

The California Merchant

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Five steps to successful negotiation

By **Glenise Anderson**

Negotiation skills are an important attribute in every business. In the workplace today, successful negotiation is extremely important and is one of the prerequisites for achieving success. The following are five steps which should be followed in order to negotiate successfully in business.

The very first step is to place yourself in the shoes of the person with whom you are negotiating. Look at things from the other person's perspective and evaluate what their objectives are. This will help you to understand what outcome they are looking for and hence could give you an advantage in the negotiation process. You will also be able to analyze how the other group views you and your proposal.

The next step is to know everything about the business you are dealing with. You need to prepare prior to your meeting and find out as much as possible about them. Things which you need to consider should be how well the business is doing at the moment, whether they are carrying out the deal to meet some financial requirement and/or what the purpose is for them to be carrying out business with your company. The main reason for this step is to find out the motive behind the business dealing.

Always remember the person asking the questions is the person who holds

the power. Ensure you ask questions to clarify the outcome are required and what is required from you.

There are many techniques involved with negotiation and you should make use of the one you feel most comfortable with. There are three general techniques:

- Competitive/Conflict negotiation
- Cooperative Negotiation
- Problem Solving Negotiation

Each of these techniques is unique and follows a different plan. Research them all and then select one which suits your style of negotiation, and which also helps your company fulfill its business needs.

The fourth step is to prepare a strategy. In order to achieve your objectives and come out successful from the negotiation, you need to have a well thought out and planned strategy. You can never predict what is going to happen, so being prepared is the best option. Prepare the things you need to say and what you want to achieve beforehand. Knowing this information in advance frees your mind to concentrate on managing whatever happens during the negotiation.

Some of the tasks you should focus on completing before the meeting

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Learning to cope with challenges

By Walter Pazik

Are you a successful businessperson or manager? If you are, the way you manage challenging situations will show the world your skills as a leader. There are lots of undesirable situations that can occur and challenge you in your role as manager or businessperson. These problems can be internal - such as with assistants or staff - or external forces. If you stay strong in these moments, you can grow as an individual and learn from the experience. In this article we will have a look at a number of the ways you can handle challenges in your business or career and how you can use it to help you later on.

Firstly, you should accept that the difficulties that have an effect on you or your company are yours and you are responsible for the solution. You'll not be able to remedy these situations if you have a need to blame somebody else for their occurrence. We're not telling you to conceal from other people how they are respon-

sible, of course. Be matter-of-fact and address the problem head-on. You, however, are the leader and it's up to you to look for a way to solve the situation and get beyond it. Maybe the worker who set the problem in motion merely needs more adequate training so he or she doesn't do the same mistake. Or possibly, your procedures manual requires updated. You, as the leader, have to concentrate on finding out what caused the situation and discovering a solution. Then, you may have to re-train your staff or rewrite your procedures manual to reflect the necessary changes.

There are some negative situations over which you have no control. To illustrate, you can't control a recession or a drastic change in the market in which you operate. In this type of situation, you might be called upon to make a number of



tough decisions, and it will be necessary for you to be of strong character. Let the weaker leaders bury their heads in the sand. You must tackle this new environment head-on so you, and your organization, will survive. The more quickly you do something to address a challenge the more likely you are to move forward and adapt to changes. An important aspect to handling adversity is how versatile you are in changing your approach and aligning yourself with new market conditions.

You shouldn't waste time bemoaning the fact that changes should be made.

Deal with this challenge head on and see it as a learning experience for future reference. If you're able to remain calm in difficult times, you will have more clarity in what has to be done and how you are going to achieve it. This means you need to be able to cope with high levels of stress which can affect your health and efficiency if you allow it to. I'm sure you've seen examples where a business leader, or a star athlete, has been up against extreme challenges in their life only to come through a much stronger leader as a result. This is the goal you need to shoot for in your life. Additionally, if you are strong in these situations, it will help people who look to you for leadership to also continue being calm.

It doesn't matter if you are a business owner or the manager of another person's company, you are certainly going to be presented with adverse difficulties every so often. If you're able to tackle these situations with the correct attitude, it can help you to be more successful later on.

Negotiation: Where will the meeting be held?

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should be the time at which you will be carrying out the negotiation - is it suitable to both parties? Next, the duration of the meeting should be kept in mind: have you left enough time between meetings so you don't have to rush from one to another - staying focused is the key. Where the meeting is held to

ensure a successful outcome is also very important.

The fifth and final step in negotiation is that you remain calm. There will be aspects in the meeting when you will not know what to do or say. At these moments the best thing to do is remain calm and patient. A short period of silence is useful. Do not let them know you are feeling pressured and most of all, do not let the other party intimidate

you. If in doubt, ask a clarifying question.

Glenise Anderson is a successful business woman who wants to share her knowledge and skills with other women. Her organization, Self Confident Women, provides tailored education solutions that meet the personal and professional development needs of women.



LAW TALK

By Kenneth S. Grossbart
of Abdulaziz, Grossbart & Rudman



Serving your lawsuit

In the process of negotiations for settlement of a dispute, you may have to file a lawsuit. This may be because there is no meeting of the minds with respect to a settlement or the timing within which to file a lawsuit has come (so that you do not lose your rights). Once the lawsuit is filed with the court, the very first thing that must be done is the Summons and Complaint, along with other court forms, must be served on all of the defendants (the Summons notifies the party(ies) that they are being sued). For those in an office, this is a very mundane aspect of the lawsuit even though it is a very important aspect. As a contractor, subcontractor, or material supplier, you should be aware of this process in order to protect your own rights because if a party is not served properly then they are not a part of the legal action.

There are various ways for a Summons and Complaint to be served properly in a general lawsuit. The obvious is that the Summons and Complaint are served by personal delivery. Another effective way to serve a party is by substitution (meaning that the Summons and Complaint is left at the business with a person in charge or at home with someone 18 or older) and then a copy of the Summons and Complaint is then mailed to the same address. There is also the possibility that the Summons and Complaint can be served by mail alone utilizing a Notice and Acknowledgment of Receipt, which means that the recipient actually signs the Notice accepting service of the Summons and Complaint and returns it. If the party resides out-of-state, then it is also acceptable to

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serve them via first-class mail with a return receipt requested. Lastly, if the party cannot be served using the above means, it is possible to obtain permission from the court to serve by publication (published in a named newspaper that is most likely to give notice to the party). An unlawful detainer matter has additional rules regarding service that we will not get into here.

Keeping the above in mind, service also depends on the type of entity (an individual, a corporation, a public entity, etc.). Corporations can be served by serving the president, CEO, etc., or a person authorized by the corporation to accept service. They will also have a designated agent for service of process, often times an officer, their attorney or a company that is hired for just the purpose of receiving service, that service can be made to.

There is a recent case Ariel Ramos v. Homeward Residential wherein Ramos served the corporate defendant with the Summons and Complaint by delivering the paperwork to a manager at a branch office of the defendant. Even though

the manager told Ramos that they were not authorized to accept service and the documents should be served on the agent for service of process, Ramos did not do so. When defendant did not appear in the case, Ramos obtained a default judgment in her favor for over \$250,000. Once defendant was notified of the judgment, it moved to have the judgment set aside because they were not served properly. The court agreed and overturned the default judgment. In a nutshell, this means that Ramos thought she was victorious in her suit, but in reality, spent more time and money than necessary because the defendant was never served properly.

As you can see from the above scenario, it is important to make sure that you have an understanding as to what is going on in this beginning stage of your lawsuit in order to make sure that you are not surprised at a later date because the Summons and Complaint was not served properly.

Kenneth Grossbart is recognized as one of the foremost authorities in California construction law. Over the past 30 years, Ken has become a respected speaker on Mechanic's Liens and other construction related issues. Abdulaziz, Grossbart & Rudman provides this information as a service to its friends & clients and it does not establish an attorney-client relationship with the reader. This document is of a general nature and is not a substitute for legal advice. Since laws change frequently, contact an attorney before using this information. Ken Grossbart can be reached at Abdulaziz, Grossbart & Rudman: (818) 760-2000 or by E-Mail at ksg@agrlaw.com, or at www.agrlaw.com

Can Facebook really help your business?

By Cidnee Stephen

Every Monday, I am usually checking the Google analytics of my clients and am impressed by those that use Facebook as to how much traffic I see coming to the corporate website via this Social Media Channel. Am I surprised? No. You might be asking why. If so, check out these interesting stats:

Number of people who check Facebook EVERY day: 128 million Americans, 14 million Canadians

If you do the math that is approximately 40% of the population of each respective country that is visiting Facebook EVERY day!

That means if your target audience is ANYWHERE in North America, over the age of 13 with access to a computer, chances are they are pretty heavily represented on Facebook.

So, why am I impressed to see the traffic coming to my clients' corporate websites? Because BEING on Facebook doesn't help your business....but USING Facebook effectively can. Facebook just recently launched an updated version of their Facebook for Business Resource. It's definitely worth checking out. Not only for how-to's on the points listed below, but also for some great success stories that can help you creatively promote your page.

While I'm sure this list is far from exhaustive, here's some savvy, simple and cost effective ways to start marketing your small business on Facebook:

1. You need a Company Page
2. Consistently post to your Page

Interesting ideas, tips, important industry/company updates, conversation starters, promotions and contests are what bring your page alive and when coupled with the other points below, these are what will grow your followers and increase traffic to your website.

Web Corner



3. Include Calls to Action on your Page

Calls to action can encourage your Facebook followers to LIKE your page, share your posts, visit your website, participate in a contest, try your product/service or subscribe to your newsletters/blogs/YouTube Channels/other social media channels, etc.

4. Promote your company page via ads

There are so many creative ways to do this that can dramatically increase your results. You also need to think differently about these ads. Unlike Google where people are searching for something specific, on Facebook they are typically there socializing. That means your ads need to stand out, entice and distract them from their conversations in order to take action.

5. Boost your posts

Your posts only reach about 16% of your followers, but boosting exposure of these posts for as little as \$5 can increase exposure dramatically, and can be directed not only to your followers, but also to your targeted audience on Facebook.

6. Advertise on Facebook to promote your company website

If you can offer a free eBook, special event or a free trial of your product or service, try using Facebook ads to drive traffic directly to your website instead of only to your Facebook page.

Your investment to give Facebook a try

Time to create a Facebook business page – 30 minutes (granted this can take longer when you make it fancier and add more functionalities over time)

Cost to create a business page – FREE

Time to post on Facebook – 15 minutes per post

Cost to post on your Facebook page – Free

Min. Cost to boost a post – \$5
Time to set up boosting a post – 5 minutes

Min. Cost to advertise per day – \$5
Time to create an ad – 5 to 30 minutes

Time to monitor your Facebook effectiveness – 15 minutes at the most per day

It's easy to come up with reasons as to WHY a tactic such as Facebook may not work for your business. Believe me, I hear reasons all the time, like:

"I'm not a Facebook user"

"I'm marketing to businesses, not consumers"

My response remains the same. Don't knock it until you give it a decent try. It will cost you little in time and money to do so, and the payoff could be well worth it!

Cidnee Stephen is president of Strategies for Success <http://www.strategiesforsuccess.ca>. Subscribe to Cidnee's free bi-weekly marketing tips at www.strategiesforsuccess.ca/marketing-tips-trends-and-updates/ for small businesses.

Safety and personal fitness, hand in hand

It's hard to go a day without hearing something about working out, training, getting "in shape." Sometimes we hear about it so often that we tune it out. The truth is that improving physical fitness, even by adding just a small amount of exercise, can improve stamina, reflexes and mental focus -- helping you and your employees be not only healthier, but less liable to be injured on the job.

Everyone knows a thing or two about fitness, but do you really know how you should approach becoming physically fit? It's a lifelong commitment that requires lifestyle changes.

However, don't let this scare you, as you actually need to start small and

take it easy. You can then build up over time, as you motivate yourself with the right plan.

First of all, think about what you're putting into your body. You don't want to load up on sugar and salt. You want to eat healthy from all the different food groups. Pick plenty of fruits and vegetables, refrain from eating out too often and choose less-processed, whole foods when possible.

It is best to eat more meals each day but smaller portions, and you cannot skip breakfast. Don't skimp on lean protein, especially before a workout.

Get creative with your workouts, and try to always keep things motivating

and upbeat. Do things that you enjoy. What type of sports do you like participating in? Do you like to swim? Perhaps you like to play some basketball from time to time. Get to learn new activities, and try new things!

While you might even enjoy working out by yourself from time to time, it's also important that you get social and feel the support around you to keep you going. You want to be supportive of those around you as well. It can feel really invigorating having someone to talk to and share experiences with. Remember, they are going through many of the same things you are.

Please see **FITNESS**, page 6

5 THINGS YOU NEED TO KNOW ABOUT HEALTH CARE REFORM 2014

Small Business

Must notify all employees of Health Insurance Exchange within 14 days of hire.

Small group insurance may be purchased within the exchange or outside the exchange.

- All employees can apply for individual coverage on the exchange and may be eligible for subsidy.
-

Individuals

March 15, 2014 is the deadline for Individual open enrollment.

October 1st is the next Covered California Open Enrollment

- Guaranteed Issue Health Insurance.
-
- For more information or quotes, call your Health Care Reform experts at I&C Benefits.

Phone: 888-321-0141 Email: vgonzalez@icbenefits.com



We are here to help you navigate your way through the HHR Mandate! Call today to set up a meeting with your employees to inform them of their Health Insurance benefits and options.

Eyewash basics may save your sight someday

Chemical exposures can happen when we least expect it, and with substances we take for granted. Even if your workplace contains no industrial chemicals, cleaning spray, bleach, pesticide, gasoline, printer ink and many other common liquids and gases can cause serious damage and even blindness. An easily accessible eyewash station is a vital safety tool. Flushing is such a simple treatment that it may be overlooked, but it is the only treatment for many chemical exposures. Reaching an eyewash station immediately and using it correctly is critical to preserving sight.

Here are some basic steps to make sure your business is prepared.

1. Assess your work area for caustic chemical hazards so that eyewash equipment can be placed where workers need it most.

2. The eyewash station should be reachable within 10 seconds from where hazards are located.

3. The eyewash's "hands free" valve needs to activate by a simple push or pull of a lever, button or foot pedal. Test



this function often, since it's very important the wash can be operated without hands, and that it can stay on reliably for the entire wash period.

4. Injured workers should flush both eyes simultaneously for a full 15 minutes with a controlled, gentle flow of flushing fluid, holding eyes open with their fingers so the liquid can freely flow over eyeballs. The temperature of the fluid needs to be between 60 and 100 degrees for the full 15 minutes of flushing time.

5. The eyewash should be positioned between 33 and 45 inches from the floor, and at least 6 inches out from the

wall.

6. Plumbed eyewashes should be flushed out weekly and inspected every year. Portable units should be maintained according to manufacturers' directions.

These basics should help your workers in case of an eye emergency. Remember that flushing is the very first defense, and the very best treatment, for chemical exposure to eyes. Make sure your employees know exactly where the eyewash is, how to use it, and how important it is that they use it immediately in case of an accident. Impress upon your workers that prompt treatment with an eye flush is the only thing that may prevent blindness.

Eyewash techniques can come in handy even away from the eyewash station. Make sure workers know that even if a station is not available, 15 minutes of flushing with clean, flowing water as soon as possible may prevent permanent damage or blindness. Just as with a fire extinguisher or an emergency exit, employees should always be aware of the nearest source of clean water.

Fitness: Stand at your desk; walk to errands

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Joining a class can be a great way to socialize, get motivated and keep you accountable. Classes move on with you or without you, but if you get to know a friend in class, you'll be more likely to keep attending because they'll notice if you skip. That way, you don't have to rely on your own strength all the time to get your workout in for the day. If you feel intimidated by a fast-paced class, or if you

haven't exercised regularly for a while, try a beginning or gentle yoga or pilates class. Check out the offerings at your local YMCA, community center or parks and rec department for classes geared to all fitness levels.

What parts of your routine during your day can you make more fitness-oriented? Do you sit at a desk all day long working? If so, there are many things you can do to shake up your routine and get yourself moving. Try standing at your desk instead of

sitting, or bring in an exercise ball to sit on at your desk: strengthens your core and gets your blood moving with hardly any effort at all! Aim to get up and walk around more than once per hour.

When you run errands, park farther away from the entrance, and walk more steps each day. Get yourself a pedometer so that you can enjoy calculating the amount of steps. Take the stairs instead of the elevator. Walk a few blocks to lunch, instead

of taking the car.

It is time to take a good look at your daily life to determine if there is more you could be doing for your personal physical fitness. Surely there is, as it's always a work in progress. Just 30 minutes per day of moderate exercise -- a brisk walk, mowing the lawn, even vigorous housecleaning! -- is enough to make a big difference. Every little bit counts and will help you to become a safer worker, and to feel better too.

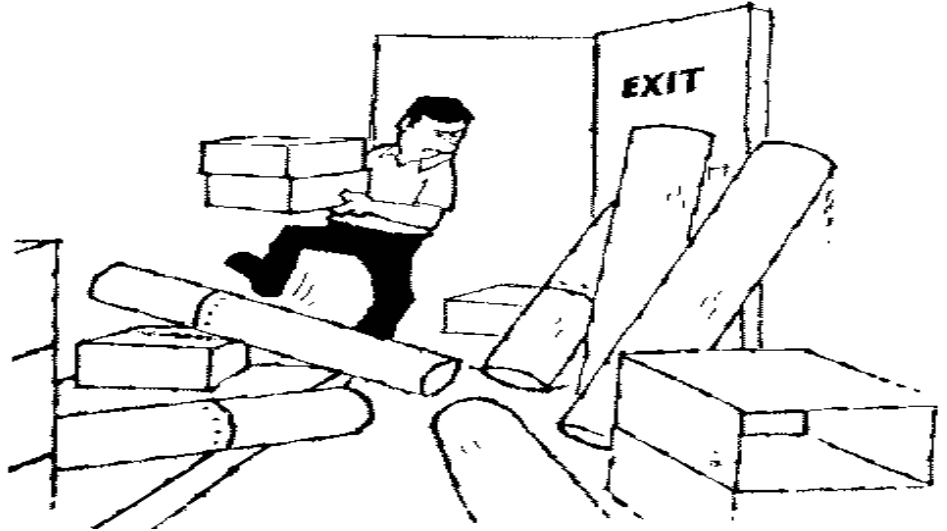
SAFETY ... IT PAYS



Blocked exits endanger everyone

Have you seen a crucial block lately? We're not talking about football, we're talking about blocking as it relates to safety and your work area. We're talking about blocking important elements of the workplace from access.

One of the most common things you can see during a safety inspection are blocking violations if you know exactly what to look for. What types of things should not be blocked? Below is a partial list of common items in most workplaces, however, there can certainly be others:



- Emergency exits
- Eyewash stations and showers
- Electrical panels
- Electrical disconnects
- Fire extinguishers
- Pedestrians' aisles

How serious is this issue? Locked and blocked exits were factors in the deaths of 25 and injury of 53 in a 1991 North Carolina fire that resulted in the

owner of the company going to prison.

The good news is that blocking is easy to identify and fix. Consider painting zones around these areas and installing signs to inform people they can't be blocked. Regular inspections and emphasis on blocking is the most important element to preventing such issues. Specifically look for items that "have always been there" as these permanently blocked items need to be addressed.

Even OSHA or other regulatory agencies have rules on blocking such items. They are important and access to these things can be critical in a time of emergency.

Take a look around your work area today. See if there is clear access to the electrical panels and fire extinguishers. Note if something is blocking access. Look to see if any items have been "permanently" blocked by design.

It is certainly better to go ten feet further for a fire extinguisher than it is to have to move carts, racks or other items just to get to it during an emergency.

OSHA CORNER

Please visit the following address on the web to download helpful safety posters, guides and pamphlets for a safer workplace.

<http://www.dir.ca.gov/dosh/PubOrder.asp>



Time for your company picnic? Keep your employees and their families safe with these tips

Grilling hot dogs and hamburgers is traditional at many outdoor picnics. Most of us cook outdoors so often in the summer that we may forget that we are using a flammable gas. Use the same safety sense you would advocate when using propane in the workplace.



million annually. Here are some tips when using a propane grill:

Barbecue grill fires and domestic propane tank explosions are a major source of personal injury in the United States each year. According to recent statistics from the U.S. Fire Administration, a division of FEMA, some 6,500 barbecue grill fires injure Americans accounting for property loss of over \$27

- * Always check for leaks every time you disconnect or reconnect the regulator to the LP tank. If you find a leak, immediately turn off the gas at the tank and don't attempt to light the grill until the leak is fixed. Until it is repaired, keep lighted cigarettes, matches or open flames away from it.

- * Check the valve connections and hoses to be sure they are in good working order. The hoses should have no cracks, holes or leaks. Make sure there are no sharp bends in the hose or tubing.

- * Check the tubes that lead into the burner for any blockage from insects, spiders or food grease. Use a pipe cleaner or wire to clear blockage and push it through to the main part of the burner.

- * Never use a grill indoors. Use the grill at least 10 feet away from any building. Do not use the grill in a garage, carport, porch, or under a surface that can catch fire.

- * Move gas hoses as far away as possible from hot

surfaces and dripping hot grease. If you can't move the hoses, install a heat shield to protect them.

- * Never start a gas grill with the cover closed.

- * If the burner doesn't light, turn off the gas and try it again in about 5 minutes.

- * When not in use, the LP tank valve must be turned to OFF. The tanks should always be stored in an upright position and in a place where the temperature will never reach 125 degrees F.

- * Never keep a filled fuel container in a hot car or car trunk. Heat will cause the gas pressure to increase, causing the relief valve to open and allowing gas to escape.

Defend against heat exhaustion, UV rays

Fun in the sun is a requirement for a summer company picnic. Unfortunately, while we love to soak up the sun, it is not without risk. Along with the summer heat comes the possibility of dehydration, sunburn, heat exhaustion and heatstroke.

While it's easier for people to keep themselves safe when they're playing, not working, there are still steps you can take to ensure your employees sidestep heat illness.

- * Make sure you have plenty of

shade available at your chosen location. If it is an open field, set up canopies and shade awnings. If you are renting tables and chairs, tents or canopies can often be rented at the same time.

- * Have lots of cool water, free and easily available. Encourage guests to drink up.

- * Offer sunscreen in a prominent location for those who may have forgotten theirs. Remind guests of reapplication guidelines with a small placard.

- * Minimize alcohol consumption, and have plenty of cool, hydrating fruits and veggies available if you're catering the picnic.

- * If the day is especially hot, consider misters or sprinklers, or a mobile air conditioned room for first aid.

- * Know the signs of heat illness. Visit the CDC's page at www.cdc.gov/extremeheat/warning.html to learn what symptoms to look for, and what treatment to follow if someone at your party falls ill.

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