



2016 LEGISLATIVE SESSION IN REVIEW

As the clock struck midnight on July 31, the two year legislative session came to an end. While “non-controversial” issues can still pass and become law, this signifies the end for most of the bills filed this session.

The MRA had a very successful session, both in supporting bills that will advance the industry while also working to prevent proposals that will hurt. Throughout the session, a myriad of proposals that would undoubtedly raise the cost of doing business and add more regulatory and record keeping burdens to operators throughout the Commonwealth did not become law.

The MRA successfully opposed:



Minimum Wage Proposals

There were numerous proposals focused on the minimum wage. Among the issues proposed:

- **Set a higher minimum wage for fast food operations** – Why should one operation be treated any different than any other industry. The minimum wage is the minimum wage, not “the minimum wage is x if you sell one product but y if you sell another”.
- **Eliminate the tipped wage for tipped employees** – The MRA opposes any proposal that seeks to alter or change the tip wage in Massachusetts. Tipped employees are the highest compensated workers in any restaurant setting, earning well above minimum wage, with many averaging between twenty five and thirty five dollars per hour.
- **Allow cities and towns to set their own minimum wages** – This proposal would create a regulatory mess for any multi-unit operator. One does need not to look further than California and the dozens of minimum wage rates that operators need to follow.



Mandated Scheduling

The MRA opposed efforts to mandate scheduling. This is a solution in search of a problem and is an example of a proposal that seeks to micromanage the way small business operates.



Paid Family Leave

This proposal would allow Massachusetts workers up to 12 weeks a year to care for a sick relative or new baby or adopted child. The bills differ in the amount of benefits the employee would receive but each would fund the program through employer contributions. While the MRA is not opposed to some form of family leave, the program should not be funded by employer contributions.



Proposed Changes to the Issuance of Alcohol Licenses

While we are supportive of increased economic vibrancy in all cities and towns across the Commonwealth, we feel that the state must also tread very carefully with altering the existing system. Before any change to the licensing process is initiated, there should be a thorough review of the impacts to operators that have paid for licenses and especially those that are currently pledging the value of one license to finance a second operation.

We can expect many of these proposals to be re-filed for next session. The MRA will remain vigilant in fighting back against these mandates.

The MRA successfully supported:



Banning of Powdered Alcohol

The new law states that “no person shall sell, offer for sale, manufacture or possess powdered alcohol. Whoever violates this section shall be punished by a fine of not less than \$100 or more than \$1,000.”

This is an important public safety issue. The consumption of powdered alcohol cannot be regulated. Restaurants would have all the liability without any of responsibility protocol if a patron were to bring the product in and mix their own drinks on premises without the knowledge of the restaurant staff.



Farmer-Winery Pouring License

The legislature overturned a recent regulatory decision that would have prohibited farmer-wineries from pouring within their licensed premise in addition to their farmlands and vineyards. Now, one license will allow pouring in both locations, provided licensees file an alteration of premises with the ABCC.



Wine Re-Corking

The ability for private clubs to recork bottles of wine purchased in conjunction with a meal has passed both the House and the Senate, albeit in different pieces of legislation. This proposal is still alive and stands a good chance of passing during the “quiet” time. The MRA will continue to work hard to get this bill across the goal line and onto the Governor’s desk.

(Continued on page 3)



Dear Board Members,

As much as I want to hang on to summer for another month or longer, with the Patriots season kicking off next week I know that the fall season is inevitable. And as much as I will miss the summer (and I know those operators with patios, and those in high tourists spots will echo that sentiment), I do truly love the fall months in New England.

Fall is the time of the year that I find most traditional for New England fare. Maybe it is because Thanksgiving started here in 1623, so I think turkey, with our native cranberries, squash, and all the rest of the fixings! New Englanders make the best pies – Apple, Squash, and of course Pumpkin. Speaking of Pumpkin, it seems that flavor is everywhere these days. Not just in those pies, but lattes, and adult beverages as well.

Fall is a great time to buy locally and continue this great run on our farmer's harvest, and all the great livestock that is raised locally, treated humanely, and fed only the right feed. And if it is New England, it's certainly not just Farm to Table, how about Sea to Table? Our seafood partners have great fresh fish, the best in the country. There is nothing better than fresh seafood as the main feature of any plate we put in front of the guest. Our guests are looking for us to bring all of these great items to their table, so now is the time to cement the relationships we have with our local partners.

And fall means we have the Red Sox playoff run and yes, as I said earlier, the Patriots season to try and schedule around. The last two years the Red Sox have been dead in the water by September. I think the excitement level in 2016 will raise the spirits of our guests and bring them into our restaurants! And the Patriots success from last year means the 2016 schedule has 5 prime time games – far better than 1:00 PM and 4:25 PM time slots for our business. So let's focus on the positives, great food, great business partners, happy guests, a schedule we can live with and have a great fall season!

Sincerely,

Donato Frattaroli
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Work to be done:

**Tip Pooling**

Although there was progress this session on amending the tip law, there were some external forces at play that stopped the progress. The MRA will re-file next year in hopes of clarifying this complicated law.

**Out of State ID's**

There were multiple versions and discussions regarding the allowing of out-of-state identification to be a valid form of determining if somebody is twenty one. While the bill was reported favorably out of the committee, the session ended before the legislation could be advanced forward.

Like any legislative session, there were many laws enacted but also many issues were ordered to studies or simply left in committee. The new two year session will convene in January of 2017 and will have a different look as all Representatives and Senators are up for re-election. In addition, ballot questions legalizing marijuana, expanding laws relative to animal cruelty, adding an additional slot license and a charter school expansion question will also appear on your November ballot.

Legislative Watch List:

H.2616 – Relative to restaurant and hotel community investment
 H.1885 – An Act relative to the safety of people in restaurants
 H.1704 – An Act relative to the pooling of tips
 H.2596 – An Act relative to creating a meals tax holiday
 H.2099 – An Act relative to the safety of schools, residences and public assemblies
 H.2055 – An Act relative to the use of latex gloves and products by persons who handle food

H.1949 – An Act requiring identification of food allergens in eating establishments
 S.1220 – An Act to reduce the risks associated with allergic reactions
 S.229 – An Act relative to restaurant re-investment
 S.125 – An Act relative to the sale of wine
 S.1588 – An Act increasing restaurant competitiveness
 S.1227 – An Act relative to cleanliness in restaurants and bars

MASSACHUSETTS ENACTS A PAY EQUITY LAW *By John Coyne, MRA General Counsel*

A new law to establish “pay equity” will be effective on **January 1, 2018**. In the meantime, Massachusetts employers should review their practices to insure compliance.

What is the purpose of the law?

To prohibit an employer from paying a lower rate of pay or salary because of an employee's gender than it pays an employee of a different gender who performs “comparable work”.

Does comparable work mean the same work?

No, comparable work is different but “substantially similar”.

What does substantially similar mean?

Work is substantially similar and therefore comparable if it requires substantially similar skills, effort and responsibility performed under similar working conditions, meaning similar shift differentials, physical surroundings and hazards.

Does the law require that everyone doing comparable work always be paid the same?

No, the law does not prohibit a different wage or salary for comparable work as long as the difference is not based on gender. For example, employees of the same gender may be paid a different wage or salary even though they perform comparable work because the difference is not based on gender. Similarly, employees of a different gender who perform comparable work may be paid a different wage or salary provided the difference is not based on gender.

What can such differences be based upon?

Differences in wages or salary paid to employees of a different gender for comparable work are permissible if based upon a (i) bona fide seniority or merit system; (ii) bona system which sets earnings by production or sales; (iii) the geographic location of the job; (iv) education, training or experience reasonably related to a

particular job and consistent with business necessity; or (v) travel that is a regular and necessary condition of the particular job.

Does the law contain other prohibitions?

Yes, the law also makes the following practices by an employer unlawful:

1. Prohibiting an employee from inquiring, discussing or disclosing information about the employee's or any other employee's wages.
2. Screening job applicants based upon their wage or salary history or requiring that an applicant disclose prior wages or salary as a condition of being interviewed or continuing to be considered for an offer of employment.
3. Seeking the salary history of a prospective employee from any current or former employer before an offer of employment, including compensation, has been made to the prospective employee.
4. Discharging or otherwise retaliating against an employee who exercises his/her right to oppose the conduct made unlawful by the law or to institute any legal proceedings under the law.

How can an employer limit liability under the new law?

The law includes a defense against a claim that it violated the law for an employer who, within three (3) years before the claim, has completed a self evaluation of its pay practices in good faith and can demonstrate that reasonable progress has been made towards eliminating compensation differentials based on gender for comparable work.

HAVE QUESTIONS? MRA MEMBER SERVICES MANAGERS ARE YOUR RESOURCE!

It's the time of the year when we transition out of summer mode and prepare for the post Labor Day business models. For each region of Massachusetts that can mean different things. One thing you can count on as a restaurant operator, is that you are time poor. Because of this, often the things you need to be "in the know" of or need help with, go unattended. You end up playing catch up on new State and Federal Regulations and Information or Cost Savings Programs that can affect your business.

You have a resource for all these things that is a simple call or email away - your MRA Member Services Manager. Each MRA Member Services Manager is well versed in the current Government Affairs, Information and Cost Savings Programs and how they can affect your business. In the rare case they do not have the answer, they have at arm's length away the subject matter experts to answer virtually any question or

situation you may come across. They are also connected with the most recent MRA Membership Value Programs in the industry and can assist you on implementing them for your business.

Something to be looking at as we head into fall is the change in overtime for exempt employees that takes affect December 1st. The Department of Labor issued its final rule implementing changes to the regulations governing the salary threshold for exempt overtime workers. It guarantees time-and-a-half pay to any salaried employee earning under \$47,476 a year (\$913 a week) and who works more than 40 hours in a week. For the full MRA article, click [here](#).

There is no better time than the present to reach out, set up some time to meet and get caught up on those lagging imperatives for your business. See below for the MRA Member Services Manager for your area:

Bob Brammer (serving Central & South)	bbrammer@themassrest.org	(202) 270-7985
Lynne Johnston (serving Western MA)	ljohnston@themassrest.org	(774) 312-1507
Lina Szymkowski (serving Boston & North Shore)	lszymkowski@themassrest.org	(781) 962-3423
Kerry Miller (Director of Membership Services)	kmiller@themassrest.org	(508) 300-7863

HARPOON BEERS & BITES: OYSTERS

HARPOON

In September, MRA will partner with Harpoon Brewery for

BEERS & BITES: OYSTERS
Sept 12th, 7:30PM - 9:30PM
at Harpoon Brewery, Boston

Ticket price: \$30 each - includes tastings & locally brewed Harpoon beer.

**2016 MRA
END OF SUMMER BUMMER
GOLF TOURNAMENT**

Tues, Sept 20th
11:00 AM
Pinehills Golf Club
Plymouth, MA

REGISTER HERE

**Save
the Date**

November 16, 2016
Westin Hotel Waltham

Cocktails at 5:30pm,
Dinner & Program at
7:00pm

Registration will be
opening soon!



**Save
the Date**



NOVEMBER 7, 2016 6:30-10:00PM

\$35 - Non-members
\$30 - Members

Venue: Hanover Theatre
2 Southbridge Street, Worcester

Details Coming Soon!

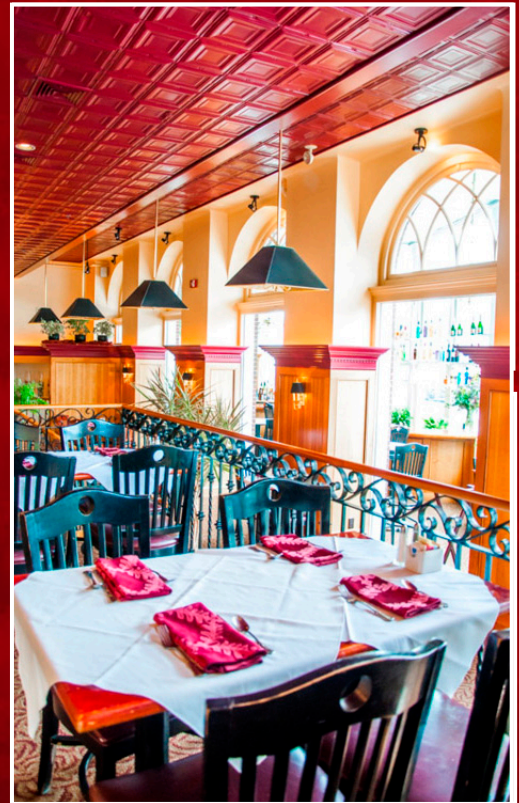
**JOIN US FOR A
FUN-FILLED NIGHT
TO BENEFIT**



Featuring the Top
Worcester-Area Chefs
and Craft Beer by
Wormtown Brewery

*This event is brought to you by
The MRA, Worcester Chamber of
Commerce, The Hanover Theatre,
and Snapchef.*

Proceeds to benefit No Kid Hungry



MANSOUR GHALIBAF



WE ARE THE MRA MEMBER PROFILE

Name: Mansour Ghalibaf

Restaurant: Coolidge Park Café & Wiggins Tavern (circ. 1786).

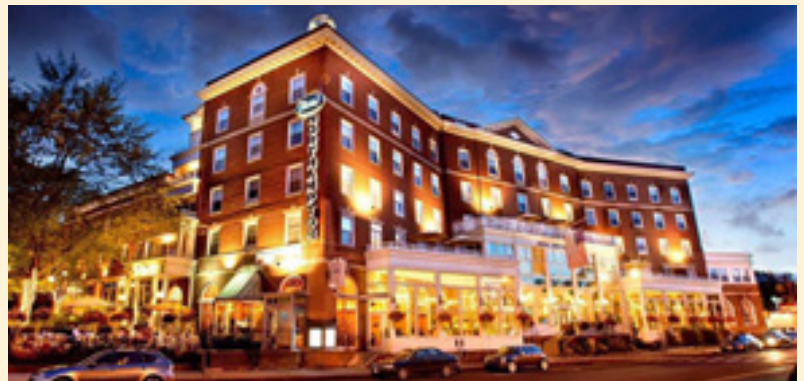
Year Founded: 1927

Website: hotelnorthampton.com

MRA Member since: 1997

What is your specialty? Traditional New England American Cuisine.

Why is the MRA important to you and your business? “The MRA is a truly powerful vehicle that provides The Hotel Northampton with a lot of the “other information” that we need to run our business. This allows us to focus on food, beverages and service and makes the MRA a great partner.”



FUN FACTS about The Hotel Northampton:

1. Baked Stuff Shrimp is rumored to have originated in Wiggins.
2. Wiggins Pub was originally built and opened in Hopkinton, NH.
3. Calvin Coolidge Law Office was around the corner and he often stayed and dined at the hotel.
4. The Coolidge Park Café was built in 1986 as well as the atrium & patio.
5. In 1942-1944 arrangement were made by the US Navy to billet WAVE midshipwomen at Smith College and they were marched down Main St. three times a day for their meals at the Hotel. This was the city's aid to the war effort.
6. Eleanor Roosevelt, Herbert Hoover, Calvin Coolidge, Dwight Eisenhower, John F. Kennedy, and Richard Nixon all have dined and/or stayed at the hotel.



CHEERS LIVE ON STAGE at
the Shubert Theatre
Thursday, September 15th
5-7pm/7:30pm show
Cheers - 84 Beacon St

Meet at Cheers from 5pm-7pm for appetizers and cash bar. From Cheers, take a trolley to the Shubert Theatre for CHEERS LIVE ON STAGE!

Tickets: \$125/person*

**Proceeds to benefit the MRA Educational Foundation (MRAEF). The MRAEF was created to address the diverse educational needs of the industry. Its focus is two-fold: First, to provide professional development programs for members. Second, to develop a well-educated, well-trained workforce through School-to-Career partnerships throughout the state.*

The MRAEF is governed by a board of elected directors.

REGISTER HERE

MRAEF Professional Development Day

September 21, 8:30am - 1:30pm
Sysco, Plympton, MA

ProStart teachers, register online for Professional Development at Sysco in Plympton, MA. Registration includes lunch. We'll start the day with a review of the COA process and useful tools ProStart tools. Nick Calias, Executive Chef at the Colonnade Hotel and National ProStart Judge, will provide best practices for the culinary competition. Sysco chefs will offer a hands-on food demonstration with ProStart teachers, and we'll finish the day with a tour of Sysco's incredible facilities.

Please, register by September 14th, space is limited.

REGISTER HERE

THE 2016 MRA EDUCATION SUMMIT - OCTOBER 17TH



**Save
the
Date**

Mark your calendar!

There are very few restaurants across Massachusetts who are finding it easy to find great talent to hire and retain. Mark your calendar for Monday, October 17th to learn from operators having success hiring, training, and retaining talent in a tight job market. Best practices will be discussed with ideas on how you can improve your hiring, training, and retaining.

**The MRA Educational Summit will be held at
The Connors Center in Dover, MA
on October 17th, from 8am - 3:30pm.**

SERVSAFE TRAINING SCHEDULE

SERVSAFE MANAGER

DATE	LOCATION	CLASS	TIME
Oct 4th & 18th	Kowloon	ServSafe Manager	3pm - 7pm
Oct 11th & 25th	MRA	ServSafe Manager	3pm - 7pm
Nov 7th & 21st	Cape Codder	ServSafe Manager	4pm - 8pm
Dec 5th & 19th	MRA	ServSafe Manager	3pm - 7pm

SERVSAFE ALCOHOL

October 4th	MRA	ServSafe Alcohol	5pm - 9pm
December 13th	MRA	ServSafe Alcohol	5pm - 9pm

SERVSAFE MANAGER RECERTIFICATION

September 6th	Kowloon	ServSafe Recert	3pm - 7pm
September 12th	Cape Codder	ServSafe Recert	4pm - 8pm
September 13th	MRA	ServSafe Recert	3pm - 7pm
November 14th	Kowloon	ServSafe Recert	3pm - 7pm
November 15th	MRA	ServSafe Recert	3pm - 7pm

GREAT NEWS!

Soon, we will be offering ServSafe classes in Portuguese in Southborough, MA and Spanish classes in Lawrence, MA.
Email [Stacey Sawyer](mailto:Stacey.Sawyer@MRA.org) for more information.

To schedule classes or for more information or questions, email [Tracy Zibell](mailto:Tracy.Zibell@MRA.org) or call us toll-free at **800-852-3042, ext. 10.**

GLUTEN-FREE TRAINING: September 19th



Learn to serve gluten-free food safely and improve the quality of life for those with celiac disease and other gluten-related disorders.

Monday, September 19, 2016
U Mass Club - Amherst/Boston Room
1 Beacon Street
32 Floor
Boston, MA 02108

For more information and to register, click [here](#).

RESTAURANT SALES LIGHT LATELY?

Click [here](#) to read an interesting article from [Restaurant Finance Monitor](#) that speaks just to that point.

RESTAURANT
FINANCE

MONITOR®

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August 18, 2016

Restaurant Sales Are Soft, No Surprise Here

The late economist Paul Samuelson joked that Wall Street "had predicted nine out of the last five recessions." Long-time readers of the Monitor will swear we've been even more aggressive, calling a top in the restaurant business scores of times.

Stifel analyst Paul Westra made a newsworthy recession call on July 26, one I don't ever recall a restaurant analyst making. He downgraded 11 stocks in one fell swoop, predicted a comp sales slowdown over the next two years and a U.S. recession in 2017. I assume Paul kicked the cat that morning, too.

The same day, Jefferies analyst Andy Barish cautioned investors the industry has at least 18 months of challenges ahead in terms of softer same store sales and higher labor costs because of capacity growth and labor tightness. The main problem, according to Barish, was a supply imbalance. He cited research showing unit growth had returned to the

quarter. In July, KnappTrack, a measure of store sales, reported guest traffic down getting worse not better. Ruby Tuesday did close 95 stores. Fox & Hound and bankruptcy last week. It was the second for Fox & Hound. Expect more to follow. Fast casual operators are chipping restaurant operations, so don't exacerbate adding more units in the development flame out first.

Look at your portfolio of stores. If your same store sales exceed 10% of sales losing money. Don't build any more to or become media efficient. That never the leases under 10%, or make plans to while there is still optimism on the part of owners and independents to find locations.

Worried about competing for customers, competition or a recession, it's going to be there are a couple of other ideas:

CHOKE SAVE COURSES WHEN SECONDS COUNT, INC.

When Seconds Count, Inc.



CPR &
First Aid
Training



The MRA is very proud to partner with When Seconds Count for their Adult, Child, and Infant Choke Save Courses. They offer discounted prices for members and a portion of their fees are donated to the MRAEF.

The following class is being held at the MRA office in Southborough:

Wed, October 26, 2016, 10am to 11am

Visit the When Seconds Count website [here](#) to sign up.





WELCOME NEW MRA MEMBERS!

Bull Mansion

55 Pearl St
Worcester, MA 01608-1175
Victoria Mariano

Fishbones

34 Central Square
Chelmsford, MA 01824-3050
(978) 250-0101

Five Horses Tavern - Southend

535 Columbus Avenue
Boston, MA 02118-3410
(617) 936-3930
Dylan Welsh

Five Horses Tavern-Somerville

400 Highland Ave
Somerville, MA 02144-2511
(617) 764-1655
Dylan Welsh

Ipswich River Provisions

57 East Street
Ipswich, MA 01938
(978) 239-7244
Markos Doyle

J. J. Donovan's

27 Clinton Street
Boston, MA 02109-6200
(617) 523-9522
Deborah Holt

Leebro POS/Digital Dining POS

859 Willard Street Suite 400
Quincy, MA 02169
(888) 533-2761
Anthony Lee

Margaritas - Framingham

725 Cochituate Rd
Framingham, MA 01701-4632
(508)-309-7348

Margaritas - Northborough

10006 Shops Way
Northborough, MA 01532
(508) 466-2200

Phase Zero Design

35 Pond Park Rd - bay 16
Hingham, MA 02043
(781) 452-7121
Lindsay Corsino

Pro Care Inc.

3 North Maple Street
Woburn, MA 01801
(781) 933-7400
Richard Whitney

RAII

48 Cummings Park
Woburn, MA 01801
(781) 305-4474
Peter Salas

Safe Food Management

73 South Ave, Suite 350
Revere, MA 02151-2302
(617) 523-5450
Pamela Ross-Kung

Sensational Foods

91 Bigelow Avenue
Watertown, MA 02472-2009
(617) 924-6703
Stacy Rolfe

Worden Hall

22 W Broadway
Boston, MA 02127
(617) 936-3930

THANK YOU TO OUR 2016-2017 ANNUAL SPONSORS:



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Check out the MRA LinkedIn Group