

# Today's Restaurant

THE FOODSERVICE INDUSTRY AUTHORITY

VOLUME 27

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## Redesigned Florida Restaurant & Lodging Show runs November 1-3 at Caribe Royal in Orlando

Orlando, FL – Registration is now open for the all-new Florida Restaurant & Lodging Show (FRLS) to take place November 1-3, 2022 at the Caribe Royale Resort in Orlando. Education will be a key component of this new event with leading subject matter experts providing relevant content in four brand new Education Summits focused for independent operators, multi-unit and chain operators, food-service and technology solutions. There will also be pre-conference workshops, that delivers a deeper dive into the most critical topics for lodging industry professionals, along with a Restaurant Inflation (Recession) Battle Plan. Topics to be covered throughout the education program will include technology, trends and hot concepts, HR/staffing, marketing, operations, financing/budgeting, leasing, menu, legal/compliance, private label, health/healthy food products, wellness, sustainability, etc.



"We are looking forward to bringing the industry back together in an all-new environment. We know the needs of a hospitality provider differ depending on the type of business it is. The new Education Summits will be offering timely content for Independent

Restaurants, Multi-Unit / Chains, Business & Institutional Foodservice & Lodging, and Technology," explained said Rita Ugianskis, Vice President, Clarion Events Food & Beverage Group. "We invite industry professionals to take advantage of our advanced discounted rates for our Full Event Pass and register before October 31, 2022. This option provides the attendee with the full event experience including education, exhibits, and networking functions."

The event will kick off on Tuesday, November 1 from 2:00 – 4:00 pm with two pre-conference workshops. One will be on Restaurant Inflation (Recession) Battle Plan presented by Donald Burns, Founder & CEO, The Restaurant Coach. The second will be Lodging Summit presented by the Florida Restaurant and Lodging Association where industry-leading

See **FRLS SHOW** page 14

## 4 best practices to reduce hospitality's rising EPLI, EEOC exposures

By Stefan Burkey



Stefan Burkey

Employer Practice Liability Insurance (EPLI) claims have spiked since 2020, and one of the hardest-hit sectors is hospitality as conditions have created more exposures.

Hospitality's vulnerability to EPLI claims existed even before the pandemic heightened employee/employer tensions over safety and wage and harassment issues (among others).

Take harassment complaints. One study found 71% of female restaurant workers reported being harassed at least once, 44% saying they were victims of a manager or owner. The Equal Employment Opportunity Commission (EEOC) gets more complaints from restaurant industry workers than any

other. In 2021, U.S. employers paid more than \$535 million to alleged discrimination victims.

But there's more to EPLI claims than harassment: Discrimination, especially in recent years for disabilities. Wage and hour violations. Wrongful termination. Retaliation. Complaints on any of these fronts can spark an employee lawsuit, not to mention government scrutiny and possible fines for violations.

**Best practices guard against rising claims and rates**

Whatever the cause, employers would do well to fine-tune their employment practices to protect themselves from potential claims and EEOC charges and penalties. Irrespective of

See **BEST PRACTICES** page 14

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# What's Going On

## Important new products, corporate news and industry events

**White Rabbit Dessert Experience** has opened in Waterford Lakes Town Center in Orlando.



**Sambrooks Management Company, Texas-based** and owner of upcoming modern Steakhouse Andiron in Houston, 1751 Sea and Bar, The Pit Room, The Patio at The Pit Room, and Candente, announced **Louis Maldonado as Andiron's Executive Chef and Mario Da Silva as the Chef de Cuisine.** Chef Maldonado comes to Andiron from Ann Arbor, MI where he was Chef-Partner for the Pulpo Group and their three concept Dixboro Project. He graduated from the California Culinary Academy in 2002 and rose through the ranks at multiple Michelin Star restaurants including French Laundry in Yountville, Aziza (Chef De Cuisine), Mourad (Culinary Director) and Cortez (Executive Chef) in San Francisco where he led the team to earn 1 Michelin star in 2008. Chef Louis world class culinary skills along with an extremely high level of operations and team building exper-



ience to Andiron. Construction at Andiron is in the final stages, with the full wood fired kitchen in place and amazing design work from AvroKO finishing up. They expect to be open towards the end of this year.

**Florida's leading producer of custom ice creations, Ice Pro,** announced recently the relocation of their Gulf-based headquarters in Parrish, Florida to Orlando, under new ownership. Ice Pro Owners Joe and Lianne Rimer have suitably joined forces with ICEBAR Orlando Owner Thom Kerr, who has acquired the newly named Ice Professionals of Florida, which will still be operating under the known Ice Pro brand. Their team of award-winning professional ice sculptors have turned ideas, from extravagant ice creations to craft cocktail ice, into a cool shimmering reality for people all over the world. With nearly 15 years of experience carving for a wide variety of corporate and private events as well as esteemed organizations, including professional sports teams, luxury hotels, and many more. For more information on Ice Professionals of Florida, visit [www.iceprofl.com](http://www.iceprofl.com).

twist handles for easy and reliable carrying. The Load & Fold bags offer an upscale folded top security option using a customer-supplied branded label or other adhesive to seal the bag; the Load & Seal bags offer a built-in tamper-evident adhesive strip to securely seal the bag. "With demand for retail and food deliveries, along with carry-out meals continuing to soar, these paper shopping bags offer convenience, security and peace of mind for customers and business owners alike," said John Veder, Director of Innovation at Novolex. "They can be used in a wide variety of applications where tamper evidence and functionality are key. They're incredibly versatile." Information about the bags can be found online at <https://novolex.com/tamper-evident>.

the more than 70 years offers a variety of burgers, tacos, shakes, etc.

**Duro®, a Novolex® brand, is now offering their Load & Fold® Shopping Bags and Load & Seal® Shopping Bags,** tamper-evident paper bags that offer more secure transport and deliveries for restaurants and retailers. The bags feature a wide opening for easy loading, a flat bottom to keep items secure and sturdy paper



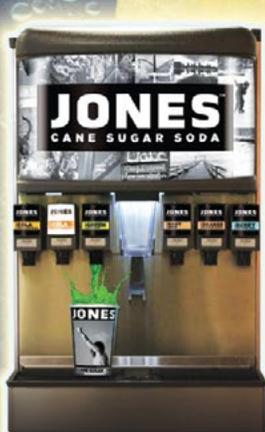
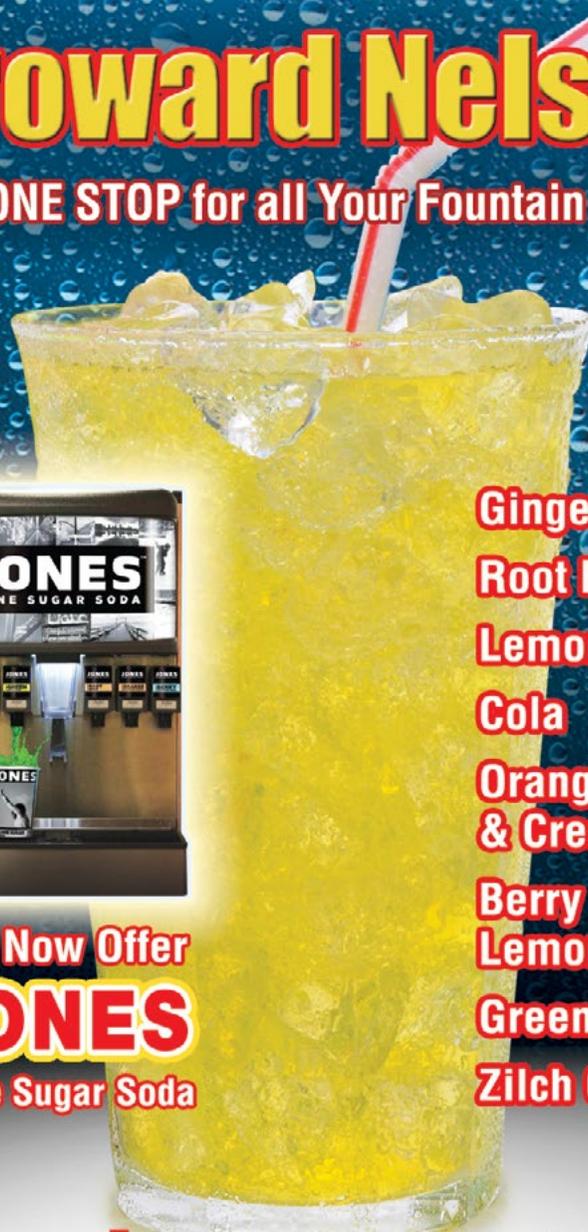
**Jack in the Box, a CA-based fast food chain,** has plans to possibly enter the Orlando area, with their restaurants. The company is seeking franchisees throughout Florida. This would be part of an ongoing expansion plan. The west coast chain in business for



Despite continued curveballs, most restaurant owners/operators are feeling either very optimistic (30%) or cautiously optimistic (60%) about their outlook for 2022 as they implement strategies that will change experiences for both diners and staff. To

See **WHAT'S GOING ON** page 10

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## Appell Pie

### The cost of inflation

Howard Appell ♦ Today's Restaurant Publisher

We all know that prices are going up across the board in our daily lives. If you are in the restaurant industry you are very aware of this now as we are feeling the effects of supply chain and staffing problems. Restaurants are facing a dilemma when they create menus and see their cost of foods increase weekly.

#### Should I Raise My Prices?

Owners are being faced with this decision and the answer is not an easy fix. Raise menu prices and you create the possibility of chasing customers away as you continue to work with smaller and smaller margins.

*Gone are the days of being served by your favorite waiter or waitress in your neighborhood go to restaurant.*

#### How Do You Overcome The Decision to Raise Prices?

Analyze your menu items and do an up to date cost study to see your position today. Analyze your sales to see which menu items can be eliminated due to supply concerns and customer non-purchasing data. No sense to continue to lose money on menu items that are not selling and cutting into your bottom line. Food waste sucks profit.

By doing a cost and sales study along with checking your walk in cooler to see how much un-used food is being thrown out due to over purchasing you can save thousands of dollars per month. That sucking sound is your profits going down the drain.

#### How to Raise Prices

Chris Rodrigue, of Strategic Supply Chain Partners, a long-time member of the Today's Restaurant News Networking Group, Chapter 1 and an industry veteran, had a very good tip

on how to achieve greater profits by raising selected items on the menus instead of across the board raises. Chris suggested that you take 25% of your menu items and raise those prices only and do this for the remaining portion of the menu each quarter. You can watch the entire episode on our YouTube Channel, Today's Restaurant <https://www.youtube.com/watch?v=MTi2M-HzHoM8&t=1882s> and hear what other members suggested and what their concerns are relating to pricing of your menu items. Subscribe to the channel and get notified when new meetings are posted. Want to join the discussion in person on Zoom? Contact us at [info@trnusa.com](mailto:info@trnusa.com) to get an invitation to attend our meeting at 9AM or 11AM every Friday.

#### Labor Costs and Robotics

Aside from supply chain problems and food costs, labor issues play a major role in menu prices and profitability. States like California are passing laws mandating minimum wage price hikes as a way to induce more workers to come back to their jobs or start a career in the industry. Foodservice jobs have always been looked at as an entry level position job for students. Wait staff is not a career many choose today like the long time servers in some of the iconic old restaurants around the country. Gone are the days of being served by your favorite waiter or waitress in your neighborhood go to restaurant. Training an employee on Monday and having them not show up for their shift on Friday is driving owners to seek new methods like employing robots to perform some of the duties usually performed by waitstaff and kitchen crews. Robots are being developed at record breaking speed to take the place of human job requirements.

Owning a restaurant today means facing a myriad of problems caused by the COVID-19 pandemic and changing economic conditions. The industry has been aware of some of these factors for years but now has to address them. Doing so now will allow you to survive the changes we all face.

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# Irfan Badibanga named new US Foods CHEF'STORE™ President

Badibanga will be responsible for all CHEF'STORE locations and the growth strategy



Irfan Badibanga

US Foods® Holding Corp. (NYSE: USFD) announced that Irfan Badibanga has joined the company as the new president of US Foods CHEF'STORE™. Badibanga will be responsible for all CHEF'STORE locations and the growth strategy to advance CHEF'STORE retail locations as part of the US Foods omnichannel strategy. He reports to Jay Kvasnicka, executive vice president of field operations for US Foods.

"CHEF'STORE is poised for tremendous growth, and I am excited to help advance an omnichannel experience that enables purchasing synergies for our US Foods broadline customers," said Badibanga. "Our CHEF'STORE locations have an unparalleled culture that enables associates to cultivate lasting partnerships with our customers, and a customer value proposition that is centered around an incomparable customer experience that emphasizes clean, easy-to-navigate stores and a consistently stocked assortment of products aligned with the communities we operate in."

Most recently, Badibanga served as Senior Vice President of Operations for at Giant Food, where he led operations for the company's chain of

supermarkets and pharmacies, managing strategic store planning and execution, customer experience, e-commerce operations, asset protection, and supply chain logistics. Prior to his role at Giant Food, he served as Senior Vice President of Operations at Family Dollar Stores where he was responsible for the oversight of 8,000 U.S. stores in 44 states.

*Prior to joining Family Dollar, he was Vice President of Operations at Walmart overseeing 33,000 associates across 105 Walmart Supercenters.*

Prior to joining Family Dollar, he was Vice President of Operations at Walmart, overseeing 33,000 associates across 105 Walmart Supercenters. Badibanga began his career as a bagger at Gooding's Supermarkets in Orlando, Fla., and quickly rose through the ranks at a variety of

supermarket chains as he refined his retail leadership expertise.

"I am pleased to welcome Irfan to CHEF'STORE," said Jay Kvasnicka, executive vice president of field operations for US Foods. "His extensive retail leadership experience and proven track record of helping advance retail excellence will be critical as we continue to invest in the growth and expansion of our CHEF'STORE business."

US Foods acquired Smart Foodservice Warehouse stores in April 2020 to accelerate growth in the cash and carry market and rebranded all Smart Foodservice Warehouse stores to US Foods CHEF'STORE in February of 2021. 

**About CHEF'STORE:** CHEF'STORE offers a customer-centric, warehouse-format shopping experience for wholesale food and restaurant supplies at competitive prices. Designed as a one-stop-shop for restaurant operators and foodservice professionals, CHEF'STORE is also an option for non-profit organizations and the public, and no membership is required. CHEF'STORE locations feature an assortment of thousands of food products including fresh meat, produce, dairy, and deli items. Customers will also be able to shop for grocery products, beverages, catering essentials, janitorial supplies, and other restaurant essentials. CHEF'STORE is owned by US Foods and offers more than 80 locations nationwide across 13 states. Visit [CHEFSTORE.com](https://www.chefstore.com) to learn more.

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Businesses that meet certain ERC requirements can get up to \$26,000 per employee in fully refundable tax credits. Even businesses that only experienced partial shutdowns or didn't experience a loss in revenue are qualified to receive the credit - which is something that many payroll processing companies are inadvertently giving incorrect advice about.

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# New restaurant-specific disaster preparation guide will help operators be “always ready”

Free tool from National Restaurant Association is first created for industry needs

Washington, D.C. – Restaurants are the cornerstones of their communities, and this is most evident in times of crisis. Restaurant operators and their employees are often the last ones out of the path of dangerous weather and often the first back after emergency crews have cleared a disaster zone.

Evaluating the disasters an operation is vulnerable to and creating a Disaster Response Plan can help to mitigate losses, prevent injuries, and help a restaurant reopen faster. To support restaurants of all sizes across the country, the National Restaurant Association has created an industry-specific disaster preparation guide, Always Ready: Natural Disasters.

“The time to plan for a disaster is before one unfolds. For restaurants, this is especially important because they meet critical community infrastructure needs in the wake of a crisis. Every location needs a preparedness plan and time set aside every year to review and update that plan,” said Michelle Korsmo, President & CEO of the National Restaurant Association. “Always Ready: Natural Disasters brings together the knowledge and experience of industry experts who have successfully guided restaurants through every part of a disaster with the aim of getting restaurants back open and serving our communities as soon as possible.”

According to the National Centers for Environmental Information (NCEI), in 2021 the U.S. experienced 20 weather disasters that exceeded \$1 billion in losses, with combined losses for these events topping \$145 billion. According to research by Munich Re, insured losses from major natural disasters in 2021 were estimated at \$85 billion. The NCEI warns that the number and cost of weather disasters in the U.S. are increasing, and according to the U.S. Small Business Administration, about 25% of businesses don’t reopen after a disaster.

The Always Ready guide provides actionable steps for any owner or operator to assess their exposure and create a disaster response plan for before, during and after a threat. The Guide includes:

- ◆ Insurance considerations
- ◆ Document backup overview
- ◆ Checklist for creating an emergency contact list and emergency supply lists
- ◆ Understanding communication methods
- ◆ Step-by-step assessment by type of natural disaster, including:
  - ◆ Earthquakes
  - ◆ Floods
  - ◆ Hurricanes and Tornadoes
  - ◆ Wildfires
  - ◆ Severe Winter Storms

- ◆ Safe cleanup protocols, and reopening recommendations

“Restaurants aren’t like other businesses – our product is perishable, and our neighbors want to gather at our tables for comfort after a disaster. So, our path to recovery must be well thought out, quick, and safe. The number and intensity of natural

disasters is predicted to get worse in the coming years. Planning now will help mitigate losses to those storms and help ensure that we can continue to be cornerstones in our communities,” said Korsmo.

The Always Ready: Natural Disasters Guide is available for free to all restaurants here. 



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# Make restaurant accounting work for you

David Scott Peters ♦ Today's Restaurant Contributor



Many restaurant owners fall into the trap of trying to do everything themselves, including bookkeeping and payroll. But what if I told you, while you might be saving hundreds of dollars each month not paying for those services, that you're probably losing thousands of dollars each month in operating expenses? Let's talk about how to manage restaurant accounting so it best serves you and your restaurant.

Many restaurant owners handle their restaurant accounting because they want to save money. For example, payroll companies can range from \$250 to \$500 each pay period. When you're paying weekly, semi-monthly, or bi-monthly, it could seem like considerable savings to do it yourself. But are you keeping up with all the payroll regulations? Are you using QuickBooks or some other software program and hoping they're going to sweep your taxes for you, that they're going to make sure

everybody got paid, that rate changes didn't happen, that there's not a data entry error? Are they going to keep track of when somebody hit their FICA/SUI limit so you can stop taking that from the paycheck? Are you going to do all that on your own, or is that a job better suited to a payroll company?

Another reason restaurant owners want to manage their restaurant accounting is to review their numbers faster. A lot of restaurant owners are working with bad bookkeepers or bad accountants, and they don't see their numbers for 30 days, 60 days, 90 days, or longer. I've seen situations where the only time a restaurant owner gets their numbers is at tax time when it's too late to do anything about them. Once you've had one or two bad bookkeepers or experiences, even if with a good accountant that just didn't treat you the way you needed to be right at the beginning, it can make you a little hesitant to trust

you'll receive better results with someone different. You think if you want something done right, you might as well do it yourself.

But if you don't have an accounting degree, you're probably messing your books up. And even if you do have an accounting degree – because I do have members who are accountants who go into the restaurant business – you're wasting your time. Yes, you know how to do all this stuff, but you're not spending your time in your restaurant wisely. So, what should you be doing to manage restaurant accounting? Here are my recommendations.

*As a restaurant owner, you have to create your plan for success, what you're going to do now.*

they take on the liability that if they file improper taxes for you, or they didn't take the right amount, or they filed wrong, the IRS screwed up, whatever it may be, they'll get in between to ensure they fix it. That removes liability from you if they make a mistake with your payroll. When it comes to taxes, that's huge all by itself.

♦ Meet with your CPA on a quarterly basis. Yes, you can use a bookkeeper or an accountant to do your books on a daily, weekly, or monthly basis, but on a quarterly basis, you should have a professional review your books. A CPA should be advising you to look at your numbers, see what your quarterly taxes should be and what decisions you might make to reduce your tax liability to make life easier for you. A good CPA should more than pay for themselves. It doesn't matter if they're charging you \$2,000, \$3,000 or \$10,000, they should be exceeding that when it comes to your taxes and looking at your business on a quarterly basis. They're an adviser.

When you do move these duties to the professionals, you and your business benefit.

♦ Make sure you hire a bookkeeper, an accountant, a combination of both, or an office that has it all. You want professionals who are going to gather all the information on a weekly basis or daily basis, make sure your bills are paid and that your books are tied out. Make sure they're advising you and helping you make appropriate changes and that you have the right chart of accounts. Your books are a report card that you can look at to understand your business and use to make good decisions to move your business forward.

♦ Hire a payroll company. They'll track the SUI limits and such along with the laws that go along with it, and they're only going to pull money from your account for taxes. This way you keep control over your money in your account or a payroll account, and some payroll company isn't using your money to make more money. But the biggest reason to hire a payroll company is

1. You will have time to work on budgets. As a restaurant owner, you have to create your plan for success, what you're going to do now. The beautiful part about great accounting is you can put your budget next to your accounting for each month and find out where you hit or missed and decide what new systems to put in place to get back on track or to change your reality. You cannot do this if you don't have good books in a timely manner.

When you budget, and you get those updated numbers, it's a simple entry, and you can proactively manage your business. When you hire someone else to do your restaurant accounting, it allows you to think strategically for your business.

2. You buy yourself time to develop, manage and hold your managers accountable. Your job is to lead the team.

See DAVID SCOTT PETERS page 13

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## What's Going On from page 3

provide deeper insight into the current and future restaurant landscape, **Popmenu** conducted a nationwide survey of 415 U.S. restaurant owners/operators in October 2021 and compiled the findings in a new report filled with must-know trends, real-life examples and a few surprises. Popmenu specializes in transformative online and on-premise technologies that help restaurants increase brand visibility, guest engagement, revenue and profitability. The company is a leading innovator in digital marketing and ordering technology that works with over 6,000 independent restaurants and hospitality groups. [get.popmenu.com](http://get.popmenu.com).



equipment makeover initiative kicked off in February of this year. Save Your Kitchen provides free Traulsen and Hobart kitchen equipment to four winning sweepstake entrants in four different sweepstakes throughout the year. "There are so many deserving schools who enter our sweepstakes every year so we know that the need is great for new equipment that makes their jobs a little easier," said Hailey Elting, Business Development Manager and K-12 Specialist at Traulsen. "We want to give them outstanding equipment that will help their productivity, keep food safe and satisfy hungry students."

### South Florida Restaurant News:

**Chicken Salad Chick** has just opened up at 7925 Dani Drive in Fort Myers Village Walk, in Ft Myers. It is owned and operated by new franchisees Kendal Potesta and Scott Pace.



Derek Kaplan

Former Miami firefighter and Division-1 football player, pie-lover, and dessert extraordinaire, Derek Kaplan has opened an award-winning shop from scratch, **Fireman Derek's Bake Shop**. Located in Ft Lauderdale, it is his 3rd restaurant.

Making cotton candy just became even more entertaining thanks to Gold Medal's newest cotton candy machine accessory, The Show LED Light Kit (#2887). Now, **Cotton Candy Machines** can attract attention with a bright, colorful display. **The Show** offers an eye-catching, multi-colored light show experience that can be enjoyed either indoors or outdoors in low lighting. This is a new and creative way for operators to join in the glow-in-the-dark cotton candy trend. Equipped with an inline

LED strip that fits conveniently on the cotton candy machine base, operators can illuminate the spinning of the cotton candy with multiple color modes, strobing or static effects, and an adjustable speed and brightness. A simple three-button controller makes it easy to operate. President of Gold Medal,

James Beard "Best Chef: South" finalist and *Food & Wine* "Best New Chefs in America" alumnus **Chef/Partner Brad Kilgore** will team up with **Bar Lab**, the trend-setting culinary and cocktail collective helmed by Gabe Orta and Elad Zvi to open a signature restaurant, **MaryGold's**, at **Arlo Wynwood**. The new restaurant is located on the ground floor of the all-new, nine-story hotel at 22 NW Miami Ct, in Miami.



(L-R) Chef Brad Kilgore with Elad Zvi and Gabe Orta

The Florida-inspired brasserie will showcase approachable but refined fare along with a unique cocktail program. Additional food & beverage outlets will include a cocktail-centric third-floor lounge, as well as a bustling rooftop deck. Photo by Roberto Genao.

Adam Browning says, "Customers want an experience they can't get anywhere else. The Show is an affordable way to enhance any cotton candy machine operation. It is an interactive fun factor that attracts the customers' attention."

**ITW Food Equipment Group** announced the third winner of the **Save Your Kitchen 2022** campaign sweepstakes that took place in honor of the School Nutrition Association's Annual National Conference recently. Canutillo Independent School District based in El Paso, Texas, won by random selection, the third and largest of four sweepstakes for 2022. This seventh iteration of the popular K-12 kitchen

Dynamic Restaurant Holdings, the company that operates pizza franchises **Happy Joe's Pizza** and **Ice Cream sought federal bankruptcy protection earlier this month**. The company blamed its issues on the lingering impact of the COVID-19 pandemic as well as high labor and food costs. It filed for Chapter 11 bankruptcy protection and hopes to close company stores. Dynamic operates six Happy Joe's locations and franchises more than 30 additional units, according to federal court documents. There were 42 Happy Joe's locations at the end of 2021, nine of which were corporate restaurants, according to data



See **WHAT'S GOING ON** page 14



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# Mantis launches line of “BBQ sauces to save lives”

New York-based **Mantis BBQ** announced the launch of their line of “BBQ sauces to save lives”— combining passion with purpose and continuing the trend of food companies supporting social causes. Mantis BBQ’s mission: to support artificial kidney development by donating 10 percent of sales to **The Kidney Project**, a national research and development initiative led by **Shuvo Roy, PhD**, a professor of bioengineering at the University of California, San Francisco.

Mantis BBQ, a family-operated business with two decades of R&D, specializes in producing small-batch BBQ sauces that are well balanced, with just a bit of zing. Delicious with anything cooked on the grill, smoker and more, the sauces can be used as marinade, as a chili base, on pizza or pasta, and even as a dip with chips. The line includes:

- ◆ **Mantis Original** - well balanced and smooth, with just the right amount of zing to wake up your taste buds
- ◆ **A Whisper of Chili** - The recognizable Mantis BBQ flavor, amped up with the addition of Korean Chili paste and chili flakes for a warm sensation on the roof of the mouth and back of the tongue
- ◆ **Hint of ghost pepper** - With a special blend of peppers featuring “haunted ghost,” this sauce is our



hottest, yet still retains our unmistakable flavor profile. Feel tough without overheating!

The company plans to present the entire line of Mantis BBQ sauces at the Winter Fancy Food Show in Las Vegas, January 15-17, 2023.

Notes Mantis BBQ co-founder Andy Mantis: “Like many other cottage industry food startups, we’ve been continually refining our BBQ sauces through the discerning palates of our family and friends for over 20 years. Not until we encountered a life-changing incident with our son did we plan to market it. Our crash course in the devastation of kidney disease inspired us to take an all-hands-on-deck approach to getting the product out there

*Over 100,000 Americans are waiting for a kidney transplant, but just over 20,000 transplants are performed each year.*

and simultaneously raising awareness of a cause that could impact the lives of millions of people.”

Over 100,000 Americans are waiting for a kidney transplant, but just over 20,000 transplants are performed

each year. And they often don’t last forever. Andy Mantis and others have become aware that a permanent solution exists in the development of an artificial kidney, now only a few years from human trials.

The mission of Mantis BBQ is not only for the BBQ sauce to be part of the wonderful experience that only food can create, but also to raise awareness and funding for development of an artificial kidney, with 10 percent of sales going to The Kidney Project at the University of California, San Francisco, where development of this artificial life changer is underway.

Notes Shuvo Roy, PhD, bioengineer and technical director of The Kidney Project: “Our project aims to offer the hundreds of thousands of individuals facing kidney failure a freer lifestyle, one that offers better health, more mobility, and a less restrictive diet – including the ability to enjoy Mantis BBQ sauce. We have mostly outgrown conventional grant funding, so working with Andy and the team at Mantis BBQ provides a welcome boost in raising the \$10 million we need to progress toward clinical trials of the artificial kidney.”

Concludes Andy Mantis: “Mantis BBQ is mission driven. As you savor the spicy sweetness of Mantis BBQ sauce, know that you’ll be sweetening the odds not only for our son, but also for so many others in need of a kidney.” MantisBBQ.com.

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# The hidden costs of restaurant employee management

Turnover is very high resulting in the SUTA rate increase

Charles Argenbright ♦ HR Exec and the Professional Employer Organization PEO



**State unemployment taxes.** You can be as low as about .20 cents per 100 dollars of payroll and that is collected in this state on just the first \$ 7000. Of earned income. Then it caps. Then you start over every Jan 1.

A new business will start at \$ 2.70. If you are at 2.70 then you pay \$ 189.00 a year on each employee. If you go to 5.40 you pay \$ 378.00. Many restaurants here went to 5.40 and are still there.

**Say that you have a staff of 35 employees, you probably have turnover that has you sending out 80 W-2's at the year end. That is over \$ 30,000 in unemployment taxes...** Lot of dough. They don't fight these claims because they are too busy. A PEO fights them for the owner. Also with a PEO you fall under their rated and if you have high turnover it effects their rate and not yours.

**Many restaurants have people just leave and not even pick up their last check. Most just tear the check up, but, it is supposed to be sent to the state. If the employee demands it a year or two later then the owner has an issue with taxes.**

**Workers comp is always an issue with restaurants as they have small claims all the time. Cut fingers, burns and slipping on wet floors.** Usually if

you look at their workers comp rates, most have increases on their mod rate. They call that a "consent to rate" and they just increase the multiplier. A 1.0 mod rate means you pay the state rate. A 1.75 mod rate means you pay 175 % of the state rate. **A PEO can usually get that reduced back to a 1.0 mod.**

**There is also the FICA Tip Credit. Many owners don't apply for this and some don't know about it.**

The FICA tip credit gives some relief to employers who pay FICA taxes on tip income that was paid to their employees by someone else. The credit reduces the federal income tax of the employer by an amount based on the employer's share of FICA taxes paid on a portion-reported tips.

We see restaurant managers fire servers for being slow and cooks for complaints and then when they do get taken to task they have no written policies, no handbook, no acknowledge form signed by the employee, I-9's are almost always completed incorrectly if done at all. If OSHA comes in because of an injury they always go through those things, the posters, safety manuals, etc.

Another issue is most employees have no benefits. That is a whole

different can of worms. Supplementals cost the employer nothing and those are well liked by the staff. Most are part time and can still get them. 

*About the Author:* Charles Argenbright grew up in the small town of Madison, Florida and graduated from Florida State University (go

*Seminole!* He has been living with his wife in New Smyrna Beach Florida since 1994, when he entered the HR World of co-employment. He has signed up hundreds of companies over the years, some with just a few employees and many with several hundred employees in about every state in America. You can reach Charles Argenbright at 386-299-9066.

## David Scott Peters from page 8

Make sure they know what you want done, how you want it done, how well you want it done and by when. You also need to manage all those new priorities and tasks, from manager meetings to a list of tasks you want them to get done to projects. You just don't give work to your employees and it gets done. You have to take an active role and then ultimately hold them accountable. They decide to do their job or not, and they're answerable for the resulting consequences.

3. You can also have peace of mind that things are getting done. You know your numbers are getting done. You know, your managers are getting things done. You're leading your team.

By giving up accounting, book-keeping and payroll, you buy back time to focus on your business. It may cost you hundreds of dollars each month, but by leading your team and becoming the leader your restaurant needs, you're saving hundreds of thousands of dollars a year because you're executing your plan, ensuring you make changes when necessary to make sure you make the money you deserve and have managers in place to run the business. So instead of doing the work, outsource the task and then use those numbers to lead your business forward. 

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# FRLS Show from page 11

experts will discuss all things relating to the lodging industry with resources and insights to successfully run an establishment.

On Wednesday, November 2 and Thursday, November 3 there will be four Education Summits offering dozens of sessions. While the education program is organized into Summits, participants are free to select from content across all Summits – ensuring participation in sessions that meet their needs, regardless of business type. For details about the full program, click here.

◆ **The Independent Operators Summit** will offer leading subject matter experts will dive deep into important topics focused on inventory management and pricing; strategizing how to keep customers coming back to staffing, hiring, and training. Sessions will include Hacking the New Normal, How to WIN the Hiring Game, Leasing Restaurant Space, Crafting Culture, Solving the Time Problem, Maintaining Quality with Recessionary and Inflationary Pressures, and more.

◆ **The Multi-Unit and Chain Operator Summit** - The education will focus on researching in-house vs. third-party delivery, ghost and virtual kitchens, how to leverage customer data, sourcing and retaining talent, and more. Sessions will include Six Marketing Mistakes, Restaurant Leadership Post Covid, Controlling the Domino Effect, Beyond Avocado Toast – Wake up any Menu, How to Increase Profits, and more.

◆ **The Foodservice Summit** - Looking to better address micro-markets or menu variety, foodservice or dietary needs feeding those in educational, medical, corporate or lodging dining environments, this program will provide the answers. Sessions will focus on Hemp-The New Green, Including Affordable Menu Items in Foodservice, Schools and Institutions, Best Practices in Lodging Post-Pandemic, Women in Hospitality, The Beverage Edge and more.

◆ Hear from leading technology experts in the **Technology Summit** providing dedicated educational offerings addressing the needs to navigate today's technology landscape – from mobile payments to delivery and ghost kitchens, AI and machine learning, and building an effective tech stack, and more. The sessions will include The State of Technology in Food & Beverage, Collecting Guest Data to Drive Revenue, Digital Table Touch Secrets, the State of Off-Premise Ordering and more.

The expo hall will offer a diverse and curated collection of products and services, high production demonstrations, competitions and awards, wine & spirits, and much more. Special events will include a breakfast keynote, general session, lunches with peer-to-peer networking, receptions, awards, fundraiser and through separate registration, the FRLA Gala.

Registration is now open at [www.flrestaurantandlodgingshow.com](http://www.flrestaurantandlodgingshow.com). Full Event Pass registration is recommended to participate in the full event experience, including education, exhibits, and networking meals. Advanced registration discounts are available until October 31, 2022, with the Full Event Pass available for \$300, Exhibit Hall only passes for \$50, and pre-conference workshops for an additional \$79. All pricing goes up to \$350, \$75 and \$99 respectively on-site. FRLA Members receive a 20% discount off Full Event registrations, and up to three free Exhibits only passes. To receive member benefits, please be sure to register using an FRLA Member ID number on the first page.

The Florida Restaurant & Lodging Show is sponsored by The Florida Restaurant and Lodging Association (FRLA), Florida's premier non-profit hospitality industry trade association. Founded in 1946 as the Florida Restaurant Association, FRLA merged with the Florida Hotel and Motel Association in 2006. FRLA's more than 10,000 members include independent hoteliers and restaurateurs, household name franchises, theme parks and suppliers. The association's mission is to protect, educate and promote Florida's \$111.7 billion hospitality industry which represents 1.5 million employees. Dedicated to safeguarding the needs of the membership, FRLA provides legislative advocacy to ensure the voices of its members are heard and their interests are protected. The association offers regulatory compliance and food safety training through SafeStaff® and FRLA's subsidiary, RCS Training. The FRLA Educational Foundation provides industry-developed, career-building high school programs throughout the state. **TR**

**About Clarion Events:** Clarion Events operates over 180 events in 50 countries from 15 offices in the UK, the US, South Africa, Brazil, Germany, Singapore, UAE, Indonesia, Hong Kong, and the Netherlands. Clarion can trace its roots back to 1947 and takes great pride in being one of the oldest independent event organizers in the UK. More recently the firm has developed an international portfolio of brands and now has interests in a number of global vertical industries including energy, security and defense, hospitality, electronics, technology, fashion, retail, gaming and marketing. The teams at Clarion create uniquely effective and stimulating environments that can serve as a platform to build businesses, enhance customer relationships and accelerate product awareness. [us.clarionevents.com](http://us.clarionevents.com).

Registration is now open for  
the Conference and Trade Show at  
[www.flrestaurantandlodgingshow.com](http://www.flrestaurantandlodgingshow.com)

# Best practices from page 1

loss history, EPLI premiums are escalating by 10% to 25% in 2022.

Three best practices are the best defense against costly EPLI claims and potential EEOC actions and fines:

1. Open the lines of communication. When communications break down, EPLI claims tend to mount. It's critical to open the lines of communication, whether between human resources and employees, supervisors and employees or upper management and employees. Every channel of communication must be utilized to ensure employees know their options and resources and clearly state the employer's policies and their basis.

2. Formalize policies and procedures. Every organization should put its promise and expectations for how employees are treated in writing. An employee handbook is one way to memorialize them. Ideally, policies should be revisited annually to reflect legal and regulatory changes. Workers' rights and their recourses should be spelled out. Aspects include:

◆ Reporting protocols. This formalizes the process under which employees can lodge a complaint. This should include avenues for reporting, with an eye to protecting victims against retaliatory actions. Also important are the details of how complaints should be lodged (whether written or through an anonymous hotline or both), what people can expect in terms of response and when. Of course, EPLI and EEOC concerns should be defined as a matter of course.

◆ Investigation procedures. The process for investigation of complaints is also important. It should specify who performs investigations (whether HR or a third party), how they are conducted and provide a suggested time-frame for completion.

3. Training counts. Employees need

clear instruction on what constitutes harassment, discrimination or retaliation; managers need training on handling complaints. One area where training often falls short is on disability discrimination. Managers and supervisors need to understand what questions are permissible under applicable law and the requirements for providing reasonable accommodations to employees with a disability.

4. Document everything. Every employee complaint or request needs to be worked through in writing, to ensure that complete and thorough documentation (from the employer's perspective) is maintained in the file. This means that every action by the employer is followed up a verbal or written communication to the employee. At the very least, conversations should be recapped in a dated note added in real time to the file, bolstering the employer's position in the event of a lawsuit.

When workers file complaints with the EEOC, these best practices are especially important to have in place as they may immediately request a right to sue. That means the employer may not have an opportunity to investigate. Having policies and procedures in place is better than nothing.

But when the opportunity to respond is presented, employers should see it as an opportunity to really investigate. The written policies and documentation become critical to their defense. **TR**

**About the author:** Stefan Burkey is the hospitality practice leader for HUB International Florida. In this role, he oversees insurance placement solutions for owners, developers, and operators from limited-service hotels to full-scale resorts. Stefan and his team clearly understand the financial needs and exposures associated with the hospitality industry, and their singular focus has generated profound market knowledge and significant buying power for HUB clients throughout Florida and the U.S.

# What's Going On from page 10

from Restaurant Business sister company Technomic.

◆◆◆◆  
**T Club**, a non-alcoholic lounge, will open around this winter at 809 Palmetto Avenue in Melbourne. T Club will offer many varieties of teas, coffees, kombucha, kava, and kratom, and specifies that the establishment will not serve food. The latter two plant-based drinks, kava and kratom, are both medicinal in nature.

◆◆◆◆  
The Hoffmann Family of Companies, a family-owned company with more than 90 brands, through a new subsidiary of Stan's Coffee and Food Service, has signed a definitive agreement with The J.M. Smucker Co. to exclusively service and expand **Rowland Coffee Roasters'** more than

1,400 current direct store delivery clients in Florida for several years.

◆◆◆◆  
**Today's Restaurant News** acknowledging that restaurant owners have gone through tough times, is offering owners the opportunity to recover funds that were paid to W2 Employees, during the past two years of COVID-19. The ERTC program, if you qualify can help you keep your doors open. Have you applied for your **ERTC Refund** yet? If not, we will help you through the process.

Go to [trnusa.com/apply-for-your-erc-recovery-funds-now](http://trnusa.com/apply-for-your-erc-recovery-funds-now). Fill out the form and an associate will call you for a short 10-minute conversation. Get the money that you deserve with no up-front fees. **TR**

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