

February 24, 2023

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WP-02-24-23

ONLY FOUR DAYS TO THE SCHOLARSHIP DEADLINE!!!

The time is fast approaching when the 2023 WPMA scholarship recipients will be selected. **MARCH 1, 2023 IS THE CUT-OFF DATE** for applications to be **submitted online at wpma.com/scholarship**. Usually, there are less than 10 applicants for each WPMA state scholarship and the associate member scholarship, which makes the chances of receiving a scholarship very good. Applicants must be graduating high school seniors, and the son or daughter of a full-time employee of a WPMA member or associate member company. High School seniors who are currently working part-time for a WPMA member company, and have been employed for at least 90 days, may also apply for the scholarship.

The WPMA Scholarship Application and applicant qualification requirements are available on the Scholarship Foundation home page, www.wpma.com/scholarship.

The WPMA scholarships pay \$500 per semester for up to eight semesters, for a maximum award of \$4,000. **Employers, please remind your full-time employees or part-time senior student employees about the WPMA Scholarship, and give our students a chance for some extra financial help with college or vocational training!**

The following information provided by:
EMA-Energy Marketers of America



SBLC WEBINAR ON FEDERAL EFFORTS TO BAN OR LIMIT THE USE OF EMPLOYEE NON-COMPETE AGREEMENTS

The Small Business Legislative Counsel (SBLC) will host a webinar on Thursday, March 2 at 1:00pm EST. In this webinar, SBLC Strategic Policy Director and Paley Rothman employment law attorney Jessica Summers will discuss recent state and federal efforts to ban or limit the use of employee non-compete agreements and other restrictive covenants, what businesses should consider before entering these types of agreements with their employees and how small businesses can continue to protect their interest and information in light of the growing push back against non-competes.

This live webinar will be open to all EMA state associations and its members, free of charge. When registering, please tell your members to type "EMA" at the bottom of the registration page when asked: What association invited you? After registering, you will receive a confirmation e-mail containing information about joining the webinar.

Space is limited and available on a first come first serve basis, but we will be recording the webinar and a copy will be made available to any overflow registrants.

[CLICK HERE TO REGISTER NOW!](#)

DOL ISSUES GUIDANCE ON TELEWORKING BREAKS

The Department of Labor's Wage and Hour Division earlier this month issued a field assistance bulletin (FAB) addressing "**[Telework Under the Fair Labor Standards Act and Family and Medical Leave Act](#)**." The FAB does not have the force of law; however, it may be relied upon by courts that find it persuasive.

The FAB addresses the following issues relating to teleworking employees:

- At-home breaks. The Fair Labor Standards Act (FLSA) requires covered employers to pay nonexempt employees for all hours worked, including work performed in their home or otherwise away from the employer's premises or job site. When it comes to breaks taken during the workday, the FLSA says that short breaks of 20 minutes or less are generally counted as compensable hours worked. The FAB explains that this principle applies regardless of an employee's work location. However, breaks that are 20 minutes or more during which employees are completely relieved of their duties, as well meal breaks of 30 minutes or more, are not counted as hours worked when teleworking.
- Nursing employees. The FAB says that the FLSA's requirements that covered employees be provided with a "reasonable break time" and place (other than a bathroom) to express breast milk also applies when the employee is

working remotely from home or another worksite. The FAB adds that employers are not required to compensate employees for breaks taken to express milk, unless the employer generally provides compensated breaks.

- Family and Medical Leave Act (FMLA). For FMLA eligibility purposes, an employee must be employed at a worksite where 50 or more employees are employed by the employer within 75 miles of that worksite. Under the FMLA, an employee's personal residence is not considered a worksite. The FAB explains that, when an employee works from home or other remote location, their worksite for FMLA eligibility purposes is the office to which they report or from which their assignments are made.

Based on the above, the FAB does not change employers' obligations under the FLSA to compensate employees for all hours worked, including all remotely performed work. The failure to abide by these obligations can result in significant damages, including unpaid wages, liquidated damages, and attorneys' fees.

A takeaway from the FAB is that employers need to exercise reasonable diligence to track teleworkers' work hours. Employers should provide employees with a procedure to report hours worked, including those that were not scheduled or those that were worked during "off hours."

HHS RELEASES \$1 BILLION IN SUPPLEMENTAL LIHEAP FUNDING FOR FISCAL YEAR 2023

The U.S. Department of Health and Human Services (HHS), Division of Energy Assistance (DEA), announced this week that it is releasing **\$1 billion in state block grants** for the Low Income Home Energy Assistance Program (LIHEAP) for fiscal year 2023. Congress appropriated these funds under the Disaster Relief Supplemental Appropriations Act of 2023, which Congress included with the Consolidated Appropriations Act of 2023 and signed it into law on December 29, 2022, by President Biden.

The \$1 billion supplemental LIHEAP funding is separate and distinct from the prior two supplemental LIHEAP funding releases for fiscal year 2023; the \$100 million in supplemental funds from the Infrastructure Investment and Jobs Act and the \$1 billion in supplemental funds from the Continuing Appropriations Act of 2023 that were released on November 4, 2022. Additionally, HHS anticipates there will be one more release for fiscal year 2023 from reallocation funds from monies returned to HHS in FY 2022.

Thus far, HHS has released a total of \$5.5 billion in LIHEAP block grants for fiscal year 2023, significantly more than the \$3.8 billion awarded for all of fiscal year 2022. EMA fully supports LIHEAP and continuously urged Congress for supplemental LIHEAP funding last year.

EMA FILES COMMENTS ON RFS PROPOSED RULE

Recently, the Energy Marketers of America (EMA) filed comments on EPA's Renewable Fuel Standard (RFS) proposed renewable volume obligations (RVOs) and percentage standards for 2023, 2024, and 2025, as well as a series of modifications to expand the RFS program. Specifically, EMA highlighted the challenges higher ethanol blend requirements could have on existing underground storage tank systems. EMA called for a reduction to the proposed corn ethanol volume mandate while acknowledging its support for a permanent E15 year-round fix provided Congress appropriates over \$1 billion for small to medium sized companies to make UST system compatibility upgrades.

Meanwhile, EMA argued that EPA's proposed biomass-based diesel and overall advanced biofuel volumes through 2025 are not consistent with the industry's projected growth, or with the Administration's own goals to reduce greenhouse gas emissions. EMA supported an increase in RVOs for biomass-based diesel and overall advanced biofuel volumes given that there is room for growth in that segment. Renewable diesel fuel is the game changer for the energy marketing industry because it has the same ASTM specifications as diesel fuel and can be used in existing USTs. Additionally, the EPA's proposal limits separation of RINs assigned to biodiesel blended into diesel fuel at a content of 20 percent or less. EMA confirmed with the Office of Air and Radiation in writing that the 20 percent blend concentration limit does not apply to designated heating oil blended with biodiesel. Still, EMA requested the agency provide clarifying language in the final rule highlighting that fuel designated as heating oil is not subject to the 20 percent blend concentration limitation, including transportation diesel fuel redesignated as heating oil and subsequently blended with biodiesel.

EMA opposed the agency's eRIN proposal which would allow automakers to generate eRINs based on the EVs they sell by establishing contracts with parties that produce electricity from qualifying biogas. EMA argued that the EPA lacks the authority to implement the proposed eRIN credit for renewable electricity because it is inconsistent with the statutory purpose of the RFS, which is to support the production of renewable fuels, not the production and sale of certain vehicle technologies that eRINs are designed to promote. Making automakers RIN generators is a clear attempt to siphon capital away from clean green biofuels to electric vehicles. [Click here](#) to read the comments.

FUEL RELIEF FUND'S RELIEF WORK IN TURKEY

As of today, a team of Fuel Relief Fund volunteers has been on the ground in Turkey for almost one week, distributing high-calorie coal to survivors of the devastating 7.8 magnitude earthquake that struck the region in the early morning hours of Monday, February 6th. The volunteers have been visiting small villages in rural areas across the region, delivering life-saving fuel to families displaced by the earthquake. In our first week in the field, Fuel Relief Fund has distributed 100 tons of coal - benefitting an estimated 20,000 people in southern Turkey.

The FRF team has been operating in and around the cities of Kahramanmaraş and Gaziantep, where hundreds of thousands of people have been left homeless in the aftermath of the disaster. Displaced survivors are relying on coal-powered stoves to heat their tents, boil water, and cook food.

FRF will remain on the ground in Turkey in the coming days, delivering free coal to thousands of disaster survivors across the region.

Our work would not be possible without the generous support of donors like you. Every dollar we receive goes directly to the purchase of fuel for people in need. [Click here](#) to donate and stay tuned for more updates from the field.

WEEKEND READS

[**Power-Grid Attacks Surge and Are Likely to Continue, Study Finds | Wall Street Journal**](#)

[**Oil rig worker who makes \\$200K entitled to overtime, Supreme Court rules | New York Post**](#)

[**Subway plans electric car charging "oasis" | Axios**](#)

[**Hundreds of Energy Department Officials Hold Stocks Related to Agency's Work Despite Warnings | WSJ**](#)

[**Trump's climate denial shapes House GOP backbench - E&E News**](#)

[**Energy Permitting 'Ripe' for Bipartisan Overhaul, Lawmakers Say | Bloomberg Law**](#)

EMA NEWS

**Washington Conference and Day on the Hill May 10-12
Please Make Your Hotel Reservation and Register**

EMA's annual Washington Conference and Day on the Hill will be held in Washington, DC from May 10-12 at The Mayflower Hotel. Our industry continues to have dozens of important legislative and regulatory issues to discuss and the Day on the Hill remains the primary focus of this conference for you to meet with your members of Congress and network with other marketers from across the country!

You can find all conference details by [CLICKING HERE](#) from how to make your hotel reservations, to viewing the conference schedule and registering with secure event payment processing. [Registrations must be received by April 28 to be included in our hotel guarantee.](#)

EMA Journal Changing Number of Publications

We are excited to announce that the EMA Journal is going to three issues a year, in partnership with Innovative Publishing. This change enables us to highlight the very best of what is happening in our industry. The frequency adjustment makes it even easier and more affordable for our members and industry supporters to find and connect with each other.

EMA Journal will continue to be an exclusive print and digital advertising opportunity. To inquire about advertising in the magazine, contact Innovative Publishing at 844-423-7272 or via [email](#).

FEDERATED INSURANCE: IT'S YOUR LIFE

Resolutions for the New Year

The beginning of a new year brings excitement about new resolutions to accomplish over the next twelve months. But do you have any New Year's resolutions for your business?

Consider [some of these ideas](#) to help start things off on the right foot in 2023

Please always feel free to contact your [Federated](#) regional representative or EMA's National Account Executive [Jon Medo](#) at 800.533.0472 for any additional information or risk management questions. Federated is a Partner in EMA's Board of Directors Council.

This article is for general information and risk prevention only and should not be considered legal or other expert advice. The recommendations herein may help reduce, but are not guaranteed to eliminate, any or all risk of loss. The information herein may be subject to, and is not a substitute for, any laws or regulations that may apply. Qualified counsel should be sought with questions specific to your circumstances. © 2023 Federated Mutual Insurance Company

THANK YOU **WPMA EXPO 2023** TOP SPONSORS

Presidential

as of December 20, 2023



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THANK YOU to all who participated in the WPMA EXPO! Please take our short survey to tell us how we did. [Click here](#) for the survey.

PLEASE NOTE UPCOMING DATES FOR WPMA EVENTS

April 27-28, 2023 – Nevada Big Dogs – Red Rock Hotel/Sienna Golf Course – Las Vegas, NV
June 6-7, 2023 – MPMCSA Montana Convention – Fairmont Hot Springs – Fairmont, MT
June 19-21, 2023 – WIED Washington Convention – Suncadia Lodge, Cle Elum, WA
July 16-18, 2023 – OFA Oregon Conference – Sunriver Resort – Sunriver, OR
August 2-4, 2023 – IPM&CSA Idaho Convention – Sun Valley Resort – Sun Valley, ID
August 21-23, 2023 – NMPMA New Mexico Convention – Sandia Resort – Albuquerque, NM
October 25-27, 2023 – UPMRA Utah Convention – TBD – St. George, UT

The banner features a calendar on the left showing 'MARCH 1st is only Weeks Away!'. In the center, it says '\$4,000 SCHOLARSHIP OPPORTUNITY!' in large, stylized letters. To the right is a classical column icon and the text 'WPMA SCHOLARSHIP FOUNDATION'. On the far right, a green box contains the text 'CLICK HERE for WPMA SCHOLARSHIP Information and to Apply Online!'.

Petro Pete: I always take life with a grain of salt. And a slice of lemon. And a shot of tequila.

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