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# PESTWORLD

NOVEMBER | DECEMBER 2023

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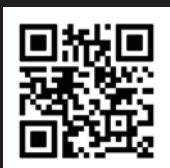


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# PRESIDENT'S MESSAGE



## Ensuring Your Company is Safe and Secure

MARILLIAN MISSITI, Buono Pest Control Co., Inc.

In this edition of *PestWorld*, we delve into the intricacies of “legal issues,” a topic that holds significant relevance for those of us who operate small businesses within the pest management industry.

In bygone days, a simple handshake may have sufficed to solidify a business agreement. However, we are all aware that times have evolved. The first featured article, “Defining a Service Agreement,” explores the critical importance of establishing clear and succinct service agreements. It is not about burdening your customers with convoluted legal jargon; rather, it is about safeguarding your business interests and ensuring mutual understanding between both parties.

Focusing on the subject of future planning is “Generational Legacy: Planning Ahead for Successful Transitions.” Admittedly, discussions pertaining to retirement and the future of your business may not be the most exciting of topics. However, rest assured, they are among the most vital. This article imparts practical guidance on succession planning, identifying the right individual to assume control of your business, and comprehending the legal aspects associated with such transitions. As a small business owner myself, I can attest to the imperative nature of having a well-thought-out plan in place.

Wrapping up, “Preventing Potential Lawsuits” looks at ways to minimize risk to your business. Lawsuits can be both vexing and disruptive, and they are something no one wishes to contend with. This article delineates measures you can adopt within your office and in the field to shield yourself and your company from legal disputes. We also touch upon the legal aspects of termite warranties, a subject deserving of your attention.

Pest management professionals often shoulder a multitude of responsibilities, and legal concerns may sometimes appear daunting. Nonetheless, remember that knowledge is a potent tool. The insights presented in this issue are designed to empower you, enabling you to navigate the legal terrain of our industry with confidence.

So, whether you're a one-person operation or you manage a team, these articles are for you. Let's learn from each other, share our experiences, and keep building a pest management industry that's not only successful but legally secure. □

“The insights presented in this issue are **DESIGNED TO EMPOWER YOU**, enabling you to navigate the legal terrain of our industry with confidence.”



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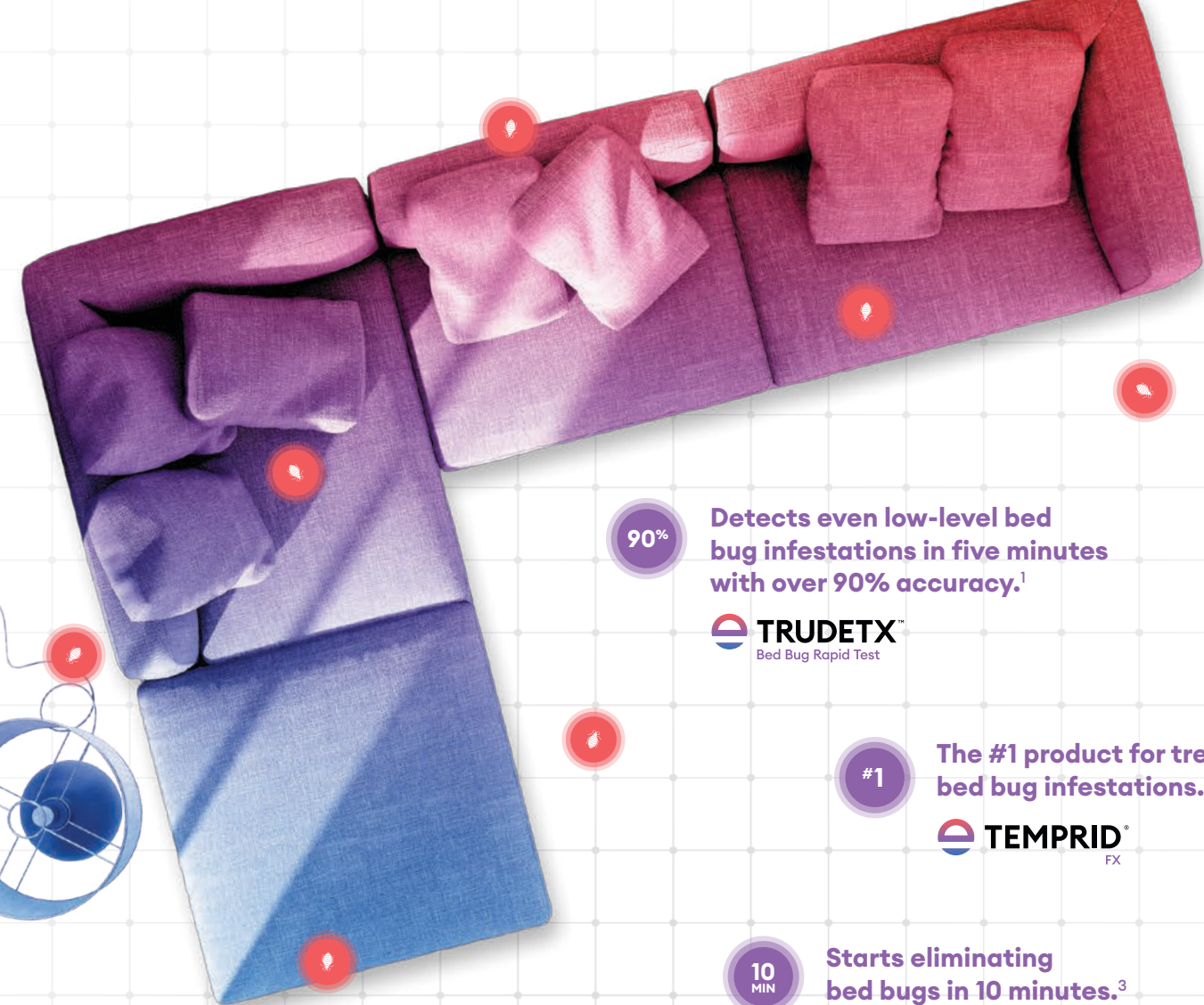
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<sup>1</sup>Ko, Alexander & Choe, Dong-Hwan. Development of a lateral flow test for bed bug detection. Scientific Reports 10:13376 (2020).

<sup>2</sup>Based on the percent of respondents who mention Temprid FX. Source: <https://nmpapestworld.org/default/assets/File/newsroom/magazine/2015/Nov-Dec 2015.pdf>.

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# DEFINING A SERVICE AGREEMENT

TOM GRESHAM





**S**ervice agreements sometimes go overlooked in the pest control field, but many operators depend on them to serve as the foundation of their relationships with their customers.

With a service agreement, “you’re making sure that there’s a document that says, ‘This is how we’re going to do business together,’” said Dauphin Ewart, president of The Bug Master in Austin, Texas.

Service agreements formalize the understanding of the work an operator will do for a client and the process that will guide that work.

“It’s going to set down the terms between the two parties,” Ewart said. “It’s something that can clearly help somebody understand what you’re intending to deliver.”

Matthew Blanchard, CEO of Cedar Pest Software, said service agreements can play an essential customer service and sales role.

“By being able to create a service agreement that demonstrates the value you’re going to provide to the customer, you’re really helping to prime them for the effects that they’re going to see whenever you do more services on their property,” Blanchard said.

### **‘AN EASY FLOW’**

Andrew Burruss, service director, Natura Pest Control in Nevada, said the structure of a service agreement should have “an easy flow” and include details about

“Do not build a contract out to protect you and only you as the business. A healthy way to view contracts is a **MUTUAL AGREEMENT BETWEEN CUSTOMER AND COMPANY**—both having ownership in the successful experience of protecting the home against pests.

—Andrew Burress, service director, Natura Pest Control”

the pests involved, a “what if” statement that explains what happens should the pests not go away, scheduled months of service, cost, terms and conditions, and signatures.

There can be a tendency to make service agreements too complicated, leading to confusion for customers. Burress said “less is more” with service agreements.

“Too many companies try to hide things in small font, or stipulations for a promise made,” Burress said. “Short and to the point fosters trust between the business and the customer, and should it ever get into a legal situation, less is best. Hard to argue or claim something as a customer when the contract is simplistic in its promises and obligations. When the contract is very easy to read, it tells a story that the business has nothing to hide.”

A one-sided service agreement is an ineffective one, Burress said. Instead, service agreements must prioritize both parties.

“Do not build a contract out to protect you and only you as the business,” Burress said. “A healthy way to view contracts is a mutual agreement between customer and company—both having ownership in the successful experience of protecting the home against pests.”

Daniele Collinson, director of client experience for Blades of Green Lawn Care and B.O.G. Pest Control in Maryland, said a service agreement should set expectations for the customer.

“Sometimes, there are things that the customer needs to do to help prepare,” Collinson said. “And I think it’s really important to add that to the service agreement, because they’re expecting us to eradicate all of their roaches, but maybe it’s a hoarder situation, and so they need to clean up so we can treat the areas to properly eradicate. That needs to be outlined.”

## DEMONSTRATING VALUE

Blanchard said too many pest control companies do not use a service agreement as a marketing opportunity or a chance to “pre-sell” the value that they provide to customers.

“The service agreement is really there to help kind of posture up the services that are going to be done by the pest control company and get the customers to understand, ‘Oh, here’s the state of my property right now. And here’s why I need these pest control treatments,’” Blanchard said.

Blanchard said the service agreement can feature pictures, videos and notes to make a compelling case for the value

a pest control company can offer, serving as “a final cap” in the sales process. He also said companies can use an inspection in conjunction with a service agreement “to sell the customer the services that are the most efficient for them.”

“It’s a hard art to get right, but whenever pest control companies do get it right, and they’re able to stitch this into their whole process really effectively, there are massive benefits to come from that.” Blanchard said.

Not everyone favors service agreements for all customers. Blades of Green only provides a service agreement when a customer requests one. The company primarily sells over the phone, and the company prefers to save the extra step for its sales team of creating and sending a service agreement. The company typically sticks to a verbal agreement and sends a welcome letter via text with details about the services it will be doing.

“If the customer doesn’t feel it’s necessary, then we want to keep moving to assist our next client,” Collinson said.

## CONSIDERING FORMAT

Experts agree that using a digital format for service agreements offers major benefits. With digital, tracking down an existing agreement is fast for operators “so you have access to it when you need it,” Ewart said. “If you don’t do it, it’s a lot more work to make sure you stay organized.”

Digital formatting also aligns with how consumer preferences are changing, bringing agreements to customers via email and text for easy access.

“It’s really important to have digital versions of agreements, because we are in a digital world and people want things to be readily available at their fingertips,” Collinson said. “Paper service agreements are great for some customers, but I would say our average buying customer in this day and age wants a digital version. And if they’re trying to decide between you and the competition, they’re going to want the one that’s right at their fingertips—that they can access easily—versus the piece of paper that they left at home and now can’t find.”

Ewart said using digital service agreements, which can be partly automated, saves on the time and costs of printing and delivering documents and reduces errors when compared to the use of paper.

“For us, digital agreements are really about time and consistency,” Ewart said.

However, there are important details to consider. For instance, some companies miss that an agreement that

is easy to read on a computer might not be so clear on a phone or tablet.

“Your HTML person should create different versions for different devices,” Burress said. “If someone is signing contracts on a phone, you know that they are always going to be in a hurry. They aren’t reading the contract all the way through, and where they sign should be as simple as a few clicks. That is the attention span that phones have helped create in our culture. Anything more than a few clicks to be done signing a contract and you are creating a pit for that customer.”

Although digital can be the preferred method, Burress does not believe it should be the only option.

“You should also have paper form contracts with a way to scan them into a digital copy for daily office use,” Burress said. “Making sure that your target market has the easiest

experience is the key. I have a large population of older clientele that do not like digital and still want paper. The system you operate with in your business should accommodate both.”

A digital component of service agreements can seem daunting. Ewart said he knows some pest control operators who steer clear of the service agreements option that is frequently part of software packages.

“I’ve talked to a lot of people who don’t understand their agreements feature, but it’s incredibly powerful,” Ewart said. “I feel like a lot of people don’t do this because they think it’s really hard. For a fairly small investment of time figuring out how to make the agreements feature in your software work, you could basically change your life around this question.” ○

“It’s really important to have **DIGITAL VERSIONS OF AGREEMENTS**, because we are in a digital world and people want things to be **READILY AVAILABLE AT THEIR FINGERTIPS**.

—Daniele Collinson, director of client experience, Blades of Green Lawn Care and B.O.G. Pest Control”

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# GENERATIONAL LEGACY

## *Plan ahead for the successful transition of business when founders leave*

SHERYL S. JACKSON

**T**here is nothing more exciting than starting a business and growing it from an idea and a skill to a growing, thriving pest control company that promises to support family members for generations. Unfortunately, the reality of a family business transferring from generation to generation is a difficult transition, with multiple reports that only one-third of family businesses last beyond the founder's generation, while only about 12% of businesses make it to the third generation.<sup>1</sup>

ScherZinger Pest Control, founded in 1934, is a family-owned business that is beating the odds. While Steve Scherzinger, the third-generation owner of the company, serves as CEO, his sons, Kurt and Eric Scherzinger are the fourth generation of the family. Kurt Scherzinger serves as president of the company and Eric Scherzinger serves as vice president of procurement and marketing.

Both men had plans to pursue other careers after college but realized that the business in which they had worked summers and had known their entire lives was where they

wanted to be. Kurt Scherzinger pursued a degree in finance and worked several internships to prepare for a career in the financial industry. "I managed client campaigns for a financial advisor and also worked with a landscape company, but I did not see myself starting from scratch in another company—not when we had a thriving family business," said Kurt Scherzinger.

Eric Scherzinger was still in college studying agriculture economics when he decided to enter the family business. "My friends couldn't believe that I started taking entomology classes as electives rather than the easier classes that most students chose as electives," said Eric Scherzinger. "I also worked with Dr. Michael F. Potter on his bedbug research while still a student."

To prepare his sons to assume leadership of the business, Steve Scherzinger insisted that they begin as technicians and not report to him. "Until we moved into our current roles, we always reported to supervisors, then as we moved in management, we reported to a president who was not a family member," said Kurt Scherzinger.



This “working their way up” was beneficial in many ways. “When I moved into sales and supervisory roles, I was able to relate to technicians, and they knew I understood their job,” said Eric Scherzinger. “I started as a technician with Kurt when he opened the Dayton office but was moved to a downtown Cincinnati route that was one of our most intense routes,” he said. “With this being one of the most intense routes, I encountered multiple situations that I would not have seen on any of our other routes—a great learning experience.”

“We are respected by others in the company because they saw us learn the business,” said Kurt Scherzinger. “We have one employee who I rode with during my training, and she often points that out to other employees.”

Zac and Justin McCauley of McCauley Services also learned the business from the ground up and started at an early age. “Dad was big on us learning every aspect of the business and started our training early. At 4-years-old we had our own uniforms and rode along with him to make sales calls,” said Justin McCauley, CEO. As they got older,



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## Ready to Retire or Move On?

### 4 Options for Small Business Owners

When the owner of a small business decides to retire or move on to another business venture, there are multiple options that can be considered. Determining which strategy is best is often dependent on a number of factors that include the owner's financial goals and presence of family members or existing employees to take over management of the company.

A few of these options include:

#### 1. Passing business directly to family members

If the plan is to transition the business to the next generation, start planning years in advance to allow time for family members to develop the skills, knowledge and relationships that will be necessary to ensure success. The transition from first to second generation represents a transformation from start-up entrepreneurial business to a more structured organization, so work together to put that structure in place. Part of the preparation to transfer the business to the next generation can include establishing a board of directors that includes professionals who can serve as advisors to the business' leaders.

#### 2. Setting up a family trust

Another option for business owners who want to keep the business in the family is a family business trust in which shares in the company are transferred via a trust rather than directly to the individual. The advantages include long-term tax advantages and protection for family members against potential creditors. When family members are not prepared to, or interested in, taking over the business, a trust also makes it easier to engage a professional fiduciary to oversee the business.

#### 3. Selling or transferring ownership to employees

One way to gradually transition the company to employees is through an employee stock ownership plan (ESOP). The business sets up a trust to buy and own company stock, then makes the stock available to employees, who can purchase it or receive it through bonuses or profit-sharing plans. One advantage of an ESOP is the retention of valuable, experienced employees when the first-generation owner steps away from the company. Keeping these employees engaged and at the company is one way to ease the transition to the next generation and position the business for continued success.

#### 4. Selling to a third party

If a business owner is considering selling the business to fund retirement, or if there are no other family members to take over the business, selling to a third party might make sense. The third party can be a business partner, a long-time manager or an outside company. Prepare well in advance of the decision to sell to ensure that the sale process goes smoothly and the value of the business is maximized.



Justin and Zac McCauley of McCauley Services



The McCauley family at the 2022 PestWorld in Boston

they took on other jobs and both held their own pest routes while in college—building them from scratch into full blown routes. After running their routes for a few years, both moved into the administrative side of the business and worked as inside sales, CSR and routing coordinators for a couple of years before managing and running a service branch. “This gave us a tremendous understanding of what it takes to manage and grow a pest control business. It also gave us a ton of confidence to be able to know that we have been in every team member’s shoes at some point in our careers and we can relate and understand the challenges they may face in their roles.”





Steve, Eric and Kurt Scherzinger of ScherZinger Pest Control



Steve, Kurt and Eric Scherzinger of ScherZinger Pest Control

## SET PARAMETERS FOR FAMILY INVOLVEMENT

In addition to the informal “rule” that family members must work their way up in the business, there is also a rule that spouses cannot work in the company. “I know of companies that don’t have this rule, in fact, one company has 30 employees and 28 are family members,” said Eric Scherzinger. This scenario may present many different types of conflicts and misunderstandings that affect not only business but also family relationships, he added.

“You do have to plan for siblings who may not want to participate in the business,” said Kurt Scherzinger. “We have a sister who is not in the business, so our father will have to determine how she is treated when he passes away.” While some family-owned businesses gift part ownership to all family members, even those not working in the business, he cautions against the practice. “This sets up the company

to have owners who want a say in how the business is run without understanding the business.”

According to research, only 34% of family businesses say they have a robust, documented and communicated succession plan in place<sup>2</sup> but now that fourth-generation family members are in the business, the Scherzingers are taking steps to formalize plans. “It is important to plan for everything, including the death of a family member or the decision to leave the business,” said Eric Scherzinger. “Put it in writing and describe the right of first refusal to buy one another out, or whatever options you want to include.”

“The three of us attended the Next Generation Institute for Success Planning offered by the University of Cincinnati’s Goering Center for Family and Private Business,” said Kurt Scherzinger. “It has taken a couple of years to create a formal understanding of how the business will move forward. One of the commitments we made to each other is that if the business gets in the way of our personal relationships, we will ask the question: Is this still the right way to go?”

Since Steve Scherzinger does not come into the office every day, Kurt Scherzinger calls him about three times a week while driving home. “I let him know what’s going on so that when we’re all together as a family, he can focus on grandchildren and others rather than talking with Eric and me about business.”

## LOOK AHEAD TO THE NEXT GENERATION

When it became clear that the McCauley brothers were ready to run the business, they and their father worked together to develop a plan together for the transition and a timeline. They purchased the business from their father and included their lawyer and financial planner in the process to make sure the decision was best for all three. “We had learned from friends in the industry about their experiences with transitions so we were far ahead in terms of our clarity and expectations,” said McCauley.

As he and his brother evaluate the next generation, McCauley recommended asking three simple questions:

1. Do they get it?
2. Do they want it?
3. Are they capable of it?

The answers to these questions will lead to decisions about hiring someone from outside the company or promoting from within to run the business with family members on a board of directors or selling the company, said McCauley. Positive answers to all three questions are essential for the next generation of leaders, he added.

“I think it’s important to have a plan and work that plan over time. This isn’t something that happens overnight,” said McCauley. “You want to make sure that everyone involved in your plan is on the same page and understands the same timeline. Also be flexible, your timeline might be able to move quicker than planned or it might need to slow down to make sure the transition is successful.”

## REFERENCES

1. PwC. 2019 Family Business Survey by PwC.
2. PwC. 2023 US Family Business Survey.



# PREVENTING POTENTIAL LAWSUITS

*Safeguards such as proper documentation and solid contracts will help cover your company*

SANDY SMITH

“Always have an operating agreement. If you’re in partnership, you need to have a **GOOD OPERATING AGREEMENT IN PLACE THAT GOVERNS HOW ANY BREAKUP WOULD BE HANDLED**. It’s harder to get out of partnerships in most states than it is a marriage.

—Phil Rinehart, attorney”

slows them down. It may be in the short term, but it makes things better in the long run. It helps you to go back and check later. People can easily forget a phone call or what was said. But if you’ve written it down it’s easier to go back and look at it.”

It also makes it easier to help prevent a lawsuit or defend one.

So, what sort of documentation should a typical pest management company have? Goldman and attorneys Clifton E. Slaten and Phil Rinehart offer their suggestions on how to make sure the paperwork is in order.

## DOCUMENTING THE DETAILS

It goes without saying that every client relationship should trigger a contract and companies should have a standard contract in place.

“Every state in which you operate has laws that require the services to be documented: when the service is done, the product, quantities, amounts is documented,” Rinehart said.

Agreements don’t have to lock in the customer for a set period of time, but should detail “what you’re going to do, what you’re not going to do and what the customer is going to do—such as make a payment. Companies have terms and conditions in their customer agreements,” Rinehart said. “Some of those would be limits on liability, class action waivers. Customer usually needs to sign the agreement. If they sign, they’re consenting to the agreement.”

With termite contracts in particular, Slaten recommends thorough documentation of the entire process, from inspection to treatment.

“If you record when you went out to inspect, what you saw, what you treated, what you treated with and where you treated, you’ve got a trail that people can follow,” Slaten said. “If you’re sloppy with your documentation, you’ve got problems.”

The contract for the termite work also should detail “whether you’ll repair damages or not and if there are things that are not going to be covered,” Slaten said. “Spray foam installation would make the contract voidable and the customer should be required to notify the pest management company that they’ve decided to put spray foam in there.”

Document the treatment and inspections and include whether there is existing damage, Slaten said.

**A**t Big Blue Bug Solutions, which operates in all six New England states, documentation is so critical that each technician has a template to follow.

“Documentation is your friend,” said Kevin Goldman, the company’s director of administration. The company identified six things that every report must have, which cover things like what recommendations the technician made and which homeowner was spoken with. “If you’re not filling out all six fields, you missed something.”

The paperwork is reviewed in the office to ensure it is complete. Periodically, supervisors reinforce documentation requirements on ride-alongs.

If it seems like overkill, for Goldman it’s just standard operating procedure. “Some feel like it’s extra work and it

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## AN INSIDE JOB

One growing area that Rinehart sees is class action lawsuits from current and former employees. “When you think about your organization and the threats, you don’t think about that,” said Rinehart, who not only has pest management companies as clients, but he’s also owned pest companies, too. “You think about the state or government agencies or customer issues and those certainly come up. The highest dollar ones that I’m seeing are class actions. It’s usually wage and labor related.”

The first step is to ensure that your company follows state labor laws, including giving proper meal breaks and paying overtime properly. But even compliance won’t always prevent a lawsuit, Rinehart said. “The second thing they can do is have a class action waiver provision in the employment agreements with their employees where the employees waive their right to participate in a class action lawsuit. That needs to be in every employment agreement.”

Non-compete and non-solicit clauses also can draw a lawsuit. Rinehart suggests ensuring that there are two separate provisions outlined in the employment agreement. “Non-competes can be questionable, but non-solicits are necessary. If that’s in the employment agreement, you would have grounds to pursue former employees who are going after your clients.”

It’s also important to follow paperwork requirements for posting OSHA notices. And Slaten said every company needs a sexual harassment policy and a well-defined method for reporting.

Partnerships also can lead to lawsuits, especially if the relationship goes awry. Again, Rinehart says, the key is to spell out everything on the front end, including what happens if you break up. “Always have an operating agreement. If you’re in partnership, you need to have a good operating agreement in place that governs how any breakup would be handled. It’s harder to get out of partnerships in most states than it is a marriage. The court is not going to

dissolve a partnership because one person wants to do it. It is tough.”

## TO PHOTO OR NOT

Any sort of contract focuses on words. Photos may tell a better story—but that can cut both ways. Cameras can help in a lawsuit related to a traffic accident, but also can document pre-existing termite damage, Rinehart said.

One of Rinehart’s former clients documented everything when he did an inspection. One photo showed ivy all over one side of the house, which prevented an accurate termite inspection. “Later on, the new owner comes in and finds evidence of termites that they missed. We’ve got the photograph that shows there was no way to see it. You don’t cut the ivy out off their house.”

Photos can be helpful in the event that the homeowner makes significant

changes later on. A deck which blocks a thorough inspection can be removed later. “I’m not opposed to photographs. They can be helpful, especially if they document something that the other side may later change.”

## HUNTING EXPEDITION

If the technician documents everything properly, it’s up to the office to make sure those documents are easy to find if and when they are needed.

At Big Blue Bug, that means having just a few people responsible for each type of document. That way, “if I need something, I have one or two people I need to talk with to find it,” Goldman said.

Be sure to save the documents somewhere they are easily found and abide by state laws on how long records must be kept. ○

## Termite Troubles

If there’s one area of pest management that is likely to cause a swarm of lawsuits, it is termite warranties. One legal tactic that often succeeds involves claiming that the homeowner was defrauded.

“I don’t think it’s a fraud issue, but a breach of contract situation,” said attorney Clifton E. Slaten, of Slaten Law, P.C. in Montgomery, Ala. “Contract issues aren’t as damaging.”

As with any type of contract, a termite warranty’s devil is in the details—and ensuring that the contract follows state law. Then it’s up to the pest management company to document every aspect of the contract.

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# NAVIGATING THE EVOLVING SOCIAL MEDIA LANDSCAPE

JIM FREDERICKS, Executive Director, PPMA

**S**ocial media is an essential tool for showcasing your brand and point of view, and is also an asset in connecting with your current and potential customers. There are nearly 5 billion people using social media in 2023<sup>1</sup>—more than half of the world’s population! Social media remains a dominant part of consumers’ lives, and with their growing reliance on these platforms comes numerous opportunities to advance your business. As vital as this resource is, it moves quickly, with new changes and updates that can affect your success on the platform. To fully capitalize on social media marketing opportunities, you need to have a strong understanding of the platforms and be able to strategically integrate ongoing innovations into your programs.

## MONITORING IS KEY

Pearson’s law states that “When performance is measured, performance improves. When performance is measured and reported back, the rate of improvement accelerates.” If you are not tracking your growth, how will you know how far you have come, how long it took you to get there, and how you need to pivot along the way? Social media monitoring is simply the act of listening to measure the effectiveness of your communication. It helps identify who is talking about your business and what they are saying in relation to your brand. Through this medium, you can deduce data on consumer behaviors and trends and determine what resonates with and motivates consumers in their decision-making processes. Consider incorporating frequent monitoring into your marketing plan, as it can also help in reputation management and navigating crisis situations before they spread further.

Monitoring takes many forms and can be as broad or in-depth as you are able to handle. In the simplest form, it is a recurring analysis of what consumers are saying about

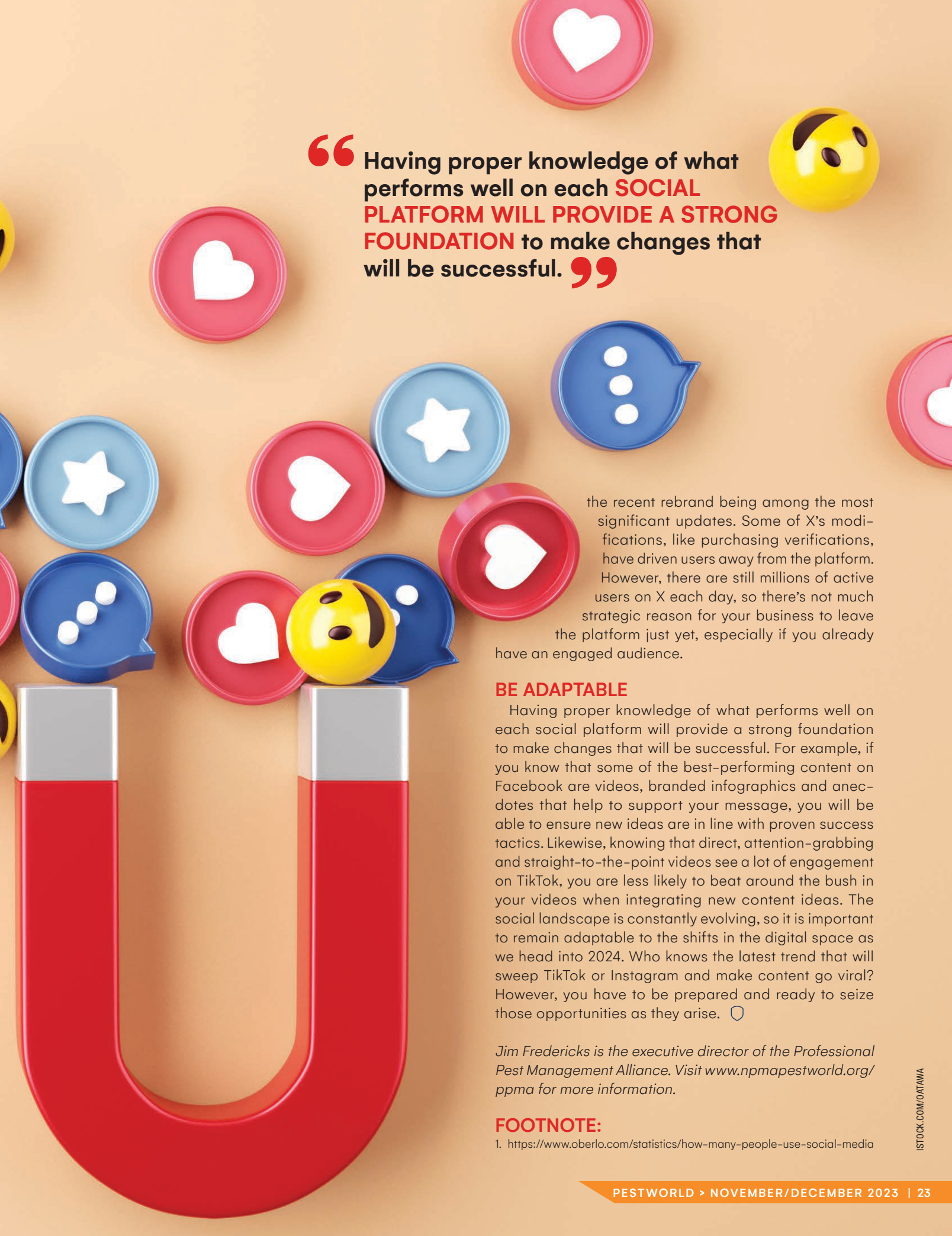
your business and how they are interacting with your brand. How many likes did your profile receive? What post performed the best and yielded increased user engagement? What attracted new consumers and helped to grow your audience? If there is revenue behind your social strategy, detailed monitoring is indispensable and should include data analytics reports from each platform, providing insight into audience reach, impressions, clicks, ad value and more. As you integrate this tool into your plan, remember that success looks different for each platform, so it is important to take the time and explore the various media, understand their nuances, and identify what works best for each.

## WHAT’S NEW IN THE SOCIAL LANDSCAPE?

This year alone, there has been a wide range of updates across various social media platforms. Meta, the parent company of Facebook and Instagram, launched a new social platform, Threads, for sharing text updates and joining public conversations. With the release of the app this summer, there were over 30 million downloads in the first five days, and a week after its release, there were 100 million users on Threads. While there are currently no paid advertising opportunities, Threads does, however, build off your Instagram profile and can carry followers over, so you’re not building a brand-new audience from scratch. With the seamless integration with your Instagram profile, you can share your Threads content directly on your Instagram, increasing the overall reach of the post.

While new platforms are on the rise, some of the classics are getting a makeover. X, formerly known as Twitter, has undergone a number of changes in the past year, with





“ Having proper knowledge of what performs well on each **SOCIAL PLATFORM WILL PROVIDE A STRONG FOUNDATION** to make changes that will be successful. ”

the recent rebrand being among the most significant updates. Some of X's modifications, like purchasing verifications, have driven users away from the platform. However, there are still millions of active users on X each day, so there's not much strategic reason for your business to leave the platform just yet, especially if you already have an engaged audience.

### BE ADAPTABLE

Having proper knowledge of what performs well on each social platform will provide a strong foundation to make changes that will be successful. For example, if you know that some of the best-performing content on Facebook are videos, branded infographics and anecdotes that help to support your message, you will be able to ensure new ideas are in line with proven success tactics. Likewise, knowing that direct, attention-grabbing and straight-to-the-point videos see a lot of engagement on TikTok, you are less likely to beat around the bush in your videos when integrating new content ideas. The social landscape is constantly evolving, so it is important to remain adaptable to the shifts in the digital space as we head into 2024. Who knows the latest trend that will sweep TikTok or Instagram and make content go viral? However, you have to be prepared and ready to seize those opportunities as they arise. ☐

*Jim Fredericks is the executive director of the Professional Pest Management Alliance. Visit [www.npmapestworld.org/ppma](http://www.npmapestworld.org/ppma) for more information.*

### FOOTNOTE:

1. <https://www.oberlo.com/statistics/how-many-people-use-social-media>



## QualityPro as a LEGAL DEFENSE

GRIFFIN VOLTMANN, Certification Program Manager, QualityPro

**O**ur industry is built on trust and interpersonal relationships. Pest management is one of few industries that still rely on sending a technician into the customer's home—this trust is precious and must be preserved through hiring and training new teammates. For the unprepared, hiring new employees can be a uniquely vulnerable period in a company's development—finding and qualifying potential hires is an exercise in predicting and trying to head off potential exposures to liability.

### NEGLIGENT HIRING

Imagine that you've hired a new technician, onboarded them, and sent them out on a route. During that route, the technician steals from a customer. While the technician is at fault in this case, the offended customer might also seek damages from the company that sent the technician into their home in the first place under the claim of negligent hiring.

Claims of negligent hiring can be made against an employer in cases where employees cause harm or damage and the employer did not act to mitigate the risk. Specifically, this "negligence" comes from an employer not acting on available information conveying a prospective hire's potential to cause harm—in most cases, a background check. This is one of the reasons QualityPro has a standard for background checking and making an informed hire.

A company can be held accountable for the actions of an employee in cases where there is a clear pattern of risk associated with an individual, in which case the company's use of that individual may be considered negligent. Companies have a responsibility to their customers to ensure that all hiring decisions are made using all available

information, and the customer has a right to assume that if your company is sending a stranger into their home that at least they aren't a stranger to you. In the hypothetical situation outlined above, there are two potential endings:

- In the first ending, the customer sues your company for negligent hiring and, since your company did not do the due diligence during the hiring process, you're found liable
- In the second ending, the customer sues your company for negligent hiring and, since you have a paper trail documenting your hiring process and making clear what data was used in the hiring decision, your company can't be held liable for negligent hiring.

The good news is that the tools to avoid damaging situations are already available to you now at [QualityProTools.org](https://QualityProTools.org) and through our partner program. The unending refrain of QualityPro's accreditation program is Standardize and Document your processes. The steps you take now to standardize your processes and to document the steps leading to every decision will go far towards protecting your business from preventable risks.

### HOW CAN STANDARDS PROTECT YOUR BUSINESS?

We reached out to Michael Barnes of Unique Background Solutions (UBS) to discuss how a business can best equip itself to use standards as a legal defense. His suggestions start at the very beginning of the hiring process—as a first step, make sure to have signed Disclosure and Authorization forms. The 2023 HR Recommendations Checklist distributed to QualityPro companies includes this suggestion and information on how to obtain copies of these forms with current language. These forms should be separate





“The steps you take now to **STANDARDIZE YOUR PROCESSES** and to document the steps leading to every decision will go far towards **PROTECTING YOUR BUSINESS FROM PREVENTABLE RISKS.**”

from the employment application but should be included in the hiring process. A reputable background-checking company will likely have a version of these documents on hand with the most current language. Barnes stresses, “A reputable company, accredited by PBSA [the Professional Background Screening Association] will be doing legitimate, compliant searches and handling it domestically.”

“Compliant” here means that they comply with the Free Credit Reporting Act’s (FCRA) and are accurate, fair and transparent to the customer. Transparency is another point that Barnes stressed, adding that another way to mitigate potential liability is to institute an Adverse Action Process. An Adverse Action Letter is required by the FCRA as part of the hiring process in cases where a background check (as required by QualityPro’s hiring standards) turns up information that an employer considers disqualifying.

In Barnes’ experience, the “number one reason that companies are getting sued” is a failure to follow the Adverse Action process—either by skipping a step, or by making a hiring decision based on false information. The process requires potential employers to send out a Pre-Adverse Action Letter explaining what was found and giving the potential hire time to dispute the information before then sending the Adverse Action Letter explaining that the candidate has been rejected based on the stated grounds. Not only does this process serve to protect the company from unqualified or dangerous potential hires, it also serves to

protect the interests of potential hires by increasing the transparency of the process, and giving them an opportunity to speak up in their own defense.

You should not reject an applicant automatically if something does come up on their background check. There is a well-trod path on how to make a defensible hiring decision in any scenario as described in the QualityPro standard on background checks. NPMA members have Seay Management Associates standing ready to talk through each hiring decision.

Everyone wants your company to succeed, no one more than QualityPro. We require our accredited companies to lock in their hiring processes, and to always make sensible, informed choices because it’s the best way to protect from legal liability. Accreditation is not just about actively proving your business’ quality—it can be an excellent way to protect your interests, your team and your customers.

*QualityPro is administered by the Foundation for Professional Pest Management, an independent organization that has been developing good business practices and standards since 2004. Designed specifically for pest management companies in the U.S. and Canada, we are proud to certify over 500 of the best companies in the pest management industry. QualityPro is endorsed by the National Pest Management Association (NPMA). For more information, contact us at [QualityPro@pestworld.org](mailto:QualityPro@pestworld.org).* □



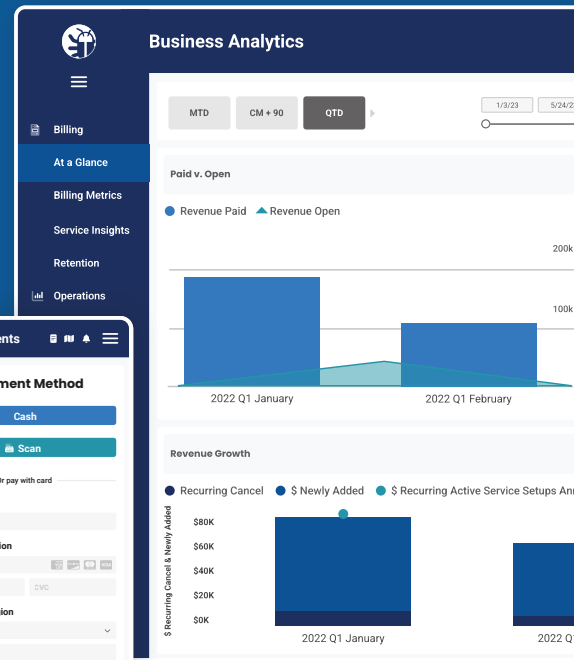


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# ASK THE EXPERT



## Cockroach Baiting and Rotation

TOMMY POWELL, Technical Field Representative, MGK

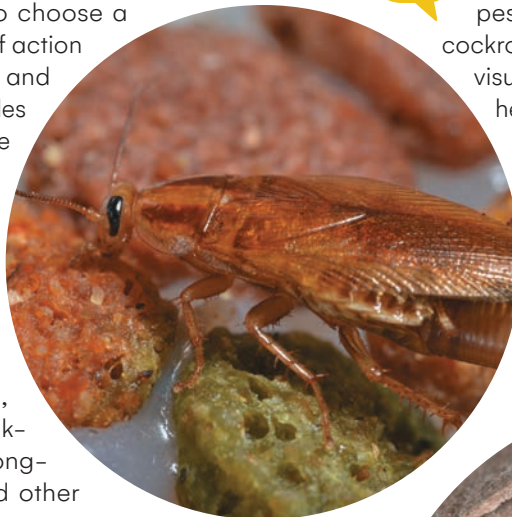
### Q What is the benefit of including an IGR in my cockroach bait?

**A** While a great tool in your cockroach control arsenal, baits do not always achieve 100% control of a population. The result may be the remaining roaches causing a resurgence in the population, leading to callbacks. There are several reasons why you may not receive complete control with bait:

- A sub-lethal dose (not enough bait)
- Metabolic resistance
- Bait aversion

To prevent a potential resurgence, it's important to choose a bait that includes an insect growth regulator (IGR). This ensures long-term control of the cockroach population by preventing any remaining cockroaches from reproducing. It's important to choose a product with multiple modes of action that provides an effective kill and long-lasting control. This provides you with insurance against future outbreaks.

I recommend looking for a cockroach bait like MGK's newest product Vendetta® 360, which includes an IGR. Vendetta® 360 provides multiple modes of action for maximum effectiveness, with a unique bait matrix making it perfect for rotating alongside the Vendetta family and other cockroach baits.



### Q What is bait aversion and what should I do if I encounter it in a cockroach population?

**A** Bait aversion is a genetically based behavioral resistance to a specific food ingredient in a bait and not the active ingredient. Just like humans, cockroaches don't want to eat the same meal every day and they will avoid eating bait if something in the food matrix is no longer palatable to them. When this avoidance

occurs, roaches will seek out alternative food sources altogether.

To prevent this aversion, rotating the food matrix you use is critical. When it comes to rotation, people often ask me how often they should do it. In my experience, this will vary depending on your company. Although quarterly rotation is the most common, there may be logistical limitations that prevent this. For some PMPs, rotating every six months or even annually can be a better option. The key is to find a rotational plan that works for you.

### Q Why would I use APM when treating German cockroaches?

**A** APM (Assessment Based Pest Management) is a treatment strategy created specifically for the pest management industry to control German cockroaches. The process involves starting with a visual inspection and monitoring of the account, helping to evaluate the infestation level. Based on the information you gather during the inspection, you can categorize the infestation level as high, medium or low. After identifying the infestation level, specific protocols can be implemented to treat the account effectively. To ensure success, I always tell technicians to reassess the account before performing any follow-up treatments. ☐





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Nov 30–Dec 1, 2023  
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### EASTERN CONFERENCE

Jan 18–19, 2024  
Atlantic City, NJ

### WILDLIFE EXPO

Feb 6–8, 2024  
Houston, TX

### NPMA LEGISLATIVE DAY

Mar 10–12, 2024  
Washington, D.C.

### WOMEN'S FORUM

May 7–9, 2024  
Atlanta, GA

### WORKFORCE SUMMIT

May 9–10, 2024  
Atlanta, GA

### EXECUTIVE LEADERSHIP FORUM

June 11–13, 2024  
New Orleans, LA

### NPMA ACADEMY

July 16–18, 2024  
Orlando, FL

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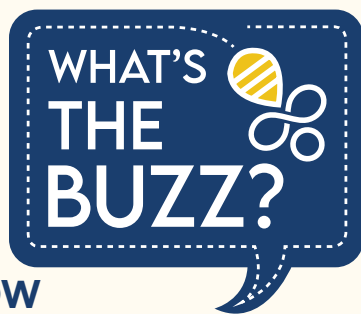
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## GET TO KNOW NILES HOOKS

**Niles Hooks**  
**Owner**  
**Concrete Pest Solutions**  
**Cleveland, OH**

### How did you get started in the industry?

After months of scratching, I finally checked under my bed. At that point I had never seen a bed bug in my life. I had heard the saying, but always thought it was an old folktale. Well, turns out I was wrong—they were real, and in my bed. After hiring one of the largest companies in the country with no success, I began vigorously studying how to get rid of bed bugs. After six months of trial and error, I finally cracked the code. I began to help close family members who had also become victims of these pests. During a quick analysis, I realized this industry was very lucrative and possessed endless opportunities. After getting licensed, I left my full-time position to start and grow a pest control company.

### Did you have any mentors along the way?

In the beginning of my pest control journey, I was a lone wolf. I jumped in headfirst. Along the way, there have been some individuals who have reached out for mentorship, (like) Scott Steckel. He has been instrumental in shaping our strategic objectives and business operations.

### What's the biggest learning experience you've had?

Life is an endless risk-taking process.

### What's the best piece of advice you've ever received?

You don't work, you don't eat. You don't grind, you don't shine.

### What's the worst piece of advice you've ever received?

Aim for the moon, so if you miss, you can land on a star.

### What life skill do you wish you had cultivated or were better at?

Gardening.

### What are you most excited about these days?

The future opportunities in the pest control industry.

### What's the best compliment you've ever received?

You are a great father.



### What's one thing people don't know about you?

As a kid, I thought I would retire at 22.

### Describe yourself in three words?

Determined, strong minded, self-motivated.

### What is the most important lesson life has taught you?

That even after you give it your all, there is still more!!

### What would your superpower be?

All-knowing.

### Who would play you in the film of your life?

Denzel Washington.

### What is your guiltiest pleasure?

Cakes, cookies and pies.

### What's one thing you had to learn the hard way?

It's not what you know, but what you can prove. Documentation is king.

### Describe your perfect day.

Wake up, exercise, prayer and devotion, light breakfast, explore nature with family and friends.

### What's your pet peeve?

Driving under the speed limit in the fast lane.

### What's heavily played on your music playlist right now?

Paramore.

### What book did you most recently finish?

*Disciplines of a Godly Man.*

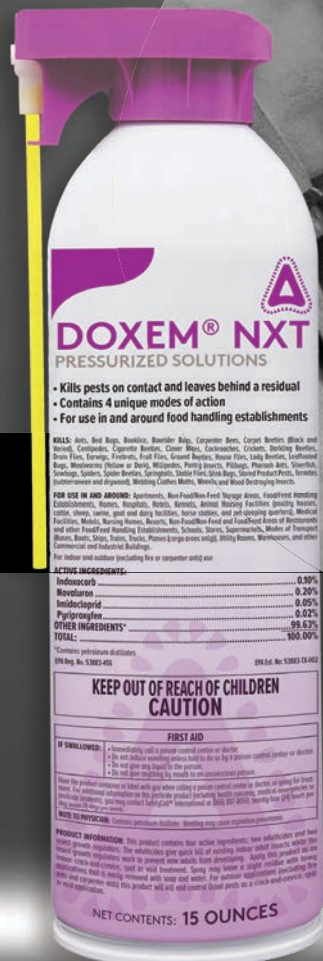
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