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Bring Sustainability to Food and Beverage Services with a Focus on Food

Businesses that incorporate sustainable practices benefit with increased financial success. This was illustrated during the economic downturn in 2008–2009, when businesses committed to sustainability financially outperformed industry averages by 15 percent (Mahler et al., 2009). Sustainable practices in lodging and hospitality have traditionally translated to energy and water efficiency and waste reduction, for the rooms and conference space. For the food and beverage services, however, the focus should be on food.

Why food? The production, distribution, preparation, and disposal of food are sources of enormous environmental damage. The amount of energy used to produce, process, package, store, and transport food is seven-and-a-half times the amount of energy the food actually provides in return (Heller and Keoleian, 2000). This has led to the food supply contributing significantly to climate change, responsible for about one-third of global greenhouse gasses (Bellarby et al., 2008). Agriculture is also one of the primary sources of biodiversity loss (Convention on Biological Diversity, 2010). Topsoil is being lost at rates significantly greater than it is being formed. Agriculture is responsible for two-thirds

of fresh water use and 70 percent of the pollution of rivers and streams (Food and Agriculture Organization of the United Nations, 1995; United States Environmental Protection Agency, 1998). As a result, most of the environmental impact from the day-to-day operation from food and beverage services isn't from energy or water use, it is from the food purchased or wasted (Baldwin et al., 2010). The damage from food - the "foodprint" - can be reduced to become more sustainable and better for the planet, its people, and your bottom line.

Eliminating food purchases would certainly improve the environmental footprint of your food and beverage service, but wouldn't be good for business - food must be purchased. What can help is reducing wasted food and making more responsible food choices.

Reduce Food Waste

Reducing the amount of wasted food is one of the most effective sustainability practices to add, and perfect, in food and beverage services because it eliminates all the inputs and impacts of producing the food in the first place - and saves you money. Typically 4 percent to 10 percent of food purchased at a food service operation is wasted before it reaches the customer (LeanPath, 2008). In addition, diners leave about 17 percent of their meals uneaten (Bloom, 2010). There are many approaches to reducing wasted food such as, precise forecasting, reducing trim waste (yield testing can help manage this), better portioning, and improved ordering practices (Green Seal, 2008; Gossling et al., 2010). However, effective food waste reduction, and associated cost savings, first begins by:

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MEMBERSHIP MATTERS

PTLA Members in the News

Bruce Hoegg is the new general manager at the **Residence Inn Pittsburgh University/Medical Center**; **Don Dougherty** is the now the GM at the **The Inn at Reading in Wyomissing**; **Morris Siyman** **Marriott Pittsburgh City Center**; **Jamie Presley** is the now the general manager at the **Holiday Inn Express Cranberry in Cranberry Township**; **Justin Walsh** is the new general manager at the **The Conwell Inn** in Philadelphia; **Frank Gilbert** is the now the acting GM at the **Hershey Lodge**; **Sean Kuna** is the now the general manager at the **Quality Suites Pittsburgh**; **Donna Bour** is the new Executive Director at **VisitMonroeville**; and **Heather Mohan** is the now the GM at the **Holiday Inn Monroeville**.

John O'Neill has been named the director of the **School of Hospitality Management at Penn State**. He succeeded Bert Van Hoof on July 1, 2011. A member of the Penn State faculty since 2001, his

research focuses on strategic management, lodging management and development, real estate valuation, work-life balance in the lodging industry, and hotel branding. O'Neill states, "I'm absolutely thrilled to be taking on the new responsibilities of representing the School of Hospitality Management's faculty and staff and working with the Penn State Hotel & Restaurant Society to continue to strengthen the school's industry links and promote its innovation and success in teaching, research, and service as it approaches its 75th anniversary."

Congratulations to **Alan & Mary Duxbury** of **The Carlisle House** on recently becoming a Select Registry property.

The **Greater Philadelphia Hotel Association (GPHA)** held the 13th Annual Stars of the Industry Awards Program at the **Hyatt Regency Philadelphia at Penn's Landing** bringing together over 300

guests to celebrate the contributions of the most outstanding employees of the hotel community. Winners of the Hotel Association Stars of the Industry 2011 included: **Victoria Ewing**, Night Auditor, **Holiday Inn Express – Exton** for Outstanding Lodging Employee of the Year- Front of the House; **Steve Miller**, Houseman, **The Windsor Suites** for Outstanding Lodging Employee of the Year- Back of the House; **Abdoulaye Keita**, Executive Steward, **Loews Philadelphia Hotel** for Outstanding Lodging Manager of the Year; Earth Care Week, Hotel Palomar Philadelphia for Community Services Award; **Pavel Efremov**, Assistant Front Office Manager, **Hyatt at The Bellevue** for Guest Relations Award; and **Priya Penumarthy**, Holiday Inn Historic District/**Temple University STHM** for Student of the Year.

Congratulations on Your Anniversary!

The following members are celebrating their membership anniversaries this quarter. Thank you for your support of our association!

20 Year Anniversary

(joined 10/1/1991-12/30/1991)

Choo Choo Barn Inc.
Harrisburg Area Community College
Insurance Services United
Kaltenbach's Farm B&B Inn
Mountain Dale Farm
West Ridge Guest House

10 Year Anniversary

(joined 10/1/2001-12/30/2001)

Greater Philadelphia Tourism Marketing Corporation
Penn State Berks - HRIM
Sysco Central Pennsylvania, LLC

5 Year Anniversary

(joined 10/1/2006-12/30/2006)

Brandywine Valley Bed & Breakfast Association

Hawthorn Suites by Wyndham

Hilton Garden Inn Ft. Washington
Holiday Inn Pittsburgh Airport
Selinsgrove Inn

3 Year Anniversary

(joined 10/1/2008-12/30/2008)

Comfort Inn & Suites Brandywine Valley
Fairmont Pittsburgh
Fairville Inn
Hampton Inn Pittsburgh
Homewood Suites by Hilton Lancaster
Horst Realty
Indiana University of Pennsylvania
Pineapple Hill B&B
PSAV - Presentation Services
Silverstone B&B
Terra Nova House Bed & Breakfast
University of Pittsburgh at Johnstown

1 Year Anniversary

(joined 10/1/2010-12/30/2010)

Berry Patch B&B
Doubletree Resort Lancaster/Willow Valley
Flowers & Thyme Bed & Breakfast
Frankford Umbrellas
Hilton Garden Inn Philadelphia Center City
Radisson Plaza Warwick Hotel Philadelphia
Red Cardinal Bed & Breakfast

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Find out more at

<http://www.patourism.org/programs>

or contact Leann MacWilliams at leannm@patourism.org



It's More Than Just Picking a Paint Color: Why Good Color Design is Important to Your Business

Color has an enormous impact on us. We've all experienced it when we've walked into a room and immediately felt comfortable or anxious. Usually we aren't even aware of what's making us feel that way. We react to it without thought.

Color is light. Color is energy. It affects us physically and emotionally. It affects our brain waves, our emotions, our nervous systems and our hormones. Our own personal, symbolic and cultural associations to color are thrown into the mix when we respond to it, as well.

Most people are not even aware of their environment's effect on their customers. So much of this is happening unconsciously that it often goes unnoticed.

Have you ever walked into a beautiful, colorful hotel lobby and instantly felt comfortable and calm? Do you remember strolling into a clothing store and having such a negative reaction about the décor and atmosphere that you couldn't wait to leave? How about sitting in a stark white doctor's office, where the most colorful thing in the room is the cover of the *National Geographic* magazine on the end table? How calm did you feel in there? Not very, I imagine.

Did you know that correct archi-

tectural color choices can attract new customers, retain old customers and stimulate business? Poor color selections will actually repel customers and hurt your bottom line.

So often, many business owners, fearful of offending customers or making a mistake, paint their commercial spaces in dead neutral colors – whites, beiges and grays. Ironically, these hues end up – consciously or not -- repulsing customers and guests because they often create monotonous, stale and inhospitable environments. Exactly what a business owner doesn't want.

A pleasing, balanced color palette will put your customers at ease and make them return for more. They'll "get" what your

business is all about and what you're trying to convey with your brand – instantly.

Every color communicates information. For instance, certain colors convey a sense of warmth and coziness. Other colors cool us off and calm us down. Others convey honesty and commitment. Other colors stimulate appetites, while other hues repress appetites. (Restaurant owners, are you listening?) It's important that your colors are communicating the right message about your business.

I can hear the groans now. "This all sounds great, but I don't have money to re-do my property," you protest.

Here's the secret: It doesn't cost a

(continued on page 4)



Room 211: Before and After

© Maxie Color

Good Color Design *continued from page 3...*

fortunate to make dramatic changes to your commercial property.

There's no need to spend tens of thousands of dollars on a complete interior redesign, when a fresh coat of paint is often all you need.

For instance, I recently completed a color design for the Inn at Jim Thorpe, an elegant, 45-room Victorian hotel (see photos on page 3) The before picture shows one of the guest rooms with its old baby-blue paint and frilly wallpaper. The room, despite being outdated, felt extremely cold and musty, even though it wasn't. (Amazing how colors make us perceive smell and temperature, eh?) The cold blue color was literally making people feel chilled. Its outdated floral wallpaper and bedspread (thought to be "Victorian" by the previous decorator) weren't helping things, either.

My first goal was to warm up the room, so I suggested a warm, toasted caramel color for the walls. My plan included a nice, earthy forest green carpet, along with deep, cranberry bedding. Rich, dark wood blinds accent the windows. It still pays homage to the Victorian palette, yet it's a bit more modern. It's warm, welcoming and relaxing – quite different than before.

The impact from the renovations is quantifiable, too: The Inn's TripAdvisor "thumbs up" review ratings have increased at least 10% over the past year, with many reviewers commenting on the new décor of the rooms. Return visits are up and customer comment cards are more positive than ever before. As a result, the hotel had a very profitable year, despite the economy.

Downstairs at the Inn, I redesigned the new Broadway Grille & Pub after the previous tenants left. The pub's beautiful Victorian woodwork and original tin panels were sadly smothered by several shades of green. (Can you tell it was an Irish bar?) Customers were swimming in a sea of bilious green.

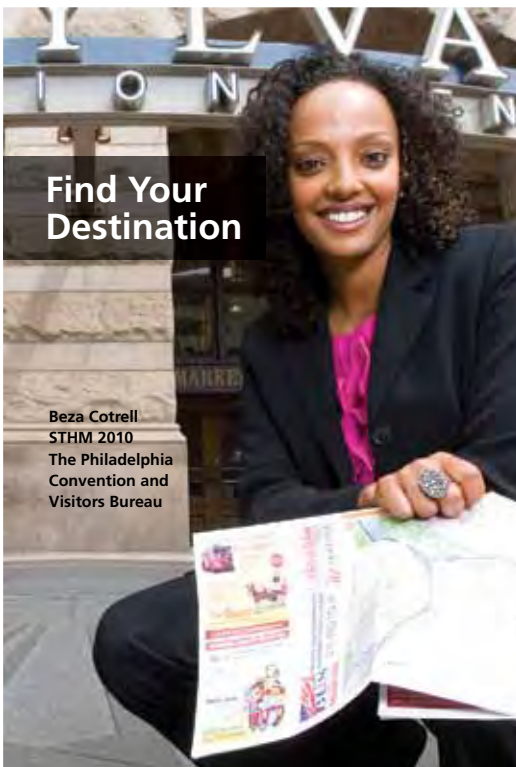
I added rich, deep colors to the walls and trim to reflect the pub's historic past.

Dark, earthy browns and a rich tomato red create a cozy atmosphere, and the red actually stimulates appetite. As a result of these changes, the bar is busier and food profits have increased substantially.

Like the Inn at Jim Thorpe, all businesses can benefit from a harmonious, balanced color design. It's not only good for your bottom line, it's good for soul.

For more tips and articles on color designs for commercial spaces, see www.MoxieColor.com.

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United States Supreme Court Finds Oral Complaints Are Protected by Retaliation Provisions of the FLSA

In March 2011 the United States Supreme Court held that oral complaints from an employee to an employer constituted protected action under the retaliation protections of the Fair Labor Standards Act. *Kasten v. Saint-Gobain Performance Plastics Corporation*. This decision constitutes a continuation of a trend for an otherwise conservative Court in fostering retaliation protections for employees.

Basically, the employee claimed that he told the employer that its placement of the time clock violated the FLSA because it required employees to punch in after they had donned work-related protective gear. He also claimed that he had complained about the practice pursuant to an internal grievance procedure and had raised a concern with his shift supervisor telling him that he was thinking about bringing an action and that the employer would likely lose in court. The employee claimed that these actions led the employer to first discipline him and then terminate his employment. Of course, the employer disputed these facts, but for purposes of the ruling the Court assumed that the employee's version of events was correct. (This was subject to the right of the employer to later dispute the facts as the matter progressed.)

The sole focus of the Court in this case was whether the FLSA retaliation provision covers oral complaints. The language of the FLSA (29 U.S.C. §215(a)(3)) protects employees who have "filed any complaint." The question was whether "filed" meant that the complaint had to be in writing. After a long discussion the Court decided that it did not have to be written, so long as the oral complaint was sufficiently formal so as to fairly put the employer on notice that "a grievance has been lodged, and the employer does, or should reasonably understand, the matter as part of its business concerns."

Here the reasoning of the Court was instructive. When the technical discussions are stripped away, the Court is essentially saying that the intent of the FLSA was to protect workers who are not sophisticated and who might not even read, and/or write proficiently—in other words a policy based interpretation.

Curiously, the Court left undecided the question of whether the provision in fact protects complaints filed with the employer, as opposed to the government, the latter of which are clearly protected. Because the employer had not raised this issue earlier in the proceedings, the Court declined to address it, assuming that for purposes of this case that it did apply to private complaints. The Court left future resolution of the issue of application to employers to the lower courts. However, from the strength of the majority and the tenor of the discussion in the opinion, the sense of the commentators is that if the matter were to go before the Court, it would rule that oral complaints to employers are protected.

The bottom line for employers is the continuing lesson that retaliation claims are the most dangerous. Courts have not necessarily been kind to employee claims of statutory violations of employment protections. The Supreme Court has been very employer friendly with respect to substantive claims. However, where retaliation is alleged, the Courts are increasingly vigilant to protect employees. This means that employers are best advised to observe restraint when faced with actually filed claims of discrimination, or wage and hour violations. Moreover, once employees raise concerns orally of violations of employment statutes, some care must also be taken.

What is particularly troubling about the decision is the lack of guidelines from the Court as to the formality required in

order to trigger protections. At what point do employee expressions of dissatisfaction turn into something more than ordinary off the cuff "griping," triggering protections under the FLSA? The Court has certainly not answered that question, leaving employers adrift and guessing. It would not appear that employees will be required to cite specific wage and hour regulations in order to obtain the protections of the FLSA.

If nothing else, this case further supports the basic notion that employers, as a general practice, should carefully document discipline as they can never be certain under this rubric when a claim will be raised that a termination was motivated by some prior complaint of violation of the FLSA. Indeed, it is equally possible that the employer might find itself faced with a claim of FLSA or other statutory violation at the same time an employee is disciplined.

In summary, employers have yet another example of the Courts aggressively protecting the right of employees to raise claims of violations of FLSA and other employment rights. Once faced with such claims employers should not be paralyzed into inaction, but must carefully document the basis for any disciplinary actions undertaken.

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Independent Contractor V. Employee: No Refuge From A Rock And A Hard Place

As if things weren't tough enough in the hospitality industry, in general, and the timeshare industry, in particular, along comes a case that should supply a wake-up call to everyone regarding the vexing problem of misclassification of "employees" as "independent contractors." In *Whitehead v. Vacation Charters Ltd.*, the Court of Common Pleas of Philadelphia County recently hit a Pennsylvania Poconos timeshare recreational and ski resort with a class action judgment in excess of \$2.2 million arising out of claims that it misclassified 259 salespersons as independent contractors rather than employees over a three-year period. The lawsuit requested reimbursement for taxes plaintiffs contended were overpaid due to their misclassification, along with compensation for benefits they did not receive, thus depriving plaintiffs of their lawful wages and benefits under Pennsylvania's Wage Payment and Collection Law.

As has been common in the timeshare industry, Vacation Charters faced a practical problem that arose from the fact that although its sales force might achieve initial marketing success, the resort found that it could not sustain losses if it paid full sales commissions without a means of

charging back cancellations or payment defaults. Thus, as to commissions/wages, the resort's independent contractor agreements allowed the defendants to hold back from each salesperson's wages and commissions up to 10% for any sale financed on a deferred payment basis. The hold back was "charged back when a customer defaulted on his account by having made less than four monthly payments." Operationally, the hold back funds were not segregated, but held, without interest, in a general account where they could be spent on resort expenses. In addition, the hold back would be increased to 50% when the purchaser had a low credit score, and no wages/commissions would be earned until the purchaser paid 10% of the contract price - policies that were not disclosed in the independent contractor agreement.

Interestingly, this class action suit was filed after the Internal Revenue Service and Pennsylvania's Department of Labor and Industry investigated a former salesperson's claims that he had not received his so-called "hold back" funds after terminating his employment. These agencies found that the salesperson was an "employee" entitled to unemployment compensation. Among the reasons the

IRS cited in their determination were the following:

- The worker provided his services in a permanent retail establishment (an offsite sales center in this case).
- The worker received his work assignment through the company and performed his services following the company's work methods, instructions & routines.
- The worker was required to perform his services personally at the company's location, during hours required by the company.
- The company retained the right to change the worker's methods and to direct the worker to the extent necessary to protect the company's investment, reputation, etc.
- The worker did not invest capital or assume business risks.
- The worker's remuneration was based on commissions established by the company and customers made payments to the company for the timeshares.
- It was the company, not the worker, who retained financial control of the work relationship.
- The worker was not engaged in an independent enterprise but rather the work that he did was an integral and necessary part of the company's business operations.
- The worker performed his services on a continuous basis as opposed to a one-time transaction.

The court found that the defendants required their timeshare salespersons to sign non-negotiable independent contractor agreements in mid-2005. According to the court's findings of fact and conclusions of law, while the form contracts stated that the salespersons were not "employees" for federal or state law purposes, the defendants continued to control all aspects of the sales staff's work schedules, dress codes, marketing protocols and day-to-day services, the very touchstones of "employee" status.

(continued on page 9)



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Bring Sustainability to F&B Services *continued from page 1...*

- Conducting a baseline waste audit and assess current practices. To reduce waste you have to know how much there is and where it is coming from. Measure all the food waste from the kitchen and customer waste. Pay attention and record how it was made and why. This will help determine which practices should be implemented to reduce food waste.
- Creating a food waste management plan – following the food waste hierarchy. What are the goals (be specific) and how will they be achieved (what is changing)?
- Monitoring progress to ensure that the plan is being followed and is effective at achieving the goals. If it isn't, then make appropriate changes to get to your goals.

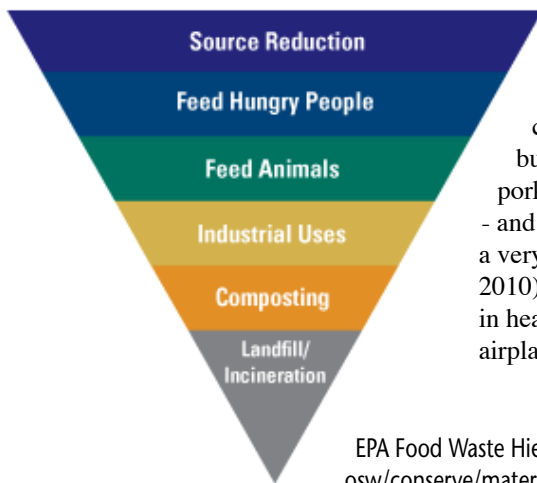
Choose Responsible Food

In addition to reducing wasted food, making different choices on food purchased can shrink the “foodprint.” This can be achieved by two ways, 1) purchasing responsibly grown options, such as those with reduced fertilizer and other inputs (e.g., organic), less tillage, and well-managed grazing (Bellarby et al., 2008; Cederberg, 2003) and 2) choosing food with a small environmental burden. Red meat typically has the highest environmental burden of food choices - poultry and pork are not as high a burden as red meat - and vegetables and grains usually have a very small “foodprint” (Gossling et al., 2010). However, any kind of food grown in heated greenhouses or transported by airplane can come with a very high burden

(Mogensen et al., 2009). Credible certification programs can help you identify responsibly grown options such as: USDA Organic, Food Alliance, Rainforest Alliance, Protected Harvest, Marine Stewardship Council, Best Aquaculture Practices Certification, and Bird Friendly.

Switching to a responsible menu doesn't have to cost more, and can result in savings by:

- Reducing red meat with portion size adjustments or by replacing an entrée. Red meat is expensive to finding ways to trim down the amount purchased saves money.
- Increasing vegetarian options. These tend to be low-cost items to help save money.
- Sourcing seasonal and local sustainable options since they are usually lower-cost.
- Choosing fresh sustainable options with less packaging. Processing and packaging cost you money and add to the environmental burden of the food.
- Buying fish that is not at risk of being overfished. Many facilities that feature more sustainable seafood options find that they end up being big sellers.
- Being flexible. Have menus and recipes that can be easily adaptable to allow for food cost optimizing as seasons and availability changes.



EPA Food Waste Hierarchy (<http://www.epa.gov/osw/consERVE/materials/organics/food/fd-gener.htm>)

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New video on ADA regulations and compliance.

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11-04101

Details about adding sustainability to food and beverage services, including more about how to focus on food, are covered in the new book, *Greening Food and Beverage Services: A Green Seal Guide to Transforming the Industry*. The book covers environmental challenges that result from food and beverage services and ways to address them that lead to lasting business benefits. A range of food services have started on this path, from small independent coffee shops to national conference centers and every cafeteria, restaurant, and catering service between. Many stories of these leaders are included in the book to help inspire such change and to outline how to implement the changes.

By Cheryl Baldwin, Ph.D. Vice President of Science and Standards at Green Seal

How To Navigate The Constant Changing Energy Market

As many of our members are well aware, rate caps for electricity for all utilities across the State of Pennsylvania expired on Jan 1 2011. In most areas of the state, rate cap expiration has created an increase in the cost of electricity, and going forward rates will be adjusted for most utilities every 90 days.

In order to mitigate these cost increases, as well as provide better budgeting ability, it is now imperative for members to “shop” for their electricity as well as natural gas. The PA Public Utility Commission, as well as all the local utilities, strongly encourages commercial meters to shop. Rate cap expiration has caused increases in much of the State, and shopping can be extremely cost reducing as energy markets are currently at 7 year lows. It is recommended that members find a reputable and reliable consultant to help them navigate thru these constant changes. There are many types of shopping opportunities available to PTLA members. There are aggregate pools, fixed price contracts, layered power purchases, or any combination of the aforementioned. It is imperative to find a consultant which has tremendous experience, shopping clout, as well as the proven ability to deliver cost savings for any size meter, small to

medium sized meters (typically defined as using less than 1 million annual kWh) as well as large meters at over 1 million annual kWh. For example, a member using 1 million annual kWhs would save annually, at a rate 1 penny per kWh below the utility rate, ten thousand dollars (\$10,000). Even with a half a penny per kWh savings, this same member would save \$5,000 annually for purchasing a necessary commodity (electricity) with no impact on the reliability or delivery of that energy.

A good consultant will: Provide the market monitoring, expertise and analysis for you on a continuing basis. They will offer innovative and flexible energy products that are customized to meet your business and financial goals. In addition, they will do an analysis of competitive bids including the local utility service tariff. Exceptional evaluation of the cost/benefits associated with varying product structures and contract terms should be offered. In addition, contract language

varies with each different 3rd party supplier. A good consultant will evaluate contract language to make sure there are no hidden fees or surprises. There should be no cost associated with providing this service - this is a value added member benefit provided to you with your PTLA membership. In addition, a good consultant should offer a wide range of supply and demand-side services, working with you to develop energy management strategies that can save you money.

OnDemand is a Preferred Vendor through PTLA's Member Advantage Programs and can offer all of the products and services discussed above.

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Impact of the Durbin Legislation

On Oct 1, 2011, the Durbin legislation as it pertains to bank issued debit cards will go into effect. This amendment changes the interchange cost that issuing card providers can charge acquiring banks who process debit cards with the Visa, Mastercard and Discover logo. It does NOT effect bank issued credit, rewards, or business/corporate/purchase type cards.

There are some things you should be aware of as a result of this change. Issuing banks that have capitalization over 10 billion dollars now have a cap on the interchange cost on this card type. Interchange cost will be \$.21 (21 cents) + 5 basis points (.05%)+ \$.01 (1 cent) security fee per transaction for debit cards that are signed through the Association networks (Visa, Mastercard, Discover) or the pin debit networks (Star, NYCE, Pulse, etc). This applies to cards that are present (swiped) and not present (key entered). Issuing banks that are capitalized under 10 billion will be able to continue to charge the interchange costs that were in effect before the amendment. The assessments and access fees added to each transaction by the Associations (Visa, Mastercard, Discover) will remain in effect. The acquiring bank (processor) fees that are also part of your transaction cost are not

affected by this legislation.

As a merchant you will not be able to identify what your interchange cost is on a transaction until it has already cleared. If your processor has you set up on a tiered pricing plan or rate + billback (surcharge) pricing plan you may not see the lower costs. There is no requirement in this legislation for your processor to lower your cost on that type of pricing. This will cause industrywide confusion for these type plans in determining the merchant's cost. The interchange cost the processor pays the issuing bank may go down, but your cost may not with these pricing types. If you are on a cost + pricing plan you will see the effect of the legislation immediately. If you are on any other type of plan you may want to make a change now.

PNC's price model for PTLA members has always been a cost plus model. For more information contact Russ Hayes at PNCMS 1-888-466-0369 xt 99552.

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Independent Contractor V. Employee

continued from page 6

The significance of the *Whitehead* case cannot be overstated as it relates to the timeshare industry, and could have far-reaching consequences. It addresses the long-standing issue of timeshare salespersons' rights and protections such as minimum wage, unemployment compensation, workers' compensation insurance, health care insurance, protections under Title VII of the federal Civil Rights Act, and more.

As an independent contractor ("IC"), if you are terminated for any reason you are not entitled to unemployment benefits because the company is not responsible for FUTA taxes (Federal Unemployment Tax Act) and/or state unemployment taxes.

As an IC, if you are discriminated against due to race, religion, ethnicity, gender, age, etc. you have little recourse. As an employee you are protected by the full panoply of Government protections under Title VII of the Civil Rights Act.

If you are injured at the workplace and cannot work as an IC, you have no access to workman's compensation because the company is not required to carry workman's compensation insurance.

As an employee, if you earn no commissions in a particular week you are nevertheless entitled to at least the state's

or Federal minimum wage. That may not be much, but at least it's something.

As the court pointed out in its ruling under Pennsylvania's wage law, defendants "likely owe FICA, Medicare and FUTA to the Internal Revenue Service on behalf of the class members." All of this means that the defendants are likely still standing on quicksand when it comes to assessing the total liability they may be facing.

In the final analysis, this case clearly illustrates that attempts to limit expenses by re-classifying employees as independent contractors may backfire in a huge way when even one former employee attempts to recover unemployment benefits. Thus, perhaps the most that can be said is that misclassifying sales employees as independent contractors can put employers between the proverbial rock and a hard place.

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Making the Most of TripAdvisor And the Changing Online Travel Market

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Presented by:
Brian Payea, TripAdvisor

Consumers are increasingly turning to online resources for every step of the travel planning process. In this strategic and tactical workshop, Brian Payea will review what travel professionals can expect in the changing online travel market—including shifts in traveler interests and behaviors, and the growing impact of mobile and social media channels.

Discussion includes what TripAdvisor, the world's largest travel site, is doing to help tourism businesses best promote themselves to this generation of consumers. Payea will review essential online marketing strategies and tools to help businesses reach TripAdvisor's 50 million unique monthly visitors. Attendees will learn anticipated trends ahead, as well as practical advice to maintain a positive online reputation, enhance their TripAdvisor presence, and continue to attract customers.

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Slips and Falls: The Dilemma + The Cost - The Solution = Profit

The Dilemma -The Cost:

The National Safety Council states 25,000 people slip and fall per day and that the associated cost of employee slips and falls total approximately \$70 billion annually.

Slip-and-fall injuries have beset almost all industries across the United States, including the hospitality industry. Slip and fall claims and costs have increased so much in recent years that these incidents are now a major driving force behind rising workers' compensation and property liability insurance expenses.

Slips and falls are the leading cause of accidental deaths in U.S.-pushing automobile accidents into second place in 2009

More specific to the hospitality industry, the Bureau of Labor Statics states that slips and falls are the #1 cause of accidents in hotels. The hospitality industry's most costly cause of employee injuries is slips and falls. (Liberty Mutual).

An employee or guest slips and falls, resulting in an injury and then sues, the business loses the case, wins the case or settles. The average cost to defend a law suit is \$50,000 (National Floor Safety Institute) One would think the first thing the business would do would be to fix the problem that caused the injury to avoid further injuries or personal injury <<http://www.fightfortheinjured.com/General-Personal-Injury/>> lawsuits. However this would be an incorrect assumption.

According to the one of the largest insurance brokers in the country most hospitality owners attempt to keep their floors clean, make their staff wear safety shoes and put out safety cones when the floor is wet. Beyond that, they leave prevention and the costs associated with slip and fall accidents to fate.

In reality the owner does not know the parameters and benchmark for safe floors which reduces slips and falls and meets Federal government, insurance and worker comp safety guidelines.

OSHA recognizes 0.5 as the threshold COF (Coefficient of Friction) measurement of a safe floor. The range for COF is 0.0, e.g. walking on ice, to 1.0, e.g. walking on sandpaper.

A floor surface is an expensive exposure and liability. A floor surface that has a low COF of 0.5 or less is a hazard

demonstrating the lack of diligence on the property owner to keep the property safe.

Lack of management involvement, support and most important the creation of a plan that is monitored on a regular basis with buy-in by all.

The Solution:

Institute a proper floor safety program meeting the industry standards for safe floors with the desired end result of major reduction in the number of slips and falls and all associated costs.

The first step should be to determine the cause of your slips and falls, which will probably be due to flooring that does not meet the OSHA standards for COF.

Next determine how to increase the COF, especially on wet floors. A written and enforced floor safety policy and procedures guide will improve floor safety, while demonstrating management commitment to prevention. The policy/guide should address common causes of slips and falls such as poor worker training, lack of weather contingency planning, inconsistent hazard identification, inappropriate footwear, and improper cleaning of floors, among other factors. It should thoroughly detail how to perform and document the improvement and maintenance of floors.

Review the history of where slips and falls occur, the reason, do physical inspections which will be instrumental in creating a floor safety program focused not on the entire facility with special focus on the problem areas. Historical loss data will allow us to understand both the qualitative and quantitative analysis that will be needed to apply a focused and measurable loss control strategy.

Qualitative analysis will give should include: frequency, severity pattern of slips and falls, time of day of incident, was the floor wet and if so what was the contaminate, if wet were they wet floor signs properly displayed, what footwear was worn, was there a floor mat on the floor and if so was it dry or was it saturated with the contaminate, or was this a trip and fall, instead of a slip fall?

A quantitative analysis should include the costs of the losses, a projection of future losses, calculate the cost of risk. This

will enable us to project an ROI based on a loss control expense and its ability to reduce the cost of risk. A 21 Point ROI check list is available upon request.

Additional due diligence is the inspection of all flooring and inventory the type of flooring and the accidents that occurred on each of those floor types and where.

The result may be special maintenance requirements for those areas or the replacement of floor type for existing areas and design considerations for new or upgraded facilities.

Review the options for raising the COF to industry standards. To meet your goal for COF will it require carpeting the entire facility, restricting areas for guests, placing rubber mats on all floors, or reviewing the cleaning protocols and how your current cleaning products will increase your COF, without forfeiting how clean the floors are and look. In addition any floor cleaners should be certified with high traction capability, preferably by the industries leading expert on floor evaluations. Also the product you use for cleaning and preventing slips and falls should be certified high traction by the National Floor Safety Institute. The products should provide the highest level of slip resistance of any competitive product, leave no residue or diminish the brilliance of the floor, and are certified by USDA Bio-Preferred, UL Listed, NSF Certified, Green Seal, and NFSI Certified for high traction and solvent and abrasive free.

The dilemma is not going away and the cost is rising significantly. There is a solution if the corporation realizes the value and ROI from implementing a floor safety program. This will protect their guests, their employees and the reputation.

About the author: Paul Smith is the Co-Chairman of the Advisory Board of Nu-Safe Flooring Solutions, Inc. (<http://www.nu-safe.com>) and has over 40 years business experience during which he was Founder, Chairman and CEO of three successful businesses, whose clients included Fortune 500 Public and Fortune 500 Privately owned companies as well as medium to small private companies.

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Terrorism and the Hotel Industry: How to Fight Back Through Empowerment

By Paul Goldenberg, President & CEO, Cardinal Point Strategies

It is no secret that lodging industry properties are quintessential soft targets for terrorists. Because of our welcoming service culture, we have the immense challenge of determining how to best secure our environments while continuing to deliver friendly and quality service.

The dilemma is how to strike the balance between creating a pleasant, comfortable environment for the hotel guest while maintaining effective security and safety vigilance. What we have learned is that one of the most important components of a successful security program is empowerment. Empowerment initiatives should span the parking lot attendant to the concierge, to housekeeping personnel. It must arm all frontline hotel employees with the knowledge and confidence to recognize, report, and respond to suspicious activity and suspicious items in and on hotel property. **The lesson learned from 9/11 is to be prudently proactive.**

In 2010, the American Hotel & Lodging Educational Institute partnered with the U.S. Department of Homeland Security to produce a first of its kind on-line interactive security and safety training solution for hospitality personnel. The program is entitled Eye on Awareness™ and provides a seamless tutorial that empowers hotel personnel to recognize, report, and respond to suspicious activities and items on hotel properties. The program was developed by the American Hotel & Lodging Educational Institute, Cardinal Point Strategies, the US Department of Homeland Security, and experts representing the AH&LA Loss Prevention Committee (the working industry safety and security group from national and global hotel chains).

The Eye on Awareness™ program focuses on:

See Something

- Suspicious appearance and body language. It is vital that hotel employees understand what constitutes suspicious appearance and body language. For example, someone who is attempting to change his or her appear-

ance in order to avoid identification should be an indicator that your staff watch for.

- Suspicious interest in the hotel. What types of questions or comments should arouse concern by your staff and what items should be reported immediately to management? For instance, a hotel staff member should be trained to immediately notify management if they are asked about security measures at the property or staff shift changes.
- Suspicious items: When a hotel guest brings or leaves an item such as a backpack in restricted or unusual areas, there should be further investigation and protocols for handling such issues.
- Signs of terrorism: Signs of terrorism for a hotel could include things such as documents that are on site that indicate detailed plans about airports or bomb-making materials, among other potential indicators. It is vital to train your staff to recognize these and other signs of potential terrorism.
- Indicators of potential violence: For example, a concern for potential violence is reasonable if a hotel guest threatens to be violent or there is evidence a guest is in possession of a firearm. Often times, employees may be hesitant to document and report such items unless encouraged to do so through employee training.

Say Something: What should be said, to whom, and how quickly? These are issues that may raise different answers with every employee unless there is a common approach that is requested by management. What are the “don’ts of reporting”? For example, it is important that hotels train their staff not to report about a guest who comes or goes using exits other than the lobby. That in and of itself does not suggest likely danger. Other factors need to be evident to make this a suspicious behavior.

Do Something: What actions should the hotel staff be trained to take in potentially dangerous situations?

- Evacuation and shelter-in-place: When is it appropriate to pursue evacuation of the facility? How do you know the difference between a “crank” call and a security risk and how and who should make that determination?
- Active Shooter at Your Property, Bomb Threats, and Suspicious Mail and Packages: Does your hotel have a protocol for handling these emergency situations. These scenarios can take place in a limited or full service hotel, and in rural as well as urban locales.
- Local area emergencies: What is the responsibility and duty of a hotel during a local emergency? How do we balance our local civic duty with providing ongoing service for guests already in residence at the time the crisis occurs? Employees must be trained to not abandon but follow the directions of first responders to ensure guest safety during emergency situations.

All of these strategies are covered in more detail with hotel industry specific suggestions in a 55 minute interactive video that hoteliers can access via the Educational Institute. For more information, visit www.ahlei.org/eyeonawareness or call 1-800-349-0299 or 1-407-999-8100.



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