At Your Service August 2014

By RIW on August 9, 2014

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CALENDAR

- August 6, 2014 – Weymouth Chamber of Commerce PIZZAPALOOZA Charity event
- August 13, 2014 – **Boston Magazine's 3rd Annual Battle of the Burger** – Boston, MA
- September 14, 2014 – 5th Annual Boston Local Food Festival – Boston, MA
- September 19, 2014 – The Business of Food – Boston, MA
- September 27, 2014 – The Let's Talk About Food Festival – Boston, MA
- November 10-12 – **Restaurant Finance Development Conference** – Las Vegas

"Amnesty" for Massachusetts Taxpayers

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by **Gary Bubb**

Massachusetts taxpayers will have the benefit of a two-month tax amnesty during September and October of 2014. The tax amnesty bill was signed into law by Governor Deval Patrick on July 11, 2014 as part of the state's 2015 fiscal year budget. The bill directs the commissioner of revenue to work out the details, and the Department of Revenue ("DOR") will shortly be publishing a Technical Information Release containing full information about the amnesty. An "FAQ" about the amnesty will also be added to the **DOR's webpage**. Click **here** to read more.

#Hashtag Headaches… Employee Rights In A Social World

by Joe N. Magner

ABC Lobster is a fictitious restaurant with an award-winning lobster roll. Unfortunately, despite its success, the restaurant has real issues managing inventory. Three times over the past month ABC Lobster has failed to order enough lobster meat to make lobster rolls. ABC Lobster's wait staff has lost significant tips when the lobster roll is off the menu. The wait staff expressed its concerns at a staff meeting. However, the problem continued. One night a waiter, let's call him Alex, had enough. Alex tags a photo of ABC Lobster's menu to his personal Instagram page stating "ABC Lobster…the most unorganized restaurant in town…trust us we work here" #sloppy #Wheresthelobster @ABCLobsteremployees @ABCLobster. Over the next two days, five other employees "Like" Alex's post and two employees post comments in support. Can ABC Lobster fire Alex for creating this mess? *Probably Not.* Here's why:

The National Labor Relations Board (the "NLRB"), established through the National Labor Relations Act (the "Act"), protects, in part, the ability of employees to participate in a "concerted activity." A concerted activity protects the rights of employees to act together to address issues such as pay, benefits and working conditions. The NLRB will prosecute employers who wrongfully discharge employees who participated in a concerted activity. A concerted activity, by its very definition, must be made for the betterment of a group of employees, not by one employee for his/her own personal gain. The Act was originally passed by Congress in 1935. Obviously a lot has changed over the past 79 years. The NLRB has recently been forced to interpret the intent of the Act as it relates to employees' use of social media. The first of such decisions were handed down in 2011 and the NLRB has been refining its position ever since. **Click here** to read more.

Marketing Corner

Organization that works with restaurants to help the homeless launches innovative program in Boston

Hearth Shares: Ending Homelessness in Greater Boston
New Restaurant Program to Raise Funds to End Homelessness –
No cost to restaurants

Hearth Shares is based on a simple and successful program called StreetSmart that began in London. It runs during the holidays in over 550 restaurants and over the years has raised over $10,000,000 for homeless programs in the UK.

During the months of November and December, a tasteful card will be given to diners with the check asking them to consider adding a donation of $1 or more to their bill. For more information, please visit **www.hearthshares.org** or contact Annie Garmey at 617-369-1555 or **agarmey@hearth-home.org**.

Industry Trends

10 trends shaping the restaurant industry
Retail Trends and Predictions
Hotel & Hospitality Industry Trends

RIW News

Lou Katz was featured in a recent Boston Business Journal article. Click **here** to read.

RIW clients open new restaurants: **Liquid Art House**, Boston; **Tavern in the Square** in Northborough; **CK Pearl** in Essex; **Sorriso** and **Les Zygomates** in Boston.

The 2014 **Restaurant Trends Seminar** hosted by **The Boston Restaurant Group, Inc.**, **Cafco Construction Management, Inc.**, **Ruberto, Israel & Weiner, P.C.**, **Rockland Trust**, **USI**, and the media sponsor **The Boston Business Journal** was held on May 12, 2014. The event was sold out and attended by over 200 people. Please visit **www.rtseminar.com** for updates on upcoming seminars.

David Robinson will be presenting at the National Retail Tenants Association's Annual Conference. This event is taking place September 7-10, 2014 in Reno, Nevada. **Click here** for more information.

Lou Katz and **Russ Stein** are presenting at the Restaurant Finance Monitor's Restaurant Finance & Development Conference. The event is taking place November 10-12, 2014 in Las Vegas. Click **here** for program details.

Ruberto, Israel & Weiner attorneys have comprehensive knowledge and expertise in the areas of law in which they practice and the industries served. Attorneys in RIW's Hospitality Practice Group have provided legal services to industry clients for over 30 years.

Additionally, our attorneys organize seminars, lecture, write articles, participate in trade associations, and serve on Boards of Advisors for retail, food and hospitality industry companies.

For a full description of our Hospitality Practice Group, including a list of representative clients, **click here**

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Archives

Click here for past articles on a range of issues including: Finance; Leasing; Data Security; Succession & Estate Planning; Disputes; Construction; and Branding.

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