The Retail Review



April - June 2024 Edition

THE OFFICIAL NEWSLETTER OF THE RETAILERS ASSOCIATION OF MASSACHUSETTS



RAM Board Stakes out Positions on Potential Ballot Questions

On May 16th, the RAM Board of Directors gathered in Boston for the Association's Spring Board Meeting. One of the items on the agenda was discussion of the various initiative petitions currently making their way towards the November 2024 ballot.

Of the forty-two petitions that were initially filed last August with the Attorney General's office only ten proposals, covering six topics, remain in play. Proponents of these petitions successfully gathered and submitted the first round of necessary signatures last December. With the Legislature choosing not to address any of the petitions, the proponents now must collect and submit an additional 12,429 signatures by July 3rd to have their questions placed on the ballot in November. Two of the proposals will also have to survive pending legal challenges to their certification before the Massachusetts Supreme Judicial Court. The court is likely to rule on those challenges in mid-June.

Although it will not be known until mid-July which of the initiative petitions will definitely be on the statewide ballot, the Board established recorded positions for the Association on three of the potential questions in the event they do make it through the process.

The RAM Board of Directors voted to **oppose** <u>An Initiative</u> <u>Petition for a Law Requiring the Full Min. Wage for Tipped</u> <u>Workers with Tips on Top</u>. This proposed law would gradually increase, over the course of five years, the minimum hourly wage an employer must pay a tipped worker, on the following

schedule: to 64% of the state minimum wage on January 1, 2025; to 73% in 2026; to 82% in 2027; to 91% in 2028; and to 100% in 2029.

Also under the proposed law, if an employer pays its workers an hourly wage that is at least the state minimum wage, the employer would be permitted to administer a "tip pool" that combines all the tips given by customers to consumer facing service workers and distributes them among all the workers, including non-consumer facing service workers. Current law prohibits such tips from being distributed to non-service workers.

Opponents of this question have challenged the constitutionality of this measure before the SJC, arguing that the wage increase and tipped pooling reform are not reasonably related enough to satisfy the requirement that ballot measures contain only subjects that are related or mutally dependent.

Passage of this law would result in increased labor costs for businesses utilizing the tipped wage and a reduction in the amount of tips available to currently tipped service workers, at a time when high inflation continues to impact profitability for many businesses.

The Board voted to **support** <u>An Initiative Petition for a Law</u> <u>Establishing that App-Based Drivers are not Employees (Versions</u> <u>B, G, H, F, I)</u>. These proposals seek to make the app-based

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You can contact RAM at: 18 Tremont Street Suite 810 Boston, MA 02108 Phone: (617) 523-1900 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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The Retail Review

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A Letter from the President

Dear Member,

Massachusetts voters are very concerned about the rising cost of healthcare, amongst other important pocketbook issues. In recent polling by the Retailers Association of Massachusetts, 72% of residents believe healthcare costs are extremely important, while another 23% view those costs as somewhat important. The concern is real.

Unfairly, employees of small business bear the disproportionate brunt of those costs. A state risk pool combining small groups with individuals is burdened by state mandates and assessments that don't hit larger ERISA exempt employers. The level of cost increases has led to a dramatic "death spiral" in small group coverage, discussed in a 2023 Boston Globe editorial. Evidence can also be found in state annual reports which show a 37% reduction in small group lives (200,000) over the past decade.

The healthcare industry in Massachusetts is certainly important, but it's growth levels consistently far exceed the economic growth of family incomes and small business sales. Most hospital providers are non-profit, meaning they pay no taxes. Investments in their communities are expected in return for paying no property, income or sales taxes, including fair amounts of free care to disadvantaged populations. Those services should not necessarily be reimbursed by actual taxpayers and premium payers, unless the tax-exempt status is revoked.

New inpatient and outpatient facilities are opening up across the Commonwealth, yet our population growth is stagnant. Unlike small businesses on our Main Streets which close their doors monthly due to financial realities, healthcare facilities rarely close, even when financial viability and patient utilization are questionable, and available medical staffing is stretched across too many locations. Closures typically do not happen due to political considerations, including pressures from special interest groups such as unions. Cross subsidies then become inevitable, to keep underutilized and financially unviable facilities open, financed by medical inflation funded by higher taxes and higher health insurance premiums.

Steps should be taken to ensure quality, affordable and fairly financed healthcare is available to all in the Commonwealth. First, government should pay fair rates to healthcare providers for Medicaid and Medicare services. To do otherwise means consumers paying health insurance premiums, deductibles and co-pays, are unfairly paying more to make up the difference. That's in effect, a hidden tax increase.

Second, determination of need regulations should be tightened to prevent excessive facility growth beyond what is needed and affordable. Too many unnecessary facilities drive unaffordable healthcare inflation.

Third, market reforms are needed to prevent unfair premium cross subsidies from small groups to individuals. Mandate reform should also be explored, as costly state mandates maybe totally avoided by large, self-insured employers.

Fourth, make transparency really work to apply cost control pressures on the healthcare industry. Providers, pharma manufacturers, insurer contracts, services utilization levels by hospital location, payroll ranges, union contracts – shine a bright light on it all. Most importantly, hospital costs need to be more visible to the public, taxpayers, and premium payers. Much of the cost is in payroll. Fair compensation is important, but the public has a right to know what we are paying for.

Sincerely,

Jon Hurst, President



Events & Advocacy

Small Business Day on Beacon Hill

Small Business Day on Beacon Hill was held at the State House on May 15. Senate Minority Leader Bruce Tarr (R - Gloucester) encouraged attendees to build relationships with their elected officials, who need to hear their stories so they can better understand the real-world impact their policies have on their small business. Attendees received an indepth update on opposition efforts to secure a ballot initiative to eliminate the Tip Wage, the high cost of unemployment insurance, and other mounting labor costs. RAM President Jon Hurst discussed new concerns over the ever increasing cost of health insurance. A panel of legislators spoke to their small business backgrounds and addressed issues currently being considered that impact small employers. Attendees were then urged to visit their local legislators and staff.



RAM President Jon Hurst



Legislative panel from left to right: Senator Michael Moore (D - Millbury), Senator Peter Durant (R - Spencer) and Representative Paul McMurtry (D - Dedham)



Senate Minority Leader Bruce Tarr (R - Gloucester)

Spring Board of Directors Meeting





The Association's Board of Directors meeting was held on May 16 at the Hampshire House in Boston. Attendees heard from multiple speakers including Senator Jason Lewis (D - Winchester).



Representative Paul McMurtry (D - Dedham)

Joint Committee on Community Development & Small Businesses Host Small Business Event at the State House

The Committee on Community Development and Small Businesses Co-Chairs, Senator Pedro Payano and Representative Paul McMurtry, hosted a Small Business Day in the Great Hall of Flags on May 23rd. RAM was invited to this event as an opportunity for Legislators and their staffers to meet with associations who respresent the small employer community. Attendees discussedhow we can better work together to assist the many small businesses across the Commonwealth.



Senator Pedro Payano (D - Lawrence)



FY25 State Budget Discussion Heads to Conference

The MA House of Representatives moved forward with its own version of the FY25 state budget in April, with the House following Governor Maura Healey's lead in authorizing an online and cashless lottery, but largely holding the line on any additional significant outside policy changes. House members filed 1,495 amendments to the proposed budget, which were dispensed with during debate in the last week of April. Regarding the amendments, RAM weighed in on proposals prohibiting the intentional release of helium balloons (support), restricting the sale of diet pills (oppose), reforming treatment of injured workers under workers compensation laws (oppose), and taxing synthetic nicotine products (oppose). Ultimately, each of those amendments were rejected, but the lottery provisions were included in the final budget bill passed by the House.

Apart from the annual budget debate, the House and Senate did also agree in late April on a final supplemental budget bill that addressed drinks-to-go and outdoor dining, the once temporary COVID-era policies that had expired on April 1st. The new law received quick approval from Governor Healey and allows for a **permanent expansion of expedited permitting for outdoor dining and allows for cocktails-to-go**, but not beer and wine.

Senate budget debate followed in May, where the final adopted version of the bill did not allow for an online lottery, but it did include the authorization for debit card use. With both branches having acted, a six-member House and Senate conference committee will now meet to come to a resolution on a final compromise FY25 budget to send on to the Governor for her review. The new fiscal year starts on July 1st.

Labor Bills Remain in Play

RAM continues to push for the passage of legislation which would provide employers with a **right to cure** for certain violations of the state **Wage Act**. The bill, *H.4443*, *An Act clarifying the process for paying the wages of dismissed employees*, would require claims for non-payment of wages upon termination of employment to be proceeded by a demand letter and 15-day opportunity to cure. The bill was filed in reaction to a Massachusetts Supreme Judicial Court decision which adopted a strict liability standard for imposing treble damages under the state Wage Act as it pertains to payment of wages to terminated employees. This ruling conflicted with 20 years of lower court precedent allowing for mitigation of damages so long as the wages owed were paid prior to the employee filing a claim. The bill received a favorable report from the Joint Committee on Labor and Workforce Development and is now pending before the House Committee on Ways and Means.

Other labor issues still in play heading into the end of session include legislation increasing the eligibility threshold for receiving **overtime** compensation, prohibiting the use of **credit reports** in employment or hiring decisions, establishing **victims of domestic abuse** as a protected class and requiring employers to provide reasonable accommodations, amending the **Earned Sick Time Law** to include **pregnancy loss** and **domestic violence** as qualifying events for taking leave, and bills to increase the **minimum wage to \$20**.

Committee Releases Data Privacy Bill

The Joint Committee on Advanced Information Technology, the Internet and Cybersecurity recently released a redraft of the **Massachusetts Data Privacy Act**. In addition to establishing a comprehensive consumer data privacy framework, the language also includes provisions governing the treatment of biometric and geolocation data and requiring data brokers to register with the state. RAM remains very concerned with the bill's inclusion of a private right of action for violations, the lack of a right to cure, the significant statutory penalties, and provisions that do not adequately protect retailer loyalty programs.

Duplicate versions of the bill have been referred to the Ways and Means Committees of both the House and Senate. RAM intends to continue active discussions with legislators on those areas of the bill that impact the retail industry.

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Environmental Legislation Under Review

The Legislature continues to review a number of environmental bills of concern to the retail industry. Legislation to ban all **single use plastics**, including plastic bags, straws, food service containers, and more is pending before the Senate Committee on Ways and Means. Other bills that seek to reduce commercial waste and establish various **extended producer responsibility (EPR) laws** covering **paint, mattresses, plastic packaging** and more, remain before the House Committee on Ways and Means.

In opposing these bills, RAM asserts that Massachusetts is not an island, and that consumers can and will buy whatever they want from anywhere they want at any time. Product bans raise costs and simply force consumers to seek out the products they desire from competing sellers across state lines or online.

RAM Partners with NRF on Amicus Brief to the MA SJC regarding the Wiretap Act

The MA Supreme Judicial Court recently heard oral arguments in a pair of cases considering whether the use of certain commonly used website software constituted a violation of the state wiretap law. Similar class action lawsuits have been making their way across the country. In advance of oral arguments, RAM partnered with NRF to submit an amicus brief outlining the impact to the retail industry should the court find that such software violates the wiretap act.



If you are not receiving RAM e-news alerts you are missing timely updates and information! Email us at <u>info@retailersma</u>. org and get connected.

RAM Board Stakes out Positions

transportation/delivery model more sustainable by establishing a regulatory framework that maintains the current flexibility in scheduling enjoyed by app-based drivers. Specifically, the law codifies the independent contractor status of app-based drivers by clarifying that rideshare and delivery drivers who accept requests through an online-enabled application are not "employees" and that rideshare and delivery companies maintaining such applications are not "employers" under Massachusetts law. The proposal also provides for alternative minimum compensation and benefits for drivers.

After a similar effort last election cycle was prohibited from advancing to the ballot by the SJC on constitutional grounds, proponents elected to file a total of nine versions of the proposal this cycle in an effort to avoid a similar outcome. Of those, five versions presently remain in play but once again face constitutional challenges before the SJC. Proponents have been clear that they ultimately intend to pursue only one version of the proposal for placement on the ballot.

RAM has heard from a number of members about how the services provided by app-based drivers play an important role in supporting their business, workforce and consumers, as well as creating additional economic opportunities across the state.

And the RAM Board voted to **oppose** <u>A Law Requiring that Districts Certify that Students have Mastered the Skills, Competencies and Knowledge of the State Standards as a Replacement for the MCAS Graduation Requirement</u>. This proposed law would eliminate the requirement that a student pass the Massachusetts Comprehensive Assessment System (MCAS) tests (or other statewide or district-wide assessments) in mathematics, science and technology, and English in order to receive a high school diploma. Instead, in order for a student to receive a high school diploma, the proposed law would require the student to complete coursework certified by the student's district as demonstrating mastery of the competencies contained in the state academic standards in mathematics, science and technology, and English, as well as any additional areas determined by the Board of Elementary and Secondary Education.

The potential for this proposal to result in a patchwork of inconsistent graduation standards across the state has given rise to workplace development concerns among many in the employer community. ■

Submit your Nominations Today!





The Retailers Association of Massachusetts Awards of Excellenence (RAMAEs) honor small and large retailers, rookies and veterans, identifying hidden gems from all corners of the Commonwealth.

You could be one of this year's recipients. Submit a nomination for your business. Tell us what makes your business unique. Do you have an amazing team that should be recognized? Maybe your business has been a part of your community for generations. As an expert, you can also help us identify additional businesses who deserve to be recognized for their resilience, innovation, customer service or going above and beyond to make the retail and dining experience memorable.

There is no limit to the number of businesses you can nominate. So nominate your business and all those you love as well. There are so many incredible retail stores and restaurants in MA who could be deserving of this recognition. Help us find our 2024 winners!



Visit the RAM website at <u>retailersma.org/RAMAES</u> to submit your nominations.

RAMHIC 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 and can add a value of up to 3% of the cost of your purchased health insurance coverage. Not only does this add value, but also allows members to compete for, and retain, employees in today's tight labor market.

The list of ancillary employee benefits provided by RAM free of charge, include:

- **A 1% year end employer wellness reward,** administered by RAM and paid directly to employer.
- Life Insurance (\$10,000 per subscriber), Hospital Benefits (\$750 1st night, \$150 each night thereafter up to 10 days total) and Accident Coverage (off the job) for accident, hospital, follow up, surgery and wellness, all provided by USAble Life
- Employee Assistance Program provided by New Directions
- Blue 20/20 **Vision Benefit** (\$130 12/12/24 Frequency)
- Waived Fees for Health Equity Personal Spending Accounts (available at renewal) *

Don't miss out on your opportunity to participate and save. No change of coverage, no change of broker. It's a simple, cost effective, comprehensive health solution for our small business retail members and more importantly their employees.

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

Melrose Oriental Rug Awarded Top 100 Local Business in US



In honor of Small Business Month, Yelp released a list of their top 100 local businesses in the US. Melrose Oriental Rug earned a spot in the Home Décor category and is one of only four Massachusetts businesses to be named to Yelp's national list in 2024.

"We are thankful to every single customer that took the time to review Melrose Oriental Rug. We pride ourselves on our customer service and are humbled and grateful for the support of our family-owned local business," David Mouradian, Owner, Melrose Oriental Rug, announced in response to the award.

YELP's Top 100 Local Business List

To develop their Top 100, Yelp identified independently owned and operated businesses in a variety of categories. Businesses were ranked based on several factors, including the number of reviews and ratings within the reviews.

"These businesses adapt to the evolving needs of their community and play a role that often extends beyond the transaction, creating special connections and fostering neighborhood growth," Yelp shared in a release.

Melrose Oriental Rug: Tradition of Customer Service

"Melrose Oriental Rug has been in business here in Melrose for more than 45 years. We have changed with the times to meet the needs of our local customers. For purchases, David often travels in person to customers' homes with a selection of rugs to help them evaluate size, color and furniture placement to make the perfect choice. Customers tell us it's rare to find that kind of personalized service anymore," said Lora Mouradian.

"I think what sets us apart is our commitment to the customer and our dedication to delivering a quality product and service. We have many different customers -some come every year for cleaning – others come looking for a hand-woven natural oriental rug because they want durability, beauty, and no chemicals," said David Mouradian, Owner, Melrose Oriental Rug.

Melrose Oriental Rug Co. has been owned and operated for over 45 years by the Mouradian family. Their store on Main Street in Melrose carries an extensive selection of the highest quality Oriental rugs in greater Boston and specializes in the sales of handmade oriental rugs, area rug cleaning, and area rug repairs. The Mouradian family has resided in the greater Melrose area for over 65 years. They proudly support their community through active participation in numerous civic organizations and charities.

Visit them online at: melroseorientalrug.com



An Introduction to SCORE

The Mission

SCORE is a national non-profit organization that counsels business owners and aspiring entrepreneurs. There are nearly 400 SCORE chapters in the US, with over 10,000 volunteer mentors. Mentoring services are provided at no cost to any small business owner or entrepreneur who reaches out. SCORE mentors are dedicated to sharing their experience, access to the broad skillsets and experience of SCORE, and thoughtful support regardless of the stage of development of a business or business idea.

The History of SCORE

SCORE was founded in 1953, with sponsorship by the US Small Business Administration (SBA) in pursuit of the Mission above. SCORE Massachusetts has conducted over 3000 mentoring sessions with over 1000 clients in the last twelve months and achieved a Net Promotor Score (NPS) of over 94% for the period. In New England, SCORE also conducted over 100 live and online workshops.

SCORE is a 501(c)3 nonprofit organization. Thanks to generous support from the SBA and because of the selfless contributions of more than 10,000 dedicated volunteers, we deliver most of our offerings at no cost. There may be a nominal charge for live training sessions.

SCORE Services

Each year SCORE serves over 300,000 business owners and entrepreneurs, with:

- One on one confidential counseling sessions
- Team counseling to broaden the expertise available at a particular time
- Training sessions, including online education and workshops

SCORE mentors are businesspeople with decades of experience. They provide business advice, working with business owners in areas where SCORE has significant depth. These include:

- Business Planning and business formation
- Development of growth strategies
- Evaluation target markets and customers
- Development of brand definition and value propositions
- Advice on Social Media Marketing and Customer Engagement
- Operational and financial management improvements
- Business financing
- Specific industry expertise, including retail, food industries, technology, manufacturing, real estate, and others.

How to work with SCORE

SCORE counseling resources and workshops can be accessed through the SCORE website (**www.score.org**). By entering their zip code, those looking for services can get connected to their local chapter (for example, **SCORE. Boston.org**). This will give them access to workshop schedules and a repository of previous workshops. In addition, they can access a list of local mentors, along with their areas of expertise, and schedules. If a potential client wants to schedule a time to talk to a mentor, that can be done right from the web page.

SCORE mentoring is typically done by online meeting, and the client and mentor will determine the frequency and timing of their meetings. When needed, mentors can also include subject matter experts (SME) on specific topics where deeper expertise is needed. Mentors are also often available for live meetings at local venues like the Kirstein Public Library in Boston.

Welcome 76

Abington Vape & Smoke Shop Abington

Anzio's Brick Oven Pizza Northborough

Aura Cannabis Company Fall River

Baked Beans Farm Beverly

Bella Flora Pittsfield

Blend Nutrition Weymouth

Boston Flower Company Mattapan

Boys & Girls Club Stoneham

Canna Provisions, Inc. Lee

Concord Teacakes Concord

Daydreamz Estates Sandisfield

Eagle Brook Saloon Norfolk

Ember Gardens Cape Cod Orleans

European Watch Company Boston

Exodus Bagels Roslindale

Exotic Flowers Roslindale

Firebrand Cannabis Boston

Fox and the Knife Boston

Fratellis Corner Crust Pizzeria Worcester

Freeman Fuel Methuen Glass Expansion, Inc. Pocasset

Gloucester Rental Gloucester

Good Feels, Inc. Medway

Good Time Golf Somerville

H & H Bread Hardwick

Happy A Fruit, Inc. Boston

Impressed Hanson

Inn on the Sound Falmouth

Jeff D Helgerson Excavating Charlton

JM Tanning North Andover

KindRun Delivery Hudson

King Farm Townsend

Knead Bakery and Bistro Scituate

La Taqueria Dorchester

Le Mari Restaurant Boston

LeBlanc Holdings Waltham

Love Balungi LLC Brighton

Manila Cafe and Bistro Ipswich

Marketplace Kitchen Sheffield

Medford Smoke Shop Medford Meineke Car Care Hanover

Mirandas Auto Tech Worcester

Morning Dew Orange

Newbury Yarns Boston

Northeast Nursery Peabody

Northeast Pine Companies Harwich

Old Planters of Cape Ann Rowley

Paramount Rug Company Brockton

Peter D's Chelmsford

Philbrook Fish & Meat Market Marblehead

Potency, LLC Pittsfield

Quality 1 Cleaners & Tailors Millis

Right Time Roxbury Boston

RipTide Cafe & Bar Newbury

Riverside Agriculture Holyoke

Rolling J's Holyoke

Royal House Roastbeef & Pizza Dracut

Servedwell Fisherman's Pier New Bedford

Side Presents Mattapan

Simon's Auto Service Center Abington Stem Haverhill

Steve and B Company Provincetown

Sunshine Tomato Pizzeria Norfolk

Sweeties Roslindale

Tavern in the Square Weymouth

The Deck Newburyport

The Green Room Northampton

The Healing Rose Newburyport

Tichon Seafood Corp. New Bedford

U4EA Farms, LLC Clinton

Verveine Cafe & Bakery Cambridge

Vico Style Boston

Waverly Street Gas & Repair Framingham

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100% coverage for:

- · Exams, cleanings, x-rays
- Fluoride treatments and sealants
 for children

80% coverage for:

- Fillings, extractions, soft tissue grafts, denture repairs
- Root planing and scaling, crown lengthening, recementing crowns and bridges, etc.

50% coverage for:

- Crowns, bridges, teeth whitening
- Partial and complete denture replacement
- Athletic mouth guards for children

Take advantage of your RAM benefits. Contact Membership Services at **info@retailersma.org** or **617-523-1900** or Joe Barnes, Director of Business Development at **jbarnes@retailersma.org**. No minimum group size. No employer contribution required.

* See Altus Dental Benefit Summary for full details. Monthly premium rates in effect through 8/31/25





18 Tremont St. Suite 810 Boston MA 02108

Maintain Access to Your Membership Benefits

In an effort to reduce the number of dues invoices RAM sends out by mail; invoices for 2024 were emailed by MemberClicks on December 31 and again on March 8. The message came from <u>ram@memberclicks-mail.net.</u>

Members who choose to pay by credit card will be able to pay that invoice directly through our secure payment portal by clicking the link at the bottom of the email, "**Click here to view this invoice."** A copy of your invoice is attached to the email if you prefer to mail a check to our Boston office. Hard copies were also mailed in April.

If you have any questions about your RAM membership or did not receive these emails, please do not hesitate to contact RAM's Membership Director, Andi Shea, at <u>ashea@retailersma.org</u>.



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Retailers Association of Massachusetts



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Visit RAM's website:

- Sample Personnel Manual
- Issue and Public Policy Updates
- 2024 Retail Holiday Schedule
- Update your contact information
- Pay Dues Online

