



# RAN

Retail Association of Nevada

August 2017

LOOKING OUT FOR BUSINESS

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NEVADA NEWS

## WHO IS A SPECIAL INTEREST LOBBYIST?

By Mary Lau, CEO

**DURING THE PAST LEGISLATIVE SESSION,**

RAN members were continuously updated regarding bills affecting the retail business community that were being considered for passage. RAN's legislative team followed closely and advocated for or against these bills, according to the best public policy and highest good as it related to our members and their business needs and concerns. The following of the bi-annual legislative sessions is the main member service, but it doesn't stop there. RAN's team continues to cover the regulatory issues, local government issues and national issues on your behalf.

Your RAN team considers themselves "advocates" as opposed to "lobbyists" as we only have one client and that is you – our members. But a recent article by Sean Whaley, reporter for the

Las Vegas Review-Journal Capital Bureau, published on July 13, 2017, pointed out that local governments topped \$3.75 million in lobbying expenses during this past session. Now, wouldn't it be fair to say that local governments were also advocates as they only represent their governments?

When you look at the 2017 Legislative Session, there were 1,251 Bill Draft Requests (BDR), some of which never made it to a hearing or even into bill form, but the lobbying starts during the drafting and consideration of the "idea" not just when it is officially a bill. So, clearly examining the huge amount of BDR's being considered by 63 legislators who are faced with a total of 1,046 registered lobbyists, the bright line (new phrase du jour) of advocate vs. lobbyist becomes blurred.

It is difficult enough to comprehend tax payer dollars being used to fund lobbying expenditures

for municipalities at the state legislature, but to see the huge increase over a very short period of time is concerning. According to Whaley's report, the amount funded has increased from 2005 at \$2.6 million (rounded up) to the recent \$3.75 million. Further, according

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# HUMAN TRAFFICKING

By Mary Lau

**ACCORDING TO UNITED STATES FEDERAL LAW, HUMAN**

trafficking is defined as (A) sex trafficking in which a commercial sex act is induced by force, fraud, or coercion, or in which the person induced to perform such act has not attained 18 years of age; or (B) the recruitment, harboring, transportation, provision, or obtaining of a person for labor or services, through the use of force, fraud, or coercion for the purpose of subjection to involuntary servitude, peonage, debt bondage, or slavery. The U.S. State Department provides a helpful chart for understanding the term."

Source: **Nevada Attorney General website [http://ag.nv.gov/Human\\_Trafficking/HT\\_Home/](http://ag.nv.gov/Human_Trafficking/HT_Home/).**

This societal problem has been with us a long-time, but has gotten worse over the years. With the help of interested parties, a dedicated law enforcement, and the guidance and focus of Nevada Attorney General Adam Laxalt, this vicious practice is being strongly addressed.

Yes, it is a national and multi-national concern. but RAN can only speak for Nevada and the efforts that are being made to assist victims to escape, find a new life and survive following such

exploitation.

In 2013 then Attorney General Catherine Masto introduced, and the legislature passed, legislation allowing for aid to victims and also gave the victim the right to sue their captor. (AB 67 of the 77th Legislative Session).

The Nevada Trucking Association partnered with her to start addressing this issue, and continues today in their efforts to aid these victims with the Attorney General's Survivors of Sex Trafficking Annual Dinner.

While RAN does not have an unlimited budget for outreach and support, the Association continues to sponsor and support this endeavor and proudly



**Nevada Attorney General Adam Paul Laxalt**

was a sponsor of the fourth annual event which was held at the Silver Legacy on July 13, 2017.

RAN holds the highest respect for General Adam Laxalt and his continued efforts on behalf of the women and men and boys and girls that fall victim to this horror. ■

## WHO IS A SPECIAL INTEREST LOBBYIST? *Continued from page 1*

to Whaley's article, the total number of "hired guns" (my words not his) was 30 people. To put it succinctly – WOW!

When you look further at this issue, there are 150 pages of "employers" listed at the Nevada State Legislature website as having representation before the 63 legislators. This list starts with the AOC — Administrative Office of the Court (Superior Court) and ends with

YSIS Enterprises in Las Vegas, Nevada.

Also registered are individuals under the title of "Self" — another category entirely.

Is it no wonder that legislators get overwhelmed during the 120-day process known as "Session?" Each and everyone registered is in actuality a SPECIAL INTEREST, including your determined and devoted trade association – RAN. Nevada is such an open

state that anyone, be it registered lobbyist, contributor or private citizen, can talk with our elected officials and each one of them becomes a special interest when they express a concern or fresh idea.

Keep in mind that a lobbyist is responsible to be truthful at all times, to present both sides of an argument so there is no "gotcha" garbage, and work with all parties concerned to craft

legislation that is good public policy. When they have done what they can in that endeavor, they clearly state their support or opposition and work for the best interest of their special concern.

Special interest is not wrong. It is exactly what is implied – the interest (concerns/support) of a particular group/party/government/business or person. ■



# MARIJUANA SALES IN NEVADA

By Liz MacMenamin

## THE RECREATIONAL SALES OF MARIJUANA

began on July 1, 2017 in Nevada. The response was so overwhelming that it was reported that the dispensaries were running out of product very quickly. Only a limited number of the medical dispensaries were authorized to begin sales to recreational customers.

A lawsuit filed by liquor distributors resulted in a temporary restraining order for delivery of the product. This also held up



the regulatory process, and created a shortage of product available at the retail level.

The temporary restraining order also caused the intervention of Governor Sandoval to move the process along. While the tax revenue may be great there are a few pieces of information regarding the laws in our state you may need to become familiar with.

According to a bulletin recently published by the Nevada High Intensity Drug Trafficking Area (HIDTA), a person may possess up to one ounce of marijuana or 1/8th ounce of concentrated marijuana for recreational use.

All those that are wanting to participate in this

recreational drug should know that it is only legal to smoke or consume inside a private residence or a parked vehicle at a private location. This may not be consumed in a moving vehicle, in public, or near the marijuana facility.

There still seems to be some issues regarding banking for the accounts of weed-related businesses as evidenced in Colorado.

"The lack of access to banking services for marijuana businesses is a key issue in Colorado," U.S. Senator Michael Bennet said. The legislators in Colorado are actively leading a bipartisan effort to establish some type of banking for the dispensaries in their state.

There is a mistaken belief that banks are prohibited from working with these entities, but federally there are extra banking regulations that were put in place to allow the banks to provide

banking services for these dispensaries.

However, banks are more concerned about remaining in compliance with federal law enforcement and have chosen, at this time, not to get involved.

Denver has seen an increase in robbery or burglary of these businesses since 2015. The businesses were targeted 120 times in that year and in 2016, saw an increase to 160 times. Recently robbers killed a security guard at an Aurora dispensary.

SB 236 proposed during the 2017 Nevada Legislature would have allowed public consumption through social clubs and other venues but ultimately failed to pass.

This concept was also presented in Colorado, Alaska, and in Maine but has not become law at this time. ■

# NEW FEE SCHEDULE FOR CITY OF RENO

By Lea Tauchen

## ON JULY 1, 2017, THE CITY OF RENO IMPLEMENTED

a new Fee Schedule. The City Council approved the changes when they adopted their 2017/2018 budget. The list of fees and charges for services was recommended

by Fiscal Choice Consulting during a comprehensive user fee study to determine the cost of providing services to those who are benefiting from the service and to relieve taxpayers from shouldering that burden. Fortunately, there were minimal changes due to the ongoing annual

application of the Consumer Price Index (CPI) to most fees that allows the City to keep up with market changes.

Citizens will see the largest increase in fees related to parking, police records, and parks and recreation programs. Business owners will face a CPI increase of 1.9%

for business license fees and a 3% increase for building permits. Fire prevention fees, such as special events inspections, were also adjusted.

You can find the complete Fee Schedule at [www.reno.gov](http://www.reno.gov). ■



# INTERNET PRIVACY NOTIFICATIONS

By Lea Tauchen

## IF YOUR BUSINESS OWNS OR OPERATES A WEBSITE USED

for commercial purposes, please read Senate Bill 538. Senate Majority Leader Aaron Ford sponsored this bill that will require you to provide certain notices relating to the privacy of any personally identifiable information that you collect on your website.

Currently, Nevada law requires any business that collects or maintains records, which contain personal information (name and address, credit card number, social security number, etc.) about their customers to implement and maintain

security measures to protect those records. Starting on October 1, 2017, your website will need to contain a notice that can easily be accessed by your customers to inform them of the categories of covered information that you, or any third parties, are collecting when they visit your site.

You will also have to provide a description of the process for an individual consumer to review and make changes to that covered information that

you have collected. Additionally, you will have to state the effective date of the notice and describe the process by which you will notify your customers of any material changes that are made to the notice.

These requirements are waived for businesses located in Nevada that derive their revenue primarily from a source other than online sales and have fewer than 20,000 unique visitors on their website each year.

The Attorney General will be responsible for enforcing these requirements. Should that Office find that your website is not in compliance with this law, you will receive a notice that allows you 30 days to correct the situation.

However, after 30 days, if you knowingly and willfully fail to find a remedy, the Attorney General is authorized to seek an injunction or impose a civil penalty of up to \$5,000 per violation against you.

Read the details of Senate Bill 538 at: [https://www.leg.state.nv.us/Session/79th2017/Bills/SB/SB538\\_EN.pdf](https://www.leg.state.nv.us/Session/79th2017/Bills/SB/SB538_EN.pdf). ■



# SCRAPS OF MEANING

By James Larsen, Ph.D.

## SENSE-MAKING IS A PROCESS OF CREATING AND ASSEMBLING

scraps of meaning toward the goal of answering two questions: "What's going on here?" and "What do I do now?" Sense-making occurs whenever we find ourselves in a situation that surprises us or seems unclear.

We often involve

others in our sense-making, and when we consider the scraps of meaning that others offer, it is called sense-giving. Sense-making and sense-giving combine to form a dynamic process of updating that works toward the goal of producing a complete answer to the first question and an intention to take effective action. It's a

nice, logical process, but there's often an emotional component that can ruin everything. Emotions, after all, are not logical.

When customers have problems in our businesses, it comes as a surprise to them, and it triggers sense-making. So far, so good. Problems arise when strong negative emotions enter in. The emotions trump the

logical process. When strong emotions dominate attention, updating in the normal sense-making and sense-giving process comes to a halt. The only information that gets in serves to support and amplify the negative emotions. Tempers rise, and destructive actions follow and spread to others. "Company XYZ

Continued on page 9



# NRF: BACK-TO-SCHOOL SHOPPERS STARTING EARLY

## RETAILERS WHO WAIT UNTIL LATE SUMMER THIS YEAR

to launch back-to-school deals are only hurting themselves, because early shoppers will spend more than late starters.

That's according to Deloitte's "2017 Back-to-School Survey," which also detected a big shift in where back-to-school will be shopping this year. One thing that hasn't changed: In-store still prevails.

Sixty-percent of back-to-school shoppers plan to hit stores by the end of July, spending an average of \$532, which is 16% higher than the remaining 40% of parents who will start shopping in August or later, according to Deloitte. Those later shoppers are projected to spend only about \$458 per student.

Deloitte, which polled 1,200 parents of school-

aged children in grades K-12, found that shoppers expect to spend an average \$501 per student on back-to-school this year, on par with last year. The total spend is expected to hit an estimated \$27 billion.

The survey revealed a shift in where parents will be doing their back-to-school shopping. The majority of survey respondents (81%) plan to shop at mass merchants, a 24% increase over last year. Off-price stores also gained fans, climbing to 28% from 10% in 2016.

Department stores and specialty apparel stores, however, are losing favor. Twenty-eight percent of respondents plan to shop traditional department stores this back-to-school season, down significantly from 54% last year. And only 8% of parents plan to visit specialty-clothing stores,

falling from 25% in 2016.

The survey also picked up a shift in the type of goods parents are buying this back-to-school season. Clothing and accessories are expected to account for 55% of families' spending this year — up 10% from last year — mostly at the expense of school supplies and computers.

"With today's technology-based education system there is less need for traditional school supplies, likely contributing to the shift toward more spending on clothing and accessories before children head back to school," said Rod Sides, vice chairman, Deloitte LLP and U.S. retail, wholesale and distribution practice leader. "Part of this shift may also come from the popularity of preconfigured school supply kits, which 30 percent of families plan to use."



Deloitte recommends that retailers make an effort to target the "undecided" back-to-school shopper — that is, shoppers who don't know whether they will shop online or in-store. Such shoppers are more likely to choose retailers that offer free shipping (68%), buy online and return to store (52%), and offer loyalty programs that provide faster or cheaper discounts when shopping online (49%), the study found.

"Retailers should aggressively pursue the 'undecided' consumer because they collectively represent nearly \$5.4 billion this back-to-school shopping season," Sides said. ■

*"This segment is up for grabs but likely to go to retailers that draw customers in early with promotions and digital experiences that make store visits even more attractive, like inventory visibility, order tracking or buy online/pick up in store."*

**Back to College info on page 9**





# Nevada Notes

## PARK LANE PROGRESS

Over 45 acres of cracked and broken asphalt are left from the footprint of a 1960s-era mall. The groundbreaking ceremony for Reno's biggest eyesore is fast approaching. Plans are to build apartments and commercial and office space in the lot left empty for a decade. The only things staying are the theater, its rear parking lot and a nearby bank and veterinary clinic. In its place, will be a Park Lane project resembling a popular California mixed-use plaza.

With a five-year build-out, plans call for restaurants, a grocery store, 1,619 apartments, 45,000 square feet of office, 85,800 square feet of retail and a one-acre park project with parking garages hidden behind the apartment and office units inside all the buildings instead of out in the open. *RGJ*

## LAND UNDER SOUTHWEST LV MALL SOLD

A Southern California investor is spending a hefty sum for the land underneath a southwest Las Vegas shopping center. Macy Lai's M& D Group is paying \$24.9 million to acquire the land and ground lease at Arroyo Market Square, an 88-

acre strip mall at Rainbow Boulevard and the 215 Beltway whose tenants include Walmart, The Home Depot and Best Buy. M& D is buying the land from Clark County, which auctioned the site in June at a commissioners hearing.

The minimum bid was \$24.89 million. Lai's group submitted the only offer. The sale comes less than a year after the county tried to auction the land for more than \$40 million. It's also a wager that big-box retail and other brick-and-mortar stores won't fade away, despite the industry's increased woes.

According to the county, proceeds of the land sale will be distributed under the Southern Nevada Public Land Management Act, with 85 percent of the funds going to the federal Bureau of Land Management, 5 percent to the state of Nevada and the rest to the county's Department of Aviation, the current landholder. *LVRJ*

## AT&T INVESTS MORE THAN \$200 MILLION IN ITS LAS VEGAS NETWORKS

While Las Vegas' motto for visitors is "What happens here, stays here," cell phone companies are investing millions to help tourists and business

travelers get the word out of their escapades.

AT&T announced it has invested more than \$200 million in its Las Vegas networks over the past three years. These investments enhance reliability, coverage, speed and overall performance for residents and businesses, and they improve critical services that support public safety and first responders, according to AT&T spokesman Scott Huscher.

In 2016, AT&T made more than 775 wireless network upgrades in the Las Vegas area, Huscher said. These upgrades included adding new cell sites, boosting network capacity and expanding LTE coverage, he added.

*LVRJ*

## ROLL OF THE MERCHANDISE: CITY TO SELL SOUVENIR LINE ONLINE

Gift shops around the valley peddle almost every kind of merchandise imaginable with "Las Vegas" splashed across it. But starting in June, a new store started selling city-sanctioned swag.

The city of Las Vegas' foray into retail will be online only, at least to start. The city's new online store launches at <https://vegasstore.mybrightsites.com>,

where T-shirts, hats, mugs and more with the city's magenta logo will go on sale.

Eagle Design produces all the merchandise, with prices from \$7 to \$23 or so. The city will get a 20 percent cut of everything that's sold, with the profits bound for the city's general fund.

The trademarked logo, rolled out in October, is used on city signs, work attire, vehicles and promotional materials.

*LVRJ*

## TAXATION REVENUE STATISTICS — APRIL 2017

*(Figures released in June)*

Statewide taxable sales for April 2017 totaled \$4,559,076,653, a 4.6 percent increase over April 2016.

The largest increases were realized by Merchant Wholesalers, Durable Goods, up 36.3 percent; Non-store Retailers, up 121.2 percent; Building Material and Garden Equipment and Supplies, up 9.7 percent; General Merchandise Stores, up 5.0 percent; and Machinery Manufacturing, up 40.1 percent.

Eight of Nevada's 17 counties recorded an increase; Elko, Esmeralda, Humboldt, Lander, Lincoln, Mineral, Nye, Pershing,

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# National Notes

## SAYING DIGITAL COMMERCE IS KILLING OFF PHYSICAL STORES IS LAZY THINKING AND A HALF-TRUTH.

But the spate of retail bankruptcies, store closings and liquidations doesn't mean consumers have traded in bricks for clicks. They reflect a mixed brew of factors, including a vastly overstored retail landscape still sized for a pre e-commerce/pre Great Recession shopping mindset, just as consumers buy fewer tangible things, like a new purse, opting for more experiential purchases, like a dinner out.

And despite all the chatter about e-commerce putting brick-and-mortar out of business, it's the online-only merchants that are struggling to go it alone, as legacy retailers such as Wal-Mart buy up online merchants.

## All But One Of The Top Ten U.S. Retailers Are Physical Chains

All but one of the top 10 U.S. retailers are old-school, brick-and-mortar stores, according to the Top 100 Retailers list from STORES magazine, a National Retail Federation publication.

Among the top 10 are: Wal-Mart Stores, Kroger Co., The Home Depot, CVS, Walgreens,

Target, and Lowe's. And it's worth noting that 55-year-old Wal-Mart, the nation's biggest retailer, grew 8% last year.

While most of the top 10 retailers boast e-commerce arms, stores are still the meat and potatoes of their business.

*Forbes*

## RETAIL REPORT

U.S. retail sales unexpectedly fell in June for a second straight month. The Commerce Department said today retail sales fell 0.2 percent last month, dragged down by drops in sales at service stations, clothing stores and supermarkets. The data shows that Americans also cut back on spending at restaurants and bars, as well as on hobbies.

Retail sales were up 2.8 percent year-over-year in June. According to the National Retail Federation, deflating pricing in retail continues to aggravate measurements of spending in June.

Consumers continue to make purchases, but total sales reflects depressed prices on the volume of goods purchased *WSJ*

## KROGER MILK CONTAINER TO SAVE 5M POUNDS OF PLASTIC ANNUALLY

Kroger has rolled out new, eco-friendly milk

containers for its private label, Our Brand. The new jugs should save enough plastic to cover the distance between New York and Los Angeles twice.

By 2019, all 15 dairy plants used by Kroger are expected to be using this packaging. At that point, the initiative will be saving 5 million pounds of plastic per year, Kroger said.

The move was preceded by a 2016 change in Our Brands shredded cheese containers, which evolved from a "traditional" pouch to a pouch that has the ability to stand on its own. Howard said that this upgrade allowed the grocer to reduce plastic use by 180,000 pounds annually.

Kroger is based in Cincinnati and currently fields about 2,800 locations under multiple banners across the country. (Including Smith's in Nevada)

*Supermarket News*

## IMPORTS COULD HIT NEW RECORD AS BUSY MERCHANTS STOCK UP

July and August should be two of the busiest months ever seen for imports at the nation's major retail container ports, possibly setting a new record as merchants enter the back-to-school season and begin to stock

up for the holiday season that will follow, according to the monthly Global Port Tracker report released by the National Retail Federation and Hackett Associates.

"We're expecting retailers to import some of the largest volumes of merchandise ever," NRF Vice President for Supply Chain and Customs Policy Jonathan Gold said.

"That's a good indicator of what could be ahead for consumer demand and retail sales, and it's a sign that retail is going strong despite what you might read in the headlines."

NRF has forecast that 2017 retail sales – excluding automobiles, gasoline and restaurants – will increase between 3.7 and 4.2 percent over 2016, driven by job and income growth coupled with low debt. Cargo volume does not correlate directly with sales because only the number of containers is counted, not the value of the cargo inside, but nonetheless provides a barometer of retailers' expectations.

*NRF Press Release*

## SELL BY? USE BY? GROCERY INDUSTRY MOVES TO SIMPLIFY LABELS

The label on a package of pork chops used a "sell

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# SMALL RETAILERS SAY BORDER TAX PROPOSAL WOULD COST JOBS

## NRF ASKS CONGRESS TO FOCUS ON INCOME TAX REFORM, NOT BAT

**WASHINGTON:**  
**THE NATIONAL**  
**RETAIL**  
**FEDERATION**

(NRF) urged the House tax-writing committee to consider small retailers and their employees when reforming the nation's tax code, saying they would suffer more than large companies under a proposal to create a border adjustment tax (BAT) that would drive up the price of imported merchandise.

"Small retailers are probably the business group that is hardest hit by the potential impact of the BAT," NRF Senior Vice President for Government Relations David French said.

"They do not have the economies of scale to be able to reduce the higher costs of their merchandise with the BAT imposed and are most likely to lose sales to lower-priced competition. We hope to work with you toward an alternative to the BAT and protect small retailers and the almost 17 million jobs that they contribute to the U.S. economy."

French's comments

came in a letter to the House and Ways and Means Committee, which held a hearing July 13, 2017, on how tax reform would benefit small businesses, grow the economy and create jobs. NRF has led the retail industry in advocating for comprehensive tax reform that would broaden the tax base and lower the rate.

French said the 20 percent BAT that would be created under the

***"Small retailers are probably the business group that is hardest hit by the potential impact of the BAT," NRF Senior Vice President for Government Relations David French said.***

"Better Way" tax reform plan proposed by House Speaker Paul Ryan, R-Wis., and Ways and Means Committee Chairman Kevin Brady, R-Texas, would effectively move the United States toward a consumption tax structure rather than the current income tax structure.

"Our small retail



members are very concerned about tax reform efforts that might shift the burden of taxation to consumption," he said.

believe that a reform of the income tax, by providing a broad base and low rates, will bring the greatest economic efficiency and simplicity to the federal tax system," French said.

"These changes will lead to greater investment, more jobs and greater economic growth."

The BAT provision would end importers' ability to deduct the cost of merchandise purchased from other countries, resulting in higher prices for consumers. NRF estimates this could cost the average family as much as \$1,700 a year. ■

"Increased costs to the consumer will cause sales to decline and result in a contraction in their businesses."

Instead, Congress should reject the BAT proposal and focus on reform of the existing income tax system, he said.

"Our retail members





# COLLEGE SPENDING

## COLLEGE STUDENTS AND THEIR FAMILIES PLAN TO SPEND

an average of \$969.88, up from last year's \$888.71. Total spending is expected to be \$54.1 billion, up from \$48.5 billion last year and surpassing 2012's record of \$53.5 billion. The increase in spending is driven, in part, to growing college enrollment. According to the National Center for Education Statistics, college enrollment has

steadily increased over the last five years and is projected to reach nearly 21 million this fall. The survey found college consumers plan to spend \$12.8 billion on electronics (purchased by 51 percent), \$8.0 billion on clothing (78 percent), \$7.5 billion on snacks and other food items (75 percent), \$5.9 billion on dorm/apartment furnishings (51 percent), \$4.5 billion on shoes (72 percent), \$4.5 billion on personal

care items (78 percent), \$3.9 billion on school supplies (88 percent), \$3.9 billion on gift cards (40 percent) and \$3.2 billion on branded collegiate gear (56 percent). Households plan to spend an average of \$229.20 on electronics, \$142.90 on clothing, \$134.20 on food, \$105.58 on dorm/apartment furnishings, \$81.38 on shoes, \$81 on personal care items, \$70.08 on school supplies, \$68.99 on gift cards and \$56.57 on

branded gear. Similar to K-12, the survey asked back-to-college shoppers for the first-time what types of electronics they plan to purchase. The survey found 61 percent plan to purchase a laptop, 28 percent a tablet, 26 percent electronic accessories, 24 percent a calculator and 21 percent a smartphone/cell phone. Also similar to K-12, more back-to-college  
*Continued on page 11*

## SCRAPS OF MEANING *Continued from page 5*

cheated me/treated me badly. I'm mad as hell. I'm going to do everything I can to hurt them, and my friends are going to help me!" When this process gets started, it can spread like wildfire, and it is not good for business.

Emily Heaphy from the University of Rhode Island is interested in this problem, so she selected a setting where she was very likely to find it, and then she examined what they do and noticed how it worked for them. It was a welcome approach where the researcher becomes the student and asks the question "What are you doing about this, and how is it working?"

She selected a hospital setting, and she

learned that hospitals employ mediators as their response. Heaphy followed several of them and analyzed what they did and how it turned out, and she learned some techniques that we could employ in business settings. Here's the best of it.

First, you can blunt customers' strong negative emotions if you allow customers to express these emotions effectively to you. Two rules: you must not react emotionally yourself. Be a blank slate. You're collecting information, and their emotions are important to you, but they're not your emotions. Also, don't allow the customer to keep repeating negative

emotions, amplifying them with each telling. Once is enough; twice signals a need to end the conversation.

Second, collect scraps of meaning from everyone involved. If it's a conflict between two people, talk to both of them. Your goal is to construct a complete sense-making account of your own, and you will know it is complete when you can explain the thinking and emotions of each person's actions. This explanation will make sense to you, and it develops partly by explaining it to a disinterested party, like a coworker or a spouse.

Third, reenter a customer's sense-making process by selectively

sharing your sense-making account of the customer's problem. You're trying to help, so begin by recognizing and blunting strong negative emotions, and then offer an explanation and an action the customer can take to resolve the problem.

Finally, if customers resist your efforts to help, re-tell an account of the problem from the perspective of another person who was involved in the conflict or witnessed it. This re-telling is your last chance to help. If these four techniques fail to quell the negative emotions and resolve the problem, you'll have to move on to other business. ■

Reference: [businesspsych.org](http://businesspsych.org)



## **Important Information for SIG Members**

*NRNSIG requires all existing members of a self-insured group to be notified of all new members.  
NRNSIG new members are listed below.*

**A1 Window Cleaning LLC**

**Anything Virtual LLC**

**Bishop Services Inc**

**HG Adhesive Dispensing LLC**

**SOSUTV Corporation**

**NRNSIG** members who wish to register a negative vote on a new group member, please write NRNSIG at 575 S. Saliman Road, Carson City, NV 89701, indicating which member and the reason(s) for the negative vote.



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**Las Vegas Office**  
175 E. Reno Avenue, Suite C9, Las Vegas, NV 89119  
(800) 480-1846 or (702) 740-4380

**Elko Office**  
557 W. Silver Street, #206, Elko, NV 89801  
(775) 753-7771



**MEMBERSHIP INFORMATION:** Find out more about RAN's self insured group. Call Pro Group, **800-859-3177**,

10 ♦ or the RAN office at **775-882-1700** (toll free in Nevada 800-690-5959). Don't forget to check out our website, **www.RANNV.org**.



## NEVADA NOTES *Continued from page 6*

and Washoe recorded a decrease.

Gross revenue collections from Sales and Use Taxes amounted to \$359,580,915 for April

2017, a 5.92 percent increase compared to April 2016. The General Fund portion of Sales and Use Taxes collected amounted to \$91,094,955,

a 6.18 percent increase compared to April 2016. The Department reports collections for Excise Taxes of \$43,089,842 for the month of April 2017, an

increase of 8.17 percent compared to the same month prior year.

*DoT Press Release*

## NATIONAL NOTES *Continued from page 7*

by" date on it. In the future, it could either say "best if used by" or "use by" as food manufacturers try to end confusion about when to discard food.

Each food company determines for itself how long a shelf life its products should have, and how to communicate that to shoppers. More than 10 different phrases are used to inform consumers

about when to use or discard food, according to the Grocery Manufacturers Association and the Food Marketing Institute, the two large trade groups that represent major food producers and grocery chains. As a result, many people are confused about exactly when to throw out food.

Last month those two groups, and Walmart,

announced that they had agreed to whittle that lexicon to just two phrases: "best if used by" and "use by."

They said they hoped the change, which is voluntary, would be embraced by the vast majority of food manufacturers and producers sometime next year.

Walmart, the nation's largest grocery retailer, said it strongly encouraged

its suppliers to use "best if used by" on products that might not taste or function as well beyond the specified date, but were nonetheless safe to consume. The company also encouraged suppliers to save "use by" for the handful of products that are highly perishable and could pose a health hazard if kept too long. *NYT*

## COLLEGE SPENDING *Continued from page 9*

buyers are shopping early. This year, 32 percent will start two months before school compared with 26 percent last year. And only 21 percent will leave shopping until the last week or two before school starts, down from 25 percent last year. Of those shopping early, 64 percent are trying to spread out their budgets, 41 percent don't want to miss sales and 37 percent want to avoid crowds.

When it comes to where to shop, 44 percent will go online, 40 percent to discount stores, 39

percent to department stores, 34 percent to college bookstores and 29 percent to office supply stores.

The survey of 7,226 consumers asked about both back-to-school and back-to-college plans and was conducted June 30-July 5 and has a margin of error of plus or minus 1.2 percentage points. ■

### **About Prosper Insights & Analytics**

*Prosper Insights & Analytics is a global leader in consumer intent data serving the financial services,*

*marketing technology, and retail industries. [www.ProspertInsights.com](http://www.ProspertInsights.com)*

### **About NRF**

*NRF is the world's largest retail trade association, representing discount and department stores, home goods and specialty stores, Main Street merchants, grocers, wholesalers, chain restaurants and internet retailers from the United States and more than 45 countries.*

## UPCOMING EVENT

**NRF SHOP.ORG**  
September 25-27, 2017

**LA Convention Center**  
Los Angeles, CA

For more information:  
<https://nrf.com/events>



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## NEVADA NEWS

Nevada News is published by the Retail Association of Nevada, a nonpartisan, nonprofit corporation founded in 1969 representing the Retail Community, the Chain Drug Council and the Grocery Industry Council.

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# RETAILERS WELCOME CONGRESSIONAL HEARING ON UNFAIR ‘JOINT EMPLOYER’ RULES OBAMA ADMINISTRATION CREATED OVERLY BROAD STANDARDS

## WASHINGTON: THE NATIONAL RETAIL FEDERATION

(NRF) applauded a congressional hearing exploring the impact of the National Labor Relations Board and Labor Department’s Obama era expansion of joint employer standards, which have increased businesses’ exposure to lawsuits and unionization efforts.

Senior Vice President for Government Relations David French said, “Under the broader standard, the NLRB created the impossible scenario in which

one business can be held liable for the actions of another entirely independent business such as a subcontractor or franchisee. These harmful and unnecessary changes have resulted in seemingly limitless liability in business-to-business relationships and a significant lack of certainty for millions of retailers nationwide.”

The Labor Department dropped its expanded standards in June following the election of President Trump but the NLRB standards remain in place.

Guidelines released in January 2016 by the Labor

Department’s Wage and Hour Division said that two companies that are only technically separate – such as different divisions of the same corporate parent – could be considered joint employers. The agency also said a company could be considered a joint employer of workers hired by an intermediary such as a staffing agency.

Similarly, in an August 2015 ruling involving the waste management company Browning Ferris Industries and staffing agency Leadpoint Business Services, the NLRB said a company could be

considered a joint employer even if it had only indirect or unexercised control over workers.

In a separate case, the NLRB said McDonald’s could be considered a joint employer with its restaurant franchisees. Under guidelines followed for more than 30 years before the ruling, the NLRB held that a company had to have direct control over the actions of a subcontractor or franchisee’s employees in order to be considered a joint employer. ■