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January/February 2014

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Volume 1, Issue 1

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Welcome!



Welcome to our first issue of *Premier Flooring Retailer* (PFR), the magazine created specifically for you the specialty flooring professional by the World Floor Covering Association (WFCA). We are committed to, and focused on helping you become the premier flooring retailer in your market. By providing you with industry expertise, proven best practices, and a wide host of topics pertinent to your success, we can and will have a positive impact on your bottom line.

It has been said that the successful person is simply the average person focused. When you look back at the "greats" in any sport, art, leadership, and life, you will note their ability to commit themselves to one all-consuming endeavor. The power of focus is easily underestimated, but essential to long-term success.

This past July we gathered the Executive Committee members, several members of our Finance Committee, and key staff to reestablish our focus on the opportunities likely to have the greatest impact on the flooring industry.

Having taken over as the CEO of the association three months earlier, I had been consumed with spending time listening to industry executives from all flooring categories as well as retailers, commercial flooring dealers, installers, cleaners, inspectors and all within the industry that would grant me an audience.

As a result of their feedback, we committed our efforts to determining what our primary focus as an association should be. We left that July meeting with clarity, a renewed excitement about our ability to have a lasting impact and a new purpose statement:

**The purpose of the
World Floor Covering
Association
is to ensure the success
and profitability of
professional floor covering
dealers and to protect their
common interests.**

This is not to say that we are abandoning those in the industry that do not define themselves as professional flooring dealers. It simply denotes that we recognize the specialty flooring professional dealer as the intended audience for this publication, as the hub of the wheel and the key to success for the industry as a whole.

By focusing in on the needs of the professional floor covering dealer and helping them achieve success, we are able to have a greater, positive impact on all of the various groups represented through our membership.

So, why launch a new magazine? There are multiple reasons. First, we plan to use *Premier Flooring Retailer* as a vital means of communication and a vehicle to share best practices across our entire membership base. As with any association or organization, as our membership has grown, so have the challenges of engagement. We want to be a vital partner on your road to success. *PFR* represents one of many tools we will be using to better communicate with our members and appeal to those who have not yet partnered with us.

Second, as noted in our purpose statement, we at the World Floor Covering Association are convinced that the specialty flooring retailer is the key to a resurgence of professionalism and profitability for the entire flooring industry. With that in mind, this publication is our way of demonstrating our commitment to helping you exceed your professional and personal goals.

After 43 years in the flooring industry, I feel indebted for the opportunities it has given me to excel in life. I am convinced that the individuals reading this article and publication are among the hardest working, dedicated, patriotic citizens anywhere. Like me, many of you grew up in the flooring industry. You have seen the highs and lows of an industry that is forever tied to housing and commercial business growth cycles.

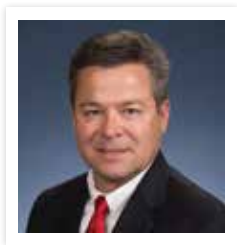
It is clear to see that we are an industry that is highly impacted by the decisions, dreams, and desires of those who live and work within the Washington D.C. beltway. It would be easy to look at all of the negative press and throw up our hands in despair. But here is the reality: Someone will succeed during these economically challenging times. Why not you? We are convinced you can, and we are committed to coming along side you and helping you each step of the way.

To our members, we thank you for your partnership and trust. Together we can and will impact this industry in a way

“The specialty flooring retailer is the key to a resurgence of professionalism and profitability for the entire flooring industry.”

that allows us all to be more profitable and our lives to be simplified. To our prospective members, I want to challenge you to join with us. For a minimal cost of joining, we will fight to remove any obstacles to your success and provide tools to make reaching your goals a certainty. Combined, our voices resonate louder on Capitol Hill and our ability to reach our target customer and meet their needs is multiplied.

Enjoy this premiere issue of *Premier Flooring Retailer*, the only industry publication that is all about you! ■



Scott Humphrey
Scott Humphrey
 CEO of WFCA

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Gimme Three Steps, Mister!

By Tom Jennings

For those who may not know me, I readily admit to being somewhat of a geek when the subject is understanding what makes a flooring customer respond in the manner that she does. I have spent the majority of my adult life engaged in floor covering retailing. Since selling my business in 2006, I have had the opportunity to see our industry from a more global point of view as an industry trainer, author and speaker. My goal on these pages in every issue is to share this unique perspective with you.

In my travels for the WFCA, I have the opportunity to visit a number of retail flooring dealers around the country. In most cases, I view their showrooms for the very first time, much like their own customers do. In doing so, I have realized that I can learn volumes about how an operation is run just three steps inside the front door, before ever saying a word to anyone.

An excellent showroom layout I recently witnessed was completely wide open and welcoming at entry. There was a 10- to 12-foot area in all directions that was completely free of displays or merchandise, leaving customer's with plenty of room to acclimate to the surroundings. The store signage was proper and professional. The lighting was both dramatic and effective. The salesperson that rose to greet me was smartly attired. Not a word had been uttered, yet I felt both comfortable and confident that this store had its act together.

Contrast this with a showroom that I had been in just a few days earlier. The first thing that greeted me there was a pile of discontinued carpet samples offered for sale at 50 cents each. They were impossible to ignore, since one stack had toppled over and I had to walk around them. I noticed that not all of the lights were operational. When I was approached, the clerk had on a golf shirt with the tail left untucked and bearing the logo of tool supplier, rather than that of his own business.

Again, not a word had yet been spoken, yet I felt totally different about the competency of this operation. The pile of samples screamed cheap. Fifty cents each may have been a good deal for a customer who needs a couple, but I think that it was very expensive for the merchant. If he sold them all, he might have generated a hundred dollars.

Compare this to the potential cost of having to reduce margins on larger sales to offset the customer's diminished perceptions. In the big picture, I believe that it may have been cheaper to donate the samples to charity. Remember that to a great extent it is you that sets the products value, not the customer.



The lights not being completely operational portrayed that this dealer either didn't notice they were off or just hadn't bothered to have them fixed. Either excuse would worry me. When I trust someone with a portion of my paycheck to perform work at my house, I want someone who pays attention to detail.

The golf shirt showed a complete lack of attention to detail as well. The shirt tail hanging out said sloppy, and the distributor's logo screamed that this guy was too cheap to buy a proper shirt! I am not talking about logo wear promoting your own business, but rather a giveaway from a supplier. You will never walk into a nice automobile showroom to find a salesperson wearing a shirt from the parts house down the street. Management would never allow this customer impression. Do you?

Many dealers mistakenly feel what they "have to say" will trump whatever the fancy store down the street may have to offer. What they often fail to remember is if the customer's initial impressions aren't favorable, they may never get their chance to explain.

Continued

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“Tomorrow morning when entering your store for the first time, **take three steps inside** and stop to look around.”

Gimme Three Steps, Mister, Continued

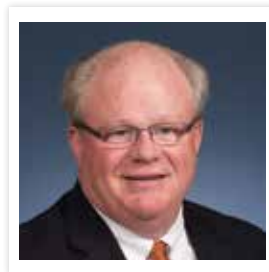
Most of the impressions that a potential customer may form come as a result of non-verbal communication. It's usually no one thing that forms an impression, rather a compilation of many seemingly small things. Little things do mean a lot! Tomorrow morning when entering your store for the first time, take three steps inside and stop to look around. Ask yourself: would a customer be impressed with what I see?

All current signs seem to indicate that business in our industry is on the upswing. Is your store ready? I don't mean do you want more business. We all desire that. I mean is your showroom and staff looking sharp and prepared? The customers will be coming and they will be anxious to finally have that beautiful

new floor that they have likely postponed purchasing for too long. Will you be ready when they arrive? ■

ABOUT THE AUTHOR

Tom Jennings is a lifelong member of the flooring business. Since selling his family's retail business in 2006, he has served the industry as an educator and speaker. He is a past-board chairman of the WFCA and is currently the board chairman of WFCA Services, Inc. and WFCA vice president of member services. He may be reached at tjennings@wfca.org.



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If you responded "yes" to any of the four questions above, then now is the time to enter the **Premier Flooring Retailer Showroom Makeover Contest from the World Floor Covering Association**. Tell us why your store needs a showroom makeover using photos (300 dpi minimum) or words (up to 250 words), and one lucky retailer will get a completely redesigned showroom plan from MyPlace WFCA and sponsored by the WFCA. It will include lighting, to fixtures and furniture, technology, signage and graphics, and paint.

The winner of the Showroom Makeover Contest will be featured in an upcoming issue where *Premier Flooring Retailer* will depict the step-by-step showroom transformation, including before and after photos. The contest winner will be responsible for all expenses of build out, materials and displays.

Send your entry to: Jeff Golden, editor, *Premier Flooring Retailer*, 4607 Lakeview Canyon Rd. Ste. 560, Westlake Village, CA 91361; or email jeff@pfrmagazine.com. **Contest Deadline: March 15, 2014**

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Snapshot - Residential Design Trends

By Annette M. Callari



Barnboard Pine Planks from The Vintage Wood Floor Company
Photo courtesy The Vintage Wood Floor Company

“This strong desire for a timeless, comfortable home environment has been the guiding force for residential design for several years now.”

Identifying design trends is an ongoing challenge. Designers will tell you that satisfying their clients' needs is paramount to good design, superseding the ever-moving target of new fads. That is certainly true. But *fads* (which fall out of style in short order) are not the same as *trends*. True trends provide a relevant framework for building designs with staying power.

The governing macro-trend for residential interiors for 2014 is “timeless design”— designs with longevity. Consumers are judicious about spending hard-earned dollars on their interiors, so the *timeless* yardstick will extend to color palettes, furnishings, surface materials, and especially floor coverings. This strong desire for a timeless, comfortable home environment has been the guiding force for residential design for several years now. It continues to gain momentum. Under the scope of that guideline, here are the other significant trends emerging and, specifically, how each translates to floor coverings.

Homey Kitchen Designs

Los Angeles-based interior designer Peter Dunham addressed the first new trend as a movement towards more homey kitchens. “We’re moving toward a more organic modernism with warm, (contemporary) materials that look vintage: slate, irregular floors, weathered concrete, natural crackle-glazed tiles that look handmade. Less slick kitchens!”

This trend puts the brakes on uber-modern kitchens. Save the high-tech aspect for the appliances and use more natural-looking materials and finishes. Real hardwoods, luxury vinyl planks, or wood-look porcelain are all good flooring solutions to get a homey kitchen. Slate, honed natural stone in irregular sizes, and concrete-look LVT will also fit the prescription for inviting flooring materials with a natural look.



Emser Tile's Heritage Glazed Ceramic
Photo courtesy Emser Tile

FLOOR NOTE: Natural hardwoods, porcelain wood-look tile, and luxury vinyl planks are all frontrunners in achieving a cozy kitchen design. Good examples: The Vintage Wood Floor Co. Heart Pine hardwood; Emser Tile Heritage Glazed Ceramic; Mannington/Spacia Ember Oak luxury vinyl plank.

Metallic Accents

A recent national survey by the National Kitchen and Bath Association (NKBA) gave validation that metal accents will continue to punctuate residential design. Satin nickel, a top seller in fixtures since 2011 will continue, but a shift toward brass, bronze and copper finishes is coming into play. The gravitation towards warm metals plays into the first trend of designing more homey kitchens. Metal accents for walls (liners, deco tiles) will escalate in popularity as well. Metallic touches extend to furniture choices and floor coverings.

Continued

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Design Trends, Continued



Crossville's Sideview Metallic Glass Mosaic Tile
Photo courtesy Crossville, Inc.

FLOOR NOTE: Products available now to fit this trend include: Amtico Metal Coin and Fiber Gold LVT; Daltile Metal Fusion tile (colors: zinc oxide and stainless steel) for the floor; Daltile ION Metal tile for walls (colors: Antique Bronze, Antique Nickel and Oil Rubbed Bronze).

Refined Design

With the overriding movement towards timeless interiors, several micro-trends are evolving to support that guideline:

- Inclusion of antique pieces to bring a classic element to all design modes. Elegance and graceful accents bring a sense of refinement back to interiors.
- Handcrafted home interior goods (artisan pieces, hand-crafted accessories, artistic area rugs, etc.).
- Emphasis on artistic motifs integrated into flooring, walls or ceilings--in addition to traditional wall-mounted fine art.
- Transitional interiors blending the best of contemporary with traditional design.

Rich hardwoods mixed with polished marble are a perfect example of how to create a transitional floor

FLOOR NOTE: Rich hardwoods mixed with polished marble are a perfect example of how to create a transitional floor that becomes the foundation for the entire interior design. Adding a soft traditional-style area rug creates a great focal point. Architectural touches like arched room entries and old world ceiling beams complete the look.

Integrated High-Tech Home Systems

Consumers may want hearth-and-home interiors, but they are not about to sacrifice the high-tech side of design. Technology is the hot commodity transforming the way we live. Home interiors will benefit from the giant strides in automation as systems are perfected and becoming more affordable. Temperature, security, lighting, electronics (just to start) will be controlled through a single in-home panel or mobile device, very possibly an iPhone, iPad, or iPod! The simplification of creating a single control panel to eliminate multiple controls makes it easy for home owners to manage settings throughout the home, even when they aren't at home.



Amtico's Cirrus Shadow, a wood pattern in LVT
Photo courtesy Mannington Commercial

FLOOR NOTE: As to floors, heated flooring systems under porcelain or stone floors will grow in popularity, especially in colder climates. Comfort is important. All stone and stone-look floor coverings from traditional ceramic and marble to rough-cut slate and granite provide good heat conductivity, maximizing the benefits of in-floor heat. Wood floating floors also work well to accommodate heated flooring systems. Shaw's Engineered Hardwood products (less than 1/2" thickness) are approved for installation over radiant heated subfloors. Oak, Ash, Hickory and Walnut are available and can be installed either adhered or using a floating installation method.

Moving Beyond Sustainable

Green products in every aspect of interior design will continue to escalate in importance. American-made will eclipse bargains as we turn our attention to supporting business within our own country. Interior goods will have labels showing why they qualify as "green" and what their end-of-lifecycle destiny will be.

Continued

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Design Trends, Continued



Mohawk's P.E.T. BCF EverStrand carpet products use a new patent pending Continuum process. Photo courtesy Mohawk

FLOOR NOTE: Carpets will be impacted by this as manufacturers continue to gear up recycling efforts. Cradle-to-cradle recycling is the most desirable, but all recycling programs will be relevant and impact sales. Reclaimed hardwood floors are another great example of using and re-using natural resources. Ceramic tile can also be recycled.

Efficient Use of Space

If we've learned anything from the harsh realities of a recession, we know consumers are down-sizing and economizing on square footage. Even so, special-function rooms are resurging in popularity as Baby Boomers want to customize their smaller spaces.

According to the American Institute of Architects' (AIA) 2013 Home Design Trends Survey, the following consensus was drawn: "Rooms that have seen particularly strong growth in popularity over the past year are outdoor living areas as well as mud rooms/drop zones. Almost 63% of residential architects surveyed reported that interest in outdoor living areas is increasing." Also experiencing strong growth were in-law suites (as homes become multi-generational), first floor master bedrooms/baths, and on-grade entries to the home.

Special-function rooms are resurging in popularity as **Baby Boomers** want to **customize their smaller spaces.**

FLOOR NOTE: Floor coverings that transition well from indoors to outdoors will be in high demand. New fiber

technologies for carpets are already underway to give the performance needed for outdoor use, but with a softer, residential feel. Also slip-resistant floors are escalating in importance for 2014. Unglazed floor tiles available from Shaw, Mohawk, Crossville and DalTile are good sources for slip resistant products. The co-efficient of friction rating provided by each manufacturer can help you determine which products are best for slip resistance.

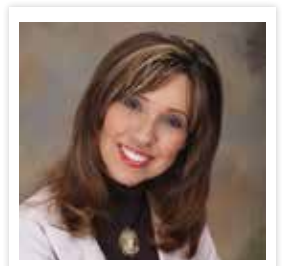
Green products will continue to escalate in importance. American-made will eclipse bargains as we turn our attention to supporting business within our own country.

In researching the new residential design trends, data was gathered from AIA, NKBA, ASID (American Society of Interior Designers), and CMG (Color Marketing Group). The surveys and research conducted were done independently by each of these professional organizations, and the fact that there were so many parallel trends reported adds validity to the results.

In the scope of floor coverings, if you manage a retail flooring showroom, this information can be a valuable tool in planning your product additions for 2014. Knowing what types of products will be in demand gives you a competitive edge. What a great way to differentiate your showroom floor and showcase products reflective of these critical trends. ■

ABOUT THE AUTHOR

Annette Callari is an interior design expert with over 20 years of residential and commercial design experience. An allied member of the American Society of Interior Designers and a Chair Holder of the Color Marketing Group International, she is the Southern California district manager for Mannington/Amtico.



*Photos: David Federoff



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Two Named to WFCA Hall of Fame

Davis and Campbell to be Inducted

By Leah Gross-Harmon

When it comes to being true leaders and recognizing the value and importance of “giving back,” the two most recent inductees to the World Floor Covering Association (WFCA) Hall of Fame had little competition. It’s not often that industry standouts share such rare traits, but few can deny the luminary nature and big hearts of this year’s recipients.

The two new inductees are D. Christopher Davis and Keith Campbell. The date for the formal induction ceremony will be announced in the near future.

The industry lost a powerful voice and catalyst for improvement when Davis passed away suddenly in February 2012. In the short time he was a member of the flooring industry, Davis touched the hearts of many and left a lasting impression that will be recognized for decades to come.

Davis became chief executive officer of the Western Floor Covering Association in 1994 and, recognizing there’s strength in numbers, quickly implemented the merger of the organization with the American Floorcovering Association in January 1995. Through this merger, the World Floor Covering Association was born.

In an effort to enhance the professionalism and profitability across all channels of the flooring industry — and recognizing the potential to grow membership, Davis launched benefits like the trade scholarship program. This initiative alone helped the association grow membership by over 40%.

At a point when things were looking grim for the flooring industry, Davis breathed new life into the category through the launch of a consumer awareness campaign designed to educate consumers about flooring and its impact on residential interior designs. The campaign, which is still running over 10 years later, included the launch of a non-commercial, unbiased website dedicated to flooring and geared entirely to the consumer; an extensive marketing campaign with a far-reaching line-up of some of the largest and most respected consumer magazines; and a public relations program that continues to help the industry reach hundreds of millions of consumers across the country each year.

One of the more notable accomplishments in his career was



D. Christopher Davis



Keith Campbell

the exponential growth of Surfaces, owned by the WFCA, into one of the 50 largest trade shows in the world with attendance topping 40,000. Davis strategically negotiated the sale of the show at its pinnacle for \$40-million while maintaining the association’s strategic positioning, including an exhibit discount for members and a top sponsorship position. This strategic maneuver placed WFCA in its most financially solid position in its history and, as such, the association will remain in a cash positive position for many years to come.

Among many other standout accomplishments, Davis also served as chairman of the board of the Floor Covering Industry Foundation (FCIF), a charitable organization dedicated to assisting members in the floor covering industry who experience catastrophic illnesses, severe disabilities or life altering hardships.

On a more personal level, Davis was an exemplary mentor to many. Davis was celebrated for taking the time to listen and offer thoughtful, sound advice. His interest in people and helping them was not dictated by power and wealth. Davis genuinely cared and wanted to help people at every level succeed.

Keith Campbell has spent his entire career at Mannington Mills, which was founded by his great grandfather in 1915. He cut his teeth at his family’s company working from the ground up in a wide variety of capacities. He joined Mannington’s board of directors in 1983, which paved his way to become chairman of the board just 12 years later. Keith’s father John B. Campbell II was inducted into the Hall of Fame in 1997.

Today, Mannington employs more than 2,400 people worldwide and in nine manufacturing plants across North America. Under Campbell’s leadership, Mannington has experienced its greatest era of corporate growth, including two successful acquisitions – Burke Industries in 2008 and Amtico International in 2012.

Throughout his successes, Campbell has remained consistent in his commitment to Mannington’s long-standing core corporate values – Care. Do the Right Thing. Work Hard/Play Hard and Control Your Own Destiny. These values coupled with the corporate mission “to be the best people to do business with in the flooring industry” have propelled

When it comes to being true leaders and recognizing the value and importance of 'giving back,' the two most recent inductees to the World Floor Covering Association (WFCA) Hall of Fame had little competition.

Mannington to a global flooring industry leadership position.

In addition to his corporate duties, Campbell is active in multiple industry organizations and initiatives designed to help the overall industry. He is currently associate director of the WFCA and serves on the finance committee – a position he has held since 1996. He also serves on the board of directors for FCIF, an organization of which he is passionate about.

Campbell's involvement in community activities is also vast. For over 23 years he has served as trustee of the John B. Campbell Family Fitness Center of Salem County – a non-profit facility that provides a full array of community services to local residents. He is also on the board of directors of South Jersey Industries, Inc., an organization dedicated to climate change solutions and conserving energy. In addition to his multitude of service and support roles at over eight universities and educational institutions, Campbell serves on the boards of many charities, including United Way and Ranch Hope for Boys. ■



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Creating Contracts: As Simple as Hitting the Send Button

By Jeffrey King

Flooring dealers enter into many contracts every year; from purchase orders with manufacturers, to sales agreements with consumers, to subcontracts with general contractors and installers, to agreements with lenders, banks, advertisers, and a host of other parties. These contracts do not have to be a formal written document.

In some circumstances, an oral agreement, a purchase order or an exchange of emails can be just as binding as a formal and signed written contract. Regardless of the format, these contracts define the rights and obligations of the parties. The problem: it is easy to create a binding agreement that can be enforced by the customer or the manufacturer, but does not contain the provisions needed to protect the flooring dealer. It is important, therefore, that the flooring dealer understand how easy it is to create a contract to avoid unnecessary disputes and liability.

Creating a Binding Contract

To create a contract, one party simply needs to make an offer on the basic terms and the other party accepts that offer. For a floor covering dealer, agreement on the items being sold and the price may be sufficient. Accordingly, sending an email to a customer that includes the flooring details and the price may create a contract if the customer simply responds that he or she "accepts" the offer.

Recent statutes and court decisions have increasingly recognized the use of email as the main means of communication. The majority of states have adopted the Uniform Electronic Transactions Act (UETA), which provides that a "contract may not be denied legal effect or enforceability solely because an electronic record was used in its formation." The Act also provides that "[i]f a law requires a record to be in writing, an electronic record satisfies the law." Based on the UETA, courts are increasingly ruling that emails, may create enforceable contracts under state law if the email has a signature block, the sender typed his or her name at the end, or even if the name appears only in the sender's "from" line.

For example, in a recent decision by the New York State Appellate Division, the court found that an exchange of emails created a binding settlement agreement, notwithstanding that a settlement agreement in New York must be signed to

Continued

“It is important that the flooring dealer understand how easy it is to create a contract to avoid unnecessary disputes and liability.”

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Creating Contracts, Continued

be enforceable. In this case, an insurance company negotiated the terms of a personal injury litigation settlement almost entirely by email. The final email from the insurance company stated that the parties agreed on the settlement amount and closed with a “Thanks” and the insurance company’s agent’s name.

The insurance company apparently reconsidered and argued that the emails did not create a binding settlement agreement because it was not signed. The court found the settlement agreement binding and enforceable. The court held that the insurance company’s representative simply typing her name at the end of an email constituted a required signature to create an enforceable settlement agreement. *Forcelli v. Telco Corp.*, 109 AD3d 244 (2nd Div. 2013)

As a result, simply hitting *send* from an email address containing the name or *signature* block of the sender may constitute the required signature to create a binding agreement.

Problems with Email Contracts

Having created a contract does not necessarily mean the dealer is protected. An email to a manufacturer which identifies the product and price may create a contract, but it may not include a time for delivery, include any warranties, require lot and dye numbers, or set the freight charges. Most courts will fill in the delivery time as any reasonable period and set the freight at the prevailing rates. The flooring dealer may not have any warranty protection with a simple email exchange and may lose the right to demand the product come from a single lot.

The risks are even greater with consumers. Many states mandate that any contract for home improvement or construction must include certain terms that explain the homeowners’ rights. In these states, if a contract is created that does not include the mandatory consumer protection language, the flooring dealer will be obligated to provide the flooring at the proposed price, but may not limit any warranties, may not be able file mechanic liens, or may be prohibited from insisting on a deposit.

For example, many states require a signed contract in order for a dealer to file and enforce a mechanic’s lien. The Massachusetts District Court Appellate Division recently dissolved a mechanic’s lien because written proposals between a contractor and a property owner were never signed. In the case, the contractor presented three proposals

to the property owner, but the owner never signed any of them.

Massachusetts’ mechanic’s lien statute allows a lien to enforce a written contract. The law defines a written contract as “any written contract enforceable under the laws of the Commonwealth.” The court ruled that, to be enforceable, a contract must be signed by the party to be charged. Because there was no signed written contract upon which a mechanic’s lien could be based, the court dissolved the contractor’s mechanic’s lien. *Petrucelli Construction Co., Inc. v. Hirain Barrios*, 2011 Mass. App. Div. 47 (2011). The absence of any written and signed confirmation of the contract resulted in the contractor losing one of its most powerful tools for enforcing its rights.

More troubling, a number of states require that contracts include language explaining the rights of a customer to cancel the contract. These state laws generally apply to home improvement contracts, especially if the contracts were negotiated at the customer’s home. These laws give the customer a cooling off period to reconsider the contract and usually provide three to ten days to cancel the contract. Many states allow the customer to enforce a contract against the dealer, but also give the consumer the option of voiding the contract because the mandated consumer protection language is not included.

Even if your state does not have a cooling off statute, the federal government has ruled that a consumer has three days to cancel any home improvement contract if it was signed in a customer’s home and is for any item or service that costs \$25 or more. Arguably, any contract created by an exchange of emails will be considered signed in the customer’s home.

Consider the following case in California where the homeowners decided they wanted to replace wall-to-wall carpeting in their master bedroom and a hallway with hardwood flooring. They bought the flooring, intending to install it themselves. They ultimately contacted a contractor to install the carpet and hardwood floors. The contractor prepared a *Labor Estimate*, which described the work to be done and a range of prices for the work. The *Labor Estimate* did not contain the required notice regarding the customer’s right to cancel the contract within three days.

The court found that the *Labor Estimate* was a binding contract because it contains all the elements of a home solicitation contract, with the range of prices and time of performance included. As a result, the contract was required (by statute)

Continued

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Creating Contracts, Continued

to give the buyers notice of their right to cancel within three business days, but it did not. The simple failure to include the language subjected the contractor to cancellation and penalties by the State License Board. *Handyman Connection of Sacramento, Inc. v. Sands*, 20 Cal.Rptr.3d 727, 123 Cal. App.4th 867 (2004)

If a customer does not receive this Notice of Right to Cancel at the time the contract was signed, then state laws may allow the customer to cancel the contract at any time until three days after he or she has been given a proper notice, even if this is after the work has been completed. The contractor may be required to immediately return all money, property and other consideration given by the consumer. Moreover, the consumer may have the right to keep any services or property provided under the unenforceable contract. The flooring dealer faces the worst of both worlds--a contract the customer can enforce, but one the dealer cannot.

Given the complexity of these issues and the different requirements in each state, it is recommended that competent legal counsel be consulted to ensure you meet all your obligations regarding all contracts. ■

Conclusion

To avoid these problems the flooring dealer needs to take certain precautions, including the following:

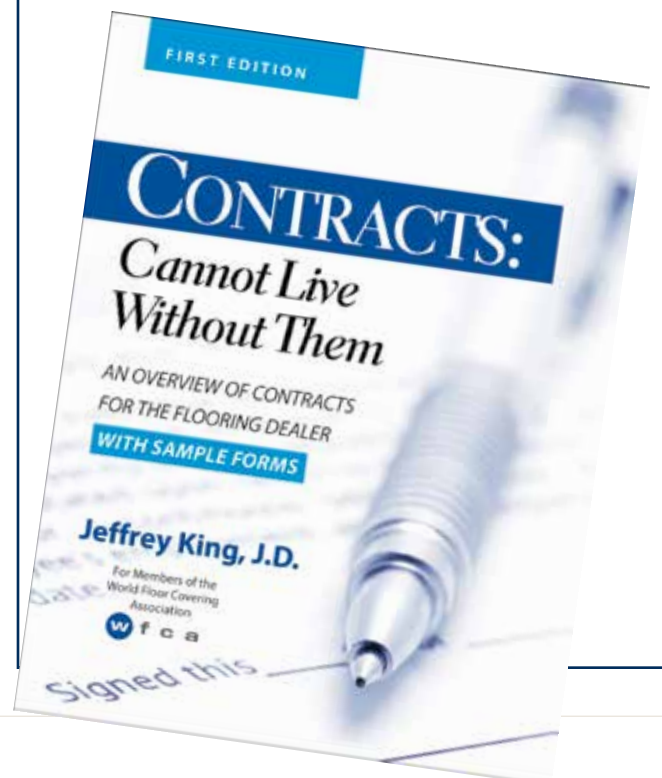
1. **All emails should be carefully prepared and reviewed so that it does not inadvertently create a contract.**
2. **The flooring dealer should put in all correspondence, including emails, that it is not making a formal offer. Each correspondence should state that:**
THIS IS NOT AN OFFER. Rather, this proposal is only a summary of the products and cost estimates, and is based on the information provided. This proposal does not constitute a final offer or agreement.
3. **It is also advisable to add to each correspondence and email a statement that:**
There is no binding obligation on the [Name of Dealer] until a written contract has been signed by [Name of Dealer].

ABOUT THE AUTHOR

Jeffrey King has more than 35 years' experience in complex litigation with a focus on contracts, employment, construction, antitrust, intellectual property and health care. He serves as general counsel for WFCA and other trade associations, and is a LEED Accredited Professional. For more information, contact him at (561) 278-0035 or jeffw@jkingesq.com. The information contained is abridged from legislation, court decisions, and administrative rulings and should not be construed as legal advice or opinion, and is not a substitute for the advice of counsel.



The World Floor Covering Association has published a book titled "CONTRACTS: CANNOT LIVE WITHOUT THEM," to help members understand these issues. The book includes sample forms and contract language. Members can order this book at: www.wfca-pro.org.



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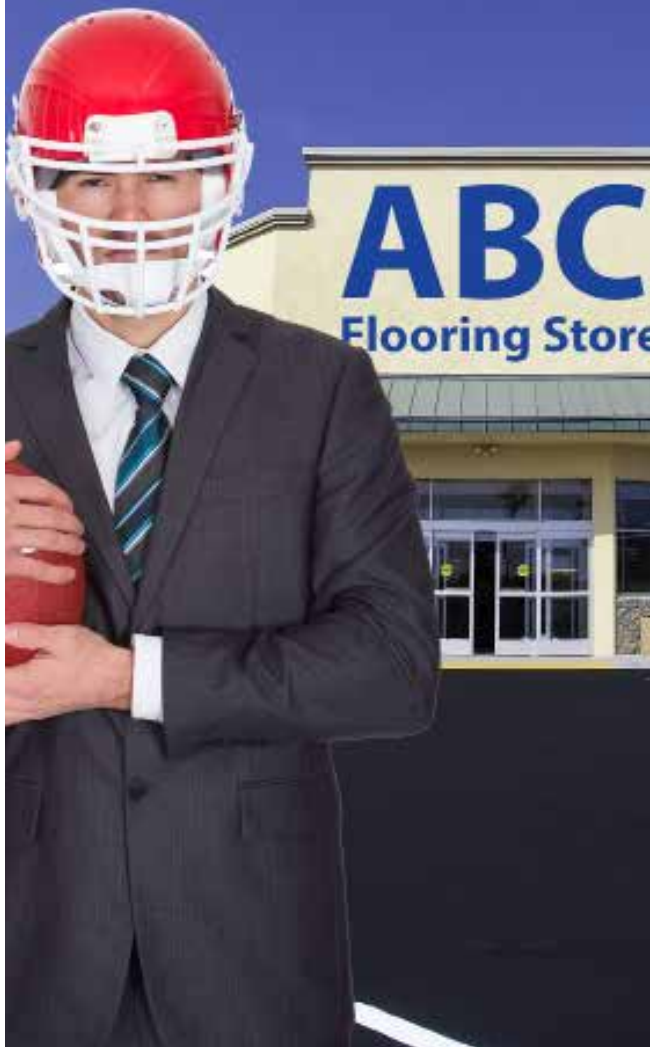
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Flooring and Football - A Strategic Parody

By David Romano

The **BEST** way to predict the future is to **INVENT** it!



Owni ng a flooring company has more similarities to owni ng an National Football League (NFL) franchise than you may think. A football organization is structured with an owner (same as you), head coach (general manager/director of operations), offensive coordinator (sales manager), defensive coordinator (controller/accountant), special teams (installation/warehouse manager) and the players (sales associates).

You both have an offseason (the winter), a draft (staffing), and have to deal with finicky fans (customers). Although, there are many similarities, I have found one glaring disparity: football organizations are great planners and flooring owners leave a lot to chance!

In the current landscape of the NFL, when looking at the entire roster, no team is substantially stacked with better players than the other. Just like in the flooring industry many customers believe that no store is substantially stocked with better products, selection, or service. That is why game planning is so crucial to winning in both the NFL and in your flooring business.

You have to outwit, outplay, and outsmart your competition to win. It is much easier to run a company with extraordinary systems and ordinary people than extraordinary people and ordinary systems. With the right planning and right systems you do not have to rely on luck, economic conditions, or exceptional talent to win in your business.

I came across a study titled, "State of the Business Owner" published in 2012 by EMyth, packed with a ton of great information. The study identified two types of owners: planners and pessimists. The data showed that planners ran larger companies, took home more personal compensation, grew faster, and plan to grow faster in the upcoming year.

This study also pointed out that companies with a written future business plan grew 50% faster, were 30% larger, and their owners took home 30% more in compensation. By having an individual (individuals) accountable to these plans, these companies grew 60% faster. And, business owners that use their balance sheet and income statement to make decisions earned 60% more and were 45% larger.

Through our studies, we have found flooring owners that create and follow annual budgets experienced 60% more in volume and earned over \$20,000 more per year on average compared to dealers who just wing it. Owners that conduct offsite strategic planning sessions with instrumental team

I am still a bit puzzled that just over 50% of flooring owners create budgets and fewer than 25% of flooring dealers review their monthly financial statements.

members had more productive employees, ran larger companies, and were substantially more profitable. Are you starting to make the connection yet?

In the NFL, teams with a solid game plan tend to win more games, players, coaches, and the owners tend to make more money from endorsements or incentives, and once they taste success they plan even more to keep winning.

With all of that accessible, good data I am still a bit puzzled that just over 50% of flooring owners create budgets and fewer than 25% of flooring dealers review their monthly financial statements.

Then it hit me like a ton of bricks...flooring store owners tend to believe that if they **work as hard** as possible all good things will come, while the mentality of an NFL owner is to **plan as hard** as possible and all good things will come! The true measure of success is not the amount of time you put in, it is the amount of improvement you demand of yourself and your company each year.

The EMyth study also confirmed boosts of overall productivity by taking time to recharge and engage with influences away from the workplace when it comes to creative and strategic work. The study also found that midsize companies were almost always run by owners that took 20 to 30 days off per year. That means that for those of you who take less than two weeks off per year now have statistical permission to take at least a couple of additional days off to plan for next year. Can anyone say strategic planning 2014 in Cabo?

Owners that create and follow annual budgets experienced 60% more in volume

So let's plan out the year: prepare a SWOT analysis (strengths, weakness, opportunities and threats) on your competition. Next, prepare a play book to exploit those weaknesses. Then, set budget goals. Hold training sessions and sales meetings to get all of your team players fired up and on the same page to accomplish the goals for the upcoming year.

Keep in mind that just like in a football game, if the strategy used in the beginning (first two quarters of the game) is not as effective as planned, halftime adjustments are made to more effectively counter the current circumstances.

A great way to keep your team moving in the right direction for success is placing motivational quotes all over your walls. Here is one quote strategically placed above my office door that I hope will provide the motivation you may need to create a strategic plan and budget for 2014. It reads: "The BEST way to predict the future is to INVENT it!" ■

ABOUT THE AUTHOR

David Romano is founder and owner of Benchmarkinc and its predecessor, Romano Consulting Group. David's professional career spans nearly 20 years of management experience in the retail, restaurant and consulting industries. His companies have been providing consulting, benchmarking, and recruiting services for nearly a decade exclusively for the flooring and restoration industries.



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Three Shows, One Location

Navigating the International Surface Event in 2014

By Arpi Nalbandian, Associate Editor

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SURFACES, the largest U.S. exhibition for the floor covering industry, will once again bring together buyers and sellers from around the world to see the latest products, tools, services and technologies January 28-30, in Las Vegas, at the Mandalay Bay Convention Center. The comprehensive educational program is set for January 27-30.

Beginning with this edition, SURFACES and StonExpo/Marmomacc Americas will co-launch with the all new TileExpo, creating The International Surface Event.

Exhibitors, and most importantly the attendees, will be on-hand to see the newest products, experience hands-on demos, gain inspiration by viewing new and upcoming trends, connect with key manufacturers and industry suppliers, and benefit from the various educational sessions and networking events planned. All educational sessions require pre-registration, and many of the courses qualify for credits with AIA, AIBD, IDCEC (ASID, IDC, IIDA), IICRC, and CFI.

Dana Teague, vice president of Hanley Wood Exhibitions commented, "The International Surface Event 2014 will be a turning point for the industry as we introduce TileExpo. Attendees will see a wide array of products, services and trends, as well as have endless networking and educational opportunities. This will create an environment that will manifest business knowledge, skills and growth."

With hundreds of thousands of net square feet of exhibit space, show organizers are offering several resources to exhibitors and attendees alike, including these popular zones located on the show floor: Business Enrichment Center (BEC); The Event Main Stage; Artisan Avenue; International Pavilions; Social Media Lounge; and the Trends Hub.

To help you navigate through the show's busy aisles, we've put together a list of must-see exhibitors unveiling new products and services. ■

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MP Global Products introduces QuietWarmth Film, a low wattage radiant heat system for use under floating wood and laminate floors. Designed to complement central heating systems and installing easily over a subfloor or acoustic underlayment, QuietWarmth Film provides gentle supplemental warmth from low wattage resistance heating of ultra-thin flexible radiant heat film.

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Congoleum Corp.

Congoleum has launched several new products with features that are aligned to the lifestyle and needs of today's consumers: ZōN [pronounced zone], a homogeneous 10'-wide sheet vinyl product available in 3 distinct surface embossings and 6 bold colors; Structure with its broad assortment; DuraCeramic Dimensions; and AirStep Vibe.

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Lignomat USA

Lignomat offers a new package T-1KMA for measuring moisture in a concrete slab using RH in-situ probes. Special features for the system are removable and reusable RH BluePeg Probes and a fail-proof, easy-to connect 3.5mm stereo cable with an easy-to-read display indicating the individual probe number, according to the company. RH in-situ probes are recommended by floor covering manufacturers to determine moisture levels in a concrete slab before installing a resilient floor covering.

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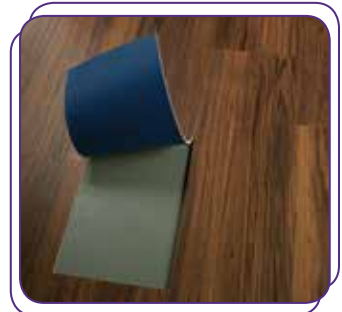


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Thinking Outside the Box

By Scott Humphrey

Now there is a phrase we have all become familiar with. According to the website uncyclopedia.wikia.com, its origin can be traced back as far as the early 1900's and is attributed to *Sam Loyd's Cyclopedia of 5000 Puzzles, Tricks, and Conundrums (With Answers)*, 1914. The challenge was to use only 4 lines and hit each dot without lifting your pencil. Give it a try.

This puzzle and the phrase, *thinking outside of the box*, became standard fare in the business world when it was used in the 60's and 70's by the Walt Disney Company, Coca Cola, and other major corporations to encourage their employees to find creative solutions to everyday challenges. They sought to change the mindset of their leadership to see speed bumps or opportunities instead of roadblocks.

Let me give you an example of *thinking outside of the box* that I used in my former training days. Imagine that a truck has become stuck under an overpass. The driver thought he could make it, but his load was a couple of inches too high to pass under. The driver now finds himself firmly lodged with no apparent solution to his dilemma. What would you do?

You might consider unloading the cargo from the truck. Some would say to dismantle the truck from the top. Others might think they are being creative by suggesting raising the bridge, but let's imagine this is not a bridge that can be raised and lowered. You can see how easily we tend to run out of ideas.



What would YOU do?

Now imagine that numerous drivers, whose passage is now blocked by this truck, are getting out and offering solutions, but all have severe downsides. Suddenly a small boy gets out of one of the cars. He looks over the situation and decides he has an answer. He tugs on the truck driver's sleeve, but is politely asked to leave the adults alone. After all, can't he see the challenge they face? So, without any help from the "thinkers," the boy grabs a stick and uses it to release the air from each tire, lowering the truck some three inches and allowing it to pass safely under the overpass. Now that is *out of the box* thinking.

I want to challenge you to *think outside of the box*. But the box I am referring to is the one flooring retailers typically call the Big

Can YOU think outside the box?

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- The challenge is to use only 4 lines and hit each dot without lifting your pencil.

For the answer to the puzzle, see page 44.

Box store. I have travelled all over North America this past year listening to flooring professionals like you. The predominant recurring theme has been the level of competition coming from the Big Box stores. This is understandable when you see the growth in floorcovering sales they have experienced over the last five years; the same five years when we have seen a continued decrease in the percentage of floor covering purchased in specialty flooring stores, and some 25% of residential flooring retailers permanently closing their doors.

What is troubling is the level of frustration I hear along with the minimal amount of dealers who are having success in remedying this situation by implementing creative solutions. Rest assured, here at *Premier Flooring Retailer*, we are committed to helping you beat the Big Box stores. That is why we will be featuring a series of articles focused on helping you compete with and beat the Big Box stores.

In this article, let's start with getting to know your competition. After all, you can't think outside the box until you know what's in it. I'm amazed how few dealers actually know what makes the Big Box stores successful. There is no doubt, they sell more flooring by accident than many floor covering specialty stores do on purpose. But why? If I am looking for a hammer, I wouldn't naturally also be looking for flooring. What appeals to them about the flooring department in these mega stores?

If you are going to beat your competition, you have to know your competition. A great trial lawyer will tell you that they spend as much or more time understanding the other party's case as they do preparing their own. Professional sports teams study film and get scouting reports. They prepare specifically for their next opponent. Coaches would tell you that they do this because knowledge of your competition takes away fear. Knowing your competition's strengths and weaknesses allows your team to play their own game and not be constantly on the defense.

“You can't think outside the box until you know what's in it...
Knowing your competition's strengths and weaknesses allows your team to play their own game and not be constantly on the defense.”

Yet retailers face the same competitor week after week and many never take the time to analyze the reason for their opponent's success. Have you shopped the flooring department in your local Big Box store? What are they doing that works? Are there things they are doing to succeed that you can implement?

Here are a few of the obvious reasons that Big Box stores have continued to capture market share:

- 1. Extended hours of operation.** Many flooring retailers close their doors at the very hour when many consumers are able to shop. If you are closing your doors at 6 p.m. weekdays and have limited weekend hours, you simply can't compete with a mega store that is open from 9 a.m. to 9 p.m. You might want to look at creating flexible hours for your employees and extending the time your doors are open.
- 2. One-stop shopping.** Big Box stores sell more by accident than many flooring retailers sell on purpose. There is certainly no way the specialty flooring retailer can compete with their one stop shop mentality. Or can we? Many retailers are having success by selling other products that people purchase at the same time they are buying flooring: window treatments, paint, flooring protectors, floor cleaners, even vacuums. They are making their store a more complete shopping destination.
- 3. Using consumer credit.** Some flooring retailers have chosen to avoid offering consumer financing options. Many who do offer payment terms do it as a last resort. In contrast, go into any Big Box store and see how long it takes for you to see signage or hear from an employee about consumer finance options. If you are not using a private label credit option branded to your store, you are missing a great opportunity to increase your sales. There are numerous options available specifically within the flooring industry.

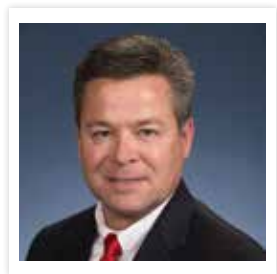
Now, here's the good news. Many specialty flooring stores are having great success competing with the Big Box stores. They succeed because they have learned from their competition and made changes in their stores based on that knowledge. They have identified the Big Box' weaknesses and been successful in communicating their advantages. In short, they constantly *think outside the box* and magnify the advantages

of shopping with them. That is where we will pick up in the next issue of *Premier Flooring Retailer*.

I would love to know how you are succeeding against the mega stores. Contact me at scott@pfrmag.com, and we will give you credit as we share your best practices with your fellow WFCMA members. ■

ABOUT THE AUTHOR

After 43 years in the flooring industry, WFCMA CEO Scott Humphrey has seen it all. His knowledge is extensive from his position as manager of Leadership Development and Training Services for the Shaw Learning Academy to helping Shaw Flooring Alliance members turn difficult situations into success stories.



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There's Only One Boss!

By Kathryn Baird and Tony King

There has never been a more important time for the independent flooring retailer to understand who their customer is and to deliver a compelling and positive retail consumer experience at every touch point. The big box stores are gaining ground and continuing to take market share from local businesses of main street America.

The independent retailer excels in customer service compared to big box stores. Did you know that only 12-14% of customers leave a retail store for product reasons, while 68% leave because of poor customer service?

From roots in the community to product knowledge, the customer service experience is the key point of differentiation for the independent retailer. It is the greatest opportunity for the independent retailer to hold and gain local market share. To do this, the retailer must identify their customer, know how the customer shopping experience has evolved in the digital age, and reach those key customers at every touch point.

Who is Your Customer?

Make no mistake, your consumer is female. Women make more than 80% of the household buying decisions. They bring in half or more of the income in 55% of U.S. households. They are now driving purchases in categories formerly dominated by men.

National studies have shown women now make 80% of the home improvement decisions and more than 61% of home improvement purchases. Numerous studies have shown women are three to four times more likely to discuss a product or experience with friends and family

than men. With the influence women place on feedback from friends and family, a satisfied female customer can be your best marketing tool. They truly can make or break your business.

The Evolution of the Shopping Process

With the rise of the Internet and the explosion of smart phones and tablets, coupled with the recent economic challenges, it is important to understand how to reach her. The female consumer is now in control of how, when and where messaging influences her. She is more informed about her product choices and options than ever before.

The basic steps to purchase are the same, but the path is a great deal more complicated. This is due to the rise of instant information. The first response to new stimulus in today's marketplace is "Google it." Google coined a term for this phenomenon - the Zero Moment of Truth (ZMOT). It's the moment when you have a question and you answer it instantly with your smart phone, laptop or tablet.

Anything from finding the best Thai food in a new town, to the hours of your local pharmacy, to reviews of the local flooring store are all at the tip of her fingers. The access of instant information has changed the shopping process irrevocably and made the Internet the most important crossroad of consideration and evaluation.

The shopping process is no longer just about the in-person sales experience. But it's not just about the role the Internet plays in the shopping process either. It's not the store or the Internet. The complete consumer experience involves the interaction with both the store(s) and the Internet. What used to be a linear process, now involves multiple points of

Continued



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The Customer.”

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Sam Walton
Founder, Wal-Mart

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There's Only One Boss, Continued

influence and a much more complicated path to purchase. The differentiator for the independent retailer is building a customer experience that actually focuses on the customer and cohesively carries through both the online and in-store consumer experience. The goal is to reach that woman in a consistent, positive way at every touch point.

Defining Touch Points

Customer touch points are all the different ways a customer may be in contact with your business. This includes everything from your website to your physical store location, from telephone inquiries to advertising. Every place a consumer comes in contact with your store brand (whether or not you are in complete control), is a touch point and becomes a critical component in the overall evaluation of the consumer experience.

Think about all the different ways that your store, your staff, your marketing and your website make an impression upon your customers, your channel partners, your employees and all the other critical partners that help to bring your customer experience to life. Then, ask yourself this question: "Are you in control of all these interactions and confident that every 'touch' your customer experience has with those groups is operating the way you desire?"

It is surprising how few companies view the customer's experience from the customer's point of view. Many evaluate how the company interacts with the customer, but not how the customer interacts with the company. When you are building a customer service experience, view every touch point through the lens of your consumer. Think of it in terms of what you would like.

What good customer service experiences have you had? These experiences don't start and stop with the direct interaction of the sales experience. Now, think about how your brand is represented on the web, through online reviews and store website, in advertising and the physical experience of the store to a female consumer.

In the end, understanding the customer decision-making process allows you to address consumers at each touch point in a method appropriate to their needs.

This results in more effective, cost-efficient advertising, more effective word-of-mouth through both traditional sharing and the digital landscape of reviews and social media, better customer retention and a greater "share" of customer purchases and goodwill.

Fine-Tuning the Interior and Exterior of the Store

Often times, retailers focus on the face-to-face interaction or the human interface as the entirety of the consumer experience and may overlook one of the most easily controlled and impactful touch points, the physical store experience. Every aspect of the physical store experience becomes part of the overall customer experience. Women see it holistically and don't separate it from the face-to-face in-store experience as part of the overall perception of the retailer.

The layout and design of the store is as integral to creating a positive consumer experience as a warm greeting and a timely follow up. The impact that the physical brick and mortar experience has on the female consumer can't be underestimated. It's no exaggeration to say that a dirty bathroom can ruin a sale as fast as bad service!

Our research has identified eight key areas, outside of the overall service elements that impact a woman's perception of the retailer and the effectiveness of the customer experience: floor plan/layout, cleanliness, smells, lighting, clutter, parking, music and signage.

Even if you are not in complete control of all the physical aspects of your store experience, you need to be aware of its

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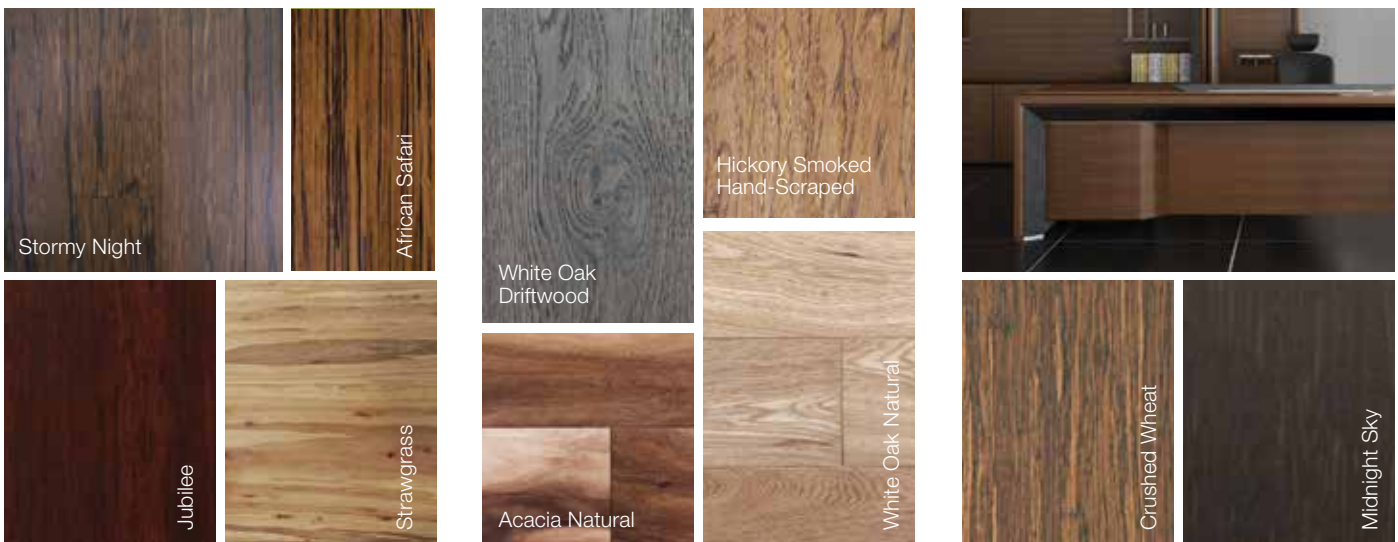


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There's Only One Boss, Continued

impact on the consumer. From lighting to floor layout, take control of what you can change and optimize. Pay attention to the sounds and smells. Have a secret shopper visit your store to help you put the best experience possible for your customers by grading the eight key physical aspects of the store experience.

When you are creating the perfect layout for your store, create a floor plan that encourages roaming, but also provides easy access to each category. Women want stores to offer an intuitive, logical flow with clearly marked areas or aisles. They don't like to feel crowded by displays, but want ample choices on the floor. Samples should be easily accessible so she can see and touch products, compare features, textures, and colors side-by-side.

Creating a store layout to meet these needs is not easy and often requires expert help, which is one area where the WFCA can help! ■

ABOUT THE AUTHORS

Tony King and Kathryn Baird are from Torus Marketing, a full-service marketing communications firm based in Sacramento, California, offering an extensive assortment of solutions for the WFCA. Torus Marketing offers expertise in providing guidance in creating relevant and engaging strategies that resonate with women consumers within the framework of the brand experience.

**Exclusive Opportunities****Optimizing Your Store Design Program Offered**

The WFCA is introducing a program to help retailers take control of their physical environment and optimize the store design to improve the overall consumer experience. The program has been created to provide members with an accessible way to revamp the flow and design of their store.

This program will take a holistic view of the store environment and will include a comprehensive review of the physical location, marketing plan, operational and customer service areas, inventory, signage, lighting and merchandising strategy. An analysis of the traffic flow of the store based on the building layout will also be included.

Participating retailers will have the option to receive a complete set of recommendations and evaluations including colors, materials, lighting, flooring breaks, furnishings, structural changes (where needed) and finishes; integration into marketing and planning a grand-reopening and future promotional efforts to leverage the effort into a direct sales push.

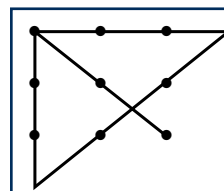
There will be three tiers in the program, providing a scalable resource to meet individual needs and budget. To learn more about this exclusive WFCA member opportunity, please come by booth #S6571 or contact Darin Hayes: darin@myplaceservices.com • (916) 770-7728

There is Only One Boss Seminar

The WFCA offers the "There is Only One Boss Seminar" to affiliate association groups. The seminar is presented by Kathryn Baird and Tony King of Torus Marketing, marketing provider to the WFCA and its members.

The interactive workshop includes written individual and group exercises, group discussions, group activities and business simulations, all designed to create a highly effective learning experience. Seminar materials include a workbook with a detailed action plan, complete with questionnaires, surveys and checklists.

The WFCA covers the cost for the speakers' fee, the workbooks and travel. For additional details and to schedule a seminar in your area, please contact Kathryn Baird at kathryn@torusmarketing.com or call 1.530.823.7835.



Answer to the puzzle on page 38.

**Were you able to think
outside the box?**

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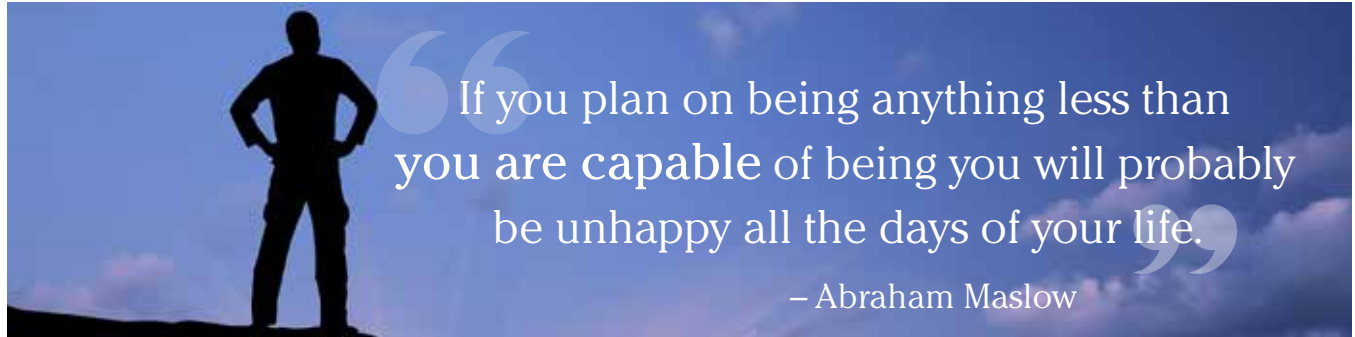
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Developing an Elite Mind

By Dr. Stan Beecham



The debate continues, whether it's in business or competitive sport: How much of one's performance is based on physical ability, and how much of one's performance is based on mental acuity? Perhaps Yogi Berra said it best when he explained, "Baseball is 90 percent mental, and the other half is physical."

From where I sit, the view's a little different. I believe the degree to which one performs and the level of success one achieves is 100 percent mental.

Why? Because the mind is in control of the body. This has been scientifically verified by those who have studied the brain/mind complex for decades. Your brain is the software; your body the hardware. Your body does what your brain tells it to do, or what your brain thinks your body is capable of doing.

Misunderstandings about the keys to performance exist because we have a bias towards the physical. In predicting success today, both coaches and business leaders are drunk on the elixir of talent and experience. They believe: if you can find a talented person who has matured with experience, then you should select that person for your team.

Sport is more swayed by talent; and business, by experience, but they both look to these two attributes as the primary determinates of success. Unfortunately, it's not the best way to go about it. In fact, talent and experience alone will never lead to a sustained high-level of performance -- especially at the elite level in any given field.

Everyone is talented and has years of experience at the elite level. Who then performs the best when the advantage of talent and experience are mitigated?

The answer is simple: the person whose mind is an asset, not an obstruction. The competitive advantage at the highest level is overwhelmingly mental, not physical.

There are extremely bright and knowledgeable managers who fail to advance beyond the director or vice president level. These are the people I am frequently called in to work with. In a corporate setting, the conversation usually begins like this:

"Dr. Stan, we have this manager who is very bright and talented but is struggling to get her team performing at the level we need them to be. She has a great education and has worked at some of the best companies in our industry, but she is not having the impact we expected."

A similar phenomenon is found in schools, where we observe smart kids who are unable to process information when taking a test. We call it "test anxiety" and shake our heads.

Before I further explain how such underachievement occurs, let's make some terms clear from the get-go so there is no confusion when we talk about the relationship between the mind and performance.

To begin, your operating system -- functions as the *conscious* and *unconscious* mind. The conscious mind is the part of your brain you are aware of. This is where you think, plan, solve problems and experience emotions.

The unconscious mind is a powerful determinate of behavior. It houses what you believe, the things you hold as truth. Unfortunately, most people are unaware of their unconscious mind and the beliefs they hold to be true. Typically, while we are keenly aware of what we think and feel (conscious), the majority of us have very little understanding of what we really believe about ourselves and the world around us (unconscious). And this is where performance shortcomings arise. What you believe about yourself and your world is the primary determinant to what you do and, ultimately, how well you do it.

This is not a new idea. While Sigmund Freud still catches a lot

Continued

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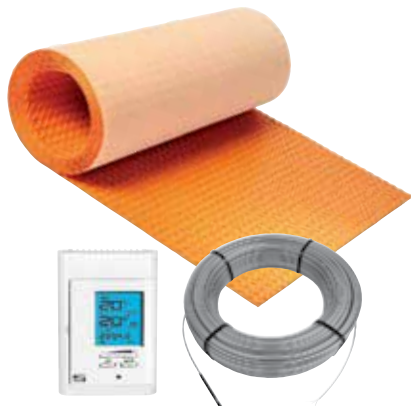


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Developing an Elite Mind, Continued

of grief for his psychosexual hypotheses, he ultimately made a name for himself by bringing the unconscious mind to the forefront of psychology. Freud did not begin as a psychologist. Freud actually began as a neurologist, studying such diseases as cerebral palsy and other neuromuscular disorders.

Patients would come to Freud with tangible physical defects and limitations. Freud was frequently unable to find any physical cause for the patient's paralysis, blindness, or pain. There was simply no physical explanation for the symptoms the patients exhibited.

Freud soon realized that the cause of many disorders was not physical, but mental. Often, the patient's *mind* was the problem. The unconscious mind was causing the body to fail to perform properly. This groundbreaking discovery was at first scorned by the entire medical community. Today, the mind-body relationship is widely accepted as ailments like stress and anxiety remain leading causes of health issues nationwide, and sudden drops in performance—whether on the ball field or in the boardroom. Unfortunately, the medical and athletic communities aren't completely sold on the power of the mind. The medical and fitness communities are only paying lip service to this most important of issues—the unconscious mind/body connection.

The truth is that we still prefer to initiate performance improvement and longevity from a tangible standpoint, and then look at other options if that doesn't work. While approaches like surgery, physical therapy, physical training regimens, and diets certainly hold their value and always will, we will continually fail to reach performance goals until we learn to utilize the engine of our minds.

Years ago, I attended a sport psychology conference where prominent orthopedic surgeon Dr. Richard Steadman would be speaking. Steadman had operated on many great athletes. (Kobe Bryant was getting his knee worked on by Steadman when he made headlines in Colorado.)

What Dr. Steadman said that day has never left my mind. He acknowledged how modern medicine has thoroughly researched and documented the role stress and other mental maladies play in the onset of disease and illness. He not only validated modern medicine's findings, but also took them a step further. He shared his belief that there is a relationship between one's mental state and accidental injury.

Steadman explained that when he would meet a new patient, he would ask them a simple question: "What happened?" Over the years, he began to notice that people were less prone to give him *physical* reasons for the accident, and more likely to offer him *psychological* explanations for how they became injured.

He heard less, "I was skiing along and hit a patch of ice that caused me to fall and my leg bent backwards. That's when I heard a pop." Instead, his patients' explanations were more often along the lines of, "My wife and I were arguing because I wanted to hit the slopes and she wanted me to wait another 30 minutes for her to get ready. I told her I was going to make one quick run and then meet her at Lionshead in one hour. So, I hurried up the mountain and flew down the hill to make sure I met her on time and that's when I fell awkwardly and heard a pop."

His message to us that day was that accidents don't just *happen*. There are psychological antecedents to all human behavior, even accidents. In other words, every physical event is preceded by a psychological event. Could it be true? I believe so; and in my upcoming columns, I'll explain precisely why.

Let me continue another example from my own experience. I had noticed that Tubby Smith, the former University of Georgia basketball coach's athletes were not getting injured at the same rate as athletes on other teams. I asked Tubby why he thought this was true.

His reply was simple and precise. "I tell my team we are not going to get injured. We will do the things we need to do to prevent injury, and we will warm up before practice and do some exercises to keep us strong, but we will simply not get injured."

Tubby clearly understood what very few other coaches do -- that injury rate is closely correlated with a belief system. Tubby believed his team was not going to get injured, and they believed what he said. Compare this to the belief system that most coaches have. "Injury is unfortunately just a part of the game...You enter every season knowing that some athletes will get hurt...It's unavoidable...You just hope the injury bug doesn't bite your key guys at important times."

Some teams have recurring problems with injuries that keep them from ever reaching their full potential. But if



“The degree to which one performs and the level of success one achieves is 100% mental.”

someone were to suggest that a large part of the cause was psychological, most coaches would just laugh. Unfortunately, these same coaches would miss one of the most important keys to their success.

This same dynamic is true in business. Show me the number of sick days a company has per employee and I can accurately predict the psychological health of the company culture. There is more to *accident prone* people than meets the eye. Illness and injury are huge factors in a business' financial success as well. Some estimates suggest that approximately 50 percent of corporate profits go towards health care. American companies lose between \$200–300 billion each year in stress-related illness and lost productivity.

Unscheduled absences cost employers \$3,600 per hourly employee per year and \$2,650 per salaried employee per year. The American Medical Association has stated that stress is the cause of 80–85% of all illness and disease. ■

Editor's Note: The above article is an excerpt from *Elite Minds* by Dr. Stan Beecham.

ABOUT THE AUTHOR

Dr. Stan Beecham is a sport psychologist and leadership consultant based in Roswell, Georgia. A world-class speaker and presenter, his work with collegiate, Olympic and professional athletes from many sports has afforded him an insight into the minds of great competitors that only



few have had the good fortune to gain. Dr. Beecham has taken his wisdom into the business world to develop and conduct leadership development programs. Legendary coach Vince Dooley gave Beecham his start as a UGA undergraduate student allowing him to work with Kevin Butler, the great college and professional kicker for the Chicago Bears. Dooley later hired Beecham to start the sport psychology program for the athletic department. www.DrStanBeecham.com.

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Step-by-Step Development of an Exclusive WFCMA Website & Digital Marketing Program



Beginning in the March/April 2014 issue, *Premier Flooring Retailer* will detail the development of an exclusive WFCMA website and the implementation of a digital marketing program for retailers across all flooring categories.

Torus Marketing of Sacramento will provide complete analysis, strategic development, and implementation of a flagship floor covering website and digital marketing campaign. The digital marketing elements will consist of re-targeting site traffic, banner advertising, email marketing, mobile site development, social site design and content, blog/content, Facebook module, and search engine marketing – Google+, Bing, Yahoo.

Torus' entire development staff, design staff, product data specialists and content team will be involved in the case study. Covered topics will include porting the existing content into the new website; utilizing a UI/UX redesign intended to optimize aesthetic value and user experience; and developing needed content and product databases from key flooring manufacturers.

The case study will encompass one year's time from the site's go-live date. This will include support, development, design, maintenance and hosting. This will also include the development of a mobile website.

Look for the case study series beginning in the March/April issue of *Premier Flooring Retailer*. Contact editor Jeff Golden for details at jeff@pfrmagazine.com. ■

DIGITAL MARKETING PACKAGE

The integrated digital marketing package will include:

Search Engine Optimization (SEO): The site will be optimized at build-out and the process of SEO will be ongoing throughout the year.

Social Networks: Twitter, Google+ and Facebook pages will be set-up with weekly content updates provided.

Blog: A dedicated blog will be established with weekly content updates.

YouTube Channel: A YouTube Channel with new content monthly to be provided.

Custom Video Content: Torus will create new video content each month for use on the site, blog and YouTube Channel.

Re-Targeting: This program will operate as credits banked based on site traffic that will serve as the foundation for re-targeting campaigns.

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Setting the Stage for the Up-Sell

By Michael Vickers

In today's competitive marketplace it seems like price is the only determining factor when the customer is making their purchasing decision. I often hear from flooring dealers everywhere that they have a hard time competing with the big box stores and they often lose business or give away their margins because they can't compete on the pricing issue.

They start to believe the price of the product is the only factor the customer uses when making the purchasing decision. Don't shoot the messenger, but price is *never* the issue unless it is the issue, and *when* it's the issue, it's the *only* issue.

In survey after survey, price shows up fourth, seventh and ninth as the reason the customer makes the purchase. If we interviewed your new flooring buyers as they left your store and asked them the following question, "Why did you purchase your flooring products at XYZ?" rarely would they respond with, "They gave me the best price" as their number one reason.

We hear things like, "They listened to us," or "They had a great selection," or "They matched us with a product that was a great solution for our home," or "Our salesperson was fantastic," etc.

However, when they don't buy from you and they buy from somewhere else, they will use price as the determining factor. They will say something like, "We got a better deal elsewhere," or "We found something similar for less," etc. The consumer knows that the price issue is indefensible so they routinely drop that one on you.

It's sort of like when your girlfriend breaks up with you. Instead of her saying, "You are creepy and you look like the elephant man," she says something like, "It's not you...it's me. I need to find myself." Consumers don't want to hurt your feelings so they use price as their excuse.

So the rule is: price is never the issue unless it is the issue. If the buyer is purchasing strictly on price comparing apples to apples, then there is not much you can do about it but to compete accordingly. Your job is to find the other variables that are of value to the customer and make them part of your solution.

A good tactic to determine whether or not your buyer is buying strictly on price is to ask the question before you start to show your products, "Is price your only criteria for purchasing your flooring products?" Most buyers will respond with "no." They don't want to appear cheap.

Price is **never** the issue unless it is **the issue**,



Your next question can be, "What is your criteria?" They will then rattle off a list of features that are important to them. Basically, they will lay out what's of value to them and give you the blueprint for selling them.

Another great question to ask your customer is with regard to their budget. For example, "Have you determined a budget for your flooring project?" The customer will either respond with a yes or a no. Of course your next question should be, "What is your budget?" They will usually share that with you. Let's say for our example that the customer's budget is \$2,500. Once they disclose their budget to you, it's now time to test them to see if there is an up-sell opportunity. "Mr. Customer, let's suppose that we found you the perfect flooring product that had all the right features, was the right color, was a perfect fit for the project, but it was \$3,000. Do you even want me to show it to you?"

You will hear one of two possible responses to this question. "No it wouldn't matter, we only have \$2,500 to spend," or you will hear, "Yes, please show it to me," which will indicate

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to you that the budget isn't locked in. It also prepares the customer for the fact that they may have to go outside their pre-determined budget.

So the key to up-selling your customer is to properly set the stage in the first place by asking some very specific questions about what they value and testing their budget range prior to showing any product. After that it's about finding the perfect solution for them that meets their requirements. ■

ABOUT THE AUTHOR

Michael Vickers is executive director of Summit Learning Systems, a provider of customized in-house training and e-learning programs; and the author of the best-selling book, *Becoming Preferred - How to Outsell Your Competition*. Contact Michael at: www.michaelvickers.com.



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Leadership Lessons from the Pressure Washer

By Randy Gravitt

On a recent Saturday, I was having a conversation with a friend and the subject turned to pressure washing. I brought it up thinking maybe I would feel better if I at least talked about the work I had been putting off for weeks. It turned out that my friend was somewhat of a pressure washing "expert." He gave me a few tips and I headed home ready for action. A few hours later, I felt like I had a new house (except for a few places where I knocked off the paint – but that's another story).

As I moved along blasting the grime off of my property, several leadership thoughts came to mind. Whether you are leading a company or simply trying to lead yourself, these are good reminders for us all as we begin the new year.

#1 – Begin Barefoot! This is my way of saying, "Keep it simple." When I first started my pressure washing, I wore a pair of old leather shoes. Within minutes they were soaked. No big deal -- they were yard shoes. What was a big deal was that I kept wearing them as they became heavier and heavier. About an hour into the job I decided to simplify. I learned a valuable lesson. Barefoot is better when water is involved.

Recently, I met with a business leader who was desperately seeking some simplicity in her life and work. Can you relate? Big time leaders are often pulled into complex schedules only to discover that simple is better. Sadly, many never recognize their need to simplify and they either flame out or end up buried under an avalanche of organizational demands. This particular leader realized that if she was going to have different results, it was going to require some different behaviors. She made the necessary changes and is now thriving.

Like her, your current systems and behaviors are perfectly designed to give you the results you are getting in every area of your work and life. If things are complex, it is because you have allowed them to be. As you begin a new year, give yourself permission to simplify. Note: It is easier to start simple and stay simple than it is to start complex and try to go backward. Begin the year with a fresh start and a commitment to simplicity.

Action Step: Identify three areas of your life where you need to "go barefoot" this year, and take a specific step toward simplicity in the coming week, in each of these areas.

Great leaders see the finish line and stay the course when those around them drop out.

#2 – Beware of the Bleach! My friend recommended that I spray bleach on the surface of my porches before I began blasting. I did, and the results were amazing. What he failed to remind me of was that when it comes to plants, bleach takes no prisoners. A couple of days later the verdict was a clean porch and a bunch of little brown dots on my shrubs. I learned the hard way that bleach can be misused.

For leaders, words can be a lot like bleach. Used correctly, they can encourage, inspire, motivate, and build up followers. However, the wrong words can be toxic. When a leader is critical, cynical, negative, or profane, followers are affected, often times wilting under the toxic influence of their boss.

As a kid, my mom used to always say to me, "Watch your words." Her advice still resonates today. There is an old proverb that reads: "Words kill, words give life. They're either poison or fruit. You choose." If you want to take your leadership to the next level in 2014, start with your words. If used correctly, they can infuse life into your organization.

Action Step: Identify a person you are trying to lead that needs a word of encouragement. Make a decision to publicly affirm them or to send them a private note of appreciation in the coming week.

#3 – Practice Persistence! Pressure washing is a lot like leadership -- It is harder than it looks. It is not rocket science. But it is work. When it comes to pressure washing, nothing beats persistence. A decision to stay the course leads to a clean surface of accomplishment. The same is true for a company. Persistence pays off.

Years ago, a friend of mine brought up the idea of running a marathon. I wasn't even a runner at the time, so 26.2 miles sounded like lunacy to me. Since that day, I have completed eight marathons. How did I do it? One step at a time (and very slowly, I might add).

Great leaders see the finish line and stay the course when those around them drop out. They have a mission and they practice persistence until their goals are accomplished -- One step and one day, at a time.

Ralph Waldo Emerson once said, "An ounce of action is worth a ton of theory." Greatness has more to do with sustained



If you want to take your leadership to the next level in 2014, start with your words. If used correctly, they can infuse life into your organization.

persistence and grit than it does talent. This can be a record year for your business if you will roll up your sleeves and show up daily with a bias for action.

Action Step: Identify an area that needs some additional time from you in the coming week and make a commitment to grind it out and clean things up no matter what it takes.

Final Thought: Focus is the key for a leader. If you will make your 2014 focus to *keep things simple*, choose your words wisely, and *practice persistence*, there is no limit to your potential for influence. Now go make it happen! ■

ABOUT THE AUTHOR

Randy Gravitt spends his time reminding influencers that Leadership Begins at Home. For information on how he can serve you and your company, email him at randy@randygravitt.com. You can read more of Randy's thoughts by visiting randygravitt.com or read the book, *Finding Your Way*, by Dan Webster & Randy Gravitt



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Top 5 Marketing Mistakes Made in 2013, and What **You** Can do to Fix for 2014

By Josh "The Fixer" McGinnis



Do you ever tire of everything you have to do in your business? Not only must you be master of all things flooring, but you must cover other areas: management, financials, sales, marketing, and more. The truth is that no one can master every area alone — you must depend upon others for help.

Professional athletes have a coach and many executives do as well. Eric Schmidt (former CEO of Google) said hiring a coach was one of the best business decisions he ever made.

I'd like to be your marketing coach and help you overcome the top 5 mistakes I see business owners make all the time. You probably don't make all of these, but at least one of them is costing your business five to six figures of profit every year.

Recently, I spoke with the owner of a successful family-owned flooring store. During the conversation, he became curt and a bit rude. It got so bad that I finally apologized for whatever was going on and asked if we should just end the conversation. I will never forget what he said next, "Josh, I'm sorry. It's just the longer you talk and more questions you ask the angrier I get. I'm sick to my stomach, I have been adding up how much I have wasted over the years, and I stopped when I hit one million."

This owner was making most of the top five mistakes I mentioned earlier. They were preventing his very good company from being great, and prevented his pocketbook from reaping maximum profits.

Mistake #1: Imitation is the Best Form of Failure

Stop trying to copy others! Over 80% of all marketing dollars are spent by fewer than 100 companies. Sadly these companies have set the standard on what advertising and marketing should look like.

As a result, most of your flooring ads will fall into two categories:

1. Ads saying you exist; and
2. Ads saying you have a discount.

If your ads only fall into these two categories, then you are missing the vast majority of possible buyers. If you continue to copy others, you will get the results they get, which is pretty much a reflection of the market. If you want to beat the market, you must do what they are not doing.

Examples: One owner invested in an elaborate Christmas light display to attract people to his store. He gets a crazy amount of drive-by traffic and partners with local groups who sell hot chocolate and cider. Television and newspapers report on his light show, and all of that exposure features his store in the background. Over time, this will create a family tradition where they say, "When are we going to (store name) to look at the lights?" Another owner purchased 300 pumpkins and carving kits and had a large party for his community at Halloween.

Instead of generic ads, target a specific type of customer who is likely to buy from you and would make a great customer!

Mistake #2: Firing Blind

Shooting anything with your eyes closed is a bad idea! Most flooring dealers make the mistake of not knowing who they are targeting. They just go after everyone, which is like going after no one. Don't just say you market to women. Pick a particular profile by demographic or psychographic and design all of your marketing around her. Demographics are

A business marketing plan with little to no strategy is reactive and mostly ill-timed.

things that can be checked off like age, gender, income, home, education, etc. Psychographics are emotions, thoughts, fears, and desires of the group you want as customers.

Instead of generic ads, target a specific type of customer who is likely to buy from you and would make a great customer! Observe carefully, and aim for exactly who you want to attract to your store.

Mistake #3: Ignorance is Blissfully Painful

Ignoring future buyers may be your most costly mistake. Because most advertising is offering a discount or telling people you exist (**Mistake #1**), you miss all the people who are not yet ready to buy. It is estimated only 3% of the market is actually interested in buying your product at any given time. Likewise, 39% are thinking about it.

The other problem is an adequate system for staying in touch with those not buying right now. The person who walks out your store today may very well buy from a big box like Home Depot or Lowe's nine months later. We, as an industry, can't ignore future buyers!

What can you do about this? Let's address the marketing side. People think about buying flooring for a long time before they actually make that purchase. You want to connect with this person while they are in the thinking stage so they are likely to buy from you when they are ready to buy. Ads focusing on education and information do much better at this stage.

Focus your ads on offering ways to protect the consumer: 8 Questions to Ask Before You Buy Flooring; 5 Sneaky Ways Homeowners Get Taken Advantage of when Replacing Flooring; or 7 Top Regrets People Have After Purchasing Flooring.

Mistake #4: No Systems or Planning Allow Chaos to Reign

A business marketing plan with little to no strategy is reactive and mostly ill-timed. Your business deserves a well thought-out plan and strategy to make the most of your marketing dollars. Most stores do their marketing one of three ways: what they did last year; what a company selling marketing tells them to do; or what a manufacturer tells them to do. While there is nothing wrong with any of these approaches,

they may not be best for your business. Your marketing last year may not be as good as it could be. Local vendors have a vested interest in you spending money with them. A manufacturer wants you to sell more flooring, but the plan they come up with may not fit your market. **You absolutely must create a strategic marketing plan.** If you don't know how to do this, find someone who can help and who understands the marketing needs of the flooring industry.

Mistake #5: Your Business has a Personality Disorder

Few businesses know what they are actually selling. One of my mentors taught me a hard lesson about understanding what business you are actually in and what you really sell. You provide a product or service, but what you really sell is an emotion. My mentor owned a car wash, but what he sold was pride. He structured his entire business around making sure his customers felt pride when they left his car wash. As a result, his business is twice as profitable as his competitors.

What emotion do you sell? Sure people are looking for flooring, but what do they really want and need? What solutions do you offer? And can you express these through your marketing?

Make 2014 your best year ever by addressing and fine-tuning these 5 marketing mistakes. ■

ABOUT THE AUTHOR

Josh "The Fixer" McGinnis is in the top 5% of business coaches worldwide. He specializes in fixing marketing, sales, and people problems so his clients can maximize their growth potential. His clients routinely outperform the national average for their individual industries. This is part of the reason he has doubled his own business by word of mouth and referrals each year for the last four years.



Contact Josh via email at josh@unlockyourbiz.com or (800) 528-5055.

WFCA's Flooring Store Locator

By John Simonson

One of the great dealer member benefits from the World Floor Covering Association (WFCA) is the Flooring Store Locator. Combined with the consumer website (www.wfca.org), the Flooring Store Locator offers immediate product sourcing for consumers after they search the web for answers to their flooring questions.

The WFCA consumer website is an unbiased source of information on all types of flooring, including carpet, hardwood flooring, laminate floors, ceramic tile, area rugs, natural stone, cork, bamboo, and vinyl flooring. Here are three reasons the Flooring Store Locator is a great sales tool for helping generate leads for WFCA's retail members.

First, consumers throughout the United States and Canada are searching the web for answers to their flooring questions and many come to the WFCA's website for help. Most of these online shoppers are researching their options before visiting any local flooring stores to make their purchase. Many of these visitors end up going to WFCA's Flooring Store Locator to find their local flooring stores, which generates pre-qualified leads for WFCA member stores.

The WFCA's Flooring Store Locator was designed to be completely crawlable by the search engines.

Second, the WFCA's Flooring Store Locator was designed to be completely crawlable by the search engines. Search engines cannot type a zip code in a text box and then click a submit button. So we designed the Flooring Store Locator to also include a complete state listing, which then goes to a city listing within that state, which then goes to listing of the actual stores within that city. In this way, the search engines, like Google, include the WFCA's Store Locator listings within their search results. It's a shame, but not many manufacturers, distributors or other associations incorporate this feature in their websites for their aligned retail members.

Third, WFCA includes a link to your website. This may seem minor to some, but it really is a big deal. The link means consumers can then go directly to your website to learn more about your services, offerings, store hours, and get directions to your store location(s). The hotlink to your store's website

The hotlink to your store's website by the WFCA also **improves your link popularity**, which in turn gives your website **a boost in search engine rankings** and improves your website's visibility to potential local online shoppers!

by the WFCA also improves your link popularity, which in turn gives your website a boost in search engine rankings and improves your website's visibility to potential local online shoppers!

And, recently we added WFCA's store listings to all the content pages as well. We do that by identifying the visitor's online footprint and estimating their location. This should hopefully generate more leads for WFCA members.

We are seeing stores receiving from one to over 10 unique visitors monthly from the WFCA Store Locator. For \$275 per year, where else are you going to get those kind of pre-

qualified flooring leads, not to mention all the other great services offered by the WFCA? It's just another way the WFCA is working hard to help the independent flooring retailer.

Call (800) 624-6880 to have your company included in the Flooring Store Locator. ■

ABOUT THE AUTHOR

John Simonson, president of Flooring Web Solutions, has provided web design, content marketing, SEO and web metrics for all segments of the floor covering industry for more than 14 years. Email: john@flooringwebsolutions.com.



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The Affordable Care Act for Business Update

By Stacy Eickhoff

Despite the recent actions of Congress, delays in the exchange system launch and continued problems with the government run website, the Patient Protection and Affordable Care Act continues to move ahead. What does that mean for you, the retail floor covering dealer? It depends.

Large employers or employers that maintain 50 or more full time employees (or equivalents) have a slight reprieve. The Affordable Care Act's (ACA) mandatory requirement for employer and insurer reporting has been pushed back until January 1, 2015. The employer shared responsibility payment provisions will also not be applicable until 2015.

The Obama administration has announced plans to work with employers, insurers, and other reporting entities "to strongly encourage them to voluntarily implement this information reporting in 2014, in preparation for the full-time application of the provisions in 2015." While some are cheering due to the additional time, others are choosing to forge ahead.

In order to avoid penalties beginning 2015, employers must offer all of their full-time employee's *minimum essential coverage* or coverage that meets the individual responsibility requirement under the ACA. This same coverage must also be available to employee dependents.

With respect to the employee's coverage only, the "*minimum essential coverage*" must be both *affordable* (less than 9.5% of the full-time employee's household income) and *minimum value* (the coverage will provide benefits that pay 60% or more of average costs for covered items).

Many employers are finding coverage meeting the standard for "*minimum essential coverage*" is not as costly as they originally anticipated because it is less generous than many of the plans currently offered by employers.

To clarify and eliminate some potential confusion, here are some common questions (with answers) about the new healthcare program.

What does offering coverage mean?

An employer must extend an "effective opportunity" to accept (or decline) coverage at least once during each plan year. The determination of whether an employee has had an "effective



The Small Business Health Care Tax Credit is available to small business owners to encourage small business owners to offer health insurance coverage.

opportunity” to accept or decline coverage is based on the notice provided regarding the enrollment opportunity, how long the individual had to accept or decline, and any other conditions that apply.

What is a full time employee?

Identifying full-time employees is tricky. It is by far the most difficult administrative issue for employers. Generally, a full-time employee is one who has an average of at least 30 hours of service per week during a calendar month. The determination of hours of service and full-time or part-time status is made on an employee-by-employee basis, using actual hours of service.

An employer’s classification of an individual employee as full-time, part-time, seasonal, temporary, etc., has almost no influence on whether the employee is defined as full-time for the purposes of ACA. Any employee may be considered full-time based solely on hours of service and all employees’ hours of service must be measured to reliably identify the number of full-time employees the employer has.

Warning: Just because you do not have employees that work more than 30 hours per week does not mean you are exempt.

You may have a combination of employees who work less than 30 hours per week on average during a calendar month but whose hours (up to 120 hours per employee), when combined, meet the 50 employee threshold. This is determined by totaling the hours worked for the month for all employees who individually worked less than 30 hours per week and dividing by 120. In addition, many entrepreneurs have more than one business and, dependent on the ownership structure, may be required to combine the employees from all of their businesses to determine if they meet the minimum 50. The current regulations allow you two options for measurement: the month-to-month measurement method or the look-back measurement method.

For the *month-to-month measurement method*, the employer measures each employee’s service during each calendar month to identify status for that month to determine which employees must be treated as full-time employees.

Depending on the employer’s workforce and employment patterns, it could be difficult for an employer to use this method to clearly identify which employees maintain full-time status. Consequently, use of this method may result in penalties.

The *look-back measurement method* measures each employee’s average hours of service over a previous period, between three and 12 months long, to assign each employee full-time or part-time status. Once the employee’s status has been determined, it will continue for the same length of time used to determine their status; employers who “look back”

12 months establish the employee’s status for the next 12 months. This is called the stability period.

The employer may have an administration period of up to 90 days to assess each employee, determine if the employee is classified as a full-time and to notify them of their eligibility. Otherwise, the stability period must start immediately after the measurement period.

The employer chooses the length of the measurement, administration and stability periods, as well as the dates on which these periods begin and end, subject to a number of restrictions. There are also restrictions on changes to the measurement, administration and stability periods. The current regulations specify that an employer may not change a measurement period nor its associated stability period once the measurement period has started.

Rules for Current and New Employees

As part of the new healthcare act, separate rules have been implemented for ongoing and new employees. There are many exceptions, special rules and options making coordinating waiting periods and the *look back measurement* particularly treacherous.

Beginning with the 2014 plan year, an employer group health plan can no longer apply a waiting period longer than 90 days. In California, the rule is 60 days. New employees that are not *variable hour* or *seasonal* must be offered health coverage within the first three calendar months of



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employment to prevent penalty (the *look back method* does not apply). The employer, if using the *look back method* for ongoing employees must apply this measurement standard to new variable hour and/or new seasonal employees. The *month to month* measurement applies the full-time employee definition on a more current basis. Both are time consuming and pose their own challenges.

The Individual Mandate

The individual mandate which applies to everyone is still moving ahead and requires that each individual maintain *minimum essential* coverage for themselves and their dependents. This requirement takes effect 1/1/2014. Penalties will be assessed for those that do not comply before the March 31, 2014 deadline.

Beginning in 2014, the penalty for not purchasing health insurance for you and your dependents is \$95 per uninsured person or 1% of the household income, whichever is greater. These penalties may be capped, reduced or waived due to the household income, or age of each participant. For each uninsured under 18, the penalty is cut in half; and other allowable exceptions are available. The penalties increase each year until 2017 when the penalties will be tied to the annual cost of living adjustment.

With the individual mandate in effect, the ACA requires employers to provide a notice of available health insurance to all employees whether they participate in the employer's existing health plan or be full- or part-time employees. The ACA also requires that employers who provide health insurance to their employees provide an easy to understand summary of benefits and coverage.

Individual health plans are available through a variety of options including private health insurance or insurance via the exchange system. In addition to the federal exchange, currently 14 states have launched their own exchanges. Access points include the internet, private e-commerce platforms and insurance brokers.

Insurance plans have been standardized with the basic plan (Bronze); the intermediate plan (Silver); and the top-shelf plan (Gold). This simplifies the shopping process throughout the marketplace. Premiums vary by plan and region. There are provisions in the Affordable Care Act to provide premium tax credits for those who may have difficulty paying their monthly premiums. In order to qualify for premium tax credits, coverage must be purchased through the exchanges.

The Small Business Health Care Tax Credit is available to small business owners who offer health insurance coverage. To qualify for the credit, a specific criteria must be met including an employee count of 25 or less with average annual wages below \$50,000 per year (this will be adjusted for inflation beginning 2014), and a minimum employer contribution of 50% of the premium cost for every employee. Consult with your tax advisor regarding any potential penalties and/or tax credits.

What happens to the health care system as a result of the new law?

The jury is still out. There is concern among insurance carriers that younger, healthier people will not purchase the coverage as mandated and take the tax penalty, creating a situation called *adverse selection*, whereby only the sick or infirmed will comply due to necessity.

As a result, costs will outweigh premiums paid and eventually drive premiums higher. Some speculate that it will create a more competitive marketplace in areas that had limited access to coverage and drive premiums down in areas not traditionally competitive.

Workers' compensation carriers have expressed concern that an increase in both the number of claims filed and the cost of claims due to delays in treatment will occur. No matter the results, the deadlines are looming and the chips will fall where they may.

Whether you are large employer, small business owner or individual; your only option is to become educated about how the Patient Protection and Affordable Care Act applies to you. The information included in this article is only a summary of the current guidelines. We urge you to seek assistance from your insurance broker and tax advisor. ■

ABOUT THE AUTHOR

Stacy Eickhoff is vice president/client advocate for Willis Insurance Services of California Inc. She has worked in the insurance industry over 15 years with a focus on property and casualty within the floor covering and construction industries. Willis Insurance is the endorsed provider for the World Floor Covering Association.



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