



NATSO AND WPMA TAP INTO THE POWER OF PARTNERSHIP FOR 2015 CONVENTIONS

WPMA and NATSO are joining in 2015 to bring you an additional attendee opportunity—TWO conventions for the price of ONE! WPMA Marketer Member attendees who register for the WPMA Convention may attend THE NATSO Show FREE OF CHARGE!

For their 2015 annual tradeshows, NATSO, the national association representing truckstops and travel plazas, and the Western Petroleum Marketers Association (WPMA) are co-mingling their events to offer attendees and exhibitors more unparalleled business and networking opportunities. By seizing the opportunity to share educational resources and access to their annual shows in February in Las Vegas, the two groups will provide their attendees with even more innovative solutions and greater access to their peers, industry suppliers, key travel plaza owners and operators.

NATSO Members and WPMA Marketer Members who register for one trade show automatically will be registered to attend the neighboring show at no additional cost. Reciprocal registration is honored for NATSO travel plaza members and WPMA marketer members only. Each show will feature its own exhibit hall, as well as unique educational programming for attendees.

The NATSO Show will be held at the Wynn Las Vegas, Feb. 16-19, 2015, and offers innovative experts focused on ahead-of-the-curve trends, a knowledge-filled human library built for a customized learning experience, and exhibitors that showcase tomorrow's hottest products and services specifically designed to meet the unique needs of travel plaza and truckstop leaders.

WPMA's National Convention & Convenience Store Expo will be held at the Mirage Convention Center Feb. 17-19, 2015. The Expo offers two-and-a-half days of industry-expert speakers, seminars and networking events, and access to more than 90,000 square feet of tradeshow space with exhibitors displaying and selling the latest in technology, services, c-store innovations, and truck and trailer displays to meet the needs of the petroleum industry.

NATSO truckstop and travel plaza operators can register for the two events at www.natsoshow.org. WPMA Marketer Members can register at <http://www.wpma.com/national-convention>. Reciprocal registration is honored for NATSO travel plaza members and WPMA marketer members only. Exhibit partners must be registered for each event separately to participate.

**Contact Jamie Wood at WPMA for additional questions: jamiew@wpma.com

PLEASE SUPPORT THE SCHOLARSHIP FOUNDATION SILENT AUCTION!

In May 2015, the WPMA Scholarship Foundation will award \$32,000 in scholarships to graduating high school seniors. The Foundation receives a large portion of its working capital through income from the annual Scholarship Silent Auction held at the WPMA convention in February. Please support the Scholarship Foundation by donating an item to the 2015 Scholarship Silent Auction.

Past Silent Auction donations have included tickets to sporting events, vacation packages, decorator items, electronics, sports equipment, logo clothing, jewelry, tools, accessories, etc. If you would like to donate an item, please fill out the Silent Auction Donation Form available under the Scholarship tab on the WPMA website:

<http://www.wpma.com/pdf/scholarship/SA15-DonationFrm062414w.pdf> or e-mail Kathy Michaelis at kathym@wpma.com. The value of items donated to the auction is tax-deductible.

PMAA REGULATORY REPORT

Subject: U.S. DOT FMCSA – Driver Hours of Service

Issue: New Law Temporarily Suspends New CDL Driver 34-Hour Restart Rule

EXECUTIVE SUMMARY – A new law enacted by Congress and signed by the President suspends enforcement of the CDL driver 34-hour restart regulations adopted in July 2013. The law prevents the FMCSA from enforcing the new 34-hour restart provision until September 30, 2015 or until the agency conducts a new field study on driver fatigue. As a result, drivers must now use the more flexible 34-hour restart provisions in place before July 1, 2013.

NEW LAW SUSPENDS ENFORCEMENT OF CDL DRIVER 34-HOUR RESTART UNTIL SEPTEMBER 30, 2015:

President Obama signed the FY 2015 Omnibus Appropriations bill into law this week that includes a provision immediately suspending enforcement of the “new” 34-hour restart restrictions under 49 CFR 395.3 of the Federal Motor Carrier Safety Regulations that were implemented in July of 2013. Congress said the suspension is necessary because the Federal Motor Carrier Safety Administration (FMCSA) failed to gather sufficient data through real-life studies of driver fatigue to support the new 34-hour restart provision. The law essentially forces the FMCSA to revert back to the “old” restart provisions in effect before July 1, 2013 which most petroleum marketers are familiar with and used for many years. The enforcement suspension will remain in effect until September 30, 2015 or until the FMCSA completes a comprehensive driver fatigue study. The new law mandates the FMCSA to begin the new study within 90 days of the law taking effect. The FMCSA announced it is working with state and federal motor carrier enforcement personnel to ensure a smooth transition back to the prior version of the 34-hour restart.

The law temporarily suspending enforcement of the new 34-hour restart provision is good news for petroleum marketers. The new restart provision effectively reduced the maximum number of hours a CDL driver could drive during a work week from 82 hours to 70 hours. The new restart provision requiring two over night rest periods between 1:00am and 5:00am actually forced drivers who work overnight to be off duty for longer than 34-hours in order to get a valid restart to the work week. It is important to understand, however, that the law does NOT require the FMCSA to change the new 34-hour restart regulations. Instead, it merely says the agency cannot enforce the restrictions it placed on using the restart option. This means enforcement will be based on the restart provision that was in existence before July 1, 2013.

How does the law passed by Congress effect the 34-hour restart requirement?

The new law passed by Congress prevents the Federal Motor Carrier Safety Administration (FMCSA) from using federal funds to enforce the “new” 34-hour restart provision that was put in place on July 1, 2013.

The new 34-hour restart rule which will no longer be enforced contained the following provisions:

Limited the use of the restart period to once during any 168-hour period;

Required restart to include two periods between 1:00am to 5:00am for the driver to sleep.

Required a driver with multiple 34-hour periods off within a seven-day period to indicate in log book or on time records which of the 34-hour periods counted as the official restart.

What is the effective date of the new 34-hour restart rule enforcement suspension?

The suspension of enforcement of the new 34-hour restart provision became effective December 17, 2014.

How long will the new 34-hour restart rule enforcement be suspended?

The law provides that the suspension is effective until September 30, 2015 or until the FMCSA completes a driver fatigue study of real drivers in their actual driving environment. PMAA will alert marketers when the suspension ends.

What are the compliance requirements for the 34-hour restart period moving forward?

During the period of enforcement suspension, drivers must comply with the “old” 34-hour restart period in place before July 1, 2013. The old 34-hour restart rule allows drivers to restart their weekly hours after taking at least 34 consecutive hours off-duty, regardless of whether or not it includes two periods of time between 1:00am and 5:00am. A driver can also utilize the restart more than one time per week if necessary.

What about intrastate (in-state-only) drivers?

The law prohibits the spending of federal dollars for enforcement — including the reimbursement of states for their enforcement practices — but it does not tell the states what they may or may not do. Also, some states do not automatically adopt changes to the federal hours-of-service rules. Therefore, not all states will be suspending their enforcement of the restart restrictions, at least not as of December 16, 2014. Check with your state for details about their enforcement plans.

When will the regulations be updated?

The federal hours-of-service regulations will not be changing as a direct result of the new law. The law does not require the FMCSA to change any rules, including the restart provision, and the agency has not indicated that it plans to change the hours-of-service rules due to the law. Once the FMCSA completes its study of the restart restrictions, however, the agency may decide to change the regulations at that time.

What kinds of studies does the FMCSA have to do?

The law requires the FMCSA to undertake a rigorous, independently peer-reviewed, “naturalistic study of the operational, safety, health and fatigue impacts of the restart provisions ... on commercial motor vehicle drivers,” the law reads. A “naturalistic” study involves the studying of actual drivers in the field, not in a lab. The law says the agency has to begin the study within 90 days.

What if a driver is cited for a restart violation?

If an interstate driver is improperly cited for a 60- or 70-hour rule violation due to the officer failing to count a valid restart as a restart, the first step is to verify that there was no violation. If the officer wrote the violation in error, the violation can be challenged using the DataQs system by clicking on the following link:

<https://dataqs.fmcsa.dot.gov/Default.aspx?enc=4orU4r4VSakAIYsixOmHrCeQ158lknHedB20QvgZJtcw=>

Got Questions? Contact Mark S. Morgan, PMAA Regulatory Counsel at mmorgan@pmaa.org

REUTERS REPORT ON NEW NLRB/ FRANCHISE RELATED DECISION

Dec 19 (Reuters) - McDonald's Corp and some of its franchisees were named jointly in complaints filed on Friday by the U.S. National Labor Relations Board's Office of the General Counsel, accusing them of labor violations in a widely anticipated move that could have wide-reaching implications for businesses.

Complaints were filed in 78 cases claiming that McDonald's workers across the country were fired or intimidated for participating in union organizing and in a national protest movement calling for higher wages. The complaints strike new ground in treating McDonald's, the world's largest restaurant chain, as a "joint employer," meaning that it could be held liable along with its franchisees for any violations, the NLRB's general counsel, Richard Griffin, said in a release.

Until now, McDonald's and other companies that make wide use of franchises and contract employers have been insulated from such liability under the NLRB's previous definition of what constituted a joint employer. A McDonald's spokeswoman said the company and franchisees would fight the claims.

"These allegations are driven in large part by a two-year, union-financed campaign that has targeted the McDonald's brand and impacted McDonald's restaurants," said Lisa McComb, a company spokeswoman.

The complaints will be considered by administrative law judges beginning in March 2015; the decisions can be appealed to the five-member NLRB and ultimately to federal courts.

While Friday's move was the first step in a long process, it has the potential to rewrite long-held rules governing labor relations between parent companies and franchises that are run as independent businesses.

For the last three decades, the NLRB has held that franchisers may only be considered joint employers if they are involved in setting wages and hiring workers.

Mary Joyce Carlson, counsel for the Fast Food Workers Organizing Committee, the union-backed group behind the protest movement, said Griffin was right to treat McDonald's as a joint employer because of the control it exerts over franchises, including the way food is prepared and served.

Trade groups said the decision to treat McDonald's as a joint employer would lead to uncertainty about how employment agreements are enforced and when companies can be sued for labor violations.

"This is chaos," said Michael Lotito, a lawyer with law firm Littler Mendelson who represents companies in labor disputes.

The real losers could be the franchisees if companies decide to abandon the franchise model, said Robert Cresanti, vice president of the International Franchise Association, whose membership includes McDonald's.

The franchise association says 8.5 million U.S. workers are employed by franchises.

Griffin, in a separate case in June, asked the NLRB to adopt a broader standard on joint employers that reflects the influence companies like McDonald's have over working conditions, such as requiring the use of scheduling software.

The board is set to decide in that case whether it will begin to apply the broader standard, which would impact industries far beyond fast food. (Editing by Alexia Garamfalvi and Leslie Adler)

MARK YOUR CALENDARS FOR UPCOMING EVENTS

- February 17 – 19, 2015** - WPMA Convention & Expo – Mirage Hotel, Las Vegas, Nevada
- May 14 – 15, 2015** - Nevada (NPM&CSA) BIG DOGS 4 – JW Marriott Las Vegas Resort & Spa, Nevada
- June 2 – 4, 2015** - Montana (MPMCSA) Convention – Northern Hotel, Billings, Montana
- June 22 – 25, 2015** - Washington (WOMA) Convention – Suncadia Resort, Cle Elum, Washington
- August 5 – 7, 2015** - Idaho (IPM&CSA) Convention - Sun Valley Lodge - Sun Valley, Idaho
- August 17-19, 2015** – New Mexico (NMPMA) - Marriott Pyramid North – Albuquerque, New Mexico
- September 15-17, 2015** - Utah (UPMRA) Convention - Park City Marriott - Park City, Utah
- August 3 – 5, 2016** - Idaho (IPM&CSA) Convention - Coeur d'Alene Resort - Coeur d'Alene, Idaho

2015 WPMA CONVENTION & CONVENIENCE STORE EXPO – LAS VEGAS, NEVADA

Don't Miss **Frank Caliendo**, comedian/actor/impressionist as Wednesday Keynote during the WPMA Convention. Mark your calendars for February 17-19, 2015. Make plans now to attend the 2015 WPMA Convention and Convenience Store Expo. It will be held once again at the Mirage in Las Vegas, Nevada.

Win - US Open Package - June 18 – 21, 2015 – The US Open Golf Tournament will be held at Chambers Bay Golf Course in University Place, Washington. Package includes gallery tickets for four to the Saturday, June 20 and Sunday, June 21 tournament days, three nights' lodging, and \$2,000 spending cash. Contact your state executive director for the Scholarship Raffle Tickets.

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Petro Pete: "Santa gets all the credit and I get all the debt."

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