



# SEPA NEWS

SOUTHEAST PROPANE ALLIANCE

SEPTEMBER 2023

## SC MARKETER APPRECIATION-PROPANE TRAINING SANTEE, SC



**MORE ABOUT THE CHANGES  
COMING IN THE 2024 LP-GAS CODE**

PAGE 10

**SUPREME COURT DECISIONS  
COULD IMPACT THE WORKPLACE**

PAGE 24

# BLT Tanks LLC

800-753-5467

BLTTanks.com



## Selling & Refurbishing Propane Tanks Since 1994

100 % Family Owned, Operated, and Funded in the USA



### Rebuilt Tanks

250 gal \$725-\$925

330 gal \$875-\$1075

500 gal \$1295-\$1775

1000 gal \$2200-\$2850

\*All prices are plus freight.

Other sizes and conditions available.

Warranty on all rebuilt tanks.

Storage tank inventory updated frequently at BLTTanks.com

Prices are subject to change



**WE PURCHASE GOOD & JUNK TANKS  
IN LOAD LOTS NATIONWIDE**

# Looking for a reliable, customized supply plan?

Crestwood offers experienced NGL professionals committed to creating reliable, yet flexible supply plans that meet your needs.

## Things you may not know about Crestwood:

- Assets include Tirzah, SC, pipeline connected with storage and truck racks, Heath Springs, SC, equipped with storage, truck and rail rack, and Rose Hill, NC, a rail to truck terminal.
- One of the largest shippers of propane on the Dixie Pipeline.
- Manages over 350,000 bbls/day of propane across the country with assets connected to major supply hubs.
- One of the largest truck and rail propane fleets in the country, with over 250 trucks and 2,000 rail cars.
- Offers flexible price risk management solutions.



## Want to know more?

Call today for help with supply programs, index pricing agreements, fixed price and option hedges or our transportation and storage capabilities.



**Crestwood**<sup>®</sup>

Connections for America's Energy<sup>®</sup>

**Max Johnson**

Director, Supply & Marketing — Southeast  
Max.Johnson@crestwoodlp.com

D: (816) 329.5316

C: (913) 972.5721

ICE ID: mjohnson31

**Elizabeth Wilkerson**

Marketing and Asset Manager — Southeast  
Elizabeth.Wilkerson@crestwoodlp.com

D: (816) 714.5471

C: (413) 464.2095

ICE ID: ewilkerson

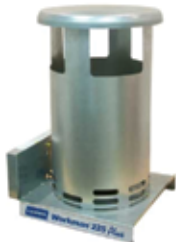
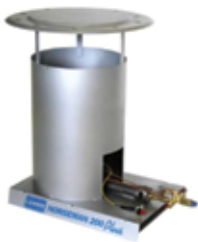
# Gardner Marsh + Propane Trucks & Tanks

From Brass To Bobtails:  
Delivering Quality, Service, & Dependability



## Gardner Marsh Gas Equipment Co.

Raleigh, NC and Florence, SC  
NC: (800) 334-9245 SC: (800) 868-8988  
[www.gardnermarsh.com](http://www.gardnermarsh.com)



Keep your customers comfortable no matter the temperature with cooling and heating options from L. B. White! Their rental-ready evaporative coolers and construction heaters are easy to use and built to last!

**Your Value Added Distributor For Gas Equipment & Appliances**  
**Family Owned & Operated Since 1961**



## Propane Trucks & Tanks, Inc.

Apex, NC: (888) 362-5150  
[www.propanetrucksandtanks.com](http://www.propanetrucksandtanks.com)

### Services Include:

Propane Bobtails (New & Re-chassis)  
Cylinder Exchange Trucks  
Service & Crane Trucks  
Bobtail and Transport Repairs and Service  
Required MC-331/DOT Tank & Equipment Inspections  
Meter Proving/Calibration  
Technical Support  
Blasting and Painting  
Large Inventory of Parts for Repair or Ordering

**Don't see what you need here?**  
**Call us today to discuss your needs!**

# WHAT'S INSIDE?

## FEATURES

- 10.....More About the Changes Coming in the 2024 *LP-Gas Code*
- 13.....Our Propane School Buses Are Making the Grade
- 17.....Midyear Update
- 20.....SC Marketer Appreciation—Propane Training
- 24.....Supreme Court Decisions Could Impact the Workplace
- 27.....Golf Tournament Winners: SC Marketer Appreciation Day
- 29.....Sustainable Fleet Technology Conference & Expo in Raleigh, NC

## DEPARTMENTS

- 06.....Chairman's Letter
- 09.....President's Letter
- 29.....What's Wrong with This Picture?

### PUBLISHED FOR

Southeast Propane Alliance  
5109 Hollyridge Drive  
Raleigh, NC 27612  
p. 919-787-8485  
f. 919-781-7481

### PUBLISHED BY

E&M Consulting, Inc.  
p. 800-572-0011  
www.emconsultinginc.com



### MANAGERS

Caleb Tindal & Kayla Grams

### LAYOUT & DESIGN

Caleb Tindal

### COPY EDITOR

Emily DeNio

To submit editorial or request info—email [lauralee@southeastpropane.org](mailto:lauralee@southeastpropane.org) or call 919-787-8485.

For advertising information, email [advertising@eandmsales.com](mailto:advertising@eandmsales.com) or call 800-572-0011 x8005.

**PLEASE NOTE:** Editorial and contents of this magazine reflect the records of the Southeast Propane Alliance (SEPA). SEPA has done their best to provide useful and accurate information, but please take into account that some information does change. E&M Consulting, Inc., publishers, and SEPA take no responsibility for the accuracy of the information printed, inadvertent omissions, printing errors, nor do they endorse products and services. We take no responsibility regarding representations or warranties concerning the content of advertisements of products/services for a particular use, including all information, graphics, copyrighted materials, and assertions included in the advertisements. The reader is advised to independently check all information before basing decisions on such information. Any views or opinions expressed in this publication are those of the authors and do not necessarily reflect the views of E&M Consulting, Inc., publishers.



## CHAIRMAN'S LETTER

# GREETINGS, MEMBERS!



BY TYLER MISEL,  
SEPA CHAIRMAN



I sincerely hope everyone enjoyed Santee in South Carolina this year. It sounds like it was a rousing success.

As we go into hurricane season, here in the Southeast, as all times of year, it's good to review your crisis management policies and procedures. Incidents and accidents happen. It's always good to have a solid policy in place, and to actually follow it. PERC has some high-quality material to get you started if you need to develop or enhance your procedures. A quick glance at their information-gathering steps are to ask these questions and any similar questions that may be relevant:

- 1) What happened?
- 2) How dangerous or serious is the situation?
- 3) What is involved in returning the situation to normal?
- 4) How long will it take?
- 5) Will there be any danger during the resolution or afterwards?

There are a number of steps that PERC recommends you go through in the development of your policy.

As I close out this month's letter, I want to remind you that the open board meeting is later this month in Asheville, North Carolina. I hope to see you there. 🔥

Thanks!

*Tyler Misel*

SEPA Chairman



Owner, Ann Minshew and her M&M Oil & Propane staff.

## BOARD OF DIRECTORS

# 23

### STAFF

John R. Jessup, *President/CEO*

Dave Donahue, *Director of Code Compliance*

John Peña, *Director of Education*

Kenneth Melton, *SEPATEC Trainer*

Jon Carr, *Lobbyist, Legal Council*

Bob Moore, *SEPATEC Trainer*

Laura Lee Perry, *Events & Member Services Manager*

Beverly Dodd, *Finance Manager*

Matt Leonard, *Chief Strategy Officer*

Steve Milks, *SEPATEC Student Enrollment Coordinator*

Lynn Lake, *Administrative Assistant*

### SEPA EXECUTIVE COMMITTEE

Tyler Misel, *Chairman*

Angi Harris, *Vice Chairwoman*

Richard O'Sheal, *Secretary*

Eric Taylor, *Treasurer*

Scott Prewitt, *Past Chairman*

### COMMITTEE CHAIRS

Kim Folger, *Meetings & Committee Chair*

Donnie Bullock, *Finance*

Dan Richardson, *Georgia Advisory Council Chair*

Donald Godfrey, *Safety and Education Committee Chair*

Charles Breland, *Governmental Affairs Committee Chair*

Bryan Overcarsh, *Member at Large*

Robert Hernandez, *Member Services Chair*

Jay Little, *North Carolina Advisory Council Chair*

Dugger Rimmer, *South Carolina Advisory Council Chair*

Adam Riggs, *Suppliers Committee Chair*

Anthony Clifton, *Autogas & Technology Chair*

5109 Hollyridge Drive | Raleigh, NC 27612

Ph. 919-787-8485 | Fx. 919-781-7481

Notice: As the official publication of the Southeast Propane Alliance, *SEPA News* carries authentic notice pertaining to the activities of the Association. In other respects, statements of fact and opinion are made on the responsibility of the authors and contributing writers alone and do not imply an opinion on the part of the Board of Directors, the Officers, or the Membership.

# Credit Card Programs designed **specifically** for **Propane Marketers**

Exclusively endorsed and recommended by



## PROGRAMS TO CHOOSE FROM

- **Utilities/Emerging markets: interchange program specifically for propane marketers to greatly reduce processing fees**
- **Zero processing fees program- completely eliminates processing fees for credit cards**





Dispensing Cabinet



Phone: 800-457-3826 P.O. Box 429  
Fax: (919-284-6199) KENLY, NC 27542  
E-MAIL: PETCO@PETTANK.COM



Greg Narron - President

---

***“WE HAVE YOU COVERED”***



***FROM INSTALLATION,  
TO MAINTENANCE,  
TO TOOLS  
AND ACCESSORIES,***



---

***TO DELIVERY AND REPAIR***

**NEW & RECONDITIONED BOBTAILS**

**CRANE SERVICE TRUCKS**

**SWITCHOVERS**

**BOBTAIL RENTAL & LEASING**

**BOBTAIL PARTS & REPAIR**

**TRANSPORT PARTS & REPAIR**

**V, K, I, P INSPECTIONS**

**METER CALIBRATION**

**TANK TRAILERS**

**LP DISPENSING UNITS**

**NBIC “R” STAMP REPAIRS**



***Serving the LP Industry Since 1954***



# NAVIGATING A CRISIS DURING HURRICANE SEASON



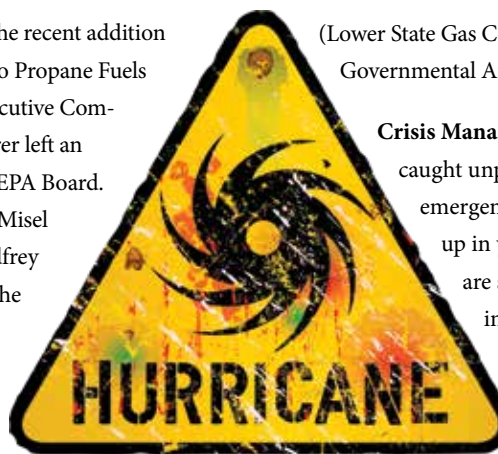
BY JOHN R. JESSUP,  
SEPA PRESIDENT/CEO

**August Hurricane:** A hot August ended with our industry dealing with Hurricane Idalia, which impacted SEPA members in Georgia, South Carolina, and North Carolina. We were able to secure hours of service waivers from all three Governors for all three states before the storm arrived on August 30. SEPATEC and SEPA Staff and Committees have been busy getting ready for the next term of classes starting September 25, as well as our Fall Board Meeting in Asheville, North Carolina, from September 17–19.

**SEPA Board Moves:** The recent addition of Eric Taylor (Palmetto Propane Fuels & Ice) to the SEPA Executive Committee as SEPA Treasurer left an open position on the SEPA Board. SEPA Chairman Tyler Misel appointed Donald Godfrey (James Oxygen) to be the new Chair of the SEPA Safety and Education Committee, and Charles Breland

(Lower State Gas Co.) as the new SEPA Governmental Affairs Chairman.

**Crisis Management:** Don't get caught unprepared if you have an emergency and a news van pulls up in your parking lot. Here are some media tips to keep in your top desk drawer that's worth reviewing before you talk to the media.




## MEDIA DO'S AND DON'TS

### WHEN SPEAKING WITH A REPORTER, DO:

- Discuss all interview requests and other media opportunities with your communications department (if you have one).
- Identify your audience(s) and prepare in advance several “message points” that you wish to convey.
- Anticipate tough questions and prepare ahead of time.
- Begin the interview with your key messages. Repeat them at every opportunity.
- Assume that everything is “on the record.” If you do not want to see a comment in print, do not make it.
- Keep your answers as brief as possible.
- Leave or offer to send related published materials. Follow up if a reporter requests additional information.
- Remember that you know more about the subject than the reporter does. Speak in normal tones. Relax. Be yourself.
- Protect your credibility and the credibility of your institution. If you are not sure how to answer a question, ask the reporter if you can call back with a response.
- Set a time limit for the interview, but allow for flexibility.
- Develop relationships with reporters with whom you would like to work again.
- Anticipate media opportunities. Alert industry members, the Propane Education & Research Council (202-452-8975), and the National Propane Gas Association (202-466-7200) about the publication of the article.

### WHEN SPEAKING WITH A REPORTER, DO NOT:

- Speculate or answer hypothetical questions. Rather, avoid questions that begin with “what if?”
- Answer every question. Do not allow yourself to be drawn into a subject that you are not prepared to discuss. Instead, bridge back to your key messages.
- Use heavily technical language or jargon. Instead, learn how to deliver complex issues in clear, simple terms.
- Let a reporter bully you into an interview or let the reporter's deadline dictate the timing of an interview. Rather, schedule the interview for a time when you can be best prepared.
- Lose your cool. It never pays to argue with a reporter.
- Guess, exaggerate, or underestimate the media; they will find you out. Instead, assume that the reporter will interview others to corroborate your statements.
- Volunteer negative information. Rather, let the other side make its own case.
- Break promises. If you say that you will follow up, do so or your credibility and that of your institution will be compromised. 

Thank you,

*John Jessup*

SEPA President and CEO



# MORE ABOUT THE CHANGES COMING IN THE 2024 *LP-GAS CODE*



**BY RICHARD FREDENBURG,**  
NORTH CAROLINA  
DEPARTMENT OF  
AGRICULTURE AND  
CONSUMER SERVICES

**>>** I will touch on some of the changes coming in the next edition of the *LP-Gas Code*. These changes have not been covered in this magazine's last couple of issues. These statements are the opinion of a North Carolina enforcer. I don't know what the South Carolina or Georgia enforcers may have to say about these items.

The softbound printed 2024 *LP-Gas Code* is shown on [nfpa.org](http://nfpa.org) to be available on October 20, 2023. The cost is \$98.00 for nonmembers and \$88.20 for NFPA members. Electronic copies (PDFs) will not be available. There are several electronic options, such as the National Fire Codes Subscription Service and NFPA LINK®. The 2024 handbook is coming, but its availability and price have not been announced.

Our standard policy is to start enforcement according to the new code on January 1 after its release. However, it may be used immediately upon issuance about September 1. We're counting on that for some requirements, such as our interpretation for excess-flow valves at pipe-size reductions. Dealers and installers

may use the new requirements immediately, such as for protection from vehicles for dispensers. If you plan to choose this option, please inform us when you submit plans for bulk plants or license new dispensers.

Now, some changes. A new section 4.10 lists requirements for emergency remote shutdown devices. These requirements were previously scattered through the code where the devices involved were described and were sometimes inconsistent. Now they're in one easy-to-find place and consistent. There is one remaining stray in 6.28.3.10.2, where the dispensers' minimum distance is reduced to three feet.

Hose requirements for dispensers (quality, care, and length) have been moved from the vehicle fuel dispenser requirements to the general requirements to clarify that they apply to all dispensers. (6.28.3.20)

Parts of section 6.31, Alternate Provisions for Installation of ASME Containers, have undergone a general overhaul, especially in 6.31.5, Low-Emission Transfer. The wording in previous editions required any site




with low-emission nozzles to be labeled as a low-emission site. That was not the intent. The reason for a low-emission site is to claim reduced separation distances for points of liquid transfer from buildings, property lines, places of public assembly, and public ways. The new code will let sites with low-emission connectors choose to be a low-emission sites or not as long as the other conditions are met. After all, there

are certain activities, such as filling non-low-emission containers or verifying that the stop-fill device on vehicles is working properly, that cannot be performed at low-emission sites.

A requirement first seen in the 2020 edition has been modified. “Examining the face seal for defects” before filling a cylinder has been changed to “visually inspecting for visible damage.” (7.2.2.7) The annex material has been updated in text to show a picture of an additional example of damage.

It looked for a while that wheel stop requirements would be significantly eased. Then the committee was shown a study with wheel stops deployed for trucks parked or making deliveries on hills with icy or other slick conditions. The committee decided to keep the wheel stop requirements and to explain in the annex that deployment should be modified in slick conditions. In these conditions, place both wheel stops on the downhill side of free-wheeling (not braked) wheels. The tires need to be able to roll up on the wheel stops slightly to make them more effective. This will necessitate using metal spiked wheel stops instead of hard rubber.

Another truck-related change is a new requirement in section 9.4.3.10 to have a listed quick-acting shutoff valve at the end of the delivery hose when filling cylinders. Any minor delay in closing the valve, such as turning a hand wheel, can quickly reduce the vapor space in a cylinder not equipped with an overfill prevention device (OPD). It has also been shown that the high flow rate and pressure from a truck delivery can overwhelm an OPD, allowing the cylinder to become liquid full. This problem also applies to small ASME tanks mounted on RVs and commercial trucks, but the code hasn’t addressed those yet. Be sure to use the bleed valve on these small containers.

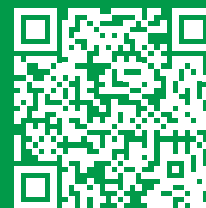
These, and the topics described in previous months’ articles, are all significant changes. There are also wording and detail changes in the new code that don’t change requirements but may modify something you have. Be sure to check those topics where you are involved. 

*If you have questions, please contact me at 984-236-4752 or [richard.fredenburg@ncagr.gov](mailto:richard.fredenburg@ncagr.gov) to see if your inspection has been processed again.*

Take your magazine  
**TO GO!**

Get mobile access to this issue and all previous issues to read at any time.

Scan the code to read now.



# Questions to Ask When Considering Your Insurance Agency

What additional services will I receive for my premium dollar?

Can I expect your assistance with regulatory and compliance issues?

Will I receive immediate response to my questions and/or concerns?

What is your commitment to the Propane Gas Industry?

Can I expect your assistance with year-end audits?

How involved will you be in my claims?

Are you providing me with all the coverage options?

How often will you visit my facility during a policy year?



## Jamerson McLean Corporation

825 Executive Drive • Oviedo, FL 32765  
(800) 393-6640 • (407) 366-3482 • (407) 366-8508 fax

*Insuring the Propane Industry  
Our Commitment Goes Unchallenged!*



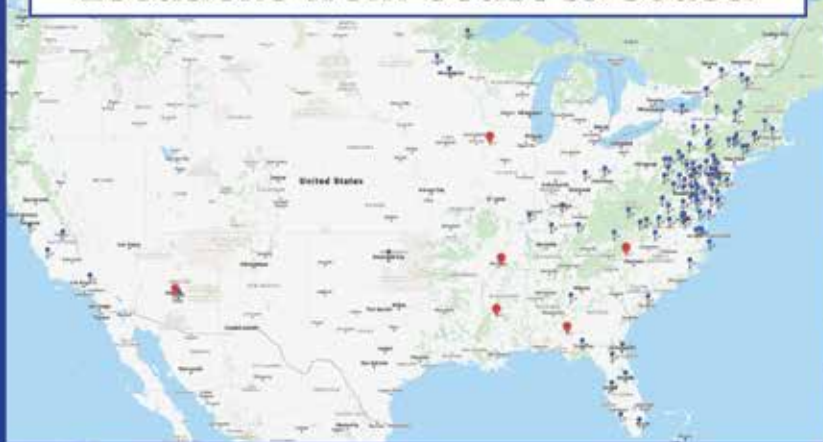
**R.E. MICHEL  
COMPANY**  
— Since 1935 —

and



**DEALERS LP  
EQUIPMENT**

**Wholesale Equipment Warehouse  
Locations from Coast to Coast!**



**Scan QR  
code below  
to see our  
DLPE Digital  
Catalog!**



***remichel.com / dealerslp.com***

# Our Propane School Buses Are Making the GRADE



BY TODD MOUW,  
PRESIDENT,  
ROUSCH CLEANTECH



BY SHONA VENNEV  
DISTRICT SUPERINTENDENT,  
KINGSTON COMMUNITY SCHOOL DISTRICT  
TUSCOLA COUNTY, MICHIGAN

**>>** Every child deserves a safe, clean, healthy ride to and from school. It's generally understood that the best way to provide that ride is not with the dirty diesel buses most adults had ridden to school in; however, many children around the country are still being transported by diesel buses for lack of affordable options.

As a school superintendent serving a tight-knit rural community in Tuscola County, I care deeply about doing what's right for our students and being a good steward of taxpayer dollars. How do school leaders across the U.S. thread this seemingly impossible needle? Electric buses are one option, as are compressed natural gas buses.

Another alternative fuel option every rural school district should be aware of is propane autogas.

This year, 100% of our routes will be near-zero-emission propane powered, and they will save our rural district substantial taxpayer dollars. We leased six new propane buses and locked in a two-year con-

tract at \$1.50 per gallon of propane, a 62% savings over our equivalent diesel cost. It makes budgetary planning much easier when we know what our ongoing fuel costs will be. Further savings come from streamlined maintenance on the buses. Propane removes the complexity and cost of after-treatment measures required with diesel; since the fuel is so clean, it doesn't require additional fluids or filters.

Propane — which is classified as a clean energy source — is a recycled, reclaimed, recovered, re-processed energy product that would go to waste if it were not salvaged from other energy processes. Propane buses eliminate the black smoke from a diesel tailpipe and dramatically reduce nitrogen oxides, known triggers for asthma, bronchitis and other respiratory problems.

Georgia State University researchers linked lower-emission bus exhaust to improved academic performance, and a study by West Virginia University showed propane school buses reduce harmful nitrogen oxides by 96% compared with diesel.

**ROUSH**  
CLEANTECH

“ This year, 100% of our routes will be near-zero-emission propane powered, and they will save our rural district substantial taxpayer dollars.”

Michigan communities in Detroit, Livonia and Waterford have all benefited from their school districts operating propane buses. And the impact on those taxpayers cannot be understated. With districts like ours managing tight budgets, the savings provides the best of both worlds — cleaner air and cost savings.

Those savings can go directly back into the classroom and enhance the quality of education our children receive. In fact, according to the World LP Gas Association, if all the nation's diesel school buses were converted to clean-operating propane, U.S. school districts could hire more than 23,000 teachers with the savings.

Another aspect of the benefits of propane buses is practical: refueling. Not only is propane infrastructure the least expensive alternative fuel to install and maintain, but the footprint for an on-site propane refueling station is very small. It takes just minutes to fuel a propane bus, and their range is up to 400 miles on a single tank.

Propane buses also reduce noise levels. You can have a normal conversation with someone on a propane bus without having to talk over a diesel engine. Our drivers will be able to concentrate better on the roads, and there will be less unsavory noise in our community.

Propane buses are already here, with more than 22,000 operating nationwide, trans-

porting 1.3 million kids to school in 49 states, including more than 500 on Michigan roads. I encourage state school districts and bus contractors to take a vigilant look at propane buses. 🔥

*Shona Vennevy is the district superintendent of Kingston Community School District in Tuscola County, Michigan.*

*Todd Mouw is the Executive Vice President of Sales and Marketing of ROUSH CleanTech, an industry leader in advanced clean vehicle technology. Mouw has more than two decades of experience in the automotive and high-tech industries. As former president of the NTEA Green Truck Association, Mouw helped set standards in the green trucking industry. To learn more, visit [ROUSHcleantech.com](http://ROUSHcleantech.com).*

## Comfortable Home Heating

Efficient & Eco-Friendly  
Condensing Gas Boiler



Rinnai

[www.tri-statedistributors.com](http://www.tri-statedistributors.com)

1.800.476.6164



NOW IN STOCK...TRUE FLAME  
STAINLESS STEEL GAS GRILLS!

Contact your Tri-State Territory Manager for more details!

**Georgia:**

Robert Hernandez :: 770-468-4683  
[rhernandez@tsdsupply.com](mailto:rhernandez@tsdsupply.com)

**South & North Carolina:**

Matt Lane :: 225-279-0128  
[mlane@tsdsupply.com](mailto:mlane@tsdsupply.com)

**Eastern North Carolina:**

Ray Lopez :: 864-556-2356 :: [rlopez@tsdsupply.com](mailto:rlopez@tsdsupply.com)



Sizes available: 26", 32" & 40"

# YOU DESERVE A WEBSITE AS GOOD AS YOUR COMPANY.

Warm Thoughts Communications designs and manages more propane company websites than anyone in the country.



99% of our clients say they'd recommend us.

To see the difference we can make for you,  
check out our success stories at [warmthoughts.com](http://warmthoughts.com)

201-330-9276

**WARM**   
**THOUGHTS**  
communications

**Breakthrough Marketing  
for the Propane Industry**

Websites • Social Media • Review Management  
Online and Traditional Advertising  
Sales and Customer Service Training



Palmetto Oak Package  
ITEM # PKLPO24NV  
/ PKLPO24PV



Charred Frontier Oak  
Package  
ITEM # PKLCHFR2415N  
/ PKLCHFR2415P



Highland Oak Package  
ITEM # PKLHO24NV  
/ PKLHO24PV



Flint Hill Package  
ITEM # PKLFH24NV  
/ PKLFH24PV

## CUI has Never Made Ordering Vent Free Log Sets EASIER & MORE Cost Effective!

CUI offers Log Packages from the Vendors you know and trust - EverWarm, Empire, Monessen, and RH Peterson. Each Log Set Package will include a Burner, Log Set, and Remote Control.



HQ: Simpsonville, SC | Ocala, FL | Cullman, AL | Mt. Sterling, KY | Carrollton, TX

800.845.5301 • fax: 800.447.6854 • www.cuiheat.com

# 3eightEnergy

VISIT US AT 3EIGHTENERGY.COM

**EXPERIENCE  
3EIGHTENERGY**

**JEFF RUFFNER**  
jruffner@3eightenergy.com  
(724) 672-8622

**JAMES HARRIS**  
jharris@3eightenergy.com  
(828) 273-5637

**KATHY STANDLEY**  
kathy.standley@3eightenergy.com  
(816) 844-5679

**PHIL FARRIS**  
pfarris@3eightenergy.com  
(704) 609-6117

**NICOLE MYRICK**  
nicole.myrick@3eightenergy.com  
(228) 669-0796

WE SUPPORT





# MIDYEAR UPDATE

BY SLOAN, MONTGOMERY, GREGORY & HALL, INC.

The following is our mid-year overview of a new federal regulation regarding pregnant employees and new mothers, new opinions and proposed rulemaking regarding non-compete agreements, and an update on the items to watch in 2023 from the New Year bulletin.

## PREGNANT WORKERS FAIRNESS ACT

Signed last December, this law took effect June 27. Briefly, the PFWA requires employers to consider employee and applicant accommodation requests related to pregnancy, childbirth, or related medical conditions the same way you consider requests for accom-

modation related to disabilities under the Americans with Disabilities Act (ADA).

It has long been our position that pregnant employees were already entitled to the protections of the ADA, so we will be watching to see if employers need to take any additional actions.

## USE OF NON-COMPETE AGREEMENTS CHALLENGED

So far this year, two actions by government agencies have questioned the validity and use of non-compete agreements. In January, the Federal Trade Commission proposed a rule banning all such agreements, stating that their use “suppresses wages, hampers innovation, and blocks entrepreneurs from starting new businesses.” The target date of this rule has been pushed back to April 2024 and will certainly face legal challenges that will almost certainly delay implementation.

Then at the end of May, the General Counsel for the National Labor Relations Board (NLRB) issued an opinion that many non-competes violate employee rights by limiting employees’ ability to negotiate for better wages, benefits, and other conditions of employment by removing their ability to use the threat of resignation as leverage. While we usually think of the NLRB as being involved with unionized employees, it was clear that the opinion also applied to non-union employees. Fortunately, management employees, who are more likely to have a non-compete agreement than front-line workers, are probably not impacted by this opinion as the National Labor Relations Act does not protect them.



The takeaway is that the use of Non-Compete Agreements is currently permitted in the Carolinas, Georgia, and Tennessee; however, it is clear that they have been losing favor in the courts for years.

The fate of Non-Solicitation Agreements also appears to be up in the air, but not to the same extent. For now, it is generally acceptable to prohibit former employees from contacting company customers and clients for some time following separation.

### UPDATES ON PREVIOUS ISSUES

#### INCREASE TO THE MINIMUM SALARY THRESHOLD FOR EXEMPT EMPLOYEES

The announcement of a proposed increase to the minimum salary necessary to exempt an employee from overtime keeps being pushed back, with the latest target announcement date set for August. Even if the new threshold had been issued in the spring, as anticipated, the public comment period and the legal challenges would have pushed the implementation date into 2024. Given the ongoing delays, it is likely that any change will not take effect until well into next year.

#### INDEPENDENT CONTRACTOR STATUS

There is no question that the IRS has become focused on employees it considers misclassified as independent contractors (IC) and paid by 1099 rather than through the payroll. In brief, the name says it all. The worker must be “contracted” to perform a specific job or service that is not performed by other employees and must have a significant degree of “independence” regarding how to perform this job or service. As stated previously, it is reasonable

to assume that any worker who does not clearly meet the narrow definition of an IC will be considered an employee by the IRS and other state and federal agencies.

#### INCREASED WAGE & HOUR ENFORCEMENT FROM THE DEPARTMENT OF LABOR

As expected, the 100 additional Wage and Hour investigators hired and trained last year are now in the field. Although not required or publicized, the Division will typically pick an industry each year to provide extra scrutiny, and home health care and companionship services appear to be the target in 2023.

#### UNION ORGANIZING IN SMALL BUSINESS UNITS ON THE RISE

The NLRB continues to issue rules and opinions, making it easier for unions to get a foot in the door of small businesses and individual units of larger companies. Starbucks continues to be the one to watch as more than 300 stores have voted unions in, but none have negotiated a collective bargaining agreement yet as the company has the resources to push back.

Ensure your managers and supervisors understand that if they hear any gossip regard-


ing unions or are approached directly by an applicant or current employee about creating a union, they should not say or do anything other than notify upper management.

#### FEDERAL LABOR POSTERS UPDATED

You have likely received solicitations announcing mandatory updates to the federal EEOC and Wage and Hour labor postings effective July 1, along with a minor update to the FMLA that does not require replacement. If you wish to update, we have these posters available in a laminated all-in-one format for \$25.00 plus postage.

#### HARASSMENT/DISCRIMINATION TRAINING AVAILABLE FOR MANAGERS AND EMPLOYEES

As a reminder, training on the topics of discrimination and harassment is not mandatory in the Carolinas or Georgia at this time; however, many insurance carriers have made this a condition of having an Employment Practices Liability Insurance policy. In addition, the EEOC and the federal courts have clarified that employers who provide periodic training will be viewed more favorably when a charge of harassment or discrimination is filed.

The consultants at Sloan Montgomery have been conducting this training with clients for years. Contact our office for additional details and to obtain a quote on this service, which will be based on the number of sessions and locations. 

*If you have questions regarding the topics covered in this information release, contact our firm, Sloan, Montgomery, Gregory & Hall, Inc., at 803-782-9246.*

*This bulletin is provided as a service to clients and is only to give information of a general nature. It is not intended as, nor should it be considered, legal advice or opinion. The information provided in each bulletin is based on the guidance, rules, and regulations in place on the date listed on the bulletin.*

# WAGE



# Tarantin

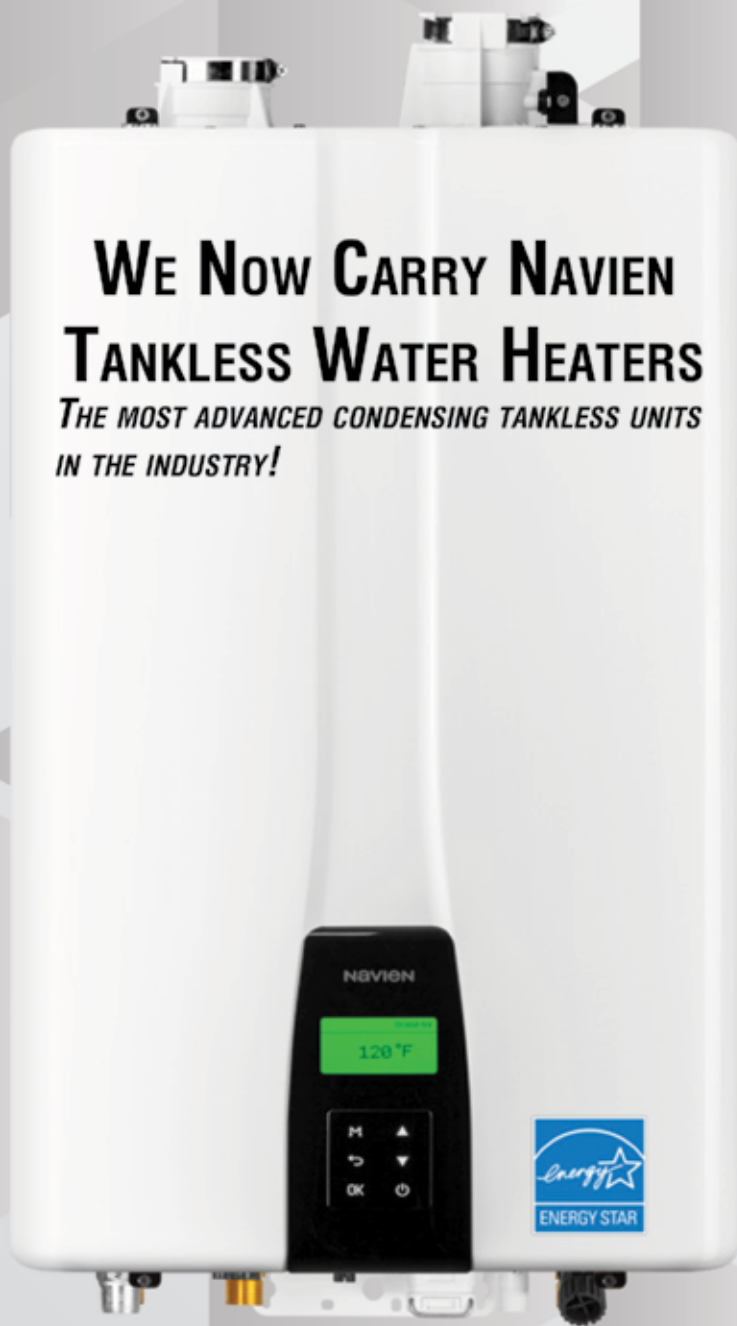
INDUSTRIES, INC.

Your Propane Equipment Dealer



## WE NOW CARRY NAVIEN TANKLESS WATER HEATERS

THE MOST ADVANCED CONDENSING TANKLESS UNITS  
IN THE INDUSTRY!



### WI-FI REMOTE CONTROL SYSTEM

Control temperatures remotely. Access usage data and receive diagnostic notifications all from the customer's phone.

### ON-DEMAND HOT WATER

Push a button to activate recirculation pump & gas fired burner to heat water in the supply lines.

### RECIRCULATION VALVE

Recirculates hot water in applications where a dedicated return line is not available.

### COMBINATION HEATING & DHW SYSTEM

Integrates space heating and DHW between any NPE-2 and NPN tankless water heater and a hydronic air handler.

## CALL YOUR TARANTIN REP TO LEARN MORE ABOUT NAVIEN

**Bobby Fisher**  
Regional Sales Manager  
NC, SC



**Doug Rowan**  
Regional Sales Manager  
TN, AL, North GA

**Steve Lewis**  
Regional Sales Manager  
FL, South GA



Tarantin.com • 1.800.922.0724



# SC Marketer Appreciation-Propane Training

SANTEE, SC



Eric Taylor Welcomes Everyone



Service Tech Training



Cody Reeves Presenting for RegO



Eric Taylor & Richard O'Sheal



SC Membership Meeting



Kevin A. Shwedo, Executive Director of the SCDMV



Bruce Swiecicki, NPGA



Eric Taylor



SC Membership Meeting



Kate Gaziano, NPGA



SC Propane Training Day



John Jessup



SC Membership Meeting



Patrick & Rex Kneece



Richard O'Sheal



Bruce Swiecicki



Ray Carver



Service Tech Training



Guitar Picking



Dugger Rimmer



Kevin A. Shwedo,  
Executive Director of the SCDMV



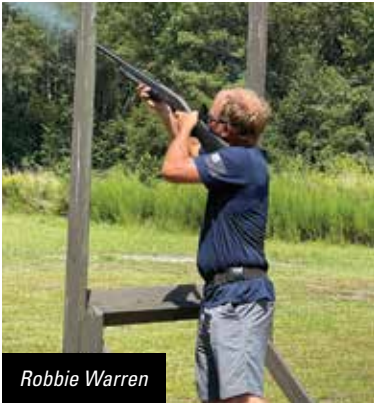
Eddie Waldrop



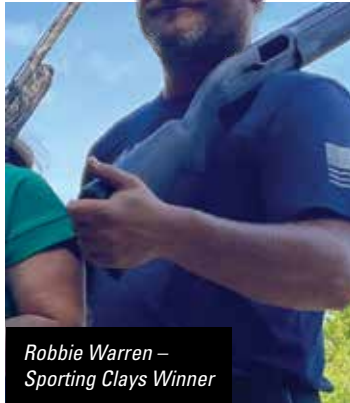
Justin Barfield



Michael McFadden



Robbie Warren



Robbie Warren –  
Sporting Clays Winner



Katie Warren



Sporting Clays



Sporting Clays

## Game Changer for Propane Marketers

### PRODIGI Ultrasonic Smart Gas Meter



- Remote monitoring with either cellular LTE or LoRa meter options
- Provides a familiar customer interface similar to other utilities
- Optimize efficient deliveries
- Adds control to overall storage efficiency
- Ability to shut off service remotely
- Accuracy & Durability Sensor • Ultrasonic Flow Sensor



800.448.9504  
bergquistinc.com

WHEN YOUR  
TICKETS DON'T WORK,  
YOU'RE NOT MAKING  
DELIVERIES...



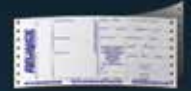
## WHY TAKE THE RISK?



Roll  
TICKETS



Slip  
TICKETS



Computer  
TICKETS



800-221-1209  
FormsPro.net

TICKETS  
THAT  
WORK

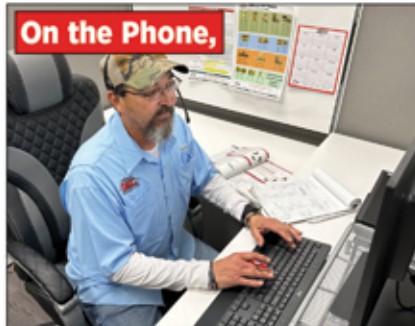
# GEC Has You Covered

Since 1937, GEC has been providing dependable equipment supported by knowledgeable people in the field, exceptional customer service on the phone and, in recent times, 24-hour access via our online web store.

### In the Field,



### On the Phone,



### And Online.



GEC is a proud Distributor for the following equipment manufacturers.



A MAKEEN Energy Company

Atlanta GA  
(800) 241-4155

Houston TX  
(800) 334-7816

Little Rock AR  
(800) 643-8222

Chandler OK  
(800) 763-0953

Indianapolis IN  
(800) 241-1971

Richmond VA  
(800) 368-4013

Dallas TX  
(800) 821-1829

St. Louis MO  
(800) 423-4685

www.gasequipment.com

Fayetteville NC  
(800) 447-1625

Kansas City MO  
(800) 821-5062

Sebring FL  
(800) 821-0631



Willie Anderegg  
Southern Georgia

Steve Smith  
Georgia & South Carolina

Steve Barton  
North Carolina

# SUPREME COURT DECISIONS COULD IMPACT THE WORKPLACE; UPDATED I-9 ISSUED

BY SLOAN, MONTGOMERY, GREGORY & HALL, INC.

**>>** Last month, we provided an update on a few employment-related actions taken by Congress and the Administration. This month, we look at the U.S. Supreme Court (SCOTUS) decisions that may impact the workplace.

## RELIGIOUS DISCRIMINATION PROTECTION EXPANDED

In *Groff v. DeJoy*, the court ruled that a Christian postal worker could not be forced to work on Sundays. This, in itself, was not unexpected as it has long been considered a reasonable accommodation in most cases to make schedule adjustments around an employee's Sabbath or a religious holiday. The significance of this case is that the Court raised the level of what can be considered an "undue burden" on the employer.

An employee's request for reasonable accommodation can be denied if it will place an "undue burden" on the employer. With religious discrimination, the standard prior to this case was that anything resulting in more than a minimal disruption could be considered an "undue burden" on the employer. This decision has raised this threshold to "will result in substantial increased costs."

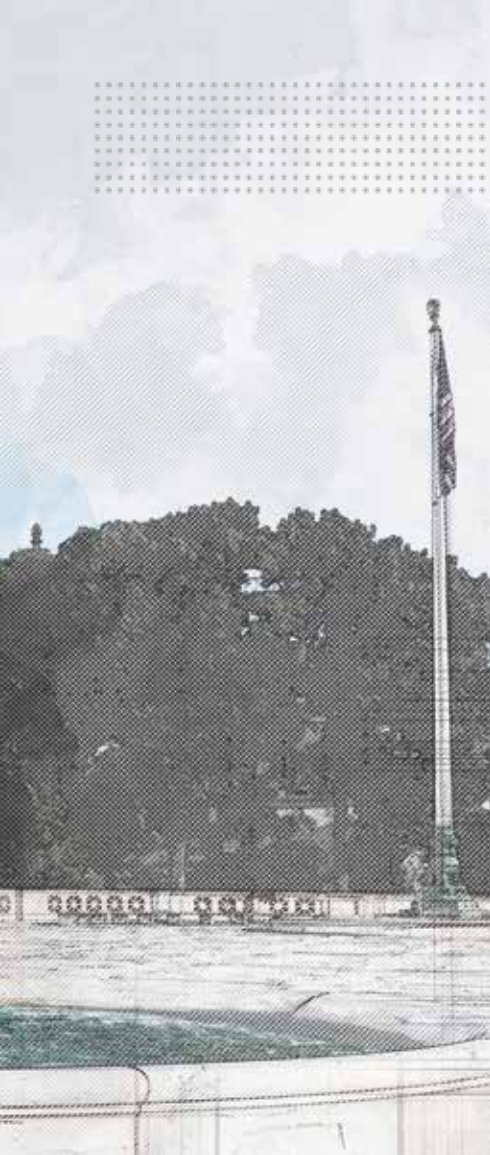
It will take years for the lower courts to determine what constitutes illegal religious discrimination under this new standard. However, one thing is clear. In this particular case, SCOTUS gave little consideration to the effect on other employees of having to work additional Sunday shifts in the plaintiff's absence. There could also be an impact on dress codes, religious displays at

work, and even vaccination requirements, should that become an issue again.

The other decision regarding religion, *303 Creative v. Elenis*, centered on a website designer's religious and free speech right not to create a wedding website for a same-sex couple versus Colorado's anti-discrimination law. The Court ruled in the plaintiff's favor stating that her federal free speech rights took priority over state law.

There is no consensus as to what this decision means going forward. On its face, it appears to be limited to the development of creative goods by an employer, not necessarily an individual employee of the company. In this case, the individual being asked to develop the website was the owner of the company. There is no indication that the same protection





would have been afforded to an employee of a company who refused to work with a same-sex couple, especially if instructed to do so by their employer. Once again, it will take time for the courts to sort this out.

### DOES AFFIRMATIVE ACTION DECISION IN COLLEGE ADMISSIONS AFFECT EMPLOYERS?

Rulings in *Students for Fair Admissions v. Harvard College and The University of North Carolina* effectively ended affirmative action programs in college admissions. While these decisions do not directly affect employers; they have emboldened many states to caution that the use of race in any employment decisions, even to the benefit of traditionally disadvantaged groups, may potentially conflict with the Supreme Court decision and result in legal action.

Following the SCOTUS decision, Attorneys General in 13 states, including South Carolina and Tennessee but not North Carolina or Georgia, sent a letter to the CEOs of the 100 largest U.S. companies informing them that any future race-based decisions or programs could be legally problematic. One thing that appears certain is that some state courts will lean toward applying this new standard to employers while others may not.

### PROPER PAYMENT OF A SALARY NECESSARY FOR OVERTIME EXEMPTION

In *Helix Energy Solutions Group v. Hewitt*, the Court ruled that very highly compensated employees can still be eligible for overtime pay if they are not paid a proper guaranteed salary as defined under federal Wage and Hour regulations. As a reminder, a “salary” is defined as:

*Being paid on a “salary basis” means an employee regularly receives a predetermined amount of compensation each pay period on a weekly or less frequent basis. The predetermined amount cannot be reduced because of variations in the quality or quantity of the employee’s work.*

There are situations where the salary can be reduced, but these are very limited and can be discussed on a case-by-case basis. The key takeaway from this is that no amount can be paid to an employee that will automatically exempt them from overtime if they are not paid on a proper salaried basis.


The two areas where mistakes are made are with improper deductions, as mentioned above, and with commission-based positions. Many highly compensated manag-

ers, especially in sales positions or retail companies, receive small base salaries or draws against the commissions that constitute their primary compensation. This is acceptable as long as a minimum guarantee of at least \$684.00/week or an equivalent bi-weekly, semi-monthly, or monthly amount is guaranteed, regardless of what is actually earned.

As always, be sure to contact us with any questions regarding proper salary payment.

\*\*\*NOTE: The above only refers to the minimum guaranteed salary that must be paid to an exempt employee and not to the duties test that must also be satisfied.

### A NEW I-9 FORM ISSUED

On August 1, the Department of Homeland Security issued an updated version of the I-9 form. [19-FRM-Flexibilities-OMBReview-08012023-ENG-AF.pdf](https://uscis.gov/19-FRM-Flexibilities-OMBReview-08012023-ENG-AF.pdf) ([uscis.gov](https://uscis.gov)) Use of this revised form must begin no later than November 1, 2023. Additional details on changes to this form and the completion process will be covered in a separate Management Information Bulletin later this month. 

*If you have questions regarding the topics covered in this information release, contact our firm, Sloan, Montgomery, Gregory & Hall, Inc., at 803-782-9246.*

*This bulletin is provided as a service to clients and is only to give information of a general nature. It is not intended as, nor should it be considered, legal advice or opinion. The information provided in each bulletin is based on the guidance, rules, and regulations in place on the date listed on the bulletin.*

# TerraVest INDUSTRIES

One Source, Many Solutions.

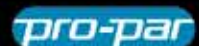


## Your Partner for Compressed Gas Storage & Transport Solutions

TerraVest Industries is made up of highly-skilled industry experts with decades of experience who are all committed to providing exceptional customer service. We work closely with customers to develop custom-tailored solutions that meet their specific needs for compressed gas storage and transport equipment. From consultation to service, our commitment to excellence can't be beaten.

► Contact us at **855-477-9828** or visit us at **terravestLPG.com** to request a free quote.

TerraVest  
INDUSTRIES



# Congratulations to Our Winners!



Stephen Lever      Mike Rutherford      Rhett Still      Christian Battle



*Kate Gazaino, Director, Regulatory Affairs & Associate General Counsel*



*Bruce Swiecicki, VP, Chief Technical Advisor*



Providing Propane Marketing, Supply and Logistical Solutions Throughout North America

**KIROS**  
ENERGY MARKETING

Al Lajoie  
VP LPG Trading & Marketing  
403-477-2995  
alajoie@kirosenergy.com

Northeast / Mid-Atlantic  
Jeff Steppat  
605-760-0839  
jsteppat@kirosenergyusa.com

Midwest / Southeast  
Sumeet Paul  
403-585-6270  
spaul@kirosenergy.com

Southeast  
Warner Jones  
662-414-5254  
wjones@kirosenergyusa.com

[WWW.KIROSENERGY.COM](http://WWW.KIROSENERGY.COM)

**rmi**  
**RAY MURRAY, INC.**



PROPANE, HVAC  
COMPRESSED GAS



HEARTH



OUTDOOR LIVING



[WWW.RAYMURRAY.COM](http://WWW.RAYMURRAY.COM)

- Place Orders
- Check Inventory
- Access Resources

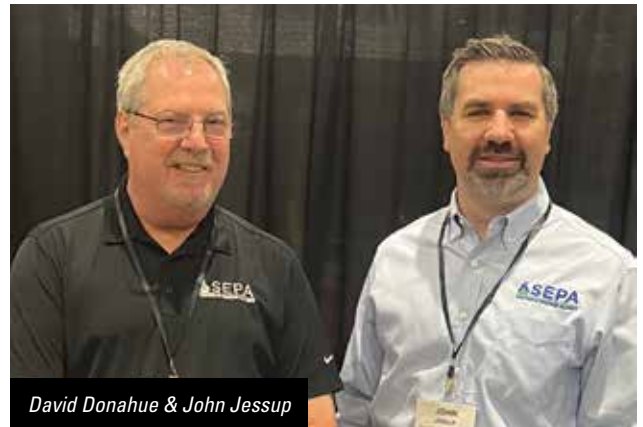
REGISTER FOR ACCESS NOW !



- **FAST SHIPPING**
- **TOP BRANDS**
- **EXPERT SUPPORT**

**888-260-1900**





David Donahue & John Jessup



David Donahue & Happy Fox



Stephen Whaley (center) with PERC and John Jessup (right) talk Autogas

# WHAT'S WRONG WITH THIS PICTURE?



This picture is from a site that must remove a side panel from their dispensing canopy so the operator can see the Emergency Shutdown device. I am not sure how they will get to it if it needs activating or how they will fight any fires that need fighting. This is a clear case of neither of them being readily available. I can't point to a requirement in NFPA 58 requiring the fire extinguisher to be readily available, but I can the Emergency Shutoff. Maybe NFPA 10, *Portable Fire Extinguishers*, has something.

# Piedmont Propane

Propane Sales & Service

## Residential & Commercial

Athens, Homer, Washington, Elberton, GA  
Abbeville, SC

Looking to buy good/used

bobtails, service

trucks & propane tanks.

Sizes varying from 120 to

1000 gallon tanks.



**706-678-6111**

# Thank you

**to our advertisers!**

Your generous support made this publication possible.



**New & Used Trucks | Leasing & Financing Available**

Truck Maintenance & Repair (Engine, Frame & Drive Train)  
Changeovers, Transport Inspection, & Repair  
Meter Proving & Certified DOT Construction  
Annual Inspections (V.K. & DOT Chassis)  
Pressure/Internal Inspections & Testing (P.I.)

108 Fitch Lane

Goldsboro, NC 27530

1-800-326-8950

[www.apachelptrucks.com](http://www.apachelptrucks.com)

Celebrating

**25+ Years**

Proudly Serving  
The LP Gas  
Industry

# 1951-2023 ★ 72 Years Strong



Custom  
Truck Bodies



Smooth-Rider™  
Trailer  
Pat. No 4,023,694



Fork Lift Cylinder  
Tank Storage  
Cabinet

## FOR ALL OF YOUR GAS HANDLING NEEDS

### Trucks, trailers, tank storage cabinets

H&H can meet all of your gas handling needs. We build our gas handling equipment knowing you need and expect quality and performance. H&H builds it all in. You'll reduce labor, increase safety, and save time and money.

**Truck Bodies** — We design our truck bodies with your field service work in mind. Transport, service or deliver cylinders and other awkward loads anywhere. Large or small, custom or standard, steel or aluminum. H&H offers a large choice of options, including in-bed lift platforms, electric or hydraulic cranes, grated or diamond plated flooring, and more.

**Trailers** — Our Smooth-Rider™ bulk tank trailers are built to make moving tanks a breeze. They cushion the load with rubber torsion axles. One person can operate these trailers with your choice of options: hydraulic hoist, dual-cable top-mount or side mount electric winch, or hand winch.

**Tank storage cabinets** — Our rugged Cylinder-Stor cabinets are built for secure outside storage of cylinders, giving you better inventory control and bigger profits. Single- and double-section models are furnished with keyed padlocks, tamper-proof padlock hasps, reinforced back panels, and bolt-down features for complete security and safety.

**H&H™ SALES  
COMPANY, INC.**

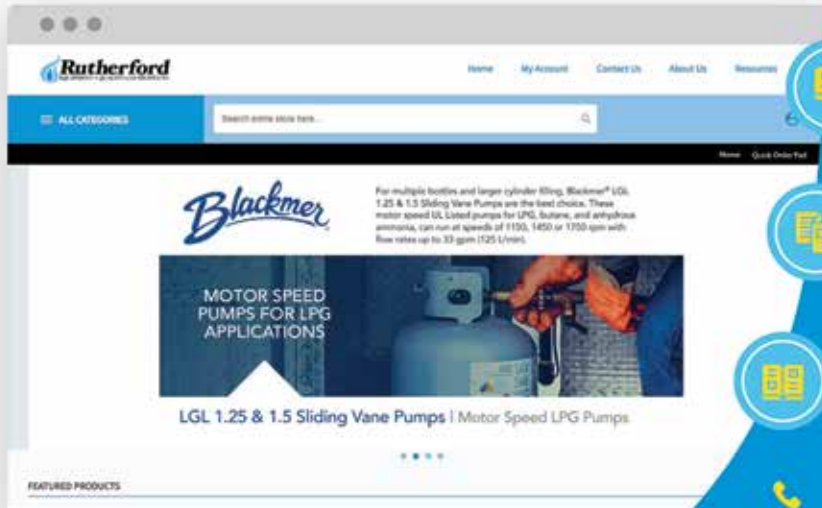
**CUSTOM TRUCK BODIES AND MANUFACTURING**  
16339 Lima Rd., P.O. Box 686 • Huntertown, IN 46748-0686  
Phone: 260-637-3177 • 800-551-9341 • FAX: 260-637-6880  
E-mail: info@hhsalescompany.com • Web: www.hhsalescompany.com

Call: 800-551-9341  
E-mail: info@hhsalescompany.com





Visit [RutherfordEquipment.com](https://RutherfordEquipment.com) to access our new website and customer portal!



View product information, pricing, availability and to place orders



Access account details including invoices, payments and RMA status



Access to catalog and other marketing resources



Access product manuals, spec sheets and **more!**



800.241.5652



[sales@rutherfordequipment.com](mailto:sales@rutherfordequipment.com)

Contact us to register for access!