

# Oregon Landscape

3<sup>RD</sup> Quarter, 2015



## *Oregon's Landscape Professionals*



President's Message .....	2	Navigating the Future of Landscaping .....	10
Legislative Update .....	3	2015 Northwest Landscape Expo Exhibitors.....	12
OLCA Events Calendar .....	8	Expo Presenter Highlight . . . . .	14
Sponsor Acknowledgement .....	8		
Portland Chapter President Report.....	9		



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# President's Message

By Michael McQuiggin, OLCA 2015 President

Are you working hard ... or smart ...  
Or both?

Clark Griswold's father-in-law said "Even washing machines work hard!" This implies the obvious that we need to make sure we are also working smart by educating ourselves and our team with the latest information and technologies.

Who do you bounce ideas off of? Have they been in the same situation as you? Are you reinventing the wheel?... Who do you bench mark your companies progress against? What is your competition doing?

If you have been involved with OLCA you can easily name at least 5 or 6 contractors and another 5 or 6 suppliers that you have confidence in, and know can help you when you run into a new challenge. This is a great benefit of being an active member of OLCA.

Do you find it easy to hire quality employees and find you have to turn potential employees away?... To get the employees we need to grow or sustain our companies we need to work together to draw more young people to our industry. Other industries are competing with us for the same pool of employees and potential employees. This is something we need to be working on together. I encourage you to get involved with the **Academic Committee** and find out how you can make a difference for (your) our industry's future.

OLCA has just put on another round of **Certification testing**. I had the opportunity to judge this year and I am impressed with how professional and smooth this program is run.

It was great to catch up with people I haven't seen for awhile as well as meet

new people that are making a difference in our industry.

June 29th Lake Oswego asked residents to voluntarily conserve water. My company survived the '92 drought, when the water was cut off to the landscapes, so I am sensitive to this issue. My nerves calmed when I discovered how much the **Environmental Resource Committee** has done over the years. This Committee has shaped our future, in a positive way, by being involved with the water purveyors. Check it out on the OLCA website.

It is amazing how many ways you can get involved and benefit from OLCA;

- Legislative representation,
- OLCA Expo,
- High Desert Green Industry Conference,
- Members only content on OLCA website,
- Leadership Dinner
- Chapter meetings,
- State Board,
- **Committees**
- Landscape Industry Certified Tech Committee,
- Environmental Resource Committee,
- Expo Committee,
- Academic Committee,

There are many areas I have touched on in this letter, However one thing that ties this altogether is the value of OLCA. I want you to know how important OLCA is to our industry and how important it is for you to get involved to shape (your) our future.

What you receive through your association will greatly exceed what you give. It is the best value in business and has been for many years!



# Not With a Bang, But With a Whimper (T.S. Elliot)

Prepared by Bill Cross & Niki Terzieff, OLCA Lobbyists

The small troop of dogged Republicans still serving in the State Legislature were finally released the evening of Monday, July 6th - too late to truly celebrate Independence Day. After six months in Salem, the 25 House and the 12 Senate Republicans were sent home with their tails between their legs, whimpering that it was the “most partisan session in recent history.”

2015 saw a Legislative Session that liberals now laud as one that “put opportunity for working families first,” as characterized by Speaker Tina Kotek (D- North Portland) after adjournment last week. For a handful of Democrats who represent more conservative districts, however, the figurative red fern now sprouts where their political power once ran. Indeed, the fall of 2014 also ushered in the fall of former Governor John Kitzhaber. Before his unprecedented fourth term could even begin to take shape there was an explosion of transgressions and troubles emanating from the Executive Office.

Then First Lady of Oregon, Cylvia Hayes, found herself the centerpiece of his final reelection efforts - for all the wrong reasons. The shared vision for Oregon that these two had nurtured for years was shattered when Ms. Hayes’ missteps proliferated publicly - jeopardizing his legacy in a story line a kin to Fred Gipson’s classic American tale. Kitzhaber’s historic resignation was made public immediately after Oregon’s 156th birthday, February 14th; hardly the

Valentine’s Day gift anyone expected. As the Chicago Tribune Editorial Board noted in their open letter to flummoxed Oregonians: We’ve lost a mess of governors to the seductions of money, cronyism, clout. We never lost one to love.

In a transition that some Salem insiders describe as “bizarre” and “tragic,” the gates were then thrown open for Secretary of State Kate Brown to assume the Governorship. An unabashed liberal Democrat, Governor Brown struck a contrasting figure to her predecessor, raising further hopes for the newly energized majority in both chambers. Emboldened, Democrats pushed several key votes in the first days of this long Session, setting an initial tone of partisanship - some even asserted malfeasance. Daily there were public remonstrances and complaints by Republicans in the Senate and the House for what would amount to an overall charge of a hostile work environment.

Democrats, however, maintain they felt the squeeze of Realpolitik. Stuck between obstinate progressive interests and the looming election cycle (yes, already!), some felt their position difficult at best. In an attempt to thread the needle, leadership often indicated that they were concerned that a reach too far risked the very majority that allowed them to pass a slough of liberal, labor-and-lawyer focused legislation. Working to protect members under the Democratic Big Tent and honor perceived electoral commitments was unfortunately

only seen by many social justice, environmental, education and union advocates as a slight and indefensible excuse for not being willing to exercise their majority to the fullest.

Oregon maintained its status as foremost in the nation for issues ranging from access to women’s reproductive health care and firearm reforms, to fending off global warming and mandating paid sick-leave. Some issues, such as a comprehensive deal on much needed transportation funding, increase in affordability and attainability of working-family housing were staved off by powerful special interests who were able to leverage their relationships with some members of the middle. A hot-list of policies around the implementation of recreational marijuana, banning toxics from being sold in Oregon and the installation of an Earthquake Tsar were handled, though not gracefully, satisfactorily for another six months. Finally, other issues such as minimum-wage hike were left for another day, with the anticipation that the Democrats will not lose control of every branch of government - or just perhaps the U.S. congress will function.

Although matters of the day in Salem are now complete, the short, 35-day February Legislative Session is right around the corner and there is much to be done ... and probably some to be undone, too.

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1. Realpolitik (from German: real “realistic”, “practical”, or “actual”; and Politik “politics”, German pronunciation: Realpolitik is politics or diplomacy based primarily on power and on practical and material factors and considerations, rather than explicit ideological notions or moral or ethical premises.

2. Your Advocacy Team is not so naive to believe this will happen in the near future, but eternal optimists (and appreciative of an occasional glass of wine) we hope that this did not evoke too much of a bittersweet laugh.

### Oregon Landscape Contractors Association Priorities

For the Oregon Landscape Contractors Association, it was a fairly successful session considering the political circumstances. *Sometimes success in the legislative arena is not measured by bills getting passed but by bills being stopped. Because of OLCA’s legislative efforts, no legislation adversely affecting the landscape contracting industry specifically was passed in 2015.*

The Association’s Legislative Team tracked approximately 40 bills that affected our industry. A summary of all the bills monitored by OLCA and

their history can be viewed by going to the member’s only page on the OLCA website.

In addition, OLCA worked closely with a number of other business organizations to add leverage on many bills. OLCA would like to thank the OLCA Legislative Committee members, Board of Directors and staff whose collective efforts helped to enhance the Association’s credibility and effectiveness in the Legislative arena.

Some of the more significant legislation that OLCA played an active role in during the 2015 Legislative Session included:

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## Landscape Contractor Regulatory Reform SB 580 - Passed

SB 580-B passed unanimously in both chambers and will improve the landscape contractor regulatory program. The bill is a product of the Senate Interim Landscape Construction Professionals Work Group which included four representatives from OLCA. The Work Group reviewed LCB's licensure program, examination requirements for landscape construction professionals, continuing education and enforcement program. A number of issues that have been confronting landscape contractors the past several years were discussed. The Work Group's efforts resulted in a legislative proposal that will help streamline regulations for contractors and improve consumer protection.

Some of the specific changes include:

- Clarifies activities a licensed landscape contracting business so they may plan, install, maintain or repair ornamental water features, irrigation systems, fences, decks, arbors, patios, landscape edging, driveways, walkways and retaining walls.
- Eliminates the requirement for written contracts when the contract amount is less than \$2,000.
- Caps civil penalties against contractors not to exceed \$2,000 and gives the licensing board broader discretion in dealing with compliance issues.
- Allows for a variety of procedural changes for the landscape licensing board including the process of filing complaints and stop work orders.
- Increases the time allowed for address change notification to LCB from 10 days to 30 days.
- Provides for increased bonding requirements of \$20,000 for landscape jobs that exceed \$50,000 which protects the licensed landscape contractor and consumer for a minimal cost.
- Reduces the number of continuing education hours (CEH) required for license renewal to 16 hours of CEH over a two year period for licensees with less than 5 years of experience as an active licensee and 8 hours every two years of CEH for

active licensees with over 5 years of experience. This replaces the current requirement of 20 hours every 2 years.

- Permits licensed landscape contractors to remove or prune trees and install outdoor artificial turf excluding sports fields.
- Allows LCB and CCB licensees to work together more cooperatively to better serve the consumer.

Signed into law by Governor Kate Brown, the law will go into effect on January 1, 2016.

## Creating a LCB Practical Skills Licensure Test HB 3304 - Passed

Introduced by Rep. Dallas Heard (R-Roseburg), a licensed landscape contractor, HB 3304 allows

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a person applying for a landscape construction professional license to satisfy the examination requirement by either passing a written examination or passing an eight-hour skills test and attending a six-hour business practices class. The bill requires the Landscape Contractors Board to offer a practical skills testing three weeks each year starting May 1, 2016. It directs the Board to establish an applicant fee to offset full cost of the practical skills test and business practices class. HB 3304 also requires the current written examination to be translated to Spanish by January 1, 2016. The LCB must report to the Legislative Assembly by September 15, 2016, regarding the implementation of the practical skills test and business practices class.

### Other Bills of Interest

#### Low Carbon Fuel Standards

*SB 324 – Passed*

This bill repeals the sunset on provisions related to low carbon fuel standards and makes the adoption of rules by Environmental Quality Commission (Commission) on low carbon fuel standards mandatory. It extends the date by which standards to reduce the average amount of greenhouse gas emissions per unit of fuel energy of fuels by 10 percent below 2010 levels to the year 2025 or later if the Commission determines that the extension is appropriate. SB 324 authorizes the use of liquefied petroleum gas to meet the low carbon fuel standard and removes the requirement for the Commission to issue exemptions and deferrals to mitigate the cost of complying with

low carbon fuel standards based on comparisons of fuel costs with Petroleum Administration for Defense District (PADD) 5 region costs. The Commission is required to adopt rules for managing and containing costs of compliance with standards, including but not limited to ensuring people may obtain and trade credits for fuels used as gasoline or diesel substitutes. The bill was among the most tortured and controversial of the session and its passage ended up killing any opportunity to secure the adoption of a comprehensive transportation construction package this session.

#### Minimum Wage Increase Legislation

*HB 2009 and SB 327 - Failed*

There were a number of bills introduced to increase the minimum wage

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in Oregon – typically in graduated steps over a three to four period to \$13.50 or \$15.00 per hour. Issues of wage disparity and providing family wage sustainability drove the legislation. Labeled a “job killer” bill along with a number of other worker-friendly bills, a number of the business, agricultural and industry groups were successful in keeping it from going to either the House or Senate floor for a vote this session. However, this issue will likely be debated again in 2016. In the meantime, it also appears likely that there will be an initiative on the 2016 ballot to increase the minimum wage.

**Paid Sick Leave Legislation**

*SB 454 – Passed*

One of the few “employer mandate” bills to actually pass, SB 454 requires employers to provide sick time for employees. It requires sick time be paid if the employer has at least ten employees (except in Portland where the state will use the City of Portland’s current threshold of six employees) and sets the minimum rate of accrual at one hour sick leave for every 30 hours

worked. Under the legislation, an employee will be allowed to earn and use up to 40 hours sick leave per year. SB 454 requires employees to give advance notice of intent to use paid sick leave under certain circumstances and allows employers to require medical verification in certain circumstances. It prohibits retaliation or discrimination against an employee who inquires about or uses sick leave and classifies violations as unlawful practices under the jurisdiction of the Bureau of Labor and Industries. The bill also provides for private right of action and pre-empts local governmental authority on matters related to sick leave. SB 454 goes into effect on January 1, 2016.

**Allows Liens on Personal Employer Property**

*SB 718 - Failed*

The bill would have required employers to maintain time and pay records of terminated employees for three years from date of termination, to provide records to an employee if requested and to provide the employee with a written statement of reasons for termination. Designed to address

wage theft issues, it would have modified information to be included in an itemized statement provided to the employee each pay period. SB 718 would have established a civil right of action for certain wage claims for unpaid wages, for violation of certain wage statutes and specified a formula to calculate civil penalties. It would have prohibited discrimination by an employer against an employee for certain actions taken by the employee related to wage claims. Most troubling, the bill would have created a dangerous and unfair precedent in the wage-and-hour arena by allowing employees to file liens on an employer’s real or personal property based upon alleged, yet unproven, wage claims. OLCA joined with other business and industry advocates to successful defeat this legislation.

**Ban the Box Legislation**

*HB 3025 – Passed*

As approved by the Legislature, the bill forbids employers from asking about someone’s criminal history on a job application form. Seen as a means

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of easing recidivism by making it easier for ex-convicts to find work, the bill was watered-down from the original proposal which would have forbid employers from conducting background checks until after a conditional job offer was on the table. Other amendments make clear that violations of the new law which will go into effect January 1, 2016, will be handled by the Bureau of Labor and Industries and not the civil court system.

**Cease and Desist Legislation**

*HB 2386 - Failed*

The bill would have subjected employers to potentially unjustified imposition of cease and desist orders by the Bureau of Labor and Industries, which, once issued, could require

costly court proceeding to have removed. The bill was worked by the House Business and Labor Committee but could not secure enough votes on the House floor to pass.

**Mandates Predictive Scheduling**

*HB 3377 - Failed*

This bill would have required the employer to establish a “mutually acceptable work schedule” upon an employee’s request for a flexible or predictive work schedule. It would have mandated that employers provide alternative work schedules and included provisions for considerable advance notice before a shift in employee schedules. While the bill failed to get out of the House this session, it appears that legislation on predictive scheduling will likely be back in 2016 or 2017. This report has been prepared by OLCA’s government affairs advocates Bill Cross and Niki Terzieff.

*Calendar*  
**OCTOBER**

- 7 OLCA Portland Chapter Meeting  
*Lucky Labrador*
- 28 OLCA Annual Landscape Leaders Dinner  
*Kennedy School McMenamins*

**NOVEMBER**

- 4 OLCA Portland Chapter Meeting  
*Lucky Labrador*

**DECEMBER**

- 8 Expo Kick-Off Party sponsored by OLCA Portland Chapter  
*Kennedy School McMenamins*
- 8 OLCA Pesticide Training  
*Oregon Convention Center*
- 9 OLCA Northwest Expo  
*Oregon Convention Center*

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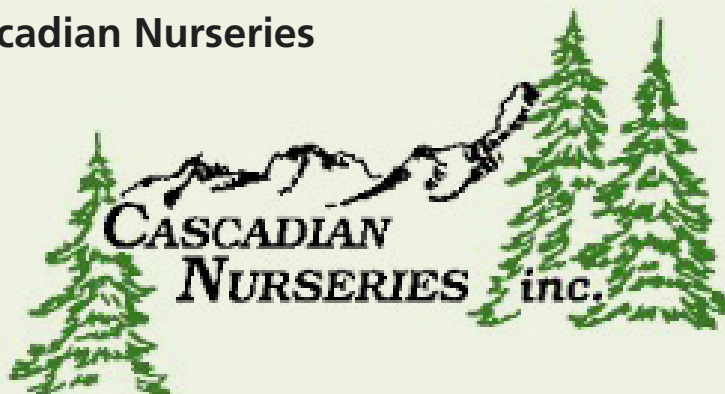


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# Portland Chapter President Report

By Jim Larson, OLCA Portland Chapter President

In the past few weeks, I have visited with many of you and other landscape contractors, designers and architects. What I am hearing and learning is every landscape business in our area is busy beyond the capability of taking on more work for months. Projects are being designed and signed with no way of starting the project until sometime in the fall. What a great place to be after many years of wondering where the next project is going to come from and slashing bids just to get the work. There is more work now than ever before and at the same time, not enough employees and subcontractors to get the work done in a timely manner.

I had lunch yesterday with my youngest son who is a project manager for a company in the Portland area that builds ADU's (Accessory Dwelling Units). He told me that the framer he was using, who he has known for years, informed my son that he does not have the time to frame my sons projects anymore. The framer also framed for a major building contractor in our area. Most likely the framer was offered more money to frame for the other company. Now my son is scrambling to find a quality framer to frame his current projects and those coming up. He of course is not going to turn down potential projects. Landscape contractors are in the same boat. How long does it take these days to have an electrician show up on your job site and most likely they may not show up when scheduled.

There is a shortage of qualified and skilled people. The competition for

these people is great. I have been told by some of you that other companies are soliciting your employees at gas stations and offering to pay them more money to come to work. Is this what our industry has come to?

I visited the Certification testing on July 24th at Clackamas Community College that OLCA has done for over 20 years now. I was told there was only 39 participants. I know everyone is busy this year. Do companies and employees not see the benefit of receiving certification? A certified skilled work force is going to make your company stand out from the competition. And now the State of

Oregon is looking at the Certification program because they are now required to do a hands-on testing program three times a year for the OLCB license.

There is discussion going on about bringing back the Awards program. I encourage you to participate in this discussion.

Let me know your thoughts on these subjects I have mentioned above and others. The Portland Chapter meeting will be on September 2nd. The topic is "They Said What" - Reputation Marketing & Management for Landscape, Garden and Patio Professionals. I encourage you to attend.

*Save the Date....*



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# 2015 OLCA NORTHWEST LANDSCAPE EXPO

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the forefront of the industry.

The Northwest Landscape Expo offers a variety of educational opportunities to the entire landscape team. This year's Expo will also offer fee-based seminars that are designed to present valuable information on a variety

of subjects to owners/operators, key people, team leaders, decision makers, project managers, schedulers, designers, sales people and supervisors.

Here's a Sneak Peak at the speaker line up....

### Expo Sessions

- Vegetated Water Quality Facilities – Where Are We Now, Where Are We Going?
- Rooftop Gardens
- Safety Leadership Happens in the Middle
- Updating the Trends in Pondless Water Features
- Spanish Track: Safety and the Supervisor –La Seguridad y el Supervisor
- Organic Land Care Panel Discussion
- The Future of LED in Outdoor Lighting
- “Obamacare” – Change or Hope?
- The Future of Natural Water Features
- Spanish Track: OSHA Hazard Communication – OSHA Comunicación de Riesgo
- Future of Irrigation
- Polymer Coated Fertilizers
- Rain Harvesting
- The Role of Landscaping in PlaceMaking

- Spanish Track: Plant Identification - Planta de identificación
- Cleaning and Sealing Your Pavers
- It's All About the Details...
- Turf Type Tall Fescues – Your Sustainable Low Input Turfgrass Option in the Landscape
- Spanish Track: What's in the bag? - Qué hay en la bolsa?

### Fee-Based Seminars

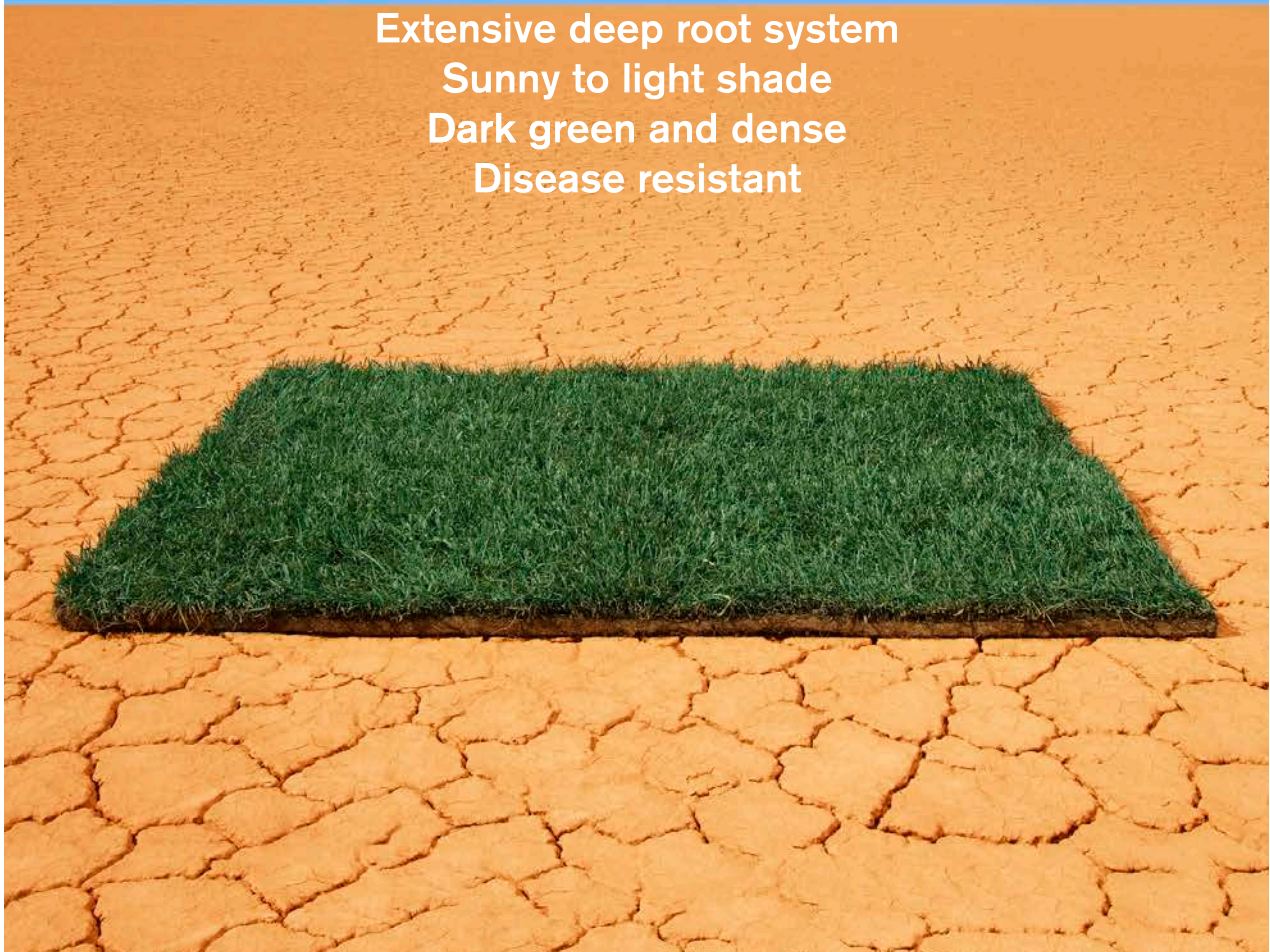
- Three (3) Cultures that Exist in Every Successful Company
- Trends in Environmental Landscaping...Are You Ready for the Drought?
- Transition to Leadership & Leadership Styles (presentation will be in both English & Spanish)
- The Intergenerational Work “Family”

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LANDSCAPES

Products **John Deere** will be highlighting this year is Moisture Manger and a product line with Belgard Hardscapes.



Check out the following new products at the **Kuenzi Turf & Nursery** Expo Booth!

The new Rhizomatous Tall Fescue

Kuenzi Turf & Nursery Continued on Next Column

# EXPO EXHIBITOR HIGHLIGHTS

(RTF) has many great qualities.

- Self repairing Rhizomes to fill in bare spots.
- Strong deep root system.
- Very Disease and insect resistant.
- Excellent color and density.
- Drought tolerant.



**L&H Seeds** has been a highly respected provider of quality native grass, wildflower and turf seed for over 30 years. We understand every critical aspect of the landscape seed business, and have helped numerous contractors such as yourself revegetate thousands of acres throughout the West. From home lawns, to DOT roadways, to pipeline reclamation requiring multiple custom blends—we have the inventory and expertise to help you succeed.



In this fast-paced and ever-changing market, we understand the issues your company may experience and the impact that higher premiums have on your business. At **LaPorte**, our goal is to maintain the integrity of your insurance program, all while keeping the bottom line in mind. Come see us, for details on how we're protecting Landscape Contractors' assets and pocket books!



**Northwest Shade Trees** offers over 300 cultivars of b&b deciduous trees and conifers for all your projects, large or small. Extend your season with freshly dug plants

Northwest Shade Trees Continued on Next Column

from our summer digging program. Please stop by our booth and learn about the new selections your customers will be asking for.



This year in the **Nursery Connection** booth we will showcase a new moss control product for use on roofs, sidewalks and patios. Also, a new systemic insecticides for control of aphids and lace bugs. For fertilizer we will have a new polymer coated slow release product for use in turf and landscape ornamentals.



**Oregon Turf and Tree Farms** is excited to announce or affiliation with the **The Turfgrass Water Conservation Alliance**. Our Tall Fescue Sod, is the only sod grown locally with varieties that have received the seal of approval from TWCA.



**Rexius** has defined the bulk material applications industry with its expertise in Blower Truck technology. With the Express Blower “blown in” application, Rexius can blow a wide variety of mulch, landscape soils, compost, rock, roof top soils and playground surface materials. Our service is the most efficient way to spread ground cover materials! Come see us at booth #502 to check out our products.

New and Unique! **ROXBLOCK** is new to the Northwest, but has been an innovator of producing the most appealing and natural looking hardscape products for nearly 20 years. Everyone appreciates our unique, natural-looking (multi-tone) appearance with a hand coloration system. With ROXBLOCK - no two walls or patio slabs will look alike!



**Stark Street Lawn and Garden** is celebrating 50 years of providing solutions to the Portland area landscape professionals. We have the best selection of equipment available and in stock including Deere, Toro, Exmark, Wright, Ferris, Walker, Stihl, Echo and Shindaiwa. We have employees that love to sell equipment whether it is \$200 or \$20,000. And we offer great fleet, financing and pricing programs every day. Check out one of our 6 Oregon locations for all your parts, service and equipment needs.



**Walker Mowers** strives to be a leader of industry innovation. With the recent addition of both a propane-powered non-collection machine, and also a smaller-property focused Model S (collection and non-collection options available), Walker believes now more than ever that we have the solution to your lawn maintenance needs. Check out [www.walkermowers.com](http://www.walkermowers.com) for more information on our new and ongoing equipment, or to schedule a free demo of your own.

EXPO PRESENTER HIGHLIGHT . . . .

# Ermelindo Escobedo and Work Strategies

Ermelindo Escobedo, owner of Work Strategies, grew up in sunny Yakima Valley and worked in agriculture with his family. After graduating high school, he went on to get his bachelor's degree at Eastern Washington University then earned a Master of Public Administration degree from The Evergreen State College. He has over thirty years of experience in human resource training, public speaking, mediation and investigations. His human resource experience is in both the state and private sector. He retired from the

State of Washington in 2012 and began working full-time on his consultant business, Work Strategies. He is fluent in Spanish. He currently lives in Olympia, WA, with his wife Susan Escobedo. They raised three sons.

Work Strategies is fulfilling a need for small companies for training, coaching, and at times, investigations. The company has been successful for many reasons. One reason is that training, job coaching and investigative interviews can be

done in English, Spanish, or bilingually if needed. A second reason is that with Ermelindo's agricultural background, he understands the work environment. Third, because of his education and human resource work experience, he is able to give engaging training with knowledge of the law and best practices which is greatly needed in this and every industry. Fourth, along with presenting the right information, he strongly believes that effective training requires getting participants

CONTINUED ON PAGE 15

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**CONTINUED FROM ON PAGE 14**

involved in working out common workplace scenarios and also role-playing in order to practice new found knowledge to enforce and build needed skills. Fifth, he presents his training on-site so employees do not need to travel in order to benefit. The training can also be customized for the company's unique needs. His clients give the classes excellent ratings and consistently recommend his services to other companies.

Two of his most popular classes are Workplace Harassment and Leadership 101.

In the Workplace Harassment class, these questions are asked and answered:

What is harassment? How do you prevent harassment from occurring? What sorts of policies should be in place? What should managers do to protect their employees? And if a complaint is filed, what steps should be taken?

For a specific company's workshop, he will take time in class to explain the company's harassment policy, investigative process, etc. which makes the training even more relevant.

Several interactive, work-specific examples of harassment incidents are given as well as the appropriate way to respond to each. The training also includes how to deal with similar situations that are negative in nature but are not legally considered harassment. At the end of the workshop, the participants will have been educated on both negative situations and harassment situations and will have the tools to be much more comfortable in dealing with them.

Another popular course is Leadership 101. This class focuses on leadership skills which teach the managers that leaders "do the right thing". A discussion will take place explaining that leadership is having the ability to inspire and motivate people to follow you. In today's work environment, managers get work done through their employees so it is critical to motivate, develop and coach employees to perform at their optimal level. This session includes identifying and addressing each individual leader's natural leadership style and how it impacts them and their team in the workplace. Several skill-building,

interactive exercises are included which energize the group and encourage participation.

The benefits of giving this leadership training to employees are:

- The managers will see themselves as leaders and raise the performance bar for themselves and their team.
- Each leader will have increased knowledge and skills and will be able to spend more time on motivating, coaching, developing and inspiring and less time on negative, unproductive activity.
- The leader and his/her team will have the knowledge and skills to work together to create a positive work environment.

For more information on Work Strategies please visit the website:

<http://www.workstrategieswa.com>

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