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September/October 2015



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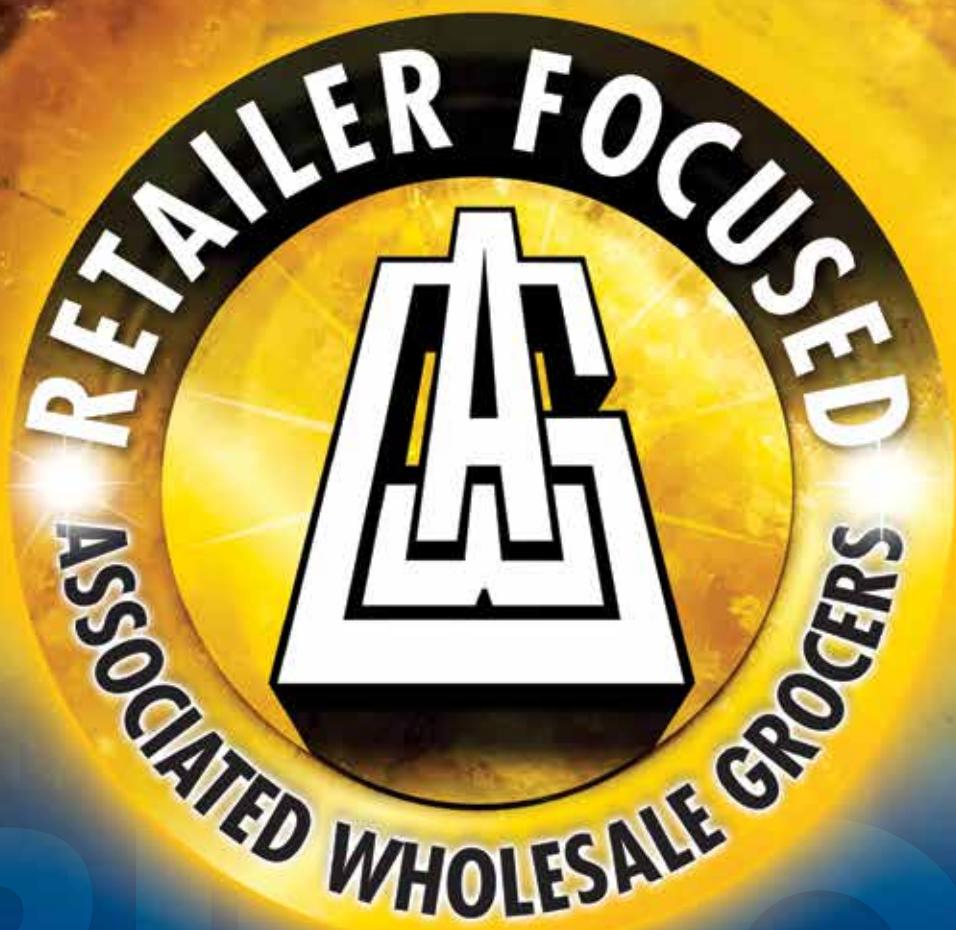
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Executive Director's Corner



By Kathy Siefken

I'll admit that I am not a tweeter or a blogger and I really don't deal well with hashtags. However, in today's world it is important to keep up on the latest trends. So in an effort to keep to the forefront of today's communications, I started following Dr. Ernie Goss, Creighton

University economist who is very well respected by leaders in our state. In a recent blog post Dr. Goss wrote that President Obama recently announced "plans to reduce, and ultimately eliminate, coal-fired electricity generation in the U.S." Goss noted that data from the Department of Energy show electricity from existing coal-fired plants costs \$38 per megawatt-hour compared to \$106 from new wind facilities. According to his analysis, "this action will contribute to rising economic burdens on low income families in the U.S." since "the bottom quintile of earners already spend five times more of their family income on electricity, compared to the top quintile of earners." Goss said policymakers must consider impacts of this and other regulatory expansions on income inequality and economic growth. In my book – that's common sense advice.

Speaking of keeping up with trends, NGIA has updated its website. We have added links, information, and forms. The website is easy to navigate and we would encourage everyone to access the website at www.nebgrocery.com for scholarship information, coupon redemption forms, legislative issues, and a whole lot more. Let us know what you think of the new look! We also have a Facebook page and we have literally hundreds of photos of NGIA events that take place throughout the year. In the future, we plan to add more issues to the Facebook page so if you "Like" the page, you will automatically receive the updates as they occur!

Dues statements are being sent out as I write this column. We have taken a look at the structure of membership dues and the NGIA Board of Directors want to ensure that as we look to the future, the Association is sustainable. As a result, single owner small stores will pay less per company than larger, multiple store locations. Membership dues have not increased in over 13 years, a fact in which we take great pride. However, the dues structure must help sustain the changing face of membership and a larger portion of support will come from larger members. If you have any questions or concerns, please contact our office. We are here to serve our members!

The 2016 Legislative Session will convene on Wednesday, January 6. We have already begun meeting with regulatory agencies in an effort to understand and impact some of the issues that will be addressed via introduction of legislative bills. During the interim, before the Session begins, it is advantageous for members of our industry to visit with their State Senator regarding issues of concern that impact the food industry in Nebraska. While it appears that most of the Session will focus on taxes (property, sales and income) there are always bills introduced that directly impact your business. All State Senators will be invited to attend the Legislative Dinner on Jan. 28 at the Cornhusker Marriott in Lincoln, as our guests. Feel free to visit with your Senator about this event and invite him or her to attend!

Until next time ...

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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 Weeping Water grocery store has been in and out of the Upton family over the past 50-some years. A year ago Ken and Jan Upton purchased Super Foods, when it went up for sale, from Dinah Corbet and renamed the store **Upton's Market**. Ken's father and mother purchased Rhodes Hy-Klas in 1957. They renamed it Upton's Hy-Klas and stayed at that location until 1961 when they built a new store at 103 West Eldora. They owned it until 1972. Family members owned the store from 1972 until 1985 when it was sold to Linda Rathe. And when the store was for sale last June, Ken and his wife decided to get the store back in the family again. They've added new freezers, flooring and scanning equipment. They've also added 150 to 160 new items to sell. They enjoy seeing their customers and helping them find what they need.

Students in business classes in Wausa had the opportunity to put their creative design skills to work for a local business. Kevin Kaiser owner of **Main Street Grocery** contacted Dawn Freidrich, Business Teacher at Wausa High School. Kevin wanted a logo designed for the store. Students in several Information Technology classes submitted designs with one chosen for the new store logo. It was a win for the store and a win for the business students to be able to experience a real-life business assignment.

Alliance Grocery Kart has begun a 9000 square-foot store expansion. Manage/Owner Becky Maser said that when complete the space would house more grocery aisles, new deli and produce areas and a liquor area, as well as

some more backroom area. Completion is dependent on the weather.

Throughout the school year Joe's Market in Loup City has participated in a program called Register Tapes For Education (RTFE) to help raise money to purchase much needed school equipment for area schools. Joe Kowalski, owner, said, "We run this program to provide much needed educational equipment that goes into the classroom for our customer's children. Schools, parents and friends save our register tapes and exchange the total value for free teaching tools from a catalog of over 2,000 items. This program is our way of enhancing the education of our youth and thanking our customers for their shopping loyalty." Through the program, during the 2014-15 school year, Loup City Schools earned valuable FREE educational equipment valued a \$3,056; this amount was donated by Joe and Patty Kowalski.

Arcadia's grocery store changed ownership in August. It is now called **Wolfgang Grocery and Spirits**. The new owners are TJ and Jade Wolfgang.

Mike's Fresh Market in Seward recently closed its doors for business. The grocery store opened in May of 2014 after Mike Brown bought the former Sun Mart grocery store.

Hy-Vee, 9707 Q St in Omaha demolished its gas station and is building a newer, bigger gas station and convenience store. It is set to open before Thanksgiving.

The Fair Store in Wakefield closed in September. Larry Soderberg, latest owner, and the Soderberg family has been part- or sole owner of the store for more than half of the nearly a century the store has been in Wakefield.



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Sheila Cramer
Area Manager
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The top half of the advertisement features the Kemps logo, which consists of a stylized milk pail icon above the word "KEMPS" in a bold, serif font, with "QUALITY SINCE 1914" in a smaller font below it. The bottom half shows a close-up of a Kemps "Old Fashioned" ice cream container.

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20 Years Together for WE CARD and Nebraska Grocery Industry Association

Twenty years ago the national “We Card” program was launched to help combat youth access to tobacco. Back in 1995, those underage could more easily buy tobacco at retail stores with some reports indicating a 40-60% success rate. Today, after years of efforts to prevent underage tobacco sales, it’s down to roughly 10% according to the federal government’s published 2013 Synar Report measuring illegal tobacco sales to minors.

Celebrating its 20th Anniversary this year, the We Card Program’s September-held, We Card Awareness Month, seeks to boost responsible retailing awareness along with the availability of 2016 We Card materials. From Labor Day to New Year’s Eve, retailers prepare for the coming year by ordering We Card in-store materials and lining up their employees for We Card’s online training courses.

“NGIA has been part of We Card since it launched in 1995, and it continues to be an important a resource for retailers who sell age-restricted products. For two decades We Card has been an essential resource for independent supermarket’s training and education needs” said Peter Larkin, President and CEO of the National Grocers Association. NGA is a founding board member of We Card.

To keep up with the times, We Card has launched many things in its 20th year, including:

- A new Smartphone site – We Card NOW – www.wecardnow.com -- providing retail management and employees with quick access to its resources, including an Age Calculator and digital version of its 365-page a day calendar that store cashiers use to “card” customers.
- New resources to help merchants of e-vapor products identify and deny minors’ attempts to purchase, such as:
- New “Under 18, No E-Vapor: WE CARD” in-store signage

- A new in-store E-Vapor kit of resources that is especially suited for “vape” stores who are new to the concept of handling age-restricted product sales.
- An “E-Cig and Vapor Central” dedicated home on wecard.org where resources can be quickly found, ordered and used.

Preventing e-vapor sales to minors is especially important since over the past few years nearly all states have quickly adjusted their state laws to include e-cigarettes and vaping products within their tobacco or age-restricted product sales laws. At the federal level, the FDA has proposed “deeming” e-vapor products under its authority, and “carding” and denying sales to minors will be added as another retailer requirement.

FDA has completed more than 461,000 retailer compliance checks since 2010 -- at a rate of approximately 100,000 in recent years. FDA has issued official guidance for Tobacco Retailer Training Programs and We Card’s e-learning training not only matches this federal curriculum but exceeds it with retail-focused emphasis on customer service, role-playing and interactive gaming – earning the training an American Business Awards 2013 Bronze Stevie® Award as a Best Training Site.

The Nebraska Grocery Industry Association encourages all retailers to continue in their efforts to successfully identify and prevent age-restricted product sales to minors.

About We Card: The We Card Program, Inc. is a national non-profit organization that represents a unified effort among trade associations, retailers, wholesalers and manufacturers. It was created 20 years ago to support retailers of tobacco and other age-restricted products. Individual retail establishments as well as large retail chains use We Card’s educational and training services to comply with federal and state laws while working to prevent underage tobacco, e-vapor and other age-restricted product sales. National and state retail trade associations, government officials, community groups and others also support We Card’s ongoing efforts to educate and train retailers.

Hackers & Snackers Golf Extravaganza Held at Quarry Oaks

Once the downpour stopped, golfers headed for the fairways. The weather held for 14 holes before the next downpour. Golfers waited it out, then continued play. Our "Permanent Volunteer", Terry Rehmeier, collected \$930 for the Scholarship Fund between the par 3 mini tournament and selling Mulligans. Golfers enjoyed Wimmer's hotdogs, donated by Land O Frost/Wimmers, along with new product samples from Wells Blue Bunny on the Clubhouse Turn. Melanie and Stacy of the NGIA Office ran a chipping contest and 3 of those who qualified won \$50 each. The best Texas Hold 'Em hand off the course won \$100 and the top 10 hands participated in a playoff. Raffle prizes, distribution of flag prizes and flight prizes were awarded, followed by a great meal and a presentation regarding the upcoming 2016 Legislative Session. It was a great day for golf, camaraderie and making new acquaintances within the food industry.



Registration



Waiting for the "GO" signal



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Chipping Contest



Texas Hold 'Em on the Green



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Playoff of top 10 hands



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James Brown



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Affordable Care Act Reporting Requirements

We would like to remind our members that those employers with 50 or more full time equivalent employees, should prepare for the Affordable Care Act reporting requirements that begin in 2016.

The ACA requires large employers to file information returns in 2016 with the IRS and provide statements to their fulltime employees about the health insurance coverage the employer offered. The IRS notes that to prepare for the reporting requirements in 2016, applicable large employers should be tracking information each month of 2015, including:

1. Whether you offered full-time employees and their dependents minimum essential coverage that meets the minimum value requirements and is affordable, and
2. Whether your employees enrolled in the self-insured minimum essential coverage you offered.

Members are encouraged to work with their professional health care advisor to ensure compliance with this and other ACA requirements.

September was Proclaimed Food Safety Month



Governor Pete Ricketts claimed September as National Food Safety Month. This proclamation serves as recognition of the tireless efforts made by the dedicated women and men who work in the restaurants, grocery stores, school cafeterias and hospitals – everywhere food is served in this state – who are trained to prepare and handle food safely. The month-long observance is dedicated to focusing attention on the efforts of all who are committed to serving safe food now and throughout the year.

Those present include (L-R) Kathy Siefken, Executive Director, Nebraska Grocery Industry Association; Brandy Nielson, Membership Director, Nebraska Restaurant Association; Governor Pete Ricketts; Jim Partington, Executive Director, Nebraska Restaurant Association; Melva Ball, Nebraska Department of Agriculture Dairy and Food Program Manager; and Joyce Jensen, Lincoln-Lancaster County Environmental Health Supervisor.

"SWAGGER, NOT STAGGER."

~ TONY SINCLAIR

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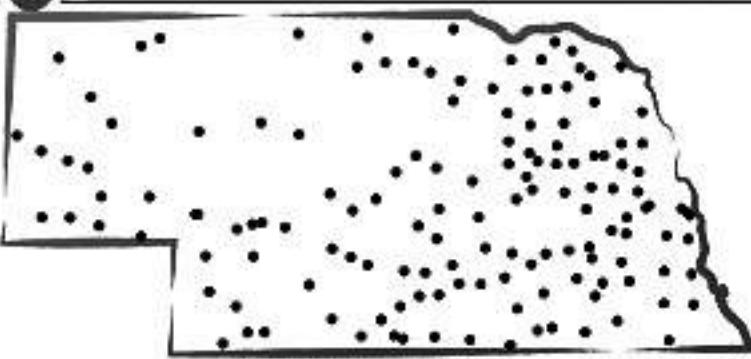
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Legal Issues With Background Checks

Courtesy of ThinkHR by UNICO

Joel J. Greenwald, Esq.

Conducting background checks on prospective employees can give employers confidence in their hiring choices. However, a growing number of states and cities – which now includes New York City – restrict employers from inquiring into criminal convictions (under the “ban the box” movement) or using credit histories in employment decisions. In light of these developments, here are some suggested Do’s and Don’ts regarding employment background checks.

1. Do Conduct Background Checks, If Permitted

Background checks, where permitted, can help verify job applicant information or screen candidates for promotions or reassessments. This can be especially important for positions that involve handling personal or financial data, and can help weed out persons who may not be suitably responsible. Background checks also can help protect employers, who may be held legally responsible for injuries or damages caused by an unsuitable employee.

2. Do Obtain Written Authorizations

By law, employers who engage outside companies to conduct background checks (when and where permitted) must (i) notify job applicants, in a written document separate from other employment or application documents, that there will be background checks, and (ii) obtain the applicants’ authorization, in writing (which can be part of the document mentioned above), to conduct background checks. Employers conducting their own background checks would be prudent to follow the same rules.

3. Do Treat All Applicants Equally—Don’t Discriminate

Run the same checks on all applicants for a particular job, at the same stage of the hiring process (for example, on all finalists for a position). Employers may not choose whether or not to conduct background checks based on an applicant’s protected category, such as their race, color, national origin, sex, religion, disability, or any other protected category. Don’t discriminate in the use of information from background

checks. For example, if a particular credit history would disqualify an applicant, it must disqualify applicants of all races. Employers must also be careful to avoid any use of background reports that may result in its hiring – or rejecting – any class of employees based on race, gender or other protected category.

4. Do Limit Background Checks to Information Permitted by Law

Most laws permit employers to verify employment history and education history. Employers may also seek military service records, driving records, copies of bankruptcy filings, drug tests and publicly available social media posts, although they may require the applicant’s permission and caution in handling confidential information. Employers may not seek a job applicant’s medical records or genetic information (including family medical history). Once an employer has made a conditional job offer, the employer may inquire, subject to applicable laws, about any medical conditions or disabilities that would prevent the candidate from performing the job.

Several jurisdictions – including California, Colorado, Connecticut, Delaware, Hawaii, Illinois, Maryland, Nevada, Oregon, Vermont and Washington, and now New York City – limit the use of credit history in employment decisions. Each law has its own exceptions. Most laws permit credit checks when the employers are financial institutions or credit history is substantially related to the job’s duties. California permits credit checks for, among other things, positions that involve access to confidential or proprietary information, as defined by law. Nevada permits credit checks when, among other reasons, the employer reasonably believes that the applicant engaged in specific illegal activity that will show up in the report. In New York City, employers may check the credit history of police officers, people with certain fiduciary duties, people with access to trade secrets or intelligence information, cyber security personnel and certain public officials.

State and local laws also limit the use of criminal history in employment decisions. Hawaii, Illinois, Massachusetts, Minnesota, New Jersey, and Rhode Island, and approximately a dozen cities

and localities, have “banned the box” for private employers, which means they cannot ask about criminal convictions in job applications. Employers may inquire about criminal history (within limits) later in the hiring process – for example, after issuing a conditional offer of employment.

5. Do Notify Applicants or Employees of any Decisions Based on Background Reports

Employers who make preliminary employment decisions based on background reports must first notify the applicants or employees, provide them with a copy of the report, and give them reasonable time to review the report and explain any negative information, before making any final employment decision. Employers who reject applicants or employees based on background reports must also notify them and provide information about the company that prepared the report. Some locations require additional procedures if rejections are based on criminal convictions.

6. Do Comply with Laws on Records Retention and Disposal

Most employers must maintain any personnel or employment records (including rejected applications) for at least one year or until any charges of discrimination are resolved. Some jurisdictions may require additional retention time.

After the applicable retention period, employers disposing of background reports, whether paper or electronic, must do so in a manner that they can no longer be accessed or read.

In sum, background checks are an important part of the screening process for employers and can help protect employers from hiring persons not fit for the applicable job. They do, however, require careful compliance with applicable federal, state and local laws to avoid claims from rejected applicants.

Joel J. Greenwald, Esq., is the managing partner of Greenwald Doherty, LLP, an employment and labor law firm, representing exclusively management, and can be reached at (212) 644-1310 or jg@greenwaldllp.com.

DISCLAIMER: The foregoing is a summary of the laws discussed above for the purpose of providing a general overview of these laws. These materials are not meant, nor should they be construed, to provide information that is specific to any law(s). The above is not legal advice and you should consult with counsel concerning the applicability of any law to your particular situation.

The views expressed in this post are those of the author, and do not necessarily represent the views of the Entrepreneurs' Organization, its management, or its other members.

New WIC Food List

The new WIC contract period began Oct. 1 with a release of a new WIC Food list. Below is a summary of a few changes of which you should be aware. WIC forwarded the new food list to retailers so you should have a copy at your store.

Please note some of the guidelines that have changed since the last food approval:

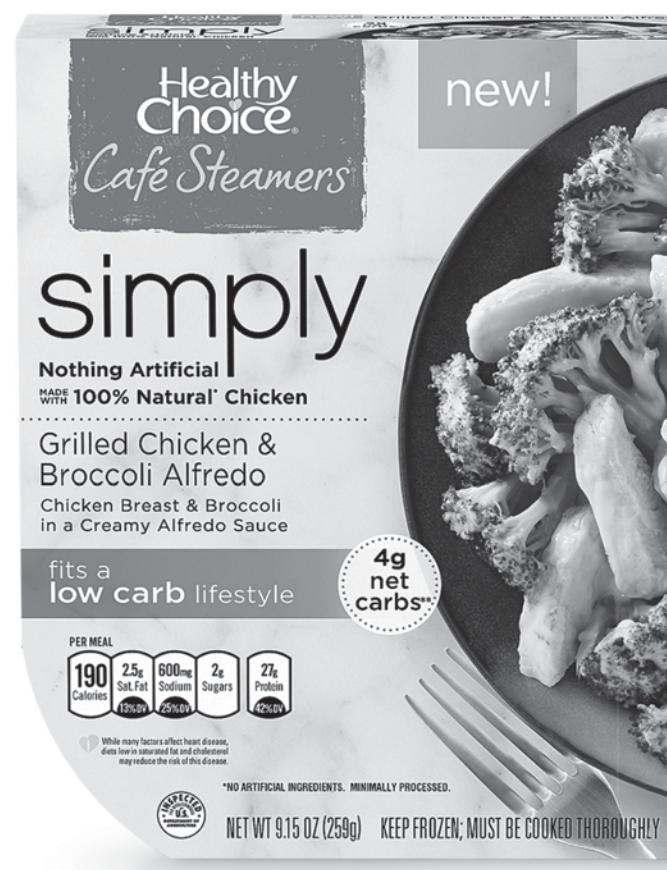
- Brown rice instant and quick cooking are allowed in 14-16 oz. bags or boxes
- Brown rice regular cooking is allowed only in a 16 oz. bag or box
- Canned beans are now 15-16oz only
- Peanut Butter is allowed in 16-18 oz. jars only
- The \$10.00 fruit and vegetable check will be increased to \$11.00 beginning October 1st, 2015.
- All potatoes are now WIC approved

Some of the NEW additions are as follows:

- General Mills Kix
- Kellogg's All Bran Complete Wheat Flakes
- Kellogg's Rice Krispies
- Quaker Corn Bran Crunch
- La Banderita Fajita Style Whole Wheat
- Silk Soymilk Original

Please remember as that as WIC transitions from the old food list to the new list, there will be WIC shoppers that have not yet received the new food list. Please allow for a transitional period through mid-December. By that time all WIC shoppers will have been educated on the new foods.

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Bakers of Quality Bakery Items



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A black and white photograph showing two cans of Pepsi Max soda. The cans are dark with the Pepsi logo and the word "max" visible. A large, dynamic splash of liquid and bubbles is shown to the right of the cans, suggesting motion and refreshment.

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Pride Packs Feed Kids With Help from Grand Central Foods and Affiliated Foods Midwest

Each month, a delivery of food provided at cost by Grand Central Foods, appears at York Elementary and is tucked away in storage. Each Friday, 60 backpacks are being filled by half-dozen or so chosen 5th graders who are assisted by adult volunteers. Families who meet a number of criteria are identified and backpacks full of food are sent home with students. Many volunteers take part in making this happen. Roger Foster of Madison is the independent contractor who delivers inventory to Warren Thomas, the owner of Grand Central Foods of York. Foster unloads the truck, then delivers the Pride Pack order at no additional charge.

Owner Warren Thomas credits Affiliated Foods with loading the monthly order for York Pride Pack on separate pallets, eliminating the sorting and reloading once required by Grand Central staff in the back room of the store. Thanks to Warren's support, Pride Pack pays only the store's costs. Boxes donated by Kroy Industries are filled twice a year – once at Thanksgiving and again at Christmas, in an extra effort by Pride Pack volunteers and donors to help families with young children during the holidays when breakfast and lunch at school are unavailable to kids for longer than just a weekend.

Communities working together can make great strides in feeding the hungry. NGIA tips its hat to Warren Thomas, Affiliated Foods Midwest, Roger Foster, and the volunteers who make this program work!



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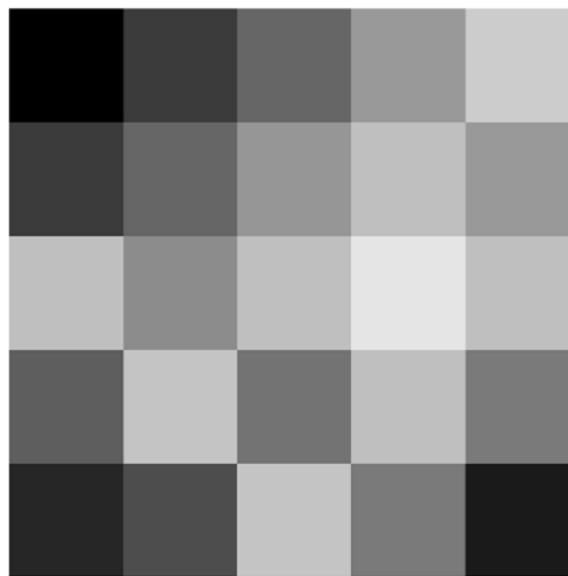


Better  Together



The Complete Fresh Bakery Portfolio

Altima





An advertisement for White Owl Cigarillos. It features several foil-wrapped packages of cigarillos in various flavors: Black, Gold, Sweets, Green Sweets, White Grape, Grape, Peach, and So Sweet. In the foreground, a large sign reads "2 CIGARS FOR 99¢" and "GUARANTEED FOILFRESH®". The White Owl logo is prominently displayed above the sign.

Signed. SEALED. DELIVERED.

SWEDISH MATCH



Is your business struggling to compete?

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5 Steps to Unleash Innovation & Improve Work Culture

Investing In People Yields Exponential Rewards

Getting your people to contribute more to your organization while simultaneously establishing stronger talent retention must cost a pretty penny, right? Not really, says corporate coach Maxine Attong.

"You don't necessarily need to add expensive new ingredients to the stew, you just have to know how to use your ingredients better," she says. "A talented chef – or in this case, corporate or organizational leader – knows how to let an ingredient speak for itself, perhaps with just a touch of seasoning, or guidance."

What is the guidance – competition or incentives such as bonuses? Not exactly.

"Most employees want to have more input," says Attong, a certified facilitator and author of "Lead Your Team to Win: Achieve Optimal Performance By Providing A Safe Space For Employees" (www.MaxineAttong.com). "However, personal issues, fear of being laughed at or anxiety of not getting credit can stymie contributions from a leader's staff."

If a leader can engender a real sense of trust, the organization will benefit both from the individual and the team's ingenuity. A reliable way of establishing a trusting climate is to make team members feel safe, says Attong, who offers five steps for doing so.

- **Share responsibility; practice "I" statements:** With openness, encourage interaction by having team members and leaders enforce the rules and monitor the use of common space. When members break the rules, the team discusses the problems and decides on the sanctions and steps necessary to assist the member in following the rules next time. Speakers are discouraged from using the word "you." Instead, they use "I." This simple yet effective practice encourages personal culpability and discourages blame.

- **Consistency:** Teams need to consistently follow the agreed-upon rules as they set the boundaries and the tone for relationships. Following the rules makes the behavior in the space predictable, which limits uncertainty and increases feelings of safety. Consistent application of the rules helps the team to increase trust as behavior becomes prescriptive and members know more or less what will happen in the room and how they will be treated.

- **Judgment:** The members must feel that they are not being judged. If someone says that an idea is bad, the speaker will shut down and feel embarrassed. In the future that speaker will hesitate to give ideas, since he feels his ideas may not be good enough for the team. Less confident team members may refrain from presenting ideas if they are uncertain of the quality of the ideas. However, many ideas that may seem strange or unorthodox at first can wind up being some of the best.

- **Good intentions:** Not all team members are effective communicators so it may be difficult for some people to frame and cogently express their thoughts.

"I assume all team members have good intentions and want a positive outcome," Attong says. "Even though what I am hearing may be contrary to that assumption, I hold on to the thought so that I am able to fully understand what the member is saying before I react."

When listening this way, the leader delays having a reaction and has time to assess the situation before responding. When the leader has emotionally detached from the situation, he can then ask questions to clarify the situation.

- **Norming:** By this point, team members seem to embrace each other and there is a spirit of togetherness. Do not be fooled by this. This

doesn't mean that your team has normed—that each team member makes decisions that advance the goals of the team. It means that the safe space concept has allowed them to see each other in a more neutral light and accept each other's strengths and weaknesses. While the space may act as an accelerator or catalyst for the team to norm, it is not magic. It does not mean that whatever problems existed within the team before have miraculously disappeared. The leader still needs to pay attention and check the team temperature. Regular team meetings and team building sessions should still be conducted.

About Maxine Attong

Maxine Attong (www.MaxineAttong.com) has been leading small and large teams for the past two decades – both in organizational settings and in her private coaching and facilitation practice. She has helped organizations come to consensus, overcome the perils of ineffective leadership, redesign processes to suit changing environments, and manage the internal chaos inherent in strategy implementation. She has been trained as a Gestalt Organizational Development practitioner, a Certified Evidence-Based Coach, a Certified Professional Facilitator, a Certified Management Accountant and is a former Quality Manager. Attong is a graduate of the University of the West Indies, and divides her time between the Caribbean and the United States. Her latest book is “Lead Your Team to Win: Achieve Optimal Performance By Providing A Safe Space For Employees.”

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- A box of BOMB POP original flavor ice cream bars.
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