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THE OFFICIAL  
PUBLICATION OF THE  
ALABAMA RETAIL  
ASSOCIATION

*THE VOICE  
of Retailing in Alabama*

# ARA

ALABAMA RETAIL  
ASSOCIATION

## GOVERNOR SUPPORTS ARA'S SCHOOL SALES TAX HOLIDAY BILL

Gov. Bob Riley propelled the top item on the Alabama Retail Association's 2006 Legislative Agenda from important to high profile when he included it in his State-of-the-State Address on Tuesday, Jan. 10.

ARA first proposed a back-to-school sales tax holiday in the 2005 legislative session, but the legislation moved too late in the session to make it through the process. Since that time, your governmental affairs staff worked diligently to gain the governor's endorsement of this legislation by discussing its importance to Alabama retailers, Alabama parents and Alabama consumers with the governor's staff and Finance Director Jim Main. That hard work paid off on the first day of the regular session as the governor devoted a segment of his half-hour State-of-the-State to the sales tax holiday.

"As parents and grandparents buy school supplies, let's ease their tax burden," Gov. Riley told Alabama lawmakers. "I ask you to approve a state sales tax holiday to help families with back-to-school expenses."

Following the governor's remarks, ARA provided every major newspaper and media outlet in the state information about **HB 228** by Rep. Mac Gipson, R-Prattville, which sets aside the first full weekend in August (Friday, Saturday and Sunday) for the sales tax holiday. Fox News, Channel 6, in Birmingham interviewed ARA board member Morris M. "Mickey" Gee, executive-in-residence, director of internship programs and an instructor at The University of Alabama at Birmingham, about the bill for its 9 p.m. news on Jan. 11. Gee also owns **The Pants Store** in Leeds. Several newspapers also mentioned the legislation in their coverage of the opening week.

Under the bill, Alabama taxpayers will save at least 4 percent on exempt purchases (see chart on Page 2 for the items that are exempt from sales tax under this legislation). If counties and cities elect to have simultaneous sales tax holidays, the savings to consumers could be even greater. Retailers in other states with similar holidays have seen double-digit increases in sales over the previous year for the holiday period.

The holiday is a win-win proposition as customers also will buy items not exempt from sales tax, which results in increased sales taxes to the state. This includes meals consumed while shopping, gas used to drive to stores and lodging taxes paid by out-of-state shoppers.

The timing couldn't be better for this legislation. Alabama's education budget is estimated to have a \$1 billion surplus during the upcoming fiscal year, while the Legislative Fiscal Office estimates the sales tax holiday would only reduce that budget by \$3.5 million.

If you haven't already, contact your representative or senator about this legislation and make sure your **VOICE** is heard.

SEE FULL ARA 2006  
LEGISLATIVE AGENDA, PAGES 4 & 5

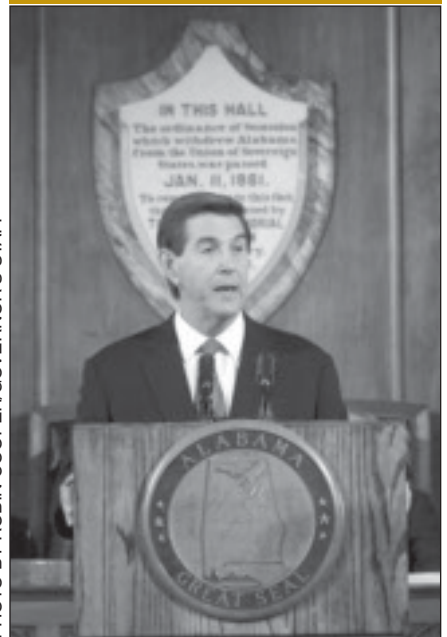


PHOTO BY ROBIN COOPER/GOVERNOR'S STAFF

Gov. Bob Riley

# THE VOICE

THE VOICE OF  
RETAILING IN ALABAMA  
VOLUME 6, NUMBER 1  
FIRST QUARTER

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*THE VOICE* is the official publication of the Alabama Retail Association, 7265 Halcyon Summit Drive, Montgomery, Alabama 36117. Telephone (334) 263-5757; FAX (334) 262-3991.

*THE VOICE* is published four times a year, quarterly. 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.

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# FROM THE PRESIDENT

## R I C K B R O W N



The Alabama Legislature is back in town, and thus far it's been a smooth session. The House and Senate got right to work passing legislation. On the third day, the Senate OK'd the ARA-endorsed professional employer organization registration bill. This bill places minimal regulatory and financial requirements on the employee leasing industry. In the previous two years, the House approved this legislation. Until now, the Senate never had.

The goal of most of the lawmakers in Montgomery this session will be to get the job done and get back to their districts to campaign. (See *2006 election story*, Page 8.) The session can last through April 24, but several legislative leaders have said it might end early this year.

Because it is an election year, "there will be fewer bills introduced and fewer controversial bills. There will be less contention and less debate," Senate Minority Leader Jabo Waggoner, R-Vestavia Hills, told association executives the day before the session began. So far, 890 bills have been introduced.

The only real "fight" of the session is expected to be where the \$1 billion surplus in the education budget will be spent, House Speaker Seth Hammett, D-Andalusia, told the same group on the same day.

The governmental affairs staff of the Alabama Retail Association has been working with legislators on issues of importance to Alabama's retailers. One such issue is the back-to-school sales tax featured on the front page of this issue of *The VOICE* and in the chart below.

We also are advancing the agenda items that your board of directors agreed would be our priorities for 2006 as detailed on Pages 4 and 5. All told, we were tracking about 100 bills at the time of publication.

You can keep up with what's happening at the Alabama State House each week by reading our weekly *Capitol Retail Report*, which you should be receiving by e-mail, fax or snail mail.

For us to be the most effective, we need your input. As you read the *Capitol Retail Report*, or one of the bills discussed in that legislative summary, and you have a question or an insight that you'd like to share, please get in touch with me or ARA Vice President Alison Wingate.

If you feel inspired to speak directly to your representative or senator to share your support or misgivings about a certain piece of legislation, act on that impulse.

Let's make the **VOICE** of retail heard!

## EXEMPT ITEMS DURING THE SALES TAX HOLIDAY

(First full weekend in August: Friday, Saturday and Sunday)

### CLOTHING

■ Single items with a selling price of less than \$100.

■ Any apparel intended to be worn, including all footwear (except skis, swim fins, roller blades and skates).

■ Items **NOT** considered as clothing are jewelry, handbags, luggage, umbrellas, wallets, watches, belts and similar items carried on or about the human body but not worn in the manner characteristic of the clothing intended for exemption in this bill.

■ Items normally sold in pairs can't be separated to qualify for this exemption.

### SCHOOL SUPPLIES

■ Single items with a selling price of less than \$50.

■ Any item normally used by students in a standard classroom for educational purposes purchased for noncommercial use including, but not limited to textbooks, notebooks, paper, writing instruments, crayons, art supplies, rulers, book bags,

backpacks, handheld calculators, chalk, maps and globes.

■ Items **NOT** considered as school supplies are watches, radios, CD players, headphones, supporting equipment, portable or desktop telephones, copiers or other office equipment, furniture or fixtures.

### COMPUTERS AND COMPUTER EQUIPMENT

■ Single items having a selling price of less than \$750.

■ Personal computers and personal computer-related accessories purchased for noncommercial home personal use, including but not limited to personal computer base units and keyboards, personal digital assistants, handheld computers, modems for Internet and network access and nonrecreational software.

■ Videogames of a noneducational nature are **NOT** exempt from sales tax under this legislation.

# RETAIL ASSOCIATION, PUBLIC SAFETY RECOGNIZE 2005 EXAMINERS OF THE QUARTER

*Nancy King Dennis, Editor*

The Alabama Department of Public Safety and the Alabama Retail Association in their continuing partnership to curtail driver license fraud presented the “Examiner of the Quarter Awards” on Jan. 4 at the Alabama Department of Public Safety headquarters in downtown Montgomery.

Identification fraud is one of the fastest growing forms of robbery costing financial institutions, businesses, government and consumers an estimated \$50 billion annually. Examiners working in the Department of Public Safety are on the frontline every day working diligently to protect all of these entities and individuals. Those efforts have begun to reap rewards with arrests such as one made in late January in Birmingham involving a Chattanooga identity fraud scam thwarted by an Alabama driver license examiner.

The “Examiner of the Quarter Award” is given to those who excel at recognizing fraudulent activity and go the extra mile to fight deceptive criminals and prevent fraud. Alabama Retail Association Vice President Alison Wingate and Maj. Roscoe Howell presented Driver License Specialists Sharon Dees of Mobile and Regina Hardy of Birmingham with the quarterly awards for the first three quarters of 2005. In determining the winner a point system is used, with five points allocated for each misdemeanor arrest and 10 points for each felony arrest. The winners for each quarter and their accumulated points were:

■ **1st Quarter Winner:** Driver License Specialist **Sharon Dees** from the Mobile District, Mobile Driver License Office; **175 points**

■ **2nd Quarter Winner:** Driver License Specialist **Regina Hardy** from the Birmingham District, Birmingham Driver License Office; **175 points**

■ **3rd Quarter Winner:** Driver License Specialist **Regina Hardy** from the Birmingham District, Birmingham Driver License Office; **152 points**

PHOTO BY TOMMY GILES/DEPT. OF PUBLIC SAFETY



*From left, Maj. Roscoe Howell and ARA Vice President Alison Wingate present Driver License Specialist Regina Hardy with her awards as Lt. Roosevelt Cook and Lt. Col. Glenda Dees offer their support.*

PHOTO BY TOMMY GILES/DEPT. OF PUBLIC SAFETY



*From left, Maj. Roscoe Howell and ARA Vice President Alison Wingate present Driver License Specialist Sharon Dees with her award as Lt. Thomas Ford and Lt. Col. Glenda Dees show their support.*

A fourth quarter winner will be announced in upcoming months and the Examiner of the Year will be recognized at a special luncheon in the spring at the Capital City Club in Montgomery.

“A driver’s license is more than a license to drive,” said Howell, chief of the Driver License Division. “It is a national identification card used to verify whether you are who you say you are, and here in

Alabama, we want you to prove it.”

The partnership between the Alabama Department of Public Safety and ARA saves thousands of lost retail dollars by preventing individuals from obtaining false identities or stealing an individual’s identity and using that identification to obtain checking and credit accounts for unlawful purposes.

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# ALABAMA RETAIL ASSOCIATION

## **The Alabama Retail Association Supports:**

- the concept of a **back-to-school sales tax holiday**.
- legislation to require the **reporting of local ordinances** to a central location for public viewing.
- legislation to regulate **professional employment organizations**, or PEOs.
- legislation to make **organized retail theft** a crime with **stiffer penalties**, including a higher crime class for a number of thefts attempted within a certain time frame.
- the concept of a **sales tax holiday for energy-efficient products**.
- **amendment-by-amendment constitutional reform** in order to streamline Alabama's constitution, remove archaic and offensive language, and to provide avenues by which the Alabama Legislature can enact comprehensive and meaningful tax reform.
- efforts to achieve **comprehensive tax reform** including opposing any patchwork or Band-Aids tax fixes, or any unduly burdensome or punitive tax schemes.

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*“The benefit to (the back-to-school sales income families to help their dollar go further because they usually see more sales.”*

- 
- the **streamlined sales tax initiative** that levels the playing field for in-state and out-of-state retailers. This will provide a simplified sales tax system that makes the collection of sales taxes more manageable for businesses.
  - the Alabama Civil Justice Reform Committee (ACJRC) in **tort reform** efforts including previously introduced bills concerning post-judgment interest, mental anguish and product liability.

## **The Alabama Retail Association Opposes:**

- legislation requiring mandatory **country of origin labeling**, or COOL, by retailers or restaurateurs.
- **Band-Aid or quick fix tax schemes** or singling out one particular industry or segment of business for punitive tax increases. ARA has continually **supported comprehensive tax reform** and will vehemently oppose any patchwork tax efforts.
- legislation to eliminate or restrict **contractual arbitration agreements**.
- legislation to change the current **election process for judges**.
- **mandatory health-care benefits** that can further increase the price of health-care coverage.
- **mandates of the price** for which retailers can sell **prescription drugs**.
- legislation restricting **expiration dates on gift cards or certificates**.
- legislation to restrict the **normal use of customer information** obtained in the regular course of business.

# 2006 STATE LEGISLATIVE AGENDA

■ a three-day accident reporting requirement for workers' compensation injuries. The current requirement is 90 days.

*tax holiday) is it will help lower further. It also helps the merchants*

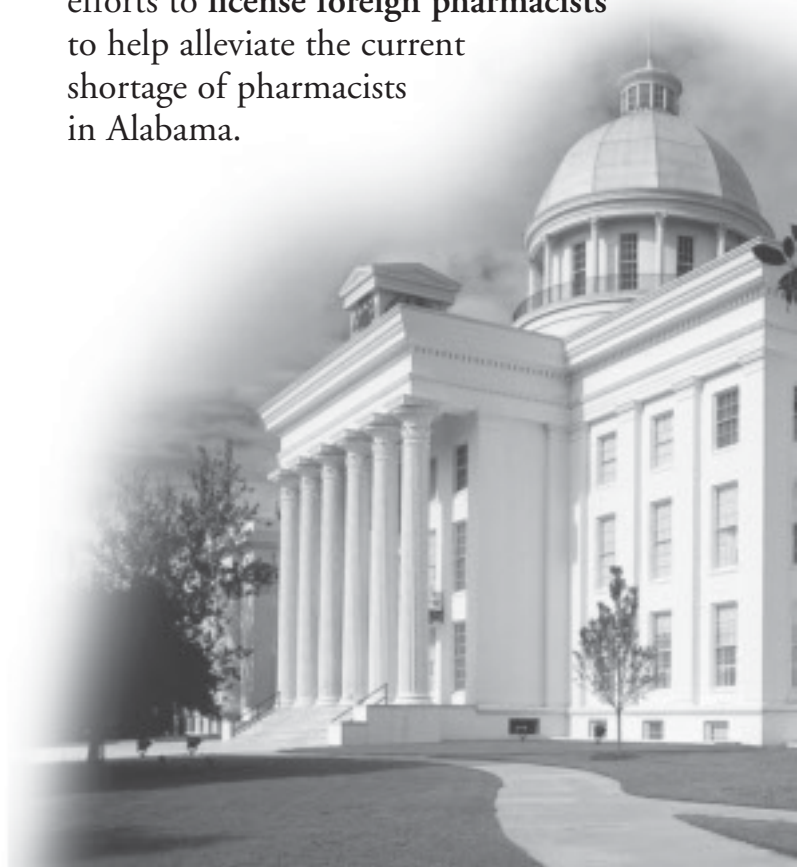
**Rep. Mac Gipson, R-Prattville**  
*Prattville Progress, Jan. 11, 2006*

■ legislation designed to reduce fraud in workers' compensation and unemployment compensation.

■ the Business License Reform Coalition in its efforts to simplify municipal and county/state business license application procedures.

■ legislation to provide that a gift given from a retailer's inventory to a qualified charity is not a sale and is not subject to the state sales tax.

■ the Alabama Board of Pharmacy in its efforts to license foreign pharmacists to help alleviate the current shortage of pharmacists in Alabama.



## ARA 2006 FEDERAL LEGISLATIVE AGENDA

### **The Alabama Retail Association Supports:**

■ voluntary country of origin labeling with repeal of current mandatory statutes.

■ the Interstate Tax Simplification Act, designed to address several tax and revenue problems related to interstate commerce including the nexus standard.

■ permanently repealing the death tax.

■ efforts to limit the interchange fees charged by credit card companies.

■ efforts to negotiate and implement free trade agreements.

### **The Alabama Retail Association Opposes:**

■ increases in the minimum wage.

■ mandatory health-care benefits.

■ mandates of the price for which retailers can sell prescription drugs.

■ legislation to restrict the normal use of customer information obtained in the regular course of business.

# YOUR DISTRICT ATTORNEY STANDS READY TO PROSECUTE BAD CHECKS

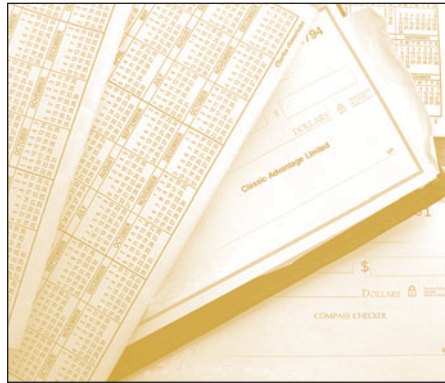
*JIMMY HARB, DISTRICT ATTORNEY 16TH JUDICIAL CIRCUIT, ETOWAH COUNTY*

In 1984, the Alabama Legislature passed laws authorizing Alabama's district attorneys to establish worthless check units to aid in the collection of bad checks and the prosecution of those responsible. Over the past two decades these units have been refined and are credited for collecting millions of dollars annually for merchants throughout Alabama. Merchants usually bring checks into the district attorney's office for collection and prosecution. Check unit personnel then notify the bad check writer that they are eligible for a "diversion" program where the writer may arrange for timely payment of the check, service charge and collection fees in lieu of criminal prosecution. The bad check writer pays the costs of collection, and the service costs the merchant nothing. The unit then remits the face amount of the check and the statutory service charge to the merchant.

## CONTRACT VS. CRIME

Imagine a scenario where a customer enters a convenience store to purchase \$40 worth of gasoline and other items. The cashier rings up the sale and the customer tells the cashier that he does not have any cash to pay for the purchase. However, he presents a check for the purchase. By presenting the check to the cashier he is certifying by his signature that the purchase is now paid for and that his check is as good as cash. The customer does not represent by presenting the check he is agreeing to pay him at a later date for the transaction. If sufficient funds are not in the customer's bank account to pay for the check, and it is returned to the merchant, then the customer has taken items from the merchant by fraud or deception. Under Alabama law, he has committed a crime.

Next consider a scenario where the customer attempts the same transaction and instead tells the cashier to charge the items to his in-store account, which is billed monthly. The transaction is complete and the customer fails to pay his account at the end of the month. In this



scenario the customer has breached his promise or "contract" to pay the merchant. The remedy for this action is civil in nature and a civil lawsuit must be filed against the customer in order for the merchant to collect or obtain a judgment against the customer.

In the first scenario, a crime has been committed and the merchant turns the check over to the district attorney as evidence. The crime can be prosecuted as any other theft. Under the 1984 legislation, the check writer can enter into a pre-prosecution diversion agreement instead of being prosecuted. Assuming the check writer pays the merchant, worthless check fee and the district attorney's collection fee, the case is closed without further prosecution and no criminal prosecution ever ensues. In the event the check writer refuses to enter into a diversion agreement, he is prosecuted and may be incarcerated for up to 12 months for each check.

Now imagine a third scenario where the crime may become a contract. Assume that the customer tenders a bad check to the merchant and when notified he approaches the merchant with a plan to repay the amount of the check at the rate of \$10 monthly. He has now contracted with the merchant to repay the money. Most courts in Alabama will now treat the amount owed as a civil debt rather than criminal restitution and will require the merchant to pursue the check writer in civil court. This scenario usually leaves the merchant in a court system with which he is unfamiliar without representation.

## PRIVATE CHECK COLLECTION

Merchants sometimes use private collection agencies to collect money owed them as a result of bad checks. These agencies have no authority under the 1984 legislation to prosecute the criminal act, and, in many jurisdictions, the courts have determined that the referral to a private collection agency of a bad check removes the transaction from the criminal court once a repayment arrangement has been made between the check writer and the agency. These agencies usually charge the merchant a collection fee in one form or the other, use traditional debt collection methods, and are subject to the Fair Debt Collections and Practices Act.

## POINT OF SALE – PLAYING THE ODDS

Some check service companies attempt to try to avoid a bad check being written at the point of sale. These organizations have compiled large data bases loaded with information regarding bad checks and those who write them. A merchant who uses this service usually is equipped with hardware and software for use at checkout. The customer brings the items they wish to buy to the checkout counter where they are rung up and the check is tendered. Then using the hardware, the merchant runs the check through the agency's database for a prediction as to the likelihood of whether it will be good or not.

Many merchants believe that the service has direct access to the customer's checking account balance. They do not know the balance in the customer's account. However, decisions are made based on information in agency files and a statistical analysis of the check compared to all checks that have passed through the database. The agency never tells a merchant the customer's check is good or bad. It is either approved or not approved. That simply means, based on statistics, there is not enough information about a customer's check to approve it or

*(Continued on Page 9)*

# NEW MILITARY LEAVE REGULATIONS BECAME EFFECTIVE JAN. 18

Richard I. Lehr, Esq., Lehr Middlebrooks Price & Vreeland, P.C.

On Dec. 19, 2005, the U.S. Department of Labor issued revised regulations addressing the Uniformed Services Employment and Re-Employment Rights Act of 1994 (USERRA). According to the department, the deployment of U.S. soldiers worldwide is the greatest it has been since World War II, thus we anticipate employers will face continuing military leave questions and issues. The key provisions of the new regulations are as follows:

1. The regulations clarify USERRA's definition of employer as "any person [who] has control over employment opportunities, "including "a person" to whom the employer has delegated the performance of employment-related responsibilities." The regs state that the term includes individual supervisors and managers who perform these functions. Third-party contractors that perform purely "ministerial" tasks for companies – such as mailing out insurance forms – aren't included as employers. USERRA's discrimination provisions apply to all types of employment, including brief, nonrecurrent jobs. Reemployment provisions apply only when the employee has a reasonable expectation of continued employment in a job.

2. The Department of Labor confirms that USERRA uses the Fair Labor Standards Act's test for distinguishing employees from independent contractors. This test says that if a worker is economically dependent on the employer, he's an employee.

3. The regs now clearly state that vacation accrual is a nonseniority-based benefit, reflecting long-held department views.

4. The Department of Labor received a fair amount of comment on regulations covering health-care benefits. In response, it added a



PHOTO BY U.S. DEPARTMENT OF DEFENSE

completely new section, 1002.167, that spells out when employers may discontinue health coverage for an employee in the military who hasn't made an election on continuation. Discontinuing coverage can be subject to retroactive reinstatement if the employee has paid back premiums and made his election known.

5. The Department of Labor adopted the Americans with Disabilities Act's regulatory definition of a job's essential functions. (1002.198) It declined, however, to adopt the ADA's provisions on "qualified individual with a disability" and "reasonable accommodations" because the populations the ADA and USERRA are written for are too different for those provisions to be used under both laws.

6. The DOL further explained what constitutes just cause to fire a re-employed veteran. The employer

must prove either that the discharge was based on the employee's conduct or was the result of some other legitimate, nondiscriminatory reason that would have affected any employee in the reemployed service member's position, regardless of protected status or activity.

7. A large number of comments were made about USERRA's pension provisions. One change to the interim regulations allows employers to make up contributions to a re-employed veteran's defined-benefit pension plan by the later of 90 days after reemployment or the day on which the employer usually makes contributions for the year in which the employee served in the military.

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# ALABAMA'S FUTURE IS ON THE BALLOT IN 2006

Alabama's future is on the ballot in 2006. With all of the constitutional offices, all seven congressional seats, 11 judgeships on the appellate courts and all 140 legislative seats before the voters, the importance of this election year is clear.

Your Alabama RetailPAC is in the process of analyzing the candidates as they qualify. It is extremely important to Alabama's retail climate that we elect "retail friendly" legislators and that we elect judges who follow the rule of law rather than make the law.

Over the past five elections, Alabama voters have made tremendous improvements to our court system but we cannot be complacent. Five of the nine seats on the Alabama Supreme Court, including the chief justice, three of the five seats on the Alabama Court of Civil Appeals and three of the five seats on the Alabama Court of Criminal Appeals are on the ballot in 2006. If we lost even a third of those seats, all of our hard work over the past decade would be for naught.

In the Alabama Legislature, our concentration has to be on who has supported or will support retailers and business.

That support doesn't necessarily follow partisan lines. However, in the Alabama House of Representatives currently, there are 61 Democrats, 42 Republicans and two vacancies. Incumbents will not be seeking eight other seats, according to House Speaker Seth Hammitt, who also predicted at the Alabama Council of Association Executives' Legislative Issues Seminar in early January that 10 to 15 percent of the House incumbents who will seek re-election won't be re-elected.



The Senate currently has 25 Democrats and 10 Republicans. Two senators are not expected to seek re-election.

Incumbent or not, Republican or Democrat, the 2006 campaigns will be costly.

Mike Swinehart, a political consultant with The Swinehart Agency based in Pensacola, Fla., estimates that a rural Alabama Senate district campaign will need about \$100,000 for this election cycle, while a suburban district will need from \$300,000 to \$500,000.

Alabama RetailPAC already has begun to do what it can to help with those costs. On Jan. 4, our political action committee



Sen. Bradley Byrne

along with other business groups held a fund-raiser for state Sen. Bradley Byrne, R-Fairhope, at the Alabama Retail Association office. The senator has been a strong supporter of retail and business during his first term of office. In the Senate, he serves on the Business and Labor; Education; Finance and Taxation Education; Fiscal Responsibility and Accountability; Industrial Development and Recruiting; Judiciary; Small Business and Economic Development; and Veterans and Military Affairs committees.

As decisions are made about endorsements, your Alabama Retail Association will communicate with you about the candidates it has studied and found to be the best choices for retailers.

In the meantime, get ready for the 2006 election season. Mark the dates included on this page and be prepared to talk to your employees, your customers and your friends about why voting this year is critical to the future of our state. You have the power to make the difference in 2006. Make sure the VOICE of retail is heard!

## 2006 ELECTION CALENDAR

<b>January 3:</b>	Republican Party candidate qualifying began.
<b>January 10:</b>	Regular session of the Alabama Legislature began. All state candidates stop fund-raising during the session until 120 days prior to the election.
<b>February 14:</b>	Special Primary Election for House District 1, which includes Lauderdale County.
<b>February 28:</b>	Special General Election for House District 31, which includes Elmore and Coosa counties.
<b>March 4:</b>	Democratic Party candidate qualifying begins.
<b>March 25:</b>	Special General Election for House District 1, which includes Lauderdale County.
<b>April 7:</b>	Candidate Qualifying Deadline
<b>May 26:</b>	Voter Registration Deadline for Primary
<b>June 1:</b>	Absentee Ballot Applications Due for Primary
<b>June 5:</b>	Primary Election Absentee Ballots Due
<b>June 6:</b>	<b>PRIMARY ELECTION</b> Independent /Third-Party Ballot Access Deadline
<b>June 16:</b>	Voter Registration Deadline for Primary Runoff
<b>June 22:</b>	Absentee Ballot Applications Due for Primary Runoff
<b>June 26:</b>	Primary Runoff Absentee Ballots Due
<b>June 27:</b>	Primary Runoff
<b>October 27:</b>	Voter Registration Deadline for General Election
<b>November 2:</b>	Absentee Ballot Applications Due for General Election
<b>November 6:</b>	General Election Absentee Ballots Due
<b>November 7:</b>	<b>GENERAL ELECTION</b>

*Make certain these dates are on your calendar and that you are communicating with your employees and customers about any important upcoming milestones for the 2006 election year!*



# CONTROLLING WORKERS' COMPENSATION COST: FULL TIME JOB

Controlling workers' compensation costs is an activity that begins long before the accident(s) occurs and continues well after the time the accident happened. To control these costs, we need to develop an environment where accidents are rare, workers are respected and rewarded, and injured or ill workers are rendered special consideration.

Ask yourself, "Do workers enjoy working in your business? Do they enjoy working for their supervisor?" Businesses that provide a safe workplace, maintain their equipment, and listen to and respect their employees have fewer accidents, and injured workers are even "anxious" to return to work. Businesses with this type of attitude, where morale and a feeling of importance are high, have fewer problems employing quality people, and quality employees are not inclined to seek other employment. Are your employees proud of where they work and of the work they do? If so, there are probably few accidents and your accident costs are low.

## PREVENTATIVE MEASURES

Certainly, the most effective means for controlling workers' compensation costs is to implement a comprehensive safety program. The major components of such a program follow:

**PHILOSOPHY:** Every business has a safety philosophy. It can be as weak as "accidents are unpreventable" to a philosophy of "controlling costs" to a philosophy that places top priority on the safety and welfare of its employees.

## A R C C O R N E R

**COMMITMENT:** A business' safety philosophy can be measured by management's commitment in its involvement and concern for its employees, and in the time, dollars and support given to the program.

**POLICIES:** There are written policies, rules and regulations that are constantly reviewed and shared with the employees. Employees understand that these policies are for their protection.

**SPECIFIC SAFETY OBJECTIVES:** These are measurable objectives with a completion date, generally a year or less. They are developed with employee input and are designed to correct conduct, or modify conditions or activities, which will result in a safer workplace.

**SAFETY SUPERVISION:** Safety supervision is everyone's task. Whenever a hazardous condition exists, or an employee is performing in an unsafe manner, corrective action should be taken by anyone who observes it. Safety is everyone's job; however, front-line foremen or supervisors have the major responsibility to ensure a safe workplace.

**SAFETY COMMITTEES:** Somehow employees must have input into the total safety program; freedom to express their concerns or suggestions should be encouraged. Safety committees have proven to be the most effective method of obtaining input to the safety program from employees.

**INSPECTIONS:** Regular inspections should be conducted to identify hazards. Safety committee members and management should be on these inspection teams. Hazards should be corrected immediately.

**ACCIDENT AND INCIDENT REPORTS:** Notice of Injury or Accident Reports should be filled out completely and immediately after an accident or incident which caused, or could have caused, injury.

**SAFETY TRAINING:** Annual or semi-annual safety meetings are good but monthly safety training is better. Short safety meetings at the beginning of each week are excellent. Day-to-day, hour-by-hour, even minute-by-minute safety supervision is best. This supervision should consist of many "well-done's" and few "chewing outs."

**RECRUITMENT, SELECTION AND PLACEMENT:** "Never buy a used car, you will be buying someone else's problems." The same individuals who make this statement often employ "someone else's problem." The wrong worker in the wrong job is an "accident waiting to happen."

**DISCIPLINE, REASSIGNMENT, TERMINATION:** Yes, discipline, reassignment and termination have their place in a safety program. When training, supervision and rewards fail, we may have no alternative. Having an unsafe employee quit or having the authority to terminate such an employee strengthens your safety program.

**OFF-THE-JOB SAFETY:** All effective on-the-job safety programs have an off-the-job component, which deals with home, family, traffic and recreational safety. Safety is designed to keep good employees on the job; all accidents must be prevented.

How does your safety program measure up? What are your strengths and weaknesses? Do the above components suggest some specific safety objectives you may want to consider for your business? Implement a safety program which emphasizes these and your safety record will improve; not tomorrow or by next week, but certainly within a year or two. Safety programs pay! If you do not think so, check your workers' compensation costs!

# YOUR DISTRICT ATTORNEY STANDS READY TO PROSECUTE BAD CHECKS

*(Continued from Page 6)*

the customer has an unpaid check or debt. Most retailers have found this type system confusing and embarrassing to the customer and that it weeds out many good transactions. It also causes collateral losses, in that store personnel must restock the items and in the event that the items are subject to contamination (i.e. meat, fish, poultry) the items must be destroyed. One attraction of this system is that many agencies "guarantee" checks that are run through the system.

However, if the agency guarantees the check, they are going to weed out all but those writers who present the best statistical data. Persons who rarely use check-books, those who present a check with a low check number, and those who have been through a divorce or may have been the victim of identity theft will rarely have a check accepted. Many customers

who write checks will avoid merchants who use point of sale agencies.

## THE LAW IS ON THE SIDE OF THE MERCHANT

The 1984 act gives the district attorney the authority to criminally prosecute those who prey on merchants by writing bad checks. The laws were enacted to allow the merchant a place to go where someone has the authority and will to hold bad check writers responsible for their crimes, while recovering their restitution. The use of diversion agreements gives those who simply have made a mistake the chance to rectify it and makes the merchant whole. Others are prosecuted criminally just as a shoplifter would be.

Using private agencies provide no consequences for bad check writers. Going that route also may expose a merchant to

civil liability. Point of sale methods are ineffective, cause embarrassment to good customers and can create other losses. The district attorney's office usually has a personal relationship with the merchant and can provide assistance through the process. Merchants usually do not have to attend court and are not usually subject to civil liability. The district attorney's office shares intelligence with federal, state, and local law enforcement and are on the frontline in breaking up bad check writing organizations, rings and schemes. Best of all the district attorney is paid by the check writer and not the merchant. Full restitution and the Alabama statutory bad check fee is paid to the merchant upon collection by the district attorney's office. Bad check writing is a criminal act and who better to prosecute crime than the district attorney.

# WELCOME NEW MEMBERS

A.G. Henry Co., L.L.C. ....	Auburn	Dixieland Bar B Que . . . . .	Eclectic
Accessories Galore Inc. ....	Foley	Donaldson & Willis Enterprises . . . . .	Dothan
Alabama Tennis Association. ....	Birmingham	Etc. Inc. ....	Mobile
Amos Broadway Automotive Inc. ....	Montgomery	Exxel Outdoors Inc. ....	Haleyville
Amsher Collection Services Inc. ....	Birmingham	Family Sports Concepts, LLC . . . . .	Hoover
Amsher Outsourcing Inc. ....	Birmingham	Fandango Restaurant Group Inc. ....	Dothan
Balloons Are Everywhere Inc. ....	Fairhope	Flying Wedge Inc. ....	Mobile
BFC Affordable Inc. ....	Montgomery	Fourth Avenue Super Market Inc . . . . .	Bessemer
Biggin & Chubb's, LLC. ....	Dadeville	Fredo's . . . . .	Tuscaloosa
Birmingham Refrigerated Services, L.L.C. ....	Birmingham	Full Moon Hospitality Inc. ....	Huntsville
Brannon's Inc. ....	Talladega	Garner, LLC . . . . .	Montgomery
Bridgett's @ Greystone, LLC. ....	Birmingham	Gita Enterprises Inc. ....	Mobile
Bukk Brothers Inc. ....	Huntsville	Grey House Grille Inc. ....	Birmingham
Bulldog Sports Inc. ....	Birmingham	Gulf City Cleaners Inc. ....	Mobile
Cahaba Shoals Country Club, L.L.C. ....	Centreville	Gulf Coast Properties Magazine . . . . .	Gulf Shores
Career Performance Group Inc. ....	Birmingham	Harrison Ltd Inc. ....	Mountain Brook
Chick and Seafood, a Partnership . . . . .	Foley	Health Services Diversified Inc. ....	Mobile
Clean Right Cleaners Inc. ....	Union Grove	Hickoryland Bar-B-Que & Steakhouse Inc. ....	Jasper
Comfort Footwear Inc. ....	Orange Beach	High Bluff Enterprises Inc. ....	Birmingham
Consumer Financial Education Foundation of America Inc. ....	Birmingham	Hilltop Cleaners and Restoration Inc. ....	Mobile
Core Products Inc. ....	Foley	Insuremax Inc. ....	Decatur
D & M Partners Inc. ....	Huntsville	J.L. Carpenter & Sons Inc. ....	Georgiana
D M P, L.L.C. ....	Gadsden	Jackson's Restaurant . . . . .	Madison
Dabbs Properties, LLC. ....	Montgomery	Java Jaay. ....	Decatur
Daymond-Willis Holdings Inc. ....	Guntersville	JC Imperial Hair & Beauty Supply Inc. ....	Birmingham
Diamond Jim Hardy's Inc. ....	Orange Beach	JD, L.L.C. ....	Cropwell
Dine Consult Inc. ....	Huntsville	Karen's Inc. ....	Enterprise
		Lake Sue Ann Group, LLC. ....	Pinson

# WELCOME NEW MEMBERS

Lamb Inc. ....	Auburn	RGMEX Inc. ....	Hoover
Lek's Taste of Thailand Inc. ....	Birmingham	Royal Jewelers Inc. ....	Mobile
Liddy's Office Products Inc. ....	Northport	Savannah's Inc. ....	Grand Bay
Lledo, L.L.C. ....	Auburn	Sheenal Inc. ....	Brentwood
Long Xiang Inc. ....	Tuscaloosa	Shree Om, LLC. ....	Talladega
Los Rancheros Inc. ....	Mobile	Solid Image Inc. ....	Jasper
Ly Restaurant Enterprises, Inc. ....	Auburn	Southern Alabama Wings to Go, L.L.C. ....	Mobile
Maplesville Supermarket Inc. ....	Maplesville	Stacy Claire Boyd Inc. ....	Birmingham
Mckeel's Inc. ....	Dothan	Sunny's Pretzels, LLC. ....	Hoover
Mexico Lindo Inc.. ....	Homewood	T&A Enterprises Inc. ....	Hoover
Milestone Catering, LLC ....	Athens	Talladega Insurance Agency. ....	Talladega
Mills' Television & Appliance Inc. ....	Daphne	Technical & Management Service ....	Mobile
Munoz Mexican Grill ....	Pinson	The Backe Door Gourmet, LLC ....	Decatur
New Century Tires and Auto Rep ....	Mobile	The Butcher Block, LLC ....	Guntersville
Nextlevel Auto Link, LLC ....	Sterrett	The Café European Bakery and Coffee Shop, LLC ..	Tuscaloosa
Noble Enterprises Inc. ....	Opelika	The Feed Store, LLC. ....	Dothan
No-way Inc. ....	Andalusia	The Metro Bistro & Market, Inc ....	Birmingham
Optimation Inc.. ....	Huntsville	Thingamajig Inc. ....	Fayette
Parkway Pharmacy ....	Arab	Title Books, LLC. ....	Birmingham
Piggly Wiggly of Ashland Inc.. ....	Ashland	United Services, L.L.C. ....	Birmingham
Piggly Wiggly of Lineville Inc. ....	Lineville	Up Up & Away Party & Gifts Inc. ....	Jasper
Pimentos Inc. ....	Athens	Village Gardens, LLC ....	Birmingham
Professional Land Title Inc. ....	Gulf Shores	Viola Magic Touch Cleaners Inc. ....	Mobile
Qualls Engineering Inc. ....	Huntsville	Webster's Market Inc. ....	Guin
R & B Flooring Distributors Inc. ....	Baileyton	William M. Bayley ....	Theodore
R & D Enterprises Inc. ....	Cullman	Wisteria Cottage Inc. ....	Fort Deposit
Rajshyamaji Inc. ....	Athens	Wolf & Taunton, P.C. ....	Montgomery
Red's Catfish Cabin Inc. ....	Cragford	Wright's Markets Inc. ....	Opelika
RFA Mexican Restaurant Inc. ....	Mobile	Yerby Bauer Automotive Inc. ....	Birmingham



# TEAM NOTES



We cursorily told you last issue about some big changes at Alabama Retail Association and Alabama Retail Comp but wanted to fill you in on a few more details, plus we have a new hire and new leadership roles for our chief executive to report.

### BROWN TAKES ON ADDITIONAL ROLES

The Business Associations' Tax Coalition has voted ARA President Rick Brown as its treasurer. BATC is a group of 31 business and trade associations representing every major business group in Alabama. ARA is a founding member.

Meanwhile, the Alabama Civil Justice Reform Committee has added Rick to its board of directors. ACJRC is a 300-member coalition of businesses and pro-business organizations committed to restoring legal fairness in Alabama. ARA also is a founding member of that organization.

### ARA VP

As we told you in the fall, Alison Wingate is now ARA vice president. In addition to management responsibilities, she is leading the association's governmental relations activi-

ties in the Alabama Legislature and the U.S. Congress. She joined ARA in 2001 as communications director after serving as public relations director for the Alabama Bankers

Association. She was named director of governmental and public affairs in 2003.

Alison and her husband, Jason, live in Prattville.

### ARC FUND MANAGER

Mark J. Young, who is now fund manager of Alabama Retail Comp, previously served as director of business development for ARC. He joined ARC in 1998 with a background that included sales and marketing. Under his leadership, membership in ARA has grown more than 135 percent from some 1,700 members to almost 4,000 today. Mark was instrumental in the design and implementation



Alison Wingate



Mark Young

of ARC's self administered program and the full service Internet capabilities for an agency network of more than 200. He is a certified insurance counselor. He and his wife, Tracy, live in Auburn with their two children, McKinnon and Graham.

### ARA PUBLIC RELATIONS DIRECTOR

Nancy King Dennis joined ARA on Dec. 27 as director of public relations. She comes to the association from the Business Council of Alabama where she had worked since 1997 as manager or director of publications. She will lead the association's public relations and member communica-



Nancy Dennis

Before entering the field of public relations, Nancy worked as a journalist or newspaper editor for 17 years, including serving as metro editor of the *Montgomery Advertiser*. She and her husband, Jimmy, live in Montgomery with their 9-year-old daughter, Amy.

## BIRMINGHAM RESTAURATEUR WINS SAVINGS BOND

Donald R. Pate Jr. with **Costa's Famous Bar-B-Que #3, LLC**, in Birmingham won the drawing for a \$500 savings bond for providing his preferred method of communication to the Alabama Retail Association in a

timely fashion prior to the Christmas holidays.

Thanks to Pate and all the other members who responded to our request for updated member information.

If you did not update your member information and there have been changes in your company name, phone, fax or e-mail address, please contact **Tomma Webster** at (334) 263-5757 or e-mail her at [tomma@alabamaretail.org](mailto:tomma@alabamaretail.org).



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