

BENEFIT FROM THE VALUE.

THIS ISSUE INSIDE



— 13 Alabama retail businesses will be recognized Oct. 8 as either Retailers of the Year or Centennial Retailers during the 32nd Annual Retail Day at The Club in Birmingham.



— An overview of the Health Insurance Marketplace notifications, the delayed employer mandate and other issues of the Affordable Care Act.



— The Optional Network Election for Single Point Online Transactions, or ONE SPOT, goes online Oct. 1. The system makes it possible to pay sales, use and lease taxes for cities, counties and the state in one location.



— The Bromberg family earned the American Gem Society Circle of Distinction Triple Zero Award and other member news.



— Employers must train workers on new label elements and a standardized format for new Safety Data Sheets by Dec. 1. Alabama Retail Comp has materials available to help members reach that goal.

Simply Fashion founder headlines Retail Day

Former Retailer of the Year and Alabama Retail chairman, Rodney Barstein, will headline Alabama Retail Day 2013. Barstein is a founder and chief operating officer of Birmingham-based **Simply Fashion Stores Ltd.**

The 32nd Annual Alabama Retail Day luncheon begins at **11:30 a.m. Tuesday, Oct. 8**, at The Club in Birmingham.

Barstein's keynote address will precede the Retailer of the Year and Centennial Retailer Awards, which honor Alabama's most outstanding as well as its oldest retailers. (See Page 3 to see this year's honorees).

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Rodney Barstein

Healthcare law expert to speak at Annual Meeting

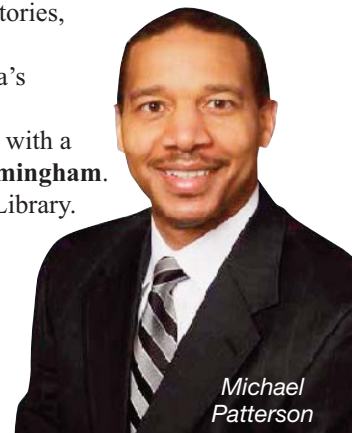
In an effort to keep members apprised of the latest changes related to 2010's Patient Protection and Affordable Care Act, the luncheon preceding the Alabama Retail Association and Alabama Retail Comp Annual Meeting will feature a keynote address by an expert on the subject.

Michael Patterson, vice president, general counsel and corporate secretary of Blue Cross and Blue Shield of Alabama, will talk about the ramifications of the employer mandate and other issues related to the Affordable Care Act (See stories, Page 4) that become effective over the next couple of years.

Patterson has been with BCBS since 1986. He served as Alabama's Revenue Commission from March 2000 until August 2001.

The annual meeting events begin at **11:45 a.m. Tuesday, Nov. 5**, with a luncheon in Bruno Hall of the **Harbert Center in downtown Birmingham**. The **annual meeting** follows lunch at **1 p.m.** in the Dunn French Library. The annual meeting is open to all Alabama Retail Association members, but seating for the lunch and meeting are limited.

Please **RSVP by Friday, Oct. 25**, to Virgie Todd at vtodd@alabamaretail.org or call **1-800-239-5423**. When you RSVP, we will send you a confirmation and an agenda. Make plans to attend this meeting during which we will review the past year, look to the year ahead and elect officers and board members.



Michael Patterson



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Simply Fashion founder headlines Retail Day

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Retailers, academics, students and guests also are invited to a **9:30 a.m. panel discussion** on Careers in Retailing, also at The Club.

ABOUT OUR SPEAKER

Retailing runs in Rodney Barstein's blood. His father, grandfather and great-great uncle founded Bargain Town USA, a discount variety store that grew to 60 stores before being sold in 1987. When the company that bought Bargain Town dissolved, Rodney and his brother, Mark Barstein, along with the Janak Shah family of Miami, Fla., bought what was then known as Simply 6, and founded Simply Fashion Stores Ltd. Rodney Barstein has been a leader in Alabama's retail community, serving as chairman of the Alabama Retail Association for the 2000-2001 term and being recognized in 2011, along with his brother and the Shah family, as the Gold Alabama Retailer of the Year in the Annual Sales More than \$20 Million Category. His current title at Simply Fashion is chief operating officer.

ABOUT SIMPLY FASHION

The Simply Fashion Stores Ltd. sell clothing and accessories, most with a price tag of \$10 or below. Its target customers are urban women between the ages of 18 and 35 with an emphasis on plus sizes. The chain operates 250 stores in 22 states and employs 1,500 associates

with 15 of those stores and more than 165 of those associates in Alabama. In 1993, the Birmingham Venture Club awarded Simply Fashion the John S. Jemison Award, which honors high-growth, high-value entrepreneurs. In 1996, Inc. magazine recognized Simply Fashion as one of the 500 fastest growing privately held companies in America. Simply Fashion has been an **Alabama Retail member since 1992**. For more information, visit the company's website at simplyfashion.com



MORE ON RETAIL DAY

The Alabama Retail Association, the University of Alabama at Birmingham School of Business and Firestone Complete Auto Care serve as hosts for Retail Day.

Alabama's Retail Day began in 1982 at the University of Alabama at the main campus in Tuscaloosa. In 2006, Retail Day moved to Birmingham under the direction of the Retail Excellence Initiative within the University of Alabama at Birmingham Collat School of Business. This will be the eighth year that the Marketing, Industrial Distribution and Economics Department in the UAB School of Business has presented the program to make students aware of the many and varied career opportunities available in retail.

2013 Alabama Retail Day • Tuesday, Oct. 8, 2013

(Register at alabamaretail.org/retaildayregistration)

9:30 a.m. **Careers in Retailing Panel Discussion**
to 10:45 a.m. *Panelists are Margo Scoggins, **Belk**, Western Division recruiting manager; Tom Peterson, The Krystal Co., chief marketing officer; James McClain, Firestone Complete Auto Care, human resources Southeast zone manager; David Fortner, Enterprise Rent-A-Car, talent acquisitions specialist; and Doug Schneider, Bayer Properties, marketing vice president. Moderated by Bryan Holt, a principal with Southpace Properties.*

11:30 a.m. **Luncheon featuring Rodney Barstein, **Simply Fashions Stores Ltd.****

12:30 p.m. **Retailer of Year, Centennial Retailer Awards**

Where: **The Club**, 1 Robert Smith Dr., Birmingham

Cost: **\$50***

**No cost for Alabama Retail board and ARC trustees as well as Retailers of the Year and Centennial Retailers, who attend as Alabama Retail's guests.*

13 retailers to be honored on Retail Day



On Alabama Retail Day 2013, 13 retail businesses will be honored as either Retailers of the Year or as an Alabama Centennial Retailer. Congratulations to these retailers and their businesses.



*Jen Barnett
Freshfully
Birmingham*



*Lucy Buffett
LuLu's
Gulf Shores*



*Dorothy McDaniel
Dorothy McDaniel's Flower
Market
Homewood*



*Jan Clevenger
Belk Inc., Western Division, Birmingham,
22 stores in 19 Alabama cities*



*Mark McCutcheon
Golden Flake Snack Foods
Birmingham*



*Stacie Money
Fringe
Opelika and Auburn*



*Marco and Elan Morosini
Silvertron Cafe
Birmingham*



*Managers and Employees
Leaf & Petal
Mountain Brook*



*Jeff Rosenthal
Hibbett Sports
Birmingham-based
87 stores in
67 Alabama cities*



*Van Sykes
Bob Sykes Bar B Q
Restaurant
Bessemer*



*Georgia Ziglar
Ziglar Inc.
Troy*



*Manager and Associates
Western Supermarket
Mountain Brook*

Federal and state laws h

Affordable Care Act notifications should have gone out by Oct. 1

By Oct. 1, almost all U.S. businesses should have provided their employees with mandated notices under 2010's Patient Protection and Affordable Care Act, also widely referred to as Obamacare. There is no penalty at this time for failing to make the notifications, however, doing so is fairly simple and advisable.

The notices inform employees of the existence of Health Insurance Marketplaces or Exchanges, where they can get affordable health insurance coverage. The notices are required even if you offer health insurance to your employees. The exchange in Alabama will be run by the federal government as Alabama chose not to set up its own exchange. Open enrollment for the exchange begins Oct. 1 at healthcare.gov

On Sept. 17, attorney **Ted Hosp** with the Maynard, Cooper & Gale law firm talked with almost 150 Alabama Retail Association members about the required notices during an hour-long conference call. A recording of that call and Hosp's accompanying presentation are available by request. E-mail Nancy Dennis at ndennis@alabamaretail.org or Virgie Todd at vtodd@alabamaretail.org to receive copies of either or both.

The vast majority of employers should have provided all current full and part-time employees with a notice of the Health Insurance Marketplaces/Exchanges by Oct. 1, 2013.

The model notices for employers to use are available on the U.S. Department of Labor website:

- Employers who do not offer health care coverage to their employees, should use the notice at:
<http://www.dol.gov/ebsa/pdf/FLSAwithoutplans.pdf>
- Employers who offer health care coverage to some or all employees, should use the notice at:
<http://www.dol.gov/ebsa/pdf/FLSAwithplans.pdf>

After Oct. 1, 2013, employers must notify all new employees of the existence of the Health Insurance Exchanges/Marketplaces within 14 days of the new employee's start date. At this time, there appears to be no requirement for employers to maintain a record of the notice or that the notice was received.

Under the Affordable Care Act, or ACA, individuals must have health insurance by Jan. 1 or potentially face penalties. See story below for information on the employer mandate related to ACA.

Affordable Care Act has implications for small

MARKETPLACES OPEN OCT. 1 FOR SMALL BUSINESS

As of Oct. 1, small businesses can enroll in the Small Business Health Insurance Options Program (SHOP) marketplaces for health insurance coverage for your employees. Coverage can start as soon as Jan. 1, 2014. The marketplaces are to provide side-by-side health insurance comparisons.

In 2014, the SHOP Marketplace will be available for small employers with 50 or fewer full-time (30 hours/week) equivalent employees.

Also beginning in 2014, a small business health care tax credit of up to 50% of a for-profit employer's premium contribution, can only be claimed for health plans purchased through SHOP.

To learn more, go to:

www.healthcare.gov/what-is-the-shop-marketplace/

Those who are self-employed with no employees can get health insurance through the individual Health Insurance Marketplace, but not through SHOP.

ONE-YEAR DELAY IN LARGE EMPLOYER MANDATE GIVES RETAILERS CHANCE TO TEST SYSTEMS

Originally, the federal Patient Protection and Affordable Care Act mandated that any company with the equivalent of 50 or more full-time employees (30 hours/week) offer each of those full-timers health coverage meeting the law's affordability standards by January of 2014. That mandate has been moved to Jan. 1, 2015.

Small businesses – those with less than 50 full-time equivalent



Small employers can get tax credits for offering health insurance purchased through federal marketplaces; Large employers were given a year reprieve to fine tune/contemplate what coverage they will provide their employees.

employees – are exempt from the health law's mandate, although those businesses can purchase insurance through SHOP and get a tax credit for doing so.

The original Affordable Care Act, or ACA, also required employers to report information on their health coverage plans by the start of 2014. That has been moved back to Jan. 1, 2015, as well. On Sept. 5, the U.S. Treasury Department and the Internal

ave Oct. 1 effective dates



Alabama Revenue Commissioner Julie Magee, second from left, discusses the ONE SPOT tax filing system with members of her staff, the Alabama Retail Association staff and the Automobile Dealers Association of Alabama before the Sept. 10 conference call with Alabama Retail and ADAA members.

ONE SPOT went online statewide Oct. 1

As of Oct. 1 with your September return, retailers can go to ONE SPOT to file and remit city, county and state sales, use and lease/rental taxes.

The system, known as the Optional Network Election for Single Point Online Transactions, or **ONE SPOT**, streamlines tax filing for retailers and other businesses.

Participation by businesses is optional but all governmental entities in the state must accept the returns when accompanied by the approved electronic payment. In other words, you can continue to file your sales/use/lease tax returns with the individual governments or third-party administrators, but if you use **ONE SPOT**, the governments and/or their administrator will receive your return and payment. The system was created to save you time and paperwork.

Rather than each business having to use multiple forms and/or multiple websites, the new system allows retailers statewide to handle sales/use/lease taxes for all government entities all in one place: the My Alabama Taxes portal on the Alabama Department of Revenue website. In all likelihood, your business has already signed up at myalabamataxes.alabama.gov

In July, taxpayers began using the online system to remit state and many local taxes, including those administered by the state and those for 20 of the counties and cities that serve as their own administrator. As of Oct. 1, sales, use and rental taxes for all localities, no matter who administers those taxes can be filed and remitted through My Alabama Taxes.

On Sept. 10, Alabama Revenue Commissioner Julie Magee and key members of her staff provided **ONE SPOT** training for more than 200 Alabama Retail Association and Alabama Automobile Dealers Association members via conference call.

If you missed that call, the recording is available at alabamaretail.org/ONESPOT/

There are also tips for using ONE SPOT on the Alabama Retail website at the link above.



For more information, go to alabamaretail.org/ONESPOT/

If you need assistance with or have a question about using ONE SPOT, e-mail onespot@revenue.alabama.gov

OR contact your local Taxpayer Service Center. Contact information for the local taxpayer centers can be found at:

<http://revenue.alabama.gov/about-service-centers.cfm>

and large employers

Revenue Service issued proposed regulations to implement the information reporting requirements. Public comment will be taken on those proposed rules through Nov. 8.

The decision to delay some mandates by one year does not postpone implementation of other parts of the law such as new tax credits to help individuals buy health insurance if their employer does not provide it, the notification of the insurance exchanges/marketplaces as outlined in the story above and the individual mandate to have health care coverage by Jan. 1.

Large companies should use 2014 to build and test their systems for the health plan, said Neil Trautwein, vice president and employee benefits policy counsel for the National Retail Federation.

Trautwein recommends you consult with your benefits experts on how your plan fits into the new law.

Congress could change more aspects of the law before its full implementation.

AFFORDABLE CARE ACT TOPIC OF ALABAMA RETAIL'S ANNUAL MEETING

Michael Patterson, vice president, general counsel and corporate secretary of Blue Cross and Blue Shield of Alabama, will address the issues for both large and small retailers under the Affordable Care Act during the luncheon preceding the **Tuesday, Nov. 5, annual meeting** for the Alabama Retail Association and Alabama Retail Comp. See how to register in the story on Page 1.

Alabama's new gun law took effect Aug. 1

Gun-related posters, policy available for download from Alabama Retail Association

A new law governing gun rights in Alabama took effect Aug. 1. Alabama Retail Association members should have received information via email prior to the law's effective date. The full member communication regarding the gun law can be found at alabamaretail.org/gunlaw/

On that web page, four possible posters are available for download.

The signs differ based on the level of security at your business. The signs, also shown on this page, are provided as examples for your possible use. Other notices may be sufficient as well. The sample signs are intended to help you comply with this new law while maintaining workplace/store safety. If the downloadable posters do not meet your expectations, contact your county sheriff's office. Many of the state's sheriff's offices have stickers or other gun-related signage available for businesses.

WHAT BUSINESSES ARE IMPACTED

Nearly all businesses are affected by the new law. The exceptions are:

- Businesses that only allow employees in their building and do not provide employee parking; and
- Businesses that allow possession of firearms on their property or do not want to regulate or restrict firearm possession on their property.

SAMPLE GUN POLICY

Ted Hosp with Maynard Cooper & Gale has developed a sample weapons policy for businesses that wish to prohibit firearms inside their facility and while their employees are conducting company business.

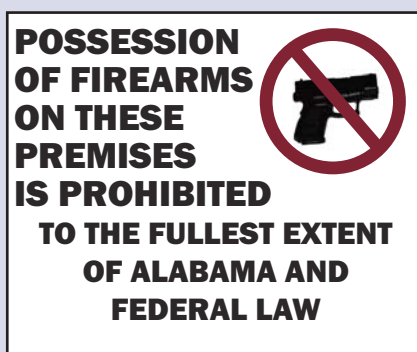
This policy is provided purely as an example. The circumstances at your business may require different conditions and terms and you should consult with an attorney and human resources professionals prior to adopting any firearm policy. That sample policy also is available at alabamaretail.org/gunlaw/



Possible poster for businesses that continuously have guards and at least one other security feature



Another option for businesses without full-time security



A business that gives the public access to its building and does not have guards and other security features may want to post this sign



Use this or a similar sign if you wish to permit guns to be carried in your store

KEY PROVISIONS OF THE LAW

- An employer can always prohibit an employee from possessing a firearm inside the place of business and/or anywhere when the employee is engaged in the employer's business.
- An employee with a valid concealed weapons permit may have a pistol or any firearm legal for hunting in Alabama (such as a shotgun or rifle) that is out of sight and in his or her locked car.
- The law includes a strong civil liability immunity provision designed to protect businesses from lawsuits that result from harm caused when an employee brings a weapon onto the employer's property. That immunity does not extend to the actions of non-employees.

OTHER RESOURCES

"A Business Guide to Alabama's New Gun Law," provided by Maynard, Cooper & Gale PC, can be accessed as well on the Alabama Retail Association website page pertaining to the new law.

You will also find links there for "Do's and Don'ts for Private Employers under Alabama's Guns in the Parking Lot Law" and "7 Tips for Avoiding Workplace Violence," two 50-minute webinars hosted on the Alabama Cooperative Extension Service's You Tube channel. Presenters for both videos are Tommy Eden of Constangy, Brooks & Smith LLP; Jay Jones, Lee County Sheriff; Rosemary Elebash, Alabama chapter of the National Federation of Independent Business.

MEMBERS **ARA** NEWS



Ricky Bromberg, third from left, Frank Bromberg Jr., and Clayton Bromberg surrounded by other members of the Bromberg family with their Triple Zero awards.

AWARDS/HONORS

Gem Society honors Bromberg family

Much of the Bromberg family was present in late July as Frank Jr., Ricky and Clayton Bromberg were presented with the Triple Zero Award at the American Gem Society Circle of Distinction dinner in New York City. Triple Zero is a reference to the highest grade a diamond can receive. *“The Bromberg family is a valuable member of not only the Society, but of our industry,”* the society’s release concerning the award stated.

Ricky Bromberg, president of **Bromberg & Co. Inc.** and executive committee designee for the Alabama Retail Association board of directors, said, *“We share this recognition with ... seven generations of our family (and) ... our dedicated employees, past and present, many of whom worked at Bromberg’s their entire adult lives.”* Bromberg’s was founded in 1836, making it the oldest family-owned retailer in the United States. Bromberg’s has been an **Alabama Retail member since 1992**.

SOURCES: Bromberg & Co. Inc., American Gem Society
WEBSITE: brombergs.com

Magazine recognizes Shaia’s innovations

Shaia’s of Homewood, a men’s better clothing, furnishings and shoe store, has been named one of North America’s most innovative men’s retailers by *MR Magazine*. Eight

J.L. Shaia, left, and his son, Ken, right were in New York to accept the award for Shaia’s.



other retailers also accepted the award during the annual Uptown Downtown dinner in July in New York. Brothers Leo and J.L. Shaia, along with J.L.’s son, Ken, run the fourth-generation family business that predates the city of Homewood. In 2009, the three Shaias were named the Gold Alabama Retailers of the Year in the Annual Sales \$1 Million to \$5 Million Category. Shaia’s has been an **Alabama Retail member since 1992**.

SOURCES: al.com

WEBSITE: shaias.com

Rocky Ridge Western yields best bagger in Alabama for 2nd year

Taylor M. Neumann of **Western Supermarkets’** Rocky Ridge store in Vestavia Hills won first place in this year’s Alabama Grocers Association Best Bagger Competition. This is the second year in a row that the Alabama winner came from the Rocky Ridge store. Neumann will represent Western and the state of Alabama on Feb. 11 at the National Grocers Association Best Bagger Championship in Las Vegas with a chance to win \$10,000 and an appearance on The David Letterman Show. Western has been an **Alabama Retail member since 1989**.



Best Bagger Taylor Neumann and his boss, Western Supermarkets President Darwin Metcalf

SOURCES: Western Supermarkets, Alabama Grocers Association, National Grocers Association
WEBSITE: westernsupermarkets.com

COMMUNITY INVOLVEMENT

Rite Aid holds free health fair, promotes wellness65+ program

On Aug. 21, **Rite Aid** celebrated National Senior Citizens Day in Birmingham with a four-hour free health and wellness fair at the East Pinson Valley Recreation Center on the campus of Jefferson State Community College. The event featured health screenings, immunizations, seminars, games and lunch. It was part of a national tour to help seniors become aware

of Rite Aid’s new wellness65+ program, which offers special services and benefits just for seniors, including exclusive sale pricing, rewards and 24/7 access to a Rite Aid pharmacist online or by phone. Rite Aid operates a distribution center and 93 stores in Alabama and has been an **Alabama Retail member since 1987**.

WEB SITE: riteaid.com

NEW VENTURES

Yogurt stores add popsicles to lineup

32°, a Birmingham-based family-owned frozen yogurt chain with 20 stores in nine states, has added gourmet popsicles to its lineup. “Cool Pops” went on sale in August at the company’s Crestline and Cullman locations in Alabama with more locations coming soon. 32° has introduced several new menu items in the past year, including Greek frozen yogurt and the Twister, a blended milkshake-like treat of yogurt and toppings. 32° A Yogurt Bar® was founded in 2010 by **Pizitz Management Group**, the nation’s largest Great American Cookies® franchisee. The group also operates the upscale specialty store Gus Mayer at The Summit in Birmingham and in Nashville. Pizitz Management Group has been an **Alabama Retail member since 1988**.

SOURCES: al.com and 32° A Yogurt Bar®
WEBSITE: 32yogurt.com

In less than 2 years, Steel City Pops opens 4 stores

Artisan and gourmet popsicle chain, **Steel City Pops**, which opened its first store in Homewood in May 2012, now has four stores. The latest store opened in late July on University Boulevard in Tuscaloosa. In April, Steel City opened a store at Birmingham’s the Summit and a month later opened a store at The Pantry in Crestline Village, which is in Mountain Brook. Steel City also takes vending carts to various places throughout its communities and to weddings and other events. Steel City Pops has been an **Alabama Retail member since 2012**.

SOURCE: al.com

WEBSITE: steelcitypops.com

Please send address corrections to:

ALABAMA RETAIL ASSOCIATION

Attn: Virgie Todd
7265 Halcyon Summit Dr.
P.O. Box 240669
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Workers must be trained on new labels and Safety Data Sheets by Dec. 1



By Dec. 1, employers must train workers on new label elements and a standardized format for new Safety Data Sheets, formerly known as Material Safety Data Sheets, related to chemical hazards in the workplace. The training is required under the Occupational Safety and Health Administration's updated Hazard Communication Standard.

The new 16-section Safety Data Sheets, or SDS, are required for all chemicals sold in the United States. The purpose of the sheets is to provide safety and health information about chemicals to help prevent accidents and exposures.

An OSHA Fact Sheet at <http://www.osha.gov/Publications/OSHA3642.pdf> explains the minimum required topics for the training that must be completed by Dec. 1.

Two Alabama Retail Comp members have recently been audited related to

OSHA's Hazard Communications Standard. It is important that your store or business be up to date in case of an OSHA audit or accident that involves the use of the Hazard Communication Standard.

Data sheets for most chemicals purchased in the past three years have been revised, so those sheets should be up to date. However, you may still have old data sheets for older chemicals in your Hazards Communications Binders. Employers need to go to the manufacturers' websites and print off new SDS forms and place them in your binder for any chemicals with outdated sheets.

Chemical manufacturers and importers are required to provide a label that includes a signal word, pictogram and hazard statement for each hazard class and category. Precautionary statements must also be provided. The training

should familiarize workers with the new label elements.

Alabama Retail Comp can provide members with Power Point presentations, training exercises and quizzes and answers related to chemical labels and Safety Data Sheets from ARC's Safety Training Library. Contact Tessa Lowery at tessa@alabamaretail.org or 1-800-239-5423 to find out how you can access the information.

