



The most current information on how financial professionals can increase cash flow & control costs.

February 24, 2021

KEY FINANCE FIGURES Curr* Lst Mo Lst Yr ■ Leading Rates % Prime Rate 3.25 4.75 3.25 Fed Funds Rate 0.25 1.75 0.25 ■ Money Market Rates % London Interbank (LIBOR) 1 month 0.12 0.13 1.67 3 months 0.19 0.24 1.74 6 months 0.22 0.25 1.74 Stock & Bond Indexes 31,386 31,098 29,278 DJIA S&P 500 3,916 3,825 3,352 NASDAQ 13,988 13,202 9,628 5-Yr T-Bill 0.47 0.49 1.41 10-Yr T-Bill 1.19 1.59 1.13 ■ NACM Credit Managers' Index Sales 75.9 70.2 63.0 New credit apps 67.8 64.4 61.1 Dollar collections 66.0 62.8 61.7 *As of 2/8/21

The Cumulative Effect of CFO & Controller Alert

With the pace of change accelerating and the competition tougher, what's the best chance to keep up performance and get two steps ahead of the competition? A reliable source of continuous information.

It's the **cumulative effect** that helps, not any one reading. Our unique function is to deliver solid, focused information in your area of responsibility in a fast-read format twice a month to help performance.

Not so fast! 7 regs impacting Finance frozen by Biden

'Midnight regulations' get swift hold

FOs, get ready to feel some serious whiplash!

All those federal rules and regulations that passed fast and furiously at the end of last year and the beginning of this one?

Many of them are on hold ... at least temporarily.

They fell under the "midnight regulations" of President Trump's administration. And on Day One of his term, President Biden froze them.

(The argument being these were pushed through too quickly without the appropriate amount of feedback.)

And there were a ton of them.

Some 81 regulations in total, according to an online tracker by ProPublica.

Many of them will affect Finance and businesses as a whole.

Take a look at seven of the biggest now-frozen regulations to keep your company in compliance.

How many impact your biz?

See how many of these will impact your own organization. You've likely heard of many of them. Maybe you've even planned for their implementation. The coming weeks

(Please see Fast ... on Page 2)

Telehealth may count as treatment for FMLA

■ Leave in the time of COVID – new rules for certification

Chances are you've encouraged employees to take advantage of telemedicine options throughout the pandemic. Maybe you've even reduced or eliminated co-pays for this service.

Now your company will need to accept those virtual visits as certification for an employee's Family and Medical Leave Act (FMLA) request.

What's in-bounds, what isn't

A new Wage and Hour Division Field Assistance Bulletin clarifies that telemedicine counts as an "in-person" doctor's visit for FMLA purposes.

But the feds also put some conditions on this to keep requests in check and on the up-and-up.

The videoconference must include an examination, evaluation or treatment by a state-licensed healthcare provider.

What you can't count: phone calls, letters, emails or text messages.

Make sure all managers understand what's now in-bounds (and what's not).

Info: Field Assistance Bulletin No. 2020-8, *12/29/20*.

Fast ...

(continued from Page 1)

and months will be critical to their fates:

- 1. New independent contractor classification rules. Employers never even got a chance to put their classifications through the new, looser test before the feds put a halt to it. So for the time being instead of the economic reality test, you remain bound by the old rules. The DOL has requested a new May 7 effective date.
- 2. Collection techniques. This one is for business-to-consumer companies. This rule put limits on "zombie" debt collection of old debts. But it stopped short of banning the practice outright. Expect a tougher stance on this collection practice.
- **3.** Bank mergers. There's now less of a chance that your bank will merge with another ... at least quickly. A massive update to bank licensing procedures has been tabled for the time being.



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Your company's retirement plan and its administration are in limbo on a couple of fronts now:

- 4. Retirement plan investment choices. For now at least, plan managers can continue to choose investments based on factors besides financial performance. That includes things like climate change impact and workforce benefits. The rule that would have restricted that is frozen.
- 5. Advisor commissions.
 Obama-era regs remain in play that keep retirement plan advisors from taking commissions from the investments they recommend for their clients. The exemption got pushed through with a shortened public comment period, so it's now on hold.

Another several rules in the freeze impact one significant expense: disability benefits. (And they likely could have saved you some money):

- 6. Reviews on those receiving disability benefits. This rule would have upped the frequency of reviews for people receiving disability benefits so they could ID earlier signs of medical improvement and get them back to work faster.
- 7. Criteria for certain disabilities. For now keep relying on the current criteria for disability benefits for musculoskeletal disorders like spinal injuries. The Social Security Administration had recently tightened the criteria.

What happens next?

The Biden freeze simply puts a hold on those rules and regs that progressed between Election Day and Inauguration Day.

Now there's the option to have the regs put out for additional comments, reverse them or create a new reg. Plus Congress has the option of vacating anything finalized since mid-August.

Stay tuned. We'll keep you posted on the progress of all of these.

Info: For ProPublica's full rundown of all "Midnight Regulations" go to projects.propublica.org/trump-midnight-regulations

Sharpen your JUDGMENT

This feature provides a framework for decision making that helps keep you and your company out of trouble. It describes a recent legal conflict and lets you judge the outcome.

■ Worker given 1099-MISC instead of W-2: Tax fraud?

CFO Bill Keeper sent A/P Manager Jennifer Smith a quick DM: "Can you call me?" His phone rang immediately.

"I need you to pull any 1099s you have for an independent contractor (IC) named Danielle Morris," Bill said.

"Problem?" Jennifer asked.

"Danielle is suing us, saying she should've been classified as an employee and paid overtime," Bill began. "And that's not her only claim. She's saying that by giving her 1099-MISCs instead of W-2s, we also committed tax fraud."

'Fraudulent filing'

"Can she do that?" Jennifer asked.
"Misclassification would mean she
received the wrong form, but we
correctly reported her earnings."

"She's citing Section 7434, civil damages for fraudulent filing of information returns," Bill said.

"Section 7434" she did a quick web search: '... If a person willfully files a fraudulent information return with respect to payments purported to be made to another person ... '"

"That's the one," Bill sighed. "But even if a court says Danielle was misclassified, bringing in Section 7434 is a stretch."

When the worker sued, citing misclassification and tax fraud, the firm fought back. Did Bill's firm convince the court it hadn't committed tax fraud?

Make your decision, then please turn to Page 6 for the court's ruling.

Sales success! The approach that wins more profitable customers

FOR MORE ...

For the one question

must be able to answer,

your company's salespeople

go to cfoandcontrolleralert.

com/the-1-question-your-

salespeople-must-answer

A by-the-numbers case for leaning heavily on referrals

You'll want to touch base with your head of Sales to make sure their team is doing one very important thing: utilizing referrals.

It's the most effective tool in the sales arsenal when cold calling.

So assert the experts at Resourceful Selling, who make a compelling case for this foot in the door, based on a slew of research.

Check out why your firm can't afford not to lean on referrals ... especially now.

Easier to get a foot in ...

Cold calling likely isn't high on your salespeople's list of favorite tasks. But it's a necessary part of the job.

If they can approach a prospect through a referral, they'll have a much

more receptive audience: Almost 75% of executives prefer to work with salespeople who've been referred to them, according to an IDC study.

... and more profitable once you do

As CFO, you'll be especially interested in having referral-based customers in your base.

Customers won

Customers won through referrals are about 24% more profitable than other ones, found a Wharton School of Business study.

Plus they stick around longer: The speed at which referred customers churn and leave is, on average, about 18% lower than that of others.

Info: resourcefulselling.com/cold-calling-statistics

through a referral, they'll have a much

Open for business! Round 2 of PPP loans

■ The Small Business Administration now accepting applications

If you're looking to take advantage of the newest round of Paycheck Protection Program (PPP) loans, your time is now!

The Small Business Administration has begun taking applications for the recently re-opened First Draw Loans (Jan. 11, 2021), as well as the new Second Draw Loans (Jan. 13, 2021).

Here's what you need to know to get in by the March 31 deadline.

Is your business eligible?

Employers that previously received a PPP loan can apply for a second one with the same general terms.

The maximum draw for the loan:

2.4 times average monthly 2019 or 2020 payroll costs, up to \$2 million.

Your business is eligible if you:

- got a First Draw PPP Loan and will or have used the full amount for authorized uses
- don't have more than 300 employees, and
- demonstrate at least a 25% reduction in gross receipts between comparable quarters in 2019 and 2020.

Info: You'll find more on the program at sba.gov/funding-programs/ loans/coronavirus-relief-options/ paycheck-protection-program/second-draw-ppp-loans

ECONOMIC OUTLOOK

■ The way we were: A return to pre-pandemic levels

It's easy to long for the way "things used to be" ... especially considering the way things have been this past year.

The U.S. economy is no exception. Before the pandemic the economy was chugging along.

So when can we expect a return to those good old days?

The Congressional Budget Office (CBO) recently made some predictions in the report "An Overview of the Economic Outlook: 2021 to 2031" that can help you and your company with its strategic planning.

Comeback better than the setback?

Here's how the CBO expects the gross domestic product to expand:

- 3.7% in the fourth quarter of 2021
- 2.4% in 2022, and
- 2.6% a year through 2025.

The good news? That gets us to our pre-pandemic peak by the middle of this year.

However, if other members of the exec team get wind of that and think that's the end of the story (and try to act accordingly), you'll want to offer up a reality check.

For one, while GDP should bounce back in the next few months, the employment rate won't return to its pre-pandemic level until 2024.

And even if we return to where we were last February, we're in a much different place due to the financial toll much-needed stimulus will have. Those provisions will add \$774 billion to the deficit in FY2021 and \$98 billion in FY2022, increasing the level of real GDP by just 1.5% this year and next.

(To view the complete report, go to cbo.gov/publication/56965)

Newest update to Same-Day ACH arrives March 19: Can you benefit?

More time to get transactions through increases flexibility

Y our company is about to get two additional hours to submit Same Day automated clearinghouse (ACH) transactions.

Effective March 19, the Same Day ACH processing window expands.

Specifically, Same Day ACH files will be able to be submitted until 4:45 p.m. ET (1:45 p.m. PT).

At present, the latest an originating depository financial institution (ODFI) can submit same day ACH files is 2:45 p.m. ET (11:45 a.m. PT).

The hope is that lengthening this window will provide greater access for both ODFIs and their customers.

More changes coming

Of course that's not the last of the changes on the horizon when it comes to Same Day ACH.

We recently spelled out plans for higher per-transaction limits (please

see News You Can Act On, C&CA, 2/12/21).

If approved, limits would increase to \$1,000,000 a year from now, with thresholds being phased out altogether in three years.

Ready to hit the ground running

For now, you have more time to both send and receive Same Day ACH payments. East Coast businesses will have until almost the end of the workday.

Make sure that Accounts Payable, Accounts Receivable and Payroll are all aware of the new longer processing window so that they're ready to take advantage as soon as the effective date kicks in.

It's also worth addressing with key suppliers and customers to ensure they're ready as well.

Info: nacha.org/rules/expanding-same-day-ach

Don't be too quick to replace that smartphone

■ Many of your peers leaving money on the table to keep folks connected

Talk about a wrong number! \$207 – that's the average residual value of Google, Samsung and Apple smartphones when they're replaced by their employers.

So finds a recent study on biz-owned devices, Motus's Wireless Expense Management 2021 Report.

In total, you and your peers had \$4.14 billion in residual value of legacy devices last year.

But you don't have to leave that money on the table.

2 policies prevent money lost

If you're like most businesses, you replace employee phones every

30 months. With a few policies in place, you can make sure you're not wasting anything:

- Repair over replace. Screens crack, and many employers are quick to replace the device. But considering the residual value in many phones, you're better off repairing.
- Make sure phones are returned. This may be a little more difficult these days considering how dispersed many workforces are. But it's worth the effort to get the value that's left.

Info: You can download the full report at resources.motus.com/reports/wireless-expense-management-2021-report

MANAGING FOR RESULTS

Disciplinary warnings that are both legal and effective

It's no one's favorite part of the job for sure. But at times you – or your individual finance department supervisors – will have to issue a disciplinary warning to an employee.

Sometimes it's related to overall performance. Other times it may be the direct result of a specific behavior or action.

But no matter what's behind it you want to be confident that <u>all</u> warnings are both legal and effective.

3 factors to keep in mind

Are you confident that all your managers know what's in bounds and what's not? Three guiding principles:

- Be careful about handcuffing yourself. Yes, everyone wants to end a tough talk on a high note. But beware statements like this: "If you improve your performance in the next 60 days, we will take you off probation." What happens if the staffer improves briefly but then soon reverts to his old ways? Now that person is off probation.
- You don't always have to give
 a written warning or even a
 chance to correct the behavior.
 Yes, you want to give folks an
 opportunity to correct performance
 or behavioral issues. But there are
 times when immediate termination
 is justifiable, such as acts of
 violence or safety violations.
- If an employee refuses to sign or acknowledge a warning, it's still in effect. Avoidance doesn't give anyone a pass. Make a note on the warning that the staffer wouldn't sign and make sure HR is alerted.

(Adapted from "Test Your Knowledge," Supervisors Legal Update, 2/1/21)

WHAT'S WORKING FOR CFOS & CONTROLLERS

Our subscribers come from a broad range of companies, both large and small. In this regular feature, three of them share success stories you can adapt to your unique situation.

Financial signaling made us more proactive

With so much data coming in from so many different systems, waiting until month end for insights was simply too late. By then you can't impact results.

But by focusing on key drivers and metrics, it's easier to jump on opportunities.

Relevant data gets gathered and delivered to management weekly to support decisions as they're being made. And that has the potential to impact month-end results.

Here's one example of what that financial signaling looks like.

Focus: orders

When orders are the key business driver, for example, these data and metrics become critical:

- sales
- · order dates, and
- shipping dates.

Financial intelligence gets built around those and is tracked both weekly and monthly.

With that priority top of mind, a slew of possible business-boosting decisions can made:

- Do we adjust our pricing?
- Should we spend more on marketing?
- How can we control our travel costs?

(John O'Rourke, OneStream Software, in the session "Leading at Speed: Identifying Key Operational Signals" at Financial Executive International's Corporate Financial

> Reporting Insights Virtual Conference)

REAL PROBLEMS REAL SOLUTIONS

2 Custom Excel templates streamlined our work

In Finance, there are few technology tools as functional and flexible as Microsoft Excel. Like many others, we use it whenever we can.

But we had a problem: By default, Excel's basic spreadsheet isn't the most user-friendly.

Sure, Excel has a lot of power under its hood, but getting it to really use that power can take a bit of coaxing, especially when we've just opened up a new spreadsheet. We were spending a ton of time formatting cells and data – and that was a step we wanted to cut out of our process.

Fit to our needs

So we took a really good look at the Excel workbooks we had and assessed how, when and what we chiefly use Excel for.

We realized there were basically two different layouts that we used time and time again in Finance. Next, we created two new Excel templates based on these layouts. For example, in one template,

we made sure each template had all the cells alternating between gray and white backgrounds, which makes it easier for us to read.

Depending on what kind of Excel sheet we need, we can now just pull up whichever template works better for that purpose. It's saved us a lot of time and made us more efficient.

(Name withheld by request)

Team effort got workers' comp costs in hand

OSHA injury rates were declining over the course of five years, but workers' comp costs were going up every year.

This company couldn't understand why Safety was telling them things were getting better, but Finance was telling them things were getting worse.

Most safety pros know OSHA 300 log data is not the same as workers' comp data. But if safety pros are concentrating more on OSHA data, they're not showing the financial

impact of their safety program.

That's why safety pros have to take a deeper dive into workers' comp data to quantify the human capital financial impact.

Partner with risk management

I recommend safety pros partner with risk management to do this.

For example: If the wage replacement costs are more than 30% of your workers' comp program, there's an opportunity for Safety to interact with risk management and improve the

employer's return-to-work program.

Claims filed earlier cost less. So if workers' comp data shows less than 70% of claims are filed within three days of the incident, Safety can help encourage employees to report injuries in a timely way.

By collaborating with risk management, companies will have a lot of info that can show the value of your Safety program and cut costs.

(Based on a presentation by Stephen Bennett, Director, Aon Risk Services, Chicago, at ASSP's Safety 2020)

A recipe for disaster (or at least a suppressed ROI): New tech initiatives without sufficient training

■ A major disconnect exists between how employees and employers view skills support

Be careful what you wish for! In the past year many of your peers have stepped hard on the gas when it comes to digital transformation:

- 59% accelerated their digital transformation, while
- 66% completed tech initiatives that initially encountered resistance.

Only trouble? They may not be equipping their employees to move at the same pace.

Keeping pace

This breakneck speed of new technology adoption only works if the people who use it have the skills and support.

You need your employees to be just as capable, resilient and adaptable as the technology that's going in place.

And that's where many of your peers are coming up short. Training may be trickier these days with a dispersed workforce, but it's likely more critical than ever.

"We have been helping employees learn the skills needed to work in new ways" 74% Yes Employees

Source: The IBM Institute for Business Value study "COVID-19 and the Future of Business"

This is one potentially very costly disconnect. Seems companies are overestimating how well they're setting up employees to adapt to their rapidly changing jobs. Time for some frank discussions with your team about how prepared they feel.

Sharpen your judgment... THE DECISION

(please see case on Page 2)

Yes, Bill's company successfully convinced the court it hadn't committed tax fraud.

However, the company may still be liable for wage-and-hour violations due to the classification call.

The worker in the center of it all, Danielle, maintained that she was misclassified. And she asserted that along with failing to pay her overtime, the company had committed tax fraud by giving her 1099s instead of W-2s.

Meanwhile, Jenn's company said that even if Danielle should've gotten W-2s, misclassification falls outside the scope of Section 7434.

And the court agreed.

First, the 1099s had still reported the correct amount paid to the worker. Moreover, Section 7434 isn't a proper means to challenge misclassification, the court said.

Analysis: The far-reaching consequences of year-end

Chances are some of your departments are still in the throes of year-end reporting. And as this case shows, those 1099s they're filing can come back to haunt.

While this specific argument held no water, the employer still had to endure the hassle and expense of a legal battle to bat it down.

Cite: Guerra v. Teixeira, U.S. District Court, District of Maryland, Case 8:16-cv-00618-TDC, 8/8/18. Dramatized for effect.

Experts give their solutions to difficult workplace problems

Finance professionals like you face new questions every day on how to deal with everything from accounting and tax regulations to management and employment law issues. In this section, experts answer those real-life questions.

IRS tax levies and bonuses

One of our employees is currently under a tax levy from IRS, and he's due to receive a bonus soon.

Is his bonus exempt from the levy? If not, how much of it should be sent to IRS?

A: If the bonus is paid separately from his paycheck, the entire bonus must be sent to IRS.

Reason: The portion of his wages that's exempt from levy is based on the entire time period where his wages and bonus are paid.

Since he's already received the amount of wages he's entitled to for the pay period, the additional pay from his bonus is all owed to IRS.

Bear in mind that Publication 1494, which gives employers instruction on how to handle levies and wage exemptions, was revised due to the removal of the personal exemption by the Tax Cuts and Jobs Act.

Now, to calculate the weekly exempt amount, employers must multiply \$4,150 (adjusted for inflation) by the employee's number of dependents for the taxable year, and divide the sum by 52.

Minimizing legal costs for compliance issues

Q: Can we leverage our in-house experts to save on

legal bills when assessing a compliance issue?

: Instead of paying a lawyer to do all the research on a given issue, an industry expert tells Regulatory Compliance Watch magazine (privatefundscfo.com/ hiring-outside-counsel-needntcost-earth) to do your own digging and analysis.

Once you've developed a solid, informed opinion, ask for a quick review and validation.

You'll have the comfort of a lawyer's perspective while spending a lot less money.

Of course, it sometimes makes sense to get that

The comfort of a lawyer's perspective while spending less money.

perspective in writing, even if it means you'll pay a little more.

And just telling a lawyer you might want their answer in writing helps ensure that they consider their advice very carefully.

If you have a question you'd like our experts to answer, email it to Jennifer Azara at jazara@CFODailyNews.com

COMMUNICATION KEYS

■ Better presentation visuals

Gone are the days when a piece of clip art will cut it. If you want your presentation slides (and your presentation) to be memorable, you'll need more captivating visuals.

Keep 'em sparse: only a few and never more than one per slide. Then be dramatic. So if you're trying to show how much money is lost by not taking that prompt-pay discount, put up an image of two Super Bowl tickets – what that money lost could buy.

Info: circlesstudio.com/blog/ presentations-tips-ideas

Banish this word from Finance's emails

If you want more cooperation from co-workers and customers, urge your team to avoid this word in emails: no.

Doesn't mean you have to agree with everything, but seeing the word itself makes many get defensive. Challenge staffers to look for other, still direct, ways to make their point.

Info: wisestamp.com/blog/15-words-to-ban-from-your-email-communication

■ The in-office practice you want to continue remotely

You walk into your office, pass folks in the hall and likely offer up a friendly "good morning."

That's something worth continuing with your team even when you're remote. Whether you start the day with a five-minute touch-base and casual chat over coffee or simply fire off a quick message, it helps promote a routine and foster connection.

Info: greatplacetowork.com/ resources/blog/7-tips-for-bettercommunication-with-remote-teams

Recent developments that can help your business stay ahead

EEO-1 reporting returns! When yours is due

The EEO-1 report that had been postponed last year due to COVID-19? Put it back on Payroll's to-do list this year.

Private sector employers, you must submit the 2019 and 2020 EEO-1 Component 1 Data Collection in April 2021.

Some additional deadlines:

- July 2021: 2020 EEO-5 (Public Elementary/Secondary School Districts)
- August 2021: 2020 EEO-3 (Local Referral Unions), and
- October 2021: 2021 EEO-4 (State/Local Governments).

Info: eeoc.gov/newsroom/eeocschedules-2021-openings-eeo-datacollections-after-delay-due-covid-19public-health

New intel on employees' business travel plans

Just when will those T&E budgets get tapped again? A new survey gives you an idea of when frequent business travelers plan to hit the road.

The American Hotel & Lodging Association's "State of the Hotel Industry 2021" reveals road warriors' intentions for industry conference attendance:

- 29% say in the first half of 2021
- 36% will hold off until the second half of 2021, and
- 20% will wait for more than a year from now.

You'll probably want to scale back next year's budget as well – biz travel isn't expected to return to pre-pandemic levels until at least 2023 or 2024.

Info: To download the complete report, go to ahla.com/soti2021

New 100% deduction for disaster relief donations

If your company makes a cash charitable contribution for disaster relief, you're entitled to a larger deduction ... for a limited time.

Under the Taxpayer Certainty and Disaster Tax Relief Act of 2020, you can deduct up to 100% of your taxable income for contributions paid in cash for relief efforts in qualified disaster areas.

To take advantage of the increased limit the qualified contributions must be paid during the period beginning on Jan. 1, 2020 and ending on Feb. 25, 2021.

Note: Disaster declarations related to COVID-19 don't count.

Info: For additional info and recordkeeping requirements, go to irs. gov/newsroom/new-law-increases-deduction-limit-for-corporate-cash-contributions-for-disaster-relief-irs-provides-recordkeeping-relief

3 states have sales tax amnesty programs now

Heads up! If your company has any sales tax responsibilities in the following states, you'll want to take an extra close look at your compliance:

- Alabama
- Nevada, and
- Tennessee.

These states have active tax amnesty programs running and will waive all interest and penalties in return for speaking up about any exposures or compliance missteps.

Have any outstanding sales tax liabilities is South Carolina? An amnesty program is about to begin there as well. Dates still TBD.

We'll keep you posted. *Info:* For specifics, check out each

Employees say: "I would likely get the COVID-19 vaccine if it were available today." 53% ... if encouraged by my employer." 56% ... if my employer offered an incentive of \$100 or more." 60% Source: "A Workplace Divided: Split Opinions on COVID-19 Vaccine Could Disrupt the Return to Work" report by Perceptyx Before you approve a suggestion

Before you approve a suggestion from HR to start offering employees a three-figure financial incentive to get the vaccine, check this out.

The move would likely only give you a slight boost in buy-in for your buck. It might not be worth it.

state's Tax Amnesty page on their respective Department of Revenue websites.

Lighter side: Leaving a bad taste in your mouth

Customer testimonials can be a great way to boost business ... provided you read what customers actually wrote!

A Chinese food restaurant in Australia printed customer feedback on its menus. Unfortunately not every review was glowing, including:

- "I ordered fried rice without prawns, but I got a lot of prawns in my rice, I need a refund."
- "Waited for over an hour, where is my food?" and
- "Food is bland and tasteless, will not order here again."

Info: mirror.co.uk/news/weird-news/customers-spot-hilarious-reviews-sneaked-23420373