

CFDA NEWS

CFDA

Volume 2, Issue 3

June/July 2007

Inside this issue:

Legislative Update	1
President's Message	2
NFDA Convention Registration Giveaway	3
CFDA-CAC Convention	4
OSHA Seminar	5
Call For Nominations	6
In Memory	6
Calendar	6

Reaching New Heights in Customer Service

**CFDA-CAC Combined
Convention**

**August 29-31,
2007**

*Radisson Hotel &
Conference Center
Longmont, CO*

See convention details
included with this issue!

Legislative Task Force Prepares for Sunrise Review

The CFDA Legislative Task Force is working on plans to introduce legislation in 2008 that will regulate funeral service in Colorado.

In February, House Bill 07-1231 was postponed indefinitely by the House Business Affairs & Labor Committee upon recommendation from its sponsor. With assurances from the new executive director of the Department of Regulatory Agencies (DORA) that an initiative to regulate mortuary science professionals would be given fair consideration, Rep. Debbie Stafford asked the Committee to "kill" the bill and noted that legislators should expect to see a new bill introduced during the 2008 legislative session.

Under the Colorado Sunrise Act §24-34-104.1, C.R.S., professions that are not licensed or regulated by the State may submit an application to DORA to determine if there is a need for new regulation. This process, called a Sunrise Review, determines the need for new regulation based on the following criteria:

1. Whether the unregulated practice of the occupation or profession clearly harms or endangers the health, safety or welfare of the public, and whether the potential for harm is easily recognizable and not remote or dependent on tenuous argument;
2. Whether the public needs, and can be reasonably expected to benefit from, an assurance of initial and continuing professional or occupational competence; and
3. Whether the public can be adequately protected by other means in a more cost-effective manner.

Governor Bill Ritter recently signed a bill, HB07-1311, that changes the Sunrise Review procedures. The new act modifies the time frame for submitting new applications and changes the deadline for DORA to complete a proposal evaluation to 120 days after submission. The act also provides that DORA may decline to conduct an analysis if:

- The proposal regulates fewer than 250 individuals; or
- It previously conducted an analysis of the profession or occupation and no new information has been provided since its last review; or
- A majority of states license, certify or require registration of the same profession or occupation.

In the 24 years since Colorado's Legislative Assembly abolished the old licensing system for funeral directors, the Colorado Funeral Directors Association has maintained its position to support regulation that will create standards of practice to ensure public safety, promote professionalism and support proper operation in funeral service.

Complaints about funeral service have been reported in the media recently, including ethical improprieties, fraud, lack of oversight, issues of public health and safety. Unfortunate incidents like the one in Noble, Georgia, have led to concerns that new laws may be generated which may create difficult operating guidelines for funeral service providers. The profession may be better served by supporting regulations that help to prevent a bad situation from occurring in the future.

CFDA Legislative Task Force has been examining scenarios that will recognize various levels and types of funeral service providers currently practicing in Colorado; ensure high professional and ethical standards; promote supervised training and specialized education from accredited mortuary science programs; promote best practices for health and safety, and offer equivalency to other states' licensing programs.

There are a number of questions and misconceptions about the prospect of funeral service licensing in Colorado.

(Continued on page 5)

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2006-2007**

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CFDA

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President's Message

Steve Vessey, MSP, Vessey Mortuary Service, Fort Collins



Steve Vessey, MSP

The turmoil of a busy year continues here at the CFDA as we continue to improve our "product" for all our membership. Add to this goal, the addition of another round of the continuing saga of licensing for Colorado, and you have what is turning out to be a very busy summer. Hopefully, the decisions the Board of Directors are taking action on will enhance the value of your membership and entice more Colorado professionals into our fold as members.

One area of interest to all is deciding whether we as an association should endorse product suppliers. There are many benefits to the association and to every member of the association in having preferred providers. One such benefit is the addition of a monetary gain in the form of a dividend paid to the association. One of the preferred providers has many programs and seminars available for continuing education. Not only is this a good opportunity to earn CE credit, but the programs offered are very diverse with interesting subjects that would benefit all of us. The downside is that we tie our hands with one company, and we must be loyal to them. You can count on the CFDA Board to weigh the pros and cons before making any decision.

As you can see from Page 1 of the *CFDA News*, licensing is again at the forefront of our agenda. Representative Debbie Stafford has vowed to once again introduce a bill to license and certify funeral professionals in Colorado. Before introduction to the House, we must go through a review by DORA, the Department of Regulatory Agencies. This once long and drawn out process was streamlined during the last legislative session, a good thing for us since we must pursue this avenue. It is the earnest desire and intent of the association to seek licensing laws that are on our terms, that are beneficial to the members of this profession and that wish to conduct business in an ethical manner. We have met with representatives from the largest funeral corporation in the world and are receiving a great deal of help and positive input from them. We are also gathering feedback from other members of the profession. We intend to seek as much input from all areas of the industry to ensure a quality system that will benefit all of us.

Earlier this month I had the great fortune of attending the CFDA's OSHA seminar in Grand Junction. It is always fun to be on the beautiful western slope of our state and the wonderful hospitality of Mike Blackburn, his family and staff made the day educational, as well as entertaining and very comfortable. Mike has a beautiful facility in Callahan-Edfast Mortuary and we are fortunate to have members like Mike who will share with us to promote professionalism in our state. Our main speaker was John Berg who spoke to us about OSHA, the Occupational Safety and Hazard Act. John has a way of making even the worst subjects seem interesting and enjoyable. According to feedback from the seminar, he was a roaring success. I worked with John many years ago and was always impressed by his vast knowledge on the subject, and especially impressed by his unique ability to make his presentation enjoyable. Those of us who attended this program left with a solid working knowledge of what OSHA is, and what we must do to assure compliance, and thus stay out of trouble with the government. What a great idea. So again, thanks to John and Mike for a very worthwhile day in Grand Junction.

Finally, I would like to say a word on our upcoming convention — August 29-31 — in Longmont, Colorado. We need auction items donated for both the fundraising silent auction and the live auction. As you know, this is a very important part of our financial picture, so please break loose and commit to donating some items for this project. Next, mark your calendar and plan on attending this year. Those who have attended our conventions under the direction of Steffani Blackstock know how smoothly a convention can be run. She does an incredible job and attends to every detail perfectly. I hope you will come to Longmont, bring your families, and plan on having a great time of fellowship, fun and education.

I look forward to seeing all of you in Longmont!

The advertising and copy deadline for the next issue of *CFDA News* is August 15.

Class Action Certified Against Alderwoods Group, Inc.

Pittsburgh, PA (June 11, 2007) – An order handed down by U.S. District Court Judge Joy Flowers Conti has certified a conditional class action concerning over 2,400 employees of Alderwoods Group, Inc., a nationwide funeral services provider. Notice of the class action is being sent to various hourly positions of Alderwoods, including Funeral Directors, Apprentice Funeral Directors/Embalmers, Funeral Directors/Embalmers, certain Location Managers, Arrangers, Assistant Funeral Directors and Community Relations Directors. Employees who are or were employed at any time since December 8, 2003 in one of those positions have until September 10, 2007 to return a form stating that they wish to participate in the case.

The employees brought the class action against Alderwoods Group, Inc., and Service Corporation International under section 216(b) of the Fair Labor Standards Act (FLSA) in an effort to recover unpaid overtime compensation they claim is due. Unlike other class actions, class members under the FLSA must return a form indicating that they want to participate in order to join the class.

“We are pleased with Judge Flowers’s decision and are in the process of carrying out the notification process,” said Charles Saul, one of the attorneys representing the class. “This class represents a vast number of employees who have been denied a great deal of overtime pay, and we are working with our co-counsel to facilitate the process and bring the matter to a satisfactory conclusion,” added Nelson Thomas, another attorney representing the class. The plaintiffs have also filed a motion for class certification to notify employees of Service Corporation International, the second defendant in the case, as well.

Additional information regarding the class action can be found at funeralclassaction.com. The plaintiffs are represented by Pittsburgh, Pennsylvania attorney Charles Saul of Margolis Edelstein and Rochester, New York attorneys Patrick Solomon and Nelson Thomas of Dolin, Thomas & Solomon, LLP. Further information about class counsel can be found on their respective websites: www.margolisedelstein.com and www.theemploymentattorneys.com.

Contact: Patrick J. Solomon, J. Nelson Thomas
 psolomon@theemploymentattorneys.com
 nthomas@theemploymentattorneys.com
 585.272.0540

NFDA Offers FREE Registration Giveaway for First-Timers

If you’ve always wanted to attend the NFDA Convention but have never done so, this could be your chance!

CFDA is conducting a prize drawing in which one lucky person will win a complimentary registration to attend the 2008 NFDA Convention in Orlando, Florida!

There are a few stipulations, however:

- Only first-time attendees are eligible to win.
- Contest entry is limited to one per person.
- Prize does not include the cost of transportation, lodging or meals.
- Prize is not transferable.
- Prize winner will be announced on Friday, August 31 at the CFDA-CAC Combined Convention.

To enter your name, clip and return the Prize Entry form on this page to the CFDA office as soon as possible. Entries must be received on or before Friday, August 24, 2007 to be considered.



Prize Entry Form

2008 NFDA Convention & Expo Complimentary Registration Giveaway

Name _____

Firm Name _____

Address _____

Phone _____

*Prize is non-transferable and does not include cost of transportation, lodging or meals.
 Eligibility for first-time NFDA Convention attendees only. One entry per person.*

To be considered, all entries must be received at the CFDA Office no later than Friday, August 24, 2007. Winner will be announced on Friday, August 31 at CFDA-CAC Convention.

Return to CFDA, P. O. Box 631664, Highlands Ranch, CO 80163-1664; Fax 720-344-5297

**Join NFDA for its
 127th Convention in
 Orlando, Florida on
 October 12-15, 2008!**



Thank You, Convention Sponsors!

With support from the following Convention sponsors, CFDA can continue to offer quality education programs, high-class meeting facilities and valuable networking opportunities. Please show your appreciation by visiting their displays at the upcoming CFDA-CAC Combined Convention and remember them when you purchase products and services.

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With special thanks also to:

*Colorado Association of
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Convention Social Event

Denim & Diamonds Party

Friday, August 31, 6:00 p.m.

Put on your favorite jeans, western wear and boots and join your CFDA-CAC colleagues and family for an evening of good, old-fashioned fun complete with dinner, music and dancing. And don't forget the BLING! Rhinestones and other embellishments are strongly encouraged! Ticket included with Full Convention registration and may be purchased optionally for others.

CFDA-CAC Combined Convention – August 29-31, 2007

Reaching New Heights in Customer Service

Radisson Hotel & Conference Center, Longmont

Here's a sampling of the education sessions you'll see at the 2007 CFDA-CAC Combined Convention:

Our Calling...It's Real!

Paul Elvig, President, ICCFA; Evergreen-Washelli Memorial Park, Seattle, Wash.

Is there such a thing as a "calling" in our industry? To some, the answer is obvious. Whether we are talking about the records we create and care for, helping individuals and families who are experiencing life's greatest loss, our cheerful compliance with state and federal regulations, or simply how we respond to the news media during inquiry, these are all components of our "calling." Understanding this is just as important as passing on our "calling" to the next generations of death care providers.

Making Connections, Building Trust

JoAnn Baldwin, CFSP, Manager of Professional Development, Aurora Casket Company, Inc., Cincinnati, Ohio

Establishing trust and credibility is a key component in any relationship. For the funeral director, these components are crucial to engage open communication with a family and ultimately a meaningful and personal funeral experience. In this session, participants will learn to quickly achieve a comfort level for both the arranger and family being served; reduce tension and elevate trust; gather information using a variety of techniques; develop personalization that is not dependent on the selection of personalized products; relate the benefits of the funeral to each family's varying needs and concerns, and increase family satisfaction with the arrangement conference.

Cremation Marketing, Presentations and Packaging

Tim Lancaster, CCFE, Executive Vice President, Eternal Hills Memorial Gardens and Funeral Home, Klamath Falls, Ore.

Whether you are an owner, a manager or part of the sales team, and whether you work for a cemetery, a funeral home, a crematory or a combination operation, you won't want to miss this session filled with concrete ideas for marketing and presenting to the cremation family. The presenter will share ideas that may change your perception as to how we as an industry market cremation to our families, and you'll walk away with real tools for cremation sales and service, including new ideas for cremation retention.

Become In "Credible" with Seniors

Ed Pittock, President, Society of Certified Senior Advisors, Denver

Of all the demographic trends at work in the marketplace today, perhaps the most significant is the aging of the American population. This presentation provides a fascinating and entertaining look at how an aging population is reshaping the country, challenging stereotypes and forcing us to look at aging in entirely new ways. Understand how health, financial and social factors can be managed to improve the lives of seniors and benefit those who advise them. When you add specialized knowledge of seniors to your own professional expertise, you have a potent combination of abilities that makes you more valuable to your senior clients – and launches you ahead of less knowledgeable competitors.

The Caregiver Activist...Is There Such a Person?

Paul Elvig, President, ICCFA; Evergreen-Washelli Memorial Park, Seattle, Wash.

Who me? An activist? You've got to be kidding! Just whom do you know, really know, that runs your city, your legislature, your state government and even your Congress? It's easy to become a "below the radar" activist. We will consider how you can maximize your influence on those that impact your business in so many ways. This will be a fast-moving presentation. You will be asked to consider the options and to consider the future of death care as we know it. You, too, can become a death care activist, and have fun doing it.

Not only will you learn from these nationally-recognized experts, you will:

- Learn about trends and techniques to enhance your operations.
- Improve your practical skills.
- Enhance customer care.
- Earn more than 12 contact hours of continuing education credit.
- Engage in valuable networking and idea-sharing activities.
- See the latest industry products and services.

Register at the Early-Bird Discount price now through August 10!

Don't delay...send your registration today!

CFDA's objective in proposing new regulation is to support standards of practice, ensure public safety, promote professionalism and support proper operation in funeral service. It does not intend to put legitimate funeral establishments "out of business."

Some individuals have suggested that "grandfathering" should be applied for licenses. By definition, the "grandfather" clause is an exception that allows an old rule to continue to apply to some existing situations, when a new rule will apply to all future situations. Applying this clause to the existing Mortuary Science Code could mean that some individuals who are practicing without sufficient training or experience may not be subject to comply with recognized standards of practice and public safety guidelines that many funeral service professionals already demonstrate. CFDA views this situation as potentially harmful for the consumer and also for the funeral service profession.

CFDA supports sanctioning for individuals certified by the Colorado Funeral Service Board when their education and experience exceeds the requirements in the proposed bill. Based on feedback we've gathered, most of the funeral service providers practicing today will fulfill the proposed criteria for either licensed MSP, certified funeral director, certified embalmer or registered intern. Funeral service providers would also be allowed a two-year window in which to comply with necessary training and experience requirements.

Another common misconception is that owners of funeral establishments must be licensed Mortuary Science Practitioners. The proposed legislation simply requires that a licensed or certified professional supervise the funeral directing, embalming and/or cremation operations. If you go to a medical office, you would expect to see a licensed physician or a registered nurse who has been educated and trained in the medical profession. Similarly, you would expect a funeral home to have a licensed or certified funeral director and an embalming facility to have a licensed or certified embalmer to supervise the embalming operations. An employee who is licensed or certified may suffice to supervise these services in a funeral establishment.

Another concern cited by Colorado funeral directors involves wage and hour compliance. According to the federal Fair Labor Standards Act: "Licensed funeral directors and embalmers who are licensed by and working in a state that requires successful completion of four academic years of pre-professional and professional study, including graduation from a college of mortuary science accredited by the American Board of Funeral Service Education, generally meet the duties requirements for the learned professional exemption." Currently only Ohio and Minnesota meet this standard. Colorado's proposed legislation will likely not affect funeral directors and embalmers who are already considered non-exempt employees, however, some employees may already meet the "white collar" exemption based on the FLSA's executive and administrative salary classification tests.

Another misconception is that SCI does not support licensing for funeral directors in Colorado. CFDA representatives have visited with SCI's Governmental Affairs team to understand their specific areas of concern and to gain their support. Contrary to popular belief, SCI is not opposed to licensing for funeral directors in Colorado and has provided valuable feedback to CFDA about licensing models based on their experience with other states' regulations.

Some feel that regulation of the funeral service industry in Colorado will be expensive and some say that there is already enough regulation. There is no doubt that the cost of an individuals' license or registration will be an additional expense, since presently there is no requirement. There are also training and supervisory issues to consider. It is also true that there are already laws that govern the mortuary science profession in Colorado.

However, what protections are in place to distinguish trained funeral service professionals from anyone who decides to provide death-care services? Are there sufficient regulations in place to protect consumers from potential hazards and unethical practices?

There are many pros and cons to consider as CFDA moves forward with its plans for another legislative initiative. We want to consider your thoughts and suggestions and hope you will share with us your compelling reasons in support of or against this issue. Please send us a letter, email or fax with your comments, or use the feedback tool on the CFDA web site at www.cofda.org.

OSHA Compliance Seminar in Grand Junction

Callahan-Edfast Mortuary in Grand Junction played host to more than a dozen funeral professionals during the recent CFDA Education Seminar held Tuesday, June 5.

John Berg, MSP/CFSP presented a refresher about OSHA rules and shared compliance tips for funeral establishments. An update on funeral service licensing in Colorado was followed by an informative session on The Aging Population presented by Ron Caskey, CSA.

Seminar refreshments and lunch were sponsored by **Donor Alliance** and the **Society of Certified Senior Advisors**.

Plans are underway for another CFDA seminar to be held this fall. Watch the *CFDA News* for announcements or visit the CFDA web site at www.cofda.org.

Did You Know...

Congress has passed an increase in the federal minimum wage, to become effective July 24, 2007. There will be incremental increases in the federal minimum wage over a two-year period. The minimum wage will increase to \$5.85 effective July 24. One year later, the minimum wage will increase to \$6.55. After another year (summer of 2009), the federal minimum wage will increase to \$7.25 per hour.



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Colorado Funeral Directors Association
Colorado Funeral Service Board
 P. O. Box 631664
 Highlands Ranch CO 80163-1664

www.cofda.org

Call for Nominations to CFDA Leadership

CFDA will elect its 2007-2008 Board of Directors at the annual business meeting to be held on Friday, August 31, 2007, at 7:30 a.m. at the CFDA-CAC Combined Convention in Longmont.

Candidates must be associated with or an employee of an establishment member firm for at least 12 months prior to such election. An individual may carry such membership tenure from one establishment member firm to another.

The Board of Directors is responsible for ensuring the organization's long-term financial stability and integrity and for fostering the organization's continued viability and growth.

Board members are elected for a two-year term. They are expected to attend every Board meeting; to serve or assist on committees; to be available to members, other leaders and staff; and be able to commit 5-10 hours per month to CFDA affairs. There is no financial compensation for serving on the Board.

The benefits of leadership service include:

- An opportunity to make a difference in the funeral service profession.

- Opportunity to support and achieve your personal and professional goals.
- Gain or enhance experience in building and working with teams.
- Increase knowledge of association activities and resources.
- Promote and develop leadership in others.
- Help to shape the organization's direction and future.

If you would like to be considered for a Board position, please call the CFDA office at 303-791-2336.

In Memory

Evelyn Zabel, mother of Steve Zabel, MSP, All Veterans Burial & Cremation, died May 16, in North Platte, Nebraska.

Lois Blackstock, age 90, mother-in-law of CFDA's executive director Steffani Blackstock, passed away on May 18, in Denver.

Calendar

August 15-18, 2007

CANA 2007 Annual Convention
 Fairmount Hotel, San Francisco, CA

August 29-31, 2007

CFDA/CAC Combined Convention
Reaching New Heights in Customer Service
 Radisson Hotel & Conference Center
 Longmont, CO

October 7-10, 2007

NFDA 2007 Convention & Expo
 Las Vegas, NV

Congratulations

CFDA President Elect **Kevin Rogers**, Rogers Family Funeral Service, Alamosa, and wife Emma welcomed their second child, Dillon Blake Rogers, on March 28.

CFDA Board member **Kinsey Ertel Huff** and husband **Jake Huff**, Ertel Funeral Home, Cortez, welcomed their first child, Kaden Jacob Huff, on May 6.