

RETAIL UNIVERSITY

An RMANH Member Benefit

Looking for some inspiration? A solution to a nagging problem? RMANH's Retail University Webinar Series may be for you. Our free events have been designed with retailers in mind to give you a refresher on core business principles while also providing practical tips and new ideas you can implement in your store. So mark your calendar and sign up today!



Passing the Baby: The eight must-haves of successful succession planning

Thursday, September 27

Presented by Beth Adamson, Executive Director, Prairie Family Business Association

One of the ongoing challenges of a successful business is how to plan for an effective transfer to the next generation. How do you keep the business growing while deciding on the next generation's role, if there is one? When executed well, succession planning can create a proud and honorable legacy of principles and prosperity. If done poorly, the same can turn a healthy, profitable, growing family business system into a veritable nightmare of irrational decision-making and wealth destruction.

Retail University, continued on page 11

Announcing a New RMANH Member Benefit - Discounted Residential and Commercial Electricity and Natural Gas



There are a few services that each and every one of our members must have to operate their businesses. Electricity and Natural Gas are some of the most expensive of those services. To add to the expense, businesses must also navigate the often unfamiliar world of power commodities to determine if the quotes they have received from any number of suppliers are even competitive. Who has the time to take away from the daily responsibilities of running a business to perform this research?

RMANH recognized that the majority of our members would like assistance with this confusing process. We are all getting several calls a month from providers that want us to convert our electrical business to them. Who do you choose? To that end we have done the work for you!

We are very happy to announce that we've entered into a partnership with Freedom Energy Logistics and Resident Power to offer discounted electricity and natural gas to our members. Freedom Energy and Resident Power have a proven track

record, and, using the combined buying power of our members, will keep prices affordable for you.

This isn't just a program for large commercial retailers! We realize that it is not just businesses that have been searching for reduced energy costs. We also offer a program for residential accounts and the very small business accounts. No longer do you have to miss out on the benefits of the deregulated energy market because your usage is not large enough. We will help you with your retail accounts and will also help create a program which you can offer your employees these same benefits at no additional cost to your business. When was the last time you were able to offer an employee benefit without increasing cost to the organization?

If your electrical costs are \$1500 a month or lower, or your kilowatt hours (kWh) per month are 10,000 or less, you'd do well with our Resident Power program. This is available to both residential and commercial customers.

New Member Benefit, continued on page 11



Legislative Update

Curtis Barry
Dupont Group



Legislative Session Recap

Earlier this summer, we issued our comprehensive recap of the 2012 session. To review in a snapshot:

- o RMANH opposed a number of bills where the committees ultimately agreed with RMANH's assessment and sent the bills to their death. Those include *HB 1445, requiring refunds for returns of merchandise*, and *HB 1323, requiring employers who offer benefits to full-time employees to offer benefits on a pro-rated basis to part-time employees*.
- o RMANH was also part of a coalition opposing *HB 1182, prohibiting the sale of baby food products containing bisphenol A in New Hampshire*. In the end this bill died on the table, where it lay in the Senate past the deadline to act.
- o RMANH monitored the activity on *HB 388 requiring providers of prepaid wireless services and voice over internet protocol services to pay surcharges for deposit in the enhanced 911 system fund*, and spoke to legislators on numerous occasions when the wireless carrier industry insisted collection by retailers was the solution. Ultimately all references to pre-paid wireless came out of the bill.
- o A bill that would have capped interchange rates on credit card transactions was killed by the House. RMANH did not request the legislation but provided support.
- o *HB 1184 relative to arrest without a warrant for the offense of willful con-*

cealment; the bill passed with language developed by the NH Dept. of Safety with RMANH support that declares:

- “a peace officer may arrest a person who has been detained pursuant to this section, without a warrant, if the peace officer has probable cause to believe that the person has committed the offense of willful concealment and if the merchant or his or her agent witnessed the offense or if the unlawfully obtained goods or merchandise of the store were recovered from the person.”
- o *HB 1366, relative to employer charges for unemployment compensation benefits*, increases the number of weeks a non-reimbursing employer must provide employment before its separate account becomes chargeable for unemployment compensation benefits.

Also signed by the Governor was *HB 1587 relative to employer safety programs*. The bill increases from 5 to 15 the number of employees that triggers the legal requirement that employers “establish and administer a joint loss management committee” and increases from 10 to 15 the number of employees required before the employers must prepare a written safety program, and extends the required update from annually to every two years. (RSA 281-A:64). This bill provides further changes and

Legislation, continued on page 4



RMANH

Established 1966

Retail Merchants Association of NH

Retail Merchants Association of NH Staff

Nancy C. Kyle
President/CEO

Joseph Lajewski
Energy Program Project Manager

Amanda Magoon
Energy Program Case/Office Manager

Jeff Morin
Energy Case Manager

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35A South Main Street • Concord, NH 03301
(603) 225-9748 or in NH (800) 336-3770
Fax (603) 229-0060
e-mail: rmanh@rmanh.com
Visit our website at www.rmanh.org

President's Column

Nancy C. Kyle

President/CEO



Settlement Proposed in Lawsuit Over Visa and MasterCard Swipe Fees

As most retailers are aware by now, the parties to longstanding federal antitrust lawsuits involving Visa and MasterCard swipe fees have reached a proposed settlement. The proposal involves the payment of approximately \$7 billion in damages to merchants in settlement of interchange fee overcharges during the past 10 years. It also involves negotiated injunctive relief presumably designed to lessen certain adverse aspects of Visa and MasterCard rules. The details of the relief have not yet been fully analyzed by anyone other than the parties. However, initial indications are that they are, at best, a compromise.

While the money is significant, it is also temporary and only a fraction of the estimated \$100 billion by which the card industry has overcharged merchants over the past 10 years. We have always maintained that what is needed are changes that bring about transparency and competition so that there is a functioning market, which would result in significantly lower interchange fees, for years to come. The test will be whether this injunctive relief is meaningful. Unless it is, the card market will stay broken and neither merchants nor their customers will achieve a long-term benefit, and swipe fees will only go up. In that

case, this settlement would be a missed opportunity. Based on what most merchants are telling us, that appears to be the case.

A number are concerned that the settlement does not provide two key elements long sought by retailers: an end to the cartel-like system where Visa and MasterCard set fees that all banks that issue their cards agree to charge, and steps toward transparency such as disclosing the specific swipe fee charged by each card. A provision allowing merchants to impose a surcharge on credit card use has been widely reported. But the ability to surcharge is intended as a tool for use in negotiating with the banks to hold fees down rather than a practice that would become widespread among merchants. In addition, it is said, the terms and conditions are so restrictive that surcharging could be difficult. And, of course, merchants want to lower swipe fees so they can lower prices for their customers, not to increase prices. Most merchants have told us they don't believe that surcharging is desirable or that it would fix the problem.

Finally, under the terms of the proposed settlement, retailers would be barred from ever again suing Visa and MasterCard over swipe fees. As a class action, the restriction would

apply to all retailers, even those not yet in business.

Once the settlement is presented to the judge, he will need to determine whether it should be considered a class action and whether it is generally in the best interest of the merchants who would be included in the class. He will also need to offer retailers the opportunity to opt-out of it, reject its terms, and preserve their ability to pursue the litigation either on their own or jointly with other merchants. If they are serious, such opt-outs (or objections or other actions) often can achieve meaningful improvements compared to the original negotiated settlement.

This settlement is only a proposal at this time, but hearings that would begin the process of making it final could come as soon as September. Before then, retailers – both those supporting the settlement and those with concerns – need to make their positions known, by letter or otherwise, to Judge John Gleeson, United States District Court, Eastern District of New York, 225 Cadman Plaza East, Brooklyn, NY 11201 as soon as possible. Please also send a copy to RMANH as well at rmanh@rmanh.com or RMANH, 35A South Main Street, Concord, NH 03301. 🐼

Legislation, cont. from page 2

was a recommendation of the Commission to Study Business Regulations, on which sits RMANH Board Chair Dennis DiPaulo.

For a more comprehensive look at these and other bills of interest, refer to the 6/19 email report.

Legislative Activity Not Quite Done

A number of issues were also sent to study for work in the Fall, and RMANH is active in a number of them. In total, the House & Senate sent 140 bills to “Interim Study”, meaning they weren’t ready to pass the bill but it didn’t merit killing the subject altogether. Additionally the legislature created 10 study committees on various subjects. Those that we will be involved with are:

HB 324 relative to lawful commerce in goods and services sold, made, and retained in the state of New Hampshire.

HB 445 relative to the regulation of electronic tracking devices (RMANH was successful in getting several problematic sections removed from the bill in an amendment proposed by the sponsor early on, but that amendment still contained questionable language).

HB 553 relative to the law on wiretapping and eavesdropping.

HB 1611 repealing certain provisions relative to the sale of pistols and revolvers.

HB 1663 relative to payment of union fees by non-members.

HB 1675 relative to location tracking by electronic communications devices.

SB 167 establishing a production jobs creation credit under the business enterprise tax and making changes affecting small business to the business profits tax, the business enterprise tax, and the meals and rooms tax.

SB 352 relative to low-profit limited liability companies.

House Members Leaving

In previous legislative wrap-ups we discussed there are 9 out of 24 Senators not seeking re-election. Now that the filing period for running for office has come and gone, we know that a full 99 NH House incumbents chose to not seek re-election. While typically about one-third of the House is new after each election, this figure represents 25% new seats before either the Primary or General Elections, the results of which are certain to mean more incumbents will not be back. Once again, it is not inconceivable that half the House members will be “freshmen”.

RMANH members should get to know the candidates for both House and Senate and develop relationships now, so they are familiar with you when the time comes that you need to discuss a vote.

Legislation, continued on page 6



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RMANH's PAC Needs Your Help

Don't let up! That seems to sum-up our message to New Hampshire's retailing community as the election season officially begins.

The political accomplishments RMANH has achieved are notable - attention to our retail economic & sales tax impact study, legislative victories and leadership in energy efficiency in the commercial sector among them. When we learned of an effort by local Republican committee to unseat a vocal sales tax proponent, we added to that effort, which succeeded.

RMANH has developed bonds with many key legislators that have paid off over the years, and the RMANH PAC plays a role in that. In fact, **legislators we have supported financially in the past include three current chairs of House committees, two House vice chairs, a Senate committee chair and the current Senate President.** This demonstrates that the RMANH PAC directors have used our limited resources very effectively!

But our tasks are numerous and relentless.

- We endeavor to assuage policy-makers who view New Hampshire economy / job creators narrowly as manufacturing and tourism-based. We continu-

ally bring the message that Retailing provides good paying jobs that benefit NH's economy.

- We face a long-list of labor-related legislative efforts on an annual basis. In fact the effort for paid family leave is on again in anticipation of the 2013 legislative session.

Election season is upon us, and it is most important now that the retailing industry fully supports those who support us. The current legislature has demonstrated its responsiveness to the businesses that will drive the economic growth - those that make the decision to hire - and we should be there to support them as they seek another term.

Every contribution helps in the effort to aggregate your contribution for the PAC to then make a meaningful contribution to candidates. In fact, **if every member contributed an amount equal to 10% of their annual dues, the RMANH PAC would triple its resources!**

So take a moment and write a check to the RMANH PAC today. NH is one of the few states that allows corporate contributions for the State Elections. You'll find the PAC Contribution Form in the newsletter. You are really investing in the future of your business! 🍀

Yes, I want to support legislators who support retailing issues and make a contribution to the RMANH PAC!

\$1000 \$500
 \$250 \$100
 \$50 \$25
 \$10 other

Make your contribution a lasting one; check here if you'd like us to invoice you for the same amount next year.

Name of individual or business

Address

City, State, Zip

Occupation and Place of Business *(for contributions of \$100 or more)*

Make checks payable to RMANH PAC

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 Concord, NH 03301

Or fax to
 603-229-0060

For credit card payments check one
 Visa Mastercard
 American Express
 Discover

Card Number

Expiration Date 3 Digit V-Code on back of card

Zipcode of Card Holder

Card Holder Name

Card Holder Signature

Political contributions are not deductible for tax purposes. NH has no limits for corporate contributions to PAC funds.

Connect credit card processing terminals to surge protectors

With summer comes the increased chance of lightning storms that could threaten your electrical equipment. RMANH's credit card processing experts at RCSC advise all members using credit card processing terminals to ensure they are connected to a surge protector. RCSC's Merchant Services Team receives lots of calls about power surges destroying terminals. A surge protector is a small investment that can help you avoid such headaches.

Direct all your questions about credit card processing to Michele and Nicholl of RCSC at (866) 350-2652 or RMANH@retailcouncilnys.com. If you haven't considered joining RMANH's processing program, why not allow us to do a free, no-obligation savings analysis? We're typically able to save businesses money on this expense and we offer the added protection of a regular review of statements through our Watchdog Program. Call or email RCSC today. ☞

Legislation, cont. from page 4

On committees of particular interest, from the Commerce Committee not running are:

Jim Headd, Auburn; Andrew Manuse, Derry; David Meader, Keene; Chris Nevins, Hampton; David Palfrey, Franklin; James Sullivan, Deerfield; and Kathy Taylor, Franconia.

On the Labor Committee, Kevin Sullivan of Hampton is not running. On Ways and Means, Christine Hamm, Hopkinton; John McDonnell, Chichester; Joe Osgood, Claremont and Wyman Shuler, East Kingston, are not returning.

Retail Means Jobs

That is the label of a concerted public awareness effort initiated by the National Retail Federation. Coincidentally, just before its launch, RMANH also commissioned a study that looks at the employment and economic impacts of the retail industry. This information to-date has been presented to legislative committees and recently Nancy Kyle and I made the presentation to Dept. of Resources and Economic Development Commissioner George Bald, Director of Economic Development Christopher Way and Director of Travel & Tourism Lori Harnois.

RMANH members are urged to provide this material to state legislative candidates and let them know that the retail community in New Hampshire plays a very important role to the economy and both state and local government revenues. ☞

The Dupont Group is the government relations and lobbying firm for the Retail Merchants Association of New Hampshire. Curtis Barry, RMANH's lobbyist, can be reached at 603-228-3322 or cbarry@dupontgroup.com.

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"The merchant services department is helpful and honest, friendly and intelligent. I appreciate their sense of integrity, and always feel like they are on my side. In this electronic age, it means a lot to talk to a helpful person, right away, every time."

Bonnie Poss - TOPKA

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Association Members

Workers' Compensation Trust

A Unique Program Offered to RMANH Members



In today's uncertain economic times, many retail businesses are looking for new ways to reduce their costs—including workers' comp.

The Association Members Workers' Compensation Trust has provided incredible savings to members of RMANH for many years. This innovative self-insured program was developed with the express goal of providing high-quality workers' compensation at an affordable cost. Founded in 2004, the group has grown to over 500 businesses with contributions (premium equivalent) in excess of \$3 million. In addition to offering upfront savings as much as 25%, the program has returned an impressive average dividend of 21.8% in the past 5 years.

The success of the Association Members Workers' Compensation Trust requires conscientious administration, offered by Cove Risk Services, LLC. Cove Risk

Services has a proven track record in managing claims and helping businesses with proactive risk management to reduce injuries and their related cost.

Members of the group are carefully safeguarded with several layers of protection with excess insurance carriers. Reinsurance picks up any claim in excess of \$350,000 and provides coverage for all injured employees' claims. A second reinsurance policy for an additional \$5,000,000 acts as an umbrella to further protect the group. The group also maintains over \$3,000,000 in assets which serve as a buffer, should the group have a year in which claims are high.

The process of dividend distribution provides another important protection. The group releases only 25% of the declared dividend each year. The current year's dividend distribution is accompanied by 25% of the prior three years dividends, resulting in each member

receiving 25% of the dividend from four different years. This process allows the group to build a reserve to cover a bad claim year and avoids collecting money back from members.

Nearly one-third of all workers' compensation coverage in the nation is self-funded or alternately funded. The largest companies in the world are self-funded. Fortunately, through programs like RMANH's Association Members Trust, smaller companies can enjoy the pricing flexibility historically available to only the largest.

If you are not utilizing RMANH's Workers' Comp Program, we encourage you to check your eligibility for participation. Consider the benefits of more control, lower costs, and better service, as well as weekly, twice monthly or monthly payment options. For more information, the RMANH offices at 603-225-9748 or email at rmanh@rmanh.com 🐾



Legal Advantage

David Fries, Esquire and
Eric Martignetti, Esquire
Cleveland, Waters, and Bass, PA



New Hampshire Supreme Court Rules on the Limits of Protection from Personal Liability for Owners and Managers of LLCs

In the recently decided case of *Mbahaba v. Thomas Morgan*, the N.H. Supreme Court reminds us of the limits of the protection from liability afforded by New Hampshire's limited liability company (LLC) statute to owners of such entities. As the LLC has become the entity of choice for many businesses, the decision offers an opportunity to review some practical lessons for minimizing personally liability.

In general, an LLC provides the same protection from liability that a corporation does, meaning that an owner or manager is generally not liable for torts committed by the LLC or the corporation. However, an LLC or a corporation does not provide 100% protection to owners and managers for liabilities associated with the business. The *Mbahaba* case reminds us of two important exceptions to the general rule of limited liability.

One way in which owners and managers may be liable is if they are personally negligent and their personal negligence harms another. This was the case with the owner of the LLC in the *Mbahaba* case. In that case, the defendant was the owner of an LLC that managed an apartment building where the plaintiff rented an apartment. The Court held that where the defendant personally managed the

property, had prior knowledge of lead paint dangers, and knew that the plaintiff's apartment contained flaking paint, he could be held personally liable for exposing the plaintiff to harm from lead paint.

Another way in which owners and managers may be held liable is if they use the LLC or the corporation as their "alter ego" to promote fraud or injustice. This is sometimes known as "piercing the corporate veil." The Court in the *Mbahaba* case recognized for the first time that a court may, in some cases, "pierce the limited-liability veil" to hold the members or managers of an LLC personally liable. Although the Court did not list all of the circumstances that would justify piercing the corporate or limited-liability veil, it did explain that the veil may be pierced, in certain instances, where the owners of an entity disregard entity formalities and liquidate assets to shareholders or members after a claim has been made against the company.

Forming an LLC still offers one of the best ways to hold and manage a business, providing the first line of defense against claims from third parties. But as the *Mbahaba* case shows, this line sometimes may be breached. Business owners should take a few additional steps to lessen the potential-

ly devastating financial impact of a lawsuit. These steps include: observing entity formalities; maintaining adequate capital and reserves for creditor claims; and consulting with insurance advisers to make sure that there is adequate insurance to cover potential claims made by third parties.

For business owners, it pays to devote attention to the nuances of the laws governing LLC liability and to have an understanding of the limits of limited liability. Always seek legal counsel who can guide you through these complex laws.

Cleveland, Waters and Bass, P.A. is located in Concord, New Hampshire and has satellite offices in New London and Wolfeboro, New Hampshire and Haverhill, Massachusetts. The firm is recognized state wide for its expertise in business and employment law. *Cleveland, Waters and Bass* is a member of RMANH and provides legal services to members at reasonable rates. If you have any questions in regard to the above article, please contact J. Garrison Carpenter (carpenterg@cwbpa.com) or Joyce M. Hillis (hillisj@cwbpa.com) or by telephone at (603) 224-7761 or 1-800-370-7761.



Welcome New Members

Freedom Energy Logistics	Manchester	IERE Pizza North, Inc	Concord
Ninth State Movement Complex, LLC	Plymouth	Kapiloff Insurance.....	Keene
The Salvation Army.....	Nashua	Littleton Pet Center.....	Littleton
Families In Transition/ Outfitters Thrift Store.....	Manchester	Tennis Coop.....	Madbury
TKB Properties, LLC.....	New Hampton	Davis & Towle Group	Concord
Klemm's Bakery.....	Windham	Proctor's Lakehouse Cottages	Weirs Beach
Valley Auto Parts, Inc.....	Nashua	Eaton & Berube Insurance Agency, Inc	Nashua
Local Burger, Inc. of Keene.....	Keene	Snowvillage Inn.....	Eaton
SAM-CAP Auto Parts, Inc.....	Salem	Shorty's Mexican Roadhouse	Manchester
Neighborworks Greater Manchester.....	Manchester	Mills Industries.....	Laconia
Jamike Co, Inc.....	Nashua	Chief's Place Pizza & Restaurant, Inc	Penacook
NH Furniture Direct LLC.....	Nashua	Village Mixes	Strafford
Fleury-Patry Funeral Homes	Berlin	J Maze Design.....	Concord
Central Commons Condominium Association	Derry		

6th Annual Organized Retail Crime Symposium Scheduled for September 20th

Once again, the New England State Retail Associations are combining forces to host the sixth annual Organized Retail Crime Symposium for retailers and law enforcement on Thursday, Sept 20th at the DCU Center in Worcester, MA. Below is information on the eight hour event, and a link to the website...

http://www.retailersma.org/pages/822_orc_conference.cfm

As always, registration for law enforcement is complementary. And, if you are NH law enforcement personnel, this Symposium counts as your yearly required eight hours of refresher training.

Hosted By

Connecticut Retail Merchants Association
Maine Merchants Association
Retailers Association of Massachusetts
Retail Merchants Association of New Hampshire
Rhode Island Retail Federation
Vermont Retail Association

Please join us as we strive to raise awareness and bringing people together to discuss this escalating problem is a necessary step in fighting organized retail crime. Organized crime not only affects a retailer's bottom line, it also affects the safety and security of their employees and customers. For the past five years, this conference has successfully brought together over 250 retailers, law enforcement officers, prosecutors and policy makers together to discuss and further expose this important issue.

When: Thursday, September 20th, 2012 (8:30 a.m. – 5:00 p.m.)
Where: DCU Center - Worcester, Massachusetts (50 Foster Street)
Hotel Accommodations: Hilton Garden Inn
35 Major Taylor Blvd
Worcester, MA 01608
Room rate: \$109 per night plus taxes (Call 508- 753-5700)
Ask for NE Retail Associations room block.
Rate is available for September 20 & 21



Affordable Care Act Implementation

Neil Trautwein, Vice President *National Retail Federation*

The recent decision by the Supreme Court means that the Affordable Care Act will go forward, and employers will be subject to penalties if they don't conform. Below is some information from Neil Trautwein at the National Retail Federation that can help you sort through this confusing information.

Employer Mandate Penalties

1. How many full-time¹ employees do you have?

- If equal to or more than 50, then your business is subject to the Affordable Care Act (ACA).
- If less than 50, ACA looks to part-time employees to determine full-time employee equivalents². If total full-time and full-time equivalent employees are equal to or more than 50, then your business is subject to ACA employer mandate provisions.
 - o If not, your business is exempt from ACA employer mandate penalty and coverage provisions.
- Separate businesses under common control are considered one business if determined so by IRS rules.
 - o Rules may vary by structure (e.g. corporation or partnership) of business. Generally requires 80% control to be considered common control.

➤ **Key considerations: How many employees do you**

have? If you are close to the 50 employee threshold, you might want to consider ACA applicability in determining future hiring decisions in advance of the January 1, 2014 effective date for employer mandate penalties.

2. What are the employer mandate penalties?

- Applicable employers³ can be penalized for (1) failing to offer coverage to full-time employees or (2) offering coverage to full-time employees where the cost of the coverage exceeds 9.5% of family income⁴.
 - o The penalty for the failure to offer coverage is \$2,000 x full-time employees not covered, minus the first 30 employees, i.e. your first 30 full time employees are exempt from the calculation.
 - o The penalty for the failure to offer "affordable" coverage is the lesser of two penalty calculations: \$3,000 per applicable employee or \$2,000 times every full-time employee, minus the first 30 employees.
 - o At least one employee must receive subsidized coverage in the exchange to trigger penalties.
- NRF maintains a Health Mandate Cost Calculator at www.retailmeansjobs.com/healthcare which can model the

penalty effect on your business.

- **Key considerations: What is your mix of full and part-time employees? Could an adjustment of employee status reduce your penalty exposure? If you provide coverage today, how does the cost of that coverage compare to your total penalty exposure? Might it be less expensive to pay the penalty?**

Note that the ACA will make substantial changes to coverage through the essential health benefits benchmarks in the new health insurance exchanges and outside market and through additional market mandates and minimum value calculations for self-funded plans. Coverage costs are likely to increase for most employers.

Nevertheless, there is a longstanding relationship between employment and health coverage and employee and public relations to consider. NRF encourages the Retail Industry to carefully consider all their ACA-related options and to consult with us as needed.

Please visit the Retail Means Jobs website (www.retailmeansjobs.com/healthcare) to see four new Affordable Care Act implementation resources. The resources include:

- Employer Mandate Penalties and Possible Impact on your Business (revised for web)
- The Definition of a Full-Time Employee

Affordable Care Act, continued on page 11

New Member Benefit, continued from page 1

If your energy costs are higher than \$1500 a month, you'll benefit from a private analysis with Freedom Energy. You'll have a plan tailored to suit just your business.

RMANH will be rolling out this program in the coming months. There is a link on our website already for Resident Power – you or your employees could sign up today! That's how easy it is for you to reduce the price you are paying for electricity!

RMANH, Freedom Energy Logistics, and Resident Power – we'll all be working together to reduce the price you pay for electricity at home and at work, and increase your business' profits! Call our offices today to sign up at 603-225-9748, or visit our website at rmanh@rmanh.org

Affordable Care Act, continued from page 10

- What are the Challenges and Opportunities for Large Employers (200+)
- What are the Concerns for Smaller Employers (less than 200)
- These four new resources join NRF's one-of-a-kind Health Care Mandate Cost Calculator

Neil Trautwein, Vice President, Employee Benefits Policy Counsel for the National Retail Federation can be reached at 202.626.8170 or TrautweinN@nrf.com

¹ Defined as 30 hours per week on average.

² Total part-time hours in one month divided by 120 equals full-time employee equivalents (FTEEs). Important – you cannot be penalized for FTEEs: it is only relevant to applicability.

³ Equal to or more than 50 full-time employees or full-time employee equivalents.

⁴ "Family income" is difficult if not illegal for employers to know. One possible safe harbor may be to consider the employee's W-2 wages as a proxy for family income.



Retail University, continued from page 1

Based on personal experience with families throughout the Midwest, Beth will provide you and your family with knowledge, tools and takeaways that can be applied immediately.

- Understand the system and WHY the process can be so complex and difficult
- Principles and best practices to follow when planning for succession
- The varying timelines for ownership transitions and the types of retirement styles
- How to overcome the odds against successful transition to the next generation
- Passive and active ownership scenarios
- Principles for choosing the next generation of leaders
- Alternatives when family succession isn't an option

After this webinar you will better understand how to ensure your family business ultimately ends up as a true

legacy and source of prosperity, influence and harmony for generations to come.

To register for the Succession Planning Webinar go to <https://www1.gotomeeting.com/register/931922096>



Keep your credit card processing secure this holiday season

Wednesday, October 3

Presented by John Mayleben, Senior Vice President Technology and Product Development, Michigan Retailers Association

Just in time for the holidays, a national expert on credit card processing will discuss how to keep your business protected from credit card fraud and make sure the information you collect from credit cards remains secure.

To register for the Credit Card Processing Webinar go to <https://www1.gotomeeting.com/register/813350561>

Class is in session! Register today! There is no charge for these webinars. For more information, call our offices at 603-225-9748.

RETAIL UNIVERSITY

A Webinar Series for RMANH Members Now Available on You Tube

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A New Phase for RMANH's Energy Program



The Retail Merchants Association's *Giving Power Back* Energy Efficiency Program is about to move into a new phase. As a consequence of the passage of HB 1490, New Hampshire is changing how it allocates energy efficiency monies and funding for RMANH's program will wind-down over the next year.

In 2009, the NH Legislature enacted a law that provided for NH to enter into the Regional Greenhouse Gas Initiative (RGGI). This program is an agreement among ten northeastern states to coordinate their carbon pollution reduction efforts. Under RGGI, larger electric generating plants must purchase allowances to pay for their costs of emitting carbon pollution and, over time, reduce the total pollution they emit. These allowances are auctioned and the proceeds are given to state governments with the understanding that they must use at least 25% of those funds for energy efficiency programs. In NH, the Public Utilities Commission (PUC) issued a request for proposal encouraging organizations to present plans for administering energy efficiency programs. RMANH successfully bid for this project and was awarded funds to create and implement a demonstration program for small and mid-size businesses to invest in deep energy retrofits.

RMANH proposed a five year phased implementation, with the goal of enrolling several hundred businesses

over the life of the program. After a successful first year, the PUC awarded RMANH funding to continue for an additional two years. It was anticipated that a further extension would be awarded to complete the full five years. However, because of the shifting political sands in Concord, the program in its current form, will wind-down as funding is prematurely ended.

The politics of these changes are rooted in the fact that Governor Lynch, who was a strong supporter of the RGGI program, wanted NH to continue what was started and what seemed to be maturing into a stimulus for conservation and jobs creation. Meanwhile, the 2010 elections lead to a Republican takeover of the Legislature, who included in their agenda the repeal of RGGI. Nevertheless, under the threat of a veto of any repeal, a protracted struggle ensued. In the end, a bill passed and was allowed to become law without signature. This kept NH in RGGI, but shifted a portion of the energy efficiency dollars into a rate reduction pot (too small to actually lower any real costs); with the remaining energy efficiency dollars placed into the existing, limited, utility-run efficiency programs.

While the premature end of funding is unfortunate, the success of the effort to date is quite remarkable. In each year of the program, enrollment goals were easily met and the number of businesses that converted from simple evaluations to actual project implementations was well above expectations. The rebates offered in the program allowed early adopters to step forward with a five-to-one match. This spurred a meaningful private investment in energy conservation, which in turn resulted in many businesses saving significant dollars on

electricity, heating and cooling costs. The program itself became expert in helping business figure out their energy costs, how they compare to others and how to finance and invest in the best bang for their buck.

In the weeks to come, the RMANH Energy Efficiency Program will be undertaking a lot of work to ensure that those businesses that are currently in the pipeline will have comprehensive audits and be able to complete their projects and qualify for rebates. In the end, this phase of the program has assisted more than 170 separate business locations. Moreover, the RMANH has emerged as a smart and strong voice for small and mid-size businesses in the energy conservation and efficiency arena.

The success of *Giving Power Back* is measured by strong enrollment and great energy savings. Certainly, results suggest that there are significant opportunities on the horizon. While the funding landscape is changing, the intellectual capital and professional experience gained will pay-off in other applications. In the immediate future, the RMANH will participate in a new proceeding underway at the PUC, where they will develop an alternative structure for spending the limited energy efficiency dollars that survived the legislative change to RGGI. In addition, tools developed over the next several months will guarantee that the experienced gained from the first three years of the RMANH Energy Efficiency Program are preserved and refunded for others to utilize as they consider energy conservation investments. 📌

For more information on RMANH's Energy Efficiency Program, call our offices at 603-225-9748, or email energy@rmanh.com