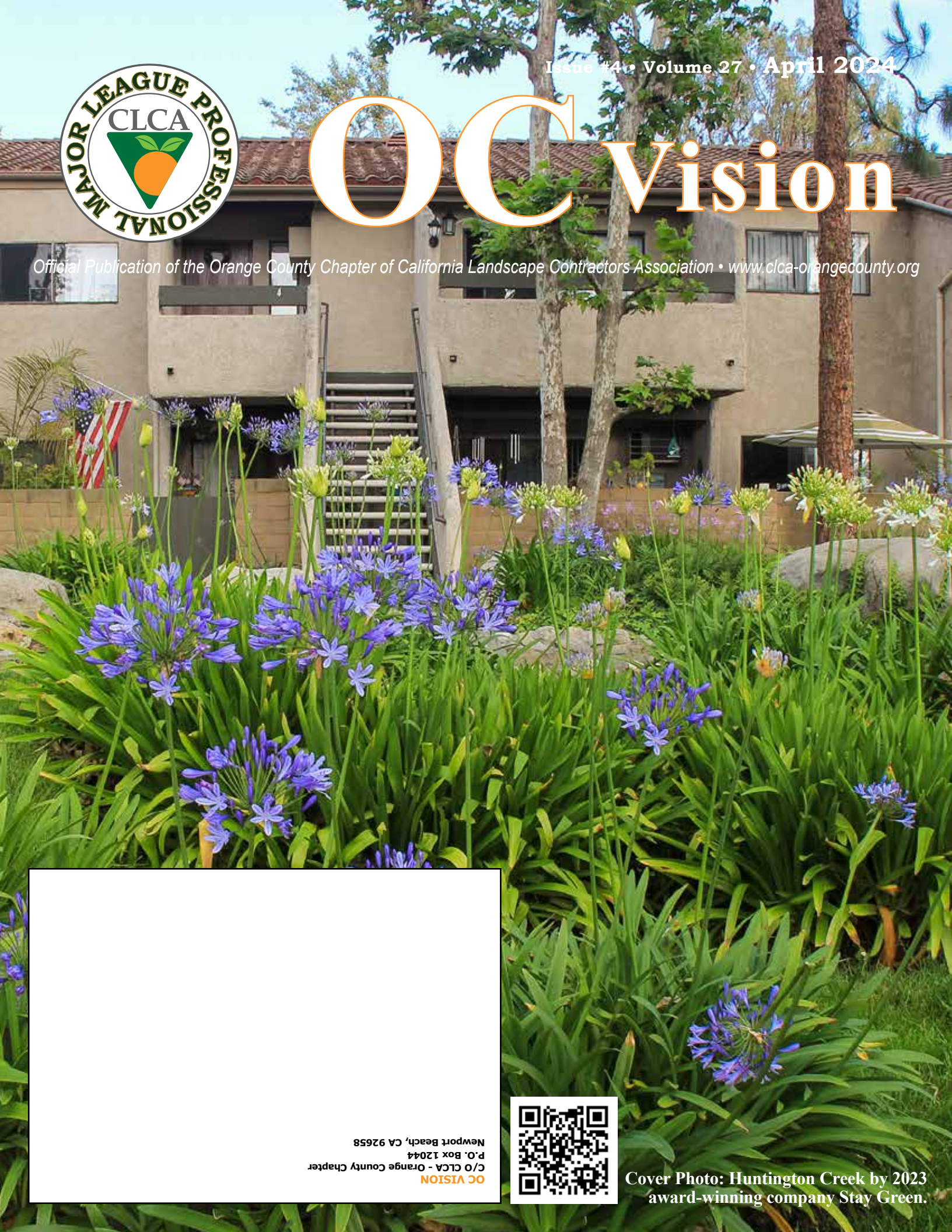


Issue #4 • Volume 27 • April 2024



# OC Vision

Official Publication of the Orange County Chapter of California Landscape Contractors Association • [www.clca-orangecounty.org](http://www.clca-orangecounty.org)



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C/O CLCA - Orange County Chapter  
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## Awards Season is Here

It's awards season! Time to get those jobs picked out and spruced up, ready for judging.

I look forward to this time of year. It forces me to evaluate my own work. To take stock in what I have been working on for the last year or so. Have I truly been doing a good job? Is my work going to be competitive against other companies? Entering the awards competition will tell.

When looking for what jobs to enter, I look for projects that will be competitive and good enough to win. I consider the design, quality of the build, the lighting, and plant selection. Our effort from the very beginning of the project should shine through. Over the years I have learned that if you truly want to win, it starts at the beginning of the project, not the end.

I've also learned that it is a team effort. Your crews have a huge impact on the quality of your installs. It is critical that they are invested in doing a good job. All aspects of the installation matter... from placement of the drains and correct grading, to installing the valves straight and even,

to ensuring sprinkler heads are installed correctly, that lights are pointing at their intended target, that plants are turned and spaced appropriately, and trees staked correctly. These details are what will set you apart.



**Dave Horton**  
**So Cal Concepts**  
**Chapter President**

If you are fortunate enough to win an award, then you and your team have done a great job. Celebrate the win by having a company meeting or party and congratulate the whole team. Post the award where everyone in the company can see it; it is a constant reminder of what they are capable of. Use it in your advertising and on your website. Let everyone know that you are an award-winning company.

Judging for this year's awards competition is scheduled for June 27-29, 2024. Entry forms will be available soon. The Beautification Awards gala is set for September 28 at the Villa in Orange.

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<b>2024 CLCA-OC Calendar</b>	
<b>Mark Your Calendars &amp; Save the Dates Now!</b>	
<b>May 15</b>	<b>OC Lunch &amp; Learn, Anaheim.</b> Topic: Vendor Showcase. NPT Showroom: 4980 E. Landon Drive.
<b>June 27-29</b>	<b>Landscape Beautification Awards Judging.</b> Landscape entry forms available in May. <i>Start thinking about what projects you will be entering this year.</i>
<b>July TBD</b>	<b>Family Fun Day &amp; BBQ, Doheny State Beach.</b> <i>Details coming soon.</i>
<b>Sept. 28</b>	<b>Annual Chapter Beautification Awards.</b> The Villa: 510 E Katella Ave., Orange, CA 92867.
<b>Oct. 9</b>	<b>OC Lunch &amp; Learn, Location TBD.</b>
<b>Oct. 17</b>	<b>2025 OC Chapter Planning Meeting.</b>
<b>Nov. 13-16</b>	<b>CLCA Annual Convention, Newport Beach.</b> Hyatt Regency Newport Beach: 1107 Jamboree Rd.
<b>Dec. 5</b>	<b>OC Chapter Holiday Party, Location TBD.</b>

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# Utilizing AI and Maintaining a Personal Touch with Clients



**A**rtificial intelligence is a hot topic, and rightfully so. This groundbreaking technology is evolving and improving on a regular basis and many landscape companies are starting to find ways they can take advantage of this tool in their day-to-day work.

Jay Rotonelli, vice president of business development for Piscataqua Landscaping & Tree Service, based in Eliot, Maine, says that AI is already impacting them from an operations standpoint, and it is only getting stronger.

“I think it’s going to help us manage some of the systems and processes a little bit better and make them stronger, from marketing, to buying materials, or even sales,” Rotonelli says. “You’re never going to take that human element out, nor do you want to, but I do think that AI is here and it’s going to start to change the face of the industry quite substantially.”

Patrick Murray, managing partner of Local Roots Landscaping, based in Pittsburgh, Pennsylvania, says they are all in with AI as it helps them cut out some of the more mundane work.

“We’re teaching all of our employees how to utilize AI, like ChatGPT, and leverage it to make them stronger in their workplace,” Murray says.

K&D Landscaping, Inc., based in Watsonville, California, has already developed best practices around how their team should and should not use ChatGPT.

“We definitely want them [our employees] using it, but we want them using it in a way that adds value to them and our clients,” says Justin White, owner of K&D Landscaping. “It doesn’t replace them sending an email. You still need to write things and make sure it sounds like you, but you can use it as a sounding board.”

Niwar Nasim, president of Nasim Landscape, based in Puyallup, Washington, says they are also currently using ChatGPT to expedite certain processes. He has also been taking advantage of AI-assisted measurement tools to speed up takeoffs. Nasim thinks AI is an incredible innovation with a lot of potential.

“Time is everything, so all the data entry, manual time-consuming tasks, I’m not saying they’re going to be completely eliminated, but there’s going to be a drastic change,” Nasim says. “Humans will do the final touches, the quality control aspect.”

White says they hope to utilize AI to analyze data in the field, to dial in some of their practices like water

management to how often they need to be mowing the grass.

“We are very intrigued but maybe a little fearful about the onset of AI,” says Bob Grover, owner of Pacific Landscape Management, based in Hillsboro, Oregon. “We would love to take advantage of where it would potentially improve our service and efficiency, but I’ve always been a relationship-based business and somewhat fear AI replacing the human touch. There are a lot of opportunities to utilize AI, but we don’t want to depersonalize our service to our customers as that has been our greatest strength.”

### Maintaining Personalization

With the increased usage of AI, there has also been a demand from customers to receive more personalized service.

“Nothing is going to eliminate the need for the physical presence of a human-to-human interaction,” Nasim says. “I think that will become even more important.”

Nasim adds that he’s received feedback from his clients on how much they appreciate his employees stopping by the office to check in from time to time as the world becomes more technologically advanced.

“The human element just cannot be forgotten,” Nasim says. “If you rely too heavily on technology and you don’t keep up with that part, I think that’s where you’re going to realize that retention could become a direct problem. You might find that somebody else could come and take your place because they’re emphasizing that presence of how important it is to go see people.”

White says that their account managers are conducting quarterly business reviews with property managers to maintain that personal connection with their clients.

*continued on next page...*

## Connect with the CLCA OC Chapter...



# Utilizing AI and Maintaining a Personal Touch with Clients

...continued from previous page

Murray says one of the risks of automation is it can make you sound more generic and not as personable. Murray says they emphasize the service industry aspect through their client portal. Each client has their own conversation with the designer, project manager, and team leader. The client receives morning and evening updates along with pictures of the project.

“It’s over-communicating for sure; some people don’t want anything of it,” Murray says. “A lot of clients will buy in and they’ll circle things on the image and say, ‘I really like where this is placed. Can we talk about this tomorrow whenever you’re on site?’ It really connects our team leader to that client. It adds in a whole different depth.”

Justin Gamester, president of Piscataqua Landscaping & Tree Service, says that they believe they should know their customers very well and anticipate their moves before they call.

“Customers want to see you,” Gamester says. “They want to hear from you, and if you think otherwise, you’re fooling yourself. They’ll tell you when they don’t want to see you

anymore. When you pay for a service, wouldn’t it be nice to receive that white glove service you didn’t think you were going to get?”

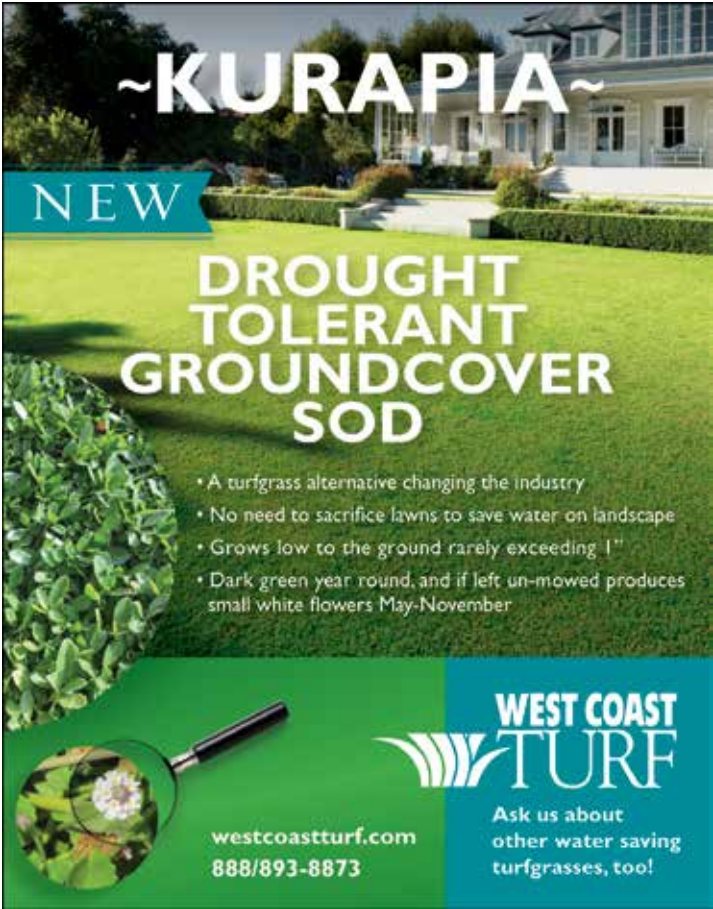
Philip Hussey, CEO of Outerlands, based in Mashpee, Massachusetts, says they have been shifting their business models to having fewer customers per account manager but having more frequent touch points.

“If they trust that account manager, they’re more likely to stick around, they’re more likely to buy, and ultimately, they’re more likely to have a better property because the account manager knows what looks good,” Hussey says.

“Folks these days are often trying to figure out how we can minimize phone calls, how we can depersonalize everything. But our view is landscaping, and particularly with high-end residential, it’s very personal. You spend a lot of time there and so we need to curate this intimate experience.”

*This article by Jill Odom was originally published on the National Association of Landscape Professional’s blog at <https://blog.landscapeprofessionals.org/>.*

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## Trying to Come Up With “Outside-the-Box” Ways to Promote Your Business? Entering the Beautification Awards Will Give You a Boost – Try Public Relations!

By Amy Conrad, Conrad Public Relations & Marketing

**D**o you know what PR is and how to use it to positively position your company in the media and therefore attract potential customers? I will bet that at least one of your competitors does!

Winning a Beautification Award, a designation that says you stand out in the industry, is the perfect way to promote your business to the media and win over those potential customers. With the CLCA Orange County Chapter's Beautification Awards right around the corner, now is your chance to capture that PR and advertising opportunity that could give your business a real boost.

In fact, nearly every mention of companies in newspapers and magazines is a direct result of publicity efforts (i.e. Public Relations efforts). Winning a Beautification Award is something you can boast about to the media, which in turn will publish news about your company. Being quoted or featured in an article, including showcase photos of your work, speaks volumes to readers (your potential customers) about your expertise and credibility. Hiring a PR consultant can do that for you and show you ways to extend the shelf life of that article beyond today's newspaper or this month's magazine.

Winning a Beautification Award is a great honor. This means that you have captured the eye of the CLCA

organization and your experienced peers for the quality work you have achieved throughout the year. Upon receiving your award, take that opportunity to put your designation as a Beautification Award winner into your advertising, your promotional materials, and reiterating it even when you deliver a quote for a new job. Especially in today's economy, to sustain your business, you need to communicate prominent messages that will stand out and target your specific audience.

It is important to enter your projects for multiple awards and to enter your projects on a yearly basis. A consistent announcement of the awards you win can be mentioned with a press release, and then distributed to various newspapers to get yourself publicity.

The process for entering the Beautification Awards is just around the corner. Take advantage of the potential advertising and PR goldmine and start considering which of your projects you will enter.

### Orange County Chapter Beautification Awards are Coming!

**Start thinking about what projects  
you will enter into the competition!**

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### THANK YOU SPONSORS:



## How Long Does it Take Your Employees to Start Their Workday?

By *Giuliana Gabriel, J.D., HR Compliance Director, California Employers Association*

In the 2024 case, *Huerta v. CSI Electrical Contractors Inc.*, the employer had a long process before employees could start their workday. As you may have guessed, the issue in this lawsuit was that employees did not get paid for their time spent waiting before they could clock in at their worksite.

### The Case of *Huerta v. CSI Electrical Contractors Inc.*

The California Flats Solar Project is a solar power facility located on privately owned land in Monterey and San Luis Obispo. First Solar Electric, Inc. owns the facility. George Huerta and other workers were hired to assist CSI Electrical Contractors, the company providing “procurement, installation, construction, and testing services” at the facility. A designated road provided access between a guard shack located at the entrance and the employee parking lots. A security gate was located on that road several miles from the guard shack; from the security gate, it would take Huerta approximately 10 to 15 minutes to reach the parking lots. Huerta underwent security checks at the security gate and was told by CSI management that this gate was the “first place” he had to be at the beginning of the workday. In the morning, vehicles formed a long line outside the security gate, where guards scanned each worker’s badge and sometimes peered inside vehicles and truck beds. At the end of the day, workers again formed a long line inside the security gate, where the exit procedure took place. The exit procedure could take up to a minute or more per vehicle and cause delays of five to over 30 minutes. CSI told Huerta that security guards had the right to search vehicles during the entry and exit processes. Huerta was not paid for the time he spent waiting to pass through the security gate at the beginning or end of the workday.

### Hours Worked

The California Supreme Court found the waiting time was compensable as hours worked because the employer required specific and supervised tasks during the security checkpoint process. While the case interpreted Wage Order No. 16 (construction, drilling, logging, and mining industries) the Court’s decision will likely be applied to other industries.

CEA’s Reminder: Ensure non-exempt employees are not engaging in pre- and post-shift tasks that are off the clock. For example, only require them to go through security, gear up machines, don and doff protective gear, disable alarm systems, etc., after they have clocked in so that you are capturing that time and properly compensating employees. Create policies that require advance supervisor approval to work outside of scheduled shift times.

### Meal Break Requirements

Another issue addressed by the Court was whether the employer had to pay employees for meal periods when the employer required employees to remain on the premises. The Court found that meal periods are considered “hours worked” if the employer prohibits the employee from leaving the premises, even if that employee falls under a valid collective bargaining agreement. The Court clarified that employees cannot bargain away their rights to be paid for an on-duty meal period.

CEA’s Reminder: If you require employees to remain on the premises for meal or rest breaks, or otherwise retain control over employees during breaks, you will owe premium pay, in addition to paying the employee for any time worked during the meal period. Train your supervisors/managers on meal and rest break rights. If the nature of your business allows for on-duty meal periods, that time must be paid.

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# New Independent Contractor Criteria

By Steven Cesare, Ph.D., Harvest Landscape Consulting

A novice business owner from California called me the other day to discuss her staffing plans. While well-intentioned, the business owner excitedly conveyed her proposals for filling many key company positions with independent contractors. With beaming enthusiasm, the business owner gleefully informed me that independent contractors are not held to the same regulations on minimum wages, overtime, and record-keeping found in the Fair Labor Standards Act that apply exclusively to employees.

Her first rodeo. Not mine.

While acknowledging her fervor, I began to reveal the nuances of this often-attempted plan, to protect her company from a myriad risk factors including unpaid wages and benefits, as well as civil penalties. With each revealed nuance, I could feel her energy level inexorably subside to an uncomfortable place called “reality.”

Beyond historical laws and restrictions to this practice, I also informed her that the Department of Labor’s new 6-Factor Independent Contractor Test just took effect on March 11, 2024.

### Opportunity for profit or loss depending on managerial skill

The worker is likely an independent contractor if the worker: (a) determines or can meaningfully negotiate the charge or pay for the work provided; (b) accepts or declines jobs or

chooses the order and/or time in which the jobs are performed; (c) engages in marketing, advertising, or other efforts to expand their business or secure more work; and (d) makes decisions to hire others, purchase materials and equipment, and/or rent space.

### Investments by the worker and the employer

The worker’s investments need not be equal to the employer’s investments and should not be compared only in terms of the dollar values or the sizes of the worker and the employer. Instead, the focus should compare the investments to determine if the worker is making similar types of investments as the employer (even if on a smaller scale) to suggest that the worker is operating independently, which would indicate independent contractor status.

### Degree of permanence of the work relationship

The worker is likely an employee when the work relationship is indefinite in duration, continuous, or exclusive of work for other employers. Conversely, the worker is likely an independent contractor when the work relationship is definite in duration, non-exclusive, project-based, or sporadic, based on the worker being in business for oneself and marketing his/her services to multiple entities.

### Nature and degree of control

A worker is likely an employee if the employer: sets the worker’s schedule; supervises the performance of the work; limits the worker’s ability to work for other employers;

*continued on next page...*



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## Independent Contractor Criteria

...continued from previous page

uses technological means to supervise work performance; reserves the right to discipline workers; places demands or restrictions that prevent the worker from working for others or working when they choose; or exerts control over prices or rates for services and the marketing of the services provided by the worker.

### Extent to which the work performed is an integral part of the employer's business

The worker is likely an employee when the work performed is critical, necessary, or central to the employer's business. This factor weighs in favor of the worker being an independent contractor when the work performed is not critical, necessary, or central to the employer's business.

### Skill and initiative

This factor considers whether the worker uses specialized skills to perform the work and whether those skills contribute to a business-like initiative. This factor indicates employee status where the worker does not use specialized skills in performing the work or where the worker is dependent on training from the employer to perform the work. It is the worker's use of those specialized skills relating to a business-like initiative that indicates that the worker is an independent contractor.

Misclassification of "employees" as "independent contractors" is an ongoing source of litigation, replete with severe financial costs. Sage business owners will rely on this new 6-Factor test, verify that misclassification is included in their EPLI Wage and Hour Add-on Policy, and continue to conduct periodic audits using the SS-8 Form to ensure classification accuracy. Sage business owners have been to this rodeo before.

I wonder if that clown in the rodeo is an employee or an independent contractor?



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