



MA Legislature concludes Formal Sessions...

yet more work lies ahead in Informal Sessions, possible Special Session

The MA Legislature blew past their own July 31st midnight deadline, adjourning at 10:00 AM on August 1st, concluding formal sessions for this year following contentious overnight discussions on several bills that, ultimately, did not advance.

The Legislature will continue to meet in informal session until the end of the year, where typically only non-controversial matters are handled, as there are no roll call votes taken and the objection of any one member can block the further progress of any bill.

The final days of the session saw action on some legislative priorities, land takings and local bills, but some higher profile items, such as the **Economic Development Bond Bill**, did not move out of conference. The House and Senate at one point in the final day had twelve active conference committees before them, and a handful of other bills of interest to RAM members and others in the employer community which had passed one branch of the Legislature and not the other – but that were viewed as being in play. Three conference committee reports were finalized, enacted and sent to the Governor for her review. The rest remain in differing stages of legislative limbo. House and Senate leaders remain optimistic at being able to get some additional legislation passed during informal sessions and are discussing the possibility of a special session to handle the Economic Development Bond Bill if an agreement can be reached.

What didn't get done:

- Legislation to authorize additional **Boston Liquor Licenses**
 - o H.4696 proposes adding 250
 - o S .2903 proposes adding 264
 - o Boston has been at its cap on permits for many years

- **Multiple health care related matters – all remain in separate conference negotiations**
 - o **Prescription Drugs / PBM regulation**
 - o **Health care market review process and addressing the Steward Hospital crisis**
 - o **Long-Term Care reform**
 - o **Maternal health**
 - o **Substance abuse and addressing the Opioid Crisis**

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You can contact RAM at:
18 Tremont Street
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www.retailersma.org

MARK YOUR CALENDAR
Wednesday, November 20
RAM Annual Meeting
8:30 am - 12:00 pm
RAMAE Luncheon
12:30 pm - 2:00 pm
Bentley University, Waltham



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Guest Article

The Retail Review

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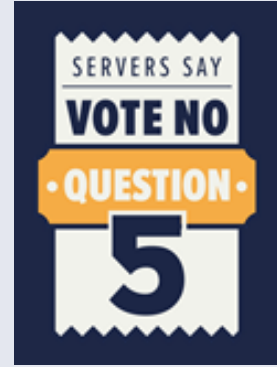
Joe Barnes

BUSINESS DEVELOPMENT MANAGER

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BUSINESS DEVELOPMENT MANAGER

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We are less than three months away from election day. Please vote No on Question 5, which seeks to eliminate the tip credit and allow for tip pooling with non-service staff. This question will hurt the restaurant industry and employees' wages. It is now more important than ever that their voices are heard. Tipped employees have made it abundantly clear that the current tipping system works well for them and does not need to be changed.

- 86% think the current tipping system works for them;
- 88% oppose a mandatory tip pool where tips are shared with non-service staff; and
- 90% believe that if tipped wages are eliminated, tipped employees will earn less.

EVERY worker in Massachusetts is already guaranteed to earn at least the current minimum wage of \$15 including tipped employees. If, after wages and tips, an employee does not earn \$15 per hour, the employer must pay the difference. Furthermore, the Census Bureau has reported that "tips per hour appear to decrease in response to higher tipped minimum wages." Additionally, Cornell University has released a study that found states with higher tipped minimum wages see lower average tip percentages in restaurants.

An out-of-state group of organizers has pushed a narrative about the tipped wage industry in Massachusetts that lacks empirical evidence and support from the very servers, bartenders, and other tipped employees they say they represent.

California, which does not have a tip credit, and never has had a tip credit, has the lowest average tip percentage in the nation in full-service restaurants. We don't want that to happen in our state. Servers and bartenders have bought houses, raised families, and put themselves through school with tips. Additionally, Washinton DC, which just became the first District that had a tip credit, to eliminate it, has seen 10% of its service staff lose their jobs.

It's plain and simple, if this question were to pass, service staff would earn less, restaurants would have to lay off staff, and consumers would simply have to pay more. We ask you to join us in saving the restaurant industry in Massachusetts and VOTE NO ON QUESTION 5. For more information or to contribute to the Committee to Protect Tips please visit our website at protecttips.org.

- Committee to Protect Tips

The Hispanic Business Opportunity in MA & Hispanic Heritage Month

In celebration of Hispanic Heritage Month (HHM), RAM asked **Eduardo Crespo, Founder and CEO of Hispanic Market Solution in Lawrence**, for his thoughts on the unprecedented growth of the Hispanic community, its positive contributions to the Massachusetts economy, and the opportunities that lie ahead.

Why celebrate Hispanic Heritage Month?

President George H. W. Bush proclaimed the first Hispanic Heritage Month on September 14, 1989, to honor the achievements of Hispanic Americans. It celebrates its accomplishments while enriching our culture and society. Their men and women have shown their contribution as innovators, leaders, entrepreneurs, and Armed Forces members.

What is the Hispanic Business Opportunity (HBO)?

The Hispanic community has shown unprecedented demographic and labor force participation growth in Massachusetts and the United States and has become an essential consumer and workforce sector. It's what I call "The Hispanic Business Opportunity," a unique phenomenon in which the Hispanic demographic growth is ascending while the "white" population is declining.

These developments have together created immense opportunities in the marketplace. Indeed, progressive, market-driven brands, organizations, and employers are creating new paradigms by incorporating Hispanics as an integral part of their core business strategy and corporate culture.

Can you talk more about the MA Latino population and key data points?

One out of 4 MA residents under the age of 18 is Hispanic, meaning that the future of MA depends on how well they do in terms of education, work, entrepreneurship, wealth accumulation, home ownership, and Achieving the American Dream. "What is good for Hispanics is vital for Massachusetts and our nation." Hispanics are impacting all societal and economic sectors, especially in the MA urban areas called the Gateway Cities.

It continues to grow at a rapid rate. From 2010 to 2017, the Latino population increased by 28%, representing about 60% of all population growth in the Commonwealth. A striking statistic is that from 2014 to 2021, the non-Latino white population decreased by 4.7 % while the Latino cohort grew by 24.8 %.

As of the 2020 U.S. Census Bureau American Community Survey, MA Latinos accounted for 12% of the total population. Other factors, such as Hispanics being younger on average than the general population, and eagerness to work are significant indicators of their importance as consumers and members of the labor force.

And where is MA on education and workforce?

Even though Latino educational attainment is increasing, Latinos continue to have the highest percentage of their population with less than a high school diploma: 26.0%, compared to 14.9% for Asians, 11.9% for Blacks, and 4.9% for Whites.

Latinos' contribution to Massachusetts' labor force remains strong, with the highest participation in the labor force (70.2%), an increase since 2014. This fact is related to the substantial proportion of their population being in the prime working age of 25 to 54. Latinos with lower educational attainment are participating in the labor market.

Any closing thoughts?

I want to inspire you to look within your organization and consider the Hispanic Business Opportunity as a driver for your brand's success and growth. Consider celebrating Hispanic Heritage Month, and you will discover a new diaspora of people from 21 Spanish-speaking Latin American countries with strong family values and work ethics, traditional hierarchical structures, diversity of cultures, nationalities, gastronomy, music, entertainment, sports, arts, innovation, and a zest for life.

Legislative Wrap up

Continued from cover

- **Climate & Clean Energy**
 - o Siting and permitting of new clean energy facilities/projects
 - o The Senate bill includes an expanded **Bottle Bill**, which RAM has long opposed, raising the deposit from \$0.05 to \$0.10 per container, and expanding the deposit from just beer and soda to apply to most beverage containers
- **Economic Development Bond bill**
 - o RAM supported language allowing **worker's compensation** self-insured groups to use monthly installment payments plans or policy premiums is included in both bills

What did get done?

- o \$5.1B Housing Bond Bill (H.4977) – the final bill was stripped of most major policy proposals of any controversy, including the proposed real estate transfer tax
- o H.4976, An Act honoring, empowering, and recognizing our servicemembers and veterans
- o H.4970, An Act to ensure legal parentage equality

Also, in the final days, conference reports were previously finalized and subsequently signed into law by Governor Healey on an IT Bond Bill, Gun law reforms, and **wage transparency**. H.4890, An Act relative to salary range transparency, requires the following of employers:

- o Estimated salary range disclosure required in job postings, position changes, and upon request for employers of 25 or more
- o Federally required Equal Employment Data to be filed with the Secretary of State's office by employers of 100 or more
- o Enforcement authority lies with the Attorney General, with a public awareness campaign within 6 months
- o Includes a limited "safe harbor" which provides a 2-business day right to cure, upon notice, of any defective posting for the first two years after implementation

And on Monday, July 29th, Gov. Healey signed the **FY25 Budget** into law. RAM was disappointed to see that the final budget included the authorization of the use of **debit cards to purchase lottery products**, and to establish an **online lottery**. RAM was named to a seat on the newly created **stakeholder lottery modernization committee** and plans on working with the Lottery Commission to make sure our members' concerns are heard as the implementation moves forward.

On the environmental side, the House did NOT take up the **Omnibus Plastics bill** (S.2833) previously passed by the Senate, that included a ban on plastic checkout bags and a 10 cent fee on paper checkout bags, with 5 cents having to be remitted by merchants to the state. The bill also prohibits the provision of disposable **food service ware**, unless requested by the customer, and bans black plastic food packaging unless packaged outside of the Commonwealth. Legislation relative to **EPR for packaging and paint** also did not advance. A narrow **PFAS bill** (H.4975) addressing the chemical's presence and use in **firefighter protective gear** was taken up late on the final day and now awaits the Governor's signature.

Legislation relative to **Data Privacy** (H.4623) also failed to advance. **Boston Mayor Michelle Wu's commercial property tax shift** proposal, opposed by RAM, passed the House but was not taken up in the Senate. These and hundreds of other bills that did not make it across the finish line by the close of this last formal session, many of them detrimental to the retail industry, are still alive but face an uphill climb to gain momentum in any informal session. We will continue to monitor the informal sessions for any movement, but members should also expect most to be back again next session. ■

Tips & Tricks: Driving your Business through Analytics



Kruti Thakkar is a seasoned executive in the retail sector, embodying a customer-centric approach. Her commitment to excellence is evident in her consistent delivery of outstanding and transformative business outcomes, underpinned by a robust foundation in decision-driven analytics that propels organizational success. Recognized as a thought leader and collaborative partner, she has a track record of adeptly handling multifaceted responsibilities and fostering cross-functional teamwork. Her leadership is marked by a passion for excellence and a dedication to nurturing talent and driving performance, across diverse functions.

Retail analytics can be a powerful tool and a strategic partner for retailers, big or small, that are looking to maneuver the complexities of the ever-changing retail environment. Understanding their own data, can help retailers find opportunities to improve their businesses in terms of sales growth, profitability, expense reduction and competitive advantage

- 1. Analyzing customer metrics to drive growth:** Tracking your customers shopping behaviors, such as frequency of shopping, basket size, basket composition, customer lifetime value, etc. can help you identify your high value customers and customize a marketing strategy to better engage them and drive return trips. As an example, a small boutique can provide personalized promotions based on their analysis whereas a large chain can set up loyalty programs driven by customer analytics to drive repeat visits
- 2. Analyze market basket to improve sales:** Market basket analysis helps with understanding purchasing patterns and products that customers tend to buy together which then helps to build a strategic merchandising strategy such as product placement and cross selling opportunities to improve sales per transaction.
- 3. Use historical data to predict future trends:** Analyzing past trends such as timing of spikes in sales, seasonal demand for certain products, market conditions, etc., retailers can predict future trends that can help with staffing and inventory. This is especially true for areas that notice seasonality e.g. Cape Cod during tourist season or in high traffic times such as college move in weeks. Retailers can then stock more of certain products or create strategic promotions to attract more customers
- 4. Location analytics for store optimization:** Analyzing demographics data, traffic patterns, ingress/ egress, competitive landscape can help a business assess the viability of the location and maximize sales and traffic. It helps when deciding on new locations or improvement of existing locations. In a state such as Massachusetts, where the landscape and purchasing patterns can vary significantly from urban to suburban areas, this especially helps.
- 5. Analysis for efficient supply chain management:** Retail analytics can help reduce costs by tracking turnover rate, transportation cost and supplies performance. This will help reduce waste and streamline operations. A small retailer can use this information to negotiate better terms with the supplier while a large retailer might look to optimize their network to reduce costs.



Among several questions that will appear on the ballot in November is Question 2 which asks voters to eliminate the state requirement that students pass the tenth grade MCAS exam to graduate from high school. The question would prohibit the use of any statewide or school districtwide assessment as a high school graduation requirement in Massachusetts public schools. **We urge you to Vote No.**

Requiring students to pass an objective state assessment of math, science and English Language Arts knowledge and skills ensures that we're setting a consistent, minimum standard of academic achievement for high school graduation for every student. It also means that every district must be working towards helping every student meet that standard. Question 2 is unfair to kids because if it passes, some districts will lower standards and hand out diplomas even if students haven't learned what they need to succeed in college and in careers. If it passes, each of Massachusetts' 300+ school districts would create their own definition of what a high school diploma should stand for. That will greatly exacerbate educational inequities.

Unlike other states, Massachusetts does not require high schools to offer a course of study for students that is aligned with college and career expectations. Each district has the flexibility to determine what courses students must take and how many credits they must earn to graduate. Not surprisingly, some high schools require the bare minimum in terms of credits and course taking and some set the bar quite high. The requirement that students pass the 10th grade MCAS is the only tool the state has to ensure all students are meeting a minimum academic standard. If the ballot question passes, the only remaining statewide graduation requirement would be that students take four years of gym class. Massachusetts would have lower graduation requirements than states like Mississippi and Alabama.

The statewide graduation standard has served the Commonwealth's students well; since its implementation in 2003, Massachusetts' high school graduation rates have risen, and dropout rates have fallen. Having a single, statewide standard for graduation has raised expectations for all students and reduced the disparities that existed before the requirement was implemented.

Students are given multiple opportunities to pass MCAS. Of the approximately 72,000 students who take the test every year, about 700 of them who meet local graduation requirements are unable to pass MCAS. Instead of eliminating the statewide standard for graduation, we should focus time, effort and resources on helping those 700 students achieve the basic level of knowledge they need to succeed.

The opposition to Question 2 is strong and growing. Massachusetts Governor Maura Healey, Massachusetts Secretary of Education Patrick Tutwiler, Massachusetts Speaker of the House Ron Mariano, Massachusetts Senate President Karen Spilka, former Secretary of Education (under Governor Patrick) Paul Reville, and former Secretary of Education (under Governor Baker) James Peyser have all publicly stated their opposition to Question 2 because it is bad public policy and bad for kids.

If this ballot measure passes, the bar will be lowered for many students and we will be sending students on to college or out into the world of work who are not ready to be there, setting them and their families up for failure.

Massachusetts has the best public schools in the country. High graduation standards have led our schools to be ranked first in the nation in student achievement. Protect these standards. Ensure a high school diploma stands for real achievement and signals to a student they are ready for the next step. Vote No on Question 2.

- Committee to Protect our Kids' Future

Health Insurance Offerings for 2024



The RAM Health Insurance Cooperative is the Association's health insurance solution for our small business members (under 50 FTE). The Cooperative provides access to the entire portfolio of high quality, small group health insurance plans offered by Blue Cross Blue Shield of MA (BCBSMA), as well as a comprehensive package of free ancillary benefits typically offered by larger businesses. Not only does this add value, but also allows members to compete for, and retain, employees in today's tight labor market.

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- **Employee Assistance Program** provided by New Directions for mental health and substance abuse counseling for subscribers and their dependents.
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Contact Joe Barnes at jbarnes@retailersma.org or 978.478.7430 or visit www.retailersma.org.

*Eligibility rules adopted by vendor prohibit participation by cannabis retailers

Member News

Congratulations to Neil Abramson,
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"Being an America's Retail Champion means I am the voice carrying small retailers' messages to policymakers," says Neil.



Neil with fellow RAM Board members, Erin Calvo-Bacci, CB Stuffer and Sean Conner, Lowe's at the National Retail Federation's (NRF) annual Retail Advocates Summit in Washington, DC.

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