



Nevada News

Serving the Retail Community Since 1969

December 2004



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Beyond Theory, No Child Left Behind

By Elizabeth MacMenamin

Director of Government Affairs, RAN

I just returned from an intense conference in Orlando, FL, held by a group called the Education Leaders Council. This group is made up of educators, policymakers and reformers in the education field. They are committed to help take school reform to the next level. They have been the leaders in education reform for nine years and have been able to assist at all levels in many states and also at the district level.

The group is dedicated to higher standards, increasing accountability, expanding education options, improving teacher quality, and adopting research-based tools. When No Child Left Behind was implemented, this group formed to assure the success of not just the concept but the reality of this legislation. The group is made up of members of the U.S. Department of Education, federal and state legislators, school superintendents, human resource specialists, school board members, and many private sector members who feel they have a stake in school reform.

The priority of this group is to reach and help the student. This should always be the number one goal for anyone involved in educating our children. Many states have already seen rises in student achievement and have witnessed the gap between disadvantaged students and their peers starting to close.

The President has already outlined an ambitious agenda for the second term

that will build on No Child Left Behind. I am sure that many will be in opposition to the changes, and as we all know, change can be very difficult. But the students that are being lost in a system that no longer works cannot afford for us to resist changing a system that is not working. Instead of seeking ways to slow down progress of a student, we should be concerned with finding solutions to speed up the process that would present opportunities for all children.

Having had two children myself, I felt education was one of my most important jobs as a parent. I was not impressed with what I witnessed in the public school system and opted to pay for private education. It is not easy and is very expensive, but I was fortunate to be able to afford this for grades one through eight. It has been proven that the early years are the most important for the young mind, and this foundation is critical. There are many parents who don't have this choice available to them, and if they had a choice, I'm sure they would choose a school that would give their child a better chance in life.

One of the sessions I attended was on discipline, something that I know is a problem within many schools. It was fascinating to listen to representatives from schools that have implemented research-based practices to improve the discipline in their districts and how they have been able to show marked

Seen & Noted

RFID Resource Center

Technology continually improves the movement of products from the manufacturer to the consumer. Radio frequency technology (RFID), the use of “smart cards” for tagging items, is the next big technological development to create a more efficient, faster supply chain that will eventually have positive effects on the bottom line. The National Retail Federation (NRF) has taken steps to help businesses stay abreast of breaking news on RFID research and applications by creating the online RFID resource center.

The RFID resource center will be used to track information for both retailers and consumers. Currently, the site has the latest available study on consumer perception, background information, reports on what prevalent issues are affecting RFID development and what retail can look forward to in the future. All material is downloadable.

Although there is concern among consumer groups regarding privacy issues, the study conducted for NRF by Capgemini, “RFID and Consumers: Understanding Their Mindset,” found that among consumers who are aware of RFID technology, 42 percent believe it could be useful, while 31 percent had no opinion. Out of those who believe the technology will be useful, 71 percent say its biggest potential will be in faster recovery of stolen big-ticket items such as automobiles and electronics. Another 66 percent think they’ll be saving money because of businesses’ reduced operating costs, while 62 percent say they think it will improve food safety and quality.

Go to www.nrf.com/RFID to find NRF’s latest findings on RFID.

Bar Code Adds a Digit

It’s official. The global bar code standard will have 13 digits, the European Article Numbering Code (EAN), rather than the 12-digit code, the UCC (Uniform Code Council) bar code that those in the United States and Canada are accustomed to.

When the Europe Community (EC) created the EAN, in 1977, established about three years after the first bar code was scanned in the U.S., it decided that it needed to plan for the future by creating space to include more countries. The EC had 12 member countries at the time. Thus, they established the 13-digit EAN.

The EAN caught on across the world, leaving the U.S. and Canada with a 12-digit code reader unable to decipher the 13-digit international code. In order to facilitate international trade, negotiations have been going on for some years to decide which code would be the chosen, and EAN won. Now American retailers must be ready by January 1 to read the 13-digit code.

The bar code isn’t automatically out—13 digit readers are able to read the 12-digit code. But the UCC has chosen 13 digits to be the new international standard.

The UCC, based in Ohio, and EAN International, based in Brussels, will become one, called the GSI with global headquarters in Brussels.

2005 Nevada Legislature Committee Assignments

By Paul Enos

Manager of Government Affairs, RAN

Senate Committees

Commerce and Labor

Chair – Randolph Townsend (R- Washoe)

Vice Chair – Warren Hardy (R-Clark)

Members – Sandra Tiffany (R-Clark), Joe Heck (R-Clark), Mike Schneider (D-Clark), Maggie Carlton (D-Clark), John Lee (D-Clark)

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Government Affairs

Chair – Warren Hardy (R-Clark)

Vice Chair – Sandra Tiffany (R-Clark)

Members – Bill Raggio (R-Washoe), Randolph Townsend (R- Washoe), Dina Titus (D-Clark), Terry Care (D-Clark), John Lee (D-Clark)

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Chair – Dean Rhoads (R-Northern Rural)

Vice Chair – Mike McGinness (R-Central)

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Chair – Mike McGinness (R-Central)

Vice Chair – Sandra Tiffany (R-Clark)

Members – Randolph Townsend (R- Washoe), Dean Rhoads (R-Northern Rural), Bob Coffin (D-Clark), Terry Care (D-Clark), John Lee (D-Clark)

Committee Assignments

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Chair – Dennis Nolan (R-Clark)

Vice Chair – Joe Heck (R-Clark)

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Committee Assignments

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Members – Susan Gerhardt (D-Clark), William Horne (D-Clark), Ellen Koivisto (D-Clark), Bonnie Parnell (D-Carson City), Peggy Pierce (D-Clark), Sharron Angle (R-Washoe), Joe Hardy (R-Clark), Garn Mabey (R-Clark), Valerie Weber (R-Clark)

Judiciary

Chair – Bernie Anderson (D-Washoe),

Vice Chair – William Horne (D-Clark)

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Beyond Theory

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improvement. The most important criteria for success are to have the teachers buy into this change, the process and the interaction with the students.

We can begin our own grassroots work within our state in a small way. As parents, you should ask the teachers who are teaching your children what school their own children attend. You may be surprised at the answer you receive. You should ask your state legislators if they support school choice. As a retailer, you need to stress the importance of having employees who have an understanding of math, can read, and are able to grasp complex concepts.

Star Nursery is the Place for all Your Desert Landscaping Needs

Las Vegas is one of the fastest growing cities in the United States. Star Nursery owner Craig Keough sees that as pure growth opportunity and has expanded his stores in the south to meet the demands of new home owners moving in from all over the country.

Keough opened his first shop in 1983 at 5340 Boulder Highway. Though the city wasn't growing quite so dramatically 20 years ago, those who were moving to town needed help on dealing with the sometimes brutal conditions of desert gardening. Xeriscape was sort of a new word for gardeners, especially those who were moving from states with plenty of water that could sustain large front yards covered in grass. Those conditions have helped shape what Star Nursery has become—the expert advice place for anyone dealing with the southern Nevada climate.

According to Liz Helmke, advertising manager for Star Nursery, "We're in the teaching business."

There are a number of things for people to learn about gardening in a desert environment. First, you have to know what plants can survive the weeks of over 100° temperatures. Then you have to overcome the desire to drown your plants. Liz says one of the hardest things for people to learn is to not over water.

Star Nursery employs experts who can help people not only choose the right plants for their particular sites, but can teach them how to set up watering systems that will deliver what's needed and when. Like most desert areas these days, Las



Stacey Watson helps a customer choose the right seeds to plant in her garden.

Vegas has watering restrictions. Every business and private home with landscaping has assigned days for watering, and people need to be sure to water the right amount at the right time.

Knowing the soil and adding amendments to that soil are key to

successful landscaping in any climate. When you're in one where every drop of water really counts, you need to amend the soil so that the water doesn't just melt away in the sand or bog up when it reaches the clay and caliche that dominates the land down south. Star Nursery specializes in just those areas and sells a line of soil amendments and fertilizers designed especially for them to help their customers garden in the desert climate.

The Dr. Q's products are specially formulated for the climate and soils found in the Las Vegas and other desert areas where Star Nursery has stores, says Ron Ryan, chief financial officer for the nursery. The line covers every aspect of the planting process from getting the soil in shape before planting, to a tonic to help the plant settle in, to what's needed to keep the plant healthy throughout its lifetime.

One of the big pushes in Las Vegas right now is lawn removal. The water district is paying people \$1 a square foot to remove grass and to replace it with 60 percent plant material.

Ron says some people think Xeriscaping means covering a yard with rock, and while some people might want to do that, it's not what desert landscaping is. A well-designed garden area might very well include rock, but it will also include plants of differing heights and properties and other landscape materials. Star Nursery is just the place to help you get it all right.

Customers can bring in photos and the measurements of the areas around their



Bill Edwards helps a customer at one of the information booths that Star Nursery has in each of its stores.

Star Nursery – the Place for Answers

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houses that they want to landscape, and the staff will put the information into a computer program to help design the space. Then they'll walk the customer through plants at the store to help them pick out what will work best for them.

Customers also have a number of ways to get answers to their questions. Visit one of the stores and ask a salesperson who works there, or go directly to the information booth. Take home any of a number of Star Notes with detailed information on plants, disease, soils, amendments, etc. Attend one of the many free seminars that the nursery offers throughout the season. Or "Ask Dr. Q." There's a horticulturist on staff who will answer your email questions

There are six Star Nurseries in the greater Las Vegas area, two in southern Utah and one in Peoria, AZ. A new store is going up on Blue Diamond Road in the southern highlands area of Las Vegas with a planned opening for January 2005.

You can also buy from the nursery at their website, <http://www.starnursery.com>. Currently, they ship nationally but are planning to expand their reach to international locations.

Ron, who also serves on the Retail Association of Nevada's Self Insured Group board of directors, says he's worked in the casino and food industry, but he especially likes where he is now. "The nursery business is a nice business to be in," Ron says. He adds that the company's growth is due to good planning, good people and the best in customer service. He stands by the Star Nursery motto, "The Right Price, The Best Advice."

Attend This Conference for Expert Advice on Petroleum Marketing

Get ready to get excited about your business. The National Association of Convenience Stores opens its doors to the industry when it, along with partner CSP, presents the NACS State of the Industry Summit in April.

The Summit brings together top convenience and petroleum marketing executives, suppliers and advisors to examine the industry's operational and financial performance. A feature of this year's Summit will be a comprehensive review of NACS's 2004 State of the Industry report that looks at the latest consumer insights, category metrics and analysis.

The Summit will once again offer its popular small group breakout sessions. Here is where retailers and suppliers can discuss category and store-level data and key industry issues. Where else can you find effective practices and hear new ideas that you can implement as soon as you return to your business?

Why should you attend? This unique industry forum provides attendees with key learning from industry decision makers, comprehensive reviews of data from premier industry sources, roundtable breakout sessions for discussing key categories, store-level data, category management and effective practices and pre- and post-conference electronic dissemination of data and conference findings. You'll also have the opportunity to network with the best in the industry, giving you the chance to turn what you learn into sales and profit opportunities.

The Summit is held at the Chicago Marriott O'Hare in Chicago, IL, April 11 - 13, 2005. For details, call 703-684-3600 or go to the NACS website, www.nacsonline.com, and follow the links to Summit information.

• Seminars •

January 2005

NRF 2005 – Retail's BIG SHOW

January 16 - 19, 2005

New York, NY

Contact: 800-673-4692 or

202-626-8194

NACDS Regional Chain Conference

January 27 - 30, 2005

Naples, FL

Contact: 703-549-3001

Convenience Retailing Show 2005

January 30 - February 2, 2005

Scottsdale, AZ

Contact: Tracy West @ tracy.west2@btopenworld.com

February 2005

FMI Markettechnics® 2005

February 13 - 15, 2005

Washington, DC

Contact: 202-452-8444

FMI 2005 Loss Prevention Conference

February 20 - 23, 2005

Kiawah Island, SC

Contact: 202-452-8444

March 2005

IHA International Home & Housewares Show

March 20 - 22, 2005

Chicago, IL

Contact: [http://](http://www.housewares.org/ihshow)

www.housewares.org/ihshow

April 2005

NACS State of the Industry Summit

April 11 - 13, 2005

Chicago, IL

Contact: [http://](http://www.housewares.org/ihshow)

www.housewares.org/ihshow

Abbreviations

FMI • Food Marketing Institute

IHA • International Housewares Assn.

NACDS • National Association of Chain

Drug Stores

NACS • Nat'l Assn. of Convenience Stores

NRF • National Retail Federation

2002 Bioterrorism Act Recordkeeping Final Rules Released

The Food and Drug Administration (FDA) has released its final rules for implementing the record-keeping requirements of the 2002 Bioterrorism Act. The rules were effective 60 days after its publication in the Dec. 9, 2004, Federal Register. However, the actual compliance date is staggered according to the size of the business: Dec. 9, 2005, for businesses with more than 500 full-time employees in the entire business (FTE's); June 9, 2005, for businesses with 11-449 FTE's; and Dec. 9, 2006, for businesses with 10 or fewer FTE's.

The Food Marketing Institute (FMI) released the following information on some key areas that concern food retailers. For more information, members are encouraged to contact Deborah R. White, associate general counsel, regulatory affairs, with FMI, 202-220-0614.

Lot Code Tracking:

The final rule only requires manufacturers, processors and packers to maintain lot code records, and these segments are only required to conduct lot code tracking to the extent that the information is already in use. Distributors and retailers are not required to track product by lot code number, nor are DSD delivery services.

Consumers:

FDA will not require retailers to keep track of household consumers who receive food products, although FDA will require retailers to keep records of business consumers who receive foods, but only to the extent that their systems currently provide this information. For example, FDA interprets this to require a club store that has a separate business class to keep the records as specified in the regulation if the club store already has a system to identify business consumers. Retailers that do not have a basis to distinguish household from business consumers will not be required to develop systems to distinguish among their customers.

Food Banks:

FDA provided an exemption to the record-keeping requirements for non-profit groups, such as food banks, and further exempted retailers from keeping records of food sent to the food banks.

Vertically Integrated Stores:

A corporate entity that receives products and performs several different covered activities (e.g., processes, packs, transports, distributes) will not be required to track the food through the different activities performed by the corporate entity as a whole. For example, a company that purchases ingredients from a source and then manufactures a food product, packages it, and transports the food product to the grocery store would only be required to keep track of the ingredient sources and the grocery store.

Exclusion for retailers with less than 10 full-time employees:

The final rule excludes retail food establishments that employ 10 or fewer full-time equivalent employees at each *individual retail location* from the record-keeping requirements. However, they still must make records available to FDA under the Agency's records access authority to the extent that these are available through the ordinary course of business.

Records Access Standard:

The final rule sets the standard to "as soon as possible, but in no event, more than 24 hours." FDA also published a draft compliance document, which explains the steps the agency will employ to ask industry for the required records. Comments on the guidance document are due on Jan. 24, 2005. FMI says it will comment on the document if appropriate.

Records:

The final rule does not require duplication of existing records. If the information exists, even if in several separate documents, businesses are not required to create a new record for these regulations. The records may be electronic or paper and may be maintained at any place that will allow access within the prescribed standard, i.e., less than 24 hours. Records must be maintained for six months to two years, depending on the perishability of the food product.

Medical Uses for RFID

You've heard the one about the guy going into surgery for a bunionectomy and coming out of the anesthesia minus his tonsils. The Food and Drug Administration (FDA) is hoping that radio frequency identification (RFID) technology can put an end to such mistakes. In fact, the agency has approved RFID use and studies for a number of applications.

Last month, the FDA approved the SurgiChip Tag Surgical marker system, a tag that will identify a patient, the surgical site, the date of surgery, type of procedure and name of the surgeon. The patient's name and site are printed on the tag, while the rest of the information is encoded in the tag. That tag is placed in the patient's hospital file until time for surgery, at which time the information is adhered to the patient near the site designated for surgery.

The FDA is also pinning its hopes on RFID technology to help protect the U.S. drug supply. Initially, the technology will be used on the labels of the large medicine bottles from which pharmacists fill prescriptions. Already on target to get the tag are Viagra and OxyContin. Viagra holds the top spot for the most popular drug to counterfeit, while OxyContin, a pain control narcotic, is number 1 in the most abused drug category. Purdue Pharma, maker of OxyContin, says it will also tag Palladone, a newly approved drug to treat persistent, moderate to severe pain.

Tagging prescription drugs is a pilot program that will run through Dec. 31, 2007, and the FDA will take written or electronic comments during that time. In keeping with its report released this year called "Combating Counterfeit Drugs," the agency hopes that RFID technology will be widely used in the pharmaceutical industry within the next three years. The

agency issued a Compliance Policy Guide to facilitate the creation of feasibility studies and pilot programs to promote RFID for different pharmaceutical settings.

The FDA has also approved an RFID tag that would contain medical information to be implanted under a person's skin. VeriChips, created by Applied Digital Solutions located in Delray Beach, FL, has been unable to stir up much interest in the device but will use the FDA approval to start breaking down psychological barriers against the sub-dermal chip.

The VeriChips device doesn't actually contain medical records, but instead, has a 16-digit number, unique to the individual with the implant, that corresponds to medical records stored in a computer. When needed, a medical provider retrieves the number with a hand-held radio scanner.

Although people are skeptical about having a chip implanted under

their skin, they've happily bought into the technology, using it to tag millions of pets and livestock. In fact, Applied Digital's subsidiary, Digital Angel, manufactures animal tags.

RFID is a tag embedded with a microchip that can store information and an antenna to transmit the information. An expensive technology that has been around since the 1970s, it can be used in a multitude of applications throughout the supply chain from manufacturing to consumer purchase. Widespread applications can bring down the price making it practical for identifying everything from medical records to warehouse stock. Implications of RFID technology run the gamut from safer and more efficient supply lines to intrusive, "Big Brother" fears.

To find out more about the FDA's RFID initiatives and to comment on the Compliance Policy Guide, go to www.fda.gov.

Big Surge for Online Shopping This Holiday Season

Not everyone planned a day of eating turkey and pies and visiting with family and friends on Thanksgiving Day this year. Many, about nine million people, got a jump on Christmas shopping by starting on turkey day. Some took to the streets, but a growing number let their fingers do the work as they shopped online.

It's estimated that online sales for Thanksgiving Day increased 100 percent from last year with \$133 million worth of buying, according to ComScore Networks, an Internet research company. Another \$250 million was spent online on Friday, the traditional big day for Christmas shoppers.

Not only was there a lot of online buying, there were also plenty of web surfers shopping for the best deals before heading out to buy. Sites selling appliances and electronics had 20 percent more visits this year than last, which Bill Tancer, vice president of research at the web traffic monitoring service Hitwise, says shows that more people are comparison shopping for big ticket items before they visit brick-and-mortar stores to buy.

And shoppers did crowd shopping malls and stand-alone stores to part with over \$22.8 billion. The National Retail Federation (NRF) says that this accounts for only 10 percent of the \$220 billion it estimates shoppers will spend this holiday season.

Shoppers favored discounters over the Thanksgiving weekend shopping spree with 61.8 percent of them spending money there.

Self Insured Group



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Important information for SIG members

The NRS governing self insured groups requires notifying members of all new members to the Group. New members for NRNSIG from November 17, 2004 to December 9, 2004, are listed below. For a complete member list, please call RAN at 775-882-1700. Please Note: Due to the many new members added each month to NRNSIG, we are unable to list all members on this page.

NRNSIG

CB Brown Co., Inc.	Optimum Medical Supply LLC
Children's Emergency Medicine Network	Quality Nursing LLC
DJ's Diner & Drive In	Rancho Oasis Car Wash
Figaro's Pizza	Steven B. Kurtz, MD
Intermountain Medical Products, Inc.	T. James Truman & Associates
Keystone Quality Printing, Inc.	Village Market LLC
Lone Mountain Aviation, Inc.	
Nevada Circuits	

NRNSIG members who wish to register a negative vote on a new group member, please write NRNSIG at 810 E. Fifth Street, Suite A, Carson City, NV 89701, indicating which member and the reason(s) for the negative vote.

Membership Information

Find out more about RAN's self insured group.
Call Willie Kerschner, 775-720-8125,
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.

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Punishment for Success

Flawed Research Makes an Unexpected Discovery

Madeline Heilman, from New York University, has a real lemon on her hands—research she carried out to reveal conclusions she had already made. Such research does not advance our knowledge unless it stumbles upon a new finding, and that's what happened with Ms. Heilman's study.

Heilman began with the observation that women are not well represented at the executive level in major corporations. It's a legitimate problem. We need the unique contribution that women can make. It's a squandering of a valuable resource. Unfortunately, Ms. Heilman designed a study guaranteed to discover what she was hoping would emerge.

She selected people whose gender stereotypes she could explore—Intro to Psych university students, average age: 19.5—away-from-home-for-the-first-time undergraduates who think obsessively about what kind of adults they will become. She found clear differences between the kind of people they think women should be and the kind of people they think men should be.

The students thought women should be socially sensitive, service oriented, and value supporting community and family needs, and men should be self-assertive, tough, and achievement oriented. Further, women should not display behaviors typically associated with men, and men should not display behaviors typically associated with women.

With these stereotypes clearly in mind, Ms. Heilman described hypothetical people and situations to these students instructing them to answer questions. The hypothetical people were assistant vice presidents in an aircraft manufacturing company,

and their jobs involved supervising junior executives. Most were male, but she mixed in a few women to see how these students would react to a woman in a clearly male job. The students were asked to describe how likely it was that they would like these jobholders. They were also asked to rate how abrasive, conniving, manipulative, trustworthy, selfish, and pushy they thought these jobholders were. Not surprisingly, the students reported higher negative ratings for the

succeeding in male dominated roles were punished by Heilman's teenagers imagining negative qualities about them, but their strongest invective was reserved for the men. When hypothetical men filled roles dominated by women, then the students reacted so strongly that their negativity carried over to a third role intended to display neutral, middle ground. No negative reactions were expected for this role, but for men, there they were.

Heilman believes she stumbled upon a general prejudice against men, and this definitely intruded into her agenda to expose prejudice punishing successful women occupying male-dominated roles. She promised a future study to explore it.

Heilman's research urged undergraduates to reveal their gender stereotypes and then to form judgments based on them, but her work begs the question of wider applicability. She would have us believe that her undergraduates are representative of the population at large. I doubt that. I think mature people are appreciative of the positive qualities they find in others regardless of their gender. I am, however, troubled by the impact of such research on women who are invited by it to be suspicious of men and to expect social punishment if they dare to be successful in a male-dominated role. Such expectations, too often, become self-fulfilling prophecies.

Reference: Heilman, Madeline E., Aaron Wallen, Daniella Fuchs, and Melinda Tamkins (2004) "Penalties for Success: Reactions to Women Who Succeed at Male Gender-Typed Tasks." Journal of Applied Psychology, 89 (3), 416-427. C 2004 Management Resources

"She would have us believe that her undergraduates are representative of the population at large."

women in these jobs. They had, after all, violated the stereotyped gender norms these students had just finished describing, and since the hypothetical people weren't real, the students had only their stereotypes to examine to form these judgments.

Most people would not answer such silly questions, but Ms. Heilman's subjects gave her enough data to support the conclusions she had already formed: Women are victimized in the workplace by gender stereotypes that punish them with social sanctions such as dislike for being clearly successful in male-dominated occupations.

But a funny thing happened on the way to these conclusions.

A second study intended to repeat the findings of the first included situations that placed men in hypothetical positions that are dominated by women and require stereotypical female qualities to be successful. Once again, women

Capitol Watch



Fed asking for changes in disclosure of PIN fee charges –

The National Retail Federation (NRF) reports that the Federal Reserve Board will recommend that banks be required to more clearly disclose fees charged when consumers use a PIN number to make a debit card purchase in a retail store. The recommendation was part of a 50-page summary of a year-long study of debit card fees.

NRF argued that banks should make it clear that they are the ones, not retailers, that impose the debit card use fees that are itemized on an individual's bank statement. The Fed agreed saying, "Even when [banks] itemize fees, the descriptions often do not make clear that the [banks] rather

than the merchants impose the fees. Many consumers blame the merchants for the fees and demand refunds or request explanations."

The Fed says Congress should adopt legislation to set standards to make monthly statements more clear and recommends each line item include the following:

- The transaction to which the PIN fee is related
- The action that resulted in a fee (such as use of a PIN)
- The fact that the fee is charged by and given to the bank, not the merchant
- The location where the transaction took place

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