

## Farmtrac dealers begin getting parts; new stimulus package moves forward



This "Action Alert" icon will be displayed whenever action steps exist to help your voice be heard on topical issues. Dealers can expect to see alerts in all forms of NAEDA communications.

<b>Manufacturer Relations</b>		
ISSUE	ACTION SUMMARY	NAEDA'S POSITION
<b>Farmtrac</b>	<p>Farmtrac dealers are beginning to get back on track with regard to parts. The availability of parts is increasing from multiple sources selling parts for tractors built by Escorts and LS Mtron. The purchase of Farmtrac assets by Montana Tractors is likely to lead to better parts availability than what dealers have had. Moreover, the decision by LS Mtron to enter the U.S. market also will help with repair parts. Montana has met with Farmtrac dealers to discuss the application process for dealers who are interested in joining Montana's dealer network. LS also invited Farmtrac dealers to a series of meetings to determine whether they're interested in becoming LS dealers. While the developments will not solve all of the difficulties Farmtrac dealers face, these are clearly steps in the right direction.</p> <p>SOURCE: Seigfreid, Bingham, Levy, Selzer &amp; Gee</p>	<p>The lack of repair parts has made selling Farmtrac equipment on dealer lots more difficult. Some dealers are reluctant to sell equipment for which they cannot provide after-sale service. NAEDA applauds Farmtrac dealers who have taken care of customers despite the lack of manufacturer support on issues, such as warranties and spare parts. NAEDA welcomes any development that will help these dealers take care of their tractor customers.</p>
<b>McCormick USA</b>	<p>McCormick USA conducted its dealer meeting in Georgia recently. During the meeting, McCormick management revealed plans to improve distribution of wholegoods and parts as well as streamline operations to make the company more efficient and responsive to dealers.</p>	<p>NAEDA President/CEO Paul Kindinger was a keynote speaker at the meeting. He said McCormick is intent on improving its operational procedures to strengthen the support it gives to its dealers. The news was well received by the company's dealer network.</p>
<b>Bush Hog</b>	<p>NAEDA and its affiliated associations are receiving calls from dealers regarding the possible sale of Bush Hog. Furloughs of workers and temporary facility shutdowns have raised concerns about the future of the company, which has acknowledged it is researching potential buyers.</p>	<p>NAEDA's primary concern in a situation like this is the continued support of dealers and their customers. This situation will be closely watched to make sure parts and manufacturer support are available.</p>

<b>Government Relations</b>		
ISSUE	ACTION SUMMARY	NAEDA'S POSITION
<b>Stimulus Package</b>	<p>President Barack Obama won House approval for an \$819 billion economic stimulus package and did so without a single Republican vote and 10 Democrat defectors. The two-year package is one of the biggest pieces of legislation in history and reflects the urgent fiscal help that is needed for the economy. The size and details of the stimulus package remain in dispute and primary arguments center on spending versus tax cuts. The president believes changes to the bill in the Senate might attract a greater level of bipartisan support.</p>	<p>NAEDA continues to work on including provisions in the new stimulus package related to an extension of the 50 percent depreciation bonus and an increase in the amount a small business can expense under Sec. 179 to \$250,000.</p>
<b>SARL</b>	<p>NAEDA joined State Agricultural and Rural Leaders (SARL) in 2008 and recently participated in the 8th annual meeting of the group in San Diego, Calif. Members of the group are the majority and minority spokespersons for state legislatures and deal with agricultural and rural development issues facing their legislatures. Canadian agricultural officials also participated in the meeting.</p>	<p>NAEDA supports interaction with rural leaders to help influence their legislative decisions.</p>

A companion reference is regularly updated in the Dealer Advocacy Center at [www.naeda.com](http://www.naeda.com).

## NAEDA notes

### President signs fair pay act

President Barack Obama finished his first full week in office by signing the Lilly Ledbetter Fair Pay Act of 2009.

The act is Congress' response to a 2008 U.S. Supreme Court decision in *Ledbetter v. Goodyear Tire & Rubber Co.*, which held pay discrimination claims under Title VII are time-barred when plaintiffs fail to file charges with the Equal Employment Opportunity Commission (EEOC) within 180 days (or 300 days in deferral states) of the discriminatory pay decision. The plaintiff, Lilly Ledbetter, filed an EEOC complaint and a federal lawsuit in 1998, alleging pay discrimination from 1992 until her retirement.

The court rejected Ledbetter's argument that each new paycheck restarts the statute of limitations. The Lilly Ledbetter Fair Pay Act expressly overturns this decision and provides that every paycheck continues a distinct discriminatory practice. Such a rule virtually eliminates the statute of limitations on some pay discrimination claims. Current employees and retirees who still receive pay or benefits could conceivably file lawsuits based on discriminatory practices that occurred decades earlier, provided such plaintiffs could link their claims to compensation received within the statute of limitations.

The act also limits back pay awards for pay discrimination to a maximum of two years prior to the date a charge is filed. Significantly, the Ledbetter Fair Pay Act, as currently written, has a retroactive effective date of May 28, 2007, and will apply to pay discrimination claims pending on or after that date, including those brought under Title VII, the Age Discrimination in Employment Act, the Americans with Disabilities Act and the Rehabilitation Act.

SOURCE: Teresa L. Jakubowski, Barnes & Thornburg LLP

### New Form I-9 for 2009

A new Form I-9 has been approved but its use has been delayed until April 3. Employers use the form to determine whether an employee is eligible to work in the U.S. Both employee and employer must complete the form – and the employee must provide the employer with verification documents. This allows an employer to verify whether an employee is eligible to work in the country.

The current form, revised in June 2007, can continue to be used.

NAEDA encourages dealers to alert their human resources staff about the delay in the compliance date, which was February 2.

To read more about the revised form, visit: [http://www.uscis.gov/files/article/i9\\_qa\\_12dec08.pdf](http://www.uscis.gov/files/article/i9_qa_12dec08.pdf).