MainCourse
The Voice of Nebraska Hospitality

Fourth Quarter 2012

• SEPARATING THE HYPE

• 18TH ANNUAL GOLF CLASSIC

• YOU’RE INVITED: NRA ANNUAL MEETING
Our designers combine experience and imagination to create foodservice facilities with optimum workflow and use of space.

We can supply your operation from top to bottom. If we don’t carry it, we’ll do whatever it takes to get it in your hands.

Nothing spells simplicity like having a single source for all your design, equipment and supply needs.
The National Restaurant Association reports that restaurants are on pace to post the strongest growth in eight years. That’s based on data collected from all fifty states but our Nebraska sales tax revenue seems to support the conclusion that our restaurants are also maintaining growth at about that level. I’m sure there are exceptions out there but the economy seems to be showing a very slow but positive trend.

Health care reform seems to be the area of greatest concern for our members as we approach the 2014 implementation year. The law contains a wide range of provisions that will be implemented over the next several years, with the most significant changes taking effect in 2014. We continue to work with the National Restaurant Association and our congressional delegation in an effort to modify some of the aspects of the legislation that could adversely affect our industry.

Owners of chain franchises with multiple establishments seem to be the ones that will be impacted the most. The Patient Protection and Affordable Care Act (PPACA), PL 111-148) and the Health and Education Reconciliation Act of 2010 (PL 111-152) have been featured in previous editions of the MainCourse. Since the Departments of Labor, Health and Human Services and Treasury have recently released new joint guidance regarding implementation of this legislation we believe that it’s appropriate to continue providing status updates to ensure that you have the most current information to support planning and budgeting efforts.

The outcome of the November election may result in changes or even repeal of this legislation but I don’t think it’s prudent to assume that since both have recently been upheld by the Supreme Court and are now established law. The employer obligations included in the legislation passed by Congress in 2010 represent a very significant challenge and burden for restaurateurs. The National Restaurant Association, with the Employers for Flexibility in Health Care Coalition, has held numerous meetings with federal regulators on both issues, and filed several formal comments over the last two years on these issues.

The latest guidance on the implementation of the health care law, issued Aug. 30, 2012, deals with two critical pieces of the law. The first explains how to calculate whether new or existing employees are considered “full time” under PPACA and, thus, eligible for the health care coverage that many employers will be required to offer their full-time employees. The second addresses how to determine when the clock starts running on the 90-day waiting period before new, full-time employees must be offered health-care coverage under PPACA. The law’s employer mandate takes effect starting in 2014.

Based on the NRA’s initial review of the guidance released last month, it appears that regulators heard and understood much of the industry’s input -- especially in regulators’ decision to allow employers to use up to a 12-month look-back period to determine whether an existing employee and new hires had average full-time hours over that time.

The guidance is effective through the end of 2014, and could be supplemented with additional guidance. The NRA is working to analyze this information and will

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New Century Agency
Business Insurance
Contact: George & Arlene Thietje
888.424.3800

New Century Agency was founded in 1993 by George & Arlene Thietje. New Century specializes in restaurant insurance and currently writes over 500 restaurants throughout the Midwest.

Fishbowl
E-Marketing Solutions
Contact: Joe Gabriel
703.836.3421 x 230

Fishbowl has proven that targeted email marketing will generate more sales and increase guest frequency. Through a partnership with the Nebraska Restaurant Association and the National Restaurant Association, Fishbowl provides savings to current members.

Jackson Lewis LLP
Legal Services
Contact: Chad Richter
402.391.1991

Specializing in employment and labor laws, Jackson Lewis offers members a significant discount for legal services.

Heartland Payment Systems
Credit Card / Payroll Processing
Contact: Michael McCarville
402.551.9832

Heartland Payment Systems offers a full line of payment acceptance and payroll processing options designed specifically for association members. Local representation. Flexible, one-stop solution.

Nebraska.Statepaper.com
Online Dining Guide
402.403.1176

Nebraska.Statepaper.com is the premiere online dining guide of the Nebraska Restaurant Association. In addition to a free listing, members of the Nebraska Restaurant Association may receive additional discounts with enhanced listings and websites.

Broadcast Music Incorporated (BMI)
Music Licensing
Contact: Cleve Murphy
615.401.2877

Nebraska Restaurant Association members can save up to 20% thru BMI. BMI collects license fees on behalf of songwriters, composers and music publishers and distributes them as royalties to those members whose works have been performed.
National Restaurant Association Unveils New Branding Initiative, Logo

(Washington, D.C.) The National Restaurant Association (NRA) revealed its new branding architecture and visual identity, which will be applied to all the organization’s programs, advocacy, services and products this year. The fresh, new visual identity will help build cohesiveness in the NRA’s brand structure, and is a step in its multi-year strategic plan to strengthen the connection and messaging to core constituents. The new brand visual is designed to reflect the richness and diversity of the $632 billion restaurant industry and its nearly 13 million employees.

“Creating this new visual identity has been a wonderful experience, as we have taken the many beloved aspects of the industry and translated them into imagery,” said Dawn Sweeney, president and CEO of the National Restaurant Association. “We also incorporated our organization’s history into the new brand, bringing in elements from our logo from the 1920s, as well as elements from our well-established ProStart and ServSafe brands.”

The NRA sought input from industry professionals, state restaurant associations and policy makers to create a logo concept that resonates with a wide audience and that illustrates the restaurant and foodservice industry in multiple ways.

“People see different things in our new brand visual, from pizzas and burritos to the rim of a glass and a plate, from pancakes to a cloche at a fine dining restaurant. We see possibilities – not just for today, but for the next several decades,” Sweeney said.

For more information on the National Restaurant Association’s branding initiative, including videos, visit www.restaurant.org/brand. Media outlets wishing to obtain a JPG image of the new logo should email media@restaurant.org.

The NRA invites the public to share their thoughts on its new logo on Facebook and Twitter at WeRRestaurants.
submit further feedback on its own and through the EFHC Coalition. Comments are due Sept. 30.

The National Restaurant Association website is the primary source for healthcare legislation information and they have established a Healthcare Knowledge Center. It provides a detailed, current analysis of the legislation, including the most recent guidance, answers specific questions, and provides options for compliance. The text of the laws and regulatory guidance are much too long to include in the MainCourse so I encourage you to access the Health Care Knowledge Center for the most accurate and up-to-date information available to assist you in complying with this complex legislation.

www.restaurant.org

Your comments and recommendations regarding implementation of this law are welcome and will be forwarded to the National Restaurant Association to support the ongoing effort to modify this law to minimize the adverse impact on the hospitality industry.

Email: jpartington@windstream.net
Tel: 402-488-3999 ext. 5

The Board of Directors approved a modest increase in annual dues which will appear on your 2013 statement. As the economy improves we are seeing cost escalation in most of our expense line items and the increase will help us cover these costs.

One of these rising costs for all of us will be insurance, particularly workers’ compensation insurance. New Century Agency has years of experience working with restaurants and they are ready and willing to meet with you, on a no obligation basis, to discuss options for controlling these costs. I encourage you to take advantage of this service.

Our Golf Classic at Hillcrest will be over by the time this edition goes to press. We start planning next year’s events including our annual meeting with the installation of new officers and directors in January and Taste of Nebraska in April of 2012. We would like to see a large member turnout for both of these events. Brandy will be sending out “save the date” cards soon so please include these events on your calendars.

We Are Looking Out For You!
By George Thietje, New Century Agency

From now until after the end of next year, you will likely see an increase in your workers’ compensation premium. This potentially significant increase is due in part to a change that the National Council on Compensation Insurance (NCCI) is making to its experience rating plan. Without getting into a boring discussion of all the mystifying factors that enter into this formula, you need to understand that 40% of all employers will experience an increase in their workers’ compensation premium due to this change.

The purpose of the change in the rating is to put more of the cost burden on employers who tend to have claims severity and to reward those employers with good claim experience. If your current experience modifier is over 1.00 you will likely see an increase. If your current experience modifier is under 1.00 you will likely see a decrease. One of the examples the NCCI provided shows a modifier increase from a 1.00 to a 1.06. Another example shows an increase from 1.09 to 1.20. There is no maximum cap on any increase.

One of the major problems with this filing is that it magnifies the impact of any errors in your data submitted to the NCCI by your insurance company. Errors are more common than many believe. National statistics tell us that 60% of all modifiers are incorrect. Our own experience indicates a figure that is at least that high.

NCCI tells us that the change is “revenue neutral.” This is a difficult concept to accept if you are one of the employers getting an increase. It is like telling your customers that the price of a hamburger is $5.00 but charging some folks $1.00 and others $10.00. It may be “revenue neutral” but not everyone will believe it’s fair.

The truly unfortunate thing about this ruling is that 2013 is just the first year of this change. In 2014 and 2015 there will be more dramatic changes in the rating formula.

As technical as this may sound, it is important to understand the impact for you. When this change is combined with a hardening insurance marketplace, a shrinking number of workers’ compensation insurance carriers (especially for restaurants) and insurance carriers unwilling to price policies just to be competitive, the impact can be dramatic.

We will touch on some of the things you can do to minimize the impact of these changes in our bi-weekly mailings to Nebraska Restaurant Association members as well as in the next issue of MainCourse magazine. Whether you are currently a client of New Century Agency or not, we are here to help. Please feel free to call us with questions at 888.424.3800.
National Restaurant Association Partners with DigitalCoCo on New Social Media Solutions for Restaurants

DigitalCoCo is a digital agency that merges analytics, social audience, and creative solutions to build powerful digital brands. Founder and author Paul Barron has been instrumental in developing publishing platforms, digital content platforms, tech solutions, and web audience development for the restaurant and hospitality business for two decades. Barron is credited with launching the fast-casual restaurant craze as the founder of Fastcasual.com in 1996. Barron was also recognized in the Forbes Top 15 Social Media Power Influencers of 2012, and was selected as the Restaurant Trendsetter of the Year for 2012 by the Food Service Consultants Society.

DigitalCoCo helps the restaurant industry’s leading brands by providing data, insights, and creative social and digital solutions to deliver powerful social engagement at scale.

DigitalCoCo’s “big data” Social Insights tool tracks, monitors, and helps manage conversations across thousands of brands, 70 million social profiles, and a combined audience size of 4.1 billion followers, fans, and subscribers from 86 countries across dozens of social platforms, including Twitter, Facebook, YouTube, Vimeo, Tumblr, Google+, Pinterest, Renren, Twitpic, Foursquare, Foodspotting, Klout, and Peer Index, as well as blogs, websites, and hundreds of other sources.

The National Restaurant Association (NRA) today announced that it has partnered with DigitalCoCo, the leading restaurant industry social software and solutions group, on social media analysis solutions that will help its member restaurants build marketing strategies and engage consumers.

“Social media has become an important part of the marketing mix, and we are excited to partner with DigitalCoCo to offer our member restaurants unique insights into the social media universe specific to their brands,” said James Balda, chief marketing and communications officer for the National Restaurant Association. “Understanding how to leverage a social media audience can greatly enhance profitability, as well as consumers’ emotional connection to a restaurant. We believe these analytics solutions will help accomplish both.”

“Food is social to begin with,” said DigitalCoCo founder Paul Barron. “This is big business for the restaurant industry, and our goal is to deliver not only a solution, but a solid ROI metric. Many executives and brand managers are beginning to understand both the promise and the enormous challenges of unprecedented access to social restaurant customer data. This is really the promise that can help the industry grow in the next decade.”

This new relationship is designed to digitally map the entire global restaurant business with advanced technology and solutions. But this is just the tip of the iceberg according to Barron. “The real value is the trend prediction engine that we have built based on advocate trends and the massive index of industry terms that we have constructed over more than 20 years of experience in the restaurant business.” As part of the partnership, Barron will serve as a digital and social media advisor to the NRA.

Through the partnership, all NRA members receive free submission to the Restaurant Social Media Index, designed to help the business reach and impact the social restaurant consumer. Each submitting member also receives a free custom Social Scorecard, ordinarily a $695 value. This scorecard reveals the social business impact, activity, and overall presence a restaurant brand has in social media.

The Restaurant Social Media Index has added more than 2,500 restaurant entities in the past year and is expected to reach 20,000 entities by 2015, representing 1.4 million restaurant and hospitality locations globally.

In addition, Digital Coco will offer NRA member-exclusive discounted rates on three other products. Social Insights Dashboard is a software-as-a-service (SaaS) offering that identifies brands’ advocates across social channels and enables a restaurant business to connect with their target audience effectively and cost-efficiently. By leveraging DigitalCoCo’s unique social analytics platform, which monitors and measures the daily interactions of more than 3,000 restaurant brands and 33 million “super influencers” in the restaurant industry, Social Insights is able to shed light on strategy and actionable ROI for restaurant operators.

NRA members receive full access to this unique platform for engagement across multiple social channels at a member-exclusive rate. This robust solution, designed specifically for the restaurant business, includes reporting, full social suite management, and social audience acquisition.

NRA members can find brand advocates based on their consistent social interactions with restaurant brands, as well as overall sentiment, reach, and alignment to key restaurant trends through the Super Influencer Identification.

Through AudienceCoCo, NRA members are able to analyze their community, collaboration, content, and collective behavior, all targeted at how consumers use, interact, and dine at restaurants.

NRA members may register for these new social media services and the free index online: http://www.digitalcoco3.com/diy-social-media/

To find out how DigitalCoCo can help your business, contact social@digitalcoco.com.
During county fair week in our Nebraska city of 50,000, the legendary jazz/rock band Blood Sweat & Tears dined at our restaurant after their evening performance. Almost all the band members ordered beef entrees, specifically steaks or my wood-smoked prime rib. The band was astounded by how excellent their meals were. I wasn’t surprised, though. The meals were good because our beef is aged six weeks and is in the top 10 percent of all beef for quality.

They then became inquisitive about my capabilities as a chef in a “small town” and how this beef could be so outstanding “way out here.” I explained some of the science behind the procurement and preparation of my food and then highlighted some of my career experiences, including writing for this magazine. I mentioned some of my topics, including my first on the science of milk and its predominate natural hormone, BST. Hearing that, several band members exclaimed, “That’s us! Did you write about us? We’re BST!” I said simply, “Well, no.”

Then it dawned on me that BST are the initials for Blood Sweat & Tears.

Everybody laughed, including me, but I realized I had made an important issue, BST in milk, an “over serious” issue. And so it happens that those of us who are seriously engaged in the food industry and with its science sometimes may take the hype so seriously that we fail to have a clear understanding of the issues.

And so it happens that about things like in the movie Food Inc.? I told him I hadn’t seen the movie, but understood it to be quite critical about food production processes. My curiosity was now stirred.

A couple of days later I watched it. Several days later I happened to see the older movie, Food Nation. And as I thought about these movies, I felt there was no question that their motives were to instill fear in viewers about our food processes rather than promote an understanding of them.

In Food Inc., fault and blame were placed on the corn and soybean farmers for excessive subsidized production that was used to create or manufacture food products that cause today’s obesity.

Really?

Those commodities are now non-subsidized and grown on a free-market basis. (By the way, anyone remember the price of flour and grain products in 2008?)

In my last article for My Foodservice News, I wrote about the food pathogen issue and its seriousness and how we, as caretakers of food, need to be proactive in procurement and preparation. Consumers need to be equally proactive for their own safety. I mention this topic because, in Food Inc., there was considerable time given to a woman who lost her son who had eaten burgers with E. coli contamination in the ground beef some six or seven years earlier. Yet for at least the last 12 to 15 years, consumers have continually been advised about proper handling and cooking procedures on ground meats, especially beef. All packaged ground products have that handling information attached so there is no excuse for ignorance.
Restaurants not grinding their beef from primal cuts have the same risk factors to evaluate. We should NEVER think that any ground product, fresh or frozen, is safe without being subjected to proper cooking temperatures. (Of note: In my restaurant, we use trim from whole muscle primals and grind our meat. That process doesn’t totally absolve my restaurant from an incident, but it greatly reduces the risk, because virtually all E. coli recalls have been for processed ground product and not primals.)

The other movie, *Food Nation*, was, in my opinion, simply and totally disgusting. It again was about promoting a fear of fast food restaurants, most memorably through diners eating beef product tainted by fecal matter. The movie also insinuated that this practice is a normal part of fast food corporate culture. Come on! The fast food burger corporations are totally committed to product integrity and food safety, and to insinuate anything else is, in my opinion, blatantly wrong.

One food documentary I can truly appreciate is called *Temple Grandin*. It’s about a woman who overcame her childhood handicap of autism and went on to become a world renowned animal behavioral scientist, currently on the staff at Colorado State University, who continues to do meaningful animal research work. This movie, spanning over 30 years, very accurately portrays her educational research and dedication to humane animal handling procedures, long before animal rights were fashionable. Her insistence on animal safety and dignity of life has been her primary focus. Today, the design of almost all of the animal handling facilities at ranches, slaughtering plants and cattle feedlots are based on her research. Dr. Grandin’s theory behind these designs is that animal comfort is directly related to better meat quality. And for once I tended to agree with what I watched. Of course, these are just my opinions, but I hope they offer food for thought when we, as restaurant owners and chefs, ask ourselves, as we should regularly, who are we to trust for the truth about our food? Who should we believe in absence of our own personal inspection? Will we ever get accurate and balanced information from our suppliers? How do we avoid being taken in by the hype that we fail to have a clear understanding of the issues, like I did with my discussion of BST with the band? I believe that we must first demand the actual science before any opinion. We need to stand up to our distributors and manufacturers and say we want safe and responsible food and food ingredients. The final test of our resolve comes when we refuse to succumb to supposition, assumptions, and inferior food and pay for real food.

18th Annual NEBRASKA RESTAURANT ASSOCIATION Golf Classic

Valentino’s Sponsored the putting contest

Pepsi-Cola Team
Kirk Anderson, Matt Donahue, Steve Ford, and Brad Wilcher

Heartland Payments Systems
Dan Ferguson, Michael McCarville, Dean Safris, and Mike Volrath

AmeriPride Linen Team
Enjoying their day on the course!

Matt Smith, Grandmother’s Concentrates on the putting green

Juhl Brokerage Team
Phil Pleiss and Nick Gentile

Coca-Cola Refreshments, USA Title Sponsor

Grandmother’s Team
Matt Smith, Dean Rasmussen, Bob Graveline, and Chris Wright
It was a rainy, and rather chilly, start for the 18th Annual Golf Classic on September 17th at Hillcrest Country Club in Lincoln. However, the golfers bundled up and still managed to enjoy an exciting day on the course. About $6000 was raised for the Nebraska Restaurant Association and Hospitality Education Foundation!

Once again, Hillcrest Country Club and their many staff treated us like family with their impeccable service and hospitality! During dinner the winners were recognized with a trophy and a gift certificate to the Hillcrest Country Club Pro Shop.

New for 2012 was a three-part putting contest sponsored by Valentino’s. Golfers first attempted a ten-foot putt. If successful, golfers moved on to the thirty-foot putt. If successful on both of these, golfers moved on to test their skills on the fifty-foot putt for a grand prize of $5,000.00 in cold hard cash!

Twenty-two of the 90 golfers were successful on the ten-foot putt but only one lucky gentleman of the 90 golfers sunk the thirty foot putt. Dean Safris, Heartland Payment Systems, was the lucky gentleman who put forth his best effort at making the fifty-foot putt for the grand prize. Dean did his best, but came up about 5 feet short of the hole. Practice up for next year golfers!

Congratulation to our tournament champions!

1st Place Champion Flight

Matt Coatman, Larry Sasek, Mike Gordon, Fred Cather
Score: 63

2nd Place Champion Flight

Neil Lucas, Jeff Barnard, Jeff Wiles, Sam Hardy
Score: 63* Scorecard Playoff

1st Place Presidential Flight

Jim Larsen, Zach Navrkal, Jack Miller, Keith Dragoo
Score: 64*

1st Place Ambassador Flight

Pat Baumfalk, Dave Kula, Steve Beaver, Mike Nulty
Score: 67

1st Place Mixed Team Flight

Phil Pleiss, Nick Gentile, Angie McGee, Matt Connell
Score: 63

Beverage Cart Sponsor
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Coca-Cola Refreshments USA
Aqua Systems
Double Eagle Beverage
Miller K & Z Distributing
Pepsi-Cola

A special thank you goes out to a few of our hole sponsors who raised some additional funds for the Nebraska Restaurant Association and the Hospitality Education Foundation. Spin Linen Management raffled off a beautiful basket and logo mat raising $150.00. Heartland Payment Systems raised an additional $475.00, and Heartland Natural Gas raised $57.00 for the Association. Thank you to all of our wonderful sponsors!

And finally, an enormous thank you to all who donated a raffle or pin prize and our many volunteers that made the 18th Annual Nebraska Restaurant Association Golf Classic the best yet! We couldn’t have done this without you!

Volunteers
Angie Schaedel
Darlene Berks – OktoBeerFest
Jay and Judy Daniell – Ricardo’s Mexican Restaurant
Rita Reiman – Accountant, Nebraska Restaurant Association
Joey Harrison – UNL, Hospitality, Restaurant, and Tourism Management Program

Thank you sponsors!

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Omaha Steaks
Rotella’s Italian Bakery
Hillcrest Country Club
Fishbowl, the leader in online marketing solutions for the restaurant industry, helps restaurants reach their guests more effectively on Facebook & Twitter with the launch of Fishbowl’s Social Media Marketing solution.

Part of any effective communication strategy for restaurant operators includes engaging restaurant guests on social media platforms such as Facebook and Twitter. Social media provides a great resource for restaurants to talk to their customers, and potential customers, offering incentives and promotions to bring them in more often. Until now, managing several social media accounts has been challenging for many restaurant operators, who have had to log into multiple platforms to talk to their customers.

For over 12 years, Fishbowl has been helping restaurants increase sales through their industry leading email solution. Now Fishbowl is proud to introduce Social Media Marketing - making it easy for restaurants to build effective campaigns to drive sales and loyalty through Facebook and Twitter, all within the same easy to use Fishbowl platform.

With Social Media Marketing, restaurants can now easily manage and post campaigns to multiple Facebook and Twitter accounts within Fishbowl Local. Operators can also schedule messages to post in the future, to help ease the burden of logging in daily to send messages to their audience. Social Media Marketing makes it easy for restaurants to view all of their social media activity in one place.

Restaurateurs can now expand the reach of their messaging with Fishbowl’s easy to use Social Media Marketing along with their industry leading Local Email Marketing solution. Fishbowl enables businesses to create high-quality marketing campaigns without any technical knowledge. Reward loyal guests by sending great offers, store newsletters and “member-only” specials, and reap the benefits through increased revenue, customer frequency and brand awareness.

Fishbowl Social Media Marketing - together with Fishbowl Local Email Marketing now offers independent and small chain operators an easy to use one-stop marketing solution for creating, scheduling and posting campaigns and messages to guests via Email, Facebook and Twitter. And now, through Fishbowl’s partnership with the National Restaurant Association and over 40 State Restaurant Associations, Fishbowl is pleased to provide this complete email and social media marketing package at exclusive member pricing for a limited time. To request more information, please visit http://www.fishbowl.com/social/nra/
Ongoing Investigation Violates Labor Law

By Chad P. Richter, Partner, Jackson Lewis LLP

The National Labor Relations Board (“NLRB”) has ruled that an Arizona hospital violated the National Labor Relations Act (“NLRA”) just by its human resources consultant asking employees interviewed in connection with an internal investigation not discuss the matter with their co-workers while the investigation was ongoing. Banner Health System d/b/a Banner Estrella Med. Ctr., 358 NLRB 93 (July 30, 2012). The Board’s ruling clarifies that an employer’s mere suggestion (as opposed to a mandate) to employees that they not speak to others regarding an internal investigation could interfere with, restrain or coerce employees in the exercise of their Section 7 statutory rights, and thereby violate Section 8(a)(1) of the NLRA.

Section 7 protects the rights of both union and non-union employees to engage in “concerted activities” for their mutual aid and protection, and includes discussions among employees concerning their terms and conditions of employment. This is the latest in a growing number of decisions from the Board expanding the scope of Section 7’s protections for employees in both union and non-union workplaces.

Board’s Decision

A 2-1 Board majority reversed an Administrative Law Judge’s finding that the employer’s maintenance and application of an oral rule prohibiting employees from discussing internal complaints that were under investigation by the hospital did not violate Section 8(a)(1) of the Act. The Board rejected the employer’s argument that the confidentiality rule was justified by its concerns with protecting the “integrity of the investigation.” It found that the employer’s “generalized concern” regarding the need to protect the integrity of its investigation was insufficient to outweigh employees’ Section 7 rights. The Board called for a more exacting approach:

Rather, in order to minimize the impact on Section 7 rights, it was the [employer’s] burden “to first determine whether in any give[n] investigation witnesses needed protection, evidence was in danger of being destroyed, testimony was in danger of being fabricated, or there was a need to prevent a cover up.”

The Board then determined that, in applying a “blanket approach” to maintaining confidentiality with respect to an internal investigation, the employer did not meet the requirement of evaluating whether an actual threat to the integrity of the investigation existed to justify the need for such confidentiality.

The majority specifically rejected the dissent’s argument that the employer’s prohibition served as a “mere suggestion” to employees not to discuss the internal investigation. According to the majority, viewed in context, the employer’s request “had a reasonable tendency to coerce employees.” (The statement was made by a human resources consultant engaged by the medical center to conduct the investigation.) The Board also reiterated that a rule need not contain a direct or specific threat of discipline to be found a violation of the Act. In reaching its decision, the Board did not analyze guidance from other agencies, such as the Equal Employment Opportunity Commission, that suggest that those involved in investigations should maintain confidentiality to protect the privacy of those involved.

Board’s Section 7 Initiative

In light of this ruling, supervisors and investigators need to assess the precise need for secrecy and restrictions on employee discussion before demanding, requesting, encouraging or even suggesting that employees keep information confidential during the course of an investigation. Banner Estrella, however, also may be seen in a broader context. It is illustrative of the Agency’s current disposition to interpret broadly the scope of Section 7’s protections for employees. The Board’s recent focus on employer workplace policies, including, especially, social media policies, likewise evinces this Board’s purpose to allow employees ever more latitude under the rubric of protected concerted activity, while restricting employers’ ability to manage their workforces and protect their businesses. Banner Estrella also reminds employers that unlawful conduct can arise not only from written workplace policies, but also from seemingly reasonable statements made by supervisors and human resource representatives that may be construed as interfering with an employee’s rights.

The Board has sought to educate the public about this initiative. In June, it launched a new webpage focused entirely on protected concerted activity. It provides examples of recent cases in which employers have been found to have improperly disciplined employees in response to such activities, along with the remedies that the Board obtained for the employees in the cases. In announcing the launch of the new webpage, NLRB Chairman Mark Gaston Pearce stated:

We think the right to engage in protected concerted activity is one of the best kept secrets of the National Labor Relations Act…. Our hope is that other workers will see themselves in the cases we’ve selected and understand that they do have strength in numbers.

As a result of the Board’s public outreach initiative, employers can expect to see an increase in the number of unfair labor charges filed by both unionized and non-union employees alleging interference with their Section 7 rights.

Employers should consider reviewing their personnel policies with labor counsel to ensure that the policies are compliant with changing interpretations of the NLRA. A per se prohibition on employee discussions of investigations, regardless of circumstance, must be excised. Investigators must be trained on this issue and advised that any statements even requesting confidentiality should be made only after a detailed analysis of the scope of the investigation.
Food Safety Quiz

1. Customers have the right to expect ________ food.
   a. Safe
   b. Organic
   c. Nutritious
   d. Clean

2. As part of hand washing, food handlers must vigorously scrub their hands and arms for?
   a. 30 - 35 seconds
   b. 5 - 7 seconds
   c. 25 – 30 seconds
   d. 10 - 15 seconds

3. Which of the following is the MOST important rule of Food Safety?
   a. Wash hands often
   b. Consult a sanitarian twice a year
   c. Wear gloves at all times
   d. Do not smoke near food

4. The most common contaminations caused by smoking, eating, drinking, chewing gum or tobacco in the food storage and food preparations area is?
   a. Through saliva on food handlers hands
   b. Through the smoke and pollutants that are dispersed in the air
   c. Through the ashes and cigarette butts
   d. By raising the temperature in a room

5. Hands should be washed before which of the following activities?
   a. Using the restroom
   b. Handling food
   c. Smoking
   d. Sneezing or coughing

6. When working with food, a food handler with a hand wound must
   a. Bandage the wound and wear a single-use glove
   b. Bandage the wound and limit contact with food
   c. Wash hands and bandage the wound
   d. Apply ointment and a bandage

7. What is the definition of sanitizing?
   a. Washing a surface to clean level
   b. Using a cloth on a surface until clean
   c. Reducing the pathogens on a surface to safe levels
   d. Removing the amount of soil on a surface to safe levels.

Find answers on page 16
Member News

Hot Off the Grill

Nebraska-based users of OpenTable.com voted Metropolitan Community College’s Sage Student Bistro as the state’s best restaurant. More than 18,000 local users of Open Table voted for Sage Student Bistro as part of the OpenTable Choice List program. Diners book a reservation on the site and then after they dine, they can fill out a form online to rank the experience. Spencer’s for Steaks and Chops and Mahogany Prime Omaha were ranked behind Sage Student Bistro. The Bistro, which opened in 2004, is part of the learning experience for students in Metro’s culinary program. It is on the Institute for the Culinary Arts Fort Omaha Campus, 30th and Fort Streets, Building 22. For more information, visit www.mccneb.edu/bistro.

Auction Solutions, Inc. is pleased to announce that Mark Beacom has completed 55 hours of coursework in Spokane to become a National Auctioneers Association (NAA) certified Graduate Personal Property Appraiser (GPPA) personal property instructor and passed the Uniform Standards of Professional Appraisal Practices (USPAP) compliance test in that training also. Auction Solutions, Inc. is the area’s first choice for auction services. For more information visit www.auctionssolutionsinc.com.

Raising Cane’s Chicken Fingers partnered with KLKN’s Channel 8 and Latsch’s for its 4th Annual “Stuff the Bus” promotion that collected school supplies for Lincoln Pre K-12 students in need. Residents were asked to donate new and packaged school supplies from July 23-August 8 and in turn were given a free 21 oz. freshly squeezed lemonade for their support. Raising Cane’s also gave customers the option to round up their checks to support this cause and raise additional funds. Through these efforts and the partnerships with KLKN and Latsch’s, restaurant owners Jennifer and Justin Jones were able to raise over $1000 and also donate supplies to support hundreds of children in need throughout Lincoln area schools.

Alcohol Safety Quiz

1. Which is a criminal violation?
   a. Serving a pregnant women
   b. Serving a 22 year old
   c. Serving a 19 year old
   d. Serving a 40 year old

2. Which of the following will remove a large amount of alcohol from the body?
   a. Exercising
   b. Drinking coffee
   c. Urinating
   d. Passing of time

3. Most of the alcohol a person drinks is absorbed into the bloodstream from the?
   a. Lungs
   b. Small intestine
   c. Liver
   d. Mouth

4. The liver can break down alcohol at the rate of ___ drink(s) per hour.
   a. 1
   b. 2
   c. 3
   d. 5

5. What is the best type of food to help prevent intoxication?
   a. Salty food
   b. Carbohydrates
   c. Sugars
   d. Fatty foods

6. Which form of ID is acceptable for verifying a guest’s age?
   a. School ID
   b. Passport with ID photo
   c. Birth certificate
   d. Voter registration

7. Which feature is used by states to indicate that an ID belongs to a minor?
   a. Placing the words “secure”, “genuine”, or “valid” on the ID
   b. Issuing the ID in vertical format
   c. Removing the minor’s signature from the ID
   d. Placing pictures of “keys” on the id

8. Which is a good reason to reject an id?
   a. It has a bar code on it
   b. A state seal can be seen under ultraviolet (UV) light
   c. There is a ghost photo on the ID
   d. The back of the ID is blank
Money On The Table
By Michael McCarville, Restaurant Specialist for Heartland Payment Systems

Fact: 80% of gift cards are issued in November and December. So what happens the rest of the year? Not much if gift cards are all you have. If you have been paying attention to the marketing programs for many of the large restaurant chains, they all have enhanced card programs. These are programs that offer their customers many incentives to visit their locations more often.

Why not REWARD your customers for choosing you? Start out by driving customer traffic to your restaurant with Promotional Cards. Then engage them in your ongoing promotional Pay for Performance Rewards Programs.

At Heartland Payment Systems we have been providing these enhanced card marketing programs for many years. In fact, we are the provider of the loyalty marketing program for the 24,000 plus location Subway restaurants. However, you don’t have to be a large restaurant group in order to take advantage of these great marketing programs. Heartland’s focus has been on the small to medium size business since our inception. We continue to work to provide great tools to all of our customers so they can grow their businesses.

Heartland is here to help you develop a program that is just right for your restaurant. We understand that you are busy running your business. That’s why we work to provide you with the advertising tools that will help you succeed. While other providers may assist with getting cards designed and point-of-sale terminals up and running, Heartland goes the extra mile. Our experts not only provide enhanced on board support, we also offer one-on-one marketing consultations to help you maximize your program results.

Heartland Payments Systems offers many other great tools for your business. We offer some of the best payment processing and marketing tools for the restaurant industry. We want to be your partner because we are the best provider of solutions for your business - solutions that will bring more money to your table. For more information, contact me at 402.551.9832 office or 402.699.1502 mobile or email me at michael.mccarville@e-hps.com.

SERVSAFE Calendar

October
8    Lincoln    Beth Haas    402.488.3999
15-16    Omaha    Cindy Brison    402.444.7872
29    Lincoln    Beth Haas    402.488.3999
30    Norfolk    Ann Fenton    402.329.4821

November
12    Lincoln    Beth Haas    402.488.3999

December
10    Lincoln    Beth Haas    402.488.3999

Contact Beth Haas to register 402.488.3999 ext. 1 or beth_haas@nebraska-dining.org

Food Safety Quiz
Answers:
1. a; 2. d; 3. a; 4. a; 5. b; 6. a; 7. c

Alcohol Safety Quiz
Answers:
1. c; 2. d; 3. b; 4. a; 5. d; 6. b; 7. b; 8. d

PROSTART FOOD & WINE PAIRING FUNDRAISER
November 14, 2012 ~ 6:00 p.m.
Hillcrest Country Club
9401 “O” Street
Lincoln, NE
$75.00 per person
Calendar of Events
Find updates online at www.nebraska-dining.org
For additional information contact
Brandy Nielson at 402.488.3999, ext. 2

October 9
2013 Taste of Nebraska Kick-Off Planning Meeting
Fireworks Restaurant, Lincoln
Noon-2 PM

October 21
Omaha Hospitality Hall of Fame Dinner
Institute of Culinary Arts at Metropolitan Community College, Omaha
5:00 PM

November 14
4th Quarter NRA Board Meeting
Cherry Hill Event Center, Omaha
10:30 AM

November 14
Food & Wine Pairing Dinner Fundraiser for ProStart
Hillcrest Country Club, Lincoln
6:00 PM

November 22-23
Thanksgiving
NRA Offices Closed

December 25
Christmas
NRA Offices Closed

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Dinner Menu

- Seared Jumbo Sea Scallops with Roasted Red Pepper Coulis
- Herbed Crusted Beef Tenderloin with Hunter Sauce, Mushroom Risotto, and Roasted Asparagus
- Apple Cranberry Torte with House Made Vanilla Bean Ice Cream

Silent Auction

Funds raised will be used to support ProStart Competition and Scholarships

Email Beth Hass for tickets
beth_haas@nebraska-dining.org

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For this recipe and more beef ideas you can bank on, visit BeefFoodservice.com/ideabank.