



JMT & Associates, LLC

Human Resources & Safety Consulting

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PEOPLE POINTERS

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*** NEWS ***

EEOC - Coronavirus

What is the best way to comply with federal anti-discrimination laws while responding to the coronavirus?

The Equal Opportunity Commission (EEOC) has issued guidance for employers about reasonable accommodations under the Americans with Disabilities Act (ADA).

During a pandemic, ADA-covered employers may ask employees if they are experiencing symptoms of the pandemic virus.

The EEOC is allowing employers to test for the virus as a medical assessment for employees returning to work and for candidates when a conditional offer of employment has been made. Employers can take employees' temperatures. You should take the employee's temperature in private and not announce the results. The person taking the temperature should be wearing personal protective equipment (PPE).

A request for an alternative method of worksite screening due to a medical condition or a religious belief is a request for accommodation. The request should be evaluated accordingly.

Employers can't treat workers age 65 and older less favorably than other employees, even if their efforts are intended to protect employees who are at a higher risk of severe illness from COVID-19.

Employers may not exclude pregnant workers from the workplace out of fear for the woman's safety.

Employers can provide flexibility to employees, so long as they do not treat employees differently based on gender or other protected characteristics.

Your return-to-work protocol must incorporate, as a baseline, all the CDC recommended practices of social distancing, facility cleaning, offering personal protective equipment, etc.

LGBTQ

A U.S. Supreme court ruling on June 15, 2020 says federal employment law shields workers from discrimination based on sexual orientation and gender identity.

This applies to employers with 15 or more employees. However, you should keep in mind that state and local regulations may have a lower

number of employee requirement.

If you fire an employee merely for being gay or transgender you are violating Title VII of the Civil Rights Act of 1964.

You should update your policies and employee handbook to cover nondiscrimination based on sexual orientation and gender identity.

Antibody Testing

The Equal Employment Opportunity Commission (EEOC) clarified on June 17, 2020, that the Americans with Disabilities Act (ADA) prohibits mandatory antibody testing before allowing employees to return to the workplace.

Even during the pandemic, antibody testing would be considered a medical examination and isn't job-related and consistent with business necessity.

Antibody tests show whether someone once had COVID-19. The U.S. Centers for Disease Control and Prevention (CDC) said that antibody tests should not be used to make decisions about returning individuals to the workplace.



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Compliance Review Checklists

Checking key components of your human resources and safety programs is important to maintaining an effective and up-to-date management program.

In each issue we will present a checklist of human resources, general industry safety and construction safety key components.

Please take a few minutes to check your compliance with the components that apply to your business.

Human Resources Checklist

- ✓ An employer's effort to prevent off-the-clock work will be a key element of its defense to an off-the-clock work claim.
- ✓ Each employer should have a publicized procedure for reporting payroll errors or instructions to work off-the-clock.
- ✓ Your policy should clearly define proper and improper conduct and provide employees with a means to report misconduct or improper instructions. The reporting procedure could be modeled on the one for reporting harassment or discrimination claims.

General Industry Safety Checklist

✓ Every open-sided floor, platform or runway 4 feet or more above adjacent floor or ground level shall be guarded by a standard railing with toe boards on all sides, except where there is entrance to a ramp, stairway or fixed ladder.

✓ Runways not less than 18 inches wide used exclusively for special purposes may have the railing on one side omitted where operating conditions necessitate.

✓ Regardless of height, open-sided floors, walkways, platforms or runways above or adjacent to dangerous equipment shall be guarded with a standard railing and toe boards.

Construction Safety Checklist

✓ The wooden handles of tools shall be kept free of splinters or cracks and shall be kept tight in the tool.

✓ Electric power operated tools shall either be approved double-insulated or properly grounded in accordance with Subpart K of the electric standard.

✓ Employers shall develop, implement and maintain at the workplace a written hazard communication program for their workplaces. Employers must inform their employees of the availability of the program, including the required list of hazardous chemicals and safety data sheets required.

Employee Training

By: John M. Turner, Ph.D.
President

Part 12

Return-on-investment (ROI) analysis - In some companies training must have a ROI before money is allocated. Resource accountability is an important part of training evaluation.

Benchmarking - Some companies will use benchmark measures to compare it with training done in other companies. Human resources will gather data on training in their company and compare it with data on training at other companies in the same industry and of a similar size - either employee count or sales figures. We have gathered this data for smaller clients that do not have a human resources person. Training data can be found through a variety of services. Do an Internet search to see what data is available for your industry.

Training Evaluation Designs

It is very important to evaluate your training program. There are several different ways to accomplish the evaluation.

Measure the employee's ability to perform to expectations after the training is completed. You must be careful when giving performance tests after the training. It is not always easy to determine if the performance is a direct result of the training or could the employee deliver the



performance without the training.

Another method measures the employee's skills before the training. This measurement is compared to the post-training measurement. The challenge is to determine if the increase in performance was due to the training. Perhaps the employee simply worked faster during the post-test. Employees will sometimes work faster when they know they are being evaluated. The third method is more involved and includes a control group. Two different groups are tested. The group that received the training and a group that did not receive the training (control group). If the trained group works faster than the control group after they receive training, we can be reasonably sure that the training was effective.

Training for Global Assignments

If you have employees that are going overseas to work, the training they receive before leaving is very important. What does your formal training program look like? Many companies give their employees an overseas assignment without any pre-assignment training. Training is key to a successful cross-cultural adjustment for both employees and their families.

Some topics that should be included in the training include the following.

- Daily living conditions.

- Cultural customs.
- Business issues.
- Country history.
- Climate.
- Transportation.
- Communication systems.
- Food.
- Labor and human resources practices.
- Safety regulations.
- Related laws.

Some companies are now providing inter-cultural competence training. Training includes human social skills and personality characteristics. The key components include the following.

- Cognitive - What does the employee know about other cultures?
- Emotional - How does the employee view other cultures? How sensitive is the employee to cultural customs and issues?
- Behavioral - How does the employee act in intercultural situations?

The area of global training is very involved. We present just an overview of some key areas. If you have global employees, you should consider additional research in this area of training.

An effective employee training program is critical to the success of your company. What training do you conduct now? What training should you be doing to benefit your employees? Take

the time to develop your training plan and integrate it with your strategic business plan. If you are not sure, ask for help.

Good luck with your training program.

This article will continue in our next newsletter edition.

Note: Previous articles are available on our website.



Face Coverings for the Coronavirus are not Respirators

By: Marc Snitzer, CIH, CSP, RS
Independent Safety and Health Consultant

The coronavirus is spread by droplets which are expelled when someone coughs, sneezes, talks, or even breathes. These droplets usually settle to the floor within several feet from the person in still air. Following the social distancing recommendation of staying at least 6 feet away from other people will provide the most protection. Cloth face coverings are recommended to try and contain the droplets as an additional safety measure or when social distancing is not possible.

These "masks" have only very limited ability to protect the wearer, but do serve to protect others from exposure from the wearer. Just as a paper towel can absorb liquid, a face mask will contain most of the droplets.



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Why do these masks serve to protect others but not the wearer?

- They do not provide a good face seal. Respirators have seals to prevent leaks around the face and especially the difficult to seal nose area. Eye glass wearers who complain that their glasses fog up when wearing a mask, provide evidence of this poor seal. To wear a respirator, the wearer must be clean-shaven, this is not required when using a cloth face covering. Respirators must be selected in the correct size; seal checks and fit testing are also needed; none of this is required for cloth face coverings.
- While some people state that cloth masks make breathing difficult, respirators demonstrably make breathing more difficult and this is why medical clearance is required for situations where respirator use is required.
- When respirators are required, a comprehensive respirator program is required; this includes written procedures for respirator selection, medical evaluations, fit testing, proper use, maintenance, storage, training, and program evaluation. None of this is required for cloth masks.

OSHA has a webpage that gives additional information on the use of face coverings in the

workplace; this site is: <https://www.osha.gov/SLTC/COVID-19/covid-19-faq.html#cloth-face-coverings>

The Centers for Disease Control suggests the use of face coverings to reduce exposure to the virus. If you need assistance in setting up either a respirator program or a program to reduce employee exposure to the coronavirus in your facility, please contact JMT & Associates, LLC.



Top 10 Tips That Every Entrepreneur Needs To Know

By: Nicholas Dillon, MS, MAED
"The Believe Coach"

1. You must see yourself as an entrepreneur and also remind yourself that you are in business.

Now, as you enter the world of making professional coaching, consulting, and speaking, you now have to see your TIME as VALUE. You can certainly make time to give good free advice if you like. However, I would advise you to set up specific boundaries around that practice. Since you are now operating as a business, I need you to think in terms of peak operating hours such as 9:00 am - 5:00 pm or 8:00 am - 4:30 pm as premium hours where advice that requires your technical or expert assistance is no longer FREE. You must believe that your time now comes at a

premium. Since the helping profession does not always have standardized hours, you may also have some premium hours in the evenings. Find your sweet spot in terms of peak times that you are able to generate revenue. As a business, we do not leave any money on the table when there is an opportunity to get it or at least ask for it. While you see yourself as a business, you will need to create new behavioral habits for the people in your personal and professional network. This process will not happen overnight but with conscious effort and consistency it will. Once you say YES, your experience shifts to a totally different mindset. Your intentional action you take on a daily basis needs to be real specific in what you want to accomplish for the good of the business.

2. Research and understand your market.

Take the time and do the market research on your industry. Study the gurus. Study what your ideal client needs. You want to be able to solve the problem and meet the need of your ideal client. Your goal is to create appeal for yourself in your business. I personally have read books, studied the self-help industry, and also attended live events of the top self-help experts in the industry. I took notes on not only their messaging but also took great observation on how they planned events, their support team, and other logistical and technical tricks of the trade.



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3. Being an entrepreneur requires more work than your role as an employee.

The work you put in your business will always be more than you imagined. It's your baby and remember you want the best for your baby. Thomas Edison quoted, "There is no substitute for hard work." This statement is so true in that your success will come from the action you take in your business. It will be the most demanding and rewarding job you will ever have. In addition, your work is never done. There will always be work you can do with your business. As technology continues to advance, so it will impact every business. Your growth in your personal life will be able to take your business to the next level.

4. Tune out negativity, even in your own negative self-talk.

Most businesses have areas and shifts where there may be successes and failures. Remember to fail forward. Learn from your mistakes and get back in the game. During the life of your business, you will find that everyone will have an opinion. The more successful you are the more criticism people may have. Make sure you surround yourself with an amazing support system that supports the mission, vision, and value of your business. Your support system encourages, supports, and pushes you on the journey to success. Your support system will help you to silence the naysayers and the negativity.

More importantly, remember to pay attention to your own self-talk. Often times on this journey, you may encounter your own mental mindset in negativity. This is something you need to work on and stay focused on the vision. Never, Never, Never, stop BELIEVING.

5. The persistent entrepreneur gets the results.

The journey of entrepreneurship will bring its challenges, but you need to remain persistent and consistent in your effort to push forward and succeed. Make adjustments; consult with your support team, regroup, and move forward.

6. Remember to grow your client list.

As an entrepreneur in the helping profession, I have learned the importance of building a customer list based on those who follow me on social media, subscribe to my newsletter, buy my products, and even those who attend my events. As you collect the data from the different sources, you start to build a client list that will become very valuable to you in the future. As you launch new products and services and even collaborate with other partners, your client list becomes a starting point for you to market to. Build that trust with your followers and focus on constantly growing and engaging with your new community.

7. Have a solid business plan.

Planning plays a crucial role in any business success. A business plan is a good place to start defining your skills and weaknesses, what you offer, how it's unique and how you plan on growing your offering. Also, try to prepare yourself mentally and practically for anything that could go wrong and how you would deal with it. For example, what happens if you get injured? What if clients pay you a month late? What if a weather disaster affects you? Or a trusted supplier goes bankrupt?

8. Prepare for capacity challenges – Financial.

Twenty percent of small businesses fail in their first year, 30% of small businesses fail in their second year, and 50% of small businesses fail after five years in business. Most small businesses report that cash flow was by far their biggest challenge. Deal with cash flow blows by saving for a month's worth of expenses or by getting creative with how you lower your overheads. You could offer clients a discount if they pay a deposit or the full amount upfront, or even an incentive – e.g. pay 10% less if you deliver your product or service a week earlier. Whatever you do, be extremely careful of debt – this is one of the biggest killers of small business success.

9. Be a risk taker.

We never know the outcome of our efforts unless we actually do it. Jeff Bezos said it helped to know that he wouldn't regret



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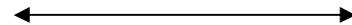
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failure, but he would regret not trying.

10. Believe.

As Henry Ford famously said, "Whether you think you can, or think you can't, you're right." Believe that you can succeed, and you'll find ways through different obstacles. If you don't, you'll just find excuses.

The Believe Coach, Nicholas Dillon www.nicholasdillon.com. Try out a complimentary life coaching session with The Believe Coach at www.BelieveUniversity.net.



Housekeeping & Tripping Hazards

By: The Safety Division

As each of us works throughout the jobsite, our daily needs require extension cords, air compressor hoses, cutting torch hoses and welding leads. Each of these cords or hoses acts as an umbilical cord providing us with the necessary electricity, compressed air, acetylene, oxygen, grounds for welding,

and power for the welding stinger. The danger here is that any of these leads can become tangled and create tripping hazards if they are not placed properly before you start work.

We must take the time to run them underneath walkways, overhead, if needed, away from access doors and ramps, and away from pinch points. Leads and hoses are subject to cuts, abrasions, punctures and plain old normal wear and tear.

Remember to run leads, cords and hoses out of the way, cover them properly and most of all, do not let them become tripping hazards.

There are many other objects around the work area that are just as dangerous.

Have you ever stepped on a screwdriver or a short piece of pipe and felt your feet about to slip out from under you? Did you ever trip over a shovel carelessly left on the ground? Have you ever thought of how well a wire snare works in catching small or large animals? How about your foot! We must take time to pick up long pieces of tie wire, if not, you may be the next one that is snared.

All of the above can be solved if we do a little housekeeping while we work. Cleaning up at the end of the job is fine, in fact, it is essential, but job cleanup is not a one shot proposition, it is a continuous operation. It is an important factor in construction efficiency and in the prevention of work injuries.

Remember these tips - store material and tools neatly, cleanup scrap as work progresses, keep walkways clear at all times, and take care of your tools. Do not leave them where they will cause you or others to fall.

**GOOD JOBSITE
HOUSEKEEPING PROMOTES
EFFICIENCY AND MORALE,
AND HELPS TO REDUCE
ACCIDENTS.**

**THE INJURY YOU PREVENT
MAY BE YOUR OWN!**



SURVEY

Stressful Jobs

Based on an evaluation of 11 stress factors, including travel requirements, deadlines, growth potential and physical demands, the 10 most stressful jobs are:

1. Enlisted military personnel
2. Firefighter
3. Airline pilot
4. Police officer
5. Event coordinator
6. Reporter
7. Broadcaster
8. PR executive
9. Senior corporate executive
10. Truck driver

Source: CareerCast, Carlsbad, CA.



INTERESTING FACT

Nearly half, 49%, of surveyed employees say they are investing in themselves by



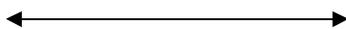
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learning about artificial intelligence (e.g., machine learning) because their companies don't provide training.

Source: Randstad, US.



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Please visit us at the following social media sites:



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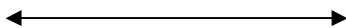


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SERVICE UPDATES

The JMT Network Program

The JMT Network Program is up and running. Please visit www.jmt-associates.com (Click on the link located on the left-hand side of the home page.) to

read about the latest developments.

Mechanical Power Presses

Do you have a mechanical power press? As you know, mechanical power presses can be very dangerous. The OSHA standard is complicated and can be confusing. We can perform a comprehensive safety audit and determine if you have any safety hazards and if you are complying with the OSHA standard.

Monthly HR & Safety Programs

JMT & Associates, LLC offers a monthly HR program and a monthly safety program (general industry and construction) specifically designed for the small business. A comprehensive, customized program is offered for low monthly payments.



EDUCATIONAL BOOKS

John M. Turner, Ph.D. has written the following books:

"Office Safety - Hidden Dangers - Book A"

Safety is Priority Number One. Safety First. Think Safety. Always Work Safely. Safety slogans like these are very common. Companies want to provide a safe workplace for

their employees. No one wants to have an accident.

When you think of workplace safety, what types of businesses do you think of? Construction, factories, manufacturing, saw mills, logging, commercial fishing, and foundries . . . office workers.

Even though we don't normally associate safety with office workers, there are hazards and health concerns associated with working in an office environment. Serious accidents can and do occur.

In this book, information is provided for the following office safety topics:

- Slips, Trips, and Falls.
- Office Lighting.
- Housekeeping.
- Ergonomics.
- Back Injury and Safe Lifting.
- Office Equipment.
- Electrical Safety.
- Chemical Safety.
- Material Handling and Storage.
- Air Quality and Ventilation.

You will learn what the hazards are, how to recognize the hazards, and how to avoid an injury.

This book includes the following tools:

- Real-life office accident scenarios.
- The Occupational Safety and Health Administration (OSHA) standards that apply to an office.
- Office safety tips.



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- Office safety checklist (audit form).

"Office Safety - Hidden Dangers - Book B"

Working in an office environment is safe, right? You might be surprised by the number of employees that suffer an injury while working in an office.

Most office accidents are minor, but you could have a serious accident that results in time off from work.

Every office employee has responsibilities for safety. These responsibilities include having the knowledge to identify office safety hazards and working in a manner to avoid causing an injury either to themselves or a co-employee.

In this book, information is provided for the following office safety topics.

- Noise.
- Emergencies in the Office.
- Stress.
- Office Furniture.
- Workplace Violence.
- Germs in the Office.
- Getting Hit—Ouch!
- Bloodborne Pathogens.
- Reporting Accidents and Near Misses.
- Employee Safety Training.

You will learn what the hazards are, how to recognize the hazards, and how to avoid an injury.

This book includes the following tools:

- Real-life accident scenario.
- Office safety tips.
- Office safety checklist (audit form).
- Sample employee safety training topic agenda.
- The components of a typical emergency action plan.
- Stress relieving exercises you can do at your desk.

"The Employee Hiring Process - Who Are You Hiring?"

This book is an employer's guide to knowing who you are hiring – before it is too late.

This is a must have book for anyone who is hiring employees. You will learn how to hire your next great employee.

This book comes with a workbook to help you practice and understand the process of hiring employees.

All the sample hiring forms and policies are included so you can customize them for your company.

"How Are Your Employees Performing? Employee Performance Appraisals - Book 1."

Why do supervisors dislike giving employee performance appraisals so much? The answer lies in the understanding of what an effective employee performance appraisal program consists of:

- Employee performance appraisal program overview.

- Developing the employee performance appraisal measurement criteria.
- Establishing the employee performance appraisal process procedures.
- Conducting the employee performance appraisal meeting.

This book provides the framework and roadmap to develop an employee performance appraisal program or to review a current program. A self-assessment worksheet and a performance improvement plan agreement are included. A sample employee performance appraisal policy is also part of this book.

"How Are Your Employees Performing? Employee Performance Appraisals - Book 2."

This book builds upon the framework and roadmap introduced in "How Are Your Employees Performing? Employee Performance Appraisals - Book 1."

Book 2 provides additional guidelines and resources you can use to ensure your program is successful.

Topics covered include:

- Employee performance appraisal program's legal considerations.
- Common mistakes to avoid and/or correct.
- Communication tips to make the performance appraisal meeting productive.



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- The benefits of an annual employee performance appraisal audit.
- Applying information learned through scenario analysis.
- Employee performance appraisal forms and instructions for a variety of job types.

“Interviewing for Success – Finding the “Right” Person – Book 1.”

Interviewing job candidates can be a challenging and frustrating task. However, it is one of the most crucial tasks of your job. Hiring the right people to staff your company is very important to the success of your company. Hiring the wrong people will cost your company valuable time and money.

The task of interviewing can be made more effective once you know the keys to successful interviewing. Also, having the right tools in your toolbox can greatly improve your success rate of hiring the “right” person.

This book provides the tools to help you:

- Develop an effective interviewing plan.
- Evaluate your employment application.
- Save time and be more efficient when reviewing resumes.
- Conduct effective telephone interviews.
- Conduct effective face-to-face interviews.

This book provides the following samples:

- Interviewing policy.
- Employment application.
- Resume/employment application review worksheets for several different types of jobs.
- Telephone screen worksheet.
- Telephone questionnaire worksheet.
- Candidate interview evaluation form.
- Sample candidate rejection letter.

“Interviewing for Success – Finding the “Right” Person – Book 2.”

The task of interviewing job candidates contains many hidden pitfalls. Mistakes that are made during the interviewing process can cost your company valuable time and money. It is very important not to unlawfully discriminate against job candidates during the interviewing process. Even accidental discrimination can put your company at risk.

Experienced interviewers can make a costly mistake without proper preparation. The key to effective interviewing is the preparation. Reviewing mistakes that others have made during the interviewing process can teach you valuable lessons about what NOT to do.

This book provides information about the following interviewing topics:

- Interviewing without discrimination.
- Common interviewing mistakes.

- Americans with Disabilities Act interviewing.
- Questions not to ask during an interview.
- Sample interview questions.

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ABOUT US

JMT & Associates, LLC is a full service Human Resources (HR) and safety solutions provider. We partner with small, mid-size, and large companies to develop and improve HR processes and procedures.

We offer extensive "real-world" experience in a variety of industries, including manufacturing, service, union, union-free, profit, not-for-profit, private, and public sectors.

Our level of involvement ranges from complete management of your HR needs to providing project-based assistance to your in-house HR person, depending on your specific business requirements. These services range from basic policy



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development to in-depth HR strategic planning.

We begin with a comprehensive HR assessment of your current policies and procedures, then we provide a detailed analysis and a "roadmap of recommendations" to maximize your HR investment. We then provide the necessary follow-up to ensure process effectiveness.

Areas of Expertise:

- Coaching & Leadership Development
- Compensation & Benefits
- HR & Safety Compliance
- Employee Handbooks
- Employee Relations
- General HR Practices
- HR Assessments
- HR Policies & Procedures
- HR Strategy & Planning
- Labor Relations
- Organizational Development
- Performance Management
- Job Analysis
- Job Descriptions
- Employee Assessments
- OSHA Written Programs
- OSHA Audits
- OSHA Citation Abatement
- HR & Safety Training Courses



ABOUT THIS NEWSLETTER

Legal Note: JMT & Associates, LLC provides services in conformance with best practices of the human resource (HR) profession, but is NOT engaged in rendering legal advice or

services. While implementation of effective HR management programs and systems significantly reduces potential legal liability, should legal assistance be required the company is advised to utilize the services of a competent legal professional.

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