



ASCCA

What You Need To Know Report

November

2005

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This is not a comprehensive list of all projects currently underway, but a snapshot of current, major updates. For more detailed information on these or any other topics, we encourage you to contact ASCCA staff at (800) 810-4272.

ASCCA GENERAL BUSINESS

Association Budget

It's budget time! Just like you do in your business, your Association must establish and agree to live by a budget each year. Currently, your Board of Directors are working to develop and vote upon a balanced and fiscally sound budget for 2006.

Stay tuned for more information regarding ASCCA's budget for next year.

New ASCCA Staff Member!

ASCCA welcomes our new Administrative Assistant, Matlyn Woodyard. Matlyn comes to ASCCA highly recommended as a hard-working and dedicated employee who strives for excellence in all her endeavors.

Matlyn's first day will be Monday, November 28, 2005.

UPCOMING EVENTS

December Team Weekend

Please join us for the final Team Weekend of 2005! This year our Fourth Quarter meeting will be held in the Los Angeles area **December 10-11, 2005** at:

Embassy Suites Hotel Los Angeles
-International Airport South
1440 East Imperial Avenue
El Segundo, California 90245
Phone: (310) 640-3600

More information will be mailed to you soon and provided to your Chapter Representative shortly. For immediate questions, please contact Elizabeth Hicks at the ASCCA main-office (800)810-4272 or email her at elizabeth@ascca.com.

COMMITTEE SESSIONS

Education, Information and Training

The ASCCA "On Tour Training" sessions are under way! In the month of November we will be offering a Mode \$06 Scan Diagnostics in different locations in Northern California with trainer, Tom Englesman.

To sign up for this class and for more information, please contact Elizabeth at the ASCCA main-office by calling (800) 810-4272.

Please be on the lookout for a fax flyer letting you know when this course will be available.

Endorsements

No updates at this time.

Bylaws, Policies and Procedures

No updates at this time.

Membership

The Committee continues to monitor and evaluate the success of the Region One Chapter Administrator Pilot Program.

Discussion regarding the design of the new ASCCA logo is still ongoing. The Committee will update the entire membership once a logo has been developed by the designer.

Government Affairs

HR 2048, the Motor Vehicle Owners Right to Repair Act was heard in the House Energy and Commerce Subcommittee for Commerce, Trade, and Consumer Protection on Thursday, November 10, 2005. Several panels of witnesses testified regarding the state of industry negotiations and the continuing need for legislative oversight in the process. Stay tuned.....

The 15 Year/150,000 mile Warranty Task Force continues to pressure CARB to rescind that regulation. More information can be found on our website soon!



Thank-you for being an ASCCA Corporate Sponsor!
ASCCA members may contact Linda Casey at (208)263-8170 for information about this company.

To be removed from the ASCCA faxlist, please call (877) 299-5117 anytime.

ASCCA. Your Partner. Your Resource. Your Voice.

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ASC EDUCATIONAL FOUNDATION

Golf Tournament

This year we had a whopping 19 players sign up for the golf tournament at the Pacific Grove Municipal Golf Links near Monterey, California! Not only was the weather beautiful, but sights were magnificent, as the golf course was visited by many a deer and right on the ocean. The Foundation's heartfelt thanks goes out to those players who made this scholarship fundraising event successful.

Many thanks to our players:

Bob Constant of Forest Hill Auto Service; Allen Pennebaker of Orinda Motors, Inc.; Chuck Coppage and Steve Martino of ASCIS; Declan Kavanagh of Kavanagh Motors, Inc.; Mack W. Ruff; Kris and Dan Cesena of Honda Hospital; Dan Biggs of Continental Motor Works; Glenn Davis of GDA Enterprises; Dan Fogle of Quality Automotive; Jack Crawley of Fisk Automotive; Fernando Garibay of Dick Adams Automotive; Lou Fiero, Rich Ames, and Bill and Kevin Litz of Sunnyside Auto Repair; Ernie Meranda of Sunnyside Auto Repair; and Jon McConnel of Village Automotive Repair.

Also, many thanks to our ASC Educational Foundation Golf Tournament hole sponsors:

- ◆ Bob Constant – Forest Hill Auto Service
- ◆ Allen Pennebaker – Orinda Motors, Inc.
- ◆ Maylan Newton – Educational Seminars Institute
- ◆ Chuck Coppage – ASCIS
- ◆ Kris Cesena – Honda Hospital
- ◆ Larry Nobriga – Salel Automotive Service
- ◆ Dan Fogle – Quality Automotive
- ◆ Mitchell 1
- ◆ Jack Crawley – Chapter 48
- ◆ Glenn Davis – GDA Enterprises
- ◆ Mike Mahneke – Mahneke Motors
- ◆ Nikki Ayers – Ayers Automotive
- ◆ Declan Kavanagh – Kavanagh Motors
- ◆ NASTF
- ◆ Jacobs & Gregory

OTHER INFORMATION

Important Industry Report Available

ASCCA has obtained a copy of, *The Future of Automotive Repair: How the Buying Habits of Generations X and Y Will Affect the Service Industry*, and is making it available to any member who wishes to have a copy sent to them.

The report states that Independent Service Dealers MUST focus their marketing and business plans on the "customers of the future," also known as Gen X'ers and Y'ers.

The report goes on to define the generations and explain what these customers want or will want in a service shop and how YOU can start altering your current plan to accommodate the customers of the future.

The report has a section specifically dedicated to the Independent Service Dealer. This section gives examples and suggestions on how move forward in a situation that can seem overwhelming, including making sure your shop services the cars X'ers and Y'ers own and figuring out if you should aim your business at long-term repairs or short-term maintenance.

If you are interested in reading this 20 page document co-authored by industry experts, complete with charts and summaries, please contact Shauna Scott at the ASCCA main-office (800) 810-4272.

2nd VP Message

Newly appointed 2nd Vice-President, Larry Nobriga, of Chapter 16 – East Bay, would like to extend an offer to all ASCCA members, and especially Chapter Representatives, to call him, email him, fax him or meet him in person to discuss ASCCA matters.

Larry's contact information is as follows:

Larry Nobriga
Salel Automotive Service
15215 Washington Avenue
San Leandro, CA 94579
Shop Phone: (510) 351-8961
Home Phone: (209)824-0253
Fax: (510) 351-8611
E-mail: salelauto@sbcglobal.net

Please feel free to call Larry during the day or in the evening, as his goal is to increase communication among chapters and the state.

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What's New for 2006

Legislative and regulatory changes and important court decisions during 2005 made significant changes for employers. Here is a summary of some of the most important ones you need to know to prepare for next year.

Laws and regulations:

Starting **January 2006**, new laws will be in effect in the following areas:

- ◆ Final wages may be paid by direct deposit to an employee's previously authorized account, provided that all other requirements for payment of final compensation are met.
- ◆ Hearing notices for Labor Commissioner wage claim proceedings may be served by substitute service.
- ◆ The period for filing discrimination claims by minors under the Fair Employment and Housing Act (FEHA) is extended to one year from the minor's eighteenth birthday.
- ◆ A collective bargaining agreement for employees in the motion picture or broadcast industry (covered under Wage Orders 11 or 12) that provides meal periods and a monetary remedy if a meal period required by the agreement is missed, supersedes the Labor Code and applicable Wage Orders
- ◆ A new federal law requires proper destruction of documents that contain personal information of the type obtained in credit reports.

Starting **September 15, 2005**, new regulations were established concerning care for injured workers by medical provider networks.

Starting **August 22, 2005**, new regulations established safety guidelines for employees working outdoors who may be at risk for developing heat illness.

Starting **August 1, 2005**, new regulations implemented the Supplemental Job Displacement Voucher program for injured workers with permanent disabilities.

Starting **June 10, 2005**:

- ◆ New regulations were implemented for injured workers seeking independent medical review of diagnosis and treatment recommendations of physicians within a medical provider network.
- ◆ New regulations established the permanent disability rating schedule under workers' compensation reform legislation passed in 2004.

Starting **June 1, 2005**, a new federal law requires proper destruction of documents that contain personal information of the type obtained in credit reports.

New responsibilities on employers:

- ◆ Failing to train managers involved in the hiring process as to when and how to make employment offers, or how to refrain from making unintended verbal offers or misstatements that can result in significant company liability.
- ◆ Rude or aggressive supervisory conduct directed at one sex more frequently than another constitutes sexual harassment, as does conduct favoring employees who engage in sexual conduct with a supervisor.
- ◆ An employer may lawfully discharge an employee for using federally prohibited drugs even if use is protected by state criminal law.
- ◆ A California court shifted to employers the burden of proving that an employee or applicant is not qualified to work because of a disability in a claim filed under FEHA.
- ◆ An employee who refuses to carry out an order he or she reasonably believes to be discriminatory is protected from retaliation even if he or she never advises her employer of that belief;
- ◆ The Age Discrimination in Employment Act (ADEA) permits lawsuits based solely on differential impact on older workers without the need to prove intent to discriminate.
- ◆ A California employer may deduct unearned commissions from future compensation advances without violating the California Labor Code.
- ◆ Corporate agents and managers acting within the scope of their agency are not personally liable under California law for their corporate employer's failure to pay its employees' wages.
- ◆ California law permits an employer to replace salary on an exempt employee's partial day off with time charged against the employee's vacation or PTO bank, provided the employee has such time available.

~ *California Chamber of Commerce*