

ALABAMA Retail Quarterly

BENEFIT FROM THE VALUE.

**THIS ISSUE
INSIDE**

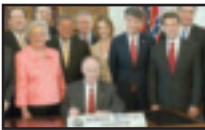
VOTE JUNE 3

The Alabama Retail Association recommends these candidates as the best choices for Alabama retailers in the June 3, 2014, primaries. If you vote in the Republican primary, please vote

for the six statewide candidates listed below. See Page 5 for our 46 legislative candidates who face opposition in their respective primaries. Look for them in the primary of your choice.



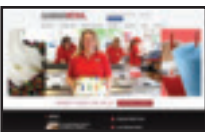
— The primary election is Tuesday, June 3. Statewide and congressional endorsements are at right. You'll find legislative endorsements inside. Be sure you and your employees get to the polls.



— An independent tax appeals process was one of the legislative victories in the 2014 regular session of the Alabama Legislature. Find a summary of the major action related to retailers in this edition's centerspread.



— Alabama's back-to-school sales tax holiday is Aug. 1-3. Books, school supplies, computers and clothes are tax free for those three days.



— Your association's website has a new look. If you haven't already done so, bookmark alabamaretail.org



— We've added an Alabama Retail Safety Training Library in the RESOURCES section of alabamaretail.org. Start using these workplace safety resources today.




**ALABAMARETAIL
ASSOCIATION**

PRIMARY BALLOT
JUNE 3, 2014

THESE OFFICES WILL APPEAR ON ALL REPUBLICAN PRIMARY BALLOTS

FOR GOVERNOR (Vote for ...)		FOR LIEUTENANT GOVERNOR (Vote for ...)		FOR SECRETARY OF STATE (Vote for ...)	
ROBERT BENTLEY		KAY IVEY		JOHN MERRILL	
FOR STATE AUDITOR (Vote for ...)		FOR PSC, Place No. 1 (Vote for ...)		FOR PSC, Place No. 2 (Vote for ...)	
ADAM THOMPSON		JEREMY ODEN		CHIP BEEKER	

THESE OFFICES WILL APPEAR ON REPUBLICAN PRIMARY BALLOTS IN THESE DISTRICTS

FOR UNITED STATES REPRESENTATIVE, 3rd Congressional District (Vote for ...)		FOR UNITED STATES REPRESENTATIVE, 5th Congressional District (Vote for ...)		FOR UNITED STATES REPRESENTATIVE, 6th Congressional District (Vote for ...)	
MIKE ROGERS		MO BROOKS		PAUL DEMARCO	

THE OFFICE AT RIGHT
WILL APPEAR ON THE
DEMOCRATIC
PRIMARY BALLOT
ONLY IN THIS DISTRICT

FOR UNITED STATES
REPRESENTATIVE,
7th
Congressional
District
(Vote for ...)



TERRY SEWELL

If you vote in the districts of these four congressional candidates and are voting in the party primary in which they are running, please vote for these candidates.

VOLUME 14, NUMBER 1
SECOND QUARTER

PUBLISHER:
RICK BROWN

EDITOR:
NANCY KING DENNIS

**ALABAMA RETAIL
ASSOCIATION**

2013-2014 OFFICERS

CHAIRMAN:
GEORGE WILDER

The Locker Room, Montgomery and Auburn

VICE CHAIRMAN:

FREDRICK W. "RICKY" BROMBERG
Bromberg & Co. Inc., Birmingham

PRESIDENT:

RICK BROWN
Montgomery

VICE PRESIDENT:

ALISON WINGATE
Montgomery

TREASURER:

BOB AKERS

Davis Direct, Montgomery

SECRETARY:

VIRGIE TODD
Montgomery

IMMEDIATE PAST CHAIRMAN:

DIANNE WAMMACK
Vestavia Hills

**ALABAMA RETAIL
COMP**

2013-2014 OFFICERS

CHAIRMAN:

KEN HUBBARD

Western Supermarkets, Birmingham

TRUSTEES:

DARRELL BOURNE

Ragland Brothers Retail Cos. Inc., Huntsville

CAREY ROME

Cypress Resources, Birmingham

JIMMY RAY SMITH

Jimmy Smith Jewelers, Decatur

BUD SKINNER

Jubilee Seafood, Montgomery

CRAIG VINSON JR.

Granville Interiors LLC, Montgomery

PHILLIP WEAVER

Buffalo Phil's, Tuscaloosa

FUND ADMINISTRATOR:

RICK BROWN
Montgomery

FUND MANAGER:

MARK YOUNG
Montgomery

ALABAMA RETAIL QUARTERLY is the official publication of the Alabama Retail Association, 7265 Halcyon Summit Drive, Montgomery, Alabama 36117-3502. Telephone (334) 263-5757; FAX (334) 262-3991.

ALABAMA RETAIL QUARTERLY is published four times a year. Views and conclusions expressed in articles herein are those of the authors, not necessarily those of the editors or officers of the Alabama Retail Association. Opinions expressed in this magazine do not necessarily reflect the policies of the Alabama Retail Association.

Advertising: Inquiries should be directed to the Alabama Retail Association. Rates will be furnished on request. The Alabama Retail Association reserves the right to omit any advertising or editorial copy deemed to be unsuitable for publication. Publication herein does not necessarily imply endorsement of any product or service offered.

Postmaster: Send address changes to ALABAMA RETAIL QUARTERLY, P.O. Box 240669, Montgomery, Alabama 36124-0669.

FROM THE PRESIDENT
RICK BROWN



June 3 is a pivotal day for Alabama. By being an active participant in this particular political process, you get to pick our state's leaders for the next four years or longer.

At the top of the ballot, your association and I ask you to vote for Gov. Robert Bentley and Lt. Gov. Kay Ivey, who have proven to be thoughtful, conservative leaders for our state. Bentley, Ivey and four other statewide candidates are recommended on Page 1 of this newsletter. John Merrill for Secretary of State, Adam Thompson for State Auditor, Jeremy Oden for Public Service Commission, Place 1, and Chip Beeker for PSC, Place 2, have what it takes to be an effective public servant. Please consider casting your ballot for them when you go to the polls.

Also on Page 1 of this newsletter are four recommendations for contested congressional seats in the Tuesday, June 3, primaries. If you vote in their districts and in the proper primary, help elect Mike Rogers, Mo Brooks, Paul DeMarco or Terry Sewell.

The 46 recommended legislative candidates on Page 5 have either worked well with your association in the Alabama Legislature or understand the importance of the retail industry to our economy.

Hopefully by now, you have distributed



the 10 Alabama Retail Voter Guides you recently received to your employees, customers and friends. Please share the candidates who are recommended by the political action committees of the Alabama Retail Association with everyone you know. If you need more Voter Guides, please contact Virgie Todd of our staff at vtodd@alabamaretail.org. The guides also are available on our website in the Advocacy section under Elections so you can e-mail them to your staff.

Please do your part to make the voice of retailing heard in the 2014 primaries. Four thousand members employing thousands of registered voters will have an impact on the outcome of the June 3 primaries if we make the retail vote count.

Rick Brown: rbrown@alabamaretail.org

Belk's Clevenger joins board

Jan Clevenger, chairman of the Western Division for **Belk Inc.** (belk.com), has joined the Alabama Retail Association's board of directors.



Belk has been an **Alabama Retail member since 2007.**

Alabama Retail and the University of Alabama at Birmingham School of

Business recognized Clevenger and Belk as the 2013 Gold Alabama Retailer of the Year in the Annual Sales More Than \$20 Million category.

Clevenger, who works out of Belk's Birmingham office, has been in her current position for six years. She joined the company in 2000 as a ladies accessories divisional merchandise manager. Prior to joining Belk, she served 16 years in merchandising and store management positions with Macy's in Atlanta, Ga.

Localities have until July 1 to join back-to-school sales tax holiday

For more information, go to: alabamaretail.org/alabamasalestaxholidays/

Alabama's ninth annual sales tax holiday for school-related items **begins at 12:01 a.m. Friday, Aug. 1, and ends at midnight Sunday Aug. 3**, giving shoppers a three-day opportunity to purchase certain school supplies, computers, books and clothing free of the state's four percent sales or use tax.

In mid-May, the Alabama Retail Association mailed documents to help its members prepare for this potentially revenue-boosting event, including:

- **a poster to help promote the three-day holiday.** Even businesses that do not sell the tax-free items can benefit. Stimulating sales and boosting the statewide economy is what sales tax holiday weekends are all about. Place this poster in the front of your store or near the items that qualify for the tax exemptions. If you need more posters, you can download and print the pdf version from the sales tax holidays page on the Alabama Retail Association's website.



• a Quick Reference Sheet of Exempt Items for the tax holiday.

This is a perfect piece to place beside your cash registers. You might also want to make copies to provide to your customers or post them throughout your store to help your customers understand what is and isn't sales tax free.

During the three-day period, the state's four percent sales tax is waived on:

- **Clothing** priced at \$100 or less;
- **School supplies** priced at \$50 or less;
- **Books** valued at \$30 or less; **textbooks** valued at \$50 or less;
- **And computers and computer equipment** with a selling price of \$750 or less.

Local governments can exempt their sales taxes as well, making the savings even greater and more enticing for the consumer. City councils and county commissions must approve the necessary ordinance or resolution by Tuesday, July 1, to participate in the back-to-school sales tax holiday. According to Alabama Department of Revenue records, a record 281 local governments notified the state of their participation in 2013.

Alabama retailers must participate in the state's sales tax holidays and cannot charge any waived sales taxes on the items that are legally tax-exempt during the tax holiday.

Since the sales tax holiday became law in 2006, it has grown in popularity each year. In the current economic climate, consumers still need savings and an incentive to spend. Alabama's sales tax holidays give them both. The August sales tax holiday will continue to stimulate spending and increase sales on taxed as well as untaxed items.

New look for website

By now, we hope you've discovered the Alabama Retail Association's new easier to navigate website. Check out alabamaretail.org and tell us what you think.

The home page features rotating photos of members in their businesses including Chairman George Wilder, top right, at The Locker Room in Montgomery. The center section of the home page is devoted to the latest news and updates to the site.

New features on the site include the Find a Provider map in the Workers' Comp section. This new tool helps members with our workers' compensation coverage find industrial medicine providers.



Bookmark alabamaretail.org

Another new feature is a workplace safety training library under Resources (See Page 12). All of your benefits and services are easily accessible on the new site, including credit-card processing, discounted shipping and online training.

We did it all so you can better **Benefit from the Value** of your membership. Look for future updates to this newsletter and other membership materials.



Be prepared to show your ID at the polls June 3

To learn more, visit: <http://www.alabamavotes.gov/VoterID>

Under Alabama's new voter laws, residents heading to the polls for the June 3 primary are required to present valid photo identification in order to vote.

The types of ID accepted under the voter ID law are a valid:

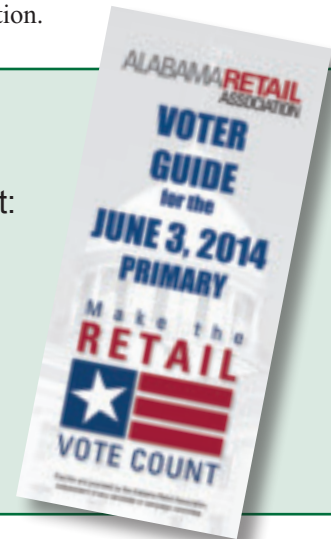
- Driver's license or non-driver ID card
- A photo voter ID card or other valid ID card issued by any state or the federal government.
- U.S. passport
- Government employee ID card with a photo

- Student or employee ID card issued by a college or university in the state, provided it includes a photo
- U.S. military ID card containing a photo
- Tribal ID card containing a photo

Voters without one of the approved forms of photo identification are eligible to receive a free Alabama photo voter ID. Residents can go to their county public safety office to get a free non-drivers identification card or to their local board of registrars' office for a free photo voter ID. In both places, voters will be required to show proof of identification, as well as a form verifying that they do not already have one of the accepted forms of identification.

For **FREE** 2014 Alabama Retail Voter Guides to distribute to your employees and associates, please contact **Virgie Todd** at: **1-800-239-5423** or **(334) 551-0647** or vtodd@alabamaretail.org

The guides also are available online for you to email to your friends and staff. Go to **Elections** under **Advocacy** at alabamaretail.org



Three legislative vacancies filled in 1st quarter

Democrat Anthony "Alann" Johnson, executive director of Leadership Jefferson County, was elected April 1 and sworn in April 2 as the Alabama House District 53 representative. Johnson will serve through Nov. 4 and only served two days in the House chambers before the 2014 regular session adjourned. The district shifts to the Huntsville area under the latest redistricting plan. Johnson is not seeking a legislative seat in the June primary. He will complete the term of the late Rep.

Demetrius Newton Sr., D-Birmingham, who died in September 2013.

Republican Margie Wilcox, an airport shuttle service owner, now represents Mobile's House District 104. Wilcox replaced Rep. Jim Barton, R-Mobile, who resigned in August 2013.

Retiree and timber farmer Mike Holmes, also a Republican, represents House District 31, which covers most of Elmore and Coosa counties. He replaced Rep. Barry Mask, R-Wetumpka, who resigned in September 2013.

Wilcox and Holmes were elected Feb. 4, were sworn in Feb. 6 and began serving immediately in the Alabama Legislature. Both will serve a full four-year term starting in November as they are running unopposed in the upcoming primary and General Elections.

All 140 legislative seats are up for election this year under a new district map. The primary is set for June 3, and the General Election will be Nov. 4. **See Legislator Voter Guide on Page 5.**

Alabama Legislature enacts laws with summer effective dates

June 1

- Cottage food production operations are exempt from obtaining a food service permit from a county health department. Such operations produce a baked good, a canned jam or jelly, or a dried herb or herb mix or a candy

for sale where the baker/producer resides, has an annual gross income of \$20,000 or less and sells only directly to consumers, not on the Internet. Food must be labeled as not having been inspected by the Alabama Department of Public Health.

July 1

- Sales tax is owed on prepaid wireless services and other digital products and content that are paid for in advance and sold in predetermined amounts.
- Attorney general to investigate patent troll complaints.

Aug. 1

- Retailers collecting less than \$2,500 in state sales taxes on average each month do not have to estimate their sales tax obligation in advance, only remit taxes collected after the fact.

More laws on Pages 6 and 7

2014 LEGISLATOR VOTER GUIDE

PRIMARY BALLOT
JUNE 3, 2014

THESE OFFICES WILL APPEAR ONLY ON BALLOTS
IN THE REFERENCED DISTRICTS AND PRIMARIES

FOR STATE SENATOR
(Vote for ...)

District 2: **Bill Holtzclaw** (R)
District 4: **Paul Bussman** (R)
District 7: **Paul Sanford** (R)
District 8: **Steve Livingston** (R)
District 12: **Del Marsh** (R)
District 13: **Gerald Dial** (R)
District 21: **Gerald Allen** (R)
District 27: **Tom Whatley** (R)
District 30: **Clyde Chambliss** (R)
District 31: **Jimmy Holley** (R)



FOR STATE REPRESENTATIVE
(Vote for ...)

District 5: **Dan Williams** (R)
District 9: **Ed Henry** (R)
District 12: **Mac Buttram** (R)
District 13: **Bill Roberts** (R)
District 14: **Richard Baughn** (R)
District 16: **Kyle South** (R)
District 17: **Mike Millican** (R)
District 22: **Wayne Johnson** (R)
District 23: **John Robinson** (D)
District 24: **Nathaniel Ledbetter** (R)
District 26: **Kerry Rich** (R)
District 35: **Steve Dean** (R)
District 37: **Bryant Whaley** (R)
District 38: **Randy Price** (R)
District 42: **Kurt Wallace** (R)
District 43: **Doug Clark** (R)
District 46: **Steve French** (R)
District 47: **Jack Williams** (R)
District 52: **John Rogers Jr.** (D)
District 54: **Patricia Todd** (D)
District 55: **Rod Scott** (D)
District 59: **Mary Moore** (D)
District 60: **Juandalynn Givan** (D)
District 61: **Alan Harper** (R)
District 62: **Rich Wingo** (R)
District 64: **Harry Shiver** (R)
District 71: **A.J. McCampbell** (D)
District 72: **Ralph Howard** (D)
District 73: **Matt Fridy** (R)
District 79: **Mike Hubbard** (R)
District 80: **Lesley Vance** (R)
District 90: **Charles Newton** (R)
District 91: **Barry Moore** (R)
District 99: **James Buskey** (D)
District 101: **Chris Pringle** (R)
District 102: **Jack Williams** (R)

Distribute provided Voter Guides

The Alabama Retail Association recommends the candidates listed at the top of this page and on Page 1 as the best choices for retailers in the 2014 primary elections.

By now, each Alabama Retail Association member location should have received 10 state Voter Guides to distribute to employees, associates, friends and family members. Please share these prior to the primary. No adverse action should be taken against any employee based on his/her political views. Recommended congressional candidates were included on a postcard sent to each member location.

2014 ELECTION CALENDAR

All 140 legislative seats, seven congressional races plus a host of statewide positions will be on the ballot in June and November. Make certain these dates are on your calendar and that you are communicating with your employees and customers about the 2014 elections. For more, see [Elections](#) in the [Advocacy](#) section of [alabamaretail.org](#).

May 23	Voter registration deadline for the primaries	July 14	Completed absentee ballots due for primary runoffs
May 29	Absentee ballot applications due for the primaries	July 15	Primary Runoff
June 2	Completed absentee ballots due for the primaries	Oct. 24	Voter registration deadline for General Election
June 3	Primary	Oct. 30	Absentee ballots due for General Election
July 3	Voter registration deadline for primary runoffs	Nov. 3	Completed absentee ballots due for General Election
July 10	Absentee ballots due for primary runoffs	Nov. 4	General Election

Polls open 7 a.m. - 7 p.m.

ALABAMA **RETAIL** ASSOCIATION 2014 LEGISLATIVE

For more details, go to 2014 Regular Session Wrap-Up under Capitol Retail Reports in the Advocacy section of www.alabamaretail.org

In the final year of the quadrennium with minimal conflict, lawmakers ended the Alabama Legislature's regular session early while enacting some substantial legislation significant to retailers. No legislation Alabama Retail actively opposed became law. For 71 years Alabama Retail has advocated for legislation that benefits your business, while protecting retailers from potentially damaging legislation. During the 2014 regular session, your association kept you posted on 125 retail-related bills in its weekly e-newsletter, Capitol Retail Report. When the 2015 regular session begins Tuesday, March 3, your Alabama Retail governmental affairs team will be there again benefiting you.

NOW LAW



PHOTO BY SARAH LOICANO

Business leaders including Alabama Retail executives surround the governor at the Taxpayer Fairness Act signing in March.

INDEPENDENT TAX APPEALS COMING OCT. 1

As of Oct. 1, Alabama becomes the 32nd state with an independent tax appeals process. The Taxpayer Fairness Act of 2014 removes the tax appeals process from the collecting authority. The chief judge in what could become a three-judge tribunal is to be in place by July. The Alabama Retail Association and 26 other members of the Business Associations' Tax Coalition advocated for this landmark legislation. Learn more at:

alabamaretail.org/news/taxpayer-fairness-act-2014/

SMALLEST RETAILERS TO REMIT SALES TAXES AFTER THE FACT AS OF AUG. 1

Starting Aug. 1, retailers collecting less than \$2,500 in state sales taxes on average each month (about \$62,500 in monthly sales) no longer have to estimate their sales tax obligation in advance. At least 4,000 small retailers will see one-time tax relief of up to \$2,500 under the Small Business Tax Relief Act, a part of Alabama Retail's 2014 State Legislative Agenda. Those between the previous \$1,000 and the new \$2,500 average monthly state sales tax collection threshold effectively will skip a month (August) of making estimated sales tax payments and instead will start remitting actual taxes collected. August sales taxes will be due in September.

NO MORE CONFUSION: SALES TAXES DUE ON PREPAID WIRELESS SERVICE

As of July 1, Alabama's sales tax law related to prepaid wireless services will be updated for the 21st century. The new law makes it clear that even in the absence of a physical card, sales tax is owed on prepaid wireless services. The law also adds definitions to match today's technology to include other digital products and content that are paid for in advance and sold in predetermined amounts that the consumer can use until the amount is consumed. The updates apply to all open tax periods.

BAD CHECK LAW TO EXTEND TO ELECTRONIC VERSIONS

Starting July 1, anyone passing electronic drafts knowing that the funds are not in place to cover the draft will be subject to the same penalties as when presenting a bad check. The Worthless Check Law section of your *Retailer's Guide* has been updated at alabamaretail.org/resources/retailers-guide/worthless-check-laws/

BETTER BUSINESS LICENSE IDENTIFICATION BEGINS OCT. 1

Starting Oct. 1, those applying for or renewing a business license will have to include their business federal identification number or a Social Security number as a first step toward county/state business license reform.

AG TO COMBAT PATENT TROLLS

Starting July 1, Alabama's attorney general will investigate complaints against those who assert patent infringement in bad faith. Entities that do not produce or sell any products or administer services but are created solely to generate a revenue stream from patents are known as patent trolls. The Alabama Retail Association continues to be a part of the Main Street Patent Coalition, which seeks to stop frivolous lawsuits filed against restaurants, supermarkets, hotels and other brick-and-mortar businesses by patent trolls, or patent-assertion entities.

SHORT FORM BUSINESS PERSONAL PROPERTY RETURNS COMING IN FALL

By Oct. 1, small businesses that have filed an itemized personal property tax return that included \$10,000 or less in total property

THE SESSION MORE SUBSTANTIVE

acquisition costs in the previous tax year can use a new short tax form. When using the short form, \$10,000 would be used by the local tax assessor as the market value when calculating taxes due, rather than an itemized return. The average tax liability would be less than \$100 for businesses in most localities. By Oct. 1, 2016, businesses will also have the option of filing business personal property tax returns online, giving business owners a one-stop-shop for submitting those taxes to each of Alabama's 67 counties.

REVENUE DEPT. CAN SUSPEND ADMINISTRATIVELY COSTLY TAXES

Starting July 1, the Alabama Revenue Department can suspend the collection of a tax or fee when the administrative costs of collecting exceed the collection amount for each of the previous three fiscal years. Alabama's tax on playing cards may be one of the first taxes to be suspended by administrative rule.

STATE AGENCIES CAN BUY FROM RETAILERS OUTSIDE BID PROCESS

State agencies can now purchase personal property valued under \$15,000 from retailers or vendors within Alabama that are not on the statewide contract or bid list. To be able to purchase off the bid list, the purchase price must be at least 10 percent less than the statewide contract price, and it must be a market price readily available to the public at large. The offer also must conform to the terms and conditions of the statewide contract and the Division of Purchasing must certify that the offer satisfies the criteria before any purchase can be made.

NO LOCALLY MANDATED LEAVE TIME FOR ALABAMA'S PRIVATE EMPLOYEES

Alabama cities and counties now cannot pass laws that would require an employer to grant vacation or other leave time that is not required by state or federal law.

TOBACCO TAX ENFORCEMENT OVERHAUL EFFECTIVE OCT. 1

By Oct. 1, retailers must begin maintaining 90 days of computer or machine-generated invoices for tobacco products bought for sale in their stores with the tobacco tax stated separately. After 90 days, the records must be maintained for three years from the date of purchase in a location of their choice.



NOT LAW

CATFISH ORIGIN NOTIFICATION AS IS

Legislation that would have required restaurants, grocery delis and other food service establishments to notify customers of the country of origin for the entire catfish species order, Siluriformes, on menus died this session. Federal and state law defines catfish as only those fish belonging to the Ictaluridae family, or North American catfish. Anything else advertised or labeled as catfish is considered fraud. Food service establishments already have to post the country of origin of catfish served on either the menu, table tops or a sign in plain view. State officials report no violations of that 2009 law.

MINIMUM WAGE REMAINS SAME

Two bills to create a minimum wage in Alabama never made it out of committee. One would have created an hourly minimum wage of \$9.80 by Jan. 1, 2016, while the other called for a \$12 state hourly minimum wage. Alabama uses the minimum wage set by federal law.

NO FACTOR PRESENCE NEXUS

Legislation that would have established a factor presence nexus standard for business activity for income tax purposes in Alabama died in committee. The legislation would have made Alabama's standard for establishing substantial nexus different than any other Southern state and the majority of the other U.S. states.

LIKELY TO REAPPEAR

BUSINESS LICENSE AND WORKERS' COMP REFORM TO RETURN IN 2015

The Legislature took a small step this session toward simplifying and streamlining Alabama's business license system, a tenet of the Alabama Retail Association's 2014 legislative agenda. Expect major reform legislation for Alabama's cumbersome and confusing county/state business licensing system to be introduced in 2015.

Although workers' compensation reform legislation, which had been introduced in 2013, did not reappear this year, a strong possibility exists for such legislation in 2015. Alabama Retail will continue to monitor the progress of any efforts to manage workers' compensation costs more effectively.

AMOUNT THAT QUALIFIES AS SMALL CLAIMS COULD INCREASE IN 2015

Legislation to double the amount of claims that can be settled in small claims court, only needed House approval to become law. It would have increased the jurisdiction of the small claims division of Alabama's district courts to cover all cases in which the amount in controversy is \$6,000 or less. The small claims division will continue to oversee controversies involving \$3,000 or less until this legislation is passed, perhaps in 2015.

NEW MEMBERS

WELCOME TO
ALABAMA RETAIL

302 Rosie's LLC	Huntsville	Coblentz Equipment & Parts Co. Inc.	Montgomery	HD Entertainment Inc.	Birmingham
ABC to Z Inc.	Huntsville	Coffee Pro Inc.	Mobile	HoHo's LLC	Cottondale
ACIPCO Dental Group P.C.	Birmingham	Consolidated Financial Group LLC	Tusculmbia	Hometown Market of Limestone County Inc.	Cullman
ACIPCO Medical Group Inc.	Birmingham	Coppoletta Cuisine LLC	Fairhope	Hong Tao Inc	Tuscaloosa
Alabama Orthopedic Clinic P.C.	Mobile	Country Cafe Family Restaurant	Haleyville	Hooka's Lounge LLC	Bloomfield Hills
Alexandria Family Dentistry LLC	Alexandria	Cove Investment Group LLC	Harvest	Hopper's Family Pharmacy LLC	Cullman
Andalusia Animal Clinic P.C.	Andalusia	Crimson Hospitality LLC	Tuscaloosa	Huntsville Brewery Inc.	Huntsville
Anden Inc.	New Market	Crimson Moon LLC	Glencoe	Huntsville Country Club Inc.	Huntsville
Anderson-Robertson, D.M.D. P.C.	Montgomery	D and R Sales LLC	Hanceville	Ichiban AL LLC	Guntersville
Angel Mashburn LLC	Anniston	Deep South Vape LLC	Mobile	Icing On The Cake, Inc	Auburn
Anthony P. Swindall	Troy	Denton Dental of Foley PC	Fairhope	Imagine That LLC	Florence
Aquarium Fantasies Inc.	Montgomery	Discover Partners, LLC	Montgomery	Integrity Restaurant Group LLC	Cullman
Arsha Inc	Huntsville	Downtown 319 Group LLC	Jasper	Ivywood Florist Inc.	Enterprise
Artistic Discovery LLC	Athens	DRK Chemical Products Co. Inc.	Daphne	J & H Properties, LLC	Selma
Auto Specialties of Alabama Inc.	Albertville	E. Martinez, LLC	Birmingham	J. L. Enterprises LLC	Calera
Bama Fever Inc.	Pelham	Earl Travis	Selma	J. Rodgers LLC	Saraland
BAMTEX Leisure LLC	Vestavia	East Claiborne Co. LLC	Monroeville	JADSEC LLC	Montgomery
Basil LLC	Birmingham	Eastern Shore Cosmetic Surgery P.C.	Mobile	Jai Mata Di LLC	Enterprise
Beaty Drug Co. Inc.	Jasper	Eastern Shore Heart Center Inc.	Fairhope	Jay Krishna, Corp. Inc.	Thomasville
Benefit Planners Inc.	Greenville	Eat! Orange Beach Inc.	Orange Beach	Jayco Enterprises Inc.	Sulligent
Best Buy Automotive & Tires LLC	Montgomery	Ed Squared Leasing Inc.	Prattville	JD Chandler and Associates LLC	Mobile
Bhadu LLC	Andalusia	ElleTay Inc.	Tusculmbia	JMBL Inc.	Albertville
Bhavani Inc.	Mobile	Employment Screening Services Inc.	Birmingham	John A. Buettner, D.M.D. P.C.	Montgomery
Big Mike's Restaurant LLC	Thomasville	Escape, A Therapeutic Day Spa LLC	Homewood	Jose Daniel Maciel	Camden
Birmingham Bicycle Co. Inc.	Birmingham	Eternal Networks, LLC	Montgomery	Joseph D. Barlar, O.D. P.C.	Mobile
Bonner's Inc.	Tallassee	Fagan LLC	Birmingham	JPMU LLC	Auburn
Boss Wings IX LLC	Southaven	Fast Lane Inc.	Boaz	JT Foods LLC	Dothan
BP Northport Inc.	Dothan	FBC Co. LLC	Montgomery	Just Weight Supermarkets LLC	Arab
Brandon Jones Inc.	Boaz	FDI LLC	Selma	Kandy Cakes LLC	Auburn
Brooks and Collier Inc.	Huntsville	Fish Creel LLC	Anderson	KBC Butcher Block & Market LLC	Dothan
Bryars-Warren Drug Co. LLC	Enterprise	Food Barn LLC	Ragland	KC Athens LLC	Huntsville
Byron Investments, LLC	Thomasville	FoodBar LLC	Birmingham	Kemper Industries Inc.	Daphne
C & M Sporting Goods Inc.	Dothan	Forest Hills Garage Inc.	Montgomery	Kevin M. Sims, D.M.D., M.S. P.C.	Birmingham
Capital Tractor Inc.	Montgomery	Fred's, LLC	Ardmore	Key Hotels of Atmore II LLC	Atmore
CarePlus Family Medical LLC	Albertville	G Rule BBQ McNorton LLC	Pelham	Key Hotels of Atmore LLC	Atmore
Carousel Skate Center Inc.	Huntsville	Gary's Place LLC	Jackson	Key Hotels of Brewton II LLC	Brewton
Cater Enterprises LLC	Mountain Brook	Gateway Group LLC	Guntersville	Key Hotels of Brewton, LLC	Brewton
CB Rentals Inc.	Prattville	George Otto Inc.	Vandiver	Khilwat LLC	Vestavia Hills
CBGB Inc.	Birmingham	GF Property LLC	Birmingham	Killion Restaurants Inc.	Tuscaloosa
CCAM Troy LLC	Arlington	Grants Mill Animal Hospital LLC	Irondale	KKP Holdings LLC	Cullman
Certified Auto Center LLC	Mobile	Great Western Co. LLC	Hollywood	Krush Boutique LLC	Tuscaloosa
ChakRita LLC	Mobile	Greater Mobile Laser and Aesthetic Center P.C.	Mobile	L & N Enterprise LLC	Suwanee
Charles & Lisa Goodman	Florence	Green Enterprises, L.L.C	Union Springs	LA Foods South LLC	Daphne
Christ Church	Montgomery	GrimTek Inc.	Northport	La Perla Nayarita LLC	Birmingham
Christopher Romei	Leeds	Gulf Coast Hospitality LLC	Foley	La Rosso LLC	Daphne
Citizens' Bank Inc.	Robertsdale	Gulf Coast Surgical Partners LLC	Mobile	Las Tarascos Grille, LLP	Northport
City Bank of Hartford	Hartford	Hacienda Mexican Grill Inc.	Birmingham	Little Red Dog Enterprises Inc.	Cullman
Civil Group LLC	Muscle Shoals	Hacienda San Antonio Inc	Wedowee	Los Abuelos LLC	Ohatchee

NEW MEMBERS

WELCOME TO
ALABAMA **RETAIL**

Lunation LLC	Enterprise	PARCM Enterprises LLC	Vestavia Hills	South Baldwin Retail Inc.	Foley
Lusk & Lusk Attorneys At Law	Guntersville	PB's BBQ and Southfolk Restaurant LLC	Huntsville	South China Restaurant Inc.	Mobile
M. Dale Williams, D.M.D., P.A.	Birmingham	PBTALA LLC	Montgomery	South DeKalb Family Medical Associates P.C.	Crossville
M.M.I. Pie LLC	Montgomery	PCD Pharmacy LLC	Birmingham	Southern Home Inc.	Mobile
M2 Enterprises Inc.	Tuscaloosa	Peak Performance Rehab LLC	Florence	Sprayberry Orthodontics P.C.	Auburn
Madison Southwest Grill LLC	Vestavia Hills	Pemonroeville LLC	Monroeville	Steve Burden	Town Creek
MAFJ LLC	Baileyton	Pepperell Primary Care P.C.	Opelika	Stone Equipment Co. Inc.	Montgomery
Magnolia Furniture Inc.	Theodore	PetSmart	Montgomery	Street's Inc.	Bay Minette
Maha Laxmi, LLC	Clanton	Phil's Foods LLC	Warrior	Sub32481 Inc.	Gadsden
Marc Robillard	Birmingham	Physicians Resource Group LLC	Dothan	Sunny North Alabama LLC	Huntsville
Marian L. Dominick	Mobile	Piggly Wiggly - Dadeville Inc.	Dadeville	Sykes Neurology P.C.	Birmingham
Maruti Inc.	Phenix City	Pink Inc.	Mobile	T. Wayne's BBQ Smokehouse LLC	Vestavia
Mayuri Hospitality LLC	Mobile	PoBoys Cajun Grill LLC	Florence	TAJ International LLC	Dothan
McEnally's Mercantile LLC	Clay	Porter Builders/Planet Beach, LLC	Summerdale	Tearza Olson	Gardendale
McKee & Associates Architecture and Interior Design Inc.	Montgomery	Public House LLC	Birmingham	Techway Automotive LLC	Dothan
Media Solutions Inc.	Pelham	Pure Barre Auburn LLC	Auburn	The Barrentine Co., LLC	Arley
Metro Oral and Maxillofacial Surgery Inc.	Dothan	R & F Foods of Alabama Inc.	Waynesboro	The Big Chief LLC	Glencoe
Michelle Hallmark	Jasper	R & S Puravida LLC	Mobile	The Big Easy Restaurant & Bar LLC	Athens
Mike and Ed's BBQ of Smiths LLC	Smiths	Rajshyama LLC	Adamsville	The Chamber of Commerce of Walker County Inc.	Jasper
Millar MultiMedical LLC	Huntsville	Ramrap LLC	Gadsden	The Fish Hook LLC	Bessemer
Montgomery Eye Care Associates LLC	Montgomery	Rangmahol LLC	Adamsville	The Masterson Law Group Inc.	Daphne
Montgomery Psychiatry P.C.	Montgomery	Ravizee and Harris P.C.	Birmingham	The Montgomery Co. Inc.	Opelika
Moore's Mill Club, LLC	Auburn	RBP Investment LLC	Mobile	The Neil Byrd Co. LLC	Bessemer
Morton LLC	Hoover	Red's Little School House Restaurant, LLC	Grady	The Old Mill Restaurant Inc.	Dothan
Mortons Motorcycle and ATV, Corp.	Semmes	Rejuvenation Wellness Center LLC	Homewood	The Purple Onion-Southside, LLC	Birmingham
Mullins Restaurant Co. LLC	Greenville	Robert Ditto	Union Grove	The Reeves Group LLC	Shelby
Mutual Savings Credit Union	Birmingham	Robert L. Golden and Carolyn E. Golden	Deatsville	The Save-On Group LLC	Fairhope
Neap Tide LLC	Mobile	Roger A. Barlow, CPA P.C.	Birmingham	The Shelby Group, LLC	Birmingham
Neha Investment Inc.	Mobile	Safford Tire & Hardware, LLC	Safford	The V Inc.	Birmingham
New Market Healthcare LLC	Athens	Saint Clair Foods, LLC	Ashville	Therapy South - Auburn LLC	Birmingham
New No 1 Buffet 8888 Inc.	Eufaula	Sand Mountain Cycle, LLC	Albertville	Therapy South - Hueytown LLC	Birmingham
Nightwing Restaurants LLC	Mobile	Sandra's Place Inc.	Fairhope	Therapy South - Trussville LLC	Birmingham
Niki's Finley Avenue Inc.	Birmingham	Sandwich Farm LLC	Huntsville	Tortilla House Grill Inc	Decatur
Nine Two Five LLC	Alabaster	Saraland Physical Therapy Services Inc.	Saraland	TP Donuts LLC	Fultondale
Norris Chiropractic LLC	Brent	Sasal Inc.	Cottondale	Truly Cigars of Alabama Inc.	Bogart
North Alabama Medical Group, LLC	Huntsville	Save More Family Market LLC	Somerville	Urgent Care of Alabama LLC	Gardendale
Northside Pharmacy LLC	Russellville	Savita Hospitality LLC	Pelham	Veet's Inc.	Mobile
NTB Restaurant Group LLC	Montgomery	Schneider Autohaus LLC	Florence	VentureNet, LLC	Birmingham
Odalys Vargas	Wedowee	Scottsboro Bruce, Inc	Rainsville	W. H. Wright Holdings, Incorporated	Tuscaloosa
Off Shore Vending Inc.	Calera	Scroggins LLC	Meridianville	Walker's Carryout Inc.	Laceys Spring
Olio LLC	Madison	Shri Nijanand LLC	Adamsville	Warner Lodge LLC	Tuscaloosa
Opelika Dixie-Youth Baseball Association Inc.	Opelika	Shri Raj Inc.	Adamsville	Warren Myers LLC	Tuscaloosa
OPH-BHM Inc.	Birmingham	Shri Shamaji LLC	Adamsville	Weaver Food Corporation	Birmingham
Organic 363 LLC	Starkville	Shyamshyama LLC	Adamsville	Wholesome Living Inc.	Huntsville
Oscar Amaya Enterprises Inc.,	New Brockton	Singing River Healthcare LLC	Florence	Williams Animal Hospital Inc.	Montgomery
OWCO Inc. LLC b/b/a Pig Stand	Hartselle	SL Restaurant LLC	Montgomery	Wood Family Eye Care, LLC	Springville
Paramount Downtown LLC	Birmingham	Slice LLC	Birmingham	Yum Yum Tree LLC	Albertville
		Song Eye Center, PC	Selma		

Workplace issues employers could face in 2014

By Richard I. Lehr

Retailers should brace themselves for a challenging year in 2014 from workplace regulatory agencies and plaintiffs' attorneys. Four major areas of focus involve Equal Employment Opportunity Commission developments, National Labor Relations Board initiatives, increased wage and hour litigation and Occupational Safety and Health Administration enforcement initiatives.

Equal Employment Opportunity Focus

During the 2013 fiscal year, the EEOC collected the highest amount of financial relief ever for charging parties: \$372.1 million. A total of 93,727 discrimination charges were filed during its fiscal year, which ended Sept. 30, a decline of some 6,000 charges from the prior year.

The EEOC's major area of emphasis involves Americans with Disabilities Act issues, particularly termination of employment if an employee is unable to return to work from Family and Medical Leave Act or if an employee requests medical leave but does not qualify for FMLA. Another area of ADA emphasis involves the adequacy of an employer's "reasonable accommodation" dialogue with an employee. An employer failing to engage in a bona fide reasonable accommodation analysis and discussion risks an ADA violation if the employee's medical condition is not accommodated. We also expect plaintiffs' attorneys to continue to litigate over employer compliance with ADA premises accessibility obligations.

NLRB

Other than grocery stores, retailers in Alabama generally have not faced unionization attempts. A retailer's warehouse or distribution operations are more likely to face a union organizing effort than its stores. However, the National Labor Relations Board will pursue changes



Richard Lehr

to the election process to make it easier for employees to unionize. For example, at one retailer in New York, the shoe department alone was considered an appropriate group of employees to decide whether they wanted to unionize. Historically, if a particular department of the store were interested in unionization, retailers could include departments where employees were not interested and thus defeat the unionization effort. That is no longer a certain outcome. The NLRB will push for quick elections, which will help unions.

Wage and Hour

The No. 1 employment class action claim filed over the past several years has been wage and hour. Wage and hour violations usually involve several employees. For example, if there is an allegation that a restaurant improperly applied the tip credit, then the backpay risk is not for one server, but for all servers for up to a three-year period. The most common wage and hour violation is failure to pay overtime properly. Of all wage and hour cases from Jan. 1, 2013, through Sept. 30, 2013, 40 percent involved a claim of improper overtime payments. Seventeen percent involved claims of misclassifying employees, such as treating someone as an exempt manager when that individual did not qualify under wage and hour law, and 16 percent involved missed meals and breaks or improper docking for

a break. Another 16 percent of all claims involved working employees off the clock. Only two percent of all claims involved tip pooling issues, four percent involved minimum wage violations and four percent involved donning and doffing violations. Retail and financial services are the two industries where wage and hour claims are most prevalent. Thus, Alabama retailers should do their own preventive analysis for wage and hour compliance purposes.

OSHA

The cost of OSHA citations has more than doubled during the past few years. A common area of OSHA focus for retail involves the adequacy of emergency exits. Also, employees in retail are more likely to be subjected to inappropriate third-party behavior compared to employees in manufacturing or other industries without direct contact with the public. OSHA will also consider an employer's attempt to address and diminish the risk of workplace violence, whether employee-to-employee, customer-to-employee, or stranger-to-employee.

The Alabama Retail Association offers several human resources tools to assist its members to minimize the risk of employment disputes from arising. Become proactive to be sure that your company is not among those distracted by employment disputes during 2014.

Richard Lehr is a founding partner with the Birmingham labor and employment law firm, **Lehr Middlebrooks & Vreeland, P.C.**, which provides information for the Alabama Retail Association's Employment Law Resource Center. The firm represents employers exclusively regarding workplace matters. As an Alabama Retail member, another **BENEFIT FROM THE VALUE** of your membership is access to the Employment Law Hotline operated by LMV. Be sure to identify yourself as an Alabama Retail member calling the Employment Law Hotline to receive FREE advice. For the hotline number and other employment law resources, go to alabamaretail.org/benefits/employment-law-resource-center/



Expect Alabama economy to grow in 2014

By Sarah Loicano

Alabama's economy should see continued positive growth of about 2.4 percent as 2014 progresses, according to an updated forecast released in April by the University of Alabama's Center for Business and Economic Research.

If the economic growth continues as forecasted, Alabama could see an additional 25,000 payroll jobs added in 2014, with the majority of those hiring gains in the services and retailing sectors.

In a separate, earlier 2014 economic forecast, the National Retail Federation projected a 4.1 percent increase in national retail industry sales, excluding automobiles, gas stations and restaurants. The NRF also anticipates online sales to grow between 9 percent and 12 percent over the next year.

Alabama's retail trade sector also is expected to see modest gains in 2014. Overall, purchases of durable goods are expected to increase by more than 6 percent, with sales of furniture and household equipment growing by 5 percent. Food and beverage sales should increase about 1.5 percent; while clothing and footwear sales could potentially see a 3 percent increase. Together, this will contribute to a 1.1 percent rise in employment in the retail trade sector. As of late 2013, the retail industry employed 224,500 and

January:	\$3.6B in Sales	▼	3.27%
Contributors: Winter storms and lack of national championship team			
February:	\$4.21B in Sales	▲	3.38%
Best February on record in Alabama			
March:	\$4.52B in Sales	▲	2.75%
Best Alabama sales month since November 2007			
Increases and decreases from same month year previous.			
SOURCE: Alabama Department of Revenue's Revenue Abstract			

accounted for 11.9 percent of total nonfarm employment, according to CBER's 2014 Alabama Outlook.

National and regional financial experts are modestly optimistic, predicting the state's economy to grow at an average rate of 3 percent, making 2014 Alabama's best financial year since the recovery began. David Atlig, executive vice president and director of research at the Federal Reserve Bank of Atlanta, said the fiscal woes of 2013, caused by sequestration and federal budget issues, will not be repeated.

"The policy uncertainty has moderated, we have a budget deal and there won't be another shutdown," Atlig said. Uncertainty has been "significantly diminished," he said.

Atlig added Alabama's economy would comfortably sustain the positive growth trend for the next several years, however, the state's private contractors and government facilities engaged in defense-related projections are expected to be

cautious about hiring and investment until federal spending and deficit reduction issues are resolved.

While employment and certain industry sectors are expected to see gains, experts advise there are some areas that are cause for concern. Consumer spending is holding steady, but income growth is not corresponding; people are spending at a faster pace than their income, which Atlig said is not sustainable. Additionally, a decreasing labor force, which is contributing factor to falling unemployment rates, needs to be addressed. Lower labor force participation is partly due to increases of individuals retiring, becoming disabled or attending school. Federal Reserve policy is expected to remain accommodative until the unemployment picture improves.

Among the factors contributing to the positive national retail outlook is higher inflation, an improving housing sector, recovering labor market and above average economic growth.

Overall, experts are calling for a positive 2014 forecast for Alabama, which has been listed as a top state for doing business and in small business friendliness by the Kauffman Foundation.

Uncertainty has been significantly diminished, said David Atlig, executive vice president and director of research at the Federal Reserve Bank of Atlanta, pictured at right.

Alabama's Center for Business and Economic Research projects 2.4 percent economic growth for Alabama in 2014 with the expectation of 25,000 jobs being added this year.



Sarah Loicano, who is seeking her master's degree in public relations at Auburn University, served as an Alabama Retail Association intern from January through April.



Please send address corrections to:

ALABAMA **RETAIL** ASSOCIATION

Attn: Virgie Todd
7265 Halcyon Summit Dr.
P.O. Box 240669
Montgomery, Alabama 36124-0669

PRESORTED STD
US POSTAGE
PAID
PERMIT #198
MONTGOMERY, AL

© 2014, Alabama Retail Association. All rights reserved.

Safety Training Library is now available on Alabama Retail's website



As an added benefit to members, Alabama Retail Comp now offers free workplace safety tools via our Safety Training Library under **Resources** on our website:

alabamaretail.org

Workplace safety doesn't have to be costly or confusing. As a member of the Alabama Retail Association, you are eligible for up-to-date, easy to understand safety materials and helpful safety tips at no additional cost.

Visit the library to find topics covering more than 30 safety issues, from identifying workplace hazards to improving employee health and wellness. These training tools can be downloaded and shared with employees, as well as customized to fit your specific business needs.

Alabama Retail is proud to introduce

this valuable resource designed to help reduce workplace accidents and keep your employees as safe as possible. Additional training materials will be added periodically, so check back regularly.

For certain topics, supplemental training materials, including handouts, employee quizzes and trainer notes are available upon request. For additional training tools, please e-mail **Tessa Lowery** at:

tessa@alabamaretail.org

To use the Alabama Retail Safety Training Library, you will need Power Point or Power Point Viewer. If you do not have Power Point installed, you can download Power Point Viewer for free in the Resources section of alabamaretail.org under Workplace Safety and start using the Alabama Retail Safety Training Library today!



**Alabama Retail
Safety Training Library**
now available
in the **RESOURCES** section
of alabamaretail.org under
WORKPLACE SAFETY
Visit Today!