

# The Voice

of the Nebraska Grocery Industry  
April/May/June 2017

**NGIA Annual Conference**  
**June 22, 2017**



**Keynote Speaker**  
**Mark Manning**  
**UNL Wrestling Coach**







# AWARD-WINNING PRIVATE LABEL

Brands developed with you in mind...

100% Quality Guarantee! • Everyday Savings vs. Brands! • Wide range of products across the entire store!

The only difference is the price....Why pay more?

Best Choice



Clearly Organic<sup>®</sup>  
Best Choice

Always Save



[www.awgbrands.com](http://www.awgbrands.com)

For a lower cost of goods, please contact  
Dave McKelvey 713-876-6240, Keith Knight 615-290-6093, Wayne Hall 608-347-7318

# C O N T E N T S

## features & departments

- 8 Nebraska Food News... People... Places... Things...
- 10 Passing Thoughts on the Political Climate
- 16 Holding "the" Conversation
- 18 Things You Need to Know
- 24 NGIA Annual Conference & Golf Outing
- 26 NGIA Awards Scholarships to High School and College Students

## advertisers

- 6 Advantage Solutions
- 9 Altria
- 30 American Coupon Services
- 17 Anheuser-Busch
- 17 Arctic Glacier
- 3 Associated Wholesale Grocers
- 2 Bimbo
- 22 Cheyenne International, LLC
- 12 Coca-Cola
- 28 Crystal Farms
- 7 Dean Foods/Land O Lakes
- 21 Diageo
- 13 Dr Pepper/Snapple
- 21 Fareway Stores, Inc.
- 25 Farner-Bocken
- 28 Hiland Dairy
- 17 Kemps
- 6 Mondelez International
- 6 National Tobacco
- 29 Nebraska Lottery
- 13 Omaha World Herald
- 11 Pan-O-Gold Baking Company
- 22 Pepsi
- 25 Pinnacle Foods
- 13 Retail Data Systems
- 27 R.J. Reynolds
- 31 Shazam
- 25 Smokey Mountain
- 28 Sparboe Farms
- 5 SpartanNash
- 12 Swedish Match
- 22 The Brenmar Company
- 6 The Mark Anthony Brands
- 32 Unico
- 15 Well's Blue Bunny
- 21 Wildhorse Distributing

Chairman of the Board:  
**Mogens Knudsen**

Vice Chairman of the Board:  
**Peter Clarke**

Secretary:  
**Frank Woodward**

Immediate Past Chair:  
**Lonnie Eggers**

Executive Director:  
**Kathy Siefken**

Directors:  
**Larry Baus**  
A Street Market

**Brian Gilliland**  
Coca-Cola Refreshments

**Shannon McCord**  
Ideal Market

**Steve Pirtle**  
Associated Wholesale  
Grocers

**Pat Raybould**  
Russ's Markets  
Super Saver

**Jamie Richards**  
Pan O Gold

**Tom Ryks**  
Smart Chicken

**Ted Stessman**  
Farner Bocken

**Stu Wilsman**  
Rightway Grocery

**DeLone Wilson**  
Cubby's & Phil's Foodway

**Clint Mullen**  
SpartanNash Warehouse

Owned and Published by:  
**Nebraska Grocery Industry Association, Inc.**  
5935 South 56<sup>th</sup> Street, Suite B, Lincoln, Nebraska 68516-3301  
Phone: (402) 423-5533 or 800-433-6742  
E-mail: [ksiefken@nebgrocery.com](mailto:ksiefken@nebgrocery.com).



# Your food has a LOCAL address



Partnering with hundreds of local producers for homegrown, homemade foods right where you live.



For more information about the SpartanNash portfolio contact:

Joe Hermes 419-998-2502

Mike Soflin 402-661-0357



**Stoker's**  
SINCE 1940

*"A great dip  
at a fair price"*  
-Bobby Stoker

LONG CUT WINTERGREEN  
Stoker's  
SINCE 1940  
MOIST SNUFF

NATIONAL TOBACCO®  
MAKERS OF FINE TOBACCO PRODUCTS

Contact us today! 1.800.331.5962

**WINNING  
TOGETHER**

Partner with Advantage Solutions  
for dynamic sales growth.

Advantage Solutions collaborates with clients to develop tailored, insight-based, integrated solutions designed to suit specific needs and maximize results—dramatically increased distribution and incremental case sales. Call (515) 278-1223, or visit [advantagesolutions.net](http://advantagesolutions.net) today.

**ADVANTAGE  
SOLUTIONS**

CREATE  
**DELICIOUS**  
MOMENTS  
OF JOY

**Mondeleēz**  
International

**NO MATTER  
HOW YOU SLICE IT...  
...A GOOD PARTNER  
IS HARD TO FIND.**

Mark Anthony Brands Inc. is proud to be a partner of the Nebraska Grocers Association and all the hard work that they do!

MIKE'S IS HARD. SO IS PRISON. DON'T DRIVE DRUNK.® PREMIUM MALT BEVERAGE. ©2017 Mike's Hard Lemonade Co., Chicago, IL



## Pure quality. Pure profits.

Customers always reach first for trusted LAND O LAKES® Milk. Our FlavorTight™ bottle preserves fresh flavor and essential nutrients by blocking out harmful light. That's why LAND O LAKES® Milk starts pure from the dairy and stays pure for the family table. Simple goodness, naturally.

Find out how the natural, simple goodness of LAND O LAKES® Milk and dairy products can maximize your profits by calling 402-474-8700.



**LAND O LAKES® Original Milk and Dairy Products**

©2014 Dean Foods, Inc. The LAND O LAKES and Indian Maiden trademarks are owned by Land O'Lakes, Inc. and used by license.

## 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.*

New-to-Omaha grocery chain **Fresh Thyme Farmers Market** opened two new stores in February. The new stores, focused on natural and organic foods, are located at 17550 Gold Plaza and 13215 West Center Road in Millard.

**Super Saver's Smokehouse team** earned 18 awards at the 2017 Nebraska Association of Meat Processors Cured Meat Competition. The team brought home grand champion awards in the dried beef, boneless ham, beef jerky (full muscle), summer sausage non-fermented beef jerky (formed) and meat snack sticks categories. It also received reserve grand champion in boneless ham, hot dogs/frankfurters and meat snack sticks. Team members included Bob Voss, Smokehouse manager at a Lincoln Super Saver, and Adam Meisenheimer, Millard Super Saver Smokehouse manager.

**F&F boutiques** will be added to select Omaha and Lincoln Hy-Vee stores. This summer, you'll be able to run to Hy-Vee for milk and bananas and also some clothing items. The shops will carry the F&F clothing label, a brand owned by Tesco, the British retailer of groceries and household items. Hy-Vee has a deal with Tesco to operate the boutiques here, much like Starbucks operates kiosks within the store.

**Imperial Super Foods** earned recognition as this year's Large Business of the Year. Jill and Brad Moline completed a major overhaul and expansion of their grocery store last year. They continue to offer deli selections for lunch and provide catering for a variety of events.

**Prairieland Dairy** of Firth, Nebraska, has sold its brand and its Lincoln distribution center to Hiland Dairy Foods, which will handle processing, sales and distribution of its milk. Prairieland milk will be processed in Omaha and Hiland will serve Prairieland's existing customers. Hiland is a joint venture, dating to 1981, between the Dairy Farmers of America and the Illinois-based Prairie Farms Dairy cooperative, which is the managing partner.

**Fall City Sun Mart** recently donated \$1000 to Falls City Sacred Heart School as part of its "Direct Your Dollars" campaign. Direct Your Dollars was launched in 2016 as part of Sun Mart's commitment to support the communities they serve. The year-round program replaces Support Our Schools in select locations. Families from schools participating in the "Direct Your Dollars" campaign collect Sun Mart cash register receipts and the company makes a

\$1000 donation for every \$150,000 returned. The store's general manager is Angie Phroper.

**Hy-Vee** is planning to put restaurants at several of its Nebraska stores, including three in Lincoln. The Lincoln stores will get either a full-service Hy-Vee Market Grille or the new Hy-Vee Market Grille Express concept. The first full-service Hy-Vee Market Grille opened in 2012. The restaurants have wait staffs and offer sit-down dining. The Market Grille Express, which is more of a fast-casual concept, debuted last year.

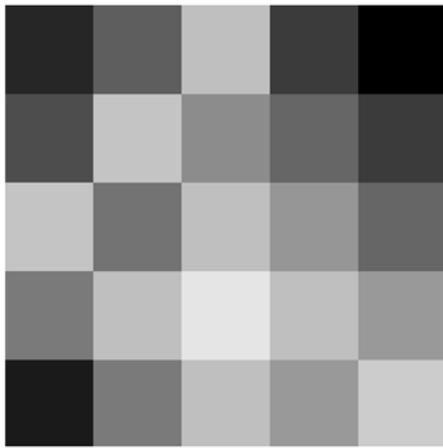
**Stapleton Cooperative Market & Deli** installed new energy efficient coolers and freezers as part of a USDA Rural Development grant. Nearly \$962,000 in grants was awarded for 40 renewable energy and energy efficiency projects supported through the Rural Energy for American Program.

**Terry's Family Foods** donated brown bags for Syracuse third graders to decorate to celebrate Earth Day. Students wrote messages and drew pictures to share messages to promote a healthy environment. The bags were used for customers' groceries on the weekend of Earth Day.

**Family Fare** gave a check for \$3,400 to Sarpy County Habitat for Humanity. The money was raised over a two-week period in February by Family Fare customers who made donations as they checked out their groceries. The fundraiser was conducted at the Papillion Family Fare store and the two Family Fare stores in Bellevue.

**Brent and Stephanie Benstead** recently acquitted the grocery store in Ponca. The grocery store will remain open while they do some serious renovating. They plan for new lighting, new flooring and new walk-in coolers. They will have a walk-in beer cave; a liquor store, and improved Ace Hardware presence in the future and the Laundromat stays. They also plan to have a gourmet coffee and ice cream shop plus new registers. They believe the improvements can be accomplished in about a month.

The Iowa-based grocery chain, **Fareway Stores** is currently working on a 6,500-square-foot, full-service meat market at 84th and Van Dorn Street, a concept design that is expected to be open late in the year. Company executives have a goal to open up a full Fareway grocery store in Lincoln in the future.



# Altria

## Passing Thoughts on the Political Climate

By Senator Laura Ebke



As the session comes to a close, I can't help but become a little bit retrospective.

The 105th Legislature is made of 17 brand new "freshman" senators, and 17 "sophomore" senators (of which I am one), plus 15 senators who have either just been re-elected, or who will be termed-limited out of office with the next election..

As a general observation, the two newer classes together--combined with a few more senior senators--could have been thought to make up a more "conservative" block, unlike has been seen in this legislature in a number of years. Of course there are different varieties of self-described "conservatives" (or "liberals"), and we've found that you could probably put 10 of them in a room, with 10 issues to decide on, you wouldn't find even one of those 10 issues that everyone agreed on.

A year ago, I announced my political party affiliation switch (I'm now a Libertarian, however was a registered Republican when elected in 2014--but of course we are an officially non-partisan legislature, and no party identification shows up on the ballot in legislative races). At the time of my switch, I noted the pressure to conform to "party norms"; the near-bullying by some in order to get votes whipped. Leaving the GOP was a decision for me, so that I could do what I thought was right without the pressure of partisan lobbying. I don't believe that the change has altered my votes, it's just made it easier for me to think about each vote more independently.

One of the things that is sometimes disheartening to me in the Legislature is this: as a group of people, I enjoy spending time with ALL of my colleagues, across the political spectrum. I have people I consider to be friends who would be considered liberal progressives, and moderates on both the left and the right; as well as people who are some version of conservative. For all of those labels, there is a spectrum--no two of the 49 of us have exactly the same political point of view.

But (perhaps to a lesser extent) just as it seems that the partisan/ideological divide has deepened in the country at large; just as it sometimes seems that we're expected to choose our team, dig in, and stay in that foxhole no matter what...I think those things are dangerous.

While some of my colleagues believe very strongly that we ought to have a two house, partisan legislature (like every other state, and Washington, D.C.), I still have this notion that our system can allow something special to happen in Lincoln. Without party caucuses controlling how everyone votes, each member can think for themselves; without party caucuses, we can get to know one another as people; without party caucuses, we can negotiate, rather than digging in. As I've occasionally said before: when both sides dig in, no one gets anywhere.

Something that is often missing in the political world is **humility**--the ability to recognize that you might be wrong, or that someone else might have a point that you hadn't thought of, is in short supply--even in Lincoln. This has spread to part of the larger public, as well.

In talking to my colleagues, I think we're all finding more "demands" on us--demands that we vote a particular way on a particular bill; demands that we not vote a particular way. Oftentimes, we get phone messages that say nothing other than "Vote against that stupid LB#?"

Mass phone calls and emails have become more dominant in the last few years--especially the "patch through calls", where an organization calls constituents, tells them about some bill, and then says they're going to patch them through so that they can "tell your senator to vote yes (or no) on this bill." Oftentimes, we find that those on the other end don't really know what they're calling about, nor do they even know WHO they've been patched through to. One night, I happened to answer the phone in the office, and was told to vote a particular way on the budget, and if that was a problem because of money, we ought to stop spending so much on the military and fighting wars. I explained that if that's what they were concerned about, that they might want to talk to their federal representatives or senators, because I really didn't have anything to do with that.

Legislators try to walk a fine line sometimes. We have sat through committee hearings, and hours of debate. We've been lobbied by both sides of an issue. We know what kinds of compromises have already been made. We know that amendments that are being proposed may substantially change the bill, and that the person telling us to vote "for" or "against" the bill might not really like us to vote that way when push comes to shove after all of the amending is done. **We want to be responsive** to our constituents, and yet...WHICH constituents should we be responsive to, and HOW should we be responsive?

Each of us was elected to office, via a secret ballot. We can't possibly represent "only those who voted for us", because we really don't know--and even if we did, we still need to be aware of the wishes of the rest of the district that didn't vote for us. We represent the WHOLE district, not just those who liked us in the last election.

I guess what I'm trying to say is this: I try to stay connected with those in the district as much as possible. You can come and tell me (in my office, at one of our town halls, while I'm grocery shopping in Crete, while I'm at one of my kids' school events) what you think I did wrong (and hopefully what you think I did right, once in a while). I will try to be responsive to your questions, comments and concerns. I will explain to you my reasons for taking a position--even if it's one that you didn't like. Sometimes we'll agree, and sometimes we'll disagree. No elected representative can please anyone all of the time, but I believe you are entitled to get to know me, and to get answers from me.

Beginning this coming weekend, and continuing

through early July, I'll be holding a series of post-session review town halls (see below for the ones that have already been scheduled). You're welcome to attend any or all of these. I enjoy conversations, and won't talk AT you very much--I'll have a structure of conversation to start with, but those in attendance will really decide which direction the discussion goes.

I hope to see you at some of the town halls. I hope that we can help move the needle toward a more civil public discourse--one that recognizes our differences of opinion on some things, while acknowledging that we all might have something to learn from one another.

After the town halls, I will start thinking seriously about whether I will be running for re-election in 2018. I anticipate doing some knocking on doors in different communities to check in with more of you over the summer, and get a sense of what YOU are thinking. Whether in the town halls, or at your door, I hope I get a chance to talk with many of you in the next 5 or 6 months.

# Pan-O-Gold Baking Company

## Bakers of Quality Bakery Items



13247 Cary Circle La Vista, NE 68138 402-339-4803

# Coca-Cola®

LIVE  POSITIVELY™



A collection of White Owl Cigarillos foil pouches in various flavors: Black, Cold, Sweets, Silver, White Grape, and Peach. Each pouch is labeled '2 CIGARS FOR 99¢' and 'GUARANTEED FOIL FRESH'. The central focus is a large graphic with the White Owl logo and the text '2 CIGARS FOR 99¢' and 'GUARANTEED FOIL FRESH®'.

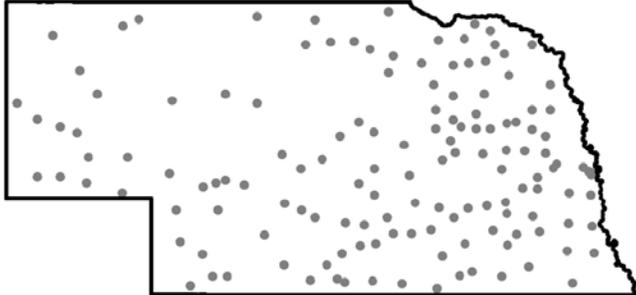
*Signed.* SEALED. DELIVERED.

\*\*\*  
SWEDISH MATCH



**Retail Data Systems**

**PARTNERING WITH NEBRASKA GROCERS SINCE 1950**



**We are here... Where are you?**

**End to End Point of Sales Solutions for your store  
For a Free No Obligation Store Survey Contact  
Terry Rehmeier @ 800-564-4737 ext 101**



Omaha World-Herald  
**FOOD EXPRESS**



**The #1 place to promote your products!**

**300,477** total per week Food Express deliveries for January, 2017

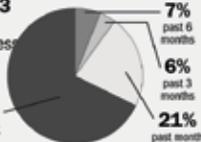
The Food Express subscriber & non-subscriber section wraps advertiser inserts and includes food editorial, feature stories, recipes and other diet information.

**Publishes every Wednesday**

Source: The Consumer Preference Online Panel Study © 2016 by The Omaha World-Herald. All Rights Reserved.

**Food Express gives you 100% Omaha Metro coverage:** Distribution in all Douglas and Sarpy County Zip Codes and select Zip Codes in Cass, Washington & Saunders counties.

**2 out of 3** have read Food Express



**82%** have made a purchase as a result of seeing Food Express advertisers or inserts.

**Advertising options:** ROP advertising and insert distribution

To find out more about advertising in the Omaha World-Herald, or to place an ad, contact **Brandon Bell: 402-444-3114** or email: **brandon.bell@owh.com**

3XHP24003



**Dr Pepper Snapple Bottling Co.**  
Midwest Division Omaha, NE  
A Division of Dr Pepper Snapple Group

**Omaha & Lincoln:  
402-972-4701**

**Norfolk: 402-371-9347**





## Terry's Family Foods Encourage 3rd Graders

Terry & Patricia Scheinost, owners of Terry's Family Foods donated brown bags for Syracuse 3rd graders to decorate in celebration of Earth Day. Students drew pictures on the bags to share messages that promote a healthy environment. The bags were used for customers' groceries the weekend of Earth day. This is a great example of working with the community to educate and encourage the next generation to recognize Earth Day!

---

## Rose Bostwick Retires

Rose Bostwick, long time employee of Farmland/Smithfield has decided to retire after working with the company for 27 years. Rose is well-known by almost everyone in the industry! She worked at North Side Produce for 17 years before joining Farmland in 1990. She plans to have a great retirement that will be focused on her husband Jerry, 7 children, and 17 grandchildren. Her days will be filled with golf, volunteering and gardening. She will miss her stores and customers and wanted everyone to know that she can be reached on her cell phone.

---



## In Memory of Sidney Schwartz

Sidney Schwartz was born in Omaha in 1922, and passed away on March 24, 2017. Schwartz was the son of Jewish immigrants from Russia. He graduated from Central High School and the University of Nebraska, interrupting his college education to enlist in the Army during World War II. He married Phyllis Wohlner, whose father, Albert Wohlner, was among a generation of Jewish immigrants who operated many grocery stores and related food businesses in Omaha.

Sid Schwartz kept Omaha's oldest grocery store in business at a time when competition from supermarkets and chains shuttered other independent neighborhood shops. Wohlner's Neighborhood Grocery thrived under Schwartz, thanks to his hands-on management and dedication to serving his customers, his children said.

Schwartz often would leave home before sunrise to run the store Monday through Saturday, coming home after 6:00 p.m. On Sundays, when the store was closed, he was in the grocery store's upstairs office, handling the accounting. After he retired at age 65, he still couldn't stay away. "When he was in town he always came in every weekend to look at the books and make sure I was profitable," said his son Mike Schwartz, third-generation owner of what is now Wohlner's Neighborhood Grocery & Deli at Midtown Crossing.

TAKE THE  
YUMMY...  
AND RUN!



**Blue  
Bunny**  
ICE CREAM  
SO HOPPIN' GOOD.

©2017 Wells Enterprises, Inc. All rights reserved.

## Holding “the” Conversation Courtesy of UNICO, HR Digest

There comes a time in every manager's or HR professional's career when he or she must deliver a difficult message to an employee. The message might be about hygiene, performance, or termination.

Regardless of the situation, it is a necessary discussion, and how you convey the message can either make or break the conversation. This dread of the impending conversation can create avoidance, so when we do get around to it, we often provide a quick delivery and close the door on the communication, avoiding any further conversation. This is where we fail.

Holding the difficult conversation is what the other person deserves. You can make this an opportunity to demonstrate respect by providing a neutral dialogue between two professionals. This creates a much smoother resolution when the conversation provides a “sacred” space for both parties to hear, listen, and resolve.

In preparing for the discussion, consider how you can be sensitive and respectful to the employee so that the message you are conveying will create the best result. Consider such factors such as communication style, gender, culture, age, and language. Taking the time to put thought into the messaging helps create and strengthen your relationship with the employee.

### Not Right or Wrong

This one tip to take into any difficult discussion can help you gain the greatest result. Not only can this tip change your relationships at work, it can evolve your life relationships as well. This is the secret to every discussion, rant, dialogue, or feedback that will provide you a positive outcome rather than one that devolves into anger or hurt feelings.

Know that what you are doing is holding the conversation. You single-handedly are setting up the space for an interaction that will provide the opportunity to reap results otherwise out of reach. It creates a space for immediate agreement and results. Feeling empowered, you forge all of this from a humble approach of not making anyone right or wrong. This includes you: you do not get to be right or wrong, nor does the other person. Be certain you don't just understand this, but that you **know** this. You are not right or wrong and neither is the other person. **When you approach your discussion from this perspective, not right or wrong — you hold a conversation with a space for respect, interaction, trust, and agreement.** Extending facts of observation, concerns, and expectation without a layer of what is right or wrong enables people on both sides to explore commitments to a vision that removes the threat or feeling of attack.

Try it on. Hold a conversation and watch your results. Remember, you are not right or wrong, but neutral and focused on the outcome.

### Nebraska Grocery Industry Association 2017 Calendar of Events

- June 22 NGIA Spring Golf Outing at Iron Horse (10:00 a.m. shotgun start)
- Aug 22-23 AWG Springfield Summer Show
- Aug 23-24 SpartanNash Fall Trade Show in Minneapolis
- Sept 11-15 National Grocers Association: Fall Leadership, Chicago
- Sept 21-23 AWG/AFM Fall Food Show - Omaha
- Sept 28 Hackers & Snackers Golf Extravaganza (10:00 a.m. shotgun start)

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

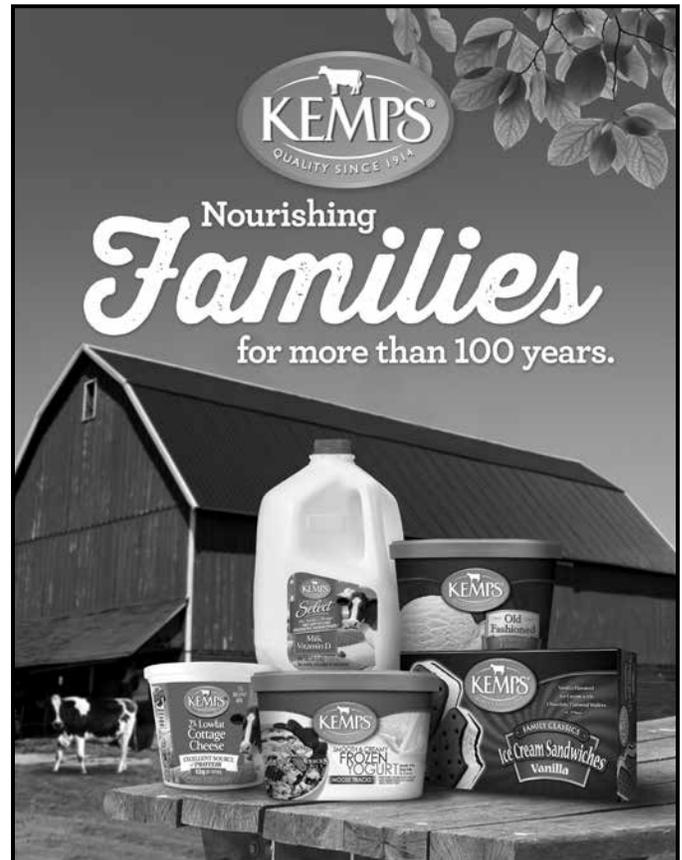


*Anheuser-Busch*  
*Proud Supporters of the*  
*Nebraska Grocery Industry Association*



...Proudly Serving Nebraska Grocers  
For Over 100 Years.

1-800-333-7340  
1-402-592-9262  
Omaha Headquarters



## Things You Need to Know

Courtesy UNICO Group via ThinkHR, Digest and Newsletter

### Health Care

**Question:** When both parents are employed and have group medical coverage, can their 20-year old child be enrolled in the father's high deductible health plan (HDHP) with a health savings account (HSA) and also be enrolled in the mother's traditional PPO plan? Will the child's dual coverage affect the father's ability to contribute to his HSA?

**Answer:** Either parent, or both parents, may enroll the child as the dependent of an employee. The child's coverage, whether under an HSA-compatible HDHP or another type of group medical plan, or both, will not affect the father's ability to make HSA contributions.

To be eligible to make HSA contributions (or to have employer HSA contributions made on his behalf), the father must meet all of the following conditions:

- Has qualifying high deductible health plan (HDHP) coverage;
- Does not have any disqualifying health coverage (called "impermissible non-HDHP coverage");
- Is not enrolled in Medicare; and
- Cannot be claimed as the tax dependent of another taxpayer.

For instance, if the father meets the above HSA eligibility criteria, and if his HDHP plan covers him and at least one other family member (spouse, child, or both), he may make HSA contributions up to the family limit. In Revenue Ruling 2005-25, the IRS clarified that an individual eligible to contribute to an HSA does not lose eligibility merely because the individual's spouse (or child) has non-HDHP coverage.

### COBRA Rates

**Question:** We understand that COBRA rates can only be increased once every 12 months. How is the 12-month period determined?

**Answer:** The determination period is any 12-month period selected by the plan as long as it is applied consistently from year to year. For ease of administration, most employers choose the plan year as their 12-month period. For instance, for a calendar-year plan, the first day of the 12-month period is January 1, which conveniently is also the date that open enrollment choices and insurance renewal rates take effect.

COBRA rates must be fixed in advance. Rates cannot be increased after the 12-month determination period starts, although there are three exceptions to this rule. The exceptions are:

- The plan previously charged less than 102 percent of the premium and the new rate does not exceed 102 percent of the premium;
- The COBRA participant qualifies for the disability extension period and the new rate does not exceed 150 percent of the premium; or
- The COBRA participant changes their election, such as charging from single to family coverage in connection with family status change.

### AEDs in the Workplace

**Question:** What risk issues should we consider if our employees use an automated external defibrillator (AED) while on the job if they are not trained? And what are the implications of them not using it?

**Answer:** From a general HR standpoint, if an employer has an AED in the workplace, but has not provided the appropriate employee training, the employer may incur risk where an untrained person attempts to use the device but does so incorrectly and causes harm (Good Samaritan laws may or may not protect the individual who uses the device).

According to the Occupational Safety and Health Administration (OSHA), AEDs are an important lifesaving technology and may have a role to play in treating workplace cardiac arrest. Workers can be trained to:

- Recognize sudden cardiac arrest and notify EMS personnel
- Perform cardiopulmonary resuscitation
- Provide early defibrillation with an AED
- Care for the victim until emergency medical personnel arrive

It is unclear what the risk is if the device is onsite but the employer fails to use it. Some states have enacted laws related to AEDs in the workplace, and there may be other usage and training laws that a safety expert could outline for installation (including registering the AEDs with local emergency response agencies, as well as Good Samaritan laws).

We recommend reviewing this question with your risk, liability, and workers' compensation insurance broker and legal counsel, as they likely have better insight into this topic and its risks.

## Electronic Forms W-2

**Question:** We have employees in several states and would like to require that all employees (current and future) have an accessible email account so we can electronically provide all Form W-2s and paystubs. Can we do this?

**Answer:** A best practice would be for your company to establish a secure, company-wide email system for all employees to access and/or receive all company communications, Form W-2s, paystubs and more. Federal Form W-2 compliance requirements are complex and require attention to detail, so consider working with a payroll vendor to implement an electronic system for wage statements and W-2s.

Note that if you allow employees to use a personal email address for business purposes, they must give you consent to use that personal email address. Consider also that this usage triggers the issue of whether an employee must be paid for the time he or she spends reading emails from work on a personal account (as compensable hours).

Employers may set up a system to furnish Forms W-2 electronically. Each employee participating must consent (either electronically or by paper document) to receive his or her Form W-2 electronically, and you must notify the employee of all hardware and software requirements to receive the form. You may not send a Form W-2 electronically to any employee who does not consent or who has revoked previously-provided consent.

To furnish Forms W-2 electronically, you must meet the following disclosure requirements and provide a clear and conspicuous statement of each requirement to your employees

The employee must be informed that he or she will receive a paper Form W-2 if consent is not given to receive it electronically.

- The employee must be informed of the scope and duration of the consent
- The employee must be informed of any procedure for obtaining a paper copy of his or her Form W-2 and whether or not the request for a paper statement is treated as a withdrawal of his or her consent to receiving the Form W-2 electronically

*Continued on page 20*

Continued from page 19

- The employee must be notified about how to withdraw a consent and the effective date and manner by which the employer will confirm the withdrawn consent
- The employee must also be notified that the withdrawn consent does not apply to the previously issued Forms W-2.
- The employee must be informed about any conditions under which electronic Forms W-2 will no longer be furnished (for example, termination of employment)
- The employee must be informed of any procedures for updating his or her contact information that enables the employer to provide electronic Forms W-2
- The employer must notify the employee of any changes to the employer's contact information.
- You must furnish electronic Forms W-2 by the same due date as the paper Forms W-2. You will also need to review any state laws that may be applicable.

### **Savings Clause**

**Question:** We are revising our employee handbook and it was recommended that we include an NLRA “savings clause.” What do you recommend?

**Answer:** A blanket “savings clause” in relation to the National Labor Relations Act (NLRA) is a clause added to the beginning of an employee handbook in an effort to shield employer liability from unlawfully overbroad policies that violate § 7 of the NLRA. For instance, Macy's Inc. used the following disclaimer as an introductory page to its handbook:

*Nothing in the Code or the policies it incorporates, is intended or will be applied, to prohibit employees from exercising their rights protected under federal labor law, including concerted discussion of wages, hours or other terms and conditions of employment. This Code is intended to comply with all federal, state, and local laws, including but not limited to the Federal Trade Commission, Endorsement Guidelines and the National Labor Relations Act, and will not be applied or enforced in a manner that violates such laws.*

However, an administrative law judge (ALJ) in a lawsuit against Macy's, Inc. decided in 2015 that the savings clause did not neutralize the employer's unlawful policies. According to the ALJ and the National Labor Relations Board (NLRB), the NLRB has strict policies for employers attempting to reject unlawful rules. The NLRB has stated (in DirecTV, 359 NLRB No. 5), in order for a savings clause to serve as a defense to an unfair labor practice finding, it must be timely, unambiguous, specific in nature to the coercive conduct, and untainted by other unlawful conduct. There must be adequate publication of the clause to the employees involved, and the language must assure employees that, going forward, the employer will not interfere with the exercise of their § 7 rights.

According to the NLRB, a savings clause must be specific in nature to the coercive conduct and expressly reference an employee's rights protected by the NLRA. Savings clauses cannot be written in a generic manner, especially when unlawful restrictions are very specific (as in First Transit, Inc., 360 NLRB No. 72).

If you are considering including a savings clause in your employee handbook, be sure to work with legal counsel specializing in employment law to ensure that your policy is targeted and specific to your company's needs.

### **Health Plan Midyear Enrollment**

**Question:** Our employee has been covered on his spouse's employer health plan. She recently lost her job and

Continued on page 23

**"SWAGGER, NOT STAGGER."**  
 ~ TONY SINCLAIR

READY TO *Tanqueray*?  
 ALWAYS IN MODERATION  
 TANQUERAY.COM

**FAREWAY**  
 ECONOMICAL  
 FOOD  
 STORES

copyright 2016

**Receive your  
 weekly Fareway  
 ad by e-mail**  
 Sign up at [fareway.com](http://fareway.com)

**WILDHORSE**  
 D I S T R I B U T I N G

**NATIONAL DISTRIBUTOR OF  
 TOBACCO BRANDS AND ACCESSORIES**

713 N. Frontier, Papillion, NE 68046  
 888-293-2635

[www.WildHorseDist.com](http://www.WildHorseDist.com)

**Cheyenne**  
CIGARS

**Great Smoke, Great Price**

WARNING: Smoking Causes Lung Cancer, Heart Disease, And Emphysema, And May Complicate Pregnancy. This Product Contains Chemicals Known To The State of California To Cause Cancer And Birth Defects And Other Reproductive Harm.

MADE IN THE USA  
© 2013 Cheyenne International, L.L.C.  
Cheyenne International, L.L.C. • 701 S. Blackground Avenue, Dover, NE 68002 • Toll Free 1.866.234.6975 • Fax 704.927.7950 • www.cheyenneci.com

**THE BRENMAR**   
COMPANY INC.  
www.brenmarco.com

**CELEBRATING 25 YEARS**

*Supermarket Packaging & Supplies  
General Merchandise & Speciality Foods*

Call us at  
**1-800-783-7759**  
Or Visit Us Online

**Like us on facebook.**

**Proud to Support  
Nebraska's Grocers**



**pepsi**

*Continued from page 20*

health care coverage. Does this qualify as a midyear election change, meaning our employee can elect coverage for himself and his family, even though he did not previously have coverage from us?

**Answer:** HIPAA special enrollment rights would likely be triggered in this scenario. HIPAA special enrollment rights apply when an individual (employee, spouse, or dependent) is covered under another health plan at the time the employer's coverage was offered to them and the other coverage is exhausted, terminated as a result of loss of eligibility, or employer contributions to the other coverage cease. HIPAA special enrollment rights also apply in other circumstances unrelated to this scenario, such as birth of a child, marriage, adoption or placement for adoption, and loss of eligibility under Medicaid or CHIP, or gaining eligibility for a state premium assistance subsidy under the plan from Medicaid or CHIP.

Employers or insurance carriers may also require employees, in writing and at the time of declining coverage under the group health plan, to indicate that they are declining coverage for themselves or their dependents because they have other health coverage as a condition of eligibility for a special enrollment right. If this condition is implemented (as it is not required), then if an employee fails to provide this information in writing the plan is not required to provide special enrollment to the employee or their spouse or dependent(s). This condition and the consequences of failing to indicate the reason coverage was declined must be clearly communicated to the employee at the time of initial eligibility and at each open enrollment, and should be included in plan materials.

An employee generally has 30 days (unless the plan allows for a longer period) after a special enrollment right is triggered to request enrollment in an employer's plan. In this case, because the employee's spouse's plan is a group health plan subject to HIPAA's portability provisions, then the spouse's loss of eligibility for, and involuntary termination of, her group health plan coverage will trigger a HIPAA special enrollment right for the employee and his family under your group health plan. If your plan required the employee to indicate in writing that he declined coverage due to having coverage under another plan, then you should check to ensure this requirement was met.

When HIPAA special enrollment rights are triggered, § 1.125-4(b)(1) of the IRS permitted election change regulations allow an employee to make a new election that corresponds with special enrollment rights in order to make pretax contributions for benefits elected. This and other permitted election changes are voluntary on the part of the employer and must be adopted in the employer's written cafeteria plan document to be available to employees.

Another of the permitted election changes (§ 1.125-4(c)(2)(iii)) applicable to this scenario is available when an employee or an employee's spouse or tax dependent experiences a change in employment status, such as losing a job and, therefore, losing eligibility under the applicable plan. In your case, the employee and his family were enrolled in the spouse's group health coverage. Since the spouse lost eligibility when her employment terminated, so long as your cafeteria plan has adopted this change in status event for midyear changes, the entire family would be eligible to enroll in your company's group health plan and make pretax contributions for benefits elected.

# Nebraska Grocery Industry Association

Presents

## NGIA Annual Conference & Golf Outing and Iron Horse Golf Club in Ashland

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.



**UNL's Head Wrestling Coach Mark Manning is the keynote for the Annual Conference.** Coach Manning has taken the Huskers to new heights in his tenure at UNL 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 Burroughs capture the gold medal 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.

### Schedule of Events

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



---

### Registration Form for Annual Conference (AC) and/or Golf (G)

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

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

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

Please register \_\_\_ people at \$130/person (listed above) for Golf (includes Annual Conference) \$ \_\_\_\_\_

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

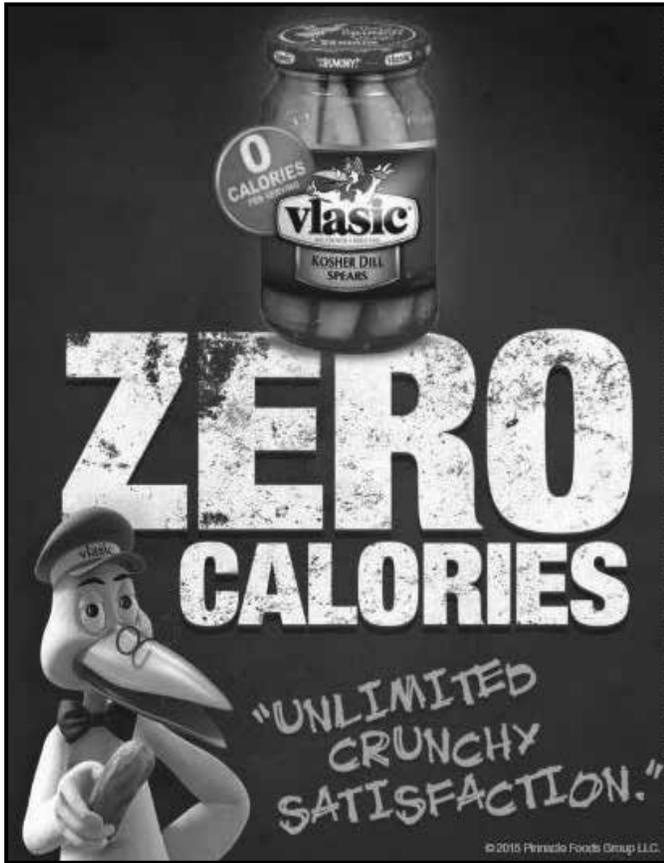
City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_ Phone: \_\_\_\_\_

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

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

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

**NGIA, 5935 S. 56 St., Ste. B, Lincoln, NE 68516 or email to [mkuca@nebgrocery.com](mailto:mkuca@nebgrocery.com)**



**0 CALORIES PER SERVING**

**vlasic**

KOSHER DILL SPEARS

**ZERO CALORIES**

"UNLIMITED CRUNCHY SATISFACTION."

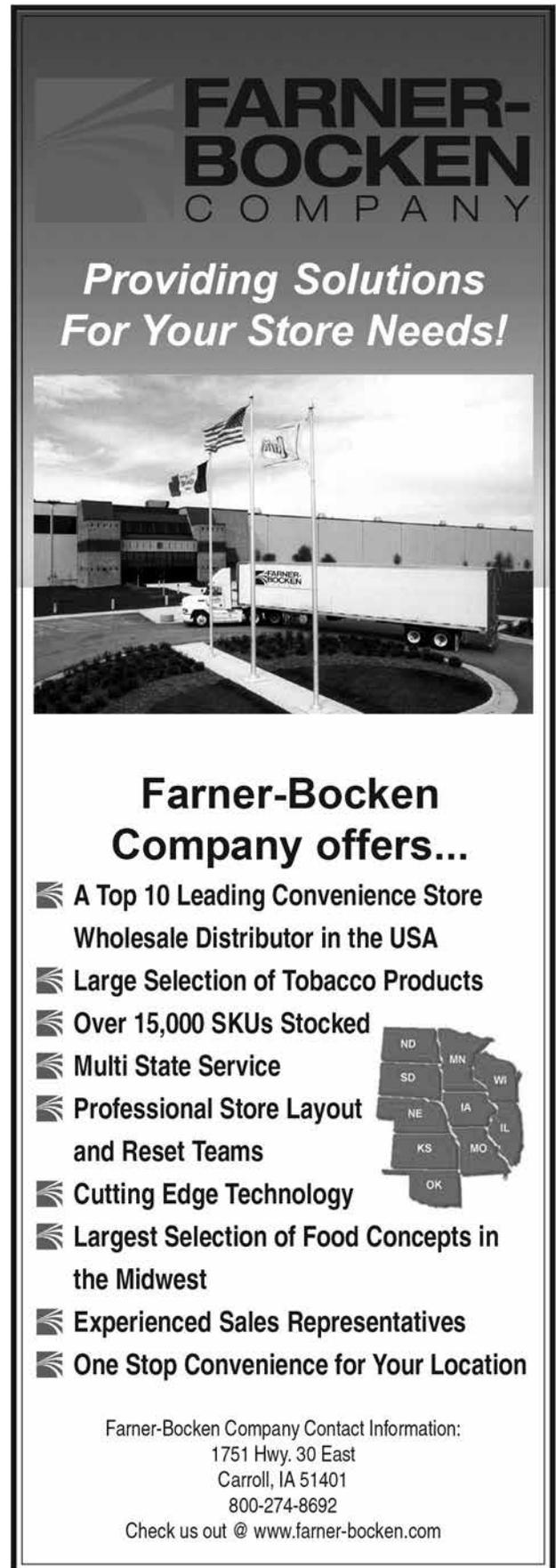
© 2015 Pinnacle Foods Group LLC



**SMOKEY MOUNTAIN**

AMERICA'S ORIGINAL  
Tobacco-Free  
SMOKELESS BRAND

For more information contact:  
[cbrown@smokeyusa.com](mailto:cbrown@smokeyusa.com)



**FARNER-BOCKEN**  
COMPANY

*Providing Solutions  
For Your Store Needs!*

**Farner-Bocken Company offers...**

- A Top 10 Leading Convenience Store Wholesale Distributor in the USA
- Large Selection of Tobacco Products
- Over 15,000 SKUs Stocked
- Multi State Service
- Professional Store Layout and Reset Teams
- Cutting Edge Technology
- Largest Selection of Food Concepts in the Midwest
- Experienced Sales Representatives
- One Stop Convenience for Your Location



Farner-Bocken Company Contact Information:  
1751 Hwy. 30 East  
Carroll, IA 51401  
800-274-8692  
Check us out @ [www.farner-bocken.com](http://www.farner-bocken.com)

## NGIA Awards Scholarships to High School and College Students

The NGIA Board of Directors approved the award of six scholarships for 2017. Funds raised from the Silent Auction (held during the Legislative Dinner in January) and money raised from Mulligans and "Par 3 Mini Tournaments during our golf outings are used to fund scholarships every year. The application can be found on our website at [www.nebgrocery.com](http://www.nebgrocery.com). Scholarship applications must be received no later than April 1 to be eligible for participation. The 2017 winners are listed below.

### High School Scholarships



**Lauren Weis** is an employee of Fareway Stores, Inc. located at 17070 Audrey Street in Omaha. Lauren is a graduate of Marion High School. She intends to major in neuroscience at Saint Louis University in St. Louis Missouri. She has been active in soccer, Art Club, Spanish Club, Science Club and was the recruiter for the Recruitment team. She has also served as a leader for Vacation Bible School, and a volunteer for Joslyn Art Museum and for a Service Trip.



**Haley Dickes** is an employee of Burnell's Foodtown in Hartington, NE. Haley is a graduate of Leder Catholic High School in Hartington. She intends to major in Piano Performance and Business Administration with a concentration in Human Resource and University of Nebraska – Omaha. She has been active in varsity cheerleading, One Act, Swing Choir, Jazz Band and Circle of Friends. She has also been involved with church choir, church landscaping, Ladies Build and the Fair Board.



**Garrett Szwane** is an employee of Hy-Vee located at 7151 Stacy Lane in Lincoln. Garrett graduated from Lincoln East High School. He intends to major in Engineering at Colorado School of Mines. He has been involved in the East Golf Team, National Honor Society. He has also been actively involved in the Nebraska Junior Golf Tour, Friendship Home Fund Drive, Matt Talbot Kitchen as a server and East Booster Golf Tournament volunteer.



**Jonah Heng** is an employee of Lou's Thrifty Way in Norfolk. Jonah graduated from Norfolk Catholic High School in Norfolk. He intends to major in Biology/Food Science at Wayne State College. He has been active in wrestling, Mock Trial as the Head Lawyer, One Act, National Honor Society, Futures, cross country, track and field, football, play production and golf. He has also been actively in Church Choir and Extra Ordinary Minister of Holy Communion.

### College Scholarship Recipients



**Sarah Taylor** is the daughter of Myndi Taylor who is an employee of Hy-Vee located at 3410 N. 156 St. in Omaha. Sarah has also worked at Hy-Vee for three years as a courtesy clerk, cashier, and is now a health market clerk. She has attended Northwest Missouri State University and the University of Nebraska – Omaha. Her major is in nursing. Sarah has been involved in making blankets for the Humane Society, written letters to members of the US Armed Forces and has served as a volunteer at NWMSU hosting dozens of universities.



**Alyssa Pracht** is an employee of Lovegrove's Grocery in Waverly, as is her mother Dona Bracht. Alyssa attended Nebraska Wesleyan University and is now attending University of Nebraska – Lincoln where she majors in Music Performance with a minor in German and Business. She has been on the Dean's List, is a recipient of UNL Regent's Scholarship, the Tim D. Leon Memorial Scholarship, and the L.L. Fuller Music Scholarship.





**SPARBOE**  
Companies

Your  
family owned  
fresh  
shell egg and egg  
products  
provider



**CHOOSE LOCAL.  
CHOOSE HILAND.**

Because Hiland is your local dairy, all of our milk processed in Nebraska comes from Nebraska dairy farms. That means from farm to table, Hiland Dairy Milk is healthy, wholesome and 100% local. Learn more at [HilandDairy.com/Nebraska](http://HilandDairy.com/Nebraska).




**NO Artificial Growth Hormones**      **All Hiland Milk Is Tested for Antibiotics**

**We just might know who moved your cheese**



# Truck\$ & Buck\$ is better than ever ... especially for our NGIA retailers!



Your customers could win one of five  
2017 Ford F-150 XLT Flex Fuel trucks.  
5x the truck. 5x the excitement.



[nelottery.com](http://nelottery.com)

Must be 19. Please play responsibly. Problem Gambling Help Line: 800-522-4700.

Ford Motor Company  
Trademarks and Service Marks  
used under license to NGIA  
Entertainment, LLC.



# coupon redemption in the **digital age**

seamless redemption for  
**digital, electronic & paper coupons**



Proudly Offered through  
**Nebraska Grocery Industry Association**  
For more information call ACS at 1-800-260-4642.



SHAZAM's focused on strengthening community financial institutions by offering choice and flexibility for all your merchant processing needs. Call us today to learn more about SHAZAM Merchant Services.

**Now that's epic.**



Strengthening Community Financial Institutions

shazam.net/epic | 855.314.1212 | @SHAZAMNetwork

Nebraska Grocery Industry Association  
5935 South 56th, Suite B  
Lincoln, Nebraska 68516-3301

Address Service Requested

PRSR STD  
U.S. POSTAGE  
**PAID**  
Lincoln, NE  
Permit No. 40



## MIDLAND INSURANCE AGENCY



Contact us for your  
homeowners, rental,  
auto, commercial or  
recreational vehicle  
insurance needs.

**Doug Cunningham**

*Agency Manager*

[doug@midlandinsagency.com](mailto:doug@midlandinsagency.com)

**Marcy Heggen**

*Agent*

[marcy@midlandinsagency.com](mailto:marcy@midlandinsagency.com)

1918 N 203rd St, Elkhorn, NE 68022

(402) 934-1075

[www.midlandinsagency.com](http://www.midlandinsagency.com)

