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## STATE OF NEBRASKA

**NEBRASKA LIQUOR CONTROL COMMISSION**

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In regard to an inquiry regarding whether it is permissible for a retail location to request or suggest beer delivery drivers to use the retailer's fork lifts to move and place products I offer the following observation.

In the Commission Rule Chapter 6 16.05, stocking and rotation of supplier sold products is allowed. However, using the retailer's fork lift seems well beyond the scope of normal stocking as it mandates the use of heavy equipment to move pallets within the store. I also have concerns about requiring a delivery driver to perform job duties that normally would be performed by a trained employee and that this may be a thing of value service.

There are also concerns about the retailer mandating that possibly untrained drivers operate heavy machinery and that it may be in violation of federal workplace rules.

Clarification added October 24, 2018 *by request from Nebraska Grocery Industry & Associated Beverage Distributors of Nebraska:*

This advisory is addressing the use of forklifts inside the retailer's store to move and place products within the store building – sometimes days after the delivery has been completed.

This advisory does not prohibit the use of forklifts for the purpose of unloading product from the distributor's truck during the delivery process.

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