

This Issue

Front Page – 1, 4 & 5

*Lunch Break Regs

Seen & Noted – 2

*Swiping

*Smith's in Las Vegas

Tech News – 3

*Recycling Electronics

*Help Stop Spam

Government Affairs – 4 & 5

*Lunch Break Regs continued

*More Initiatives

*Class Action Reform Still Alive

Featured Member – 6

*Scolari's Super Store

Seminars – 7

*WFIE Conference Coming

News Briefs – 8 & 9

*Tobacco Compliance Checks

*Upsizing

*Nevada Newsmakers Expanding

Self Insured Page – 10

Larsen Column – 11

*Increased Attention for Work

Washington Watch – 12

Lunch Break Reg Changes Suggested for Pharmacy

By Liz MacMenamin

Director of Government Affairs, RAN

The first meeting of the State Board of Pharmacy's Lunch Break Committee was held on May 4 in Las Vegas. Attending were Louis Ling, Mike Dyer, committee members Armin Quedzuweit and Liz MacMenamin, Marcie Ranick from the Pharmacy Board, Helen Green from the Teamsters Union and Khan Pham from the Pharmacist Association.

The overall results of this meeting were positive. The committee agreed to amend the suggested language to leave the decision to the employer to "close" the pharmacy or leave it "open" during the pharmacist lunch break.

If the pharmacy remains open, the employer will have to decide if other staff members will be able to remain in the pharmacy and perform all duties that they would be able to perform without direct supervision by the pharmacist. This would require that the pharmacist remain on the property and be able to assist in cases of emergency. This would be at the discretion of the pharmacist.

There was also discussion as to what would be considered "paid" lunch break and "unpaid" lunch break. One industry recommendation would be to pay for a lunch break if the pharmacist remained on the

property and not pay for any lunch break taken off the property. The individual chains would then have to make decisions on scheduling needs. It was also suggested that this would be something that could be discussed at the time of hire.

Marcie Ranick suggested that the language should include discussion about the professional need to address patient care. She stated that as a pharmacist, she would ultimately be more concerned about addressing patients' needs, and she would like to have the ability to continue in this manner.

The committee discussed staff members remaining in pharmacy. There was a concern about not being able to trust some of the staff in the pharmacy without the supervising pharmacist. The solution would be to allow the pharmacist to make that decision. If there was an issue of distrust, then the pharmacists would take their "uninterrupted" lunch in the pharmacy, and all personnel would be allowed to continue working.

Mike Dyer gave an interesting history on the current regulations under which pharmacy is working. The current regulations are very

Lunch Break Regs continued on page 4

Seen & Noted

What if the Card Won't Swipe?

What should a clerk do when a customer's card won't swipe? The Michigan Retail Association was asked that question recently and came up with this answer in its April 2004 newsletter:

Some estimates show that one out of 10 times a card is swiped, it doesn't read properly. The most common reason is that the card has become demagnetized; less often, the equipment is at fault—the reader may be dirty or scratched. Occasionally, it's a combination of an equipment problem and human error.

The biggest concern, though, is that the card may be counterfeit (sometimes called "cloned"). A cloned card has a magnetic stripe that doesn't swipe.

Although credit card cloning is a big problem, a demagnetized card is still a much more likely reason for a failed swipe. It's best to treat every transaction, including keyed-in transactions, with proper caution.

Visa USA provides these suggestions for safer keyed-in transactions:

- Check the terminal to make sure it's working properly. If the terminal is okay, follow your company procedure for key-entered transactions.

Glitzy Grocery Shopping in Las Vegas

Las Vegas glitz isn't just on the Strip. Smith's Food & Drug Stores just re-opened a store featuring the latest trend in shopping—a superstore that gives consumers one-stop shopping for everything from groceries to office supplies. The 80,000 square foot store, located at Rampart and Lake Mead Boulevards, reopened its doors after a \$2.2 million remodel.

The new concept includes Smith's first *Kosher Experience* offering a deli and kosher market with traditional kosher foods provided by the most trusted manufacturers in the world. The kosher store, with a fresh bakery, meat, seafood and deli counters, is under the direct supervision of Rabbi Shea Harlig, Chabad of Southern Nevada; Rabbi Yisroel Schanowitz of Chabad of Summerlin; Rabbi Yitchock Wyne of Young Israel of Las Vegas; and Rabbi Yaacov Wasser of Congregation Sharei Tefilla.

Smith's has created a market-fresh appeal throughout the entire store with specialty lighting and new decor. The welcoming aroma of *Kaffee Espresso*, serving Seattle's Best coffees, provides a relaxing spot for a moment's respite while enjoying a read from Smith's wide selection of books and magazines.

If you like to cook, you might want to browse *The Kitchen Place*, where the latest in trendy cookware, dishes, house wares, small appliances and home fashions are available. While you're at it, spruce up your home with fresh flowers from the floral department.

Don't like to cook or just don't have the time? Why not ask Smith's private chef for a little help. With 15 entrees, salads and side dishes, you can have a home-cooked meal as soon as you get home. You can also pick up selections from the deli stocked with cheeses from all over the world, Boars Head meats, gourmet desserts, crusty European breads, Black Angus beef and Market Street Seafood.

Smith's has added even more convenience under one roof with Staples Office Supplies, a pharmacy, a one-hour digital photo lab, self-check out through U-Scan®, Nevada State Bank, PostNet Express mailing services, Budget Rent-A-Car, Century 21 Real Estate, Golden Swirl Yogurt and a ventilated gaming area.

- Get a manual imprint of the card.
- Ask the customer to sign the imprinted sales draft. Without this signed, imprinted sales draft you will be liable for the full amount of any chargeback.
- Compare the signature on the

card with the signature on the sales draft to be sure they match.

- If you suspect fraud, make a Code 10 call. Call your voice authorization center and say, "I have a Code 10 authorization request." Follow the operator's instructions if you can do so safely.

Be a Good Citizen – Recycle Old Electronics

If spring cleaning in your business means getting rid of old electronic equipment, you might want to consider recycling as both a way of saving the environment and getting tax benefits. The Environmental Protection Agency (EPA) says that two million tons of electronic waste hits landfills every year, and in 2005, more than 130 million cell phones will be discarded.

Because this electronic junkyard poses a serious health and environmental hazard, both state and federal legislators are beginning to focus on regulation for the industry. The industry is working at correcting the problem before the issue attracts serious regulation.

Organizations such as the Cellular Telecommunications & Internet Association (CTIA), the Electronic Industries Alliance (EIA), ElectronicsRecycling.org and the National Cristina Foundation (NCF) have created programs that make it easy for anyone, corporations, small businesses, or individuals, to recycle old equipment. They're joined by a number of electronic companies that offer recycling programs.

Dell offers PC recycling and even at-home recycling pickup in some areas. Company representatives will come to your home to pick up any brand of computer, keyboard, mouse, monitor, printer and batteries from notebook computers for \$7.50 per 50 pounds. Go to www.dell.com to find out about its programs for recycling, trade-in, auction or donate your used tech equipment. The company also created a \$12,000 award program that gave \$10,000 grants to selected U.S. communities, universities and other non-profit groups to conduct computer collection events this spring.

Hewlett-Packard's program offers

those who recycle old computers, monitors, printers or other gear a coupon worth up to \$50 for any purchase of \$60 or more on HP's online store. Visit them at www.hp.com. Gateway gives up to \$50 in rebates to those who purchase a new Gateway® PC and recycle or donate the old PC. Canon and Epson also have used print ink cartridge recycling programs.

Groups like the Cristina Foundation take donations of old electronics and gives them to people with disabilities, students at risk and economically disadvantaged persons. Your donation is rewarded by tax deductions. All the information necessary to donate is available at NCF's website, www.cristina.org or by calling 203-863-9100.

Other organizations such as electronicsrecycling.org has pages of information that include all the programs offered by corporations, manufacturers and other organizations for disposing of old electronics. They also have the latest legislation and

news about electronics, recycling, landfills and other related topics.

Computer Corporation in Carson City, 775-883-2323, recycles all electronic items, except console televisions. Goodwill Industries of Southern Nevada, 702-597-1107, accepts computers, televisions, radios, stereos and stereo components. The Clark County Public Education Foundation coordinates a Computers For Kids partnership with Rotary Clubs of Southern Nevada, the National Cristina Foundation and the Clark County School District to collect and distribute recycled computers for local schools. Reach them at 702-765-9893.



Use Your Knowledge to Help Stop Spam

If you have a great idea about how to stop spam from entering your inbox, contact the Federal Trade Commission (FTC). The agency is searching for a practical way to establish a National Do Not Email Registry that it hopes will be as effective and doable as the Do Not Call Registry that was implemented last year.

The FTC is on a timetable to establish the do not spam list as required by the CAN-SPAM Act of 2003. Any plan will cover email marketers; domain owners, including ISPs; and third party email forwarding services, that obtain access to data appearing on a registry of email addresses. The FTC request addresses requirements for providing those who register for a Do Not Email Registry a mechanism for filing complaints that can be used in enforcement proceedings.

For more information about the Do Not Spam technical provisions, call 877-382-4357 or visit FTC's website, <http://www.ftc.gov>.

Lunch Break Regs

continued from page 1

outdated and applied more to the days when pharmacies were independently owned. Then, the regulations needed to address the operation of the pharmacy when the pharmacist would not be there. The regulation that the committee now hopes to adopt would address the issues of the ever-changing face of pharmacy.

Mike also recommended that as an industry, our members consider asking the Labor Commissioner to adopt an exemption or exception to the regulation under 608.019(5).

In the meeting with the Deputy Labor Commissioner last year, it was stated that if a joint request were to be presented, his department would favorably consider accepting the request.

Louis Ling said he will prepare an amended draft with the recommendations that the committee accepted. He'll then forward the changes to the committee, and at that time, we will schedule a second meeting for the committee. The committee will then submit an industry-wide agreement to the Pharmacy Board in the hope that it will adopt the final draft.

Lunch Break Regulation

Section 1. NAC chapter 639. The following shall be amended to add the new language discussed by the committee at the May 4, 2004, meeting. (ver. 4/22/04)

Please Note:

Following is the old language, which you can use to compare to the new language that shall be sent to pharmacy members when Louis Ling finishes the compilation.

1. *A pharmacy shall allow all of its employees an opportunity to take lunch breaks and rest periods pursuant to NRS 608.019 and any applicable collective bargaining agreement.*
2. *If there is more than one pharmacist on duty at the time that a lunch break for a pharmacist is taken, the pharmacist may, in his/her discretion, remain in or leave the pharmacy and the building in which the pharmacy is located.*
3. *If a pharmacist is the only pharmacist on duty at the time that a lunch break for the pharmacist is taken, the pharmacist and the owner of the pharmacy may agree that the pharmacist:*
 - (a) *Must remain in the pharmacy or the building in which the pharmacy is located; or*
 - (b) *May leave the pharmacy and the building in which the pharmacy is located.*
4. *If the pharmacist and the owner of the pharmacy agree pursuant to subsection 3(a) that the pharmacist shall remain in the pharmacy or the building in which the pharmacy is located for his/her lunch break, then the pharmacist shall be paid at his/her usual rate for the lunch break. If a pharmacist and the owner of a pharmacy agree that the pharmacist may leave the pharmacy during his/her lunch break, the owner of the pharmacy may require the pharmacist be available*
by pager or cellular telephone to address emergencies that may occur during the pharmacist's lunch break, but the pharmacist shall be paid at his/her usual rate for the lunch break. If the pharmacist and the owner of the pharmacy agree that the pharmacist may leave the pharmacy and the building in which the pharmacy is located for his/her lunch break, and the pharmacist does leave the pharmacy and the building in which the pharmacy is located for any portion of his/her lunch break, then the owner of the pharmacy is not required to compensate the pharmacist for the lunch break.
5. *In any pharmacy in which a pharmacist is the only pharmacist at the time that a lunch break for the pharmacist is taken, the pharmacist in his/her professional judgment may allow or disallow any or all of the other employees of the pharmacy to perform any or all of their regular duties while he/she is on his/her lunch break.*
6. *Any pharmacy in which a pharmacist is the only pharmacist at the time that a lunch break is taken must post a sign visible to the public that explains that the pharmacist is on break and the time at which he/she will return to serve the public.*
7. *If a pharmacist and the owner of a pharmacy agree pursuant to subsection 3(a) that a pharmacist may leave the pharmacy during a lunch break, while the pharmacist is on lunch break the pharmacy must:*
 - (a) *Close and secure the pharmacy pursuant to NAC 639.520; or*
 - (b) *Lock all controlled substances and completed prescriptions for controlled substances in a cabinet, closet or other locked device to which only the pharmacist has access.*

Lunch Break Regs continued on page 5

California, Here We Come...Four Additional Initiatives Being Circulated

By Paul Enos

Manager of Government Affairs, RAN

Four new initiatives proposing amendments to the Nevada Constitution ranging from raising the minimum wage to property tax reform have been filed with the Secretary of State.

The Raise the Minimum Wage for Working Nevadans Act

The AFL-CIO is circulating an initiative petition titled "The Raise the Minimum Wage for Working Nevadans Act." The initiative states that "No full-time worker should live in poverty in our state," and that "Raising the minimum wage is the best way to fight poverty." The Act states that an employer must pay \$5.15 per hour if the employer provides health benefits, or \$6.15 per hour if the employer does not provide health benefits. The provision regarding health benefits states that health insurance will be made

available to the employee and their dependents and the premiums paid by the employee cannot exceed 10 percent of the employee's gross taxable income.

Insurance Rate Reduction and Reform Act

Stop Frivolous Lawsuits and Protect Your Legal Rights Act

A group called People for a Better Nevada is circulating two initiative petitions. The Insurance Rate Reduction and Reform Act would require insurance carriers to reduce their casualty insurance rates by at least 20 percent of the premium in effect on Dec. 1, 2005. The act allows insurance companies to apply to the Insurance Commissioner if the reduced rates "fail to provide a fair and reasonable return to the insurer or are otherwise confiscatory." The act would also reduce insurance rates for

good drivers by 20 percent and rates for medical malpractice insurance by 10 percent.

The Stop Frivolous Lawsuits and Protect Your Legal Rights Act would remove all of the caps and limits on judgments and attorney fees. In the summer of 2002, the 18th Special Session of the Nevada Legislature convened to address the medical malpractice crisis. During that session, a limit of \$350,000 was placed on all non-economic damages.

The circulators of the above initiatives have until June 15, 2004, to collect 51,246 signatures in 13 of Nevada's 17 counties.

Look for an examination of the Property Tax Reform Act in the June issue of the RAN newsletter.

Senator Calls for Class Action Reform

Senator Charles Grassley, R-Iowa, has introduced compromise legislation for class action reform. Senate Bill 2062 replaces Senate Bill 1751 and includes language addressing the formula for moving class action cases to federal court.

S. 2062 includes reforms that would help "reduce the soaring number of class action lawsuits faced by retailers," says a release by the National Retail Federation. It would curtail "forum shopping" by more easily allowing complex national class actions to be moved to federal courts rather than stay in state courts. It would also require strenuous judicial review of non-cash settlements and that settlement notices be written in plain English. Bounties for class representatives would be prohibited.

Lunch Break Regs

continued from page 4

8. *If a pharmacy's pharmacists are included within the provisions of a collective bargaining agreement, then the pharmacists shall be allowed to take their lunch breaks and rest periods pursuant to the terms of the collective bargaining agreement. If the collective bargaining agreement allows the pharmacist to leave the pharmacy during a lunch break, then the pharmacy shall comply with subsection 3 during the pharmacist's absence.*
9. *A pharmacy that is closed and secured pursuant to 7(a) may accept prescriptions during a lunch break under the subsection if the prescription is placed by the patient or the patient's agent or representative in a secure opening in the pharmacy or receptacle that assures that the prescription, once placed, cannot be removed or damaged.*
10. *A pharmacy must arrange its work schedules and daily operations so that when its employees take their lunch breaks and rest periods, the employees are not disturbed or asked to serve the public during the lunch break or rest period. A pharmacy may require a pharmacist to remain in a pharmacy during a rest period, but may not require the pharmacist to serve the public during the rest period*

SHOPPING A GREAT STORE!!

Shoppers in northwest Reno now have their own Scolari's Food and Drug Super Store to shop at. The new 50,000 square foot superstore opened in April.

In keeping with the company's neighborhood philosophy, the store will cater to the specific needs of its customers. For instance, stores with rural customers carry products such as halters, grain and other products for horse owners.

The store, located on Sharlands Avenue off Robb Drive next to Interstate 80, features a full-service bakery, deli, floral and non-foods departments, fresh meat and seafood department, fresh produce department and a full service pharmacy. It also has a Wells Fargo Bank branch.

"This is our newest state-of-the-art superstore," says Joey Scolari, CEO/president of the company and co-owner with his brother, Jerry. "We are very excited to offer the very best in service and value to northwest Reno and the surrounding area." Scolari's, with its headquarters in Sparks, is Northern Nevada's only locally owned and operated grocery chain.

Larry Smith, who has been with Scolari's for 30 years, moved from the



related to the area," Scolari says.

When shopping at Scolari's, you can expect to find fully-stocked shelves carrying the brands you want, full service at the meat, fresh seafood, bakery, produce and deli areas and clerks and baggers ready to help. You can do your banking, have your prescriptions filled, mail your letters and packages, rent videos, and

even meet your neighbors. What you won't have to worry about is being asked to try some new technology to get yourself checked out of the store. "We're too small to experiment with technology. A lot of disasters have happened in experiments," Scolari says.

The family-owned operation has 16 stores in Northern Nevada, which includes two Sak 'n Save price impact stores, and three stores on the central coast of California. Nevada stores are located in Reno, Sparks, Carson City, Lemmon Valley, Sun Valley, Fernley, Yerington, Tonopah and Gardnerville.

The company is looking at new areas in which to expand. They plan on opening a store in Truckee in 2005 and are exploring building in Spanish Springs and the South Virginia Street-Damonte Ranch area.

"Our stores are not too big, easy to shop, with a character related to the area."

– Joey Scolari

company's Lemmon Valley store to manage the new store. He says, "I've done three remodels, but a new store is more exciting because you do it the way you want to set it up."

Although this store will contain unique items according to its market, all the stores are of comparable size and laid out in a similar fashion. Those similarities, which make it easier for shoppers to find items when they visit a different Scolari's, is part of the company's strategy, according to Scolari. "Our stores are not too big, easy to shop, with...a character

The Real Deal

The Western Food Industry Exposition (WFIE) offers the most opportunities for retailers and suppliers to get together and find out what the other has to offer. To get even more out of the experience, schedule a retailer review session where retailers meet with suppliers that sell high volumes and offer unique, new products to help you increase your bottom line.

The California Grocers Association (CGA), sponsor of the Exposition, sets up the reviews at the retailer's request, offering the retailer, large or small and from all categories, the chance to meet one-on-one with suppliers, wholesalers and brokers.

The WFIE also offers Business Conference Suite meetings to help all those involved get the most information in the smallest amount of time in a convenient setting. Meeting rooms are on the show floor so you never have to be too far from the action, and the 20-minute/40-minute time limits are strictly enforced so you can actually plan around your time with confidence.

The Exposition includes general sessions, hosted luncheons and breakfasts, and a friendly golf tournament and reception for congenial get-togethers.

Find information about the Exposition, held at Mandalay Bay in Las Vegas, call WFIE at 800-794-3545, email to expo@cagrocers.com or visit the website at www.cagrocers.com.

Search Engines Eliminating Gaming Ads

Lycos, Google, Yahoo and MSN search engines will no longer carry advertising for online gambling. It's illegal for offshore Internet casinos to run gaming operations in the United States, and federal prosecutors for the Justice Department are conducting a grand jury investigation into the operations, including advertising on the Internet.

Google has cut all Internet gaming advertising. Yahoo will no longer run casino advertising on its U.S. website, but will continue to run the web advertising in countries where Internet gaming is legal. MSN and Lycos have stopped running all casino advertising.

Operating online casinos is illegal by federal law, but in some states, it's legal to place a bet at an online casino.

DMV Snags ID Thieves

The Nevada Department of Motor Vehicles (DMV) is catching identity fraud when people attempt to get a driver's license using fake identity information. The Department's Document Fraud Units (DFU) have made 59 arrests and issued 28 citations since July 2003 when Las Vegas installed its Document Fraud Unit. (The Reno DFU has been in place since November 2002.)

The Fraud Units snag people when they use fake social security cards, fake driver's licenses from other states, fake immigration cards and fake birth certificates as they try to get a state driver's license.

Most of the 59 arrests were for illegal aliens trying to get a driver's license so they can appear legal. Most of the citations were given to teens who were trying to get an ID so they can drink.

• Seminars •

June – 2004

NRF Loss Prevention Conference & Exhibition

June 22 -24, 2004

Orlando, FL

Contact: 800-673-4692 or

www.nrf.com

August – 2004

NRFtech: IT Leadership Summit

August 8 - 10, 2004

San Diego, CA

Contact: 800-NRF-HOW2 or

208-783-7971

NACS Leadership Executive Program

August 8 - 12, 2004

Ithaca, NY

Contact: 703-684-3600

NACDS Pharmacy & Technology Conference

August 29 - September 1, 2004

San Diego, CA

Contact: www.nacds.org

October – 2004

NRF Shop.org Annual Summit

October 6 - 8, 2004

Anaheim, CA

Contact: 800-673-4692

NACS Show 2004

October 17 - 20, 2004

Las Vegas, NV

Contact: 703-684-3600

CGA Western Food Industry Exposition

October 24 - 26, 2004

Las Vegas, NV

Contact: 800-794-3545 or email to

expo@cagrocers.com

Abbreviations

CGA • California Grocers Association

FMI • Food Marketing Institute

NACS • Nat'l Assn. of Convenience Stores

NRF • National Retail Federation

Get Your Tobacco Compliance Check Info Quickly – Choose Fax

You can receive results of tobacco compliance checks conducted by the Nevada Attorney General's office by FAX rather than by mail! This means you get the results more quickly and may reward the sales associate who refused the sale of tobacco to a minor promptly. Also, if an unlawful sale to a minor occurs, you may offer training or impose employee discipline more quickly.

The AG's office now notifies about one-third of the outlets by fax rather than by mail. The fax notice reduces the time between the purchase attempt and the notice being received by the store. If you receive notification by fax, sometimes the store receives the written notice of the compliance check the day after the purchase attempt.

Get on the fast track to receive your tobacco compliance-check information. It's as easy as this: fax your name, the stores that you are affiliated with, and your fax number to 775-688-1844, Attention: Sharon.

Congrats, Nevada Tobacco Retailers

Out of 538 youth-buy attempts in April 2004, there were only 51 illegal purchases and 43 citations and eight warnings issued.

John Albrecht, Nevada's Chief Tobacco Counsel, says "I think the more direct information that sales associates who actually sell tobacco have..., the more likely they are to refuse to sell tobacco to minors."

Tobacco Compliance Checks – An Afternoon with the Tobacco Cops

By Peter Krueger, State Executive, Nevada Petroleum Marketers and Convenience Association

For more than two years, John Albrecht, senior deputy with the Nevada Attorney General's office and top tobacco cop, had encouraged and cajoled me to participate in a tobacco compliance check ride-along. I finally did so in April, and I am pleased to report on the no nonsense attitude of your clerks when it comes to the sale of tobacco products to underage youth.

Since 1995, the Attorney General has been conducting tobacco stings, or as I prefer to call them, compliance checks. Under John's leadership, two enforcement officers and their underage youth visit every tobacco-retailing outlet at least three times per year statewide. The overall buy rate has fallen from 64 percent in 1995 to just over 9 percent in February 2004.

On my ride-along, we visited 29 stores in the Reno-Sparks area. During the checks NOT one store sold to Sam, the 17-year-old high school junior.

My ride-along began when I met Rob, the AG investigator. Next, we picked up Sam from school. Sam's appearance was not altered in any way. He did the checks just as he was dressed for school.

We proceeded to the first store, which was a large grocery chain store. Sam entered the store followed by Rob and myself. Sam asked for a pack of cigarettes from the store clerk, which she had to retrieve from a locked case. Rob and I were in the checkout line so that we could observe what was going on. The clerk handed Sam the smokes and then asked for his ID,

which he produced. Based on Sam's driver's license, the clerk told Sam he was underage and she could not sell to him. At that point, Sam left the store and Rob congratulated the clerk for refusing the underage sale. She was given a "We Card" pin and a congratulatory note in both English and Spanish.

At most all the stores, the clerk was pleased for passing the check, and at one member's store, the clerk who had been on the job only about two weeks was praised and congratulated by her supervisor before they knew it was a compliance check. I was pleased to see the professionalism and the attention to detail exhibited by all the clerks. There is no question in my mind that Nevada Petroleum Marketers and Convenience Association store owners, managers, supervisors and clerks are taking the prevention of underage tobacco sales very seriously.

Also, I want to emphasize the fair and professional manner in which the tobacco compliance checks are conducted. Essentially, the same dialogue is used in every compliance check, the underage youth answers questions truthfully, and the youth and adult investigator complete forms showing the results of the compliance check promptly after every compliance check.

I would encourage store owners, managers and supervisors to ride along during compliance checks. It will give you new insight into this important responsibility you've given your employees.

No More Upsize for You!

So you go to the drive-up window at your favorite fast-food restaurant, place your order, then say, "Supersize it." If you're at McDonald's, you'll get a, "Sorry, no Supersize," rather than an extra large coke and order of fries. Don't get angry at the server. Just think, "Someone is watching over me and helping me make the right choices when it comes to what I eat."

Earlier this year McDonald's announced that it is phasing out its extra-large choices for drinks and fries. Although McDonald's says eliminating its supersize is just part of a move to simplify its menu, many believe that the restaurant is bowing to pressure by the ever-growing litigious society that likes to blame food retailers for obesity problems. Help may be on the way, though. A bill passed out of the House in March, the Personal Responsibility in Food Consumption Act (H.R. 339), would stop obesity-related lawsuits against the food industry. The bill's protection against legal action covers all manufacturers and sellers of food products, including grocery stores and food distributors.

The Center for Consumer Freedom reports that:

- A 2003 Gallup Poll showed that nearly 9 in 10 Americans oppose the idea of holding fast-food companies legally responsible for the diet-related health problems of some of their customers.
- Two out of three U.S. households surveyed by AC Nielsen said parent or guardians are mostly to blame for obesity in children 17 and under, with fast-food restaurants blamed by only 10 percent and food manufacturers named by only 1 percent.
- Opinion research firm Planet

Feedback says Americans "are far less willing to blame the food and restaurant industry than they are to blame a lack of education and self-responsibility for the country's weight problem." In fact, 84 percent of those surveyed placed the primary responsibility for Americans' weight problem on "individuals who do not exercise enough."

However, this hasn't stopped food retailers from responding to consumers who have jumped on the low-carb diet bandwagon. With Atkins, the Zone, the South Beach Diet and others being the latest rave in eating, low-carb products are starting

to line the shelves of mainstream supermarkets, not just specialty stores.

Sales of low-carb products are expected to exceed \$15 billion this year, according to NPD Group, a research firm in Port Washington, NY. A report released by NPD Group cites that for the first time in six years, Americans are losing weight and eating healthier. The Body Mass Index of Adults survey shows that 55 percent of the population was overweight in 2003, down from 56 percent in 2001. According to the U.S. Surgeon General, about two-thirds of American adults are overweight or obese.

Sources: *FMI Stores and www.consumerfreedom.com.*

Nevada Newsmakers Making News

Nevada Newsmakers premiered in Las Vegas last month. The television show that pulls together political leaders, powerbrokers and pundits in front of a live camera to face off and answer questions, is produced in Reno and appears on KRNVC-Channel 4 and Charter Cable 12.

Sam Shad, co-host and owner/producer of the show, says, "We bring guests on the show so viewers can finally see the faces and hear the voices and really get to know the players whose names make the headlines. We ask them tough questions that you'd want to ask."

The show is taped live and presented as is with no apologies. "What Sam Shad, Ande Engleman and *Nevada Newsmakers* have brought to northern Nevada, and what they will bring to southern Nevada, will be immensely valuable," says veteran Nevada political consultant Jim Denton. Terry Hickman, president of the Nevada State Education Association, says, "It delves into vital issues and covers both sides. There have been tough questions, but they're always looking to bring out important ideas. The people of southern Nevada will be extremely well-served and will enjoy Sam and Ande."

Co-host Ande Engleman is the former executive director of the Nevada Press Association. Shad is a 26-year veteran of northern Nevada television and radio. He also produces television's *Best of Reno*, which highlights northern Nevada's great restaurants. That show will expand to the Las Vegas market this month.

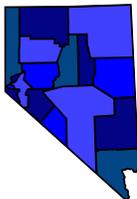
Nevada Newsmakers will air 4:30 p.m. – 5:00 p.m., Monday through Thursday on Channel 123 (Cox Digital Cable), with replays of all four shows, 3:00 p.m. to 5:00 p.m. Saturday. Daily rebroadcasts will air 11:30 p.m. Sunday through Thursday; midnight Sunday to 1:30 a.m. Monday; and 4:00 a.m. Tuesday through Friday. The show airs on KVBC-Channel 3 from 5:00 a.m. to 6:00 a.m. on Saturday and Sunday.

TAKE CONTROL OF YOUR WORKERS' COMP COST

- X Greater management control that cuts overhead costs
- X Pre-employment screening at a small co-pay for NRN members only
- X Team Safety/Loss Control Program for all members
- X Investigation and defense of claims
- X Direct savings that give members greater incentive to control losses

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Carson City, NV 89703-3937

• Membership in RAN Required •

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 April 15, 2004 to May 15, 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

- | | |
|--------------------------------|---------------------------------|
| Admobile of Reno | J-K Polysource, Inc. |
| American Housekeeping | Keller Williams Group One, Inc. |
| Andrew G. Getas, DDS, Inc. | Ronald C. Ruppert, DO |
| Barney's Drive Thru Market | S & S Screw Products, Inc. |
| Compliance Alliance, LLC | Stephen D. Panter CRNA, Ltd. |
| Dean Maga Snap On Tools | Su Casa Personal Care |
| Desert Urology, LLP | Trick Up Trucks of Elko, Inc. |
| DNA Management, Inc. | Two Gals Restaurant |
| Family Doctors of Green Valley | United Cleaning Service, LLC |
| Gilcrease Almond Tree Center | |

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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Increased Attention for Work

Researcher Finds a Therapeutic Exercise That Frees Attention, Promotes Mental Health and Improves Performance

By James Larsen, Ph.D.

Do you ever try to stamp out distressing thoughts? Do you ever try to forget troubling memories? Do you ever try to block unpleasant emotions?

They may be thoughts that worry you, memories that reopen old wounds, or emotions that grasp your attention and won't let go, like a fear of heights that freezes you along a steep mountain path.

Thoughts, memories, and emotions are internal, psychological events that occur without warning. But a curious thing happens when we react to these events by trying to control them, by putting them out of our minds or distracting ourselves with new activities. They become stronger, and then they trouble us more frequently and more deeply.

That's the surprising conclusion drawn from a theory of psychotherapy first outlined in 1987 by Steven Hayes, from the University of Nevada at Reno. It's a theory put into practice by a growing legion of psychotherapists whose enthusiasm for it comes from the benefits they observe in their clients. These clients report fewer troubling thoughts, which diminish in strength over time allowing them more attention that they can focus on constructive activities.

The theory's, Acceptance and Commitment Therapy (ACT), most important innovation involves accepting internal psychological events (thoughts, memories, emotions, and sensations). Hayes calls it "psychological acceptance," and it's comprised of two elements: 1) a willingness to experience negative psychological events fully and freely without labeling them as bad, and 2)

a habit of acting that does not seek to influence one's feelings. Instead, actions reflect a person's values, interests, and/or goals. They are not carried out to help a person feel better.

When people implement this acceptance in their lives, they find troubling psychological events occurring less frequently. They find their day-to-day activities more rewarding. Their mental health improves, and their daily activities meet with greater success.

Frank Bond, a researcher at the University of London, studies applied psychology. He tested the positive effects of psychological acceptance

Those who used psychological acceptance in their day-to-day lives made the fewest errors in posting accounts (a critical part of their jobs).

in the work setting with people who don't feel a need for psychotherapy.

In 2000, he developed a stress management program for a large media firm. In the program, he taught people psychological acceptance. Then he measured its effect using a general mental health questionnaire. People who completed the training scored higher on the survey than those who did not. The training improved their mental health.

In 2003, Bond completed another study. This latest research used an ACT survey to identify employees who already used psychological acceptance in their day-to-day lives. A year later, employees completed another survey on general mental health, and those who had scored

the highest on the ACT survey a year earlier also scored highest in general mental health.

Bond also examined an objective measure of job performance in this study and found a similar pattern. Those who used psychological acceptance in their day-to-day lives made the fewest errors in posting accounts (a critical part of their jobs). Finally, Bond investigated the combined impact of psychological acceptance and relaxed job control.

When employers relax their control of jobs somewhat, employees find that they can make decisions about job activities that used to be dictated to them. This freedom usually improves employees' work performance, satisfaction, and general mental health. Bond found that employees who practiced psychological acceptance also benefited most from relaxed job control. The combined effect was the strongest.

Bond believes performance improves because people have more attention that they can devote to activities that reflect their goals and their interests. Being freed from managing their thoughts and feelings, they apply this new attention in constructive ways that benefit both their employers and themselves.

*Reference: Bond, Frank W. and David Bunce (2003) "The Role of Acceptance and Job Control in Mental Health, Job Satisfaction, and Work performance." **Journal of Applied Psychology**, 88 (6), 1057-1067.*

*—Hayes, Steven, Kirk Strosahl, and Kelly Wilson (1999). **Acceptance and Commitment Therapy, An Experiential Approach to Behavior Change**, New York: The Guilford Press.*

C 2004 Management Resources

Washington Watch



New Regs for Wood Packing Material—The U.S. Animal Plant Health Inspection Service (APHIS) is phasing in a new regulation governing imported solid wood packing material (SWPM). This includes things such as pallets, crating, packing blocks and skids. The new regulations require that SWPM entering the United States be heat treated or fumigated.

Initially, warning notices will be sent to foreign national plant protection organizations for SWPM imported into the U.S. that has not been appropriately treated and marked. Non-compliant SWPM (untreated and unmarked) will be treated, if

necessary, at the point of entry. No additional action will be taken on non-compliant material until the implementation date, which is expected to be in spring 2004.

As the phase-in period progresses, stronger action will be taken against non-compliant material until full implementation is achieved.

Television Dumping—The U.S. International Trade Commission (ITC) has scheduled various deadlines for its final investigation of whether color television imports from China (and possibly Malaysia) are injuring or threatening to injure the sole U.S. producer of color televisions. The ITC is holding hearings to help in making its final evaluation.

Retail Association of Nevada

Mary F. Lau, Executive Director
Elizabeth MacMenamin, Director of Government Affairs
Paul Enos, Manager of Government Affairs
Willeta Kerschner, Account Executive/Workers' Comp
Joan Morrow, Editor

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1007 N. Nevada Street
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775-882-1700
Website: www.RANNV.org