

ONES TO WATCH  
& pizza

MENU DEVELOPMENT  
Good Fat vs. Bad

VALUES ADDED  
The Art of Firehouse Subs

START TO FINISH  
Brian Niccol

# QSR

AUGUST 2015/NO.209

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# 50

**THE QSR 50 | RANKING THE INDUSTRY'S BEST**

THE ANNUAL REPORT:  
**THE INDUSTRY  
IN REVIEW**  
PAGE 64

THE HEAVYWEIGHT:  
**THE UNSTOPPABLE  
CHICK-FIL-A**  
PAGE 84

THE BRAND ON THE MOVE:  
**CULVER'S BUTTER-BURGER  
BILLION**  
PAGE 90

THE STRONG CONTENDER:  
**CORNER BAKERY  
TURNS THE PAGE**  
PAGE 102

# Aug: CONTENTS

FEATURES

QSR / LIMITED-SERVICE, UNLIMITED POSSIBILITIES



58



## 58 At the Chef's Table

BY SHERRI DAYE SCOTT

Five classically trained chefs share their take on how a fine-dining touch can change the fast-food industry.

## 64 The QSR 50

BY SAM OCHES

What makes the top 50 quick-service restaurant brands tick? Get an inside look at what the leaders have been up to in the last year.

## 84 WHERE GOOD MEETS GRACIOUS

It seems there's no stopping Chick-fil-A, which continued its incredible growth in 2014. Here's how the brand plans to keep up the momentum.

BY NICOLE DUNCAN

## 90 A BETTER (BUTTER) BURGER

Despite the crowded better-burger field, newly minted billion-dollar brand Culver's sees a lot of runway ahead for growth.

BY DANIEL P. SMITH

## 96 THE CONTENDERS

Which brands have the best shot at climbing into the QSR 50? Here's a look at Nos. 51-65.

BY MARY AVANT

## 102 AT THE CORNER

Growth to date has been slow and steady for Corner Bakery, but now one of the originators of the fast-casual category is ready to kick it into the next gear.

BY MARY AVANT



64

WHILE McDONALD'S PREDICTABLY TOOK THE TOP SPOT ON THE QSR 50, OTHER SHAKEUPS ON THE LIST WERE MORE OF A SURPRISE.

# THE QSR 50

ON THE COVER: Our annual list of the 50 top companies in the quick-service restaurant business.

# Aug

AUGUST 2015 / ISSUE 209

6 QSRMAGAZINE.COM  
8 WHAT'S HAPPENING  
10 EDITOR'S LETTER

138 NEW ON THE MARKET  
141 THE MARKETPLACE  
142 ADVERTISER INDEX

DEPARTMENTS

QSR / LIMITED-SERVICE, UNLIMITED POSSIBILITIES



21

## Fresh Ideas

21  
FOOD TRENDS

### Good Fat, Bad Fat

Not all fats are created equal. Here's how to use good fats effectively. **BY BARNEY WOLF**

28  
FOOD TRENDS

**Lean In** Proteins that are low on fat but high on flavor can take your menu to the next level. **BY KATHY HAYDEN**

34  
CHEF Q&A

**Emily Ellyn** The chef personality talks about the nutritional benefits of cooking with high-oleic soybean oil.

37  
MENU DEVELOPMENT

**Fat Chance** Innovating with healthier oils and other good fats. **BY MARC HALPERIN**

## News

13  
SHORT ORDER

41  
FINANCE

### Going the Distance

Part two of our series on private equity and how the right partner can fuel your brand. **BY JULIE KNUDSON**

45  
ONES TO WATCH

**&pizza** It's not just the premium ingredients that give this Washington, D.C.-based fast casual its cool vibe. **BY JUDY KNEISZEL**

49  
ONES TO WATCH

### Twisted Root Burger Co.

What happens when a culinary school grad tries his hand at a burger fast casual. **BY JUDY KNEISZEL**

123  
OPERATIONS

### Documenting Success

Immigrant workers can be a great addition to the kitchen, but you must be sure to follow these legal steps.

**BY MAGGIE HENNESSY**

129  
OPERATIONS

### Fork in the Road

We revisit the age-old debate: Is it better to grow with franchised or company-owned locations?

**BY KEVIN HARDY**

135  
VALUES ADDED

### Red Alert

Hear from the artist responsible for those murals decorating every Firehouse Subs location.

**BY KEITH LORIA**



41



45



123



135

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# Documenting Success

Hiring immigrant workers can improve the operation and encourage workplace diversity, but operators must understand the legal and cultural nuances. **BY MAGGIE HENNESSY**

In a country whose foreign-born population has eclipsed 13 percent of the total (some 41.3 million people), hiring immigrants has become as inevitable as it is important for quick-serve restaurant operators.

And by keeping abreast of relevant laws, filing the right paperwork early and often, and ensuring all employees feel comfortable and heard regardless of their first language, operators can bring out the best of an increasingly diverse U.S. workforce.

“Restaurants offer a great first job or first step in a career,” says Michael Mabry, chief operating officer of Plano, Texas-based Mooyah Burgers, Fries & Shakes. “Starting at the unit level and working your way up through the system is open for anyone. As leaders of any industry and business owners, it’s simply the luck of the draw that we were born in the U.S. We have to offer the same opportunities we had just by birth to anyone willing to work for it.”

## Whom can I hire?

Arienne Bennett, who owns Amsterdam Falafelshop in Washington, D.C., employs many Hispanic immigrants by “hiring naturally from the city’s diverse neighborhoods,” she says. The challenge for many—particularly new—operators is simply knowing what’s required of them from a documentation standpoint, she adds.

“Some people just don’t know,” Bennett says. “Maybe you’re a small business owner just getting into the fast-casual industry. Especially as an emerging franchisee, you want to be on the right side of the law. You don’t want to be in business for 10 or 15 years before discovering that you’ve been doing something incorrectly and are now facing serious legal problems over it.”

Quick-serve chains must first verify that new hires are authorized to work in the U.S., according to the U.S. Citizenship and Immigration Services (USCIS). Because permanent residency is not a requirement to work in the U.S., employers requiring applicants to have a particular citizenship or immigration status (such as permanent resident or “green” card) actually exclude some authorized candidates, thus violating federal anti-discrimination laws.



Many Mooyah Burgers franchisees use the onboarding portal TalentReef to track E-Verify, I-9, and W-4 forms.

In addition to permanent residents, those who have been granted asylum or refugee status or those who have been admitted in work-related nonimmigrant classifications may be authorized for work as a direct result of their immigration status, the USCIS states. Other aliens may need to apply individually for employment authorization.

## Decoding E-Verify

Limited-service chains looking to avoid a situation like Chipotle’s forced firing of more than 600 workers in 2011 after a federal immigration audit found that some were illegal can cross-check new hires using E-Verify, the federal online employment eligibility program.

E-Verify compares an employee’s information taken from the Employment Eligibility Verification Form (I-9) with more than 455 million Social Security Administration records, more than 122 million Department of State passport records, and more than 80 million Department of Homeland Security immigration records, according to USCIS.

The free-to-use program doesn’t require special software—

## OPERATIONS

just a Web browser and Internet access. It's also voluntary, though some states have passed legislation making it mandatory for certain businesses, with penalties for noncompliance ranging from fines to temporary and permanent revocation of business licenses.

Although participation in E-Verify will not necessarily shield employers from possible enforcement action, those who properly use the program do have a "rebuttable presumption" that they did not knowingly hire an unauthorized alien, says a USCIS spokesman.

In addition to using E-verify for new hires, Bennett says she keeps abreast of laws—which not only vary at the state and municipal levels, but also change periodically—by calling her local employment office at least once a year.

Mooyah also uses E-Verify in states where it's mandated. For hourly workers, many of the chain's franchisees use online recruiting and onboarding portal TalentReef, which tracks E-Verify, I-9, and W-4 (tax status form) submissions.

"Folks can also use it to fill out applications, do interviews, and watch videos during the interview process," Mabry says.

### The path to citizenship

Operators can request permission to bring in qualified foreign workers in certain professions based on job skills and education level. For most employment categories, sponsors must file a labor certification with the Department of Labor proving that they cannot find a qualified U.S. worker to take the job first.

Skilled-worker visas (known as H1-B) typically go to scientists, engineers, and programmers, though qualified positions in the quick-serve industry may include executive-level management and chefs, Bennett says. She notes that Amsterdam Falafelshop does not employ any workers on temporary visas; all foreign-born employees have green cards or are otherwise full citizens.

Companies apply for an H-1B with a specific candidate in



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mind, which usually involves immigration attorneys and can cost thousands a petition. Demand for skilled-worker visas has already exceeded the entire supply (65,000) for fiscal 2015, which prompted the government to resort to a random, computer-generated lottery to allocate them, according to the *Wall Street Journal*.

A limited number of visas are also available for unskilled workers. Since these are categorized as lower preference (EB-3), applicants often exceed the number of available visas, leading many to be wait-listed.

Additionally, it's not uncommon for employment-based (EB) visa recipients and their families to spend years—even decades—waiting for green cards, which are capped at 140,000 per year and subject to per-country limits.

#### Making employees heard

Once employees are properly onboarded, the most important consideration is that they feel comfortable and heard, regardless of their native language, Bennett says.

Because most of Amsterdam Falafelshop's non-English-speaking employees speak Spanish, the chain provides all documentation, including training manuals, in both English and Spanish. Moreover, general managers are required to take Spanish classes.

"If you take on the responsibility of bringing someone here from somewhere else and English isn't their first language, you have to make preparations," she says. "It's not fair for employees to feel like they're not being fully heard, understood, or their issues understood. Whether you hire managers who are multilingual or have managers take language classes, you have to build that into your company."

Understanding the nuance in language can keep situations (and tempers) from escalating, Bennett says. For example, if an employee complains about a coworker doing something "one time" versus "all the time," that small phrase will influence the manager's response. Whereas a single instance may be chalked up to a bad day, a chronic problem should be addressed differently. If the manager does not understand the frequency, the employee might feel that his concerns have not been taken seriously.

Language classes can also help employees working toward professional goals—something they should feel comfortable voicing

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early and often, Mabry says.

“I had an hourly team member that had been with me five years and wanted to move up in the organization, so I gave him two big things to work on,” Mabry says. He advised the employee to first become certified in English as a second language and, second, to learn front-of-house operations, including the POS system. “Fast-forward six months, he brings me his English certificate and the hours he logged, and he becomes the general manager of that unit. When it comes to hard work, there’s no language barrier.”

### Fostering connections, inspiring menus

Making employees feel empowered and heard isn’t just about clear communication. Lindsay Sterling, a professional cook and food writer who started the blog Immigrant Kitchens to document her experiences learning to cook authentic recipes from immigrants from 62 countries, says operators who provide opportunities for employees to share their native cuisines can not only boost morale but also offer inspiration for menu development.

“Fast-food companies are always working on menu development and how to keep staff feeling good about working here,” she says. “From a menu development standpoint, [learn] what these natives can teach you about different spices and cooking techniques. But secondly, how great is it to be able to celebrate your employees for who they are and where they come from?”

For people who spend so much time trying to fit in with American culture, customs, and cuisine, seeing interest in their own culture from coworkers can help create positive relationships and make them feel connected, she says.

“Especially for big operations with corporate internal communications, how cool would it be to have a feature in the corporate newsletter about Juan Carlos’s mother’s dish? It has huge potential for positive HR and community building and spirit building,” Sterling adds.

For Bennett, whose mother emigrated from Hungary during the 1956 Hungarian Revolution, hiring immigrants means committing to helping somebody build a new life through the appropriate channels, even if it means addressing uncomfortable questions.

“For a lot of people, coming here is an opportunity to start a new life, and you’re helping them do that,” she says.