

# WELCOME...

... to the digital edition of *Snow Business*, which features the same informative content that is in our print edition but in a portable, user-friendly format and now mobile responsive.

Our online edition is easy to navigate, helping you find the information you need quickly. You can also link directly to products and services you need to help you work more efficiently as your business grows.

Thank you for reading our digital edition, which is sponsored by ProTech. Please let us know if you have suggestions for making this resource work better for you.

Sincerely,

**Cheryl Higley** | Director of Education & Content

cheryl@sima.org

**TEAR OUT AND SAVE**

**SIDEWALK SAFETY**

➡ Sidewalk crews play a crucial role in snow clearing operations, and they are the team members most exposed to the elements during a storm. Be prepared to safely perform in the field by knowing how to identify hazards, dress for success and when to speak up if you feel unsafe.



**COLD & LOW VISIBILITY**

Sidewalk-specific personal protective equipment (PPE) should include insulated boots and gloves; layers of breathable warm clothes; waterproof, high-visibility jacket; socks that wick moisture; and hat (be prepared with extra gloves, hats and socks in case they get wet). Use signage to alert the public that there are crews at work.



**UNEVEN SURFACES**

Hidden obstacles can cause trip and fall injuries; in addition, obstacles (e.g., raised sidewalks, manholes, etc.) can catch the edge of a shovel or attachment, causing injury to the person operating it.



**TRAFFIC & LOW CLEARANCE**

When clearing sidewalks face oncoming vehicle traffic whenever possible so you can see the traffic and drivers can see you. Be cautious of low-hanging branches, signs or structures that may cause injury during snow operations.



**SAFE SHOVELING**

Stretch before and after shoveling. Push snow instead of lifting whenever possible. If you must lift, do it with your knees and avoid twisting with your back. Shovel in intervals, taking breaks to prevent overexertion, and stay ahead of accumulation.

**EVERYTHING FOR SIDEWALKS**

Plows / Spreader / Sprayers / Shovels / Brushes

**SNOWEX**

## SIDEWALK SAFETY

This month's Tear & Teach can be used to educate team members on safety precautions to take for sidewalk team members who are exposed to the elements. The pullout, which can be found between pages 40 and 41, is available for download and reprinting at [www.sima.org/magazine](http://www.sima.org/magazine).

**CHECK IT OUT**

DECEMBER 2019



# SNOW BUSINESS

A SIMA. publication | [www.sima.org](http://www.sima.org)

## A CHANGE FOR THE BETTER

How a difficult conversation led to Garden Grove's business evolution

PAGE 26





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# Snow Business survey measures reader satisfaction



By CHERYL HIGLEY

In fall 2019, *Snow Business* contracted with Readex Research to conduct an unbiased, third-party survey to gather feedback on the magazine, from topics to presentation to delivery methods. This type of survey had not been done in several years; and given the importance of this membership benefit we wanted to find out from our readers where we are doing well, where we have room for improvement and where we need to focus our efforts for the future.

## Well-regarded

A majority of respondents agreed with each of 10 positive statements about the publication, including these top areas of importance:

- Contains credible content and has interesting articles (93%)
- Contains useful information on products (92%)
- Helps them keep up with industry trends, has timely information and has a reader friendly format (91%)

Out of five publications listed, *Snow Business* was selected by a wide margin (at least 3-to-1) as the one they would choose if they could read only one.

## Strong print presence

- 85% of respondents read *Snow Business* either exclusively or a majority in print, vs. 10% who read it via print and online equally and 4% who read exclusively or a majority online.
- 54% report they would like the publication to deliver content exclusively or a majority in print with 35% reporting they would like to see efforts focused equally in print and online.

While we were pleased with the feedback overall, we acknowledge

## IMPORTANCE OF TOPIC CATEGORIES

Top 5 topics respondents indicated were most important to include in *Snow Business*:

- 88% Equipment and Product Information
- 83% Field Operations
- 82% Ice Management
- 70% (tie) Leadership/Management and Legal/Risk Management
- 64% (tie) Business/CEO and SIMA News/Updates

## SATISFACTION WITH CURRENT COVERAGE

Respondents who rated us 4 or 5 (with 5=very satisfied) on current coverage:

- 79% Equipment and Product Information
- 73% Field Operations
- 70% Ice Management
- 67% SIMA News/Updates
- 64% Leadership/Management
- 62% Business/CEO
- 59% Legal/Risk Management



there are areas where we can improve. We never want to become stagnant; therefore, we will work to ensure we're presenting contributions in areas that matter most by respected peers and consultants with knowledge of the industry whenever possible.

This will include cycling out some contributors and adding new peer voices to help us elevate coverage in areas of concern (risk management, leadership, CEO).

We also plan to revamp our products section in 2020 to deliver additional value. We'll go beyond featuring products to include information on research and

development, contractor testimonials and more to help you become a more educated consumer.

The magazine's direction is guided by myself in conjunction with input and feedback from the peer-led Editorial Advisory Committee. Our goal is always to deliver timely, focused and relevant content to help you build and strengthen your companies. We welcome your feedback, story suggestions and article contributions. Call or email me to share your ideas and perspectives. **SB**

Cheryl Higley is Director of Education & Content for SIMA. Contact her at [cheryl@sima.org](mailto:cheryl@sima.org) or 262-236-9972.

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# “Insuring” your providers are advocates

Underwriting ensures your risk story remains attractive



By CHRIS DIX

**H**aving spent 9 years consulting insurance agencies on their back-office workflow or selling business insurance to small- to medium-sized businesses, I'd like to share one thing our members can immediately apply to their businesses.

Educating customers about what goes into keeping their sites clear and safe is only the first step for snow professionals — they also need to educate their insurance professional on all the things they do above and beyond what their business looks like on paper.

## Description of operations

A key but often overlooked part of the underwriting process is the Description of Operations. Underwriters seldom visit their prospects' or customers' sites and rely solely on the information gathered from the business and/or previous agent/broker. This information will typically include:

- Estimated Annual Revenues & Projections
- SIC Code (Standard Industrial Classification)
- States of Operation
- Employee Counts per Class Code
- Estimated Wages per Class Code
- Descriptions of Work Performed by Employees
- Lists of Assets
- Current Policy Limits & Terms

- Classifications of Employees (FT/PT/1099/W2/etc.)
- Ownership Structure

## Don't kill the deal

I would often get frustrated when underwriting would kill a deal based solely on objective data (e.g., suspect loss runs or an undefined percentage of their business being more risky than standard operations).

This section of the underwriting process is typically free form text and should shed light on all the things your business does beyond the technical information listed. Share the following with your insurance agent so they can include it in their description of operations submission:

*Continued on page 8*



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## SIMA welcomes new staffer



Kerri Joseph joined SIMA



as Senior Manager, Engagement and Business Development on Nov. 1. With Joseph, SIMA will be able to better serve our supplier partners by having one point of contact to help them engage with membership and the larger SIMA/Snow Business audience. Joseph will work closely with Publisher Leslie Boomer and Director of Events & Supplier Development Heather Carew. Email her at [kerri@sima.org](mailto:kerri@sima.org).

*Continued from page 6*

- What safety training programs do you incorporate in your company (either in-house or contracted through a third party)?
- How do you administer those safety resources and ensure adoption?
- Does anyone on staff maintain special certifications? If so, what are they and can you provide additional information? (*Hint: ASM, CSP and/or SIMA membership certificates*)
- Staff member years of experience
- What equipment do you use for which jobs, and who on staff are trained operators?
- Describe your response protocol in the event of an accident or injury

- Assuming your loss runs contain similar incidents, what procedures have you implemented to raise awareness and reduce these incidents?
- Do you incentivize safe behavior?
- Are your employees required to wear PPE? If so, what kind and when?
- What percentage of total revenue is snow?
- Describe the types and quantity of snow contracts

Any additional color that can be added to help your insurance professional better tell your story will help them when securing attractive rates and mitigate claims. This process should be repeated annually to ensure your risk story remains attractive to insurance carriers, your clients and your employees. **SB\***

Chris Dix is Manager of Membership Development at SIMA. Contact him at 262-236-9949 or email [chris@sima.org](mailto:chris@sima.org).

### RESOURCES:

- Log into [my.sima.org](http://my.sima.org) and download SIMA's insurance brochure under the SIMA membership marketing materials tab.
- Are you an insurance provider? Check out how you can bring additional value to SIMA members at [www.sima.org/our-industry/insurance](http://www.sima.org/our-industry/insurance)

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# TEAR & TEACH

## SIDEWALK SAFETY

SIMA and *Snow Business* are committed to providing the resources that help make running your business easier and safer. This month's Tear & Teach can be used to educate team members on safety precautions to take for sidewalk team members who are exposed to the elements. The pullout, which can be found between pages 40 and 41, is available for download and reprinting at [www.sima.org/magazine](http://www.sima.org/magazine).

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\*Spraying requires optional pre-wet tanks, pump and spray kit.

Marijuana legalization forces companies to manage conflicting laws with occupational safety policies

# WHERE THERE'S SMOKE

**BY CHERYL HIGLEY**

The legalization of marijuana for medicinal and/or recreational use is spreading at a rapid pace, with 66% of U.S. states (and all of Canada) legalizing it in some form. Snow and ice management companies in the United States must balance their state's legalization with a federal law that maintains the use of marijuana is illegal. And across the board, a haze has been cast over employment and drug policies.

This special feature takes a look at how marijuana has impacted snow contractors from three perspectives: hiring, cost and policy.

## HIRING: Already tight labor pool shrinks further

It's no secret that hiring for field positions in snow and ice is difficult; but companies that operate in states where marijuana has been legalized in some form are finding the uphill climb even harder if they implement a drug-free workplace culture.

Doug Duschene, owner of Bozeman Site Services, says Bozeman is an employee market. With unemployment under 2%, job growth at 2.6% and future job growth at 50%, he says it's difficult to compete for workers.

Marijuana has been legal (medicinal only) in Montana since 2004, but potential applicants with "green cards" are usually deterred by the company's drug policy.

"We're a growing city so a lot of the people coming in gravitate to the construction jobs, which pay more and have a steadier income," he says. "[Since the legalization], we are now vetting an even smaller labor pool and knocking out a lot of people. It's had a significant impact on my business."

### Upfront about restrictions

Butch Hartman, owner of CAM Services in Denver, CO says over the past few years the stronger economy coupled with the full legalization has made it 50% harder to hire people. The company makes it clear in all of its hiring ads that it is 100% drug free, including marijuana.

"Even if you take the drug portion out, finding employees who are loyal or have longevity is practically non-existent," he says. "When people can go elsewhere and get 25 cents more and not get drug tested, they're going to walk every time."

Robert Young, owner of K.E.Y. Property Services in Palmer, MA, is a retired police officer and former drug recognition expert for the commonwealth. Those experiences have helped shape his views. With an absolute zero tolerance policy, he says he has had to cut back on the work he can accept because of the shallow labor pool and the type of work he seeks. His industrial clients also have zero tolerance policies, and their vendors are subject to random testing. For him, it's just not worth the risk.

"I am a small company — one person could bring it down. I would rather service fewer customers and do it professionally with good people," Young says. "If you have drugs, marijuana or otherwise, you are gone. You are messing with livelihood, and I just won't tolerate it."



**"Since the legalization, we are now vetting an even smaller labor pool and knocking out a lot of people. It's had a significant impact on my business."**

— DOUG DUSCHENE, BOZEMAN SITE SERVICES

## POLICY: Finding solid footing in a gray area

When it comes to policy adoption and enforcement, many companies have chosen to follow federal law. It's simply too risky to do otherwise, given the inherent safety dangers associated with snow and ice management. But that doesn't mean there haven't been adjustments to policies (and if you operate in a state where pot is legal, you should examine yours accordingly).

New Jersey-based Horizon Landscape Co. President Mike Kukol says company policy views marijuana (legal for medicinal use only) like alcohol: it may be legal, but you can't be on the job and be impaired. The company requires a drug test upon hiring. Employees are subject to random tests and in the event of an accident.



**"We tell applicants that we do random drug testing. They take the application and never come back. It's a great deterrent and ensures we get the type of employees we want and can trust."**

— MIKE KUKOL, HORIZON LANDSCAPE CO.

"Our policy is that if you test positive for drugs — and we classify marijuana as one — it is grounds for termination or suspension and that you have the right to be tested if you doubt our findings," Kukol says, adding that there is concern about someone with a medical card claiming discrimination. "I sympathize with those who need it to ease the pain, but how do you draw the line between caring for them and working safely?"

Rampant use in Colorado has caused issues, particularly with medical cards, for CAM Services. While their handbook says zero tolerance, company vice president Shanae Dix, CSP, says the gray areas require that every situation be treated on a case-by-case basis.

"We tell every applicant repeatedly they will be drug tested so we don't have to waste our time. Yet close to 50% who we hire and are sent for testing either don't show or admit they won't be able to pass it," she says. Anyone who fails a test is placed on probation, taken out of equipment operations and placed into a labor position. They are then drug tested weekly.

"We will pay for them to go to counseling. But you get one opportunity. If it's a good employee who is sincere and wants a job, it will work. Others will just walk away," Dix says.

*Continued on page 12*

## SPECIAL FEATURE



Continued from page 11

### A wakeup call

Duschene says Montana's legalization of medicinal marijuana caused a dramatic upheaval for his company. He went from having no drug policy to having to build and enforce a very large one for his staff of 10 to 12 full-time employees and 30 to 50 seasonal workers.

"Montana is a right to work state. You can't fire someone without reason — you have to have a documented pattern of malfeasance," he says. "We worked with an attorney to craft a policy and documentation protocols to protect us. It opened our eyes to the potential ramifications if we didn't have a policy."

Bozeman employees are subject to mandatory random drug tests enforced by an outside company. All supervisors are required to go through drug and alcohol training to be able to identify those who may be impaired. The employee handbook has been crafted to consider each person's situation.

"The heart of our business is to reach out to better people's lives," Duschene says, noting that anyone who tests positive receives a customized action plan with specific guidelines and improvements they must make to

preserve their employment. "We want to build people up — not tear them down."

While he's all for second chances, Duschene is not a sucker — so if an employee falls short, it's likely they'll be terminated.

"We've had scenarios work out both ways. We've given them the opportunity to better their life, but they didn't take advantage of it and we've terminated them," he says. "But the coolest, most wonderful times we have had are when we've challenged people to change and they've turned it around and thrived."

### COST: Drug tests, labor escalate

**D**ix outlines two key areas where the company has seen increased costs related to the legalization of marijuana:

**Testing costs.** The company used to manage drug tests in house at a cost of about \$400 per year. Since the legalization, it now subjects every employee to a full drug test, which has dramatically escalated costs. In 2017, CAM Services drug-tested 44 employees at a cost of \$2,486; through October 2019, it had paid \$5,874 to drug test 108 employees. In addition to the costs of the tests

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**“We basically have to pay more for people who can maintain a sober lifestyle and not smoke weed all weekend.”**

– SHANAE DIX, CSP, CAM SERVICES

themselves, HR management costs related to the testing processes and policy policing have increased.

**Labor costs.** Recreational marijuana was legalized in Colorado in 2016. Dix says since then they’ve had to increase pay to attract a different caliber of employee. “We basically have to pay more for people who can maintain a sober lifestyle and not smoke weed all weekend.” In the event that someone “pops hot,” the employee is grounded so to speak. “They can’t drive — so we have to pay them to not do the work we hired them for. It’s just an additional cost of doing business.” **SB**

Cheryl Higley is the Director of Education and Content for SIMA. Email her at [cheryl@sima.org](mailto:cheryl@sima.org) or call 262-236-9972.

## MARIJUANA & THE WORKPLACE

- THC (tetrahydrocannabinol) is the primary component of marijuana. THC is fat soluble, which means that once ingested, it is stored in fatty tissues in the body and can be released back into the blood sometimes long after ingestion.
- THC use has been shown to affect depth perception, reaction time, coordination and other motor skills; and it creates sensory distortion.
- According to a study reported by the National Institute on Drug Abuse, employees who tested positive for marijuana had 55% more industrial accidents, 85% more injuries and 75% greater absenteeism compared to those who tested negative.
- Currently most tests or drug screenings only establish the presence of THC — not impairment.
- Guidelines published in 2015 by the American Association of Occupational Health Nurses and the American College of Occupational and Environmental Medicine proposed a THC level of 5 nanograms per milliliter to establish impairment (roughly equivalent to a 0.04% blood alcohol content).

Sources: National Safety Council, NHTSA



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# LEGALIZATION'S GRAY AREA

Policies must be clear, comprehensive and well communicated

BY ROBERT I. LAPIDOW & JOSHUA KRUGER

It comes as no surprise to anybody involved in the snow and ice mitigation business that the job can be dangerous. Ice, slush and snow are slippery. Shovels are sharp. Plows are powerful and heavy. Ice mitigation chemicals can be harmful to people and the environment, requiring care in handling and application. Management of multiple properties requires skill in staging, timing and coordination of crews. In the office, employees have access to sensitive and confidential information, including employee files, economic data and other materials that are to be handled with care. For these reasons, snow and ice employees must at all times be alert and fully oriented to person, place, time and situation.

Employment drug policies are especially important in this context. However, as times change, so do societal norms as well as the law. All of us can remember when possession of marijuana was illegal and its use was “in the shadows.” Not anymore.

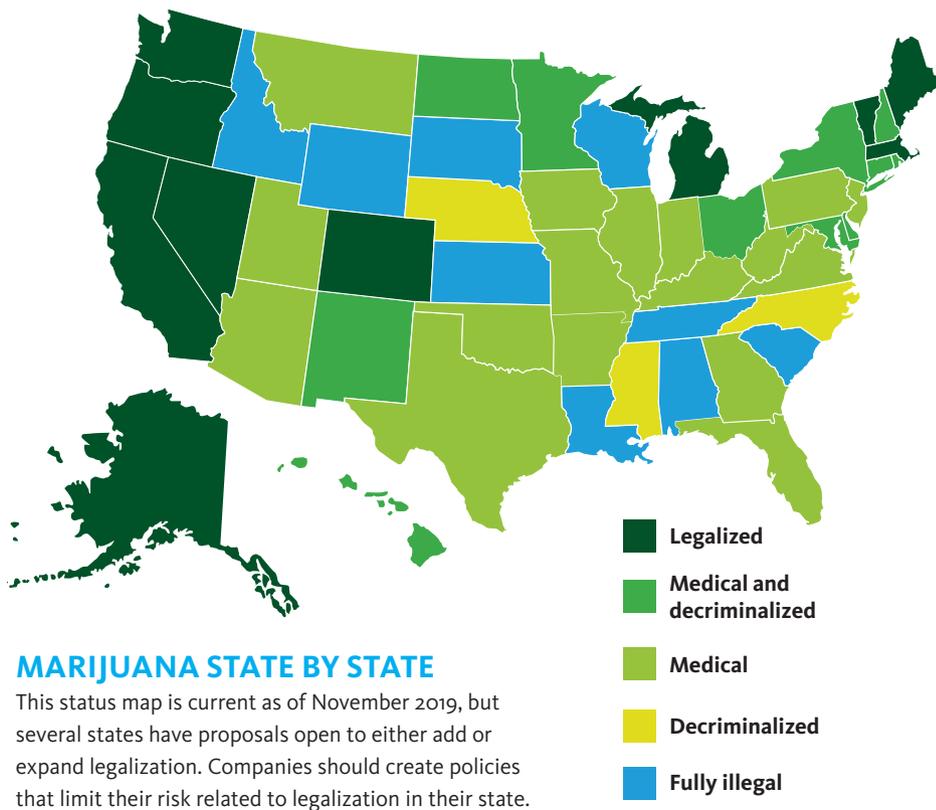
Proper risk management requires that employment policies and procedures consider and address the various classifications of legality for marijuana along with the reality that in some states, employees are being prescribed medical marijuana by licensed physicians. Risk managers must also ensure that drug policies conform with the laws applicable to their respective jurisdictions related to, among other things:

- 1 If and how marijuana use is classified as a lawful activity if occurring outside the workplace during non-working hours
- 2 Drug testing for current and prospective employees
- 3 How medical marijuana use fits in with drug-free workplace policies

## Varying degrees of legality

With varying restrictions, recreational marijuana is currently legal in 11 states and the District of Columbia, and medical marijuana is legal in 33 states and the District of Columbia. Undoubtedly, those numbers will increase over the next few years.

However, marijuana remains illegal under federal law, which classifies it as a Schedule I controlled substance. Federal law (21 U.S.C. § 812(b)(1)) defines Schedule I



controlled substances as having a high potential for abuse, having no currently accepted medical use in treatment in the United States, and having a lack of accepted safety for use under medical supervision. Federal law prevents these drugs from being prescribed by doctors, or from being distributed at pharmacies. Clearly, a significant disconnect exists between federal and state law in those states that have legalized marijuana's use and possession to some degree.

The disconnect results in marijuana being both legal and illegal. For this and other reasons, it is imperative that policies regarding the use of marijuana are drafted clearly, comprehensively and in conformance with current law. It is also of the utmost importance that these policies, along with the consequences of violating such policies, are communicated in plain language to employees.

## Is zero tolerance a viable policy?

State and federal laws address the lawfulness of various off-the-job activities. In crafting or revising employee drug use policies, employers should consult with experienced employment attorneys in their states of operation to determine what protections are afforded to the use of

## WHAT STEPS SHOULD EMPLOYERS TAKE?



Companies that operate in states where marijuana use is “legal” should consider taking the following steps to ensure they are maintaining a safe working environment for employees and employers.

- Consult with a licensed employment attorney in your state to confirm the state's laws related to marijuana use and whether your business is subject to federally mandated marijuana prohibitions.
- Confer with decision makers to determine how your company feels about marijuana use off-duty and whether such use can and should be regulated by the employer.
- Confer with decision makers to determine whether testing for marijuana use will be part of your hiring process, promotion process, or the process of evaluating compliance with employment policies.
- Review and, if necessary, update your employee handbook to ensure compliance with company objectives and applicable law.
- Make sure policies related to use of marijuana are extremely clear. Policies related to the use of marijuana should specifically identify “marijuana,” as opposed to generally referring to the prohibition of use of illegal drugs.
- Annually update employment files with documentation confirming employees have reviewed the employee handbook and understand the rules related to use of marijuana, and the consequences for violating those rules. A written acknowledgment signed by the employee is best.

- Ensure that employee consent and disclosure forms related to drug testing are up to date.
- Managers and human resource employees should be properly trained on how to determine and document employee impairment when an employee is suspected of marijuana impairment.
- In states where users of medical marijuana receive protection from workplace discipline, (1) workplace policies should require employees to verify their authorization to use medical marijuana, and (2) managers and human resource employees should be trained on how to handle reasonable accommodation requests by disabled employees who are certified medical marijuana users.



medical and recreational marijuana while off the job. This is of particular importance since some states' laws may conflict with zero tolerance drug policies. Additionally, employers must pay attention to contractual requirements related to work on federal property, which likely include zero tolerance language regarding the use of marijuana and other drugs, as well as other federally mandated marijuana prohibitions that may apply to the work you perform.

In 2013, the Colorado Supreme Court, in *Coats v. Dish Network, LLC*, upheld the use of zero tolerance drug policies related to the use of medical marijuana. In that case, Mr. Coats sued his employer, Dish Network, for wrongful termination after testing positive for marijuana, a violation of its drug policy. Mr. Coats argued the termination was wrongful because he, a quadriplegic, was licensed by Colorado to use medical marijuana, never used marijuana on Dish Network's premises, and was never under the influence of marijuana while at work.

The lawsuit was premised upon Colorado's Lawful Activities Statute, a part of Colorado's Civil Rights Act, which prohibits an employer from terminating an employee for “engaging in any lawful activity off the premises of the employer during nonworking hours ....” In that case, the Colorado Supreme Court ruled that use of state-licensed medical marijuana does not fall within the definition of “lawful activity” as defined by Colorado's Civil Rights

Act because the use of medical marijuana was prohibited by federal law. As such, until there is a change in the legal status of marijuana under federal law, a Colorado employer has the ability to terminate an employee based solely upon testing positive for marijuana.

Some states have laws similar to Colorado, while other states have laws that make it difficult for employers to regulate marijuana use by employees. While most states have no protections for employees who use marijuana recreationally, varying degrees of protection for medical marijuana use exist in most states where it is legal. Typically, those protections are limited to prohibiting an employer from terminating, punishing or refusing to hire someone based solely upon the individual's use of prescribed medical marijuana. However, employees generally have no protection against termination or other disciplinary action based upon being under the influence or otherwise impaired by marijuana while on the job, even if the marijuana is proven to be for medical use.

### What about drug testing?

In consultation with a licensed employment attorney, employers should decide whether testing for marijuana prior to hiring adds value to the hiring process. Testing of current employees is trickier, as an employer's right to

*Continued on page 16*

## SPECIAL FEATURE

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drug test its employees is limited by state and federal law. Random drug testing is generally permissible so long as employers are appropriately informed of this practice. Non-random drug testing of current employees is typically permissible if “reasonable cause” exists. Reasonable cause testing refers to selectively performing a drug or alcohol test on an employee because a supervisor or other credible party has reason to believe an employee is under the influence of drugs or alcohol.

Unlike alcohol testing, which is grounded in the longstanding scientific understanding of how varying blood alcohol concentrations affect a person’s functioning, testing for marijuana in the bloodstream is difficult, and provides limited value in determining whether an employee is impaired or under the influence.

Colorado has set the threshold for impaired driving at 5 nanograms per milliliter (ng/ml) of blood. However, the more frequently a person uses marijuana, the longer it can be detected in the bloodstream. For this reason, Colorado has issued a permissible inference caveat to its DUI law, meaning the 5 ng/ml limit is only a presumption, not direct confirmation of impaired driving. As such, medical experts could certainly make the case that a person was completely unimpaired even with 5 or more ng/ml of THC in their system.

*Snow Business* conducted a survey to determine SIMA members’ impact from the legalization of marijuana.

**82%**

have a drug policy in place

**59%**

do not drug test employees

**35%**

had to adjust drug policies/procedures as a result of legalization

### What next?

The trend of marijuana legalization is unlikely to reverse, and employers must come to terms with this new reality. Zero tolerance drug policies may conflict with expanded employee protections for marijuana use, and permissive drug policies can expose a company to liability. Regardless of a company’s position, consultation with qualified employment attorneys is crucial. With careful planning and counsel, snow and ice mitigation companies can — and should — proactively address the issue of legal marijuana to manage risk and engage employees. **SB\***

Robert I. Lapidow, Esq. is a partner and Joshua R. Kruger, Esq. is an associate attorney at Overturf, McGath & Hull, P.C. in Denver, CO. Over the past 20 years, Lapidow has successfully defended numerous snow and ice mitigation contractors and assisted them with contracts, best practices, employment policies and other business needs.

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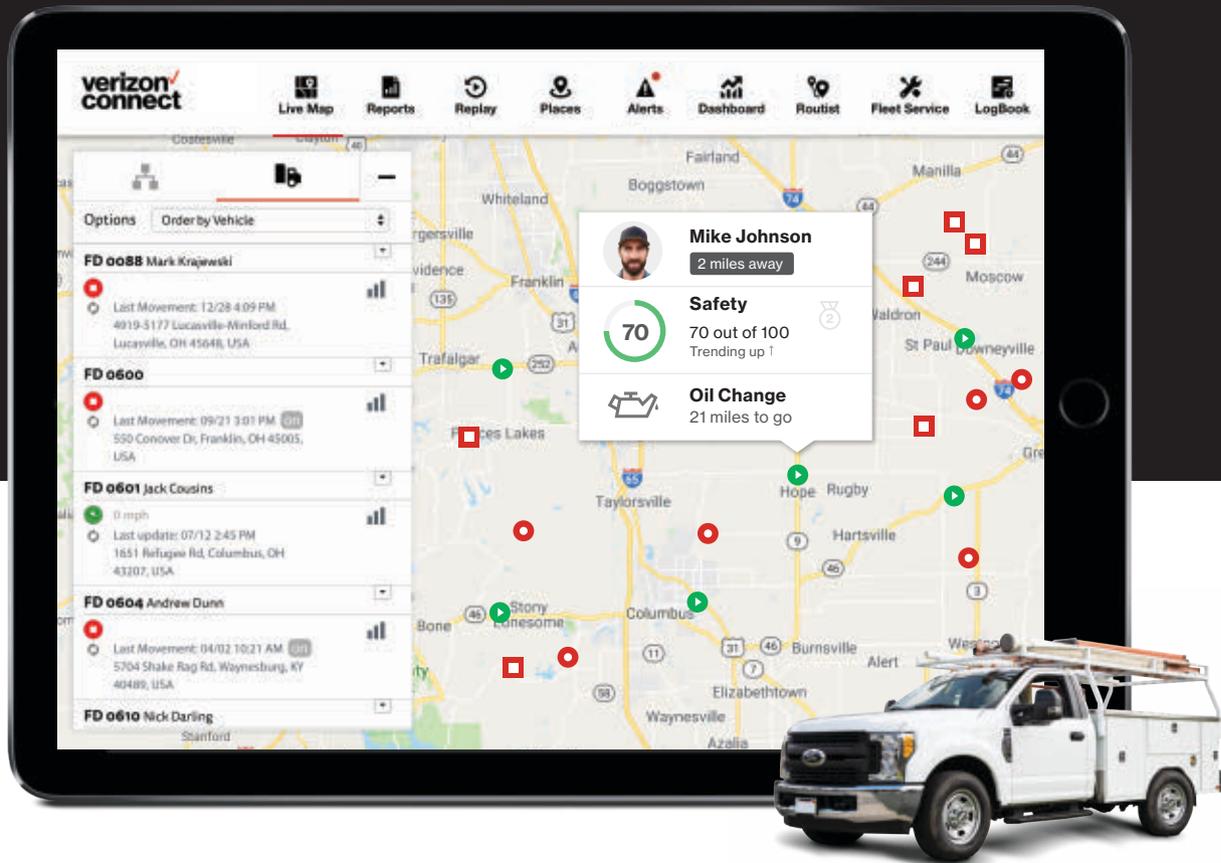
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# CANNABIS IN CANADA: HIGH STANDARDS TO MEET

The nation's legalization brings new concerns to snow and ice industry

BY ERIC TURKIENICZ & EGI TROKA

**O**n October 17, 2018, Canada enacted legislation that Jerry Garcia fans had been clamoring for since the 1970s: legalized recreational marijuana. This was not decriminalization or systemic non-enforcement, but full-on permissibility. Within certain limits, it became legal to possess and consume cannabis products. And with criminal law in Canada being within exclusive federal jurisdiction, Canada became only the second nation in the world to legalize it across the country. Unlike the United States, individual provinces and municipalities could only assert control via laws regarding distribution channels and licensing of sellers; they could not outlaw or legalize it.

## New law, new problems

Of course this meant that a host of new challenges were suddenly introduced nationwide. How do we deal with detection for impaired drivers? How long following consumption does it continue to impair an individual? Should edibles be treated differently than inhalants?

Indeed, the snow removal industry saw immediate concern. For a country where every area experiences heavy snowfall for significant parts of the year, questions flew. How do we know that the person we are placing in the driver's



seat behind a several-thousand-pound snowplow wasn't smoking an hour earlier? And what can we do about it?

The issues faced by employers are further compounded when considering that rules intended to restrict marijuana used by employees could be seen as discriminatory. Where an employee uses cannabis products for medical reasons, such as to treat chronic illnesses, preventing them from using those products as needed would constitute

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## DRUG TESTING FOR CURRENT AND PROSPECTIVE EMPLOYEES

➔ While rules and regulations are all well and good, they are not worth the paper they are printed on if they cannot be adequately enforced. One of the key challenges with enforcement is detection.

To determine whether an employee is "fit for duty," employers can train supervisors and employees to recognize and respond to signs of impairment. This may include incorporating "Fit for Duty" articles into their Workplace Substance Management Policy.

Employers can also conduct drug tests in very narrow circumstances if they can show:

- A demonstrated relationship to job safety and performance (e.g., safety-sensitive

positions)

- Evidence of enhanced risks in the workplace. There must be reasonable grounds to believe an individual is impaired by drugs, or the individual is returning to work after treatment for drug addiction and the person with the addiction is accommodated to the point of undue hardship. As decided by the Supreme Court of Canada in the case of *Communications, Energy and Paperworkers Union of Canada, Local 30 v. Irving Pulp & Paper, Ltd.*: "An employer must justify the intrusion on privacy resulting from random testing by reference to the particular risks in a particular workplace."

Otherwise, drug testing violates

employees' rights. Unlike the United States, it is not something that employers in Canada can impose unilaterally.

It is also important that employers do not take actions that may amount to discrimination based on perceived disability. If an employee refuses to be tested, the employer cannot treat that employee as if she/he has an addiction. For example, employers cannot suspend employees or place conditions such as not allowing them to return to work unless an employee attends counseling for substance abuse. For best practices, employers should tailor each approach to the employee's unique situation.

discrimination on the grounds of disability. There have even been arguments that “marijuana addiction” is a disability deserving of protection under provincial human rights legislation and that failing to accommodate that disability would be discriminatory. This creates a situation where an employer may be allowed to restrict the casual or low-volume use of marijuana among employees but would not be able to do so for an employee whose use is so intense that it is considered an addiction.

One of the problems with answering this question with any degree of certainty is that, with legalization so new, there have not been many marijuana cases dealing with employer-employee relations to provide guidance. But what we have seen so far is recognition that the debilitating effects of marijuana must be taken into account in the workplace, regardless of its legalized status. The duties of employers and employees are changing as cannabis use is associated with short-term impairment of memory, motor coordination and judgment.

### A brief history of Canadian law

Medical and recreational cannabis operate as two independent markets and legal regimes in Canada. Medical cannabis has been legal since 1999, as an exemption under the Controlled Drugs and Substances

Act. Last October, the federal government legalized the recreational use of cannabis. The sale of cannabis edible products and concentrates became legal in October 2019.

To complement the federal system, provinces and territories oversee the distribution and sale of cannabis and add safety measures, such as restricting where adults can consume cannabis.

Regardless of the legalization, employers have always been able to prohibit the use of marijuana during working hours and to prohibit employees from attending work while impaired, much as with alcohol.

### Marijuana outside of work

While employers can prohibit the use of marijuana during work hours and on company/client property, the largest immediate concern is what steps an employer can take to control its employees’ behavior outside of those areas.

Any employment that involves driving or the use of heavy machinery creates an immediate safety risk to the operator and others if it is used while in an impaired state. The Occupation and Environmental Medical Association of Canada has cautioned that “the timing and duration of cannabis impairment is variable ... Until definitive evidence is available, it is not advisable to operate motor

*Continued on page 20*



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## SPECIAL FEATURE

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vehicles or equipment, or engage in other safety-sensitive tasks for 24 hours following cannabis consumption, or for longer if impairment persists.”

Under the direction of the Canadian Human Rights Commission, if a job is considered a “safety-sensitive position,” workplaces can regulate whether employees’ can consume cannabis during non-work hours. It defines a safety-sensitive position as one which “if not performed in a safe manner, can cause direct and significant damage to property, and/or injury to the employer, other around them, the public and/or the immediate environment.” Examples of safety-sensitive jobs include forklift operators, truck drivers, electricians and pilots.

So while human rights legislation across Canada requires employers to accommodate disabilities, including the medical use of marijuana, to the point of undue hardship, the courts have begun to conclude that accommodating marijuana use in safety-sensitive settings would itself constitute undue hardship and permitted employers to restrict its use.

This was seen as recently as a January 2019 Newfoundland case — *International Brotherhood of Electrical Workers, Local 1620 v. Lower Churchill Transmission Construction Employers’ Association Inc.* In

## PRACTICAL ALTERNATIVES TO DRUG TESTING

➔ It is difficult for drug testing to accurately measure current impairment with minimal level of intrusion, particularly where employees are performing functions with high safety risks on a daily basis. These are some alternatives to ensuring that employees are “fit for duty”:

- Health promotion and substance awareness programs
- Performance tests for cognitive or psychomotor impairment related to the integral parts of the job
- Training supervisors to watch for signs of impairment
- Planned observations and audits
- Peer monitoring

that case, a court reviewing an arbitration decision related to use of medical marijuana by a potential new hire agreed with the arbitrator who said: “[a]s there was no evidence called about other possible jobs or functions on the Project into which [the employee] might have been able to go without safety being a major concern, I must conclude that there were no positions which he could have filled that would not also pose significant safety concerns.”

With respect to available policies, the solutions are

*Continued on page 22*

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## WHERE DOES MEDICAL MARIJUANA USE FIT?

➔ The various provincial Human Rights Codes require individualized accommodating measures. Policies that result in the automatic loss of a job, reassignment or inflexible reinstatement conditions, without considering the person's individual circumstances, are likely to violate employee's rights.

There are health and safety risk factors that may contribute to undue hardship to accommodate employees using medical marijuana in safety-sensitive positions. Depending on the scenario, accommodation in the form of alternate work may be necessary.

However, the employer's duty to accommodate is limited. An employer has met their duty to accommodate when a person is continually unable or unwilling to take part in the accommodation process, despite the employer's attempts. Canadian case law has repeatedly held that an employer's responsibility is to propose some reasonable accommodation. That proposal does not have to be perfect, or the most expensive option, or even the option preferred by the employee. So long as the proposal is reasonable, the employer will have discharged its duty.

Ultimately, occupational health and safety professionals and human resource professionals will need to collaborate to manage strategies that minimize risks to workplaces' health and safety while balancing employees' privacy and human rights.

*Continued from page 20*

that employers can either implement a standard "fit for duty" policy, assessing impairment on a case-by-case basis; or employers can prohibit employees from consuming cannabis altogether — on-duty and off-duty. This is understandable, given there are many factors that affect the duration of cannabis' effects (see page 13). Without being able to pinpoint the effect on an individual, a wholesale prohibition is the safest option in safety-sensitive environments.

And while use of marijuana via smoking paraphernalia is sometimes easy to detect, other methods of consumption are not so obvious, further advocating in favor of requiring a complete ban on use outside of working hours.

For example, given the discrete nature of cannabis edible products or concentrates, such as CBD, it is imperative that employers develop policies and procedures to ensure a safe working environment. **SB**

Eric Turkienicz is a senior associate in the Toronto office of McCague Borlack LLP and co-chair of the firm's Cannabis Law practice group. He regularly acts for a wide variety of parties involved in litigation arising out of Canada's winter season. Egi Troka is a student-at-law completing her articles with the Toronto office of McCague Borlack LLP. She recently obtained her Juris Doctor at Queens University in Ontario and regularly works on litigation matters involving complex questions of liability.



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# FIT FOR DUTY POLICIES GUIDE CANADIAN CONTRACTORS

BY CHERYL HIGLEY

**M**arijuana is legal across every province in Canada. With rare exception, companies cannot drug test employees since it is seen as a violation of the Canadian Human Rights Act. Since current drug test technology can only detect past drug use (and cannot measure whether a person is under the influence at the time the test is administered), the Act only allows for testing in the following circumstances: reasonable cause, in the event of an accident or following treatment for abuse or dependency.

With the option for testing generally unavailable, many Canadian snow companies drive expectations for a drug-free workplace by exercising their employee rights to expect their employees to report “fit for duty.”

## Zero tolerance

As health and safety coordinator for ULS Landscaping in Rocky View, Alberta, Trish Mills implements the safety program that governs its 200-plus employees. The company’s stance, she says, is straightforward and well-communicated (including frequent safety and toolbox talks leading up to and after legalization). ULS’s policy follows the Certificate of Recognition (COR) requirements issued by the provincial government’s Partnership in Injury Reduction program.

“We have always had fit for duty policies and a strong drug and alcohol policy. If you show up to work under the influence, you are terminated immediately,” Mills says. Subcontractors are required to follow ULS’s safety program if they don’t have their own COR accreditation.

Jim Monk, CSP, president of MPS Property Services in Markham, Ontario, says his company also has a zero-tolerance policy. MPS’s approach is to focus less on being on the lookout for drug use and instead focuses any performance-related issues that may result in termination.

“Safety is our number one concern. People under the influence tend to be unreliable and lethargic. We look for patterns of tardiness or absence and poor performance and document accordingly,” he says. “Our expectations are high. We have a great screening process and we



**“People under the influence tend to be unreliable and lethargic. We look for patterns of tardiness or absence and poor performance and document accordingly.”**

– JIM MONK, CSP, MPS PROPERTY SERVICES

## FIT FOR DUTY

ULS Landscaping requires its employees to be “fit for duty” at all times during snow operations season. What goes into being fit for duty?

**PHYSICAL:** Healthy, physically able to perform assigned duties

**PSYCHOLOGICAL:** Calm, focused, undistracted by personal issues

**PHYSIOLOGICAL:** Alert, well rested, unimpaired



**“We expect people to be fit for duty — and if they can’t then they are expected to report that to their supervisor. We do that so we don’t put them into an unsafe position.”**

– TRISH MILLS, HEALTH AND SAFETY COORDINATOR, ULS LANDSCAPING

are diligent about checking references and previous performance. So far, it’s not been a big challenge for us.”

Mills says supervisors are trained to monitor behavior in the field to identify potential signs of impairment, including physical symptoms and odor — including how to identify someone who may have consumed edibles, which were legalized in October 2019.

“I believe it’s going to become more of an issue — that makes me nervous because it will be a lot harder to detect. The effects are longer lasting but not as obvious,” she says.

## Medical issues

Mills says the company policy related to medical marijuana use follows their prescription medication policy — they can’t stop someone from taking it if it is needed but they are limited in the position they can hold in the company.

“If you need to smoke marijuana every day, then this isn’t the job for you. Essentially someone would need to shift into an administration position or work on a pedestrian crew. They can’t operate equipment,” she says. “We expect people to be fit for duty — and if they can’t then they are expected to report that to their supervisor. We do that so we don’t put them into an unsafe position.” **SB\***

Cheryl Higley is the Director of Education and Content for SIMA. Email her at [cheryl@sima.org](mailto:cheryl@sima.org) or call 262-236-9972.

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# A CHANGE FOR THE BETTER

How a difficult conversation led to Garden Grove's business evolution

BY  
MICHAEL  
FREEZE  
Photos by  
Joel Bénard



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Our... only...  
wh... on is...  
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We know...  
it being the best means...  
stantly evaluating and...  
proving how we work.  
GARDEN GROVE

**BROTHERS** Garden Grove CEO David (right) and COO Paul Lammers refocused their company on snow after a trip to the Snow & Ice Symposium.

➔ **WHAT'S IN A NAME?**  
// Page 30



**B**y 2013, Garden Grove Landscaping in Waterdown Ontario, Canada had grown to become a provider of high-quality residential and commercial landscaping with a diverse range of clientele throughout the greater Toronto area. It reached a yearly revenue of \$5 million in snow and landscaping — evenly split between its residential and commercial accounts.

Company CEO David Lammers handled the residential side and his brother and Chief Operating Officer Paul ran the commercial business. Although on paper Garden Grove was succeeding, the scaling of its snow business was stretching everyone thin. Something had to give.

In June of that year — the busiest time for a landscaping company — David convinced Paul to travel with him to Minneapolis, MN for their first SIMA Snow & Ice Symposium.

“My brother was very skeptical,” David says. “Paul said, ‘This is nuts!’ As difficult as it was, it was the most important move in our lives as a company.”

### Going to SIMA

Although Paul was apprehensive, he realized they needed to do something different with their business model. “It was a pivotal moment for our company,” he recalls. “It was the first

**“We wanted to offer the client a promise that is unwavering. We developed a commitment that has grown to be an excellent plan.”**

— DAVID LAMMERS

time we were attending, and it was also the first time we both left the business together.”

As they were en route to the show, Paul realized the opportunity to capitalize on the information provided by SIMA.

“I considered the U.S. more advanced in fighting snow than Canada,” he says. “We realized in order to grow our snow business, we had to take advantage of the tools SIMA provided and connect with the top professionals.”

### Making the change

Afterward, David didn’t waste time implementing the advice he received at the Symposium. “We saw so much opportunity for learning,” he says. “Equipment innovation, sales and marketing were big for us.”

David decided that for Garden Grove to grow in snow, he would need

to cultivate a change in mindset, skill set and overall snow fighting.

“Understanding what we were facing, we began our marketing and focused our efforts on businesses we wanted to acquire,” he says. “But there’s a lot of low-hanging fruit out there, and there’s a sucker born every day. We were not going to be suckers. We were going to be focused.”

David says creating a company vision was important and vital to maintain that kind of culture and not stray from it. As part of the vision exercise, Garden Grove authored a commitment creed via the acronym C.A.R.E. (Consistency, Accessibility, Reliability and Expertise).

“We wanted to offer the client a promise that is unwavering. We developed a commitment that has grown to be an excellent plan,” he says. “Consistency is the key,



**BUILDING C.A.R.E.:** Garden Grove focused on core values to develop the C.A.R.E. (Consistency, Accessibility, Reliability and Expertise) motto for servicing its customers.

especially when it comes to customer service. Accessibility is for what we share, providing prompt updates and communication. We are reliable to our clients by not keeping them in the dark. And our expertise is about the commitment to continuous improvement and quality management.”

**Tough choices**

Garden Grove also made the difficult decision to put their company back in

a tighter operation.

“At the time (2013), we were two separate companies and quickly found out that being an everything-to-everyone business was a distraction,” Paul says. “We were confusing ourselves, and we didn’t have a focus for our company.”

To grow the snow business above everything else, the brothers decided the company would be defined as a property management business versus

an exclusive landscaping unit. They renamed the company Garden Grove, Commercial Grounds and Snow Management.

“We had to make a bold statement,” David says. “We took ‘Landscaping’ right out of our name. We wanted to build a brand that is trusted.”

As they made the transition, they expected the loss of landscaping accounts and knew it would take hard work to fill that void.

“The pain was cutting off the revenue stream,” Paul says. “That was one thing that was tough for us in the beginning, but our process has made us closer. We overcame it and straightened our company.”

David says that to gain new business the company had to attract commercial entities with the intent of locking up multi-year contracts with

*Continued on page 31*

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# WHAT'S IN A NAME?

**D**avid Lammers began his business by performing landscaping and property maintenance one client at a time through homeowners' associations and condominiums. As the business grew, he knew he couldn't do it alone. He incorporated with the help of his brother Paul and some close friends.

With a big picture focus, David managed the residential side while Paul, who is the more nuts-and-bolts brother, focused on the commercial side. "We are the ying and yang of each other," David says. "Paul is the strategist. I'm the visionary. He pushes back on my vision at times. It's a great relationship agreement, and it works."

"Living in the world of residential was perfect," David says. "Talking to a homeowner, you can explain a vision to them. In the commercial world, it's more operational. The vision is different. It's more straightforward."

In the beginning, David was proud to put his name behind his work (Lammers Landscaping).

"My personal last name was the business, and I made sure it was represented well on a business card," he says. "That is the baseline service I provided. Integrity and quality came back to me."

As the business grew, David decided to change the title from his namesake to a brand that his growing employee base could rally behind.

"I was thinking big. I wanted something that was heavy in the landscape world, a place where things grow and come together," he says.

David came upon a map of Orange County, CA where he saw a city named Garden Grove. "It meant fruit of the



community. I saw prosperity in that. It was something beautiful and healthy."

Decades later, the Garden Grove name continues to connote the spirit of teamwork that the brothers intended.

"I and my brother both believe that if it's

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**REBRANDING:** David Lammers says the Garden Grove branding expresses community and teamwork.

not about team, your plans are not going to work,” Paul says.

The two have enjoyed a robust business relationship in addition to their sibling bond.

“[David] is thinking years ahead, while I’m a today and tomorrow type of guy,” Paul says. “We work really well together. The Lord gifted us with each other, and we are better for it.”

*Continued from page 29*

specific goals communicated to each client.

“That’s why it was important for the name change to reflect ‘Property Managed,’” he says. “Before we were doing everything — retaining walls, in-ground pools, you name it. Now, we are working with our clients, ensuring safety and satisfaction in handling their properties and focusing on the task at hand.”

Another pain point that affected David was learning that the sales process in snow and ice management is no longer about vision but results.

“You can lead a homeowner with vision, but not a client with a distribution center,” he says. “You’re telling that person about your vision, and they’re thinking, ‘How about getting the snow from my lot?’”

David noted that as a salesperson, it is important to build and strengthen relationships.

“Customers are investing in us with their resources, and they demand value-driven results. They want to work with people they know, like and trust,” he says. “When that is developed, you don’t have to look at the contract. It’s phone to phone, face to face type of meetings. It’s about having that relationship.”

### **An ongoing process**

Five years since attending their first Symposium, the Lammers are pleased that they had that conversation and put the experience to work for their business.

“We always go back to that trip. You have to make bold moves to get big results,” David says. “It took us five years to get to where we are, and the people and the process is what made it work.” **SB**

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Michael Freeze is assistant editor of Snow Business. Contact him at [mike@sima.org](mailto:mike@sima.org) or 330-313-6237.



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# Attracting top talent

Marketing goals should focus on gaining new hires



By NEAL GLATT,  
CSP, ASM

**B**usiness owners tend to spend lots of effort marketing their businesses to customers, and this can bring great sales success. However, the real need for marketing today is toward targeting employees. In this labor environment, contractors who effectively market their company to job candidates will have the leg up on the competition.

## Advertise what they want

Marketing is only effective when potential customers believe the solution advertised will solve a problem or meet their needs. Typically, the job postings I see for winter work read more like a list of demands than benefits to the potential employee. For those companies trying to attract talent, the most common traits to boast about are pay rate, hours available or the fact that the company is an “industry leader” with a “growing team.” Is this supposed to excite candidates to apply for part-time, on-call dangerous work and show up with a great attitude? No wonder results are mediocre.

Business owners are quick to tell me that employees only seem to care about pay. Perhaps this impression is the result of leading with compensation as the key benefit of employment. In the same way, if you were to advertise “Great Rates!” to potential customers, the response would be extremely price sensitive leads. Savvy contractors focus on other benefits because they know that customers who value the services pay more and stay longer than those attracted to low costs. They also know that trying to win based on low rates



never works because there is always someone to charge less. Similarly, there is always someone willing to pay more for employees, so it’s time to change the narrative.

So, what do employees value? According to Gallup surveys, the No. 1 factor that employees are seeking in a job is growth and development opportunities. Employees want to feel like they are learning and advancing within their roles. Companies that promote in-field cross training and soft skills development like management training find that they not only attract more employees but keep them longer while continually building them up.

## Walk the walk

It goes without saying that a company should never advertise what it can’t deliver. If you want to win the labor war, it may be time to determine what developmental training you need to implement for your people. Fortunately, technology has leveled the playing field and there are many online platforms that can instantly provide companies with the tools they need to develop their people.

The most important key to implementing a developmental program for employees is that the employee feels that the learning opportunity was worthwhile and

pertinent to their job. Safety training, operating systems and administrative processes training don’t make employees feel developed. Companies need to go above and beyond to prepare employees for the next level of their career.

## Go social

Potential employees (and their parents and friends) will search your company on websites like GlassDoor.com and Indeed.com. What they’ll learn is what current and past employees think of you as an employer. Manage poorly or fail to uphold promises and chances plummet that you’ll get quality applicants. But help your people grow and develop and reviews will become the greatest magnet for excellent employees. Once you have a great employee experience, encourage employees to write reviews about what it’s like to work for your company.

In today’s transparent world, the real key to marketing is to authentically build a company worth engaging with. Employees need the same attention to detail as customers for businesses to succeed. **SB\***

Neal Glatt, CSP, ASM, is managing partner of GrowTheBench.com, which provides online education and training to the green and snow industries. Email him at [neal@growthebench.com](mailto:neal@growthebench.com).

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# Your 24-hour plan

Full season prep is one thing; how do you plan for each event?



By JASON OSTRANDER, CSP

For the past two months, winter preparations have been the focus. All of your machines and equipment have been updated, installed and tested and you've successfully arranged for a full season of operators and shovel crews. In fact, the only thing left to do is sit back and wait for the snow to fall! Oh ... if it could be that simple.

The true challenge isn't preparing for the overall season but rather the individual storm prep. What you do 24 hours before each snowfall can make or break your company's execution and delivery.

I recently polled a few of our most respected service providers and asked them what they do 24 hours before every storm. Here's a collection of their best advice:

## Check all equipment

• Greasing machinery and refueling vehicles are two processes that cannot be overlooked. Delegating that task might be one of the most important things you do all year. Have that person start and briefly operate each



**TRAINING:** Cross training your teams in the preseason can be a lifesaver in the event that workers are unavailable during a storm.

piece of equipment the day before it starts snowing in case you find that minor repairs are needed.

- Make sure all shovels, snowblowers and other smaller pieces are loaded into their appropriate trucks and are securely strapped down and ready for immediate travel. This is especially important considering most snow laborers simply jump out of bed and hit the ground running.

- Make sure the box of spare parts is loaded in the cab, and that the number of your 24-hour roadside assistance provider is posted where your operator can easily find it. When working with machinery in the cold, it's not a matter of if something will break down, it's a matter of when.

## Contact all crew members

As a snow contractor, your most valuable resources are the people that work on your team. But a big challenge is scheduling workers around the seasonality of snowstorms. While we can get a pretty good idea of when a storm is going to hit (thanks to modern technology), we're not as effective at predicting when people will be ready, willing and able to work a storm.

To combat this complex human

resource issue, here are a few things to keep in mind the day before a storm:

- Keep your team informed in the days leading up to the storm so that when you call to give someone their "start time" they're not totally surprised. Shooting quick texts with links to weather updates and model predictions will help them be ready as well.

- If possible, train everyone on the different roles within snow servicing. Early in my career, I was on a shovel crew and during one storm our only plow operator was sick and couldn't work. We were left scrambling and had to give some of our properties to another contractor so that we wouldn't leave customers stranded. Had I been cross-trained on the plow, that event would've had a much different outcome for the company.

- Twenty-four hours before the storm, send a detailed role sheet to everyone with very specific assignments, so everyone knows what they'll be doing. Not only does a multi-trained staff help the bottom line, it can also alleviate mistakes caused by boredom and routine. Starting a group text with your team at least 24 hours out from a storm will ensure that everyone is starting off on the same page.



### Double-check material stock

If you're waiting until 24 hours before a storm to make sure that you have enough product, you waited too long. Make sure that your bulk salt piles are topped off and that you're carrying more than enough bag product for an all-day storm. For sites that have specific product requirements (CMA, pet safe, etc.), make sure that you have more than one storm's worth in stock.

### Track the weather

There are plenty of weather apps available, the key is to find one that works for you. Must-have components to any weather app include radar tracking, precipitation monitoring and multi-model forecasts. Keep in mind that all weather apps are not created equal and you don't always get what you pay for. It can be advantageous for your team if you utilize different channels and applications so that you get a broad range of opinions to work from.

### Rest and prepare

Two things not normally associated with servicing a snowstorm are rest and relaxation. In fact, snow contractors often tell stories of being worried and anxious during winter events. Whether it's the elements that you're battling or the constant ringing of your phone as you're trying to navigate treacherous conditions, there is definitely something to be said for physical preparations prior to a storm.

Think about your normal routine 24 hours before an event. It's probably full of phone calls, multiple driving trips and physical exertion. A day like that can really get your internal engines revving. Mixing that with the anticipation of getting up early for

work equals very little sleep the night before a workday that requires you to be at peak performance and attention.

If you don't sleep well the night before a storm, consider getting the best sleep you can two nights before. Also, pay close attention to the foods and drinks you're consuming. Stay away from sugars, sodas, alcohol/drugs and

processed fast food. Your body will thank you while you're working, and it just might reward you regardless of your limited amount of rest. **SB**

Jason Ostrander, CSP, is director of marketing for Sauers Snow and Ice Management, and a member of the *Snow Business* Editorial Advisory Committee. Email him at [jostrander@sauersinc.com](mailto:jostrander@sauersinc.com).

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# Setting a standard

Documenting responsibilities can help your employees outperform



By BRENT AYLES

In life, we take many things for granted. For instance, the tasks we do that take minimal effort (like brushing our teeth and showering) seem to come naturally. However, we spend valuable think time throughout our lives figuring out the best way to complete those tasks with minimal time and effort. As a result, those mundane tasks are standard to us to the point that we don't even think about them. So why not bring some of that standardization to our work activities — those things we do day in and day out? After all, we spend the most time in life at work.

## Welcome to SOW

I'm referring to establishing a standard of work. This process identifies the key task and how to perform it with a desired outcome and benchmark. In my company, every team member receives a standard of work manual — a “best practices guide” where they can utilize their tasks that are associated with both management and field operations. The key is to understand that when management writes a set of goals and procedures, they must be willing to receive feedback from those implementing the activities. The manual is also used for mentoring, teaching and documenting follow-up, which makes it a valuable tool.

## An interactive manual

As part of our standard of work system, we encourage new ways of continuous improvement by allowing others to bring ideas and suggestions. New ways are tested and if proven to be more efficient and effective — over 3 times via trials — then the new method is adopted. This encourages continuous improvements. Standard of work

Snow Removal Operator Snow & Ice Responsibility Report - SOW		
Complete for every storm & hand in with time cards and route sheets		
STORM DATE:		VEHICLE:
Name:		✓ Initial
Start Mileage:	End Mileage:	
<b>Snow &amp; Ice Equipment Pre Storm Maintenance Procedures: (Estimated 5 Mins per storm)</b>		
<b>Ensure ALL trucks, plows, tractors &amp; loaders have been inspected before each snow event</b>		
1. Ensure all bolts are tight, wiring, and hook up		1
2. Inspect cutting edge wear / adjust as required		2
3. Inspect frame on plow trucks		3
4. Check fluid levels / add as required		4
5. Make sure SALTER has tarp secured or cover on tight (when using!)		5
6. Inspect wiper blades / lights		6
7. Tire pressure check / adjust as required / Check wheel lug nuts		7
Loader / Blowers Additions:		
8. Ensure all bolts are tight, wiring, and hook up		8
9. Grease tractor loader / blower		9
10. Ensure extra shear bolts, top link, and wrenches are in cab		10
11. Ensure tractor/loader is unplugged from designated area before leaving		11
Responsibility for your Route - Storm Event Procedures:		
1. After 1 hour of call out - contact team via radio to confirm your arrival (contact if needed to update on no show (only if required)		1
2. 1st visit perform snow control services route - check in with team hourly on radio		2
3. 2nd visit inspections / visit sites again to ensure no drifts or plow cuts		3
4. Once completed route check in with zone supervisor and assist other drivers		4
5. Salter/Sander ensure all materials are removed prior to completion DO NOT LEAVE SALT/SAND IN HOPPER - IT WILL FREEZE		5
6. When done - Park straight in designated spot at shop		6
7. Note any problems here to ensure repairs are complete:		7
HAND IN AFTER SNOW EVENT WITH TIME SHEETS		
<b>Supervisor Sign off:</b>		

**CREW RESPONSIBILITY:** Documenting expectations for standards of work clears the path for employee accountability, better recordkeeping and benchmarking success.

activities will help develop benchmarks and team targets. A team only succeeds when it has clearly defined expectations. People naturally want to compete. Take the time to define a win and report it.

It's nice to know the wins and losses, but time also needs to be known and reported clearly as it defines the window to accomplish our goals — whether it's 5 weeks, 160 days or 6 months. Assigning a time frame and documenting it will encourage everyone to constantly outperform their benchmarks.

Standardizing our work activities helps develop these scoreboards. As the old saying goes, if you don't

measure it how can you manage it? In a standard of work document, we often discuss workplace issues, human resource concerns, etc. Establishing and documenting standards of work in a manual helps companies grow and achieve results as it engages the team toward wanting to beat the scoreboard. The only difference between ordinary and extraordinary is just a little bit of *extra* — define what it is and strive to achieve it! **SB**

Brent Ayles owns Ayles Natural Landscaping Ltd in Riverview, New Brunswick. Learn more at [aylesnaturallandscaping.com](http://aylesnaturallandscaping.com).



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# Continuous improvement

To get better, train, communicate, benchmark — and be willing to change



BY PHILL SEXTON,  
CSP, ASM

“Improve.” It’s central to the continuous improvement model. There are several areas of a snow and ice management operation where you can use the Sustainable Winter Management (SWiM) model to drive improvement. The primary SWiM guidelines to include as a standard set of policies for improving your snow and ice management operation include:

## Change

Developing a company culture that accepts change and continuous improvement is potentially the most challenging for any organization. Change is so important because as an industry, our clients are accustomed to a business-as-usual approach to managing snow and ice conditions. Innovation, optimization, and increasing efficiencies and profits are all enabled by change and a systemic cultural acceptance to change. It only takes one person in an organization to sabotage change for the sake of improving.

How do we change? First, we need to ask the question: What would be worth changing for the positive?

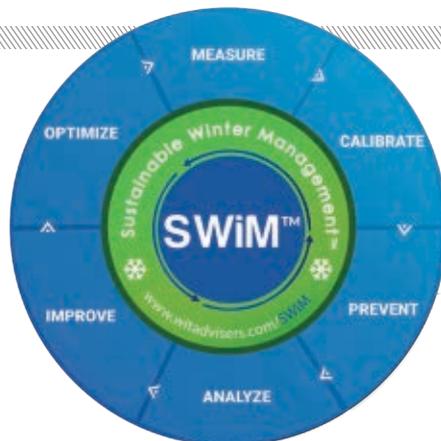


**TRAINING:** Consistent, scheduled training opportunities are critical to building a culture of continuous improvement.

Profits? Quality and the level of service (LOS) for your clients? Morale? Differentiating yourself from the competition? Work-life balance? The

amount of sleep you and your team are getting or lacking? If these questions resonate with you and your team, congratulations — you understand why change and continuous improvement is critically important to sustain any business or operation.

**EDITOR'S NOTE:** This article is the sixth in a series that discusses policy, methodologies and environmental stewardship through the lens of sustainability as it applies to winter management operations. Each issue will look at one of the categories of SWiM policy standards.



## Benchmarking

Set and follow targets for production, material/inventory outputs (including salt use) and overall costs. These are things you can benchmark against your own company’s performance and that of the industry’s best practices standards.

## Communication

This is an area where we all can improve. To do so, we need to determine what needs improved. Are we communicating to the proper decision makers or do we need to improve our levels of relationships? When and how often to communicate? Do our clients/constituents see us as approachable? Are we available to those with whom we should be communicating? What message needs communicating? How can we best deliver our message using tools, technology, cadence and reliability?

## Training

What does your training look like now? Is it the typical half-day once or twice a year style that expects your employees to “drink from a fire hose” and then expect 100% retention of what’s taught? Or is there a more regularly scheduled cadence of focused topics for learning? Is your training well thought out, developed and scheduled? Or is someone asked to put something together the night before?

## Level of service

Not to be confused with scope of work, LOS is the level of expectation(s) a client or constituent expects when it snows. It’s what gets sold and is produced. It’s the benchmark of quality.

Because it’s the core of any snow business, it begs the question: How do we improve it? What needs to be measured to then improve upon? How do we measure LOS? With cameras, written documentation, automated tracking or guessing?

## Safety

Embed safety in every training or educational opportunity — across every level of your operation. Safety tailgate talks on their own only scratch the surface. Whether it’s plowing snow, shoveling walks, cleaning trucks, mowing grass or working at a computer, the safety components that make up each operation and function of every job is what needs to be taught. Not necessarily the safety aspect

individually. It needs to relate to every job role within the organization.

Increasing your ability to control costs, manage risk and enable continuous improvement is possible when you practice the “Improve” policy and other SWiM guidelines. These guidelines are designed to help snow and ice management operations

start with a simple set of criteria. It’s up to you how you want to improve with them. **SB**

Phill Sexton, CSP, ASM, has been working in the winter management profession for over 30 years. He is managing director for WIT Advisers (WIT), which serves as an industry adviser to SIMA. Email [psexton@witadvisers.com](mailto:psexton@witadvisers.com) or visit [www.witadvisers.com/swim](http://www.witadvisers.com/swim).



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# SIDEWALK SAFETY

➔ Sidewalk crews play a crucial role in snow clearing operations; and they are the team members most exposed to the elements during a storm. Be prepared to safely perform in the field by knowing how to identify hazards, dress for success and when to speak up if you feel unsafe.



## COLD & LOW VISIBILITY

Sidewalk-specific personal protective equipment (PPE) should include insulated boots and gloves; layers of breathable warm clothes; waterproof, high-visibility jacket; socks that wick moisture; and hat (be prepared with extra gloves, hats and socks in case they get wet). Use signage to alert the public that there are crews at work.



## UNEVEN SURFACES

Hidden obstacles can cause trip and fall injuries; in addition, obstacles (e.g., raised sidewalks, manholes, etc.) can catch the edge of a shovel or attachment, causing injury to the person operating it.



## TRAFFIC & LOW CLEARANCE

When clearing sidewalks face oncoming vehicle traffic whenever possible so you can see the traffic and drivers can see you. Be cautious of low-hanging branches, signs or structures that may cause injury during snow operations.



## SAFE SHOVELING

Stretch before and after shoveling. Push snow instead of lifting whenever possible. If you must lift, do it with your knees and avoid twisting with your back. Shovel in intervals, taking breaks to prevent overexertion, and stay ahead of accumulation.

TEAR OUT AND SAVE

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**SNOWEX**

# SIDEWALK SAFETY

➔ Don't be a hero — learn the warning signs and report to your supervisor if you or someone on your team appears in danger from continued exposure to precipitation, wind and cold. In addition, take your safety into your own hands by wearing proper PPE, staying hydrated and nourished, and ensuring bathroom access is available prior to leaving for the site.

COLD STRESS FACTORS, TREATMENT & PREVENTION			
CONDITION	Hypothermia	Frostbite	Trench Foot
<b>IMPACT</b>	Normal body temperature drops to 95°F or less	<ul style="list-style-type: none"> <li>• Body tissues (e.g., hands, feet, face) freeze</li> <li>• Can occur at temperatures above freezing due to wind chill</li> </ul>	Non-freezing injury to feet due to lengthy exposure to wet, cold environment
<b>SYMPTOMS</b>	<p><b>Mild:</b> Alert but shivering</p> <p><b>Moderate to Severe:</b></p> <ul style="list-style-type: none"> <li>• Shivering stops</li> <li>• Confusion</li> <li>• Cold, bluish skin</li> <li>• Slow or slurred speech</li> <li>• Heart rate/breathing slows</li> <li>• Irritability, irrational behavior</li> <li>• Memory lapses</li> <li>• Loss of consciousness</li> <li>• Death</li> </ul>	<ul style="list-style-type: none"> <li>• Numbness</li> <li>• Reddened skin that develops gray/white patches</li> <li>• Skin feels firm and may blister</li> </ul>	<ul style="list-style-type: none"> <li>• Redness</li> <li>• Swelling</li> <li>• Numbness</li> <li>• May blister</li> </ul>
<b>TREATMENT</b>	<ul style="list-style-type: none"> <li>• Call 911 in an emergency</li> <li>• Move worker to warm place</li> <li>• Change to dry clothes</li> <li>• Cover the body (including head and neck) with blankets</li> <li>• Do not cover face</li> <li>• Give warm drinks</li> <li>• Apply heat packs to armpits, sides of chest, neck and groin for rewarming</li> </ul>	<ul style="list-style-type: none"> <li>• Follow Hypothermia treatment</li> <li>• Loosely cover and protect the affected area from contact</li> </ul> <p><b>DO NOT:</b></p> <ul style="list-style-type: none"> <li>• Rub the frostbitten area</li> <li>• Walk on frostbitten feet</li> <li>• Apply snow/water</li> <li>• Break blisters</li> <li>• Try to rewarm the area unless directed by medical personnel</li> </ul>	<ul style="list-style-type: none"> <li>• Remove wet socks/shoes</li> <li>• Air dry in warm area</li> <li>• Keep feet elevated and avoid walking</li> <li>• Seek medical attention</li> </ul>
<b>PREVENTION</b>	Dress in recommended safety PPE, drink warm fluids (no alcohol), take breaks in warm areas when conditions for cold stress are present. If ever in doubt, err on the side of caution and call 911.		

Source: Occupational Safety and Health Administration / SIMA



# SALT OF THE EARTH

In Egypt, an industry veteran learns the workings of salt supply



By CARL BOLM, CSP

**E**gypt possesses a mysterious aura. Maybe it's the combination of the culture and the people. Most definitely, it's the food. All I know is I keep going back for more, and not just for the most magnificent rock salt for my snow management businesses.

## Then and now

A lot has happened during my 30-plus years in the snow and ice industry. When I first started, I would purchase salt by the bag from a nearby hardware store. As my company grew, we would buy bulk product by the truckload. By 2010, we had grown so large that I started traveling with my own vessel to New Orleans to fulfill our clients' ice management needs. That's when I got hooked.

I liked the autonomy of selecting my own salt firsthand. Intuition plays a big part in my current role

as a major salt supplier throughout the Northeast and Midwest river systems. I now get to use my instincts to deal with a lot of unknowns. I am comfortable in this setting, and I embrace the challenge of what it takes to excel on this side of the business.

In 2014, we purchased 10,000 tons of quality rock salt from Egypt for the first time. A product sample was sent to me prior to ordering the shipment, and that was my "a-ha!" moment. It was unlike anything we had ever purchased. Egyptian salt has a finer consistency than North American salt. It doesn't clump and has less than 1% moisture so it is much easier to handle and doesn't freeze when the weather turns cold. I can still remember the texture of the salt, as well as the feeling that something bigger was about to happen.

It's a whole new world now that I am more involved in the supply side of the business. I enjoy working with foreign countries like Egypt and the associated variables in terms of price fluctuations due to fuel and logistical

*Continued from page 42*



**QUALITY CONTROL:** Carl Bolm, CSP, traveled to Egypt this fall for a hands-on purchasing experience. Bolm says the ability to inspect first-hand the quality of the salt being purchased is important for his company's snow management service and his purchasing customers.

## ICE MANAGEMENT

*Continued from page 41*

costs, tariffs, exchange rate of the dollar, government agencies, contracts and more. The company is aligned with savvy and passionate individuals who run the logistical operations and customer service.

### An Egyptian primer

Egypt is on the northeastern corner of Africa and ranks in the top 30 largest countries in the world. Egyptians wholeheartedly enjoy food-based gatherings with a roundtable family atmosphere. Belly dancing is a popular form of entertainment, and the official language is Arabic. Everything — from the downtown market in Cairo to dealing with vendors — is a negotiation.

The rich history and culture are marvels to be cherished. The people are very kind and giving, and relationship building is the foundation of international business. I have already built strong, deep relationships with our suppliers. It is a long trek to get there (more than 20 hours of travel coupled with an eight-hour time difference), and the only thing certain is uncertainty in the Middle East. I enjoy change, which is why I think I am so drawn to this land.



**IMMERSED IN CULTURE:** Experiencing the culture of Egypt has been a life changer for Carl Bolm. In his latest trip, he was able to mix business with pleasure for an immersive experience where he enjoyed the sights and sounds while also building relationships.



## SALTTRACKER



I have learned so much about the supply side of our industry. Transportation logistics play a key role in the availability and price of salt:

- The total cargo allowed to be loaded onto a vessel depends upon the restrictions for the load port and the discharge port. For example, when the draft (the depth of a vessel's keel below the water line when loaded) is shallower, the vessel will have to load more lightly. Conversely, where the draft for the port is deeper, the vessel can carry more cargo.
- When a vessel is heading to a barge port such as New Orleans, the salt is transloaded into barges that are towed to their final destination. Depending upon the river's depth, salt barges generally hold from 1,500 to 2,500 tons of cargo.
- These huge vessels can cruise to New Orleans and move the cargo to any number of terminals on the river system. We have brought in vessels with 55,000 tons of salt to New Orleans and then transloaded the entire cargo onto dozens of barges for delivery to six or more destinations.
- This entire process takes time, logistics, manpower, financial resources and a level of unpredictability as it moves to its final destination. Once a barge has been unloaded at a terminal, it is off-loaded, piled and placed in trucks that can hold anywhere from 10 to 40 tons. Then it's off to the end user.

**My latest salt odyssey**

My company has personally sourced salt worldwide from Brazil to Egypt. All of our product is third-party inspected and certified clean specifically for loading salt. The salt gets tested multiple times, both before it is loaded onto a vessel at our Egypt yard and when it is received in the United States. It's an intricate process with countless moving parts.

We work with many transportation methods, including laker vessels (they carry smaller loads of up to 22,000 U.S. tons of bulk salt into the Great Lakes from overseas), as well as larger ocean vessels that transport approximately 50,000 to 60,000 U.S. tons of bulk salt into deep water ports. The self-loading vessels have cranes and grabs to load and offload the bulk salt. The smaller and very large vessels have no equipment onboard for loading or offloading bulk salt, so shore equipment (such as shore cranes, conveyors, and floating cranes) is used.

My journey to date has been filled with plenty of life-changing memories and awe-inspiring people. I'm looking forward to continuing this sweet and salty experience for many years to come. **SB**

Carl Bolm, CSP, owns BSR Services, St. Louis' largest locally owned and operated snow and ice management provider, as well as bulk salt supplier Champion Salt. Learn more at [www.bsrservices.com](http://www.bsrservices.com) or [www.championsatlcl.com](http://www.championsatlcl.com).

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## Frost

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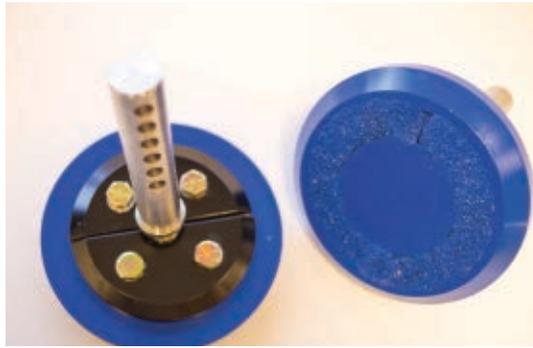
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## TOOLS

### Mitch Lee Products

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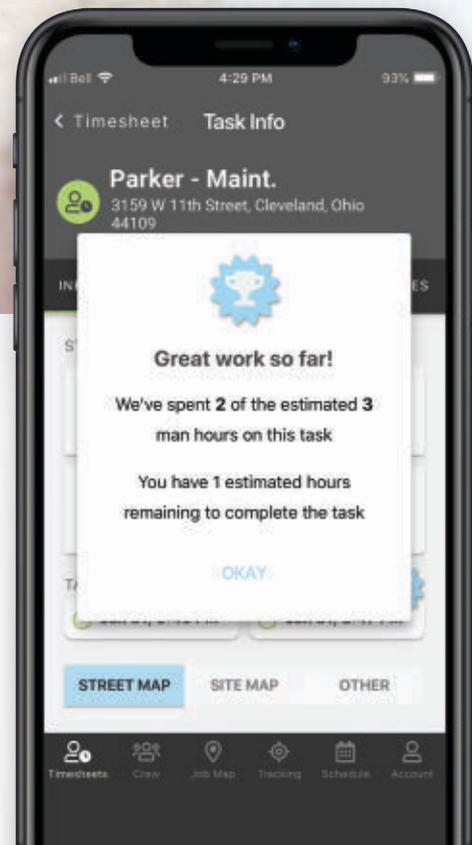


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