

Oregon Landscape

1st Quarter, 2019



Oregon's Landscape Professionals



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President's Message

Lisa Walter-Sedlacek, Laurel Bay Gardens, Inc.

I looked at my calendar last week and then gazed out my window; the two items didn't mesh with my normal view of gardens and time. The spring blooming shrubs are saying, "Whoa, wait a minute. Are we still in Oregon?" It's been a cold wet February for us at the Oregon Coast, and it appears for the rest of Oregon as well.

I'd like to formally say hello and introduce myself. I am a landscape contractor from the Central Oregon Coast and have been in the landscape industry for 30 years. I own Laurel Bay Gardens, a mid-sized company that started in landscape maintenance, added installation and irrigation in the mid 1990's, then opened a retail garden center in 2005. I have been a member of OLCA for about 22 years; I served on the Lane County Chapter Board for seven years, and have been on the state OLCA board for five years. I also served on the Landscape Contractor's Board for six years.

I love plants, landscapes, and green lawns. I am passionate about our industry. I believe in the professionalism of our industry, and of the ability to have a career, make a great living and enjoy it while it all happens. That is why I believe in OLCA. When you belong to OLCA, you get the chance to network and benefit from an entire universe of knowledge and experience from your fellow OLCA members. I have asked many of my fellow OLCA members questions from employment issues to what's a great mower to buy for wet lawns. The landscape company operations wheel has been invented and is constantly evolving; OLCA allows us to find ways to access that wealth of business knowledge and become better business managers and owners.

Our goals this year as a board include continuing to help our members grow in a challenging and fast paced business environment. Focusing on improving OLCA's media presence and tangible benefits to our members are continuing to be important items for our board. Our legislative committee works hard to be a strong voice for our industry in local political scenes and our state legislature. Our education committee works continuously on building strong relationships with our community colleges and high school career programs to work on developing a viable landscape work force in the years to come.

We are reaching out to you, as a member of the landscape industry, to help our board with these goals. Give us feedback, join a committee, or help with a project for a day. There are many ways to get involved. If you don't belong to a formal chapter, consider how to have informal meetings with other landscape industry professionals and vendors in your area to share ideas and collaborate. Let us know how we can help you with issues or ideas to help you grow as a landscape professional. Elisabeth Kubler-Ross wrote, "Should you shield the canyons from the windstorms, you would never see the true beauty of their carvings." Managing a business in our landscape industry world can be unpredictable and overwhelming with the fast pace of change. As OLCA members, we can be a team and feel strong in the face of an ever changing consumer world. At the end of each day we can appreciate the beauty of our work and its carvings.



ERC Committee Report

Annie Bamberger, ERC Committee Director

My name is Annie Bamberger and I am the owner of ANNIEBAM Landscape Solutions. I am also the ERC Chairwoman.

I have taken some time to settle into this position, which is a 2-year commitment. Now that I am settled in to this position I have been able to get some amazing people to join me in a committee to tackle some hot topics and gather information to share with you.

Here are some of the topics that we are looking to tackle:

Gas powered blowers vs. Battery powered blowers:

In Portland there is a group called CleanairPDX. They are advocating for a ban on 2 stroke blowers. Their platform is that 2 stroke engines emit a ton of pollution. There are links of studies on the ERC tab on the OLCA website.

It is a hot topic across the country. Here are some (there are many more) cities, towns, counties and states

which ban or restrict the use of blowers:

- Arlington, MA
- Aspen, CO
- Belvedere, CA
- Berkeley, CA
- Beverly Hills, CA
- Boulder, CO
- Brookline, MA
- Cambridge, MA
- Carmel, CA (banned in 1975 – first city in the USA)
- Claremont, CA
- Del Mar, CA
- Dobbs Ferry, NY
- Evanston, IL
- Foster City, CA
- Framingham, MA
- Hastings, NY
- Honolulu, HI
- Houston, Texas
- Indian Wells, CA

The ban has stretched from Coast to Coast. The ERC would like

to get member feedback on this topic. Keep an eye out for a survey coming your way on this topic. We need crucial information so that the ERC can represent the membership in communication with groups like CleanairPDX or others.

Other topics include:

- Bans and restrictions on pre emergencies, fungicides and weed and brush killers. Along with this offering updated information and techniques for alternative approaches
- Water management resources and legislation around water management and use of.

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Board Retreat

Lisa Walter-Sedlacek, OLCA President

Do you know who your OLCA Board is? We are your board of directors, chapter representatives and committee chairs who are focused on the professionalism of our landscape industry. From following legislative issues, strengthening our media presence, adding value to your membership, making Expo happen, to connections with community colleges for our future work source, we are working hard to help our members stay abreast of current industry happenings. The OLCA Board held a retreat in January to develop and strategize our 2019 priorities and goals. During Past President Jesse Brough's term, we developed three

task force groups for helping OLCA become a more relevant and beneficial organization. Part of our January retreat was spent prioritizing goals for 2019.

- **Industry Task Force:** This task force was developed to help define who OLCA is in the industry through mobile apps, social media, event notification and adding educational content for diverse population groups.
- **Organization Task Force:** This group's focus is to develop a list of organizations with the landscape industry that OLCA could partner with for education, consumer awareness, environmental issues,

legislative issues, possible presenters and reciprocating membership pricing at events.

- **Consumer Awareness Task Force:** The focus of this group is to help create a plan to reach out to consumers regarding who OLCA is and promote the professionalism of the landscape industry by developing a consumer awareness plan which will establish OLCA as the "go to" for landscape in Oregon. Strategy will include social media, marketing platforms, website development and enhancing OLCA's online presence.

As you can see, all of these groups overlap and share a common goal of increasing awareness of our profession and enhancing communication in our industry. We would love to have you join one of your groups. If you have any interest in being a part of the one of these groups, we would love your input and support. Email OLCA at info@oregonlandscape.org, or me, at lisa@laurelbaygardens.com and we will get you connected!

Social Media Process

Angie Snell, OLCA Central Oregon Regional Director

A goal that OLCA Board has set is to increase consumer awareness of our association. In an effort to build consumer awareness, OLCA has begun to engage in social media. We are encouraging our members to submit 3-5 images per year to be used in marketing and social media. Any time a member's photo is used, that member will receive recognition and free advertising!

We strongly encourage members to ensure that their company profile and contact information is complete and up to date so that consumers can quickly locate you through our database.

Suggested Social Media Submittal Process

Photos – 3-5 images in JPEG format not to exceed 1MB per image. Image may have company logo embedded.

Use – by submitting photos you authorize its use in marketing for



OLCA. Marketing may be website, social media, or print. An individual company will not be promoted more than once per quarter.

Process – please include your preferred method of contact for potential customers. The following is required:

Company Name, Company website, Company phone number

Welcome New Members

REGULAR MEMBERS

Mike Spitz

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Landcare

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Kristin Gureck

Samantha Rothberg

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OREGON EMPLOYMENT LAW

Fair Employment Laws – Equal Pay Law



In 2017, Oregon enacted the Equal Pay Law to broaden the state’s protections against pay discrimination for employees and applicants. This Employment Law Summary provides an overview of the changes.

Overview

Oregon’s Equal Pay Law applies to all employers with one or more employees in the state. The law addresses:

- When an employer may seek an applicant’s or employee’s pay history;
- Pay discrimination based on a protected class, past compensation and participation in enforcement proceedings; and
- How individuals may enforce these provisions against employers.

In addition, the Equal Pay Law requires employers to post a notice in their employees’ workplaces.

Pay History Inquiries

Effective Oct. 6, 2017, the Equal Pay Law prohibits employers from seeking the salary history of an applicant or employee (either from the individual himself or herself or from the individual’s current or former employer) until after making an offer of employment to the individual. For this purpose, an employment offer must include a specified compensation amount.

Enforcement

Also effective Oct. 6, 2017, individuals who believe an employer has violated the Equal Pay Law’s prohibitions against pay history inquiries may file a complaint with the Oregon Bureau of Labor and Industries (BOLI) against

the employer. Effective Jan. 1, 2024, however, these individuals will also have the option of filing civil lawsuits in Oregon circuit courts against an employer. Complaints or lawsuits for alleged pay history inquiry violations must be filed within one year after an alleged violation occurred.

Unlawful Pay Discrimination

Effective Jan. 1, 2019, the Equal Pay Law makes it an unlawful practice for an employer to:

- Discriminate in wages or other compensation for work of comparable character based on a protected class (current law only prohibits pay discrimination “between the sexes” for work “requiring comparable skills);
- Pay an employee more than it pays employees of a protected class for work of comparable character;
- Reduce an employee’s compensation to comply with the law;
- Screen job applicants based on current or past compensation;
- Determine a prospective employee’s compensation based on his or her current or past compensation (with an exception for current employees who transfer, move or hire to a new position with the same employer); and
- Discriminate in wages or other compensation against an employee because:
 - He or she has filed a complaint alleging a pay history inquiry violation;
 - He or she testified or is about to testify in an investigation or proceeding under the Equal Pay Law; or

- The employer believes he or she may testify in investigation or proceedings under the Equal Pay Law. For these purposes, the Equal Pay Act defines:
 - “Protected class” as a group of persons distinguished by race, color, religion, sex, sexual orientation, national origin, marital status, veteran status, disability or age;
 - “Work of comparable character” as work that requires substantially similar knowledge, skill, effort, responsibility and working conditions in the performance of work, regardless of job description or title; and
 - “Compensation” to include wages, salary, bonuses, benefits, fringe benefits and equity-based compensation.

Exceptions

The Equal Pay Law allows employers to pay different levels of compensation to employees who perform work of comparable character if the difference is based entirely on a bona fide factor related to the position and any of the following:

- ✓ A seniority system;
- ✓ A merit system;
- ✓ Education;
- ✓ Experience;
- ✓ Training;
- ✓ Workplace locations;
- ✓ Travel, if necessary and regular for the position;
- ✓ A system that measures earnings by quantity or quality of production, including piece-rate work; or
- ✓ Any combination of these factors (as long as the combination

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accounts for the entire compensation differential).

Enforcement

Effective Jan. 1, 2019, individuals who believe an employer has violated the Equal Pay Law’s prohibitions against unlawful pay discrimination have one year after the allegedly unlawful compensation practice occurred to file either of the following against the employer:

- A complaint with the BOLI; or
- A lawsuit in an Oregon circuit court.

An unlawful compensation practice is considered to have occurred each time compensation is paid according to a discriminatory compensation decision or practice. However, the BOLI may also issue a notice that allows a complainant to file a lawsuit against an employer within 90 days after the notice is mailed. This could

allow a complainant to file a lawsuit after the original one-year period.

Penalties

Employers that violate the Equal Pay Law may be subject to a variety of penalties, which generally depend on the type of violation and whether an individual files a complaint with BOLI or a lawsuit in circuit court. The table below provides an overview of these penalties.

	Pay History Inquiry	Pay Discrimination
	Effective Oct. 7, 2017	Effective Jan. 1, 2019
The BOLI may order the employer to:	<ul style="list-style-type: none"> • Cease and desist engaging in the unlawful behavior; • Pay actual and equitable damages to the complainant; and • Perform an act or series of acts that are reasonably calculated to carry out the purposes of the law, eliminate the effects of the unlawful practice and protect the rights of the complainant and similarly situated individuals. 	Pay back pay to the individual for the period beginning when the complaint was filed and ending when the BOLI issued the order, plus the lesser of either: <ul style="list-style-type: none"> • The two-year period immediately preceding the filing of the complaint; or • The period of time the complainant was subject to an unlawful wage differential.
	Effective Jan. 1, 2024	Effective Jan. 1, 2019
A court may order the employer to:	<ul style="list-style-type: none"> • Reinstate or hire the individual, with or without back pay; • Pay compensatory damages; • Pay punitive damages; and • Pay the individual’s costs and attorney’s fees. 	

Equal-Pay Analysis Defense Against Compensatory And Punitive Damages

Courts may disallow compensatory and punitive damages against an employer if the employer demonstrates evidence that it:

- Completed, within three years before the employee filed the action, an equal-pay analysis of pay practices in good faith that was reasonable in detail and scope in light of the size of the employer and related to the protected class asserted by the employee in the action; and

- Eliminated the wage differentials for the employee and made reasonable and substantial progress toward eliminating wage differentials for the protected class asserted by the employee.

If a court disallows an award of compensatory and punitive damages, it may still order the employer to pay:

- Back pay, but only for the two-year period immediately preceding the filing of the action; and
- The employee’s costs and reasonable attorney fees.

Posting Requirement

The Equal Pay Law requires employers to post a notice in every establishment where their employees work. The BOLI provides a poster that employers may use to satisfy this requirement.

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Landscape Contractors Board Adopted the Rule for Creating a Modified License

Bob Grover, OLCA Legislative Committee Director and OLCA Past President

In January, the Landscape Contractors Board adopted the rule for creating a Modified License to allow easier licensure for individuals wanting to install landscaping on a small scale. The goal is to help those interested in entering the industry to more easily become licensed, encouraging licensure as opposed to operating illegally in the beginnings of their business careers. <https://www.oregon.gov/LCB/docs/ModifiedLicenseFlyer.pdf>

Modified License has been added to options effective February 1, 2019 and is summarized below:

- \$5,000 job limit (per jobsite, per customer, per year). An increase to \$6,500 may be allowed after 12 months without a claim filed or civil penalty issued
- No piercing of the dwelling allowed
- Subcontracting is allowed (within the job limits mentioned above)
- Licensee must be the owner

of the business (individual and business license required)

- One-year landscape related experience qualification required
- Must pass laws, rules, and business practice section of the exam

Allowed:

- Planting (lawns, shrubs, vines, trees, or nursery stock)
- Preparing the property for planting

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CONTINUED FROM PAGE 7

- Fences
 - Decks (when no permit is required)
 - Arbors
 - Patios
 - Landscape edging
 - Driveways
 - Walkways
 - Grading (with allowed landscaping, not to exceed 5 cubic yards)
- Not Allowed:
- Drainage
 - Ornamental water features
 - Irrigation
- Backflow
- Low voltage lighting (allowed after 12 months without a claim filed or civil penalty issued)

OLCA 2019 Upcoming Events

APRIL

- 3 Portland Regional Chapter Meeting
- 23 Central Oregon Chapter Meeting

MAY

- 1 Portland Regional Chapter Meeting
- 28 Central Oregon Chapter Meeting

JUNE

- 7 Portland Regional Chapter Golf Tournament
- 13 Portland Regional Chapter Field Day

For more information about these events got to www.oregonlandscape.org

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OLCA Portland Regional Chapter Members' Generosity Leads to Playground Upgrade at Sitton



Check out this wonderful community project donated by OLCA members for Sitton Elementary School! Special thanks to member companies and vendors who donated labor and materials to make this magic happen. Kudos to: Precision Landscape Services, Natureworks, Aspen Creek Landscaping, Bartlett Tree Experts, Portland Rock, Cascadian Nurseries, and Horizon Distributors. [Click here to hear more about this project.](#)



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NALP Launches Landscape Apprenticeship Program

Bob Grover, OLCA Legislative Committee Director and OLCA Past President

The National Association of Landscape Professionals has developed a new Landscape Management Apprenticeship Program <https://www.landscapeprofessionals.org/apprenticeship>, which has been registered by the Department of Labor. This program is designed to help recruit people to our profession by offering job seekers a path to a landscape industry career through a paid apprenticeship with a landscape company that includes on-the-job training.

Who should consider an apprenticeship program?

Companies that have trouble finding employees, are challenged by high turnover, or have difficulty training staff with relevant skills are ideal candidates for apprenticeship programs. Companies in industries with long-established apprenticeship programs describe them as the “golden ticket” of recruiting.

What does the Landscape Management Apprenticeship Program encompass?

The apprenticeship program focuses on the skills needed by a landscape technician in maintenance, installation, and irrigation. The heavy emphasis is on landscape maintenance. The program requires 2,000 hours of on-the-job training as well as a minimum of 144 hours in the classroom or online equivalent. This ensures that every apprentice across the country receives the same training. The apprentice must reach an acceptable competency level in each of the outlined tasks.

- The 2,000 hours of on-the-job instruction are divided into 17 job tasks with required hours for each.
- NALP has developed the Landscape Management Apprenticeship Program materials into online courses to meet the education component.
- All the need-to-knows about the program can be found in the Landscape Management Apprenticeship Handbook.

Outdoor Power Equipment Institute Responds to Leaf Blower Misinformation

Bob Grover, OLCA Legislative Committee Director and OLCA Past President

The Wall Street Journal published an op-ed article entitled “Leaf Blowers Are Loud, Ugly and Dangerous,” on October 18. <https://www.wsj.com/articles/leaf-blowers-are-loud-ugly-and-dangerous-1539903772>

The Outdoor Power Equipment Institute (OPEI) recently sent a letter to the editor in the hopes of encouraging the green industry to continue to combat the negative perception of leaf blowers in the media. Excerpt of letter below and you can click the following link to read article: <https://www.greenindustrypros.com/business/regulations/news/21030250/outdoor-power-equipment-institute-responds-to-leaf-blower-misinformation>

Dear Editor,

In “Leaf Blowers Are Loud, Ugly and Dangerous” (Oct. 18), author Adrienne Bernhard attacks leaf blowers in a sweeping indictment and is clearly working with old data, old narratives, and old stereotypes of these valuable tools without any understanding of the

current marketplace reality and progress of modern outdoor power equipment.

Once again, we have an author asking for the removal of a working tool for the working man. There is a simple reason why leaf blowers and other outdoor power equipment products are ubiquitous. They work. They save labor and time when clearing sports fields, parking lots and garages and other large spaces, and the leaf blower is important to the landscaper who is paid by the job in communities with rigorous zoning on leaf pickup and removal. They also save water, helping clean surfaces without having to use potable water from a hose. They help people with physical limitations maintain their own properties, such as my 85-year-old mother who would be quite challenged with a rake. Instead, she uses her small, electric leaf blower to clear her steps and walkway of debris and leaves. Those are the practical realities of the need for this valuable tool.

Portland Regional Chapter News

Jim Larson, OLCA Portland Regional President

2019 is going to be a busy year for the Portland Regional chapter. In addition to the regular monthly meetings which are always educational, we have the following events and programs this year.

- April 3rd – Chapter meeting – New plant introductions and favorites presented by Monrovia and Bailey Nurseries
- May 1st – Chapter meeting Dayton, Oregon
- June 7th – Annual Portland Regional chapter Golf Tournament at Langdon Farms Golf Club
- June 13th – Landscape Field Day- Hosted by Cascadian Nurseries
- August 7th – Chapter meeting- Hosted by Monrovia Nurseries in
- September 4th – Chapter meeting
- October 2nd – Chapter meeting
- November 6th – Chapter meeting
- December 3rd – Expo Kick-Off and Landscape Awards Presentations

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Portland Regional Chapter 



2019 Landscape Awards



Open to Oregon Licensed Landscape Contractors that are OLCA members from Ridgefield, Washington to Salem, Oregon and the north Oregon Coast are invited to enter. Winners will be announced at the Landscape Expo Kick-Off on December 10th, 2019 in Portland, Oregon

Sponsored by the
Oregon Landscape
Contractors Association
Portland Regional Chapter

OLCA's mission is to serve the needs of its members and to promote the growth and well-being of the landscape industry.



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Invite your managers and employees to attend the monthly meetings and events. An educated workforce is better for the company and the employees. Remember, first-time attendees attend for free at chapter meetings.

The Portland Regional chapter will be putting on a Landscape Field Day on June 13th, hosted by Cascadian Nurseries. The previous Landscape Field Day that Cascadian Nurseries put on was in 2012. There were over 300

attendees, more than 25 exhibitors, seminars, and food. At this writing, we have over 14 exhibitors already signed up. We have space for 45 exhibitors. If you are interested in exhibiting, please contact Jim Larson, Cascadian Nurseries or Stacey Barrett at the OLCA office.

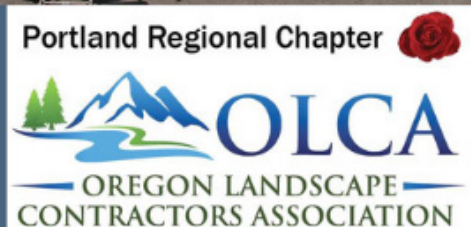
OLCA Landscape Field Day

June 13th 2019

Hosted by Cascadian Nurseries
Sponsored by OLCA Portland Regional chapter



Educational Seminars
Exhibitors Trade Show
Plant Displays
Hawaiian Barbeque



5 Reasons Why Your Team Should Wear Logoed Apparel

Mark Brown, Northwest Graphic Works

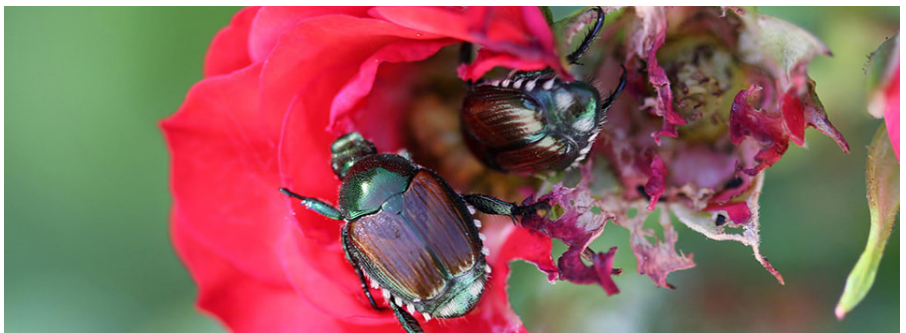
1. **Creating A Professional Image:** Selecting appropriate logoed apparel creates a positive first impression for the customer and contributes to projecting who you are and what you do.
2. **Team Mindset:** Shifts employee's mindset to being members of a distinct team. Having a team that is neatly dressed in company logoed apparel will create an environment that operates around your company values and establishes a sense of pride in their performance and your company.
3. **Brand Building:** Logoed apparel is a part of most company's branding strategy. If it's not it should be! When team members wear apparel displaying your company's colors and logos they help distinguish your business from competitors within the areas you serve.
4. **Team Safety:** Safety is important when it comes to wearing the right logoed apparel for the job. Making sure all your team members are compliant with the environment around them helps with wearer safety, for example, logoed long sleeve shirts that protect them from the damages of the sun and hi-visibility clothing when working in areas of high automobile traffic.
5. **Improved Security:** Specific logoed apparel on the job site tells your clients who you are and that your team belongs on the property you are serving.

In the end everyone needs to feel they belong to a team. Attending the recent OLCA tradeshow in Portland I was super impressed with a few of the landscape companies who attended in full "branded" force! These specific company's team members, showing up all decked out in their respective

company apparel seemed to walk a little taller with an excitement in their eyes for who they were as well as pride in who they were representing. These specific companies seemed to understand the reasons why you should consider

your team wearing logoed apparel.

We at Northwest Graphic Works would be happy to get your team looking great for the up-coming season. Give us a call today at 541-386-5001. Let us help you "Put Your Logo to Work for You"



Oregon Department of Agriculture Continues Their Japanese Beetle Yard Debris Quarantine

Oregon Department of Agriculture is continuing their Japanese beetle yard debris quarantine to try to stop the spread of this invasive pest to unaffected areas and to increase the chance of eradication.

The Oregon Department of Agriculture is asking all residents, landscapers, and waste managers that work in the yard debris quarantine area to follow the information below in order to comply with the quarantine. The quarantine means all quarantined yard debris must be either left within the quarantine area put into standard curbside yard waste bins or taken to Northwest Landscape Services drop site between April and October 2019. The drop site at Northwest Landscape Services

is open Monday through Friday from 7am to 5pm, and is free to dump material originating from the quarantine. Quarantined yard debris includes grass clippings, plants with roots or soil attached, sod or removed turfgrass, growing media (i.e. potting soil from raised beds or potted plants, NOT fill dirt, compost, bulbs or tubers of ornamental plant or mixed loads containing the above material (no loads containing garbage and non-plant material)). For complete details and map of the quarantine area, please visit <https://www.japanesebeetlepdx.info/prevention> or call ODA at 503-986-4636. Thank you for helping to protect Oregon from invasive species.