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Executive directors report

Establishing chapters in selected regions of Greater Nebraska.

As part of our strategic plan we have been evaluating the possibility of establishing chapters in selected regions in Greater Nebraska. The Tri-Cities Region is the logical place to start and we met with some members in July 2014 to discuss this possibility and assess interest. On April 23, 2015 Lisa Tschauner, publisher of Open For Business Magazine, expressed interest in the chapter option and invited us to meet in Hastings.

The region is experiencing significant economic development and growth and the restaurant industry is expanding to accommodate this. With growth comes greater visibility and expanding city and regional government entities will see a need for enhanced regulation regarding food safety and alcohol service. This is not necessarily bad but the industry needs unified representation to guide the process and ensure that the proposed regulations are not overly burdensome. A local chapter, supported by the Nebraska and National Restaurant Associations, could be a very effective way to achieve this. There are other intangible benefits such as networking and communications regarding common problems and concerns about legislation at the state and national level that could be brought to our attention earlier and dealt with more effectively. It could also provide opportunities for training and seminars in areas of common interest. In order for this concept to work we need the support of the region’s restaurant and allied members. We plan to continue working with members and other interested parties to determine the feasibility of a local chapter.

Nebraska Food Code Review
Melva Ball has recently replaced George Hanssen as the Food Safety and Consumer Protection Manager in the Nebraska Department of Agriculture. She has convened the Nebraska Food Industry Review Board to consider which sections of the 2013 FDA Model Food Code should be adopted for Nebraska. The NFIRB will meet monthly through October 2015 and present recommendations. Those recommendations will be incorporated in a Legislative Bill to be introduced when the Unicameral convenes in January 2016. If you are interested in participating in this review or if you have concerns with any section of the FDA Code please email me at: jpartington@windstream.net.

United Health Care
The National Restaurant Association Employer Benefits marketplace at restauranthealthcare.org lists a variety of health care insurance products offered by United Health Care that are designed for restaurants. Please take a few minutes to log on this site to see what’s available and work with your existing broker to compare and review options.

Federal Issues
Affordable Care Act
The National Restaurant Association has worked with federal agencies to provide some flexibility for employers in ACA regulations and has had some success in temporarily delaying some mandates, but only Congress can make changes to the law. The Association has urged Congress to make changes in four key areas.

CONTINUED ON PAGE 8
NRA ENDORSED PROVIDERS

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.

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Let's Keep in Touch!
Summer is here and we have enjoyed getting out and visiting several of our members around the state! We have also embarked on a project to update our membership contact information for each and every one of you. Be on the lookout for a postcard to arrive in the mail in the coming weeks. Please take the time to update your contact information including your email address. Each postcard that we receive back that is filled out completely will be entered into a drawing to win a $100.00 VISA giftcard. It is important to us – and imperative to you – that we are able to notify our members in a timely manner about issues affecting our industry.

NRA Members Feed the Senators!
Thank you to the following NRA members for providing lunch for the Senators this year!

- Valentino's
- DaVinci's
- LaPaz
- The Eatery
- Runza Restaurants
- Arby's
- The Parthenon

Did you know?
NRA members receive a 50-percent or more discount on all for-sale publications in the online store. Go to www.restaurant.org and click on “store”.

Research reports provide business insight. The National Restaurant Association produces primary research on a range of topics and publishes several reports, including free reports, online resources and for-sale publications. The National Restaurant Association’s research and analysis have a long-standing reputation of the highest credibility, neutrality and accuracy both inside and outside the industry, and is considered a leading authority on industry statistics, analysis and trends.

Go to http://www.nebraska-dining.org/endorsed-providers/ to make sure you are utilizing all of the benefits that your NRA membership provides.
Bacon-lovers turned out by the hundreds Sunday, May 17 for Star City BaconFest 2015 to enjoy the yummy goodness of bacon-inspired savory and sweet treats served up by chefs from many of Lincoln’s favorite restaurants. They were able to sample a variety of items from bacon-topped cupcakes to bacon-wrapped sausages, and even bacon cheesecake.

The event was such a success that the date for Star City BaconFest 2016 has already been set. So mark your calendars for Sunday, April 24, 2016, from 3pm-6pm at the Cornhusker Marriott.

The event, sponsored by the Nebraska Restaurant Association (NRA) and the Nebraska Pork Producers Association (NPPA), helped to support the Nebraska ProStart program and to provide culinary scholarships to students entering the hospitality field. The NRA’s Hospitality Education Foundation will receive over $5,000 as a result of the success of BaconFest.

Miller Time at the Cornhusker provided the beer tasting, with entertainment by popular area band Tuna Fish Jones.

“Thanks to all the participating vendors and chefs,” said Brandy Nielson, Membership and Marketing Coordinator with the NRA. “Their creativity and skills made BaconFest a great time for the Lincoln community to enjoy the many ways bacon can be incorporated into what we enjoy eating. And thanks, too, to Hormel for providing all the bacon used by the vendors.”

“What better way to promote Nebraska-produced pork products than with bacon, everybody’s favorite,” said the NPPA’s Jane Stone. “Star City BaconFest put smiles on a lot of hungry faces, and I heard nothing but praises from the crowd of samplers.”
Participating Vendors

Billy’s Restaurant
* Cappy’s Hot Spot Bar and Grill
* Colleen’s Catering
* Greta’s Gourmet Butcher Shop, Deli & Catering
* Nebraska Pork Producers
* Smoking Gun Jerky
* The Cornhusker Marriott
* The Eatery
* The Single Barrel
* Little Caesar’s Pizza
* Traeger Grill/Schaefer’s
* 9 South Char Grill
* Super Saver
* McFarland’s & Sons Authentic Irish Pub
* Le Cupcake
* Miller Time at the Cornhusker
* Misty’s
* Skeeter Barnes
* Rodizio Grill
* Brewsky’s

* denotes NRA members
Executive directors report

- Bring the ACA’s definition of full-time in line with typical workplace standards.
- Simplify and streamline the employer reporting requirements.
- Raise the threshold that determines which businesses are treated as “large” under the ACA.
- Eliminate the ACA’s auto-enroll mandate that requires some companies to automatically enroll full-time employees in a company health plan.

We were optimistic that there would be bipartisan support for these changes after the election. Unfortunately the lack of cooperation and dysfunctional political environment is still preventing enactment of any positive legislation on health care, immigration reform and other issues of interest to our members. Until our political leaders and courts work through this I don’t expect these issues to be resolved. Any action on ACA modification and immigration will be delayed until after U.S. Supreme Court decisions expected this summer.

**Menu Labeling**
The Food and Drug Administration has released final regulations on menu labeling. The regulations require chain restaurants with 20 or more locations to list the calorie content for items on menus and menu boards, including those at drive-thru restaurants. Other nutritional information, such as fat, saturated fat, cholesterol, sodium, carbohydrates, fiber and protein, would have to be made available to customers, in writing, upon request. The FDA regulations establish a uniform standard for how chain restaurants make calorie and nutrition information available and supersede conflicting state and local menu-labeling rules. Deadline for implementation is December 1, 2015.

**State Issues**
The 2015 session of the Nebraska Unicameral adjourned Sine Die on May 28, 2015. This was the first session in the two year cycle. The body of 49 senators was significantly different as there are 18 new senators with an influx of new faces and new ideas. Some of the issues we worked on are listed below.

**Minimum Tip Wage**
There was a significant effort to raise the minimum tip wage. LB494 proposed increasing the minimum tip wage from $2.13 to $3.00 per hour effective this year and provides for incremental increases of $.95 each succeeding year until it equaled 50% of the effective minimum wage. We were successful in opposing this legislation.

**NLRB’s disruption of the joint-employer standard** is a response to efforts by organized labor to build additional ways to unionize restaurant workers. Labor would much rather take a bigger swipe at organizing a large corporation than pick off small businesses with a handful of employees one at a time. By tying franchisees more to the hip of their parent company, labor can re-label small businesses as “big business” and go after parent companies in their organizing efforts.

Another concern is related to a Presidential Memorandum directing the Secretary of Labor to review regulations governing exempt employees. It appears that the end goal of these regulatory revisions will be to dramatically decrease the number of employees for whom employers may claim an overtime exemption.

Proposed changes to these regulations would have an adverse affect on the restaurant industry and the National Restaurant Association is working with Congress and the NLRB to ensure that they consider this before developing the final regulations.
Sales Tax Collection Fees
Nebraska restaurants collect and remit sales tax and receive practically nothing for this service. The cost to restaurants is significant – especially on credit card sales. To understand how blatantly unfair the situation is, consider this: for every dollar of sales tax collected on a credit card sale, the restaurant only receives approximately 98 cents because of the credit card swipe fee. However, the restaurant still remits one dollar to the state. When multiplied out over all credit card sales, this can amount to hundreds, if not thousands, of dollars. To address this, Senator Schumacher has introduced legislation which would significantly increase sales tax collection fees retained by collectors and remitters of sales tax. It could literally mean thousands of dollars more to your bottom line. Similar legislation was advanced by the revenue committee but we ran out of time to get it considered by the entire body. We are optimistic about the possibility for success on this issue in the next session of the Unicameral.

Mandatory Training for Servers and Sellers of Alcohol
This issue did not come up in the 2015 session but we continue to include it because it is an issue that we will eventually have to address as it is directly related to “Dram Shop”. States that have “Dram Shop” laws in place hold sellers/servers of alcohol liable for damage, injury, or death as a result of selling or serving an intoxicated person. Nebraska is one of the few remaining “non-dram shop” states. There have been several attempts in past legislative sessions to make Nebraska a “dram shop” state. We have consistently and successfully opposed these past attempts. Short of proposing a dram shop bill, there have been efforts to push mandatory training for all servers and sellers of alcohol. While this would require more effort on the part of servers and sellers, it is much preferred over dram shop. We need to take advantage of the time when we are not directly facing legislation to craft a workable training plan that we could support. Some of the provisions of such a plan that have been suggested in the past are:

1. Training programs be approved by the Nebraska Liquor Control Commission.
2. A “train the trainer” approach requiring managers to be trained and providing resources for them to train their respective staffs.
3. State approved training programs would preempt city training.
4. The training programs would be accessible on line and affordable.
5. Training should be valid for three years and transferable from employer to employer.

Driver's Licenses for Dreamers
Nebraska was the only remaining state that did not allow Drivers Licenses for Dreamers. The term “Dreamer” refers to children brought to the United States illegally by their parents, grew up here, went to school here, and the United States is the only home they know. As a result of an executive order issued by President Obama, they have legal status under DACA* (Deferred Action for Childhood Arrivals). Ironically, some of these people are doctors, lawyers, or have served in the military but were not allowed to legally drive in Nebraska. The Nebraska Restaurant Association took a leadership role and was one of the first business associations to support LB623 and remedy this. The Nebraska Cattlemen and Nebraska Retail Federation were also early supporters. Eventually, numerous business associations recognized the value of the legislation to the workforce and joined in supporting it. This included the Omaha, Lincoln, and State Chambers of Commerce. The Mayors of Omaha and Lincoln also expressed their support. However, Governor Ricketts remained opposed and applied his veto pen to the bill. The legislature overrode the veto with 4 votes to spare over the necessary 30. As a result, Dreamers will be able to obtain drivers licenses in Nebraska. This is an important first step forward for comprehensive immigration reform.

*To be eligible for DACA, an applicant must have entered the United States under the age of 16; have been physically present in the United States as of June 15, 2012 and have continuously resided in the United States since June 15, 2007; have been younger than 31 as of June 15, 2012; be “in school”, have a high school degree or GED certificate, or have been honorably discharged from the U.S. Armed Forces or Coast Guard; not have been convicted of a felony, a “significant misdemeanor”, three misdemeanors, or otherwise pose a threat to national security or public safety; and be at least 15 years old.

Medicaid Expansion
We supported the latest proposal to expand Medicaid’s health coverage to more low-income Nebraskans because it would lessen the health insurance burden for employers, make Nebraska’s workforce healthier, boost the state’s economy, and return federal tax dollars to the state. LB472 was the third attempt to expand the Medicaid program in as many years. Both previous attempts stalled in the face of filibusters. The proposal failed again this session.
Money on the table

Do you have someone available near the phone at all times for pick-up orders that are being called in? Are these during your busiest times of the day? Do you then have to staff additionally to take payment for those orders once the guest arrives to get their food?

HeartlandToGo is an online ordering product that can eliminate the need to staff phones and then take payments for pick up orders. This can greatly reduce the amount of time it takes to complete the order and pick-up process.

Mobile and online ordering is now being viewed as a critical component of most table service and Quick Service Restaurant businesses. Consumers are demanding this fast, easy way to get in and out in a timely manner. Restaurant operators are seeing an increase in operational efficiencies and therefore an increase in top line revenue. The mobile ordering revolution is being accelerated by major companies such as Starbucks, Panera, and Taco Bell launching ordering solutions so the time is now for Heartland to offer these services to our restaurants.

I am excited to share details on Heartland ToGo, mobile and online ordering – an easy way to increase both takeout business and operational efficiencies for your restaurants. The fully-integrated mobile, web, and social media ordering system means no more manning the phones for orders. The best part is this solution is completely integrated with existing Heartland processing, including gift and loyalty programs.

There are 2 main product offerings – available to existing card merchants:

1. **Online Ordering**: The merchant can embed an iFrame in their website and Facebook which allows them to accept orders. The iFrame is responsive in a mobile phone which encourages a guest to place a mobile order whether on their computer or smartphone.

2. **Merchant Branded Mobile App + Online Ordering**: The merchant will receive a native (iOS and Android) mobile app branded with their look and feel. The guest can download the app and place an order. The merchant can also embed an iFrame in their website and Facebook which allows them to accept orders.

Additional features such as catering, delivery, and the ability to redeem Heartland gift cards and earn loyalty credit are available. These features, coupled with the ordering solution, provide a service to our merchants that is above and beyond the competition.
If even one food handler fails to adequately learn or adhere to proper food safety practices, your business – as well as your loyal customers – will be at risk. It’s mission-critical to ensure that every member of your food service staff understands what they must do to handle and prepare food safely. One food safety incident can destroy a business, so food safety training is vital.

ServSafe classes are held state-wide thru the University of Nebraska Extension Services.

**SERVSAFE Instructors Statewide**

- **Ainsworth**: Pat Jones 402.387.2213
- **Beatrice**: Kayla Colgrove 402.223.1384
- **Columbus**: Amy Peterson 402.747.2321
- **Fremont**: Cindy Brison 402.444.7804
- **Grand Island**: Cami Wells 308.385.5088
- **Hastings**: Cami Wells 308.385.5088
- **Kearney**: Carol Schwarz 308.236.1235
- **Lexington**: Andrea Nisley 308.324.5501
- **McCook**: Nancy Frecks 308.334.5666
- **Nebraska City**: Cindy Brison 402.444.7804
- **Norfolk**: Ann Fenton 402.329.4821
- **North Platte**: Nancy Frecks 308.334.5666
- **Ogallala**: Nancy Frecks 308.334.5666
- **Omaha**: Cindy Brison 402.444.7804
- **Seward**: Amy Peterson 402.747.2321
- **Sioux City**: Carol Larvick 402.987.2140
- **Scottsbluff**: Julie Albrecht 402.472.8884, x3717
- **Valentine**: Pat Jones 402.387.2213
- **York**: Amy Peterson 402.747.2321

48,000,000 Americans get sick every year due to foodborne illnesses*

Source: Center for Disease Control

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**Giving Back**

ServSafe profits are reinvested in industry educational, outreach and advocacy programs.
Nebraska Restaurant Association Honors Hospitality Industry Leaders at the 26th Annual Taste of Nebraska

Lazlo’s/FireWorks Restaurant and Sysco Lincoln received the Nebraska Restaurant Association Hospitality awards at the association’s annual banquet, Taste of Nebraska. This year’s event was held Monday, April 20th at the Embassy Suites-LaVista.

Winners of the award are selected for the contributions they make to both the hospitality industry and the communities in which they do business. Jay Jarvis with Lazlo’s/FireWorks Restaurant accepted the 2014 Restaurateur of the Year Award. Allied Member of the Year was presented to Kim Brown of Sysco Lincoln.

A Lifetime Achievement Award was presented to Jim Trebbien who recently retired from Metropolitan Community College Institute of Culinary Arts. He retires knowing he established the ICA as a nationally respected and relevant institution.

Hillis & Co added the finishing touches to the evening that included a western theme with tables adorned with cowboy boots, hay bales, and sunflowers. Keynote speaker was Andy Greenberg of Omaha.

The Nebraska Restaurant Association would like to thank special guest, Governor Pete Ricketts, and the many sponsors and guests that made the 26th Annual Taste of Nebraska another success.
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**Question:** What could be more Nebraska than Arbor Day Salad, Nebraskan Pork Tenderloin and AKSARBEN Berry Rhubarb Turnover?

**Answer:** Team Nebraska ProStart: Alex, Emily, Jacob, Joy and Ryan

It’s 7 PM on Monday, April 20. The emcee for the Awards Banquet announces a special guest. Magic Johnson bounces onto the stage, works the crowd and spends 30 minutes responding to attendee’s questions. Set goals, accept challenges and work hard was his message. This was a fitting end to a busy three days in Anaheim.

The Anaheim experience involved transporting tubs and coolers of food and equipment, searching Anaheim for frisee’ and balsamic vinegar, enjoying Disneyland, and competing with over 40 teams in both the culinary and management competitions.

It’s 8 AM on Sunday—the culinary team is ready. Soon aromas of the Team Nebraska menu were filling the room! An anxious mentor, Casey, and teacher, Louise, watch the confident team as judges evaluate, question, and provide feedback. On Monday afternoon, Team Nebraska presents the management concept, The Bus Stop, to a panel of eight corporate executives—just a bit intimidating.

While top awards eluded Nebraska ProStart, the team agreed it was a great experience and joined in hearty congratulations to the 2015 National Winners:

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Congratulations, Team Nebraska!
Milford ProStart teacher thrives on watching students succeed

Interviewing a Family and Consumer Sciences teacher in the classroom at the end of a semester is a little like trying to have a conversation with a hummingbird in flight. Between showing a student how to use a serger, measuring hems, signing off on projects, and answering student questions, it became apparent that Milford High School’s Cheryl Meyer-Thompson, like most teachers, has an uncanny ability to manage multiple priorities.

And remain unruffled.

During the first year of the program, Fayrene Hamouz, current Hospitality Education Foundation Chair, came out to help. Meyer-Thompson studied the rule book and recipes and attended workshops at Metropolitan Community College and Southeast Community College.

“My learning curve was high. But that first year was a good start. I found out that ownership was important, and that when challenged, kids can really rise to the occasion. They have a lot of things going on and they – and I – have learned you need to find a balance. And working together – teamwork – is the most important thing to learn.”

Since Meyer-Thompson introduced the program into the school’s curriculum more than ten years ago, Milford High School’s ProStart students have won 42 trophies and 3 plaques at Culinary Competitions. They represented Nebraska at the National ProStart Invitational in 2013 and 2014.

To help pay the expenses, other states use corporate sponsorships and teams wear the sponsor logos on their jackets. Nebraska relies solely on funding from the Nebraska Restaurant Association Hospitality Education Foundation.

Meyer-Thompson has junior and senior high ProStart 1, 2, and 3 students in the same class period. Four years ago, Meyer-Thompson classes moved from a small classroom to a larger handicapped accessible classroom. Grant-funded, the new classroom is designed for 24 students, and has six kitchens. Both gas and electric appliances are available. Unlike many ProStart programs, food for Milford’s ProStart program is included in the school’s budget.

Meyer-Thompson keeps the program visible in the community by giving students the opportunity to demonstrate what they’re learning. Besides competitions, ProStart students prepare a parents/student/school board holiday dinner, recognize teachers during Teacher Appreciation week, and make and sell pumpkin bread during the fall. “We advertise in the newspaper and on the school’s webpage and we sell a lot of it in the community. We smell like pumpkin bread for three weeks after!”

“ProStart is a great opportunity for kids and great public relations for your community. It’s something that is unique in providing education to students and when those students are successful, it’s unique to your community.”
Introducing Dawn Sweeney

As President and Chief Executive Officer of the National Restaurant Association, Dawn Sweeney has been instrumental in focusing the mission of the Association through a unique, multi-year strategic plan, highlighting key areas of opportunity within the restaurant industry.

The National Restaurant Association’s members include quick service, fast casual, managed foodservice, casual and fine dining – along with manufacturers, suppliers and distributors. The American restaurant industry is composed of nearly one million restaurant and foodservice outlets and over 13 million employees. Since taking the helm at the end of 2007, Sweeney has led the Association in a wide-range of policy issues, while offering services and products that promote the industry and help individual operators and large multi-unit companies succeed.

Sweeney has realigned the Association’s priorities and structure to strengthen its core operations, including consolidating its Foundation around a mission to develop a strong workforce and build the next generation of industry leaders. The National Restaurant Association Educational Foundation’s major goal is to educate students on the restaurant business through the ProStart program – running in high schools nationwide – and to provide educational scholarships.

Sweeney has led the Association to several major legislative victories, including achieving federal legislation on menu-labeling, and has launched the first-of-its-kind children’s menu initiative – Kids LiveWell. Under her leadership, the Association’s annual tradeshow – the largest restaurant and hospitality industry tradeshow in the U.S. – has seen growth both in revenue and impact.

Before joining the National Restaurant Association, Sweeney was president and CEO of AARP Services, the wholly owned taxable subsidiary of AARP. She grew annual revenues from $175 million to $785 million during her tenure – serving 11 million AARP members annually. Her 25+ years of marketing, advocacy and policy experience also include leadership positions at the National Rural Electric Cooperative Association, a membership organization of consumer-owned electric utilities, and the International Dairy Foods Association, the trade association for the nation’s dairy foods industry, where she played a major role in the launch of the “milk moustache” advertising campaign.

Sweeney has been named one of the perennial top association CEOs in the country for the past several years. She serves on the boards of the U.S. Travel Association and the Women’s Foodservice Forum, and is an active member of the U.S. Chamber of Commerce’s Committee of 100, the International Women’s Forum, and the Committee of 200, an international network of female executives. She is also a charter member of Child Obesity 180, an initiative of private, public, non-profit and academic leaders committed to helping prevent childhood obesity through evidence-based initiatives.

A native of Maine, she is a graduate of Colby College and earned her MBA at George Washington University. Sweeney lives in northern Virginia with her husband and teenage son.
Continuity planning for your restaurant

New Century Agency has continuity planning tools available that we would be glad to share with you free of charge as a member of the Nebraska Restaurant Association. Let’s ask some questions about each of these primary areas to get you started thinking about how you would respond.

1. **Protecting your employees and customers at the time of an emergency from injury and loss.** Do you have a plan in place to protect your on-site employees and patrons in the event of an impending disaster? Tornadoes in Nebraska certainly present the most urgent scenario requiring quick response. Have you discussed with your staff where a safe location is within your restaurant? How many people might you have onsite during your peak operating hours? Can you provide a safe haven for them in the event of a disaster? Do you require that your employees take shelter during a tornado or will you allow them to stand at the door and watch the tornado? Will you allow your employees to leave the worksite during a tornado warning? Do you require them to secure the facility in any way? Do you have a way to monitor weather and emergency notifications? Are emergency exits in your facility marked? Are they lighted?

2. **Protecting the company’s property and resources.** Property includes buildings, machinery, equipment, electronic equipment, raw materials and finished product. What is the cost to replace these items? Can you find temporary replacements for them if needed? Do you have a list with phone numbers of the vendors you would need to contact to get replacements, to make repairs, to service the equipment? Do you have a list of these important contacts, policy numbers, etc. stored off-site? Do you have an inventory of equipment and product for insurance purposes? Do you know how your insurance policy will respond for any given disaster? Flood insurance is probably one of the least considered coverages. Do you know what flood zones your building(s) are in? FEMA has been making considerable changes to the flood zone maps in recent years.

3. **Protecting the company’s ability to stay in business after the disaster.** What happens if the government shuts down your business? What happens if your business isn’t damaged but access to your restaurant is disrupted due to a nearby disaster? The Joplin tornado created such a scenario where employees’ homes and vehicles were destroyed even though the business where they worked was not damaged. Responding to their personal emergencies became paramount to reporting to work. What happens if one of your primary suppliers is the one who experiences a disaster? Do you have alternate supply chains available?

How will you respond?
Aligning Nebraska with a small, but growing number of states that have legislated additional protections for pregnant individuals in the workplace, Governor Pete Ricketts has signed an amendment (L.B. 627) to the Nebraska Fair Employment Practice Act (“NEFEPA”) requiring reasonable accommodations for pregnant individuals with “known physical limitations.”

According to the senator who introduced this law, the legislation is designed:
• To clarify and solidify workplace protections for pregnant workers;
• To define reasonable accommodations for pregnant workers; and
• To provide workplace protections for pregnant workers similar to those already provided to workers with disabilities.

Reasonable Accommodations
The new law adopts an expansive definition of the duty to accommodate pregnant individuals, limited only by the employer’s ability to demonstrate that a requested accommodation would “require great difficulty or expense” (i.e., would impose an “undue hardship” as that term is applied and defined in the disability context):

Reasonable accommodation, with respect to pregnancy, childbirth, or related medical conditions, shall include: acquisition of equipment for sitting, more frequent or longer breaks, periodic rest, assistance with manual labor, job restructuring, light-duty assignments, modified work schedules, temporary transfers to less strenuous or hazardous work, time off to recover from childbirth, or break time and appropriate facilities for breast-feeding or expressing breast milk.

The new law also adds a definitional section: An individual who is pregnant, who has given birth, or who has a related medical condition shall mean an individual with a known limitation who, with or without reasonable accommodation, can perform the essential functions of the employment position that
such individual holds, desires, or may be temporarily assigned to. Consideration shall be given to the employer’s judgment as to what functions of a job are essential, and if an employer has prepared a written description before advertising or interviewing applicants for the job, this description shall be considered evidence of the essential functions of the job.

Discriminatory Practices
The new law makes it an unlawful employment practice to discriminate against an individual who is pregnant, who has given birth, or who has a related medical condition in regard to job application procedures, the hiring, advancement, or discharge of employees, employee compensation, job training, and other terms, conditions, and privileges of employment.

It amends the NFEPA to make the prohibited discriminatory practices applicable to individuals with disabilities also applicable in large part to employees with childbearing-related medical conditions. In the context of an individual who is pregnant, who has given birth, or who has a related medical condition, an employer must provide reasonable accommodations to the “known physical limitations” of such individuals. A showing of medical incapacity or impairment is required to invoke statutory protection only where an individual has requested an accommodation for a “related medical condition.”

In addition, the new law makes it a discriminatory employment practice to require an employee to take leave under any leave law or policy of the employer if another reasonable accommodation can be provided to the known limitations related to the pregnancy, childbirth, or related medical conditions of the employee.

Finally, the new law makes it a discriminatory employment practice to take adverse action against an employee for requesting or using a reasonable accommodation related to the pregnancy, childbirth, or related medical conditions of such employee.

Implications
For the first time in Nebraska, covered employers will be required to provide reasonable accommodations to pregnant workers who have “known physical limitations.” While employers are familiar with the duty to provide reasonable accommodations for disabled workers, the scope of that duty will be far broader as applied to pregnant workers. Most significantly, a request for an accommodation need not be based on medical need; rather, a pregnant worker need only show a “known physical limitation” to justify her request for an accommodation. That minimal showing will obligate an employer to provide the requested accommodation, unless the employer can demonstrate doing so would create an undue hardship (i.e., significant difficulty or expense) upon the employer. Case law construing the requisite showing of undue hardship under the federal Americans with Disabilities Act and comparable provisions of the NFEPA will be instructive.

In addition, the types of accommodations required for pregnancy workers under the new law are far broader than those mandated for disabled workers. For example, absent undue hardship, employers will be required to provide assistance with manual labor, light-duty assignments, and temporary transfers to less strenuous or hazardous work.
Myths and misconceptions have been a part of the Family and Consumer Sciences (FACS) profession for many years. One of the most common misconceptions is that the FACS programs and classes within Nebraska’s secondary schools are being eliminated and not growing. This misconception, coupled with women choosing less contemporary careers, has resulted in a decline in postsecondary programs for the past 15 years – while the number of retirements has been rising.

In fact, only three programs in Nebraska schools have closed within the past 5 years. Two of those reopened within two years. There are 400 FACS teachers and more schools are adding teachers especially within Class A school systems. But with the number of teachers retiring doubling within the past 4 years, and declining enrollments in post-secondary programs offered by the three schools in Nebraska, the demand for FACS teachers is on the rise.

To meet the increasing demand for FACS teachers, all three colleges are recruiting students from the hospitality and service industry for post-secondary education. People who attended school in the larger school districts where culinary and ProStart programs are more common are particularly attractive, as well as Nutrition and Exercise Science majors. This is due to the number of nutrition, food safety and sanitation, and preparation hours required for the certification. Students coming in from both of these programs are way ahead of many other students who express interest. Career Academy programs and the growth within the larger school districts provide an enormous opportunity for candidates entering the program with many prospects.

<table>
<thead>
<tr>
<th>Year</th>
<th>Openings</th>
<th>Where?</th>
</tr>
</thead>
<tbody>
<tr>
<td>2012</td>
<td>39</td>
<td>22 Class A &amp; B (56%)</td>
</tr>
<tr>
<td>2013</td>
<td>34</td>
<td>24 Class A &amp; B (70%)</td>
</tr>
<tr>
<td>2014</td>
<td>59</td>
<td>36 Class A &amp; B (61%)</td>
</tr>
<tr>
<td>2015</td>
<td>56</td>
<td>37 Class A &amp; B (66%)</td>
</tr>
<tr>
<td>Total</td>
<td>188</td>
<td>63% Average going to Class A &amp; B School Districts</td>
</tr>
</tbody>
</table>

The University of Nebraska-Lincoln (UNL), Wayne, and Chadron State have FACS Education programs. Wayne and Chadron graduate 1-6 students each year, while UNL graduates 6 to 16. Compare this to the number of openings and you have a severe shortage (see the chart above). The consequence has been that the Post-Baccalaureate, Master’s degree, and certification programs have exploded at UNL (the only institution offering these options). Three years ago with only 14 students qualifying for these options, UNL now has over 45. Teachers hired without the FACS education endorsement can earn “provisional” status to teach and work towards a full certification.
CALENDAR OF EVENTS

Find updates online at www.nebraska-dining.org

July 9
NRA Board Meeting
Hiro 88, Lincoln

August 10
Omaha Restaurant Association Golf Outing
Champions Run, Omaha

September 21
NRA Fall Golf Outing
Hillcrest Country Club, Lincoln

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