

WINTER 2021

# INTouch

The Official Magazine of NAMA

*NAMA Members  
Speak with One Voice  
on Capitol Hill*

*The NAMA Show 2022  
registration is now open  
at [www.thenamashow.org](http://www.thenamashow.org)!*



Winter 2021

# contents



## features

**10**

NAMA Members Speak with One Voice on Capitol Hill

**15**

NAMA Fly-In & Advocacy Summit Sponsors

**16**

NAMA Fly-In Photo Recap

**20**

Planning for the COVID-19 Vaccination Mandate

## departments

**06**

A Closer Look with Carla Balagie

**08**

News & Views with Joe Hessling

**22**

Up Close with Carly Furman

**24**

Up Close with Ben Gordon



**INTOUCH EDITORIAL BOARD**



**Carla Balakgie,**  
*President and CEO,*  
NAMA



**Joe Hessling,**  
*Founder and CEO,*  
*365 Retail Markets,*  
*Chair, NAMA*



**Mike Goscinski,**  
*Senior Director,*  
*External Affairs,*  
NAMA

**PUBLISHED FOR**

**NAMA**  
1777 North Kent Street, Suite #1010  
Arlington, VA 22209  
p. 571.349.0149  
namanow.org

**CONTRIBUTORS**

Heather Bailey, Esq.  
Carla Balakgie  
Carly Furman  
Ben Gordon  
Joe Hessling

**PUBLISHED BY**

**E&M Consulting, Inc.**  
p. 800.572.0011  
f. 952.448.9928  
emconsultinginc.com



**MANAGERS**

Caleb Tindal & Kayla Grams

**LAYOUT & DESIGN**

Haley Paulson

**COPY EDITOR**

Molly Muth

For information regarding advertising, please contact us at [advertising@emconsultinginc.com](mailto:advertising@emconsultinginc.com) or 800.572.0011 x8005.

**Please note:** Editorial and contents of this magazine reflect the records of the National Automatic Merchandising Association (NAMA). NAMA has done its best to provide useful and accurate information, but please take into account that some information does change. E&M Consulting, Inc., publishers, and NAMA take no responsibility for the accuracy of the information printed, inadvertent omissions or printing errors. We take no responsibility regarding representations or warranties concerning the content of advertisements of products/services for a particular use, including all information, graphics, copyrighted materials, and assertions included in the advertisements. The reader is advised to independently check all information before basing decisions on such information. Any views or opinions expressed in this publication are those of the authors and do not necessarily reflect the views of E&M Consulting, Inc., publishers.



# ~~Fighting~~ Winning The Good Fight

Carla Balakgie, President & Chief Executive Officer of NAMA

*We will seek to turn mandate to advantage and benefit from shared goals.*

**R**ecently we wrapped up NAMA's annual Fly-In & Advocacy Summit in Washington, D.C. It was another amazing event full of insight into policy development and the impact policy has on the industry.

Listening to the conversations among providers of convenience services about shared challenges and opportunities, I was once again struck by how many areas of jurisdiction, both legislative and regulatory, affect their businesses. It also reinforced the necessity of proactive, beneficial advocacy work on behalf of the convenience services industry.

## Compliance Woes

An example of a regulation having an adverse impact on the industry is the COVID-19 vaccine mandate. At the time of this writing the mandate is active, requiring (in brief) the vaccination of all employees (or regular COVID-19 testing for unvaccinated employees) at businesses with more than 100 workers.

The legality of the vaccine mandate is being challenged, and its future is uncertain. Even if eventually revoked, impacted companies have prepared for compliance, which is complex and difficult, especially for small businesses. The burden of proper record keeping, analysis of what companies are responsible to pay, what exceptions exist, legal and risk mitigation actions and reporting requirements all place undue pressure on these businesses at an already difficult time.

The threat of vaccine mandate requirements arrives at a time when we face an already stressed labor market. Operators are being forced to pay well over minimum wage to compete for even entry-level workers.





***“This next level of advocacy play goes to the heart of NAMA’s mission — to protect and promote the advancement of the convenience services industry.”***

In his column, NAMA Chair Joe Hessling rightly posits that a long-term solution to labor and efficiency challenges involves technology and automation. To that I will add skills and technical training, as well as workforce development, which positions the convenience services industry as an attractive employment opportunity. But none of these will alleviate the acute pain that is happening to small business owners right now.

If that wasn’t enough, the challenges of operating in the current environment bring to the forefront another issue NAMA has been actively championing for several months — the Employee Retention Tax Credit, or ERTC.

I’ve written before about the ERTC, so I will simply say that many operators were using it as a lifeline to keep employees on the payroll as revenues fell and expenses rose throughout the pandemic. As of November 2021, the ERTC was eliminated for the last quarter of the calendar year with no accommodation or guidance for business owners who had built it into hiring assumptions, operating ratios and financial projections taking advance tax credits.

NAMA was the first to bring this ERTC issue to light. When others conceded to bigger policy objectives, we refused to give way. Eventually other large industry groups such as the National Association of Manufacturers and the National Restaurant Association joined our David and Goliath fight to save the ERTC. And we continue to refuse to accept

defeat, with hopes of finding additional legislative solutions to protect the funds promised through the ERTC and that operators counted on.

It’s imperative that we continue to fight these and other battles immediately in front of us as a core part of NAMA’s advocacy work for the industry. These examples also illustrate the vital importance of NAMA’s goal to get ahead of government-generated intervention and to create a legislative and regulatory environment favorable to the industry.

### **Transformative Advocacy**

Our goal is simple: ensure that NAMA members enjoy conditions and accommodations to manage compliance without eroding operating profits and which promote the retention and growth of their businesses.

How will we do this? Through a more transformative advocacy agenda. We will seek to turn mandate to advantage and benefit from shared goals. The convenience services industry has been, and continues to be, on the forefront of many issues such as health and wellness and sustainability.

If regulators want our industry to use energy-efficient machines, then help us develop them. Provide incentives and credits to offset the costs of adoption and implementation.

Wellness is a goal shared by government, insurance companies and employers alike. We will seek to create advantages, tax breaks, concessions and other types of support for our industry from these stakeholders for being early adopters.

The tactics will vary. The results will not — preservation and growth of the industry’s value proposition. This next level of advocacy play goes to the heart of NAMA’s mission — to protect and promote the advancement of the convenience services industry.

### **Building Rome**

Rome was not built in a day, nor are the benefits that accrue from the transformative advocacy program described above. It will take some time to realize the full manifestation of these efforts. Meanwhile, NAMA is going to keep on fighting — and winning — the good fight for you. That is what we did at the recent Fly-In & Advocacy Summit and continue to do every day through our evolving advocacy work. We form vital relationships, fight for financial advantages and ensure that our industry has fair and beneficial status in Washington, D.C. and beyond.

To the victor go the spoils. We are in it to win it for you! 🏆



# Automate for Future Success

*Joe Hessling, NAMA Chair, Founder and CEO 365 Retail Markets*

*Technology is the path to future success.*

**L**abor is one of the biggest issues in the convenience services industry. The aging workforce, flat wages, financial assistance programs and other factors make it challenging to find employees to serve existing customers, not to mention potential business.

The labor shortage is happening at the worst possible time because there is a tailwind of new opportunities coming out of the pandemic. More and more companies are looking for expertise in self-service and automation, our specialty. This presents enormous growth opportunities for operators if we can find a solution. I think that solution involves automation technology. It's all around us and is used to save time and money in many areas of our lives. It only makes sense to use it to help solve the labor crisis.



### Leverage Existing Automation Technology

There was a time when we had to manually add columns of numbers and draw graphics on graph paper to measure business success. Today, spreadsheets and automatically generated charts and graphs are the norm. These technologies have automated manual processes that took a lot of time. And time is money.

Every day, more technology is released aimed to automate frequent and simple tasks. I recently learned about one called Zapier, which is an app that connects online programs. It can create spreadsheets from forms or automatically add personal to-dos based on company project management updates. Taking advantage of this type of automation will give leaders an edge. The same is true for industry-specific automation technology such as remote monitoring, dynamic scheduling and picking systems.

### Invest in the Missing Pieces

Most operators have invested in some type of technology, whether it is a vending management system or vending machines with remote monitoring through cashless devices.

Now is the time to look at what technology is available to fill in the gaps. How will this help with a labor shortage? A

*“Fill in the missing pieces and put yourself in a better position to meet the demands of today and tomorrow.”*

vending management system paired with good routing software will allow one driver to stock and manage more locations. Thus, an operator will be able to handle more business with his or her current staff.

A warehouse picking system is so efficient that orders can increase without the need for more time or more people. Adding remote monitoring automates the inventory process at a machine, cutting service time substantially. Examine the technology chain in your business. Fill in the missing pieces, and put yourself in a better position to meet the demands of today and tomorrow.

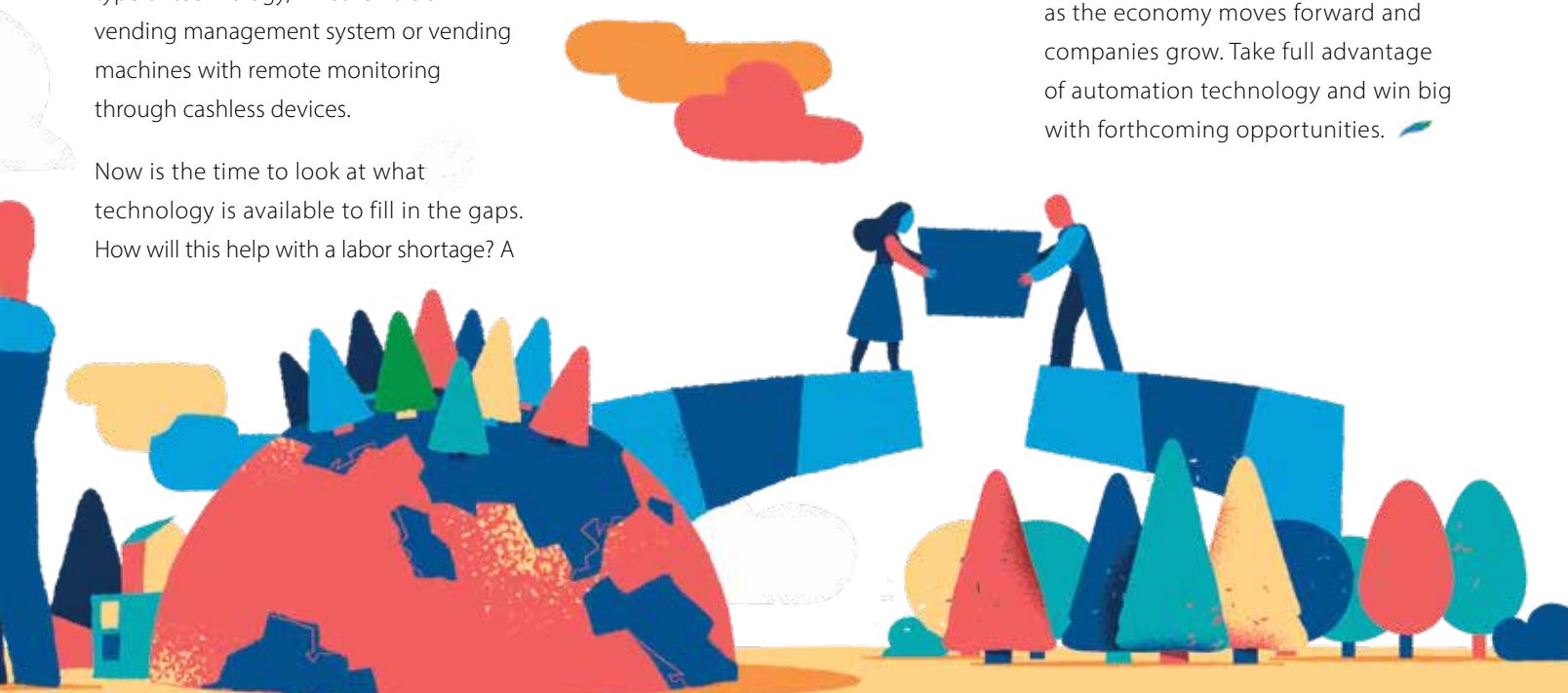
### Hire a New Type of Employee

While I believe automatic technology can help solve our current labor issue, adopting

it does come with some changes. Instead of warehouse workers and delivery drivers, the industry will need to start hiring technology savvy workers. Operators will need employees with technical understanding and backgrounds in security. Safeguarding data will be paramount. Fortunately, the technology sector offers many candidates with these skills.

### There Will be a Recovery

Technology is the path to future success. Already there is a push from society for more automated solutions — self-serve dining at workplaces, smart lockers and AI-powered cashier-free shopping. This is our core business. We have the expertise to fill this need, especially as the economy moves forward and companies grow. Take full advantage of automation technology and win big with forthcoming opportunities. 🌿







## NAMA Members Speak with One Voice on Capitol Hill

*More than 80 meetings held with members of Congress during the NAMA Fly-In & Advocacy Summit*

**N**early 100 NAMA members traveled to Washington, D.C., in November 2021 to engage in more than 80 meetings with members of Congress during the NAMA Fly-In & Advocacy Summit.

“This event was an opportunity for NAMA members to give lawmakers perspective and context about their businesses and the impact they have in home districts,” said NAMA Senior Director of External Affairs Mike Goscinski. “As our

economy emerges from the pandemic, the convenience services industry is eager to fully get ‘back to it.’ In our many Capitol Hill meetings, we helped lawmakers understand the challenges businesses in their states and districts are encountering and how Congress can clear a path to recovery.”

This Fly-In included more face time with members of Congress than ever before, thanks to a full day of in-person meetings across Capitol Hill and virtual meetings conducted from a command center in the nearby Capitol Hill Club.



“Advocacy is a cornerstone of NAMA, and during the last 20 months we have seen the results,” said Joe Hessling, President of 365 Retail Markets and Chair of the NAMA Board of Directors. “Working together is something our industry — convenience services — does very well. The strong member participation in this event is proof of that, and when speaking as one, we can make a big difference for the industry.”



*NAMA Chair Joe Hessling highlighted the importance of NAMA member meetings with members of Congress to influence policy.*

The NAMA Foundation Economic Impact Study played a central role as a vital resource for meetings with members of Congress.

“This important data is segmented by state and congressional district so that our industry’s impact is easily understood,” explained Josh Rosenberg, Chief Executive Officer, Threeboysstrong Business Consulting LLC, Chair of the NAMA Foundation and Past NAMA Board Chair. “NAMA members were able to update members of Congress on the economic impact, number of jobs and taxes paid within their congressional districts. This information was vital to telling our story at the level needed in these meetings and gave us added credibility.”

***“The experience with the Capitol Hill event and the whole government process is wonderful and something I recommend for every business leader.”***

**—John Hickey, Success Consultant and Co-Founder, Tech 2 Success**



*NAMA Foundation Chair Josh Rosenberg emphasized the importance of data in the NAMA Foundation Economic Impact Study to demonstrate the importance of the convenience services industry in the states and districts of members of Congress.*

The NAMA Fly-In & Advocacy Summit was made possible by Platinum Sponsors Cantaloupe Inc., 365 Retail Markets, The Hershey Company, Keurig Dr. Pepper Inc., PepsiCo, Vistar — A PFG Company, Avanti Markets, and The Coca-Cola Company. Many additional sponsors also supported the event, and they are all shown on page 26 of this issue.

### **The Issues Lineup**

Several critical issues dominated the agenda and were highlighted in the numerous Capitol Hill meetings.

NAMA members urged Congress to preserve fourth-quarter access to the Employee Retention Tax Credit (ERTC), tax relief funds previously set aside by Congress to offset a small portion of employee wages — \$193 million for the convenience services industry. Even with ERTC assistance through the first three quarters of 2021, NAMA estimates

that nearly one in three (28.7%) convenience services industry jobs was lost due to the COVID-19 pandemic.

However, the Infrastructure Investment and Jobs Act passed last fall disallowed this credit for the fourth quarter of 2021. But NAMA’s continuing advocacy for preservation of the tax credit helped introduce the Employee Retention Tax Credit Reinstatement Act in early December with bipartisan sponsorship from Rep. Carol D. Miller (R-W.Va.), Rep. Stephanie Murphy (D-Fla.), Rep. Kevin Hern (R-Okla.) and Rep. Terri Sewell (D-Ala.).

Beyond ERTC, NAMA members also asked Congress to help mitigate ongoing post-pandemic challenges, including those related to labor shortages, supply chain disruptions and a vaccination mandate.

Another priority was urging members of Congress to sign onto the Coin Metal Modification Authorization and Cost Savings Act, which requires the U.S. Mint to collaborate with industry stakeholders on any future coin metal composition changes to ensure a seamless transition into the marketplace.

Educating lawmakers about the industry’s voluntary public health commitment to substantially increase the proportion of “better for you” offerings in vending machines was also a point of discussion in Capitol Hill meetings.

**“Our meetings with elected officials — from both sides of the aisle — are timely and an important opportunity to share the strength of your businesses, put a face to the industry, and explain the impact that decisions made in Washington have on your ability to operate.”**

**—Joe Hessling, President of 365 Retail Markets and Chair of the NAMA Board of Directors**



*Patrick Cuddy, Senior Advisor, Department of Treasury: United States Mint speaks to NAMA members.*

### **Members of Congress Speak to NAMA Members**

A breakfast briefing led by NAMA Senior Director of External Affairs Mike Goscinski and Senior Manager of Federal & State Affairs Robert Jackson at the Capitol Hill Club featured visits from two members of Congress.



*NAMA government affairs executives Mike Goscinski (left) and Robert Jackson (right) briefed NAMA members on key issues at the Capitol Hill Club immediately before the meetings with members of Congress.*

U.S. Rep. Mark Amodei (R-Nev.) briefed NAMA members on the Coin Metal Modification Authorization and Cost Savings Act, which he co-sponsored. NAMA members highlighted the need to pass this bill in their Capitol Hill meetings.



*U.S. Rep. Mark Amodei (R-Nev.) provided background on the coin shortage and modification issue to NAMA members.*

In early December as this article was written, the Act had passed the U.S. House of Representatives and was on its way to the U.S. Senate for consideration.

The legislation is projected to save millions of taxpayer dollars every year. By changing the composition of coins, the U.S. Mint can produce coins at a lower cost while integrating them seamlessly into the current coin supply. Making even a slight alteration to the composition could save the federal government \$48 million over the first 10 years.

Also at the breakfast, U.S. Rep. Joe Wilson (R-S.C.), spoke out against high government spending and warned of higher prices ahead for many goods and services if the Build Back Better Act were to become law.



*U.S. Rep. Joe Wilson (R-S.C.) spoke to NAMA members at the Capitol Hill Club on the morning of their day visiting Capitol Hill.*

### **In-Depth Issue Briefings**

NAMA members were well-versed in policy positions following a half day of in-depth issue briefings before they visited Capitol Hill.

Chuck Reed, Vice President & General Manager of Vending, Crane Payment Innovations, began the briefings by introducing a panel of speakers from the U.S. Mint, who addressed the ongoing coin shortage.

He noted that an unexpected consequence of COVID-19 was a shortage in supply and access to coin currency, which was explained and



analyzed by U.S. Mint executives Patrick Cuddy, Senior Advisor to the Office of the Director; Richard Robidoux, Division Chief, Engineering and New Technology; and Jennifer Warren, Director of Legislative and Intergovernmental Affairs.

Sean Feeney, Chief Executive Officer, Cantaloupe, introduced Heather Bailey, Partner at SmithAmundsen, who gave a complete rundown of the Biden administration's emergency rule mandating vaccines for federal contractors and the OSHA Emergency Temporary Standard requiring employers with 100 or more employees to ensure their employees are vaccinated or require them to submit to weekly testing.



*Heather Bailey of SmithAmundsen analyzed all aspects of the Biden administration's vaccine mandate rules.*

Patrick Hatcher, President & Chief Operating Officer, Vistar, introduced Tom Sullivan, Vice President of Small Business Policy at the U.S. Chamber of Commerce, who analyzed the ongoing hiring woes and labor shortages facing a range of industries, including convenience services.

Sullivan told NAMA members that there is no higher challenge for a small business than a worker shortage, noting that 15 million small businesses have an unfilled job opening and only 36%

of that group are actively engaged in recruiting. "That tells me that a lot of small businesses have given up," Sullivan declared. "Money spent on recruiting is not producing anything."



*Tom Sullivan of the U.S. Chamber of Commerce reviewed a wide range of business issues facing the convenience services industry.*

### **A Growing Partisan Divide**

David Wasserman, Senior Editor, U.S. House of Representatives for The Cook Political Report with Amy Walter and an NBC Contributor, delivered a fascinating analysis of nationwide election trends and predicted a growing partisan divide and numerous Republican victories in U.S. House races in 2022.

Wasserman brings strong credentials to his predictions, having written an accurate preelection analysis in September 2016, "How Trump Could Win the White House While Losing the Popular Vote." In 2020 his forecast of Biden's win was correct in 49 of 50 states, missing only in North Carolina.

"You can't get much closer than the situation we have in the House right now, which is essentially an eight-seat Democratic majority," Wasserman observed. "One prediction I can make is that regardless of what happens over the next year, America's partisan and cultural distancing will continue to widen."

Inspired by a column Charlie Cook wrote in the *National Journal* in 2014 comparing the voting patterns of people who lived near Starbucks versus Walmart, Wasserman built on this analysis by discovering that today's biggest political divide is between voters who live near Whole Foods stores versus Cracker Barrel restaurants.

He found that about 80% of voters who live near a Whole Foods voted Democrat in 2020, while about 80% of voters who live near a Cracker Barrel voted Republican. He explained that this 80%-20% divide in these areas was exponentially larger than earlier splits in similar analyses, which reflected a 25-30% gap as opposed to the 60% gap in 2020. "This is simply a proxy for the urban versus rural divide," he said.



*David Wasserman of The Cook Political Report with Amy Walter provided an insightful analysis of election data to predict a rise in Republican election victories in 2022.*

Turning to the coming 2022 elections, Wasserman noted, "History tells us to expect Republican majorities in 2023. The average loss for a party in the White House is 26 seats in the House and two seats in the Senate two years into a president's term. We could be on track to exceed them at the current juncture." 🦋

***“Your voice is helping to strengthen critical relationships with members of Congress and helping make a difference on issues that are important to the industry. That matters now more than ever before.”***

—Tom McCarthy, Vice President of Sales & Operations, Coca-Cola Company

---

***“I find it very rewarding, and for business, it’s a great networking event, and we get to see what is going on at the federal level, which is important to us, especially coming out of COVID-19. I want to know what’s happening.”***

—Dennis Thornton, CEO, Vendedge

---

***“There are many issues that affect all of us in the industry regardless of territory or company size. We need to come together and advocate for issues including anything that might harm small businesses, which are the backbone of the convenience services industry. It is a great use of time and effort to come to Washington, D.C. and speak with one voice for our industry.”***

—Patrick Moran, Owner, Moran Refreshments

---

***“It is an opportunity to network with other people in the business. It is important to understand how government works and how we can influence how decisions are made and understand how it affects our industry.”***

—Nick Williamson, National Sales Manager, Gekay Sales

---

***“With everything that’s been happening in the country the past couple years, now is the time to be in Washington, D.C. talking to your legislators, sharing the stories of small business and the impact that COVID-19 has had on our industry and our businesses. We are in an industry that has been severely impacted by this pandemic, and they need to hear from us and what is happening to their constituents.”***

—Scott Halloran, Chief Executive Officer, Trolley House Refreshments





Rep. Carol Miller (R-W.Va.) (fourth from left) met with NAMA members (left to right) Michael Dry of Imperial, Amber Starr of G&J Marketing and Sales, Scott Halloran of Trolley House Refreshments, Rick Brindle of Mondelez, Patrick Hatcher of Vistar and Eric Dell of NAMA. Shortly after the Fly-In Miller introduced the Employee Retention Tax Credit Reinstatement Act that supported one of NAMA's highest legislative priorities.



Rep. Beth Van Duyne (R-Texas) (second from left) met with NAMA members Kristin Blake, Barcel USA (far left); Mike Rossi, Keurig Dr. Pepper Inc. (second from right); and Jason Loehman, Parlevel Systems (far right).







Members of the NAMA Board of Directors at the U.S. Capitol.



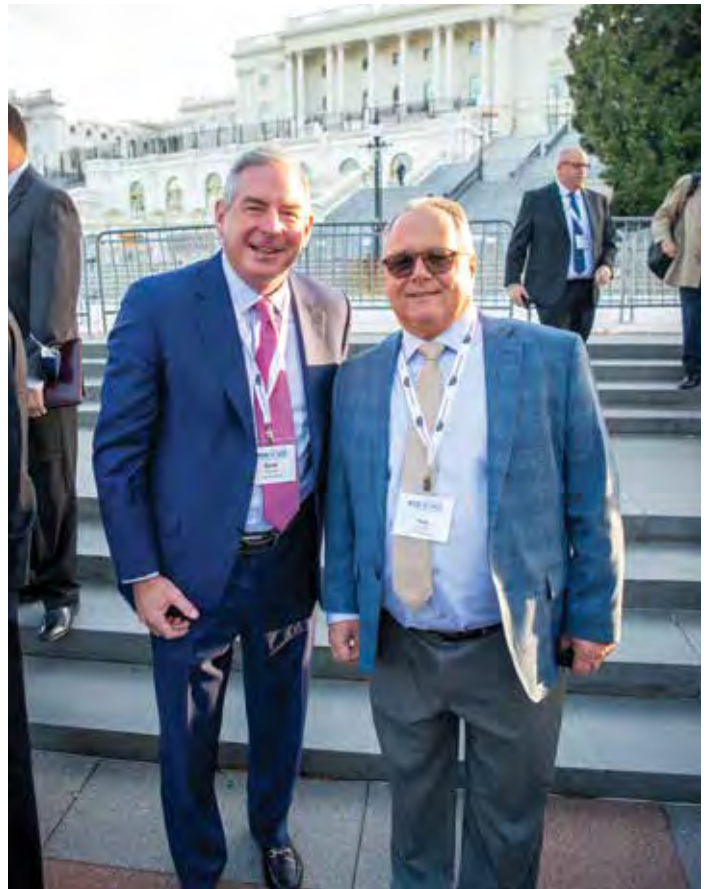
NAMA members visiting Rep. Don Bacon (R-Neb.) (second from left) included (left to right) Michael Dry, Imperial; Scott Halloran, Trolley Hospitality Companies; Rick Brindle, Mondelez; Craig Kushner, Monumental Vending; and Amber Starr, G&J.



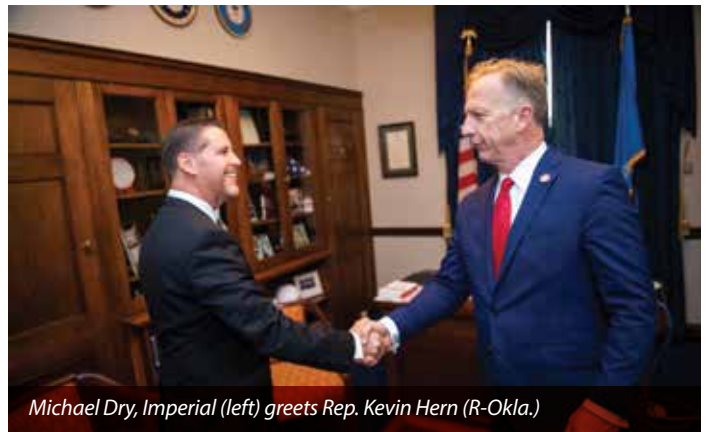




One NAMA team visiting members of Congress on Capitol Hill included (left to right) Craig Kushner, Monumental Vending; Scott Halloran, Trolley Hospitality Companies; Eric Dell, NAMA; Rick Brindle, Mondelez; Patrick Hatcher, Vistar; Michael Dry, Imperial; and Amber Starr, G&J.







*Michael Dry, Imperial (left) greets Rep. Kevin Hern (R-Okla.)*





# Planning for the COVID-19 Vaccination Mandate

By Heather A. Bailey, Esq., SmithAmundsen LLC

**T**he NAMA Fly-In & Advocacy Summit in November 2021 featured a discussion about the United States Department of Labor — through OSHA — releasing a long-awaited Emergency Temporary Standard (ETS) for private employers with 100 or more employees based on the Biden administration’s announcement of its plan in September for an employee vaccination mandate. A lot has happened in a short period of time related to this ETS.

## Background and Requirements of the Mandate

First, do you fall into the bucket of having to require your employees to get the COVID vaccination or test weekly? The 100-employee count includes part-time, temporary and seasonal employees, as well as home workers — however, employees who work exclusively outdoors and/or at home are not subject to the mandatory vaccination/testing requirements. If you’re a federal contractor, you will need to follow the Safer Federal Workforce Task Force, which can be found at [www.saferfederalworkforce.gov/downloads/Draft%20contractor%20guidance%20doc\\_20210922.pdf](http://www.saferfederalworkforce.gov/downloads/Draft%20contractor%20guidance%20doc_20210922.pdf).

Next, employers must develop, implement and enforce either: (1) a mandatory vaccination policy (which we call a “hard mandate”); or (2) a policy requiring employees to either get vaccinated or

test once a week (within seven days of working) and wear a face covering at work (otherwise known as a “soft mandate”). These must be written policies. OSHA has provided sample policies for both scenarios, which you can tailor to your organization: [www.osha.gov/sites/default/files/covid-19-ets2-sample-mandatory-vaccination-policy.docx](http://www.osha.gov/sites/default/files/covid-19-ets2-sample-mandatory-vaccination-policy.docx) or [www.osha.gov/sites/default/files/covid-19-ets2-sample-employee-choice-vaccination-policy.docx](http://www.osha.gov/sites/default/files/covid-19-ets2-sample-employee-choice-vaccination-policy.docx). For those unvaccinated remote workers who do not work in the office, they only must be tested within seven days of coming to the office.

The hard mandate policy will require exemptions for those employees for whom a vaccine is medically contraindicated, for whom medical necessity requires a delay in vaccination, or for those who are legally entitled to a reasonable accommodation



because of a disability or sincerely held religious belief, practice or observance that is in conflict with the vaccination requirement. The policy should explain what steps employees need to take in order to request such an exemption. Having premade forms for them to fill out keeps the process moving smoothly. Remember, you must review these exemption requests on a case-by-case basis.

Employers must provide up to four hours of paid leave for employees to become vaccinated and, if necessary, “reasonable time and paid sick leave” to recover from side effects experienced that prevent them from working. This means the four hours are paid by the employer and an employee cannot be forced to use their leave banks. For recovery time, employees can be required to use their leave banks for this leave, but they cannot be forced to go negative in their leave banks (requiring the employer to pick up the tab here too).

The ETS provides for all of the types of testing that satisfy the weekly requirements. However, no test may be both self-administered and self-read. So, the at-home tests will not be compliant if the employee takes and reads it at home. As for who pays for the testing, the ETS clarifies that employers do not need to pay for the test unless required by other laws, regulations, employment contract and/or collective bargaining agreement. Be sure to check your local and state employment laws where such testing would be required to be paid by the employer.

Finally, employers must obtain and keep proof of vaccination from employees. Documentation should generally include the name of the employee, which vaccine was received, name of the health-care provider and date of vaccination. A vaccination attestation may be used for an employee who lost their vaccination proof, but it should include a statement that the employee understands there are criminal penalties for providing false information. For unvaccinated employees, employers must maintain a record of each test result the unvaccinated employee is required to produce.

Additionally, employers must keep a roster of every employee’s vaccination status as well (i.e., fully vaccinated, partially vaccinated, not vaccinated, has a religious accommodation, etc.). There is no requirement to collect proof of booster shots yet. When OSHA comes knocking, you need to be able to produce this roster and your written policy and proof of vaccinations and testings. Employers must provide OSHA with access to their written policy and the aggregate number of vaccinated and unvaccinated employees within four hours of a request, and any other records and documents “by the end of the next business day after a request.” Notably, the record-keeping

requirements apply only while the ETS remains in effect. During that time, they must be treated like any other confidential medical record. This means that medical documentation should never be kept with an employee’s personnel record.

### Deadlines and Court Intervention

Originally, employers should have been preparing to provide paid time off to get vaccinated and/or recover from vaccination, and to implement face mask requirements by Dec. 5, 2021. The deadline for employees to become fully vaccinated — meaning the deadline to have received their second dose of Pfizer or Moderna, or single dose of Johnson & Johnson — was Jan. 4, 2022. However, organizations were quick to file lawsuits against the government and the ETS. An appellate court in New Orleans put a hold on the ETS. All the lawsuits were then combined into one lawsuit in an appellate court in Cincinnati. Moreover, the federal contractor vaccination mandate has been put on a nationwide hold as well by a judge in the Southern District of Georgia (as of the writing of this article).

### What Should You Be Doing While You Wait on the Lawsuit Outcome?

The best advice is to start preparing now. First, determine if you’re going to do a hard mandate or a soft one. Then, it is a good idea to get a pulse of your employees and their current vaccination status. Are you dealing with a workforce that is 90% vaccinated or 20%? You can begin preparing your roster of vaccination statuses with this information. Create your written policy now. You don’t need to implement it while the lawsuit is pending, but you will be that much more ahead of the game to hit the ground running if the lawsuit finds in favor of the government. If you’re working with a union, get their input on where they are on the vaccination mandate spectrum. Share a copy of your policy with them before implementation to determine what you’ll need to bargain. When in doubt, always contact your employment counsel or the author of this article. To get the latest on the lawsuit and its outcome, visit the blog [www.laborandemploymentlawupdate.com](http://www.laborandemploymentlawupdate.com). 🐦



*Heather A. Bailey, Esq., a Partner with SmithAmundsen LLC and a NAMA Knowledge Source Partner for over 18 years, focuses her practice on employment and labor issues for employers. NAMA members receive 15 minutes of complimentary human resources consultations each quarter. Contact Heather at 312-894-3266 or [hbailey@salawus.com](mailto:hbailey@salawus.com). A free COVID-19 Resource Center is available at [www.salawus.com/practices-covid19-task-force.html](http://www.salawus.com/practices-covid19-task-force.html) that includes the latest updates on issues affecting your vending operations.*



 **HELLO**

*I'm Carly Furman*

*CEO of North America, Nayax*

*Bachelor of Arts in economics with an accounting emphasis  
from the University of California, Santa Barbara  
Proud NAMA member*



*How did you get into the convenience services industry?*

I am a certified public accountant (CPA) and joined Nayax in 2014 as the Subsidiary CFO to help lead mergers and acquisitions (M&A) activities. Having a finance background and Nayax being a global fintech company, I became more involved in the operations, and in 2016 was presented with the opportunity to run Nayax North America.

*Give us an overview of your role and key responsibilities.*

I do a little of everything, and I love it! As the CEO of Nayax North America, ultimately all finance, sales and operations activities roll up to me. I am passionate about delivering a superior cashless product and providing top-notch support and service to our unattended customers. I have an

amazing team, and I believe my main responsibility is to help them be able to do their jobs more efficiently and effectively. I also really love connecting with our customers.

*What are the skills you use most in your career?*

I think my ability to see the big picture but still be in the details allows me to make informed and quick decisions for my team and our organization. This ability to trust my gut is crucial for us to be an agile organization!

*What are the greatest opportunities you face in your business?*

It is such an exciting and fun time to be in this business. Consumers are truly embracing the unattended purchasing experience and want to pay securely, safely and quickly with all cashless payment options. I'm fortunate to provide unattended operators the ability to do this and to grow their businesses in a transparent way.

*How has COVID-19 impacted your life and business?*

How hasn't COVID-19 impacted our lives, right? I think the cliché of "plan for the worst, hope for the best" really rings true.

Our ability to support our customers who were greatly impacted in an empathetic and compassionate way is what I am most proud of. I also think the silver lining of COVID-19 is that it forced employers to be more flexible.

*Moving forward, what are your personal/professional goals?*

Professionally, my goals with Nayax are to keep with our growth acceleration path in a scalable way that focuses on continued automation and an optimized customer journey. We also have had almost no attrition within our office this past year, and to me this means I am doing my job if our team is happy ... and happy employees make for happy customers. Personally, being a good role model for my daughters, who are 4 years old and 5 months old, and giving them quality, uninterrupted time are my main goals.

*Tell us about the most memorable work experience you have had.*

Nayax went public in May of 2021. To be part of an organization that has grown so much, yet still retains an innovative start-up mentality and customer-centric focus is exciting and something I am very proud of.

*What advice would you offer young people starting their careers in this industry?*

Do not say “no” to any opportunities presented to you. Everything is a learning experience, and all those individual experiences and bits of knowledge end up shaping your career.

*What is a favorite piece of advice you have received that has helped you in your professional career?*

You can fix 99% of decisions, but you can never get back time. I think as a leader my job is to gather information

and (in most cases) make quick decisions. Being agile and adaptable is a must to become and remain a leader in the fintech space.

*As a WIN member, in your own words, what is the value of participating in the group?*

Women in business should build each other up. We often have a unique perspective, and having each other as allies is fantastic.

*What is something about you (a fun fact) that not many people know?*

I was a competitive surfer. 🏄

***“Our ability to support our customers who were greatly impacted in an empathetic and compassionate way is what I am most proud of.”***

# Welcome! TO OUR NEWEST MEMBERS

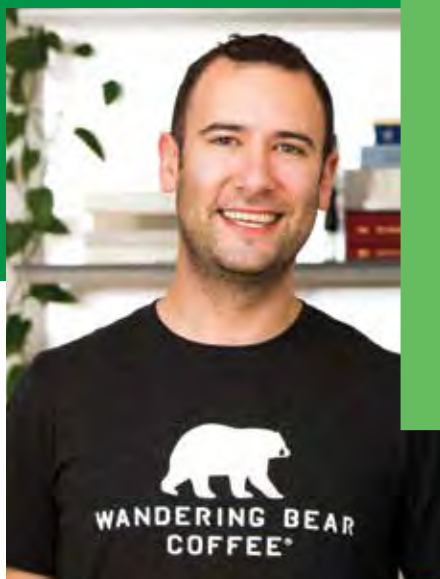
**VEND-RITE NWA**



**NUTRABOLT**

Questions? Contact NAMA’s Membership Department at 888.337.8363 or [members@namanow.org](mailto:members@namanow.org).





# HELLO

*I'm Ben Gordon*

*Co-Founder & President  
Wandering Bear*

*Bachelor of Arts from the University of Michigan; Master of Business Administration from Columbia Business School  
Exhibitor, panelist/speaker, ELN member, big fan of NAMA*



### *How did you get into the convenience services industry?*

Wandering Bear started as a cold brew subscription service for offices. We started out going direct to small- and medium-sized businesses, but it wasn't long before we were partnering with terrific office coffee service (OCS) distributors and foodservice operators to serve bigger accounts and immersing ourselves deeper into the convenience services industry.

### *Give us an overview of your role and key responsibilities.*

I oversee our wholesale sales channels, specifically our foodservice, OCS and grocery channels.

### *What are the skills you use most in your career?*

We think of ourselves as a very analytical team, and we rely on data to make

decisions. So my data analysis skills — most often applied in Excel — probably get the most frequent workouts.

### *What do you believe are the biggest challenges you face in your business?*

There are plenty, but the one on my mind right now is planning. Our challenge is to be at-the-ready, with inventory available and trucks idling, to serve office customers as soon as they return. But what that return will look like is a moving target; when people will return to offices en masse, how many people will be in the office on a given day, what products they'll want — those are all, for the most part, unknown variables. That makes planning pretty challenging, and that challenge is further compounded by the strained supply chain environment we're in.

### *What are the greatest opportunities?*

On the flip side, that planning challenge presents a great and meaningful opportunity for us to engage with our partners and customers to establish better and more transparent lines of communication and to build stronger relationships

grounded in empathy and shared experience. Like many, we've been challenged by our fair share of out-of-stock issues over the past several months, but the sense of understanding and support we've received whenever we've had to delay a delivery or short-fill a purchase order has been unbelievably uplifting.

### *How has COVID-19 impacted your life and business?*

We built up our direct-to-consumer e-commerce business, broadening our customer base and expanding our overall brand awareness in ways that will create incredible residual value for our foodservice and OCS business in the months ahead. We launched a handful of new products that are equally well-suited to either the home or office consumption occasions — adding new sizes (e.g., a one-gallon bag-in-box) as well as new flavors of cold brew (e.g., caramel, mocha).

### *Moving forward, what are your personal/professional goals?*

Professional: Build an enduring omni-channel brand around products that

I love, working with people whom I respect and admire and from whom I continually learn.

Personal: Be intentional about establishing and maintaining a healthy work/life balance. When the home and office are co-located, it takes a little extra effort to flip the switch at the end of the day, but it's so important.

*What advice would you offer young people starting their careers in this industry?*

Be wary of strangers peddling generalized advice.

*What's a favorite piece of advice you've received that has helped you in your professional career?*

See above.

*As an ELN member, in your own words, what is the value of participating in the group?*

You meet incredible people. You grow your network. And you have an opportunity to make an impact — you have a seat at the table, and the small decisions made today can and will influence how the organization evolves and functions in the future.

*What's something about you (a fun fact) that not many people know?*

I've always loved food and beverage entrepreneurship. When I was 16, and a junior in high school, I launched a local bagel delivery business; every Sunday morning for two years I delivered bagels and cream cheese to families around the neighborhood. This was 2003, so there weren't the myriad food delivery apps available today, and business was good! 🍌

***“You have an opportunity to make an impact — you have a seat at the table, and the small decisions made today can and will influence how the organization evolves and functions in the future.”***

**eppify** TACKLING COMMUNICATION HEAD-ON IN A NEW ERA. POWERED BY IBM

Eppify is an HR communication app for your business. Using Eppify simplifies communication, eliminates email clutter, saves time, and increases productivity by keeping information, policies, and contacts all in one place. Expand employee morale with more personalized connections. Try it today!

**SCHEDULE A DEMO TODAY!**  
WWW.EPPIFY.COM // 800-881-6646 // CONTACT@EPPIFY.COM

Available on the App Store  
GET IT ON Google Play

**Saverino & Associates, Inc.** **TEAM SAVERINO**

**Frank Saverino Sr.**  
Founder - CEO

Ph 630-868-2626  
Cell 708-373-4376  
800-242-6036 Ext. 626  
Fax 630-563-2812

538 Randy Road  
Carol Stream, IL 60188-2122  
FrankSr@TeamSaverino.com  
www.TeamSaverino.com

Sales & Marketing Specialists

# NAMA FLY-IN & ADVOCACY SUMMIT SPONSORS



See page 10 of this issue for complete coverage of this event.



The

**NAMA**

Show 2022

*Convenience Service*

**REIMAGINED**

APRIL 6 – 8 | MCCORMICK PLACE | CHICAGO

▶ **REGISTER TODAY!**  
[www.thenamashow.org](http://www.thenamashow.org)