By now, most people are aware of the so-called “Grand Bargain”, a piece of Legislation signed into law that addressed three different ballot questions dealing with minimum wage, paid family leave and the sales tax. While the industry is far better off with this legislation as opposed to what would have passed at the ballot, there is still some fallout and there will be a tremendous impact to operators over the next 5 years and beyond.

Of immediate concern, as minimum wage moves to $12 per hour and tip wage moves to $4.35 per hour on January 1, 2019, what is known as section 27 will also take effect.

**Section 27 reads as follows:**

Said section 7 of said chapter 151, as appearing in the 2016 Official Edition, is hereby further amended by inserting after the words “section 1”, in line 36, the following words: “; provided, however, that an employer shall calculate the amount required by clause (2) at the completion of each shift worked by the employee, with payments to the employee to be consistent with section 148 of chapter 149.”

(continued on page 3)

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**MRA Holiday Wish List 2019**

10. That golfers at the MRA Golf Tournaments be happy with adult beverages being served on the course, and stop asking when we will be adding edible tasting tables to the mix.

9. A prosperous holiday season for the hospitality industry – a place where 15,000 operators and 300,000 employees come together everyday to feed Massachusetts.

8. Toned-down media hyperbole on everything: not every issue needs to lead to mass hysteria. Did all the Romaine lettuce in America really need to be discarded...?

7. ...and don’t get us started on the media reaction when it might snow. We live in New England, it is going to snow, we don’t need 15 different forecasters telling people to hunker down. Nothing says storm fear mongering than turning the big bad map pink or dark blue.

6. That people look toward the hospitality industry as a model for unifying: Restaurants serve all customers, regardless of party affiliation, race, gender or religion, and if more people had that mind set, we would all be in a better place.

5. That the Governor and other leaders stop referring to the “Grand Bargain”, and instead refer to it for what it really is, “Many Grand More Than We Paid Before”.

4. Tweeting decisions and policy directions that affect the country and the world is but a mere bad dream that we remember, but is replaced with good strong well thought out press releases and orderly news conferences.

3. That duck boat parades get scheduled for February, June (two) and one more next November, as our local teams continue to make fans from other cities “hate us cuz they ain’t us”!

2. That our leaders reign in the cost of Healthcare for everybody. ACA, EMAC, HRA, we need more savings not more acronyms.

1. Every member values their relationship with the MRA and reaches out to someone who may not be familiar and encourages them to join, as #togetherwewin.
Dear Members,

Since this is my holiday note to everyone, I can’t help but start by pointing out that the Grinch tried to steal Thanksgiving recently! The Grinch – in this case, I think it was the FDA, issued one of the most extensive recalls I can ever remember just before Thanksgiving. While we all value safety first, telling America to discard all Romaine lettuce based on a very few individuals who may have been affected, cost our restaurants and especially our suppliers billions of dollars. It seems like it may have been a bit of an over-reaction. Thank you for once again reacting and holding necessary the industry high standards, and now that it is off my chest, I am putting that whole episode in the rearview mirror.

The timing of Thanksgiving has given us a special gift, another week in the season to allow guests more time to celebrate, more holiday gift cards to buy, and more opportunities for our teams to earn money!

As we enter the holiday season, I believe you are all like me - I get so excited for a prosperous holiday party season. It is a time when our guests enjoy great times with friends and family, and we find new guests that we’ve never met before and turn them into regulars. It is a time of celebration and we are so thankful they choose to share with us and all of our employees. We look forward to the smiles from those guests who are the foundation of our restaurants. At the same time, our staff makes great money, and they in turn get to celebrate with their families and friends.

That is a gift we love to receive. I think that this year, everybody is looking to escape the constant conversation that is going on politically and just exhale, have some fun, and focus on the good things in our lives. Celebrating inside our restaurants with family and friends over great food, tasty seasonal beverages, incredible service, and great conversation and laughs around each table. I think the more we encourage our teams to think and encourage that behavior with the guests, the more we can influence the conversation in our restaurants, and that is a gift everybody deserves!

No matter what holiday you celebrate, I wish you, your family, your employees and guests a wonderful and joyous time, and I thank you for making the food and beverage industry in Massachusetts so vibrant and exciting. And I wish the entire industry and our valued members a great and prosperous New Year!

Pat Lee
MRA Chairman
email: plee@themassrest.org
**CURRENT ECONOMIC INDICATORS - MASSACHUSETTS MEALS TAX COLLECTIONS**

- **CURRENT ECONOMIC INDICATORS**
  - **CONSUMER CONFIDENCE**
    - **(0-150 scale)**
    - **United States**
      - **NOV**: 135.7
      - **OCT**: 137.9
      - **SEPT**: 135.3
      - **AUG**: 134.7
    - **New England**
      - **NOV**: 118.9
      - **OCT**: 118.7
      - **SEPT**: 121.4
      - **AUG**: 113.7
  - **UNEMPLOYMENT**
    - **as of December 4, 2018**
    - **Massachusetts**: 3.5%
    - **United States**: 3.7%
  - **PRICES (YR OVER YR)**
    - **Wholesale food prices**: DOWN 0.3%
    - **Menu prices**: UP 2.6%

- **MINIMUM WAGE UPDATE EFFECTIVE JANUARY 1, 2019**

There will be an update to the Massachusetts minimum wage laws effective January 1, 2019. Click [here](#) for a poster size version that you may print and post at your business.
U.S. DEPARTMENT OF LABOR CLARIFIES RULE(S) FOR TIPPED EMPLOYEES

By John Coyne, MRA General Counsel

In a November 8, 2018 Opinion Letter the U.S. Department of Labor clarified when an employer may take a tip credit in situations where an employee performs multiple duties, some of which may satisfy the tip credit requirements and some of which may not. Where an employee holds dual jobs such as a maintenance employee and a wait staff employee, he/she is employed in two (2) occupations and no tip credit can be taken for hours worked as a maintenance employee.

The Department of Labor’s Opinion recognizes, however, that a wait staff employee who spends part of his/her time cleaning and setting tables, making coffee, occasionally washing dishes/glasses or performing similar related duties that, by themselves, are not directed toward producing tips is distinguishable from an employee with dual jobs.

The distinction between an employee performing “dual jobs” and one performing “related” activities is not always clear but a tip credit is permissible for all time spent performing duties related to the tipped occupation even though such duties by themselves are not directed toward producing tips (i.e. maintenance and preparatory or closing activities). For example, a wait staff employee who spends time cleaning and setting tables, making coffee and occasionally washing dishes/glasses may continue to be paid as a tipped employee provided such duties are incidental to the wait staff employee’s regular duties, generally assigned to wait staff employees and performed contemporaneously with or within a reasonable time before or after direct customer service duties. Significantly, the Department of Labor’s opinion does not place a limit on the amount of time an employee may spend performing related duties provided the foregoing criteria is satisfied.

POSSIBLE GOOD NEWS ON H2B VISAS FOR 2019

A key group of lawmakers has struck a deal to double the number of visas available to temporary seasonal workers. Under an agreement, the number of visas allowed would rise from 66,000 to 132,000 annually. In exchange for the increase in visas, businesses hoping to use the H-2B visa program will have to submit to strict checks on the workforce, making sure anyone hired since 2012, and those hired going forward, are in the country legally.

Lawmakers are hopeful to include this agreement in the next spending agreement that needs to be passed the first week in December. This is not official yet, but multiple media reports have reported the specifics of the agreement.

TAX DEPRECIATION UPDATE

U.S. House Ways & Means Chairman unveiled a tax package that includes a provision to correct an inadvertent error contained in last year’s Tax Cuts and Jobs Act. In addition, the bill incorporates other technical corrections, IRS reforms and “tax extenders,” which would reauthorize largely bipartisan tax deductions that are set to expire.

Due to a drafting mistake in the Tax Cuts and Jobs Act, qualified improvement property (QIP) and leasehold improvements now depreciate over 39-years instead of the intended 15-years, in addition to not qualifying for bonus depreciation. This initiative has bi-partisan support when enacted and the MRA has been active in educating our Congressional delegation about impacts.

MRA TESTIFIES AGAINST CITY OF BOSTON VENDOR SCHEDULING PROPOSAL

At a recent City of Boston hearing, the MRA testified against a proposal that would mandate scheduling for any City of Boston contract vendor. The so called “fair workweek” bill would require businesses under contract with the city to give employees 14 days’ notice on their work schedules. Any late changes would result in premium pay for impacted employees.

As we all know, restaurants need to be flexible to meet the demands of their customer base and especially small restaurant owners as a whole should be able to determine their staffing needs to meet the demands of their customers. Restaurants routinely take action without mandates to meet team member needs, this is an essential part of the operation to ensure team building and minimize turnover.

Very often, scheduling changes are employee-initiated. The flexibility our industry provides is the ability that allows employees to swap shifts for last-minute developments like family obligations, outside commitments, etc. Why should an operator be punished for an employee choosing to alter their schedule?

One final problem, is that Massachusetts has paid sick leave for all employees. Often times employees call out with very little notice, this means the replacement employee needs to be found by the employer. You can envision the very real scenario of employee A calling out and employee B needs to be added to the shift, plus premium pay. That is three times the cost of one shift. While this legislation would only apply to vendors that have a contract with the city, this legislation sets a dangerous precedent for all business across the Commonwealth and the MRA is strongly opposed.

The Boston Herald recently editorialized in opposition shown here.
Pot is legal but work is still work. The recent legalization of marijuana in Massachusetts adds some nuance as to how to manage your employees, but employment expectations and work rules need not be substantially affected by the new law. So, the question arises, what should employers do now in the new world of legal pot? Here are some action items to consider:

**Work Rules:** Think of pot as no different from alcohol or, in some cases, a prescribed medication.

Regardless of the substance, it is always appropriate for an employer to ban intoxication from the workplace. Also, as is often done with alcohol, it is perfectly appropriate to ban even the presence of recreational pot from the work place.

**Interactive Process:** Employers who know of an employee who uses marijuana for medical reasons have a duty to accommodate that employee. That does not mean letting the employee smoke pot at work. It does mean commencing an “interactive process” to determine what the employer can do to enable an employee to perform all the essential functions of his or her job while he or she must use this type of medication.

Does this mean an employee has a right to be high at work? No, just like an employee does not have the right to be under the influence of prescribed opioids at work. Legitimate safety interests permit rules banning any kind of intoxication in the workplace. Does this mean an employee can smoke pot at work? No, just like an employee does not have the right to drink at work.

So, where does accommodation come in? An employee may request a revised schedule to allow for work shifts while he or she is not under the influence based on his or her dosage schedule. Or an accommodation may allow the employee to possess the drug in the workplace it in a secure manner so that he or she may take his or her dosage in a timely way after his or her shift. Of course, any such accommodation could nevertheless require the employee not to use the drug (and certainly not to share it). Alternatively, an accommodation may allow an employee to consume a nonintoxicating dosage at work, such as CBD Oil or high-CBD, low-THC strains of cannabis. An employer can impose any reasonable rule to eliminate any impact on workplace safety, security or performance. Remember, an employer need not provide an accommodation if it would create an undue burden on the operation, but these are requests that should be carefully considered, regardless of whether the drug is marijuana or any other medication.

**Drug Testing:** Many employers require passing a drug test as a condition of employment and many also continue with random drug testing for those employed in critical safety or security positions such as drivers, caregivers, security guards and other similarly sensitive positions. When pot was illegal everywhere, the presence of THC in the sample could be the basis for automatic rejection or termination. While pot is now legal in Massachusetts and some other states, it is still illegal under federal law. Can pot automatically disqualify you from employment?

Not in Massachusetts. Cannabis is a frequently prescribed drug by physicians treating patients with chronic pain, glaucoma, side effects from chemotherapy, anxiety, and other conditions. Those patients have a right to equal employment opportunity without discrimination on the basis of their disability, which includes the prescribed treatment therefor. Accordingly, someone using marijuana for a medical reason may well have a disability that an employer must seek to accommodate under the Massachusetts law that prohibits discrimination on the basis of disability.

Does this mean an employer should not refuse to hire someone just because he or she has tested positive for THC in a pre-employment drug test? Yes. There is no test for intoxication by THC and so all testing can show is that the person tested has used marijuana typically within the last 30 days. As such usage may well have been prescribed to deal with a medical condition, the employer should not assume either intoxication or inappropriate usage and should not take an adverse employment action against the tested person based solely on a positive test result. Otherwise, the employer may run afoul of Massachusetts law.

**Federal law:** But isn’t pot still illegal under federal law? Yes. Theoretically, an employer could continue to act as if nothing has changed due to the continuing federal pot ban. But if you are doing business in Massachusetts, the state laws protecting those who have been prescribed pot for medical reasons will create liability for any employer who punishes pot patients with discipline or termination. But could an employer ban recreational pot users? Given the current state of federal law, an employer could theoretically refuse to hire or terminate an employee for recreational pot use even if the employee was not intoxicated at work or violating any other work rule. But pursuing that policy would present a host of practical problems that could entangle the employer in numerous discrimination, privacy and public policy issues when the employer seeks to determine the reason for an employee’s personal use of marijuana. First, intrusive employment policies to ban recreational pot use outside the work place could be viewed as an attempt to scare off medical pot users and the similarly disabled.

**Read more...**
1. The Restaurant’s opening night was during a major storm in 2011 - Hurricane Irene. The Cafe opening day in 2017 was during a major snowstorm. We view it as good luck!

2. Many staff members have been with the restaurant since opening night 7+ years later.

3. Our name “Catalyst” is a play on the chemical reaction since our location is settled in the Technology Square Hub of Cambridge and nearby Harvard and MIT.

4. William Kovel is a certified sommelier, one of the only sommelier/chef/owner in the City.

5. Owners William and Sara have a daughter Grace and identical twin boys, Everett and Owen. William is a twin himself.

6. William and Sara Kovel met working in the Four Season’s before opening Catalyst.

7. Catalyst Restaurant’s logo is a Rooster- play on french cuisine roots and hospitality.

8. Catalyst has private dining rooms with adjustable walls that can seat up to 150 seated.

9. Catalyst has over 70 employees.

10. Near our bar area, we have a tall live plant wall sporting many plant varieties - including pineapples at one point!

Fun Facts about Catalyst Restaurant and Catalyst Cafe

WE ARE THE MRA

MEMBER PROFILE

RESTAURANT: Catalyst Restaurant and Catalyst Cafe

LOCATION: Cambridge, MA

YEAR FOUNDED: Restaurant: 2011; Cafe: 2017

MRA MEMBER SINCE: 2011

WEBSITE: www.catalystrestaurant.com & www.catalystcafecambridge.com

WHAT IS YOUR RESTAURANT SPECIALTY?
French American cuisine and private dining.

WHY IS THE MRA IMPORTANT TO YOU AND YOUR BUSINESS?
MRA keeps us connected with local business and current news, trends and events. As a restaurant of 7 years, we try to remain relevant, stay consistent and be flexible to changes in the restaurant industry.
THE PASSING OF A TRUE HOSPITALITY LEGEND

While we lose a number of great food & beverage industry leaders, we were recently robbed of truly one of the most passionate, giving, and caring operators to ever have been associated with the MRA.

We are saddened to inform you that Raphael Oliver passed away recently at a far too early age. Raphael turned a restaurant headed for closure into one of the most iconic Boston restaurants - The Top of The Hub, located on the 51st floor of the Prudential Tower, and he ran it with dignity and poise for over a quarter of a century. He was a great friend and mentor to so many, a longtime director and ultimately Chair of the MRA, and a national leader as a Board Member with the National Restaurant Association.

But what was most important to him, was the need to help our industry find the next leaders, to inspire them and to assist them in getting an education to help them along, at times when they would otherwise not be able to afford to do so themselves. Quietly and without fanfare, Raphael has raised a very significant amount of scholarship funds that will continue to be awarded for many, many years to come. The Debbie Oliver Scholarship will now become known as the Raphael & Debbie Oliver Scholarship moving forward.

Our thoughts and prayers have been and continue to be with his family and friends. There are services planned on the North Shore in his hometown of Gloucester, as well as Boston as follows:

**Thursday, December 13**
2-6 pm
Calling Hours at Greely’s Funeral Home, 212 Washington Street in Gloucester

**Saturday, December 15**
9:30 am
Mass at Our Lady of Good Voyage Church, 142 Prospect Street in Gloucester

Noon-2 pm
Celebration of Life at Skywalk Observatory
50th Floor of The Prudential Tower
800 Boylston Street
Boston, MA

DISNEY INSTITUTE IS COMING TO FENWAY PARK ON DECEMBER 18, 2018

Come learn about Disney’s Approach to Quality Service at the home of the 2018 World Series Champions!

**DISNEY’S APPROACH TO QUALITY SERVICE**

**Tuesday, December 18th, 2018**
8:00 am - 4:30 pm
4:30 pm - 6:00 pm Networking Reception
State Street Pavilion Club

Click [here](#) to register today!
What experiences led you to pursue a career in the hospitality industry?
By working different jobs in the industry, I’ve learned over time how rewarding this industry can be. My first job as a waiter in a retirement home taught me a lot about what it means to be hospitable. I can recall a time where I was finishing serving a table and as I was telling them to have a great night, a lady told me that my smile had made her day. Compliments on service and how grateful a customer is for service that is provided, are huge motivators in me deciding to pursue a career in this industry.

From your time in the workplace and classroom, what is the most important piece of knowledge you have learned?
The most important thing I’ve learned is to never settle. I’ve been taught that in order to be the best, one must go above and beyond be it in the classroom, work, sports, or anything. Regardless of obstacles, hard work and the right mentality can help a person accomplish tremendous things.

What are your plans after college graduation?
My long term goal is to one day become an Executive Chef in a fine dining restaurant or hotel. I know that the chances of that being available right after college are very slim so I’m hopeful to at least start off as a cook in a higher end restaurant and work my way up from there.

If you could offer any advice to those considering pursuing a career in the hospitality industry, what would it be?
Don’t be afraid to be yourself and be unique. I feel like a lot of people are complacent with following the status quo and are afraid to take risks in the culinary arts industry. I feel like it’s imperative especially in this industry to step outside of your comfort zone and make yourself stand out from the rest of the crowd.
## 2018 SERVSAFE TRAINING SCHEDULE

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## CHOKE SAVING COURSE AVAILABLE AT THE MRA

**UPCOMING CLASS:**

Thursday, December 13, 2018

*All classes are 10-11am.*

**CLASS LOCATION:**

Massachusetts Restaurant Association
160 East Main Street, Suite 2
Westborough, MA 01581

## CALL FOR INDUSTRY MENTORS

A Mentor is known as a wise and trusted counselor, teacher, or an influential senior sponsor or supporter. Teachers, a form of mentor, cannot always provide insight into a career in the industry. Students need connections to those who spend a majority of their time outside of the classroom. By establishing a relationship with a school program, an organization can then begin to educate the students on the practices they believe shape the industry and an extraordinary worker.

Students need your help! Please consider mentorship by clicking [here](#) for the application.

## CLASS LOCATIONS:

**MRA:**
160 East Main St, Ste 2, Westborough

**KOWLOON:**
948 Broadway, Saugus, MA

To sign up for training, call (508) 573-4180

## 2019 SCHOLARSHIP APPLICATIONS ARE NOW BEING ACCEPTED!

Go to [www.themassrest.org/mraef-scholarship-app.html](http://www.themassrest.org/mraef-scholarship-app.html)

Mail application to:
Massachusetts Restaurant Association,
160 East Main St., Suite 2,
Westborough, MA 01581

or email it to Jennifer Almeida at jalmeida@themassrest.org

Send completed application in by **April 1st**!
## FOOD & BEVERAGE OPERATORS

### Fortune Bar
12 Friend Street
Amesbury, MA 01913
(617) 312-9214
Dan Donato

### Granville’s Pub
40 Chestnut Street
Spencer, MA 01562
(508) 885-5939
Jeanne Robertson

### Jones River Tavern, Inc.
6 Pembroke Street
Kingston, MA 02364
(781) 585-4420
Michelle Hamm

### La Dolda
405 Waltham St.
Suite 402
Lexington, MA
(617) 650-7348
Matteo Gallizio

### LaHacienda Bar & Restaurant
150 Meridian Street
East Boston, MA 02128
(617) 561-3737
Jose Callejas

### Lenny’s Hideaway
8 Stagecoach Way
Cohasset, MA 02025
(415) 244-2994
Stephanie Burke

### Lucky Strike Social
325 Revolution Drive
Somerville, MA 02145
(617) 437-0300

### R Cee’s Pub
22 South Main Street
Orange, MA 01364
(978) 544-8570
Ralph Cutrer

### The Barrelman
259 Washington Street
Marblehead, MA 01945
(617) 270-6392

### Tokenfire
35 Washington Street
Quincy, MA 02169
(617) 365-5500
Breda O’Connor

## BUSINESS PARTNERS

### Rogers & Gray Insurance Agency
434 Rt. 134
South Dennis, MA 02660
(508) 619-4545
Livia Rosado

### Waltham Pest Services
9 Erie Drive
Natick, MA 01760
(781) 808-1137
Jason Cutting

### South Shore Vocational Tech High School
476 Webster Street
Hanover, MA 02339
(781) 878-7572
Leanne E. Monteiro

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**Massachusetts Restaurant Association**
160 East Main Street, Suite 2, Westborough, MA 01581
Phone: (508) 303-9905 www.themassrest.org

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