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San Luis Obispo Chapter  
California Landscape Contractors Association  
Representing the Landscaping & Irrigation Industry

## California Spray Sprinkler Body Regulation

By Silvia Gourian / Rain Bird

Beginning October 1, 2020, California state law will mandate all spray sprinkler bodies sold in the state have integral pressure regulation (PRS). The goal of this legislation is to add spray sprinkler bodies to California's existing Code of Regulations and appliance efficiency standards that conserve water and energy resources. It also provides consumers access to more efficient appliances that will help reduce their water bills.

The Natural Resource Defense Council states "...California's standard requires new spray sprinkler bodies to come with built-in pressure regulation, so that the water pressure reaching the sprinkler nozzle is always close to the manufacturer's recommended operating pressure." (<https://www.nrdc.org/experts/ed-osann/ca-sets-standards-new-lawn-sprinklers-curb-waste>)

Four additional states, Vermont, Colorado, Hawaii, and Washington, have also passed laws requiring integral pressure regulation in spray sprinkler bodies. Vermont's law goes into effect July 1, 2020; Colorado, Hawaii, and Washington laws go into effect January 1, 2021.

### How does this law affect the construction and maintenance contractor?

Contractors should start familiarizing themselves with pressure regulating spray heads ahead of the October 1, 2020 regulation effective date. Check with your local distributor to make sure they stock pressure regulating spray heads so you know you will have inventory for jobs.

- Beginning October 1, 2020 you will only be able to buy pressure regulating spray heads from distributors and retail sellers. This applies to new and retro-fit sites.
- To see the most water savings on aging systems, upgrade all spray heads on a zone to PRS.
- PRS is a larger investment up front, but saves water and energy over the life of the spray head, resulting in fewer worries and call-backs from customers.
- Spray heads are available in 30psi or 45psi options. PRS-30 psi is optimal for spray nozzles and PRS-45 psi is optimal for rotary nozzles.

### How does PRS help save water and money over time?

PRS reduces high or fluctuating water pressure resulting in the following benefits:

- Reduced water pressure reduces water flow
- Reduced water pressure creates larger water droplets that won't get carried away by wind, creating more even coverage
- Running a spray head between 30 psi and 45 psi extends the life of a spray head
- PRS saves up to a gallon of water a minute per spray head!

Do your research and be prepared come October 1, 2020.

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# Terminating An Employee on Workers' Comp

Steven Cesare, Ph.D. The Harvest Group, Landscape Business Consulting  
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A business owner from Pennsylvania contacted me the other day to complain about the job performance of an employee who was previously on workers' compensation leave and was now back to work on modified duty. The employee was injured in a job-related incident that left him with a sprained ankle, knee, and back. Per company policy, the injured employee was escorted to the local MPN clinic for a physical assessment. That assessment suggested one month off from work as part of a physical therapy regimen, followed by extended modified duty, premised on various work restrictions which included not standing more than 45 minutes per hour and not lifting more than 15 pounds. Bi-weekly follow-up visits at the clinic were scheduled to track the employee's rehabilitation status.

Prior to the injury, the employee was a subpar performer, characterized by consistent failure to achieve daily and weekly goals as a Chemical Applicator, frequent absenteeism and tardiness, and the often-cited "poor attitude." Despite those indices, the company chose to keep the employee rather than dismiss him due to ineffective performance, because it did not want to pay unemployment insurance.

While on restricted duty operating a ride-along mower, as approved by the clinic, the employee continued his poor performance (e.g., incorrect mowing patterns, damaged equipment, severe rutting). Fearing a retaliation claim, the owner remained patient for the first couple of weeks of modified duty. Things only got worse, and he finally called me.

First, I told the owner that as long as the employee was on restricted duty, he was nearly untouchable sans a major policy violation (e.g., sexual harassment, safety, workplace violence, criminal activity), in that any such personnel action would likely be attributed to retaliation. Next, I instructed the owner to keep the workers' compensation vendor apprised of all current performance issues. In the same breath, I reminded the owner to review the company EPLI policy with the insurance representative to ensure legal compliance. Then, I suggested that the owner and employee's supervisor have weekly meetings with the employee to discuss performance goals for the week, his physical well-being, and then an evaluation of the employee's weekly job performance each Friday. All documentation was carefully crafted, delivered, and naturally, signed by the employee, and ultimately sent to the workers' compensation vendor and EPLI representative.

Eventually, per company policy, upon written release from the MPN clinic, the employee was required to complete a fitness for duty examination prior to returning to work. The examination and written doctor's note yielded a full return to work statement without any restrictions.

Upon return to his Chemical Applicator position, the employee's performance continued to be below standard. The weekly communication sessions continued during his transition from mowing to spraying to ensure no physical relapse occurred. Similarly, the weekly performance evaluations remained in place.

After a month of documented ineffectiveness, ongoing communication, and periodic absenteeism, it was time for a decision to be made. Proceeding carefully, the details of this issue were resolutely scrutinized and it was determined that termination was the solution. As a predicate, based on facts, it was shown that:

- The termination was not be applied in any retaliatory manner,
- The termination was based solely on his inability to complete the essential functions of his job as a Chemical Applicator, unrelated to the workers' compensation claim, and
- The termination was not associated with any protected class status.

Given the high stakes involved in terminating in these circumstances, it's in the company's best interest to have a rigorous protocol in place to avoid violating any state or federal law (e.g., FMLA, ADA, WC, EEO).

## LEAF Application Deadline Extended

The Landscape Educational Advancement Foundation (LEAF) invites all students attending an accredited California community college or state university majoring in a landscape-related program and taking a minimum of six units to apply for a LEAF scholarship.

The deadline to apply for 2020 scholarships has been extended to June 1, 2020. For more information visit [clca.org/industry-resources/college-scholarships-leaf/](http://clca.org/industry-resources/college-scholarships-leaf/)



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Not many companies today can claim 330 years of history and innovation like Husqvarna.

## 1689: Setting sail

Husqvarna is founded as "Jönköping Rifle Factory" by decree of the Swedish monarch. In the first years of its operation, the factory produces approximately 1,500 musket pipes annually. That original product inspires the classic "gun sight" logo, which is still in use today. When



Sweden begins building up its army in 1689, the company establishes a separate site for boring and grinding musket pipes, 7 kilometers away at a place called Huskvarna

## 1872-1912: Breaking new ground

Husqvarna's rifle contract with the Swedish crown ends, and the company

looks for ways to branch out. An ambitious period of innovation commences, resulting in an array of new products, including: Sewing machines (1872), hunting weapons (1877), wood stoves (1884), mincing machines (1890), the first Swedish typewriter (1895), bicycles (1896), motorcycles (1903) and gas stoves (1912).

## 1918-1919: The first lawnmower

Husqvarna acquires "Norra Hammars Bruk," in the process adding two new products to the portfolio: boilers and manual lawnmowers. In 1919, the company begins manufacturing its own engines.

## 1947-1959: The first motorized mowers – and chainsaws

Husqvarna introduces its first motorized lawnmower for commercial use in 1947. In 1959, the first homeowner model hits the market. It's a busy period for Husqvarna; in the same year, the first chainsaw is sold. Known as the Husqvarna 90, the chainsaw is built by iconic Swedish designer Sixten Sason. Sason uses motorcycle muffler technology to achieve significantly lower noise levels than competitors.

(continued on page 6)

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### 1968: Clear the way for brushcutters

Husqvarna begins production of brushcutters, beginning with model 65r. The product strengthens Husqvarna's bond with forestry professionals.

### 1969: Anti-vibration

The Husqvarna 180 chainsaw is released, featuring groundbreaking anti-vibration technology. As a result, forestry workers around the world enjoy increased comfort and control while they work.

### 1973: Safety first!

The Husqvarna 140, the world's first chainsaw featuring an automatic chain break, makes its debut. The innovative saw is highly regarded by forestry workers, for whom it spares kickback-related injuries.

### 1989: Taking the throne

Husqvarna introduces the 3120 XP, one of the world's biggest and most powerful chainsaws. It becomes an instant favorite among professional loggers.

### 2009: Chainsaw breakthrough

Husqvarna introduces AutoTune™, a technological and environmental breakthrough in professional chainsaws. The innovation regulates fuel flow, optimizing performance and reducing emissions.

### 2012: Turning the wheels

Husqvarna is the first to introduce an all-wheel drive walk-behind lawnmower. The mower offers superior stability on hills and uneven terrain.

### 2015: The birth of the robotic mower

Husqvarna launches the Solar Mower, the world's first fully robotic lawnmower. Powered entirely by solar energy, the machine is the predecessor of the Husqvarna Automower®.

### 2018: All-wheel robotics

Husqvarna expands its robotic mower offerings with Automower® AWD models that perform well on steep slopes.

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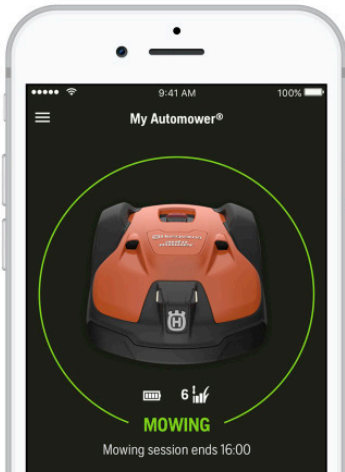


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### CLCA Member Benefit

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CLCA offers 12 different landscape construction and maintenance contracts and legal forms. Our forms are reviewed by a construction law attorney, and include terms and conditions specific to the landscape industry. Unlike many landscape forms available from national organizations, ours comply with California's unique laws.

The forms below are easy-to-use "fill-in-the-blank" PDFs. Printed versions of all 12 of CLCA's legal forms and contracts are available in our on-line store.

- Form 101: Residential Landscape Home Improvement Contract
- Form 102: Commercial Landscape Construction Contract. Furnishing labor, materials, and equipment for commercial installation except new residential construction.
- Form 104: Landscape Maintenance Contract. Residential or commercial maintenance.
- Form 105: Subcontract Agreement. Furnish material, labor, supervision, tools, appliances, permits and certificates necessary to construct and complete a project. Intended for use by the prime contractor or higher-tier subcontractor.
- Form 106: Notice Of Cancellation. Buyer's use when canceling a seller's transaction within 3 business days. Both copies must be attached to contract, given to homeowner.
- Form 111: Conditional Waiver & Release On Final Payment. Releases any mechanics' lien, stop notice, or bond right upon final payment, except for specified disputed claims.
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- Form 114: Unconditional Waiver & Release On Progress Payment. Releases any right to mechanics' lien, stop notice or bond right upon progress payment.

For a complete list, visit [clca.org/member-resources/member-benefits/legal-contracts/](http://clca.org/member-resources/member-benefits/legal-contracts/)

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## Between a rock and a hard place?

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