and contribute to determining whether or not the employee receives workmen's compensation benefits.

If an employee has missed work due to a disability or workmen's compensation injury, many states permit an employer to condition re-employment on successfully passing a medical examination, if the medical problem is job-related. Employers need to check the laws of the states in which they do business to determine whether the employer is required to disclose to the employee the materials accumulated during the medical investigation. **WTT**

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