Looking Forward

The CRA staff are taking a strong look at our organization to make sure that we are providing value to all our members - whether you are a small, independent restaurant, or a larger restaurant group. Part of that value is making sure that you are receiving the information that we are sending your way. For example, there are several new Colorado laws that you need to be aware of that directly impact your business (explained later in the newsletter) but you may not have heard of them yet because we don’t have the most up-to-date contact information for you. You’ll likely receive a call and email from us in the coming months to make sure we have the correct contact information for you, and that we are communicating the right messages with the appropriate people within your organization. Please bear with us as we work through this process.

continued on page 2
On a national level, the National Restaurant Association, through their Restaurant Law Center is leading the effort of asking the U.S. Supreme Court to hear a case, National Restaurant Association, et al. v. U.S. Department of Labor, et all. The case challenges the Department of Labor’s anti tip-pooling stance that prevents cooks and dishwashers from receiving tips. The Fair Labor Standards Act’s (FLSA) tip credit regulations prevent front-of-the-house restaurant employees from sharing tips with back-of-the-house employees if the employer takes a tip credit, meaning some employees earn a tip wage. However, the Department of Labor has now expanded the tip credit regulations, without Congressional action, and is refusing to allow employees to share tips even if the employer does not take a tip credit. This violates the clear language of the law and the intent of the law. Learn more here.

The Colorado legislative session kicked off on January 11 and we are already actively monitoring bills on a daily basis and have an update on some legislation that we are closely watching.

See the latest Legislative Update attached to this newsletter.

Feel free to call us if you have any questions or would like to weigh in on an issue. Our legislative committee meets weekly and is open to all members. If you are interested in participating, please contact Nick Hoover at (303) 830-2972.

Learn more here.
2016 BROUGHT MANY NEW REGULATIONS - ARE YOU COMPLIANT?

Minimum Wage Increased January 1

As of January 1, 2017, Colorado’s minimum wage is as follows: Regular Minimum Wage = $9.30 hr., Tipped Wage = $6.28. Get the scheduled rates for the next four years HERE.

Reasonable Accommodation Law for Pregnant Employees

A new law passed in 2016 requiring employers with one or more employees (basically every employer in Colorado) to inform employees of their rights regarding pregnancy accommodation. As of December 8, 2016, all current employees should have received written notice of this new law, and new employees must be informed when hired. Get a sample employee letter and details on the law HERE.

New I-9 Form and Elimination of the Colorado Affirmation Form

There is a revised I-9 Form, read about it HERE. As you may recall, Colorado previously required you to complete the Colorado Affirmation Form in addition to the I-9 form for each new employee. In 2016, the CRA and others worked to eliminate this redundancy, so now you only need to complete the I-9 form for your new hires.

Need Labor Law Posters? Get them free as a CRA Member!

Do you know that as a member of CRA you get free Labor Compliance posters?

Email info@corestaurant.org to request your 2017 posters.
COLORADO RESTAURANT INDUSTRY STATISTICS
2017 MENU OF FACTS

Every year we produce The Menu of Facts, a booklet outlining the economic impact of our industry to provide to lawmakers. Distributed first at the annual Blue Ribbon Legislative Reception, this handy pocket reference acts as a great conversation starter with any lawmaker or media person interested in learning more about our industry. We are an industry made up of small businesses with a large impact. If you would like any copies of the Menu of Facts, contact the CRA and we will see that you get what you need. Also find the latest industry stats on corestaurant.org.

Colorado Restaurant Industry in 2017

- Total restaurant sales in Colorado are expected to exceed $12 billion.
- Colorado foodservice industry will employ 275,000 workers.
- There are more than 11,250 eating and drinking locations in Colorado.
- Colorado restaurants generate more than $300 million in local taxes.
- More than two-thirds of Colorado’s restaurants are independently owned and operated.
- Colorado restaurants account for 12% of the state labor force.

The U.S. Restaurant Industry in 2017

- Total U.S. foodservice industry sales will exceed $790 billion, 4% of GDP.
- U.S. consumers will spend approximately $2.2 billion per day on food away from home.
- The restaurant industry is the nation’s second-largest private sector employer with more than 14.5 million people employed in more than 1 million locations.

Small Business with a Large Impact

- 1/2 of all adults have worked in the foodservice industry at some time.
- 1 out of 3 adults found their first job in the restaurant industry.
- 1/2 of all adults are restaurant patrons on a typical day.
- 23% of table-service restaurant sales come from travelers & tourists.
- Restaurants employ more minority managers and have more women in management and ownership positions than any other industry.

Colorado Demographics

- Real disposable income is expected to advance 3.1% in Colorado, compared to 2.2% nationally.
- Population in Colorado will grow 1.4% compared to 0.8% nationally.
- Total employment in Colorado is projected to increase 2%, compared to 1.5% nationally.

Source: Colorado Restaurant Association using National Restaurant Association and Colorado State Government data.

PROSTART SCHOLARSHIP
APPLICATIONS DUE APRIL 1ST!

On May 11, 2017, at the Colorado Restaurant Foundation Annual Scholarship Awards Event, more than $34,000 in scholarships will be awarded to qualified Colorado ProStart high school and undergraduate students pursuing their post-secondary education in foodservice and hospitality-related programs. Applications for these scholarships are online now. All applications and transcripts must be postmarked by April 1, 2017.
Now in its 18th year, the ProStart Student Invitational & Sysco Denver Hospitality Cup Competition will be held for 2 days at Johnson & Wales University March 2-3, 2017. In addition to featuring more than 40 high school culinary and management teams competing for $850,000+ in scholarship opportunities, the event showcases an industry and post-secondary job/college fair, competition best practices, and Colorado ProStart Alumni panel.

Alumni panelists include:
- Moses Herrera (Pueblo Central H.S. 2000) - Global Learning & Development Manager - Commercial Services & Revenue Management/Hilton Worldwide
- Sarah Brown (Standley Lake H.S. 2011) - Sauce Table Coordinator/Paula Leduc Fine Catering
- Matt Thompson (Battle Mountain H.S. 2004) - Executive Chef/Williams & Graham
- Jesse Doerffel (Palmer H.S. 2002) - Owner Operator/The Farmhouse at Jessup Farm
- Robert Van Dyke (Golden H.S. 2005) - FCCLA State Adviser/Assistant Family & Consumer Sciences Program Director/Colorado Community College System

The Colorado Restaurant Foundation would like to invite all CRA members to come to Johnson & Wales University in Denver Friday, March 3, 2017 to observe more than 250 ProStart students from across Colorado as they compete. Students from 30 Colorado high schools demonstrate their mastery of culinary and business management skills achieved through working with industry.

The school that accumulates the most points at the end of the contest will take home the “Sysco Denver Hospitality Cup.” The winning teams from the state competition will represent Colorado ProStart at the National ProStart Invitational in Charleston, S. C. on April 28-29, 2017. Event sponsors include Sysco Denver, Johnson & Wales University, and Seattle Fish Company.

The Foundation established the ProStart Student Invitational and Sysco Hospitality Cup competition to provide industry and post-secondary education with a forum to recruit the ProStart program’s best and brightest talent. ProStart is a two-year foodservice and hospitality management curriculum offered to high school juniors and seniors.
PUBLIC AFFAIRS CONFERENCE

We invite you to come to Washington March 28-29 for the restaurant industry’s most important grassroots lobbying event. As the 115th Congress takes office, the National Restaurant Association’s 31st annual Public Affairs Conference is your chance to make a difference.

The Conference is our opportunity to introduce a brand-new Congress and Administration to the restaurant industry. We will go to Capitol Hill to educate lawmakers about top public policy issues affecting our businesses. Our mission is to help Congress understand what it takes to run a restaurant business.

• Event Registration through NRA is OPEN!
• Registration for your Hotel and Colorado Dinner through the CRA is also OPEN but closes Feb 3. After that date you can still register but you must make hotel arrangements on your own.

Don’t Wait! Make your reservations today! Questions? Nick Hoover, nhoover@corestaurant.org (303) 830-2972

HOCKEY NIGHT OUT WITH NORTHERN COLORADO CHAPTER

Date: Wednesday, February 22, 2017
Time: 5:00 PM - 9:00 PM

Join us for a great evening of socializing with members of the CRA Northern Colorado Chapter. We will begin the night with appetizers and drinks at a location TBD, then head over to the Budweiser Event Center for the game. All proceeds from the night will go towards the Larimer and Weld County Food Banks, and to Colorado ProStart. Get more details and location at corestaurant.com/calendar.

DENVER RESTAURANT WEEK

Once again the CRA Mile High Chapter is partnering with Visit Denver for the popular 2017 Denver Restaurant Week. New this year are tiered price points to encourage area diners to explore more restaurants. We held a DRW Bootcamp at the January Chapter Board meeting on Jan 17. You can view the video on our Facebook page. Register for DRW Here.
Do you have a mentor you have looked up to for years? Or maybe you know of someone who has been doing amazing things in our industry and community. This is your opportunity to nominate them for an Industry Spotlight Award. This is THE event of the year that celebrates the outstanding people in our industry.

To learn more about the awards and to nominate someone complete the online form. All awards will be presented at the Industry Spotlight Awards in June.

PIKES PEAK FOOD AND WINE EXPO

Sunday, March 19, 2017
Noon - 3:00 PM
Broadmoor World Arena, Colorado Springs

70+ of Southern Colorado’s finest restaurants, caterers and vendors are gathering at the Broadmoor World Arena for the region’s biggest culinary show of 2017. Sample food from local restaurants and enjoy special tastings of beer, wine, and spirits from local purveyors. Watch the Media/Chef Competition, Craft Cocktail Competition, bid on the Silent Auction, vote for your favorite food, and spin the Wheel of Good Taste for gift certificates to local restaurants and more.

Visit PPCRA.com for booth registration, sponsorship, ticket sales, silent auction, and other entry forms. Direct any questions to Amberly at hospitalityexpo@gmail.com, call or text (719) 216-2978.
SAFETY CORNER - PREVENT RESTAURANT THEFT FROM HAPPENING TO YOU
By Sean Pechan, Colorado Restaurant Insurance

We have been hearing from our clients about a recent uptick in burglaries within the Denver Metro area. Crimes against restaurants are typically crimes of opportunity, and these recent reports have definitely fallen into that category. Most often these burglaries happen after the restaurant has closed, however, in several instances a burglary has occurred during business hours. In almost every instance, the burglar has entered a back door, sometimes brazenly during dinner rush. The perpetrator often takes cash and/or inventory food and liquor, then slips back out the back door of the restaurant.

We believe that implementation of some simple risk management steps can reduce your exposure to these types of loss. Besides costing your establishment potentially thousands of dollars, the loss of ‘peace of mind’ for you, your employees, and at times your customers is immeasurable.

Here are some examples of how we can work with you to help improve security and reduce your risk. Consider updating your security procedures and training all staff – including cleaning staff – so they understand their importance and follow the procedures. Develop practical policies in managing the risk of the backdoor of your restaurant (when it is acceptable to be open and how it should be respected). Limit the access of nonessential vendors and staff to back-of-house operations, especially the office where checks and cash on hand is managed.

Keep inventory locked even during normal operations. Mark expensive equipment with ID numbers and keep detailed records of all inventory, and store the information off-premises for ease in reporting after the fact.

Contact your local police department for a business safety assessment. The CRI can also provide additional risk management techniques to reduce exposure to loss. We are available to offer guidance to protect your assets. Call us anytime at (303) 830-2972.

SPOTLIGHT ON SAFETY - PROTECTING YOUR BUSINESS
By The Denver Police Department

• Ensure the business is well-lit and eliminate places for criminals to hide near the building.
• Lock all doors and windows when closed or away from the business. Install double cylinder deadbolts where possible, securing all points of entry, such as gates, fences, roof access, etc.
• Remove cash from registers and leave the register open at the close of business and secure valuables or merchandise out of sight when closed.
• Post signs outside your business letting criminals know there isn’t money in the register or safe, and keep track of inventory by marking items or logging serial numbers.
• Start or join a Business Watch Program to build relationships with neighboring business owners.
• Install an alarm or surveillance system.
• Contact your local Denver Police District for a business safety assessment.
By Mindy Carrothers, Pinnacol Safety Group

With the new year underway, we remind you about amendments to OSHA’s recordkeeping regulations that became effective Jan. 1, 2017. The revised regulations require many employers to annually submit to OSHA certain electronic injury and illness data, which will then become publicly available. The new rule also includes anti-retaliation language that covers the entire scope of employer policies on the reporting of workplace injuries and illnesses.

The annual electronic reporting requirements became effective on New Year’s Day, 2017, while the anti-retaliation provisions were effective much earlier, on Aug. 10, 2016.

Annual Electronic Reporting

Previously, employers covered by OSHA’s recordkeeping regulations collected and maintained injury and illness data internally. Under the new rule, covered employers must now provide injury and illness data to OSHA annually, and the agency intends to make the data publicly available.

The annual electronic reporting requirements apply to three categories of employers:

1. Large employers (i.e., establishments with 250 or more employees that are not exempt from OSHA’s recordkeeping rules)
2. “High-risk” employers (i.e., establishments with 20-249 employees in certain high-risk industries)
3. Any other employers from which OSHA makes a written request for data

OSHA decreased the reporting requirement for large employers (250+) from quarterly submissions to an annual submission. All employees working at an establishment during the previous calendar year (including full-time, part-time, seasonal, or temporary workers) are counted.

The new reporting requirements will phase in over the next two years as shown in the following column:

<table>
<thead>
<tr>
<th>Non-Exempt Employers with 250+ Employees</th>
<th>July 1, 2017</th>
<th>July 1, 2018</th>
<th>March 2, 2019 (and every March 2 thereafter)</th>
</tr>
</thead>
<tbody>
<tr>
<td>2016 OSHA Forms 300A Logs due</td>
<td>2017 OSHA Forms 300, 300A and 301 due</td>
<td>Prior year's OSHA Forms 300, 300A and 301 due</td>
<td></td>
</tr>
<tr>
<td>Employers in “High Risk” Industries with 20-249 Employees</td>
<td>2016 OSHA Form 300A Logs due</td>
<td>2017 OSHA Forms 300A Logs due</td>
<td>Prior year's OSHA Form 300A Logs due</td>
</tr>
</tbody>
</table>

Recommendations

- Employers subject to OSHA’s recordkeeping regulations can take certain steps now to comply with the new rules and limit citation liability:
- Collect OSHA 300A forms (and 300 and 301 forms for large employers) electronically.
- Post the newly revised OSHA poster to ensure compliance with the rule’s revised informational requirements.
- Ensure reporting procedures (and, if applicable, any safety incentive programs) to ensure that such programs are reasonable and do not discourage injury and illness reporting.
- Remind managers of anti-retaliation practices in light of the increased scrutiny employers will face under the revised rule. Per OSHA’s guidance, review disciplinary, incentive and drug-testing programs for elements that could result in retaliatory actions against employees.

Pinnacol Resources

For more information on OSHA’s electronic submissions and anti-retaliation rule and the requirements for your organization, visit OSHA’s recordkeeping and reporting requirements webpages. Review the helpful resources, including the OSHA Report Manager and many downloads, available on Pinnacol’s OSHA recordkeeping webpages. Consider registering for one of Pinnacol’s OSHA recordkeeping training sessions. Check out the online interactive OSHA compliance training available to Pinnacol customers through J.J. Keller. Or call Pinnacol’s Safety On Call hotline at 303-361-4700 or 888-501-4752. Our Safety Services Team stands ready to answer questions and help your organization remain current and compliant with OSHA requirements.
NEW MEMBERS

A&W Restaurant, Eaton | Laurie Frick
Back Door Burger, Steamboat Springs | Dave Eliason
The Bistro at Marshdale, Denver | Alison Garnett
Black Hills Energy, Fountain | Misty Darby
Blue Fish Distillery, Colorado Springs | John Fisher
Cold Stone Creamery, Boulder | Petey Helm
Farm House at Breckenridge Brewery, Littleton | Amy Rapisarda
Fat Jack’s Super Subs LoHi, Denver | Brooke Fabra
House Rock Kitchen, Buena Vista | Ken Cook
Jack’s Uptown Grille, Denver | Bonnie Taylor
JP Fizzy’s, Colorado Springs | Jason Meinholz
Low Country, Steamboat Springs | Brian Vaughn
Lucky 7 Mobile Wash, Commerce City | Debbie Preston
One Barrel American Bistro & Wine Bar, Englewood | Jamie Elward
Palo Alto, Inc., Denver | Jeff Geller
Papou’s Pizza, Denver | Luke Loukopoulos
Robbie’s Tavern, Breckenridge | George Connolly
S3 hospitality, Englewood | Amy Roth
Singular CPA Services, Greenwood Village | Maria Naylor
Steri-Clean Pest Control, Aurora | Louie Battaglia
Tree Ring Digital, Denver | Paige Wiese
Wild Standard, Boulder | Micah Nushawag
WorldPay, Atlanta | Kevin McNamara
Our operations seminars are specifically designed to help restaurants maintain their competitive edge in the industry, and to stay compliant with all current rules and regulations. 

**FREE!**

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**BETTER OPERATIONS THROUGH EDUCATION**

**FEB 20-24**

Top Liquor Violations
Protect yourself from the many pitfalls of liquor compliance.

**MAY TBD**

Sex, Drugs, and Tip Pooling
Updates on top labor law violations and employment/wage laws.

**SEPT TBD**

Food Safety Training
ServSafe is the leading provider of food and alcohol safety education.

**NOV TBD**

New 2017 Food Code
Learn about changes to the food code that will keep you in compliance.

The Colorado Restaurant Association strives to bring you relevant and helpful information for running your business.

We are THE resource for restaurants across the state.

**VISIT CORESTAURANT.ORG FOR DETAILS AND SCHEDULES ON THESE VALUABLE SEMINARS!**
January 31, 2017

Employees Purchasing Alcohol

\(\text{▲ Senate Bill 58 by Sen Baumgardner (R-Steamboat Springs)}\)

would allow an employee or an agent of a licensee (in addition to the Registered Manager associated with the liquor license) to purchase alcohol for the licensee. This is important to restaurants because it formally legalizes practices that are currently industry standard but haven’t consistently been allowed by liquor enforcement. This bill passed out of the Senate and will now go to the House of Representatives.

Regulatory Relief Act

\(\text{▲ Senate Bill 1 by Sen Neville (R-Golden)}\)

would change the law so that upon the first occurrence of a “minor violation” (record keeping, retention of data, or filing of reports) by any small business the business would get a warning. Once the warning is received by the business they would have 30 days to cure the violation or longer if the business can show good cause. A “minor violation” does not include any matter that places the safety of the public, employees or others at risk (i.e. Health Code violations) or any requirements of a state issued license (i.e. Liquor License violations) or federal requirements (i.e. I-9 document). This bill passed out of the Senate Business, Labor, and Technology Committee and will now be heard by the entire Senate.

Business Personal Property Tax

\(\text{▲ House Bill 1063 by Rep Leonard (R-Evergreen)}\)

would change the current exemption of business personal property tax from $7,300 per schedule to $50,000 or less per schedule and would be adjusted for inflation in the future. Additionally, businesses with more than $50,000 of business personal property would only pay tax on amounts over $50,000. This is important to restaurants because it will reduce your personal property tax liability. This bill will be heard in the House State, Veterans, & Military Affairs Committee.

Marijuana Consumption Clubs

\(\text{= Senate Bill 63 by Sen Marble (R-Mead)}\)

would create rules for marijuana consumption clubs in the State of Colorado. These clubs would have the ability to sell marijuana to patrons for consumption on the premises. A business could only apply for this license if the local voters approved the licensing of these clubs on the ballot for their jurisdiction. The bill would not allow these clubs to sell alcohol or food prepared on the premises. This bill will be heard in the Senate Business, Labor, and Technology Committee.

Hotels Selling Wine for Takeaway

\(\text{▼ House Bill 1084 by Rep Melton (D-Aurora)}\)

would allow a restaurant in a hotel with a Hotel and Restaurant liquor license to sell up to 4 bottles of wine, sealed, for off-premise consumption. A business could only apply for 4 of these new permits in the State of Colorado. A restaurant with a Hotel and Restaurant liquor license outside of a hotel would not be allowed to apply for this permit, which is why the CRA is opposed. This bill will be heard in the House Business Affairs and Labor Committee.

PLEASE NOTE: CRA Bill Tracker is available on the CRA’s website [www.corestaurant.org]. CRA updates this list as new bills are introduced or as the status of the listed bills changes. In addition, we send out email notices and special “ALERTS” to members when we need help on issues or need you to contact certain legislators. It is extremely important that your member record at CRA contains your best contact email address. You can be sure we have it by sending your contact information to CRA at info@corestaurant.org. We promise not to share your email address with anyone. We will use it only for important CRA issues.
Music Licensing

House Bill 1092 by Rep Lebsock (R-Denver) would apply new requirements for the operation of music licensing companies in the State of Colorado. Those requirements include:

- Music licensing companies would need to register with the Secretary of State in Colorado.
- Music licensing companies would need to publish their contract rates on the Secretary of State’s website. A music licensing company would not be able to execute a contract with a restaurant or bar in Colorado without the rates being published first.
- Music licensing companies would need to publish an accurate list of the music licensed by their companies on the Secretary of State’s website.

This bill will be heard in the House Business Affairs and Labor Committee.

Eliminate Sales Tax on Nonessential Food Items

House Bill 1009 by Rep Van Winkle (R-Highlands Ranch) would have reinstated Colorado sales and use taxes exemptions for nonessential articles sold to restaurants and bars intended for human consumption or to be given to customers. This would include paper goods, single use condiments, to go containers, and more. This is important to restaurants because it would have reduced your sales and use taxes. This bill was postponed indefinitely in the House State, Veterans, & Military Affairs Committee.