From CFO Daily News:



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

August 30, 2019

KEY FINANCE FIGURES Lst Mo Lst Yr Curr* Leading Rates % Prime Rate 5.25 5.50 5.00 Fed Funds Rate 2.25 2.50 2.00 ■ Money Market Rates % London Interbank (LIBOR) 1 month 2.21 2.37 2.07 3 months 2.19 2.34 2.34 6 months 2.05 2.26 2.52 Stock & Bond Indexes 25,898 27,332 DJIA 25,188 S&P 500 2,883 3,014 2,822 7,863 8,244 7,820 **NASDAQ** 1.78 2.75 5-Yr T-Bill 1.49 10-Yr T-Bill 1.65 2.04 2.88 ■ NACM Credit Managers' Index Sales 58.4 60.4 63.9 New credit apps 60.8 62.4 61.2 Dollar collections 56.6 60.3 61.0 *As of 8/12/19

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.

Caught on tape! Employee out on FMLA busted fishing

■ Co-worker posts on Facebook Live, employer sees

Plenty of businesses lose money to phishing, but here's a case where one company lost money to fishing!

Imagine this: An employee goes out on intermittent Family and Medical Leave Act (FLMA) leave for several different health issues.

You approve the leave, cover for the staffer's absence, shift workloads onto other teammates' plates – maybe even leave some work undone.

Then you see a Facebook Live video of that employee on a fishing trip on a day he was supposed to be out on FMLA leave.

So you fire him.

And he sues you!

That's exactly what happened to a California employer.

Here are the specifics of this case and the caution that comes with it for all employers.

Claimed he 'couldn't recall'

Union Pacific Railroad had approved intermittent FMLA leave for an employee who'd been suffering from a hiatal hernia and gastroesophageal reflux disease.

After the fishing trip video surfaced

(Please see Busted ... on Page 2)

New states outlaw salary history questions

5 new bans coming up by the beginning of 2020

As budget time approaches, fewer of you will know what new hires pulled in at their old jobs to determine their new compensation.

New Jersey is the latest to remove the thorny question of what someone earned at their last company from the list of things you can ask a job applicant.

The ban is effective Jan. 1, 2020.

Deadlines coming fast and furious

That brings the number of statewide bans on the books to 18, with an additional 17 local bans.

And you have a flood of states enacting new ones in the coming months. Up next:

- Alabama: Sept. 1, 2019
- Maine: Sept. 17, 2019
- Missouri: Oct. 31, 2019
- New York: Jan. 6, 2020, and
- Colorado: Jan. 1, 2021.

Even if your state or city has yet to ban salary history questions, it's likely only a matter of time.

So you just might want to pluck those out of the interview script preemptively.

Busted ...

(continued from Page 1)

(which had been taken by a co-worker incidentally), the company promptly terminated the employee for violating the company's policy against dishonesty and misusing FMLA leave.

But this employee wouldn't go quietly.

Instead he sued his former employer for wrongful termination, initially claiming he couldn't recall whether he'd been on that fishing trip.

Fortunately the court dismissed the case on summary judgment. But not before the employer had to sink time and money into fighting the claim.

FMLA costs \$21B every year

FMLA leave is no bargain to start with, even when an employee isn't abusing it.

From **CFO** Daily News:



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CFO & Controller Alert (ISSN 1081-9592), Issue date August 30, 2019, Vol. 25 No. 564, is published semi-monthly except once in December (23 times a year)

This publication is designed to provide accurate and authoritative information in regard to the subject matter covered. It is sold with the understanding that the publisher is not engaged in rendering legal, accounting, or other professional services. If legal or other expert assistance is required, the services of a competent professional should be sought.

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In fact, according to the Employment Policy Foundation, FMLA compliance costs you and your peers \$21 billion each year in:

- lost productivity
- continued health benefits, and
- labor replacement.

Which is why of course you only want employees who legitimately qualify for leave to be granted it.

But you need to tread extra carefully here.

A slippery slope

The employer in this case had the evidence put under its nose, in the form of the Facebook Live video.

But some of your peers have gotten into serious hot water trying to prove that someone was abusing their FMLA leave.

Last year a Massachusetts jury awarded an employee \$2 million when the company's HR department was "snarky" and "hostile" to that individual's FMLA request and presumed he was faking it (*DaPrato v. MA Water Resources Authority*).

Because the employer went into the investigation with a "presumption of wrongdoing," it had not treated the employee fairly and violated his rights under the federal law.

That's an important reminder not only for HR, but for all your company's supervisors.

While it's admirable for folks to watch out for your bottom line and want to catch FMLA fraud, they should never start from a skeptical or suspicious place.

Otherwise it could end up costing your business a lot more than you could've saved.

Adapted in part from "'I'm not out here': Facebook fishing trip video dooms worker's FMLA claim," by Jennifer Carson, at hrdive.com

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.

Firm took cash he owed out of his pay: FLSA violation?

"C'mon in, Kerry. We need to discuss our former employee, Dean Roberts, who's now suing us," said CFO Bill Keeper to Payroll Manager Kerry Peterson. "Did you get those files I asked for?"

"Yes, I looked into his payroll records, as you asked," said Kerry.

"So we had to let him go because we had some serious issues with his performance. But he claims he should've gotten a final paycheck. Why didn't he?" asked Bill.

He authorized the deductions

"His last paycheck ended up being zero dollars, because he owed the company \$848. He'd never finished paying for the tools and training he received. He also ruined one of the company vehicles," said Kerry.

"Yes, I remember. We wanted to recover the damages from his final paycheck. He'd signed a contract authorizing deductions from his paycheck for debts owed. And it seemed perfectly legal.

"However, Dean's claiming the company violated federal and state wage laws because he didn't receive a paycheck that was at least minimum wage. I really think we've got the law on our side. It's in our right to offset the debt owed by state law," said Bill.

Bill's company fought to have this case dismissed. Did it succeed?

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

Prescription for healthcare savings: Create an 'urgent-care-first' mindset

■ Why pay \$1,300 for an ER visit, when an emergency clinic costs \$150?

When an employee twists an ankle over the weekend, where does she go? If the answer's "to the ER," then it may be time to create an "urgent-care-first" mindset in the workplace. It'll save your company – and your employees – money.

The numbers make the case: From 2009 to 2016, the average amount hospitals billed for ER visits more than doubled, from \$600 to \$1,322, while an urgent care visit typically costs about \$150.

Visits up 140%

This urgent-care-first mindset is beginning to take hold. ER visits for minor health issues have dropped 36%, while urgent care use increased 140%, according to Aetna.

To include urgent care as part of your health plan, awareness is key:

• Educate employees during the upcoming open enrollment. Explain the advantages of urgent care over ER care so they understand the benefits and financial implications of each.

- Provide a takehome list of nearby in-network centers.
- Restructure the co-pays. To give folks a financial incentive, you might ask your carrier for a \$40 co-pay for urgent care vs. \$200 for the ER.
- Foster the mindset. Remind staff healthcare savings can

be passed along to them next year.

Adapted from "Creating an 'urgent care first' mindset for employee benefits," by Patrick O'Connor, at employeebenefitadviser.com

FOR MORE ...

For a case study on making employees smarter health consumers, go to cfoandcontrolleralert.com/whats-working-wednesday-heres-how-we-got-our-employees-to-take-more-control-over-their-health

ECONOMIC OUTLOOK

■ Did the Fed's insurance policy just get negated?

It was viewed as recession protection: The Federal Reserve lowered interest rates for the first time in 11 years.

That quarter-point drop was seen as a little insurance policy to keep the U.S. economy stable and provide a little kick to keep us out of recession territory (some early indicators showed we were skating a little close).

And then came more tariffs.

Coming Sept. 1

The President announced on Twitter that September 1 will bring another 10% tariff on \$300 billion worth of Chinese goods, from smart phones to clothing.

That should make just about every import from China subject to the tariff.

China was quick to strike back. Its target: U.S. oil imports.

As the largest buyer of oil in the world, a sudden dry up in interest in U.S. exports could have devastating consequences.

In fact, since this latest escalation of the trade war, crude oil prices have dropped to their lowest level in seven months.

The voice of more than three million U.S. businesses – The U.S. Chamber of Commerce – isn't optimistic, saying the latest tariffs on China "will only inflict greater pain on American businesses, farmers, workers and consumers, and undermine an otherwise strong U.S. economy."

Could the trade war send us into recession anyway? Stay tuned.

(Adapted in part from "U.S. oil is likely to be China's next target as trade war rages, energy analysts warn," by Sam Meredith, at cnbc.com)

The policy to tackle with your hotel vendors

■ You do not want to be socked by late cancellation fees

Jerry in Sales is off to an industry conference in Phoenix ... until a major client wants to meet with him and he has to reroute to Charlotte.

Only problem? It's just two days before the trip and the hotel is quick to point out it requires three days to cancel.

This scenario is becoming more and more common, say hospitality industry experts in the *Hotel Monitor* 2020 by American Express Global Business Travel.

Hotels pushing back

Seventy-two hours is the new industry standard for cancellation

policies these days. This is in reaction to high cancel rates hotels are seeing due to increased use of online travel agents and re-shopping sites.

Only problem? That's a very long lead time for businesses that often require more flexibility.

But you can do some negotiating on this front. As you look at preferred supplier relationships for 2020 you'll want to address cancellation policies with your hotels of choice.

Work to settle on more biz-friendly terms that won't leave you eating the cost of a trip no one took.

Info: You can download the complete Hotel Monitor 2020 at amexglobalbusinesstravel.com

Most banks have holes in their cyberinsurance coverage: Does yours?

Questions you need answered for peace of mind

A couple of years ago, the question you needed to ask your bank was "Do you have cyberinsurance?"

Now the question you should be asking is:

"Do you have the <u>right</u> cyberinsurance?"

Many banks and financial services firms are finding out the answer is no.

And that has some serious consequences for their customers.

Here's what you need to know.

Expensive lessons learned the hard way

The financial industry is being tied up in lawsuits trying to fight the limits on their coverage they're finding in the small print on their cyberinsurance contracts.

They're learning that when they file a claim, they're either being denied outright or capped in the payout.

Take Equifax, for example. It

has received \$95 million from the cybersecurity portion of its policy, with \$125 million in coverage.

Only problem? Equifax has racked up \$314 million in expenses related to the recent breach.

As you approach your banks about this mission-critical issue, you want to confirm they have a specific cyberinsurance policy that focuses on both cyber and privacy exposures and specifically covers data breaches.

Depending on your state, the American Bankers Association also advises financial institutions to protect their online banking platforms. That's worth asking about as well.

One answer you *never* want to hear from your bank: "We have a cyberinsurance rider attached to our general liability policy." Never enough.

Adapted in part from "The weak spot in banks' cyberinsurance," by Andy Peters, at americanbanker.com

New ACH file format standard targets fraud

■ Nacha has marching orders for Payroll

Direct deposit: faster, more streamlined, safer than paper checks ... unless fraud creeps in.

Which is why Nacha – The Electronic Payments Association has issued a new formatting standard you can tap to help banks spot this specific type of payroll fraud.

What the new format looks like

Nacha promises the new standard is a straightforward process. Here's what your payroll team would have to do:

Begin by entering "PAYROLL" in the Company Entry Description field. Then in the Individual Name

field, enter the employee's first name, a space and the last name (no punctuation.) Note: If an employee's name is longer than 22 characters, truncate the last name to fit.

Key: All first-time entries will contain the word "NEW" in positions 40-42, where the Individual Identification Number would appear.

That way banks can easily identify ACH transactions as payroll payments and spot questionable credits.

The standard is voluntary, but why skip an extra layer of protection?

Info: To read the new standard, go to nacha.org/news/nacha-creates-voluntary-formatting-standard-help-id-questionable-payroll-credits

MANAGING FOR RESULTS

Yes, believe it: Frequent feedback does pay off

Looking to maximize the ROI on your employees? A shift to more frequent check-ins, being driven by the younger workforce, boosts productivity, says a new study.

Almost three quarters of millennials (72%) whose managers provide consistent feedback find their job fulfilling, compared to only 38% whose managers don't, according to a study from data services firm Clutch.

3-point check-in checklist

Great, but where do you – and your managers – find the extra time to give more feedback? It may not necessarily be more time-consuming, if the transition is executed smartly. Here's how:

- 1. Take a look at your current review process. Feedback too infrequent? Great work can get overlooked while problem areas are never addressed. Or managers can inadvertently judge their direct reports against one another when reviews are done all at once.
- Clearly communicate the change to employees. Stress to managers and employees alike that the goal of this new process is to improve job satisfaction. And to create more open dialogue.
- Keep an activity log. Ask
 managers to keep track of
 employee activity (both highs and
 lows), which will provide plenty
 of content when it comes time
 to execute quarterly or monthly
 reviews.

(Adapted from "Best Practices for Switching from Annual Performance Reviews to More Frequent Feedback," by Elizabeth Watson, at HRTechnologist.com)

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.

Tool that spots problems, keeps us improving

A well-run payment process goes far past just the technical steps. Really, its success is dependent on the people carrying it out every day.

That spans from A/P staffers to the purchasers down the hall, to the managers approving invoices in hotel rooms miles away.

And often, if there's a problem – whether it's an inefficient process step or someone misunderstanding their duties – it's not communicated.

Then the problem just stews. We wanted to prevent that from happening and keep improving.

Wanted: Fresh feedback

We came up with a viable solution. Every quarter, we send a "pulse check" survey to see where we stand and note areas for improvement.

On each survey, some questions stay the same, so we can benchmark how we're progressing on big things.

Some questions change, based on what's going on at the moment and what our priorities are. (Did we introduce new software people are adjusting to? Did we modify a policy?)

The survey's short and sweet. It isn't difficult to create and doesn't require too much effort on anyone's part. Plus, we use a free survey website so there's no cost.

These pulse checks have helped us see what's working and what's not, so we can make appropriate changes.

(Nicole Caley, Director of A/P, AAR Corp., Wood Dale, IL)

REAL PROBLEMS REAL SOLUTIONS

Why 2 health providers are better than 1 for us

Our employees were reeling from the high cost of health care.

To make their paycheck deduction a little easier on them, we wanted a higher deductible – but that only helps so much.

A multi-pronged approach

So we went to a benefits consulting firm to see what we could do to improve. We asked for all the options, hoping something would turn up. The consultant steered us toward a major medical plan with a very high deductible – it's \$5,000.

Here's the good part: They packaged it with a secondary insurance plan from a lesser-known company, but it picks up everything the primary doesn't except for \$500.

Our employees get both plans, so everyone's basically getting a \$500 deductible.

The secondary insurance costs practically nothing, and the primary is really cheap because of the

super-high deductible.

The only negative is we learned that workers really have to police their bills

and make sure their provider billed both primary and secondary.

Sometimes the provider doesn't check for the secondary.

Overall, we feel like this is an up-and-coming thing. And it saves our employees a lot of money!

(Jamelle Seabury, Personnel & Benefits Manager, Birmingham Radiological Group, Birmingham, AL)

No bad attitudes here! This is the reason why

Over the years, I've seen my share of both successful and unsuccessful new hires.

And nothing is more frustrating than when you bring someone on board and have them not work out.

The one common trait I typically notice in the hires who eventually fail?

A bad attitude.

When you interview a candidate with an impressive skillset, it can be easy to focus on that and ignore

personality traits.

But you can always teach an employee new skills. What you can't do is change their attitude if they don't want it to change.

Motivation-based interviews

That's when I switched tactics to motivation-based interviewing.

This method is designed to hire high performers.

Not only does this method assess skill, it assesses attitude and passion – two traits that are essential in great, hard-working employees.

The idea is to give candidates situations and see how they'd respond to reaching goals while dealing with obstacles.

Listening to how the candidate would overcome a roadblock will tell you everything you need to know.

We also use specific questions to evaluate passion, since it's the most powerful motivator an employee can have.

(Carol Quinn, CEO, Hire Authority Inc., as presented at the 2019 SHRM Conference and Exposition in Las Vegas)

Rude awakening! Lease accounting standard implementation tougher than most expected

■ Even with the pushed-back deadline, there's still lots of work to do

While it's not a done deal yet, it looks like private companies are going to get an extra year to get in compliance with the new lease accounting standard.

Last month FASB unanimously voted to push back the effective date, making the expected new deadline annual reporting periods beginning after Dec. 15, 2020.

And based on the experiences of your peers, the additional time is sorely needed.

Just 5% have completed the transition

This is no time to ease up.

More than half (58%) of your peers are only in the early stages of assessing their implementation plan. A scant 5% have completed the transition.

Armed with the lessons from your peers on what's tripping them up, the time to formulate a plan – and put it into motion – is now.



Source: "The Accountant's Journey Towards Adopting the New Lease Standards" survey at leasequery.com

Talk about a difference in perception vs. reality! Where are your peers getting caught up? The top three hurdles: understanding the standard itself, lack of time and the number of leases to transition.

Sharpen your judgment... THE DECISION

(please see case on Page 2)

No, Bill's company was unable to hold the employee to the contract.

A judge said the company had violated the terms of the Fair Labor Standards Act (FLSA) by refusing to give the worker his last paycheck.

The company's defense was that the employee had accumulated debts while he worked there – he damaged equipment and didn't pay for training or tools. Plus, the employee signed a document saying the company was allowed to deduct any debts or damages from his wages.

However, the judge said, even if the worker did agree

to wage deductions, the company still had to follow the law when making them. The deduction from his last paycheck put the employee's earnings for that pay period at zero – well below the minimum wage – which is an FLSA violation.

If the employee legitimately owed the company money, the judge said, it should've filed a separate lawsuit in an attempt to collect any debts owed.

Analysis: Less than minimum wage is a violation

The FLSA specifically forbids employers from making any deductions from a worker's pay that would cause the person to make less than minimum wage. If an employee accumulates debts, the best practice would be to create a separate agreement with the worker to pay back the company.

Cite: Martinez v. PM&M Electric Inc., No. CV-18-01181-PHX-JGZ, U.S. D.C., D. Arizona, 2/4/19. 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.

Unclaimed property

Q: A company we recently purchased holds a significant amount of unclaimed property. What are some of the key considerations to focus on?

A: The first thing to realize, says the Sales Tax Institute, is that there is typically no statute of limitations for reporting unclaimed property. This means an unclaimed property audit could potentially go back 10-20 years, depending on state law.

The length of time for property to be considered unclaimed varies from state to state, creating potential complexity if the company you acquired operated in multiple states. And annual reporting deadlines also vary.

Meanwhile, you have a due diligence responsibility to try to find the owner of any unclaimed property before reporting and turning it over to the state.

Finally, remember that this is not a tax – you're obligated to remit 100 % of the value of the property, not just a percentage.

Bonuses and FMLA

A staffer's wife just had a baby, and he's decided to take 12 weeks of FMLA leave to care for the child. Problem: He's on leave during review time, and bonuses are based on our reviews. How do we handle paying his bonus?

A: It depends, says Suzanne Lucas (evilhrlady@gmail.com) on her Evil HR Lady blog.

If the decision to give the

worker a bonus is discretionary, then it's up to management or you to decide if he deserves it.

But if the bonus is based on the employee hitting certain targets he missed because he was out on leave, then you'll need to pro-rate his numbers to account for the time he was legally out.

What would the targets have been if the year was only nine months long? Did he meet those? If yes, pay the bonus, pro-rated for a nine-month period.

Attracting the best folks

We are competitive on pay, but it isn't enough in this labor market. What else can we do to attract and keep the best candidates without breaking the bank?

: Once compensation is right, expand your view of rewards to include elements that can differentiate the employee experience in a way that others can't easily replicate, say Laura Mason and Mary Anne Sardone of Mercer Health & Benefits:

- make it easier for employees to seek opportunities within the company
- expand development, and
- offer training to help employees build critical skills.

And put together a wellness program that goes beyond physical health and includes financial, emotional and social well-being.

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

COMMUNICATION KEYS

■ The trick to keep fidgeters from foiling your meeting

You know how distracting it can be when meeting participants tap their pens, check their phones, etc. Try this instead: hand out pipe cleaners.

Folks who must do something with their hands while they listen now have something ... and it's silent!

Info: bbc.com/news/world-us-canada-49050936

Presentations: Are you guilty of 'slide dump'?

There's no denying slides offer a great visual element to help reinforce your presentation takeaways. But be careful not to load them with too much info.

Most presenters are guilty of this, asserts Marketing king Seth Godin. His advice: Each slide should contain no more than six words.

That will certainly force you to chose your words carefully!

Info: biteable.com/blog/tips/how-to-make-good-presentation

Getting more mileage out of that thank you

Of course you try to thank every member of your team for a job well done. And hopefully you do so in writing, whether that's a handwritten note or an email.

But to recognize their efforts even more impactfully, try breaking down a staffer's good deed into multiple elements and reflect on each:

"By spotting that suspicious expense, you were being vigilant. And then researching it took initiative. Thank you for saving us money."

Info: Women's Health magazine, 11/18.

Recent developments that can help your business stay ahead

Fed jumping on real-time payment bandwagon

The nation's central bank plans to do its part to support faster payments.

The Fed just announced plans for a new 'round-the-clock, real-time payment and settlement service, called the FedNow Service.

You can expect the new service to be available in 2023 or 2024.

Info: For the Fed's announcement, go to federalreserve.gov/newsevents/pressreleases/other20190805a.htm

Key to keep employees: Your T&E policy?

Your company likely looks at many things to keep employees. But a big one resides in Finance: T&E policy.

A recent survey of travel buyers by Global Business Travel Association and Airlines Reporting Corp. identified factors that will improve retention and reduce turnover:

- seat upgrades like business class (80%)
- better technology (80%)
- more traveler-centric policies (77%)
- additional time off for frequent travel (73%)
- better service from travel management companies/travel programs (68%), and
- better vendors/suppliers (63%). *Info: Business Travel News*, 8/8/19.

IRS resurrecting this key year-end return for A/P

You might not think the expression "everything old is new again" applies to tax compliance, but it does here.

IRS is bringing back the Form 1099-NEC, Nonemployee Compensation. After being gone for decades, the Taxman released a draft version last month.

Let A/P know: Your company should continue to report nonemployee compensation in Box 7 of the 1099-MISC for this year-end. The 2020 Form 1099-NEC will be due Feb. 1, 2021.

Info: For a copy of the draft, click irs.gov/pub/irs-dft/f1099nec--dft.pdf

The other exec your peers are working with more

If you don't find yourself collaborating more and more with your top techie, you probably want to start.

A full 82% of your peers told Robert Half they're working more closely with their organization's CIO than they did three years ago.

The two biggest reasons for the increased meeting of the minds? Technology investments and business systems changes.

Info: roberthalf.com

Lighter side: What's in a name? A career path

Our famed CFO, Bill Keeper, seems like he was born for the job of finance exec.

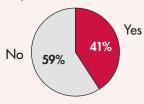
Turns out, there are many real-life individuals who appear destined to do their jobs, according to this list from Reader's Digest:

- Jim Beveridge, master blender at Johnnie Walker distillery
- Faris Atchoo, internal medicine doctor in Waterford, MI
- Andy Drinkwater, civil engineer for England's Water Research Center
- Les McBurney, former Sun Prairie, WI, firefighter
- Dr. Joshua Butt, Australian gastroenterologist, and
- Sara Blizzard, BBC weatherperson.

MEASURE UP

Looking Ahead

Do you budget for promotional increases?



Source: Gallagher's 2019/2020 Salary Planning Survey Report

The good news? The percentage of your peers taking this step is up 10% over 2018. The bad news: Fewer than half of firms still account for employees moving up the corporate ladder when setting their budgets.

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The Purpose of CFO & Controller Alert

CFO & Controller Alert is a fast-read resource to help busy financial executives boost cash flow, control expenses, manage their resources effectively and stay in compliance with ever-changing regulations.

Each issue presents real-world examples of what worked and what didn't for CFOs and Controllers in a wide variety of industries – all in a concise format that saves you time.

Depend on this publication for the winning ideas you can put to work today to help your company manage growth.