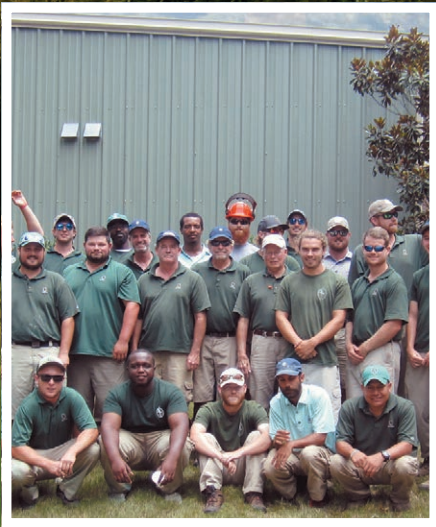


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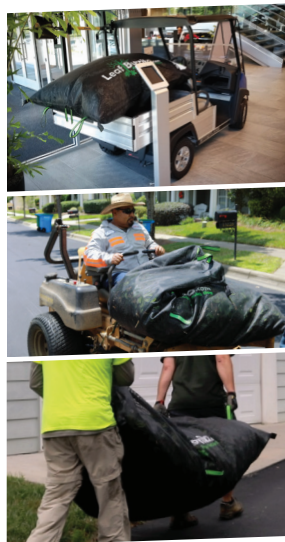
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CEO/Founding Publisher

James "Tim" Wilson

Managing Editor

Sharon Scott Wilson
Sharon@thetrades.com

Sales Manager

Marla Carroll
Marla@thetrades.com

Marketing Associate

Kimberley Wyatt
Kimberley@thetrades.com

Creative Director

Carrie Vandever
golf@thetrades.com
news@GolfTrades.com

Contributing Writers

Linda Parker
Jay Flemma
Jeff Shelley
Andrew Penner

Accounting

Elaine Swicker
accounting@thetrades.com



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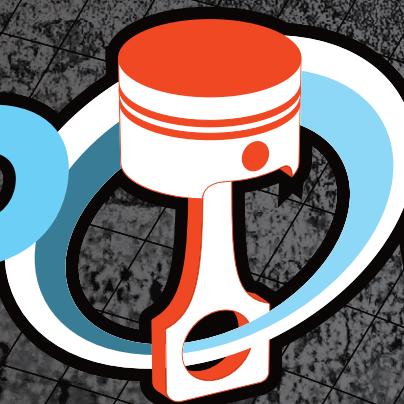
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Advocacy for the Golf Industry



Sharon Scott Wilson
Publisher

There was going to be a huge get-together in Washington, DC, in May. It was to have been a mixture of fun and serious business. Golf industry leaders were going to meet with Members of Congress, the Executive Branch and federal agencies to discuss golf's 15,000 diverse businesses, two million jobs impacted, tax revenue and tourism value. Sadly, National Golf Day never happened.

Sponsored by a non-profit organization called, "WE ARE GOLF," National Golf Day celebrates the game's \$84.1 billion economy, nearly \$4 billion annual charitable impact and many environmental and fitness benefits.

According to the organization's website, "WE ARE GOLF is a coalition of golf's leading organizations including the Golf Course Superintendents Association, National Golf Course Owners Association, PGA TOUR, PGA of America, USGA, U.S. Golf Manufacturers Council and World Golf Foundation. WE ARE GOLF was formed in part because it had become clear the industry was misunderstood by too many elected officials. Longstanding perceptions of the game simply didn't square with the facts. By focusing on those whose livelihoods are tied to the game, WE ARE GOLF has leveled the playing field for the thousands of small businesses that make up the industry."

Undaunted, WE ARE GOLF staff continues its lobbying efforts year-round, as they always have. After all, many on Capitol Hill do not fully appreciate the impact the industry has on the economy, environment, health, wellness, and charitable events. Not to mention, there are literally millions of individuals depending on the industry for their livelihood.

"There are two million men and women who depend on the golf industry to pay rent and put food on the table," according to staff at WE ARE GOLF. "Our country has experienced several natural disasters in the

last few years, causing incredible flooding and destruction to golf courses (Hurricane Katrina - 2005, Super Storm Sandy - 2012). Unfortunately, public courses have been grouped in with a select group of companies not eligible to receive disaster tax relief – which WE ARE GOLF is seeking to overturn."

As part of an industry-wide collaboration to lead the responsible return of golf in the time of the COVID-19 pandemic, the game's allied organizations have established "Back2Golf," a plan outlining operational guidelines for the golf's 16,000-plus golf facilities which adhere to nationally established protocols and best practices.

The non-profit provides suggestions for a three-phased approach to normalcy and provides a Back2Golf "Event Consideration Checklist" for reference on their website.

Back2Golf's initiative breaks it down in an easy-to-follow list: In Phase 1 we are advised to adhere to a heavily "Restricted" policy with vulnerable individuals sheltering in place and others told to observe maximum physical distancing and the avoidance of groups larger than ten.

Phase 2 recommendations continue to advise vulnerable individuals shelter in place. Restrictions remain the same in large part for others when playing golf, with the exception that group limits are expanded from ten to now 50. By the time courses are ready for Phase 3, we can progress into "The New Normal." By this time, vulnerable individuals can resume public interactions but should continue to practice physical distancing. Low-risk populations should consider minimizing time spent in crowded environments, but normal golf operations may resume.

WE ARE GOLF is a coalition of leading organizations working together to communicate the game's economic, charitable, environmental and fitness benefits.

According to the organization's webpage titled, "Advocate," links to various organizations' advisory pages are listed. "During these unprecedented times, WE ARE GOLF partners have been taking the proper steps to ensure their members are prepared for every possible scenario the COVID-19 virus presents. We've gathered these resources for your convenience."

Links are then provided to pages dedicated to providing Coronavirus information from the Club Management Association of America, National Golf Course Owners Association, Professional Golf Association of America, National Club Association, Golf Course Superintendents Association of America, PGA Tour, the United States Golf Association (USGA), and the National Golf Foundation.

Many readers of Golf Course Trades may not know that our headquarters are located in the Golf Capital of Tennessee – Crossville. Several retirement communities in the area owe a large part of their popularity to the game. In fact, our local Chamber of Commerce's 'middle name' is golf (1-877-GOLF-TN1). Therefore, we fully support the mission of WE ARE GOLF and are pleased to offer our pages to them at any time.

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Putting a Value on the Human Capital of Golf Courses

How Regulatory Changes Will Draw Attention to the Value of Good Superintendents and Crews

by Linda Parker



What is the true value of a golf course superintendent and the course's maintenance crew? If your course shut down during the COVID-19 pandemic, with the superintendent and maintenance staff locked out, or your maintenance ran on only a skeleton crew, then the assessment of "true value" quickly became painfully obvious to anyone who later set foot onto your neglected turf.

Operating capital is what gives a business the liquidity to operate day to day. Physical capital encompasses not only operating capital but the real estate, equipment, inventory, furnishings and other assets of the business.

Human capital, however, is a category with an evolving place on the balance sheet. And as first attitudes and then metrics shift, golf course superintendents may be uniquely well positioned to reap tangible rewards from these changes.

COVID-19 Escalated an Emerging Trend

For decades, human capital has

been categorized as a business expenditure. Recruiting, hiring, training, benefits, salaries and other outflows related to the management of employees looked like and felt like a cost to the company. However, as our culture shifts from manufacturing-based to a knowledge and service-based economy, accounting practices haven't kept pace.

Attorney Mike Melbinger is a partner in the Chicago offices of Winston and Strawn. He specializes in matters of executive compensation. While golf course superintendents may not feel very "executive," they are in fact, the key employees most critical in determining when and at what level a golf course is revenue producing.

Melbinger explained, "...Unique among the stock market crashes and economic crises of the past 90 years, (and no, I haven't been practicing law during all of them) the current pandemic has brought to the fore human capital issues rather than financial or economic ones."

He cites a recent webcast from the global financial advisory,

Willis Towers Watson, identifying two of the most important reasons the coronavirus pandemic initially sent the stock market into a downward spiral:

- 1) Current economic downturn is human capital driven, not financial or market forces driven.
- 2) Reduced capacity of workers to do their jobs is reflected in the rapid stock market decline.

Even before COVID-19 painted a clear picture of what the world (and the stock market) would look like if workers all stayed home, perceptions were shifting. In March 2019, the Securities and Exchange Commission's Investor-as-Owner Subcommittee on Human Capital Disclosure issued the following recommendation:

"Today's companies are increasingly dependent on their workforces as a source of value creation. Indeed, for many of the most dynamic companies, human capital is their primary source of value. As the US transitions from being an economy based almost entirely on industrial production to one

that is becoming increasingly based on technology and services, it becomes more and more relevant for our corporate disclosure system to evolve to include disclosure regarding intangible assets, such as intellectual property and human capital. Human capital is increasingly conceptualized as an investable asset."

Recognizing this substantial shift in defining how value is created, the SEC Subcommittee recommended "modernizing corporate reporting and disclosure," a message that currently is being echoed by countless other legal, financial and economic experts.

Why Actions by the Securities and Exchange Commission Matter for Your Golf Course

Because you are not employed in the financial industry or may not be a major shareholder in a company, you may be wondering how initiatives of the SEC have any impact on your livelihood. In fact, ivory tower decisions are being made right now that could have a substantial effect on your future as a turf manager or course superintendent.

Workers at publicly held companies, such as many of the golf courses owned by major resort developers or large golf management firms, ultimately are accountable to the organization's stockholders. As standards are implemented to capture the real value of a company in a knowledge-based economy, the gap between the organization's market value (stock) and its book value narrows. Human capital (that's you) starts to be measured as an asset rather than as a cost.

If the SEC continues in its current direction, revised conditions will go into effect regarding how publicly owned companies calculate the value of human capital in reporting to their shareholders. Companies will establish new criteria for representing key employees as assets rather than as a cost.

Superintendents who work at a municipal course are accountable to the voters and taxpayers, while the accountability of those who work for a privately held company is to the company's owners and investors. Nevertheless, even without actual shareholders, superintendents at municipal and at private golf courses will benefit from the transitioning way human capital is measured by publicly held companies.

As talented golf maintenance and turf professionals are valued as assets on the balance sheet rather than as costs, private courses and municipal facilities will have no choice but to, in their own way, follow the lead of their publicly-traded competitors. Make no



mistake about it, your public, private or resort course has more competitors than ever before.

Golf now competes for the time, money and attention of consumers in an environment jam-packed with alternative options for leisure, recreation, competitive sports fun and social engagement. In a vertical that once thrived by simply

retaining members, golf course management today must pull out all the stops to attract and retain membership, frequent golfers or vacationers whose time and interest for playing the resort course is being upstaged by countless "shiny object" recreational activities.

The Power of Human Capital Migration

It won't be easy for employers to determine accurately the value of a golf course superintendent's accumulated knowledge, technical expertise and on-the-job experience. No doubt, most superintendents would suggest that their value is far greater than their paychecks reflect.

If superintendents are correct in their assessment of their own value, and they are willing to



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make a geographic move, they may be able to leverage the new emphasis on valuing human capital. They may also be able to find golf course owners or managers who see them as being as valuable as they see themselves or, at least, perceive them to be more valuable than their current employers do.

When superintendents with greater talents and experience leave their existing places of employment for “greener fairways” where the paycheck and the benefits are better, they are creating a talent migration. As a result of this migration, good golf courses will become

even better because they attract more skilled or knowledgeable workers. Less successful golf courses will decline because they won't be able to compete for the top employees.

What Can You Do Now to Help Define Your Human Capital Value?

Putting a monetary value on human capital won't be a simple task for regulators, companies or even at the micro-level of your own golf facility. As a superintendent, turf manager, director of golf or other course decisionmaker, you can however, start laying the groundwork for better benchmarking and the assessing of contributions made by you and your crew.

Consider keeping a running spreadsheet of cost-savings generated by your actions and the actions of your maintenance workers. Measure mentions in the media by tracking what that much coverage would have cost in advertising dollars had your facility been paying for it. Track the cost of your formal

“If I am an investor looking at businesses today, I want to know what you are doing with your human talent, how you are growing your human talent, how you are accessing new talent, how you are retaining existing talent, how you are enhancing.” *Jay Clayton, Chairman of the U.S. Securities and Exchange Commission May 19, 2020*

education at today's value and keep records of the investment you and the facility make in on-going training for you and others on your staff. Be sure to include all the “above and beyond” contributions, such as working on your days off, working in inclement weather, supporting community interest in the facility at off-property events, and other efforts you and your workers make that contribute to the course's recognition and success.

Although it is imprecise and somewhat subjective, attempting to establish the return on investment (ROI) of

your workplace contributions provides, at best, a powerful springboard to human capital valuation and, at the least, extremely helpful talking points for negotiating your next raise. To paraphrase a wise insight, “If you think it's expensive to hire a good golf course superintendent, try hiring a bad one.”

Linda Parker has been writing professionally since the 1980s. With clients in finance, sports, technology, change enablement, resorts and nonprofit global initiatives, Linda helps organizations communicate their stories in meaningful ways to the people they most want to reach. She has authored, ghostwritten or contributed to more than a dozen nonfiction books. Linda is a member of the Authors Guild and the Golf Writers Association of America. You can connect with her at linda@glindacreative.com



Entire Golf Nation Fights Back Against Coronavirus

by Jay Flemma



But both as a lawyer and as a journalist, Your Author has learned one inescapable truth: in uncertain times, the best things to do are watch, listen, and carefully consider. So we at Golf Course Trades have had our ears to the ground and eyes wide open, at both the private and public level, from small mom and pop operations to the multinational corporations. Here's what we've heard so far, keeping in mind we are just beginning to acquire and analyze feedback. But at least we have good news to report.

PUBLIC COURSES

"We have big plans," beamed an ebullient Phil Furfari, part owner of the family-run Winged Pheasant Golf Course, a 27-hole facility between Syracuse, New York and Rochester. "It was easy to implement the Covid-19 protections, and we've not only been open and reasonably busy, but the new expansion projects are proceeding apace."

We visited Winged Pheasant back in 2017. Back then "Phil and Phamily," (as their "phriends" call them...it really is a mom, pop, and sons operation...oh, and old Aunt Helen too...), back then Furfari had just opened a new nine holes called the Roc, the longest and toughest loop and now the flagship routing. Things have gone swimmingly since then and even despite the Coronavirus pause, they have not just survived, they've thrived.

"We are just finishing the new 250-seat grass amphitheatre for concerts and movies. It's located on the course, just to the left of the 12th tee. We also have a stud farm so kids can pet and feed horses and donkeys, and we will also be screening movies either at the new amp or on the side of the aircraft hangar we have on premises. We can turn that area into a golf cart drive-in movie theatre."

"Crescent Amphitheatre" is the new venue's working title, and should open late this summer. In the meantime, Furfari held a dry-run of a rock concert on private land nearby to see how successful a "socially distanced" rock concert could be. About 200 people saw Grateful Dead cover band Delilah Jones play and now, three weeks later, there wasn't a single case of Coronavirus reported. Everyone



had a great time and observed all the social distancing rules.

Other public courses are also trying non-traditional ways of generating income streams. Willow Running, an upstate New York road racing outfit has been working on sponsoring races, but also offering post-run rounds of golf at excellent courses nearby as a package deal. Already they are talking to courses as far north as the Canadian border, as far west as Rochester, and in quintessential, idyllic Adirondack resort towns such as Old Forge.

"It's still early in our season, (before Father's day is still early for us, because we're so far north), and we did lose all our Canadian play since the border is closed as well as our two big spring charity tournaments," explained Mark Benz, a PGA professional and Director of Instruction at Thousand Island Country Club. "But we are looking to reschedule those events, and look forward to hearing lots of ideas like Mike's that will be new revenue streams for us to explore to make up for the downturn in food and beverage and parties."

"We'd love to work with Mark and TICC. We're also approaching Thendara in Old Forge and Green Lakes or Timber Banks in Syracuse. Runners could run any number of distances from 5k to a half marathon, then cool down with some golf," agreed Mike Samoraj, Willow's founder. "Running and golf are perfect exercise regimen partners."

Still other clubs are doing what everyone is supposed to do

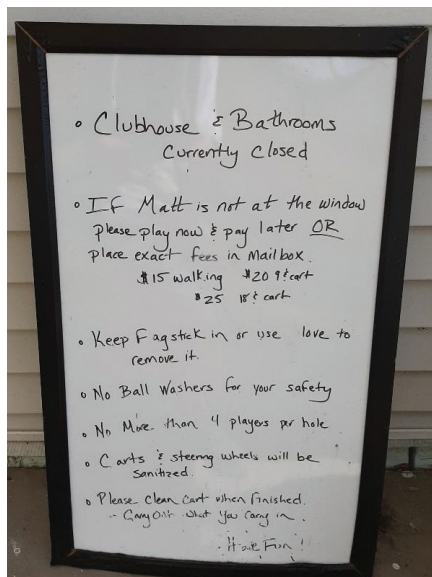
during tough times – I don't care whether a billionaire with a butler or Irving the tailor on Bleecker Street - you ride it out!

"We have a tiny 9-hole course far off the beaten path in upstate New York. I can't say we're really busy, but we are chugging along," said a plucky Marie Bamberger, the mom of mom-and-pop Camroden Golf Club in Rome, New York. "The time off gave us the chance to experiment with new drainage techniques – we're a clay-based course and severe spring rains are problematic. So that was a plus. Yes, we lost cart, tournament, and event revenue, but we have a loyal golfer base, almost rabid. There's no stopping them except for an asteroid hitting the course. And best of all, this crisis also brought out the good in everyone in our area. People regionally are propping up local establishments. So thank you."

And finally, there's Crestwood, whose remarkable resurrection and rescue from near death at the hands of the misguided (and many sources say stingy) prior owner, Alfred Park was chronicled by GCT archives.

Happily, their parking lot was filled to overflowing when we visited this week – every single space was taken and even more cars were parked temporarily on the entrance lawn.

"The leagues are still here and the course is in fantastic condition. We all need something to do to get outside, and the rules regarding social distancing are easy to comply with," golfer Pat Markeson gushed energetically. He's



been a regular at the club for decades, even through the lean years, before white knights, the husband-wife-and-family-team of Steve Nascewicz and Barb Presky bought the course in 2011 and turned it back into the region's flagship purely public facility. "Steve and Barb saved this club from Alfred Park," Markeson added proudly. "Coronavirus doesn't stand a chance."

PRIVATE COURSES

Private courses face some challenges, though no less daunting. Some private courses do not allow golf carts and have caddie programs. These clubs have taken a hit, especially when you add the loss of food and beverage and events. Worse still, some states such as New Jersey took longer to open than many other states, and when golf finally was allowed, it was with significantly fewer players. And finally some clubs are losing non-equity members since those members may have taken a considerable disposable income hit in the short term.

"At Bayonne we don't have carts, you have to walk. And because we weren't allowed to use caddies for months, we lost a lot of play since some members don't have the endurance to carry," explained course owner and designer

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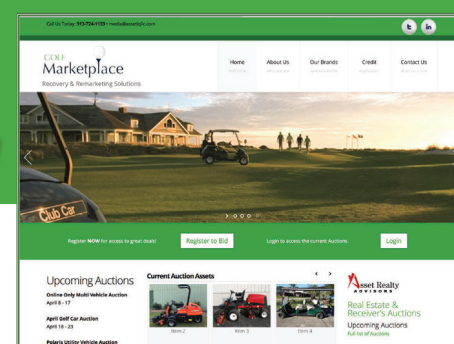
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Eric Bergstol, whose company Empire Golf owns just under a dozen clubs up and down the eastern seaboard. “And when we finally could reopen, we could only start two golfers every 16 minutes. That’s eight golfers an hour. But now it’s improving.”

Several superintendents nationwide echoed some of Bergstol’s concerns.

“I wouldn’t say financially our club is fine; like many country clubs, we lost a tremendous amount in food, beverage, and tournaments. I think we’ll see 1/5th of the revenue we usually see. Not that it won’t come back - it will – but it will take a while,” agreed one private club Head Superintendent, who spoke on condition of anonymity. His club has still seen full tee sheets – whether at 16 minute intervals or now 10. Known nationwide for its downright tremendous food, the club’s ethnic cuisine nights have – thankfully - kept takeout service busy, and drive-in movie night where everyone brought their kids to watch a dinosaur flick from their cars proved wildly popular as well.

“No touch golf – as in no rakes, no ball washers, no water cooler stations, no touching flags - has been easy. And we overcame the social distancing challenges in operations without much difficulty. It was more an annoyance than anything else,” added our source. “Thankfully, they are now allowing two people per cart, because four carts per group was putting far too much the extra traffic on the turf.”

Happily, many private club members are proving every bit as doughty and loyal as their public counterparts. Country Club of Farmington head superintendent, newly brought over from Yale Golf Club, was downright bullish on golf’s return.

“We are doing excellent. It took a little while to get the wind in our sails, but now we are going in to the summer with it at our back,” he confided eagerly. “The membership is strong and



we are spending money on the course. We are jammed. I thought this was a sleepy little club, but it’s buzzing with full tee sheets. We were worried we might have to downsize, but golf is the one of the only activities our members can do, so they are flocking to the course.”

AN UPDATE FROM GCSAA PRESIDENT JOHN FULLING, JR.

“I’ve never seen so many people on the golf course, and all our board members from across the country are saying the same thing,” stated GCSAA president John Fulling, Jr. “Not only are new people taking to the game in droves – it’s one of the only things we could do in this pandemic – but I think finally a larger portion of them with stay with the game.”

That’s huge. Golf has always been both the number one sport in America taken up by novices, but also the number one sport given up.

Apparently new memberships in golf clubs are actually keeping close to the number of memberships given up by non-equity club members, but we’ll need more time to see if that holds going forward.

“Some clubs are losing some members, and yes the hit to food and beverage at private

clubs, especially smaller ones, can be substantial - \$300,000 to 500,000 per year in some cases, began Fulling, Jr. “But the upturn in other areas like takeout and other new revenue streams is doing a good job of helping clubs hold steady.”

How many courses have we lost thus far, if any, do to the downturn? Fulling has not heard of any yet, and neither has Your Author.



GCSAA President John Fulling, Jr.

“What I can say is we thought this was an absolute disaster, but golf turned out to be the public’s perfect outlet instead. It natural has Covid-19 protections built in, and the restrictions are easily adaptable

by clubs. Best of all, we have not heard of any clubs saying they are having problems with course conditions deteriorating. Maintenance crews are now at full capacity.”

FOR NOW – STAY STRONG

It’s clear golf is back And in high gear: not because the pros are on TV again, but because the spirit of the rank and file American golfer is unquenchable. Or maybe the game is just irresistible.

[Author’s Note: Do you have a golf course Covid-19-related story to tell the world? Email us at Sharon@thetrades.com.]

When not reporting live from major sports championships or researching golf courses for design, value and excitement, multiple award-winning sports writer Jay Flemma is an entertainment, Internet, trademark, and banking lawyer from New York. His clients have been nominated for Grammy and Emmy awards, won a Sundance Film Festival Best Director award, performed on stage and screen, and designed pop art for museums and collectors. Twitter @JayGolfUSA

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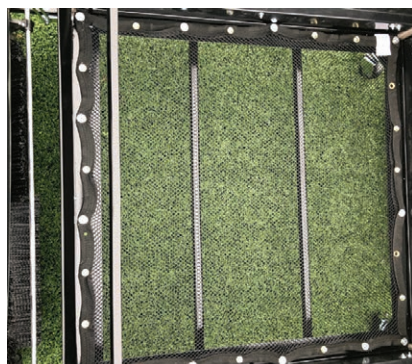
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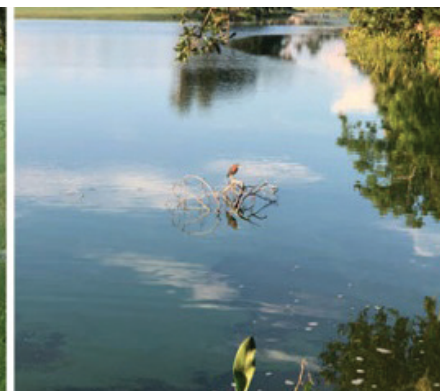
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Nanobubbles vs. Fountains vs. Submersed Aeration



Oxygen is essential to life, including the desirable life that lives below the surface of our lakes and ponds. When pollution, invasive aquatic weed growth and nuisance algae blooms cover the surface of the water, this prevents dissolved oxygen, or DO, from reaching the areas that need it.

Floating and architectural fountains are one option for aeration in lakes and ponds. In addition to serving as an aesthetic focal point, properly-sized fountains provide essential water column mixing in shallow waterbodies. As fountain water falls from the air in pleasing patterns, it bursts across the surface, accelerating the release of submersed gases, helping to reverse nutrient pollution, and introducing beneficial DO into the top layer of water. When the fountain is turned off, however, these benefits can subside. Another form of aeration that is recommended in large lakes and ponds is submersed aeration. In contrast to fountains, submersed aeration systems utilize an on-shore compressor to pump air through a subsurface tubes and diffusers that oxygenate and circulate the water from bottom to top. As bubbles rise from the depths to the surface, they increase DO throughout the waterbody and disrupt undesirable stratification. Like floating fountains, submersed aeration systems help convert

nutrients to more diluted forms that cannot sustain nuisance aquatic weed and algae growth, though they do not directly target these infestations. For the best results, these systems should be placed in lower depths as they may not properly circulate shallow water. New aeration alternatives, like nanobubble technology, have helped maximize the benefits of both fountains and submersed aeration systems. Similar to "traditional" submersed aeration systems, nanobubbles are produced by compact on-shore generators, but they are about 1 million times smaller than ordinary bubbles and have a strong negative surface charge. As a result, they provide long-lasting oxygenation within the water column—and even the sediments—for up to 2-3 months without popping. Because nanobubbles do not rise to the surface, they do not offer the vertical mixing benefits provided by fountains and standard diffusers. Nanobubbles are not only effective at reducing odors, breaking down bottom muck and restoring water quality; some manufacturers have registered their equipment as a pesticidal device with the Environmental Protection Agency, meaning it can be used to naturally eradicate nuisance algae and toxic cyanobacteria.

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Bringing People Back

Set the Stage for Success with a Great Return-to-Work Program

by Phillip M. Perry



Abstract: With the easing of restrictions surrounding the Covid-19 outbreak, businesses are starting to bring employees back into the workplace. A successful re-entry program will ensure the safety of company personnel and the public, obviate charges of discrimination and invasion of privacy, and avoid actions that inadvertently violate federal, state and local employment laws. Employers should set a positive tone to motivate their personnel in a difficult environment.

Working from home is over. Partly, anyhow. And after weeks of telephone conferencing and video chatting, many workers are doubtless eager to return to their offices. In managing this reverse migration, though, businesses must coordinate a patchwork of safety procedures and work area modifications while communicating effectively with employees.

Maybe the greatest challenge is convincing everyone it's safe to come back to work. "Many people are still scared, and their fear is

valid," says Bill Hagaman, CEO and Managing Partner of Withum (withum.com). "The risk of the virus impacting someone at any moment continues to be very real."

It stands to reason, then, that employers must ensure that no one gets sick by visiting their facilities. But the reasons for doing so go beyond health and morale. Work related illnesses can spark injury lawsuits, workers compensation claims, or charges the employer failed to provide a safe workplace as defined by the Occupational Safety and Health Administration (OSHA). "As employers put in place their return to work programs they must address legal issues concerning the safety of employees, vendors, suppliers, clients, and customers," says Paul Evans, a partner in the Employment and Compensation Practice Group in Baker & McKenzie's New York office (bakermckenzie.com).

Cleaning up

Most safety programs will begin with the physical plant. "The

business facility must be thoroughly cleaned," says Richard Avdoian, an employee development consultant in Metropolitan St. Louis. (MidwestBusinessInstitute.com). "Attention must be paid especially to the common areas, restrooms, chairs and desks. Sanitizing gels should be made available throughout."

Some employers may need to retool their entire workplace footprint. "Companies with an open model concept will have to consider whether it needs to be modified," says Bob Gregg, Co-chair of the Employment Practice Law Group at Boardman and Clark LLC, Madison, WI (boardmanclark.com). "People will not want to sit out in the open with others sneezing." Workstations can be spread apart to the requisite six feet of separation. Plexiglass barriers can be installed where appropriate.

Businesses may need to modify long-standing work procedures. A single serve machine might replace a group coffee maker. Conference room chairs might be removed so

people can sit far enough from one another. Hallways might be turned into one-way corridors. And the job of turning on the lights might be assigned to one person.

Signs posted throughout the facility can remind everyone to maintain proper social distancing, keep washing their hands and wear their masks. "Employers should ensure their workers refrain from unnecessary touching or congregating in cafeterias and conference rooms," says Susan Gross Sholinsky, Vice Chair of the Employment, Labor & Workforce Management practice of Epstein, Becker Green in New York (ebglaw.com).

In deciding what to do and not to do with their workplaces, businesses can obtain guidance from the government. Local and state authorities are issuing discretionary guidelines and mandatory directives. Some are very detailed, limiting the number of people permitted in a workspace, for example, to 25% or 50% of a room's normal capacity. At the federal level, several agencies are issuing return to work advisories ranging from social distancing to the ventilation of workspaces to health screenings for employees. (See Sidebar, "Government Resources for Re-Opening.")

Taking temperatures

Federal and state authorities are also offering advice on a popular method for reducing the risk of infection: taking the temperatures of arriving employees. "The prevailing guidance from the Centers for Disease Control and Prevention (CDC) is that any temperature above 100.4 degrees warrants sending the employee home for the day," says Evans. "If the temperature is above normal, but below 100.4 degrees, then the guideline is to wait 15 minutes and

take the temperature again to see if it goes up above 100.4.” Advisories are also available from local and state authorities at various levels of detail. “Temperature checks may be more important in hot spots than elsewhere,” says Evans.

Health procedures of any kind can pose legal issues. “Taking temperatures as people come into the workplace starts to raise wage and hour questions if people must stand in line,” says Gregg. “Employers need to ask, ‘How many minutes are workers standing?’ And ‘Should they be paid for those minutes?’”

Privacy issues may also arise. “What do you do if a person has a fever?” poses Gregg. “How do you respond in a way which does not single them out? You don’t want a gong to go off or to let others see you shuttle them to a holding pen. You want to handle things in a way that does not violate privacy.”

If doorway health inspections help boost morale, employers should realize they are not sure things. “An individual can be infected with Covid-19 without having a fever,” says Evans. “However, the medical

community still seems to think of temperature checks as important tools for ensuring workplace safety.”

Gradual returns

No safety plan can succeed if too many people crowd into the office, placing themselves and others at risk. Many businesses are moderating the flow of arrivals by bringing back people in stages, even going so far as to require eager volunteers to obtain clearance from their supervisors before returning. Others are separating their staffs into two or more teams and allowing one group in the office at a time.

“Employers should consider the feasibility of staggering employees’ shift times or of establishing an alternating workday or workweek schedule,” says Sholinsky. “They should be flexible and creative in developing policies that maximize productivity and ensure the highest levels of safety.”

If some employees are too eager to return, others will be fearful of doing so too quickly. Allowing those individuals to continue to work remotely may help obviate

safety risks. “If your business is set up for some employees to work from home, then consider allowing them to continue to do so,” says Hagaman. “Give special thought to parents of school-aged children in states where schools have shut down for the remainder of the year. Remote working capabilities can also protect employees who take public transportation to work by limiting their exposure.”

Avoiding discrimination

Employers need to avoid intentional or nonintentional discrimination in the pool of people returning to work. “When everyone is not recalled, some people are laid off,” says Gregg. “The demographics of the exceptions should be worked through.” There should be no pattern by age, disability, race or gender.

Particular care should be taken if someone in a managerial role is overheard saying the pandemic has created a golden opportunity to not bring back a “difficult” employee. “You have to take a step back and figure out why the employee is labeled difficult,” says Gregg. “Is it because of poor performance, or

GOVERNMENT RESOURCES FOR RE-OPENING

Employers looking to create a safe and efficient back-to-work program may obtain guidance from these federal agencies.

The Centers for Disease Control and Prevention (CDC) offers guidance on deciding when and how to open, cleanliness and disinfection, and reducing the transmission of infection among employees. (Navigate to [cdc.gov](https://www.cdc.gov), then click on “Learn More About Covid-19” and then “Businesses and Workplaces.”).

The Occupational Safety and Health Administration (OSHA) offers guidance on how Covid-19 spreads, how to assess potential hazards, and how to control the risks to workers. (Navigate to [osha.gov](https://www.osha.gov), then click on “Coronavirus resources” then “Control and Prevention”)

State and local agencies also maintain websites with helpful materials.

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because they have spoken up on protected matters concerning safety or employment?”

The law explicitly prohibits adverse actions against anyone who has taken time off as a direct result of the Covid-19 outbreak. “Employers may be subject to retaliation claims when employees are terminated or otherwise subject to adverse employment actions after they have taken sick leave, a leave of absence under the Family and Medical Leave Act (FMLA), or under a Covid-19-specific law such as the Families First Coronavirus Response Act (FFCRA),” says Sholinsky.

Accommodating disabilities

The Americans With Disabilities Act (ADA) and equivalent state and local laws create an especially hazardous legal terrain. An employer should not deny a request to work from home if that arrangement would be a reasonable accommodation for a Covid-19 related disability. “There may be a charge that the employee should have been allowed to work remotely if that individual has a compromised immune system or a condition identified by the CDC as one that would make the employee more vulnerable to being sickened by Covid-19,” says Sholinsky.

Ironically, the prevalence of remote work arrangements in recent months may have weakened employers’ traditional legal defenses in this area. “Given that employers allowed people to work from home for so long during the pandemic, it may be much more difficult to claim undue hardship as a basis for denying a request to do the same as an accommodation under the ADA,” says Gregg.

It may be wise now to record any inefficiencies that have arisen from recent work-from-home activity. “Waiting to document difficulties until after a request for continuing home-based work is made will seem like an after-the-fact justification,” says Gregg. “That carries much less weight with investigators or courts.”

The ADA legal coin has an obverse side. “Some employers may decide to keep people with underlying conditions, the at-risk folks, out of the office,” says Gregg. “The fear is that if they come back they will be more susceptible to catching the

virus with a more serious result.”

Yet excluding at-risk people can be tricky. “Who is at risk?” poses Gregg. “Anyone over the age of 60. So, the employer is tempted to say, ‘Older people cannot come back.’ Well, that means they cannot earn money and that can create an age discrimination issue.”

The decision to exclude people from a back to work program must be based on more than a stereotypical presumption, says Gregg. The ADA’s “direct threat standard” states that employers can exclude workers only when there is actual evidence that they pose direct threats to themselves or others—perhaps because they have told the employer they have an underlying condition or they have a relevant symptom.

“One way to minimize risks is to establish a reopening coordinator who understands all of the moving parts of a back to work program. It’s good to have someone who makes sure people understand the rules and their responsibilities.”

The need for a direct threat extends to a requirement for a medical examination. “The employer cannot send someone to the doctor to validate that they are okay to come back to work, if that same requirement was not made for everyone else,” says Gregg. “There needs to be more than a perception of a disability to send a person to the doctor.”

Attorneys caution that pay equivalency is not a defense against discrimination in these cases. “Even if the salary would be the same, the individual made to stay at home may lose out on valuable perks of actually working at the office,” says Gregg. “These might include client contacts, important sales meetings, or just generally being ‘in the know.’ They might even miss out on promotions: If you are not seen, you are not considered. So if you pick and choose who stays home, you have to be careful about picking some people and not others.”

The above considerations apply to employers of all sizes: While the ADA only covers businesses with 15 or more workers, most states have similar laws for smaller organizations.

Worker complaints

As careful as an employer may be in designing a safe and effective back to work program, it’s likely that not everyone will be pleased.

“Employers should put mechanisms in place to deal with complaints about working conditions, including practices such as social distancing to ensure the safety of the work environment,” says Evans. “Some employees may feel the employer has not gone far enough or has not enforced the rules appropriately. Employers need

critical right now,” says Hagaman. “Employers need to prevent confusion among their teams by answering their questions before they re-enter the workplace.”

Hagaman suggests addressing these questions: How will you assess the health of your employees prior to walking into the building? Where will your employees find supplies such as face masks and sanitizing wipes? What parts of their workspace will be closed? Will conference rooms and cafeterias remain open? And who will be allowed in the building, and when?

Not the least of challenges is that of communicating the panoply of new procedures to employees who may feel overwhelmed by a long list of to-dos and do-nots. Some employers are sending email broadcasts with answers to such questions. Others are posting informative signs in the workplaces. And others are packing personal protective gear into “goody bags” and handing them out to returning employees.

All such steps can calm fears. And given the negative emotions that have surrounded the Covid-19 outbreak, employers should try to present their communications in a forward-looking spirit. “As people start re-entering the workplace employers might create a return-to-work rally with a positive tone, applauding the performance of the staff in light of everything that has happened,” says Avdoian. “And as things move forward one way to encourage good morale is to ask for volunteers to serve on a committee that addresses staff concerns.”

The pandemic itself might present businesses with the opportunity to retool their operations, finding ways to work more productively and to utilize technology more efficiently. “We should create new policies and procedures in response to the pandemic as we do when faced with any obstacle or challenge in the business world,” says Avdoian. “We are always looking for ways to enhance our services. This is another opportunity to do so.”

Phillip M. Perry is an award-winning business journalist based in New York City. He covers management, employment law, finance, and marketing for scores of business magazines.

A positive tone

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The Superintendent's COVID-19 Survival Guide

by Jay Flemma

You have to commend the golf industry - all across our sport there has been a collective effort to battle Covid-19, and so far our unified efforts have been successful in promoting our sport, protecting our businesses and employees, keeping up with the fast-changing medical information, and navigating the Byzantine maze of state-to-state and even county-to-county rules and restrictions.

What follows is a brief, but concise guide to basic available resources for yourself, your course, and your employees. It is by no means comprehensive, and the landscape changes from hour to hour, (so consult your resources constantly for the latest updates), but here are the basics:

MORTGAGE RELIEF

On March 27, 2020 Congress passed and the President signed the Coronavirus Aid Relief and Economic Security Act (or CARES Act for short). This provides relief to homeowners

with federally-backed loans who are in imminent danger of defaulting on their home loan due to a Covid-19-related hardship or who actually have defaulted due to the impact of Covid-19.

Federally backed loans are almost exclusively owned by one of the following federal agencies - FHA, USDA, VA, Fannie Mae and Freddie Mac. You must first determine if your loan is federally-backed before applying for relief under the CARES Act. Remember: just because your loan documents were written on paper that says "FannieMae" or "FreddieMac" does not mean your loan is actually owned by those entities. Loans change hands with alarming frequency, and some banks use Fannie or Freddie paper for loans that are not federally-backed. You can simply Google the on-line look-up tool for Fannie or Freddie to determine if your loan is protected by those entities. Alternatively, you can call the HUD National Servicing Center for more information at 877.622.8525.

First and foremost, the CARES Act initiated a foreclosure moratorium; a bank or servicer cannot start a new foreclosure action, (in any state, whether by judicial or extra-judicial means) nor can they move forward with existing foreclosure actions by applying for judgments. They also cannot execute a foreclosure related eviction. They are, happily, encouraged to negotiate settlements. The CARES Act moratorium ended last Friday, but this week HUD extended it indefinitely.

Second, yet equally important, the CARES Act provides a temporary forbearance for homeowners of federally-backed loans. Any borrower experiencing a financial hardship, directly or indirectly, may request a forbearance regardless of whether they are delinquent or not, and it is mandatory that the bank give it. All a borrower has to do is allege a hardship - orally or in writing - and it must be granted, no questions asked.

What is a forbearance? A reduction or suspension of mortgage payments for a set amount of time. These payments are neither forgiven, nor waived; they must be paid back. They also do not cover the taxes and insurance on your home - those are still owed separate and apart from the mortgage loan. The forbearance shall be granted for up to 180 days and shall be extended an additional 180 days at the request of the borrower. The borrower can also request any forbearance period be shortened.

Rule Number One in this regard: if you can afford to pay your mortgage, pay it. It's always more expensive not to. Fees get added, delays happen, and confusion results at best. Banks are so bad at customer service that it's a good thing for us they're not doctors. So only apply for a forbearance if you cannot afford your mortgage payment.

What happens when forbearance ends? Again, everything depends on your loan. But with most federal loans, you do not have to pay everything back in a lump sum at the end of the forbearance. You might get put on a repayment plan, you might get a deferral - a non-interest bearing lien for accrued arrears that would be due at the end of your loan - or they could extend the life or "term" of your loan a number of months equal to the forbearance period. (If you have an escrow shortage, you may have to pay that separately.) There are also several types of loan modifications offered, depending on a borrower's income and loan status.

For more information contact the FHA National Servicing Center at www.hud.gov/offices/hsg/sfh/nsc.nschome.cfm, email hsg-lossmit@hud.gov or call 1.877.6228525. (Not to sound like a recorded message, but call volume has been enormous, so you may have a long wait time.)

If your loan is not federally backed, your options depend on the owner or investor in your loan. You should review the website of the loan owner or investor or write to them requesting for information with their loss mitigation procedures and how to apply for relief options.

UNEMPLOYMENT BENEFITS

For those who have lost jobs or been furloughed, there are also several relief programs in addition to normal unemployment benefits, including three pandemic specific options: Pandemic Emergency Unemployment Compensation (PEUC), Pandemic Unemployment Assistance (PUA), and Pandemic Unemployment Compensation, (PUC). Those in need of assistance first should apply for Unemployment Insurance Benefits through their

state's Department of Labor. Note: if you live in one state, but work in another (as many in our industry do) you should apply for benefits in the state where you worked, not the state where you live.

The CARES Act also gives states the option of extending unemployment compensation to independent contractors and other workers who are ordinarily ineligible for unemployment benefits. Contact your state's unemployment insurance office for more information.

PANDEMIC EMERGENCY UNEMPLOYMENT COMPENSATION (PEUC) is for individuals who were on UIB, but exhausted their 26 weeks of benefits. PEUC provides an additional 13 weeks of protection, and may be extended in the future.

If you don't meet your state's usual requirements for unemployment benefits (typically up to a year of full-time work history), you may still be eligible for benefits under the PANDEMIC UNEMPLOYMENT ASSISTANCE program (PUA). Under this program, for the period from January 27, 2020 to December 30, 2020, states are able to provide benefits to people with shorter work histories and for others who don't qualify for traditional UIB. You can apply through your state's Department of Labor website. You'll need some patience – requests have become overwhelming, so much so that in New York, Your Author's home state, you can only apply on certain days: Last Name beginning A-F on Monday, G-N on Tuesday, O-Z on Wednesday, and then open enrollment on Thursday through Saturday.

Lastly, PANDEMIC UNEMPLOYMENT COMPENSATION (PUC) is available to recipients of regular UI and PUA, and provides an additional \$600 per week until July 2020.

SMALL BUSINESS LOANS

The Paycheck Protection Program is a loan designed to provide a direct incentive for small businesses to keep their workers on the payroll. The Small Business Association, (SBA) will

forgive loans if all employees are kept on the payroll for eight weeks and the money is used for payroll, rent, mortgage interest, or utilities. (Due to likely high subscription, at least 75% of the forgiven amount must have been used for payroll). You can apply through any existing SBA 7(a) lender or through any federally insured depository institution, federally insured credit union, and Farm Credit System institution that is participating. Other regulated lenders will be available to make these loans once they are approved and enrolled in the program. You should consult with your local lender as to whether it is participating in the program. For affiliation rules applicable to the Paycheck Protection Program, go to <https://www.sba.gov/funding-programs/loans/coronavirus-relief-options/paycheck-protection-program>.

location

- Sole proprietors, independent contractors, and self-employed persons

This loan has a maturity of 2 years and an interest rate of 1%. No collateral or personal guarantees are required. Neither the government nor lenders will charge small businesses any fees.

The loan will be fully forgiven if the funds are used for the costs listed above, and loan payments can also be deferred for six months. Forgiveness is based on the employer maintaining or quickly rehiring employees and maintaining salary levels. Forgiveness will be reduced if full-time headcount declines, or if salaries and wages decrease. The loan forgiveness form and instructions include several measures to reduce compliance burdens and simplify the process

The CARES Act also gives states the option of extending unemployment compensation to independent contractors and other workers who are ordinarily ineligible for unemployment benefits.

View a list of lenders participating in the Paycheck Protection Program by state.

The following entities affected by Coronavirus (COVID-19) may be eligible:

- Any small business concern that meets SBA's size standards (either the industry based sized standard or the alternative size standard)
- Any business, 501(c)(3) non-profit organization, 501(c)(19) veterans organization, or Tribal business concern (sec. 31(b)(2)(C) of the Small Business Act) with the greater of:
 - o 500 employees, or
 - o That meets the SBA industry size standard if more than 500
- Any business with a NAICS Code that begins with 72 (Accommodations and Food Services) that has more than one physical location and employs less than 500 per

for borrowers, including:

- Options for borrowers to calculate payroll costs using an "alternative payroll covered period" that aligns with borrowers' regular payroll cycles
- Flexibility to include eligible payroll and non-payroll expenses paid or incurred during the eight-week period after receiving their PPP loan
- Step-by-step instructions on how to perform the calculations required by the CARES Act to confirm eligibility for loan forgiveness
- Borrower-friendly implementation of statutory exemptions from loan forgiveness reduction based on rehiring by June 30
- Addition of a new exemption from the loan forgiveness reduction for borrowers who have made a good-faith, written offer to rehire workers that was declined

Download Paycheck Protection Forgiveness Loan Forgiveness Instructions and Application here <https://www.sba.gov/document/sba-form-paycheck-protection-program-loan-forgiveness-application-revised-6-16-2020>

GETTING YOUR STIMULUS PAYMENT

If you have not already gotten your \$1,200 stimulus check from the IRS, you can simply go to <https://www.irs.gov/coronavirus/get-my-payment> to sign up for direct deposit of your stimulus money and/or check on the status of the processing of your payment. For once, something to do with the IRS is easy: just input information from last year's tax return and other typical ministerial information, and you'll get an automatic reply. Your Author signed up on a Thursday and got the money deposited in his account the following Wednesday.

GCSAA.ORG

Finally, GCSAA website is a treasure trove of specific and useful information for all members. There are disaster relief fund links, "back to golf" PSA videos, minimum maintenance guidelines, webinars and town hall briefings with other powerful industry players such as the PGA of America's Seth Waugh, updates on lobbying efforts, and small business guides. Next month: GCT surveys you - America's superintendents - and gets updates John Fulling Jr., current president of the GCSAA. Would you like your voice heard?

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When not reporting live from major sports championships or researching golf courses for design, value and excitement, multiple award-winning sports writer Jay Flemma is an entertainment, Internet, trademark, and banking lawyer from New York. His clients have been nominated for Grammy and Emmy awards, won a Sundance Film Festival Best Director award, performed on stage and screen, and designed pop art for museums and collectors. Twitter @JayGolfUSA

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JOHN DEERE AERCORE 2000 AERATOR



BUFFALO BLOWER



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