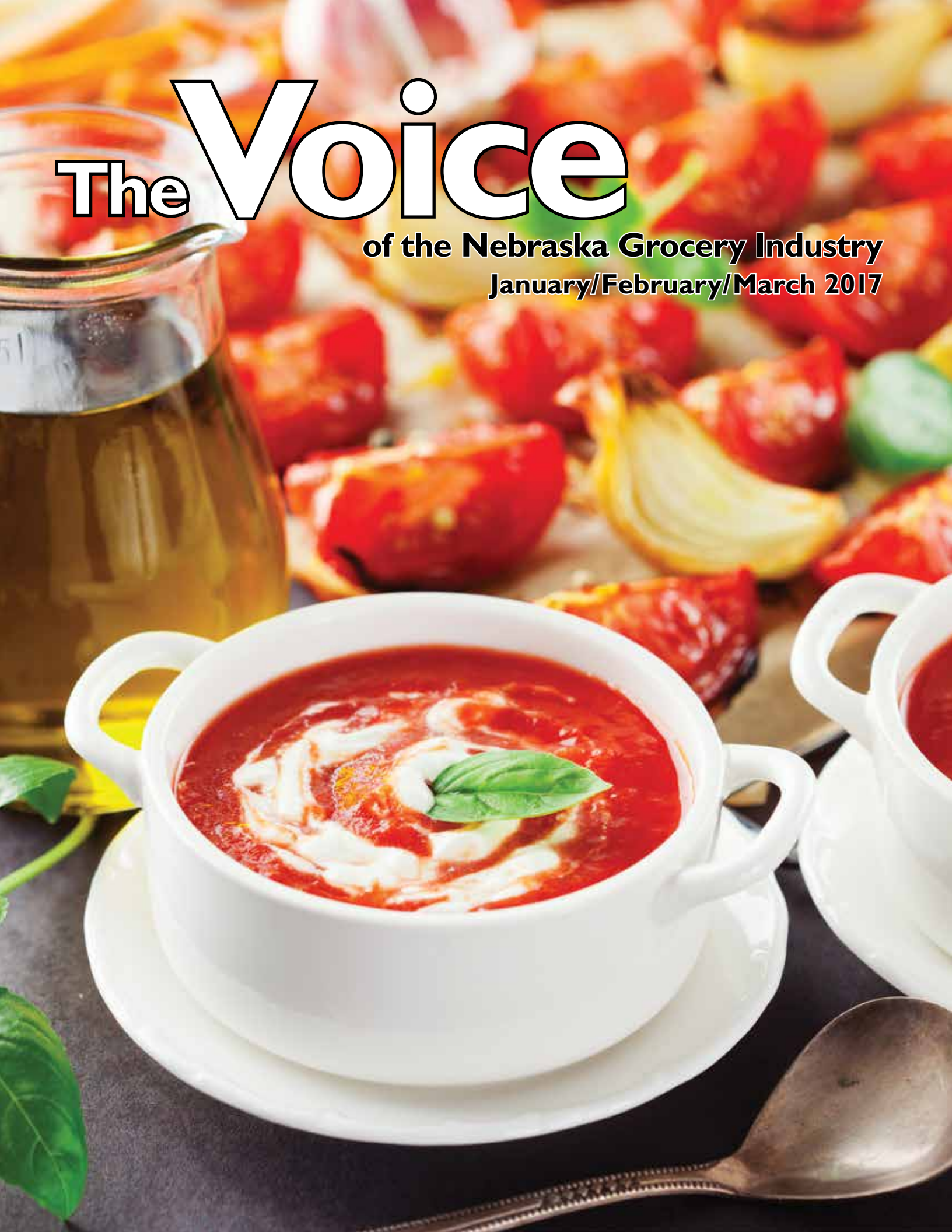


# The Voice

of the Nebraska Grocery Industry  
January/February/March 2017







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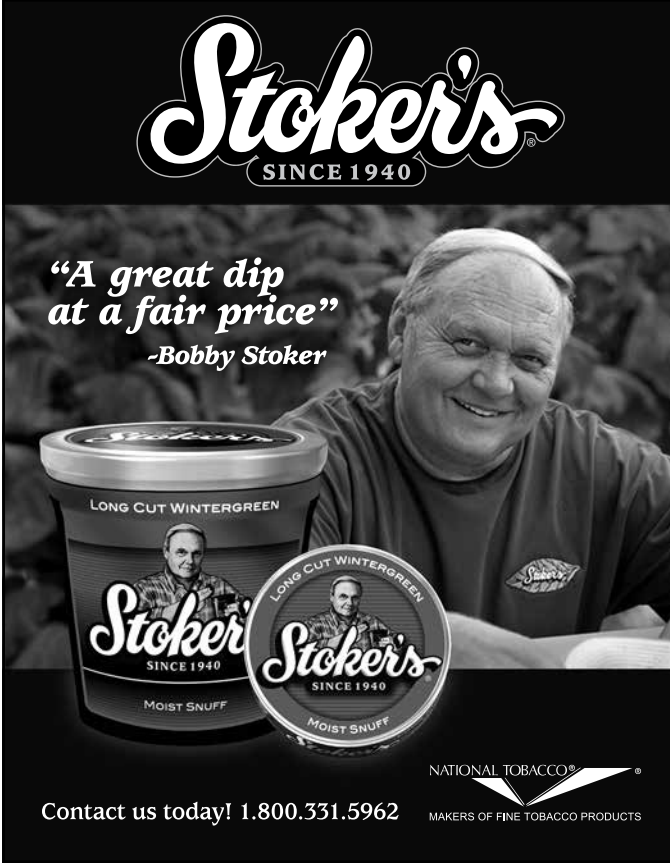
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## Nebraska Food News... People... Places... Things...

*This section of the magazine is dedicated to announcing the changes, additions, promotions, etc., regarding members of the grocery industry in Nebraska. We invite members to submit information that can be included in this section.*

**The Omaha Economic Development Corp.**, its board of directors and staff celebrated the ribbon cutting of the Fair Deal Village MarketPlace (FDVMP) located on 2118 N. 24th Street. The FDVMP will be the home of a 2300 square foot grocery market, the Fair Deal Café, and eight micro-businesses. The Fair Deal Grocery Market is owned by OEDC and will be managed by Patric Borden and his staff.

**Nider's Thriftway's** in Pawnee City was sold to Chad Winters and Roy Toy, who own the Tecumseh Central Market, Leon's Food Mart in Lincoln, and a grocery store in Rockport. Jeff Nider stayed on with the new owners as manager of the store.

**Stapleton Cooperative Market & Deli** is renovating and making preparations to tentatively open on March 5.

The Building is being repainted and revamped. New energy efficient coolers are being installed. Amanda Weems has been hired as the store manager.

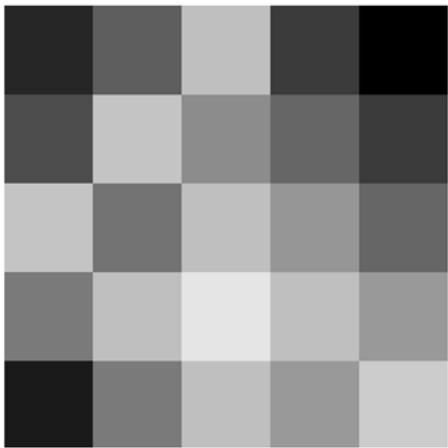
Last summer, **Odell Market** – the only place in town to buy a gallon of milk and other general grocery items – was threatened with closure. Previous owners Perry and Sharon Gydesen were ready to retire, but had trouble selling the store. When the idea of group ownership was proposed, after several community meeting and with advice from another joint owner store in Kansas, a group of residents came together and made the idea a reality. Cathy Bures stayed on as manager.

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## FDA Aligns Menu Labeling Compliance/Enforcement Dates

As previously announced on December 2, the Food and Drug Administration clarified that the federal compliance and enforcement dates for the menu labeling rule are set for May 5, 2017. The alignment was announced in the Federal Register on Dec. 30, 2016 and officially changes the previous compliance date from December 1, 2016 to May 5, 2017. The rule sets guidelines for the disclosure of nutritional information for standard menu items in restaurants and retail food establishments (including supermarkets) with 20 or more locations operating under the same name.





**Altria**

## National Grocers Association: Working for Independent Grocery Retailers and Wholesalers in Washington, DC

While 2016 brought change on many fronts in Washington, DC – most notably in the White House, independent supermarket operators continue to have a long list of pressing matters to discuss. From protecting debit swipe fee reforms to food labeling policies to countless regulations, there is never a shortage of issues impacting the supermarket industry. The following issues were closely monitored in 2016 by the National Grocers Association (NGA) and remain of critical importance to independent grocers in the upcoming year.

**Durbin Amendment/Debit Card Swipe Fee Reform:** Congress enacted debit card swipe fee reform, also known as the Durbin Amendment, as part of the Dodd-Frank legislation in 2010, but since this bill was passed, U.S. merchants continue to fight for transparency and competition in the credit and debit card industry.

Prior to the 2016 elections, the House Financial Services Committee narrowly passed the Financial CHOICE Act, a Dodd-Frank reform package that included language to repeal the debit reforms contained in the Durbin Amendment. This bill was introduced by the Chairman of the Committee, Congressman Jeb Hensarling (R-TX).

While the House did not bring the legislation to the floor for a vote, NGA is preparing for a renewed push in support of a similar bill in 2017. NGA is encouraging our members, along with other stakeholders in the supermarket industry to contact their Member of Congress to urge them to oppose any legislation that would alter the Durbin Amendment and reduce competition in the debit routing market. NGA has been working diligently to educate Members of Congress about the negative impacts that repealing the Durbin Amendment would have on the supermarket industry.

**Health Care Reform:** The President-elect has placed repeal of the Affordable Care Act (ACA) on top of his to-do list, and with a Republican-controlled Congress that effort seems much more likely to succeed. While repeal is on the agenda, at the time of this writing the details for an ACA replacement is unclear. Many in Washington have speculated that the incoming Trump Administration's replacement bill could mirror House Speaker Paul Ryan's "A Better Way" health plan. Included in Speaker Ryan's plan are some proposals, such as individual tax credits and health savings accounts, that Mr. Trump had endorsed along the campaign trail.

**Tax Reform:** The House Ways and Means Committee is working hard to take a conceptual document on

tax reform released in June 2016, referred to as the "Blueprint," and turn it into legislative language. The proposal, which Republicans hope to have released in the next couple of months, is anticipated to be a comprehensive overhaul of the tax code. House Republicans want to have the plan passed through the House by the August recess. However, the plan is likely to run into a number of obstacles. Strong educational efforts by potentially effected industries could slow the process. The repeal of the Affordable Care Act, or the attempt to, will inevitably take time and political capital away from other fights including an attempt to reform the tax code. The Senate also has its own ideas on how tax reform should be handled, which could slow the ultimate passage of any bill. At this moment, NGA is closely monitoring the changing tax landscape in Washington and engaging with Members of Congress and Senators on the issues most critical to NGA members.

**SNAP and federal feeding programs:** In 2016 the House Agriculture Committee held over a dozen hearings on the Supplemental Nutrition Assistance Program (SNAP), including hearings held in May in which NGA Board member, Jimmy Wright, owner of Wright's Market in Opelika, Alabama, and in November where Mike Beal, Chief Operating Officer of Balls Food Stores, located in Kansas City, Kansas, testified before the Committee. Given the interest from Members of Congress on SNAP, we anticipate to see more pressure in 2017 to bring about "reform" of this program. NGA will remain focused on defeating any proposals, including ones that limit what items SNAP recipients can purchase, that would add new costs or administrative burdens on independent supermarkets.

In addition, the House and Senate Agriculture Committees are likely to begin the process of drafting a new farm bill next year. Farm bills are large bills that package together several different agriculture priorities, including crop insurance, livestock issues, and nutrition policies. Traditionally, legislation encompassing nutrition programs (including SNAP) are included as a part of the farm bill in order to receive urban support for the farm programs that often only appeal to Members of Congress from rural districts. These bills are large and expensive, and usually result in tough fights as both Chambers look to pass a product that pleases several different constituencies.

**GMOs:** After a year of intense debate and legislative jockeying, a biotechnology labeling law that created a national labeling standard for food products made with genetically engineered (GE) ingredients

*continued on page 30*

# OSHA 300 Posting

## Courtesy of Think HR by UNICO

Question: In light of OSHA's new reporting and recordkeeping regulations that went into effect on January 1, 2017, are we still required to post the OSHA Form 300A in February?

Answer: Yes. You're not alone in your confusion. While the new regulations did modify certain provisions of 29 CFR Part 1904 (§ 1904.35 – Employee involvement, § 1904.36 – Prohibition against discrimination, § 1904.41 – electronic submission of injury and illness records to OSHA), they did not affect employers' posting obligations under 29 CFR § 1904.32. Covered employers must still display the OSHA Form 300A, Summary of Work-Related Injuries and Illnesses from February 1 to April 30 in a common area where notices to employees are usually posted.

The new Occupational Safety and Health Administration (OSHA) electronic recordkeeping requirement became effective January 1, 2017 and requires that covered employers must submit injury and illness data to OSHA annually. The annual electronic reporting requirements apply to three categories of employers:

1. Large employers (i.e., establishments with 250 or more employees that are not exempt from OSHA's recordkeeping rules).
2. "High risk" employers (i.e., establishments with 20 – 249 employees in certain "high-risk" industries (grocery stores are included in this list!) For a full list please see Chart of OSHA's "High Risk" Industries for Electronic Reporting for a list of "high-risk" industries covered by the new rule which can be found on the website: [osha.gov/recordkeeping/NAICScodesforelectronicssubmission.pdf](http://osha.gov/recordkeeping/NAICScodesforelectronicssubmission.pdf)
3. Any other employers from which OSHA makes a written request for data.

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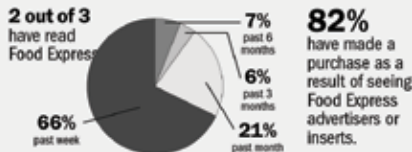
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NGIA Stance	Bill #	Description of 2017 Introduced Legislation	Introducing Senator	Committee	Hearing Date
M	9	Radon – Establishes a task force that would develop minimum standards that the legislature would then depend on for language in a legislative bill in 2018. Would focus on radon mitigation for all new construction.	Krist	Urban Affairs	02-07-17
	37	Garnishment: Adopt the Uniform Wage Garnishment Act. This bill streamlines garnishments to make the entire process more efficient. There are about 6 garnishment bills introduced so there apparently is an issue that needs fixing.	Harr	Judiciary	01-20-17
S	44	Adopt the Remote Seller Sales Tax Collection Act. Allows for taxation on Internet sales. Requires remote sellers who refuse to collect and remit sales tax to provide a notification to all purchasers from Nebraska. Penalty if remote seller fails to provide notice. Remote seller must file form with NE Revenue for each purchaser identifying all sales for the calendar year.	Watermeier	Revenue	01-27-17
O	73	Prohibit the sale or transfer to or use by persons under twenty-one years of age of tobacco, vapor products and alternative nicotine products.	Riepe	Gen Affairs	02-13-17
M	79	Adopt the Small Business Retirement Marketplace Act – establishes guidelines to assist small businesses in establishing retirement plans for employees. No mandates. Large Fiscal note.	Blood	Retirement	01-27-17
S	134	Change provisions of the Nebraska Pure Food Act as prescribed, repeal the Nebraska Graded Egg Act and terminate the Graded Egg Fund. We worked on this bill over the interim. Last year “Delivery” was added to the Pure Food Act. Fees were too high and this lowers fees to around \$17/year. Graded Egg Act is obsolete. Those duties are rolled into the Pure Food Act as necessary.	Brasch	Ag	01-17-17
	136	Garnishment – changes provisions. Provides protection for garnishees involved in a garnishment action by providing that a garnishee may release funds, credit or debt that has been attached as a result of an order of garnishment if no order to pay is provided within 60 days of the creditor receiving the garnishee’s answer. Garnishment summons applies only to the debtor (not the garnishee/employer). Fiscal note of \$12,000 due to changes in the court’s electronic case management system.	Ebke	Judiciary	01-20-17
O	147	Work Comp – Changes work compensation provisions regarding wait time, termination of compensation and attorney’s fees. Termination of benefits allowed only after return to work or 30 days notice from the employer. Notice must state the reason for termination and advise the employee of the right to file a claim with the Work Comp Court.	Hansen	Bus & Labor	03-06-17
S	157	911 Surcharge – collection of Universal Service Fee changes from the provider to the Point of Sale. Remittance of 911 Surcharge will be annual if less than \$1000 is remitted to Public Service Commission in the prior year.	Freisen	Transport	02-13-17
M	165	Requires the use of E-Verify for hiring all <b>public</b> employees. All businesses must register with the Tax Commissioner. It would be unlawful after 2018 to conduct business in Nebraska if not registered. All registered businesses must use federal e-verify on all new hires. Violations result in revocation of Tax id, effectively shutting down the business.	Brewer, Kintner	Judiciary	02-22-17

NGIA Stance	Bill #	Description	Introducer	Committee	Hearing
S	166	Pharmacy – controlled substances. Inventory of Controlled substances must be made when there is a change in the pharmacist-in-charge. The bill clarifies an emergency situation. Requires partially filled prescriptions being filled within 72 hours to no later than 30 days after the date on which the prescription is written; Multidrug containers may be dispensed in the same container when manufacturer prepackages and it is shipped directly to the pharmacy with some restrictions; prescription for controlled substances are filled by another pharmacy under contractual agreement shall contain the Drug Enforcement Administration number of the pharmacy at which prescription is filled. A pharmacist intern must be monitored at all times; allows practice agreements with a licensed health care practitioner authorized to prescribe independently to provide pharmaceutical care. Practice agreements shall be available for review. Unused portions of a drug administered in the hospital can be given to the patient upon discharge	Kolterman	Gov/Military & Vet Affairs	01-27-17
M	167	Pharmacy – include cannabidiol as a Schedule V controlled substance IF it is rescheduled by FDA as a Schedule V. UNMC research suggests that it could potentially be reclassified for specific purposes.	Ebke, Chambers	Judiciary	01-25-17
M	173	Labor – Prohibits discrimination based upon sexual orientation and gender identity	Morfeld	Judiciary	02-22-17
O	181	Work Comp – If an employee disputes medical findings of a doctor that is selected by the employer or its work comp insurer, the employee may receive reimbursement for cost of examination and necessary transportation expenses for a subsequent report by a physician chosen by the employee. Runs up cost of Work Comp which is covered 100% by employers. Fiscal note indicates an additional \$780,000 for each 2018 and 2019.	Quick	Bus & Labor	01-23-17
S	203	Unemployment benefits reduction: An individual would be entitled to benefits of 26 times his or her weekly benefit amount or one-third of his or her wages per calendar quarter, whichever is less. Benefits would be reduced if the unemployed individual left work voluntarily without good cause or was discharged for misconduct. Benefits would be reduced by 2 to 13 times the weekly amount (depending on the conditions under which the individual left work). If the claimant left the employment due to discharge for misconduct, the weekly benefit amount would be reduced by 14 times the weekly benefit (50%). This bill aligns Nebraska with a majority of states by disqualifying an individual who voluntarily quits a job without good cause, until employee requalifies for benefits by earning subsequent wages in covered employment.	Kuehn	Bus & Labor	01-23-17
M/O	211	Labor – tipped Minimum Wage – increased to 50% of the minimum wage rate in effect after Jan 2018. Under current law, if an employee’s tips combined with the employer’s direct wages do not equal the state’s minimum hourly wage (which is \$9 per hour) the employer must make up the difference.	Hanson, Blood, Howard, Kolowski, Morfeld, Quick, Vargas	Bus & Labor	02-27-17
O	215	Fuel – Tax credit to sellers of E-15 fuel of 5¢ per gallon. Seller must apply for certificate. Can apply for tax credit to be used against tax owed. This is a carve out (we don’t support).	Harr		02/03/17

NGIA Stance	Bill #	Description	Introducer	Committee	Hearing
	223	Pharmacy – Prescription Drug Monitoring – requires that the prescription information be made available to the designated statewide health information exchange for access by participants	Kuehn	HHS	03-23-17
M	233	Change Revenue and taxation provisions – clean up. Changes the filing from a “written document” to “in the manner prescribed by the Tax Commissioner” throughout the bill. Fiscal Note of \$71,000 for the OTP conversion: Sec. 77-4014 is amended to provide for electronic filing of OTP tax returns. It allows for a transition period. The bill was passed out of Committee on 02-03-17 with an amendment that strikes the section relative to E-filing for OTP.	Smith	Revenue	01-25-17
M	235	Summer Food Service Program – Allows sponsors receiving the grant to expend the full amount provided when expanding or starting a child nutrition program under the act (rather than after the fact)	Walz	HHS	01-23-17
M	244	Work comp – Mental Injury Compensation. Changes provision of the Work Comp Act by expanding coverage to an employee of the Dept. of Correctional Services or the Dept. of Health and Human Services whose duties involve regular and direct interaction with high-risk individuals.	Bolz	Bus & Labor	02-27-17
M	254	Liquor – allows non-licensed person to make and serve alcoholic liquor in their home or in a group setting such as a club with a hobby of making liquor.	Crawford	General Affairs	02-13-17
S	260	Provide for a state Food Insecurity Nutrition Incentive grant program that allows funding for Double Up Food Bucks. Appropriates \$150,000	Hansen	Ag	02-07-17
O	261	Labor – Requires that when there is large-scale employment loss, advance notice must be given in order to allow for retraining and adjustment of employees. The bill would impact all businesses who employ 25 or more persons, including part-time. The bill addresses all layoffs that are 4 months in duration. Employer must notify employees of a mass layoff 60 days before it takes effect; 250 lost jobs must receive notice 120 days out. Federal law already addresses this issue. This bill would require the State of Nebraska to enforce its own program.	Hansen	Bus & Labor	02-13-17
O	305	Labor -Family Medical Leave - exceeds federal standards	Crawford	Bus/ Labor	02/06/17
M	311	SNAP – Removes ineligibility of persons with felony convictions of controlled substances.	Morfeld	HHS	02-16-17
M	312	Tax – sales; Broadening the sales tax base to include food by removing the current exemption. Includes many other services.	Briese	Revenue	02-22-17
O	313	Tax – Sales; increase state sales tax by 1¢ and remove exemption on soda, candy and bottled water	Briese	Revenue	02-22-17
M	319	Work Comp- Reports filed are confidential except to the NE Work Comp Court. An employee may elect to waive confidentiality and remains open to the public unless revoked by the employee	Halloran	Bus & Labor	03-06-17
	324	Pharmacy Benefit Fairness and Transparency Act; deals with PBM’s	Kolterman	Banking	02-27-17
O	354	Labor – Prohibits an employer to screen job applicants based on current or prior wages; require a job applicant disclose current or prior wages unless the applicant provides written permission. Class IV misdemeanor.	Kolowski	Bus. & Labor	02-27-17



NGIA Stance	Bill #	Description	Introducer	Committee	Hearing
O	372	Labor – Adopts the Nebraska Fair Employment Practice Act. The bill adds “family care responsibilities” as a protected class along with race, color, religion, sex, disability, national origin. Family care responsibility is vaguely defined and could mean filling a pill box.	Crawford	Bus & Labor	02-06-17
	373	Tax Reform – Tax bills will be scheduled for hearing so there is an overall discussion regarding tax reform. Won’t know what it will look like until dust settles.	Schumacher	Revenue	
M	408	Work Comp – adopts an evidence-based drug formulary of drugs listed in Schedules II, III, IV, and V. Drugs in the formulary are presumed reasonable.	Lowe	Bus & Labor	03-06-17
O	420	Labor – Fair Chance Hiring Act – Prohibits public and private employers of more than 15 employees from asking for criminal history	McCollister	Bus & Labor	03-13-17
O	438	Tobacco Tax increase of \$1.50 for cigarettes. Funds go to Behavioral Health Provider Rate Stabilization Fund. Howard is working the bill. All co-sponsors have been added in the last week.	Howard, Pansing Brooks, Blood, Crawford, Baker	Revenue	
	452	Taxes– Broadens Sales Tax Base. Removes laundromats, newspapers, NE Lottery, maintenance and repair services, personal care services, storage and moving services, taxi, limo and other transportation services	Lindstrom, Linehan	Revenue	02-15-17
	462	Tax –Streamline. Cleanup: Changes Articles to Article	Smith	Revenue	01-27-17
O	473	Labor – Provide for a rest period of at least 15 minutes during each 4-hour period worked with no reduction in pay. This is in addition to a regularly scheduled lunch period. Failure to comply is a Class III misdemeanor	Walz	Bus & Labor	03-13-17
	474	Pharmacy Insurance – require insurance coverage for synchronizing prescription medications. A prorated daily cost-sharing rate applied to prescriptions dispensed by a network pharmacy for a partial supply if the prescribing practitioner or pharmacists determines the fill or refill to be in the best interest of the patient and the patient agrees to a partial supply	Baker	Banking	02-13-17
S	477	<b>Fuel</b> – Would be unlawful to advertise gasoline on a price sign that is not available at all fueling positions unless a second fuel that is available is on all signs. Unlawful to offer the same grade of fuel at different prices at dispensers from which the engine fuel is offered for sale when it is from a single storage tank or from multiple storage tanks that are joined in such a manner that the fuel is commingled while still in the tanks	McCollister		01-31-17
S	481	Pharmacy – Interchangeable biologicals	Kuehn	HHS	02/02/17
M	491	Fraudulent misrepresentation of a service animal – Class III misdemeanor. Can’t conflict with ADA.	McCollister	Judiciary	03-17-17
S	519	Employment Security Law – Changes charging of employers for part-time employee receiving benefits so current employer is not charged if they file timely notice with the Dept. of Labor.	Hansen	Bus & Labor	01-30-17
S	559	Tax – Prohibits the collection of electronic payment transaction (interchange) fees on taxes and fees	Schumacher	Banking	03-07-17
	563	Tax – eliminate exemptions and impose tax on services (moving, personal care, massage, tanning, dry cleaning, lawn care, laundry, taxi, limousine, weight loss, investment advice, interior design services, custom meat slaughtering, hunting or fishing guide, pool cleaning, debt counsel, etc.	McCollister	Revenue	02-22-17

NGIA Stance	Bill #	Description	Introducer	Committee	Hearing
S	564	Main Street Fairness Act – Sales tax on internet sales	McCollister	Revenue	01-27-17
S	579	Tax – Occupation. Omaha would require a vote of the people to continue an occupation tax. The bill does not impact occupation taxes that are now in effect. The bill would terminate any occupation tax on Dec. 31 of the second odd-numbered year after it is imposed – unless it is extended by a vote of the people. To avoid additional costs the vote of the people would take place during an election year, on an existing ballot. The bill would stop Omaha’s propensity to add an occupation tax, then never let it go. For example, the restaurant occupation tax is bringing in more than anticipated. It was implemented to offset the issues with police and fire pensions. That issue has been addressed and the funds that come in from the occupation tax are now going to the general fund to balance the budget. While this bill will not impact those occupation taxes now in effect, it will stop this tax collection method from happening in the future.	McDonald	Urban Affairs	02-21-17
S	586	Pharmacy – Prescription Drug Monitoring (time frame must be from 48hrs to 7 days)	Linehan	HHS	03-23-17
S	598	Commission of Industrial Relations, when establishing wage rates, must consider local factors regarding individual family income for the region, economic trends based on NE Dept. of Labor regarding regional consumer price indices, employer benefits, and other relevant information	Groene	Bus & Labor	03-20-17
M	622?	Medical Marijuana Need to make sure our “No Drug Policy remains enforceable.	Wishart	Judiciary	03-15-17
M	632	Liquor Control Act – Many issues in 1 bill; penalties are clarified and multiple same violations in a 4 year period are increased; craft brewery statutes are modified. An amendment was brought regarding past due credits by retailers and we are working on that section to ensure license holders are not put at risk	Larson	General Affairs	02-13-17

**Nebraska Grocery Industry Association  
2017 Calendar of Events**

- |   |  |
|---|--|
| <p><b>April 26</b>    <b>AWG Kansas City Summer Show</b></p> <p><b>May 1-2</b>    <b>AWG Springfield Summer Show (Chateau on the Lake, Branson)</b></p> <p><b>May 2-5</b>    <b>Day In Washington Supermarket Industry Fly-In (FMI, NGA, FIAE)</b></p> <p><b>June 5</b>     <b>Nebraska Legislature Tentative Adjournment</b></p> <p><b>June 5-9</b>   <b>National Grocers Executive Leadership Development Program - Ithaca, NY</b></p> <p><b>June 22</b>    <b>NGIA Spring Golf Outing at Iron Horse (10:00 a.m. shotgun start)</b></p> | <p><b>Aug 22-23</b> <b>AWG Springfield Summer Show</b></p> <p><b>Aug 23-24</b> <b>SpartanNash Fall Trade Show in Minneapolis</b></p> <p><b>Sept 11-15</b> <b>National Grocers Association: Fall Leadership, Chicago</b></p> <p><b>Sept 21-23</b> <b>AWG/AFM Fall Food Show - Omaha</b></p> <p><b>Sept 28</b>    <b>Hackers &amp; Snackers Golf Extravaganza (10:00 a.m. shotgun start)</b></p> |
|---|--|

(If you would like to have your event listed on the calendar, please contact the NGIA office)

TAKE THE  
YUMMY...  
AND RUN!

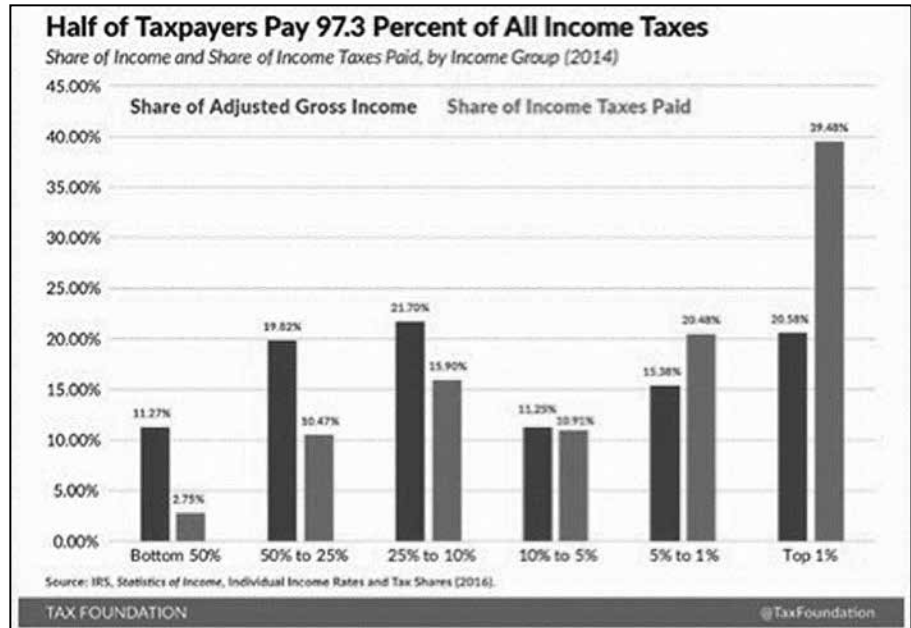


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## Who's Shouldering the Federal Income Tax Burden?

The Tax Foundation has released a study examining the federal income tax burden. According to IRS data and the Tax Foundation's analysis, Americans in 2014 paid \$1.37 trillion in individual income taxes to the federal government -- an 11.5% increase from taxes paid the previous year. In 2014, the top 50% of taxpayers paid 97.3% of all individual income taxes; the bottom 50% paid the remaining 2.7%. The top 1% of taxpayers paid a greater share of individual income taxes (39.5% or \$543 billion) than the bottom 90% combined (29.1% or \$400 billion). The Foundation notes that the top 1% of taxpayers earned 20.58% of all AGI but paid nearly 40% of all income taxes at a 27.1% tax rate -- more than seven times higher than the rate paid by the bottom 50% of taxpayers (3.5%). (courtesy Nebraska Chamber of Commerce)



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## A Little Humor Regarding Warning Labels

Every now and then we all deserve a laugh. The following appeared at <http://www.GCFL.net>. Just go to the website to subscribe – it may put things into a new perspective!

In 1997, Michigan Lawsuit Abuse Watch (M-LAW) began a contest to expose how frivolous lawsuits, and a concern about potential frivolous lawsuits, have led to a new cultural phenomenon: the wacky warning label.

You have probably heard about the lawsuit over a spilled cup of coffee. However, there are many other silly lawsuits involving products that have received far less attention. For example, did you know a man received \$50,000 when he sued a small company that makes basketball nets because he claimed the company was responsible when he caught his teeth in a net while dunking a ball? People who make products hear about these outrageous lawsuits, and they often decide to slap common sense warnings on their product... “just in case.”

Over the years, M-LAW has received hundreds of warning labels from people around the world. M-LAW verifies the authenticity of each label and selects the “Top 5” for each year.

Following is a list of some of the best labels from the first five contests:

A warning on an electric router made for carpenters cautions: “This product not intended for use as a dental drill.”

A warning label found on a baby stroller cautions the user to “Remove child before folding.”

A prescription of sleeping pills says, “Warning: May cause drowsiness.”

A sticker on a toilet at a public facility in Ann Arbor, Michigan actually warns, “Recycled flush water unsafe for drinking.”

A massage chair warns, “DO NOT use massage chair without clothing... and, Never force any body part into the backrest area while the rollers are moving.”

A snowblower warns, “Do not use snowthrower on roof.”

A dishwasher carries this warning: “Do not allow children to play in the dishwasher.”

A CD player carries this unusual warning: “Do not use the Ultradisc2000 as a projectile in a catapult.”

An “Aim-n-Flame” fireplace lighter cautions, “Do not use near fire, flame or sparks.”

A label on a hand-held massager advises consumers not to use “while sleeping or unconscious.”

A container of underarm deodorant says, “Caution: Do not spray in eyes.”

A cartridge for a laser printer warns, “Do not eat toner.”

A household iron warns users “Never iron clothes while they are being worn.”

A label with a hair dryer reads, “Never use hair dryer while sleeping.”

A 13-inch wheel on a wheelbarrow warns, “Not intended for highway use.”

A cardboard car sunshield that keeps sun off the dashboard warns, “Do not drive with sunshield in place.”

A bathroom heater says, “This product is not to be used in bathrooms.”

A can of self-defense pepper spray warns users, “May irritate eyes.”

A warning on a pair of shin guards manufactured for bicyclists says, “Shin pads cannot protect any part of the body they do not cover.”

A popular manufactured fireplace log warns, “Caution - Risk of Fire.”

## Coach Mark Manning is Keynote Speaker at Annual Conference

NGIA will hold its Annual Conference on June 22 at Iron Horse Golf Course, immediately prior to the Annual Sand Bagger Golf Outing. The schedule of events can be found on the adjacent page.



The Keynote speaker at the 2017 Annual Conference will be UNL's Head Wrestling Coach Mark Manning, who has taken the Huskers to new heights in his tenure and has established himself as one of the top wrestling coaches in the nation. In his 16 years at the helm, he has coached 42 of Nebraska's 101 All-Americans. He has led the Huskers to six top-eight finishes at the NCAA championships, compared to just eight for the 14 NU coaches before him. He became the winningest coach in school history on Feb. 21, 2015 when he picked up his 200th win at Nebraska. Manning holds a 212-80-3 record at NU, and a 235-104-5 mark overall. He won back-to-back Big 12 Coach-of-the-Year awards (2008 and 2009).

Manning earned one of the top coaching honors in the entire sport when he was named the 2011 FILA Freestyle Coach of the Year after helping Jordan Burroughs capture the gold medal in freestyle wrestling at the World Championships in Istanbul, Turkey. In 2015, Manning received the honor for a second time, as Burroughs earned a spot on the U.S. Olympic Team. Manning was a volunteer coach for the U.S. Freestyle Team at the 2016 Rio Olympics. Burroughs also captured gold at the 2012 London Olympics, where Manning served as a volunteer coach for the U.S. Freestyle Team. Burroughs went on to win world titles in 2013 and 2015, while adding a bronze medal in 2014.

Manning's coaching philosophy is one that he began during his competitive days, developed during his time as an assistant coach and continues to modify during his time as head coach at Nebraska. Manning began teaching his methods immediately when he was hired at Nebraska in May of 2000. His efforts first paid dividends when he led Nebraska to back-to-back eighth-place team finishes at the NCAA Championships in 2001 and 2002 and continue to serve him well as is proven by his winning record.

The logo for WildHorse Distributing features a stylized silhouette of a horse's head in profile, facing right, with a thick, dark outline. Below the silhouette, the word "WILDHORSE" is written in a large, bold, serif font. Underneath "WILDHORSE", the word "DISTRIBUTING" is written in a smaller, all-caps, sans-serif font with wide letter spacing.

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*presents*

**The NGIA Annual Conference &**

**“Sand Baggers” Golf Outing**

**June 22, 2017**

**Iron Horse Golf Club – Ashland, NE**



Iron Horse Golf Club is located in Ashland, Nebraska, just minutes from Omaha and Lincoln. This unique golf course is built around an old rock quarry and features incredible views and exceptional course conditions.

- 10:00 Greeting**
- 10:10 Coach Mark Manning, UNL Wrestling Coach**
- 11:00 General Membership Meeting & Elections**
- 11:30 Informal Lunch**
- 12:00 p.m. Shotgun Start**

The tournament is a Texas Scramble format. Three flights will be established after scores are turned in. Prizes include a \$50 Pro Shop Gift Certificate for each Flag Prize Winner and each Flight Winner. Fees include the driving range, green fees, cart fees, 2 beverages on the course, lunch and dinner. Each team sets their own foursome. Those players without a full group will be combined with other players.

**This event is included in the annual sponsorship package.**

**Golf Sponsorships are still available:**

- Pre-event publicity, 1 entry fee, hole signage, and recognition in *The Voice* \$500
- We would be interested in donating goodie bag items or prizes



Registration Form for Annual Conference (AC) and Golf (G) Outing (please check one)

Name \_\_\_\_\_ AC \_ G \_  
 Name \_\_\_\_\_ AC \_ G \_  
 Name \_\_\_\_\_ AC \_ G \_  
 Name \_\_\_\_\_ AC \_ G \_

Please register \_\_\_ people at \$30/person (as listed above) for the Annual Conference: \$ \_\_\_\_\_

Please register \_\_\_ people at \$130/person (as listed above) for Golf and Ann Conf. \$ \_\_\_\_\_

Company Name \_\_\_\_\_ Contact Person \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_ Phone: \_\_\_\_\_

Enclosed is my payment for the above players/sponsorship  Please forward a statement

Please contact our office at 800-433-6742 for credit card payments

**Please return this completed form by June 12 to:**

**NGIA, 5935 S. 56<sup>th</sup> St., Suite B, Lincoln, NE 68516 or email to [mkuca@nebgrocery.com](mailto:mkuca@nebgrocery.com)**

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## Ask the HR Experts

### Courtesy of Think HR by UNICO

#### *Dealing with FSA Carry Overs*

**Question:** If an employee has a small health flexible spending account (FSA) balance with a carryover to the next year, and the employee chooses not to participate in the new FSA year, can the employer force the employee to use those funds so as not to incur additional administrative fees in the next plan year?

**Answer:** An employer can prevent “perpetual carryovers” by carefully drafting the cafeteria plan document with respect to carryover amounts. IRS guidance allows carryovers to be limited to individuals who have elected to participate in the health FSA in the next plan year. Health FSAs may also require that carryover amounts be forfeited if not used within a specified period of time, such as one year. Note that this plan design requires additional administration (to track the time limit for each carryover dollar, for instance) as well as ordering rules (e.g., will carryovers be used first?), so you will need to carefully review the cafeteria plan document. Under no circumstances are amounts returned to participants.

According to IRS guidance, a health FSA may limit the availability of the carryover of unused amounts (subject to the \$500 limit) to individuals who have elected to participate in the health FSA in the next year, even if the ability to participate in that next year requires a minimum salary reduction election to the health FSA for that next year. For example, an employer sponsors a cafeteria plan offering a health FSA that permits up to \$500 of unused health FSA amounts to be carried over to the next year in compliance with Notice 2013-71, but only if the employee participates in the health FSA during that next year. To participate in the health FSA, an employee must contribute a minimum of \$60 (\$5 per calendar month). As of December 31, 2016, Employee A and Employee B each have \$25 remaining in their health FSA. Employee A elects to participate in the health FSA for 2017, making a \$600 salary reduction election. Employee B elects not to participate in the health FSA for 2017. Employee A has \$25 carried over to the health FSA for 2017, resulting in \$625 available in the health FSA. Employee B forfeits the \$25 as of December 31, 2016 and has no funds available in the health FSA thereafter. This arrangement is a permissible health FSA carryover feature under Notice 2013171. The IRS also clarifies that a health FSA may limit the ability to carry over unused amounts to a maximum period (subject to the \$500 limit). For example, a health FSA can limit the ability to carry over unused amounts to one year. Thus, if an individual carried over \$30 and did not elect any additional amounts for the next year, the health FSA may require forfeiture of any amount remaining at the end of that next year.

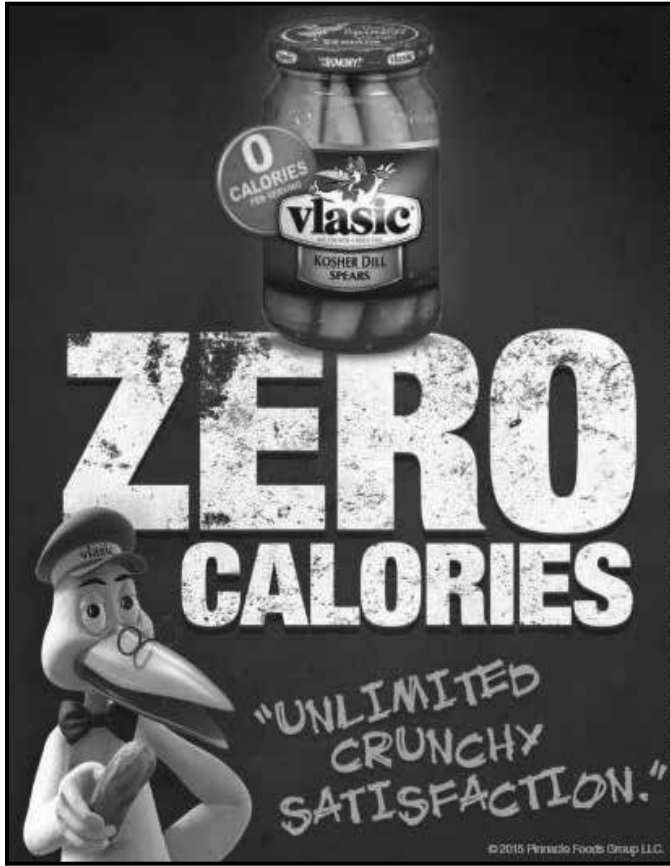
#### *Post-Accident Drug Test Policy*

**Question:** Can you provide us with a sample post-accident drug test policy based on OSHA’s final rule that became effective on August 1, 2016?

**Answer:** We do not recommend or provide a sample post-accident drug test policy. These types of blanket post-accident drug screening policies are problematic under the federal Occupational Safety and Health Administration’s (OSHA’s) new recordkeeping rule because of the strengthened prohibitions against employer retaliation. The final rule does not prohibit drug testing of employees; it only prohibits employers from using drug testing, or the threat of drug testing, as a form of retaliation against employees who report injuries or illnesses. If an employer conducts drug testing to comply with the requirements of a state or federal law or regulation, the employer’s motive would not be retaliatory, and the rule does not prohibit such testing.

If your company currently has a post-accident testing policy, a best practice is to look at strengthening the pre-employment, random, and/or reasonable suspicion drug testing requirements (per state law and with legal counsel) while relaxing any post-accident testing by limiting it to safety sensitive positions or accidents where it is clear that impairment could cause or contribute to an accident. This will help continue to protect the company as well as worker safety, while protecting an employee’s rights to be free of retaliation for filing a workers’ compensation injury claim.

Of importance, the retaliation provisions of the OSHA final rule were scheduled to take effect August 10, 2016, but enactment has been delayed to December 1, 2016 due to a pending lawsuit.



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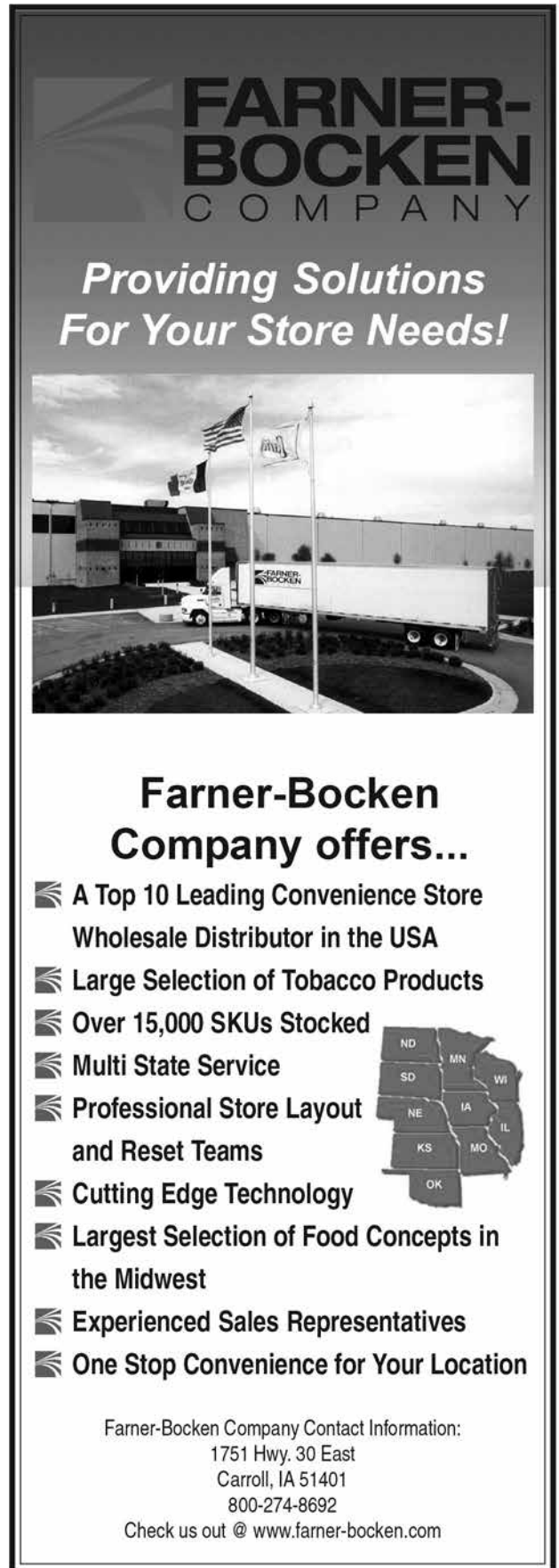
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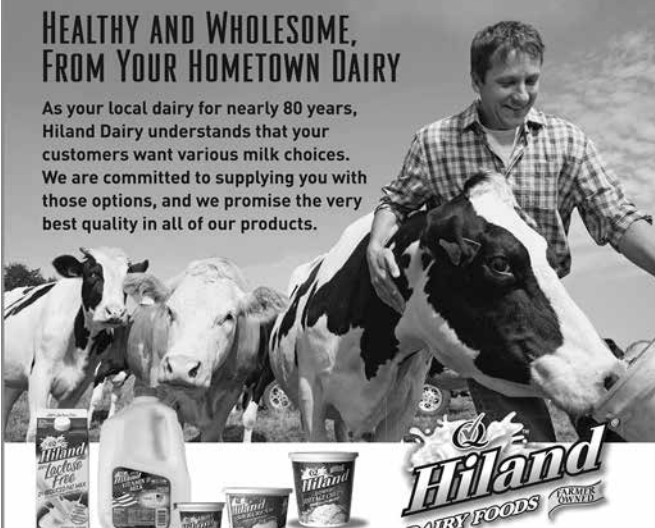
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**National Grocers Association: Working for...continued**

and genetically modified organisms (GMOs) was enacted in July of 2016. The action now shifts to the U.S. Department of Agriculture (USDA), where the agency will begin the rulemaking process that will decide how the law is implemented across the country. NGA will be monitoring the rulemaking process very carefully, and will continue our engagement with USDA.

NGA is already focusing on what opportunities and challenges the new administration and Congress may bring in 2017. Given these changes, we will have much work to do to educate lawmakers and regulators about the positive impacts the independent supermarket industry has on the economy and local communities.

To make your voice heard on these issues, please visit [www.grocerstakeaction.org](http://www.grocerstakeaction.org).



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## SNAP EBT Vendor Change to Take Place March 25 at 11p.m. – March 26 at 6 a.m.

**Lincoln** – Retailers who accept Supplemental Nutrition Assistance Program EBT cards will need to utilize manual vouchers for about seven hours starting Saturday, March 25th, at 11 p.m. (CST) until the next day at 6 a.m. (CST), according to the Nebraska Department of Health and Human Services (DHHS).

The seven hours of downtime will be necessary to convert the DHHS EBT system from J.P. Morgan Electronic Financial Services to a new vendor, Fidelity Information Services (FIS) Government Solutions.

Prior to the transition period, SNAP retailers should inform employees so they are prepared to process manual vouchers from 11p.m. until 6a.m the next day. Retailers also will not be able to access the EBT merchant helpline number during the downtime. The new EBT merchant helpline number will change to 1-877-262-9905 after the March 26th conversion in completed.

DHHS is preparing signs for retailers to post at entrances and checkout stands. They will be emailed to retailers.

The change in EBT card vendors will not have a significant impact on SNAP recipients. They will still be able to use their current EBT card and the helpline for Nebraska EBT cardholders will not change.

DHHS appreciates the assistance of the Nebraska Grocery Industry Association to get the word out to retailers. The downtime also will be communicated to SNAP recipients by DHHS at local offices, its website, the ACCESSNebraska phone line and news media.

Retailers with questions about the EBT conversion may call the Nebraska EBT Team at 402-471-8043.

The vendor change was prompted when J.P. Morgan decided to no longer provide this service. The contract with FIS is lower cost and will save taxpayers about \$120,000 annually.

---

## NGIA OFFERS SCHOLARSHIP PROGRAM FOR DUES PAYING MEMBERS

### *Purpose/Philosophy*

The Nebraska Grocery Industry Association has established the Nebraska Grocery Industry Association Scholarship Program to recognize and aid deserving students who are related to Nebraska's food industry.

- Employees or children of employees of businesses which pay dues to Nebraska Grocery Industry are eligible to apply for a scholarship.
- All applicants must have been employed for at least one year as of the scholarship deadline in the year in which the scholarship is awarded. The applicant must still be employed by the NGIA dues paying member at the time the scholarship is awarded.
- Applicants must have a minimum 2.5 GPA on a 4.0 scale. Applicants must plan to enroll in an undergraduate course (full or part time) of study at an accredited two or four year college, university, or vocational-technical school. There are three categories: Full or Part Time Applicants, High School Applicants, Non-Traditional Applicants
- The scholarship award will be a grant of \$1,500 which must be used within 12 months of the awarding of the grant

### *Application Procedure*

1. Members are asked to make copies of this request for application form available to their employees.
2. Applicants may obtain an application form at our website [www.nebgrocery.com](http://www.nebgrocery.com) or by contacting the NGIA office via telephone, fax or USPS mail.
3. Completed applications must be postmarked by April 1. Applications received after this date will not be considered.

***Go to our website at [www.nebgrocery.com](http://www.nebgrocery.com) to download additional details and the application form***

# IMPORTANT NOTICE

## for Nebraska SNAP Clients

### EBT cards

cannot be used for seven hours from  
**Saturday, March 25 at 11 p.m. (CST)**  
to **Sunday, March 26 at 6 a.m. (CST)**.

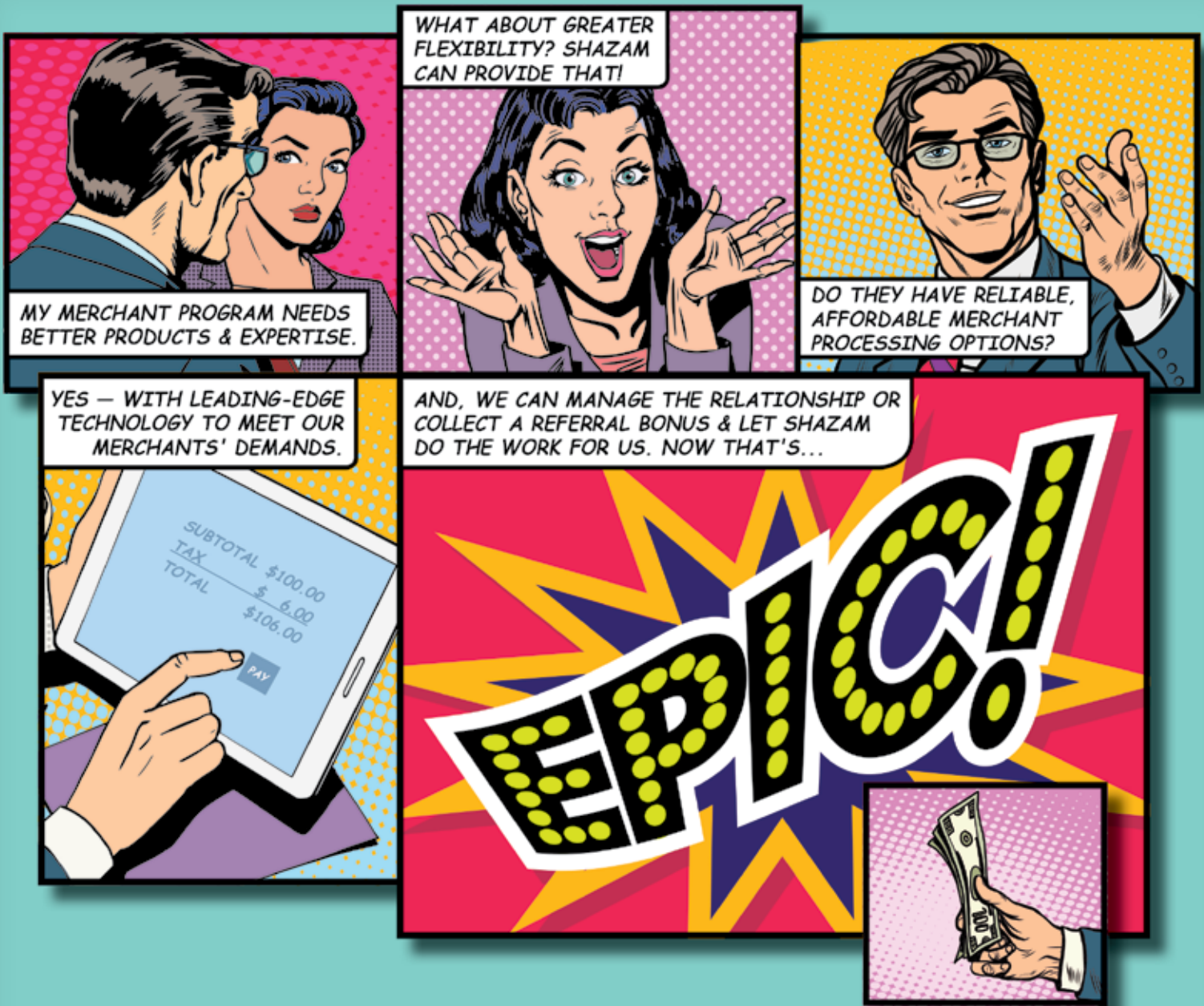
The Department of Health and Human Services will transition to a new EBT card contractor during that time. This change in contractors will not affect your use of your EBT card after the transition.

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*-Deb Ward, CEO, TSI, Chairwomen COMPEL Board of Directors*

*"I am really enjoying this site. I have accessed it now for several searches and HR initiatives we are currently working on and really liked it. It has a wealth of information, and I am finding it very useful. Thank you!"*

*-Melanie A. Weber, Human Resource Manager - Golden West*

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