

AOR 2012-02

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2011 NOV 16 AM 11:06

November 4, 2011

OFFICE OF GENERAL  
COUNSEL

Robert Knop, Esquire  
Assistant General Counsel  
Federal Election Commission  
999 E Street, N.W.  
Washington, DC 20463

**Request for Advisory Opinion**

Dear Mr. Knop:

The purpose of this letter is to request an Advisory Opinion ("AO") from the Federal Election Commission ("FEC") clarifying which persons fall within the restricted class of persons who may be solicited at any time by a Separate Segregated Fund ("SSF"). Specifically, I wish to clarify whether certain employees of Wawa, Inc. ("Wawa") are "executive or administrative personnel" within the meaning of 11 C.F.R. § 1141.1(c).

Wawa previously received the benefit of an AO issued on April 30, 2010 ("Prior Opinion"), in which the FEC advised that certain positions are to be considered "executive or administrative personnel" within the meaning of 11 C.F.R. § 1141.1(c). The analysis set forth by the FEC in the Prior Opinion is appreciated by Wawa.

**Background**

Wawa operates as its primary business a chain of over 580 convenience stores ("Store(s)"), approximately one-half of which also offer motor fueling facilities. These Stores are located in Pennsylvania, New Jersey, Delaware, Maryland, Virginia and, effective July, 2012, Florida. Wawa is incorporated in the state of New Jersey and maintains corporate headquarters at a campus in Wawa, Delaware County, Pennsylvania.

Manager level employees included in this AO request include: (i) the Area Manager and (ii) the General Manager (collectively, the "Managerial Employees").

The Area Manager is responsible for (i) executing Wawa's operational plans to maintain corporate standards, (ii) achieving budgeted financial goals and (iii) leading, coaching, mentoring, and facilitating the development of a team of 12 to 17 General Managers. The Area Manager's job responsibilities require the Area Manager to travel and work in all the Stores in that Area Manager's territory. Travel time for each Area Manager may range from approximately 10% to 50% of the of the Area Manager's work week, depending upon the

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geographic size of the Area Manager's territory and the density of the Stores within such territory. Wawa currently employs 41 Area Managers.

Wawa employs a General Manager at each of its approximately 580 Stores. The General Manager reports to an Area Manager. The General Manager's work entails the management of all operations at the Store. He or she will lead the management team to ensure achievement of Store and profit goals. For the year ended 2010, merchandise sales per Store (excluding motor fuel sales) averaged \$5.2 million. The General Manager is also tasked with ensuring that customers and associates are satisfied and engaged and Wawa brand standards are followed. On average, a Wawa General Manager supervises 29-30 Store employees, with some General Managers supervising as many as 50 Store employees. The Store employees are both part-time and full-time employees -- including an Assistant General Manager, Fresh Food Manager, Fuel Manager and Inventory Manager in each Store. Each of the Fresh Food Manager, Fuel Manager and Inventory Manager positions is compensated on an hourly basis; however, the Assistant General Manager position is salaried. The General Manager position is salaried and on average a General Manager earns approximately \$67,095.00 for Stores without motor fuel sales and approximately \$93,318.00 for Stores with motor fuel sales.

Wawa has an affiliated SSF, the Wawa Political Action Committee (FEC #C00148510) to which Wawa employees may contribute. Under the current regulation, most Wawa employees cannot be solicited for donations more than twice per year. 11 C.F.R. § 114.6. Employees within a restricted class of stockholders, executive and administrative personnel and their families may be solicited at any time. *Id.* The regulation defines "executive and administrative personnel" as those employees that (1) receive a salary and (2) have "policy-making, managerial, professional, or supervisory responsibilities." 11 C.F.R. § 114.1(c). The definition includes "the individuals who run the corporation's business such as officers, other executives, and plant, division, and section managers" and excludes "salaried foremen and other salaried lower level supervisors having direct supervision over hourly employees." *Id.*

### Question Presented

Do the Wawa Managerial Employees who carry out managerial, professional and supervisory work fall within the restricted class of employees who may be solicited at any time?

### Discussion

Wawa wishes to be able to legally solicit contributions via weekly payroll deductions from the Managerial Employees as members of the restricted class and seeks confirmation that current FEC regulations will allow Wawa to classify the Area Managers as members of the restricted class. However, due to an ambiguity arising from the exclusion of "foremen and other salaried lower level supervisors having direct supervision over hourly employees," § 114.1(c), Wawa requests clarification of how the General Managers at each Store are considered by the FEC for purposes of soliciting contributions.

Robert Knop, Esquire

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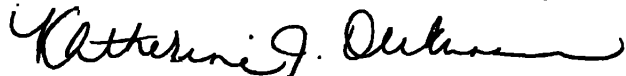
Page 3

The General Manager job description entails management that is both supervisory and hands-on. For example, the General Manager has discretionary authority in matters of significance, namely, the existence of the Store (e.g.: receiving or refusing inventory shipments, management of safety programs and analysis of Store profit and expense statements); however, the General Manager routinely oversees the completion of duties by hourly Store associates. Thus the ambiguity of these varied responsibilities for the General Manager calls into question whether this position would be subject to exclusion from the restricted class per the § 114.1(c) language cited above.

I have included back up documentation for each of the two (2) Managerial Employees, including the organizational chart for such positions, the job description for the Managerial Employees and the job descriptions for the Wawa employees that directly report to such Managerial Employees.

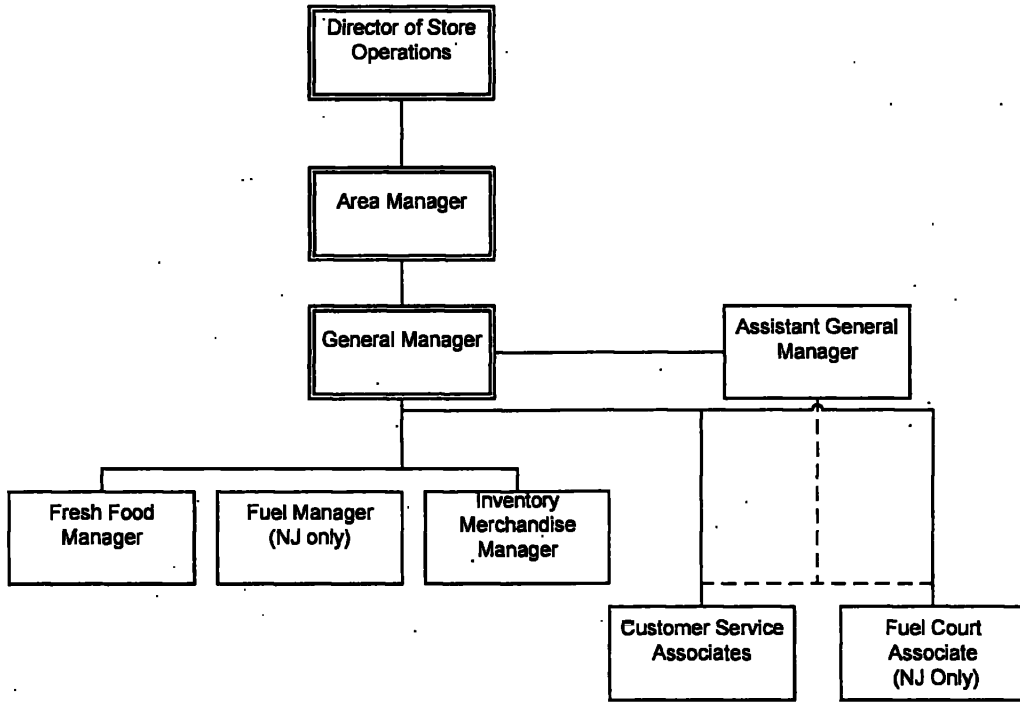
Thank you for your attention to this matter; please do not hesitate to contact me directly at 610-358-8291 if you have any questions or if you require further information.

Very truly yours,



Katherine J. Dickinson  
Associate General Counsel

Enclosures





## Position Description

Job Title: Area Manager Location: Various  
Reports to: Director of Store Operations FLSA: Exempt  
Department: Store Operations Date: December 2007  
Grade: 38

### Position Summary:

The Area Manager leads, coaches, mentors, and facilitates a team of General Managers in multiple locations who are responsible for executing the strategic plan, achieving budgeted financial goals, and exemplifying Wawa's Core Values and Competencies.

### Principal Duties:

1. Mentors, coaches, counsels and develops General Managers, to ensure that the best people, practices and behaviors are implemented at store level. Educates General Managers on trends and opportunities to continually grow people and the business. Assures continued development of management teams (GMIT, AGM, CSM, & FFM) through workforce planning and pipeline development.
2. Strategically partners with all departments and vendors, both internal and external, on Area and Corporate initiatives.
3. Ensures effective and professional communication with internal and external customers in a timely manner.
4. Develops, implements, and maintains operational plans to maintain corporate standards. Ensures a safe and secure environment for all associates, customers and vendors.
5. Ensures General Managers coach and develop staff and maintain a talented bench of qualified management associates.
6. Ensures compliance to corporate policy and procedures as well as Local, State and Federal Government regulations. Resolves crisis situations with speed and sensitivity.
7. Analyzes financial statements and develops action plans with General Managers to achieve the financial plan. Participates in the budgeting process.
8. Acts as a positive role model for all store associates by having a passion for building the business, and demonstrating Wawa's Core Competencies.
9. Demonstrates Brand Ambassadorship to associates, customers and communities we serve, by continually demonstrating Wawa's Core Values.

### Requirements:

- Bachelor's Degree preferred or actively working toward degree
- Retail multi-unit or Area Manager in Training experience preferred
- Rated a Solid Performer or better in their current position.
- 3-5 years recent General Manager experience with a Solid Performer rating or better in the last appraisal. Fuel GM experience preferred.
- Proven track record for developing Associates
- Demonstrates strong leadership, team - building and mentoring abilities
- Superior verbal, presentation, and written skills
- Effective analytical and problem solving skills
- Proficiency in Wawa related technology applications and Microsoft Office Suite
- Able to work long hours and be able to respond to store emergencies 24 hours a day, seven days a week

*Preceding job description has been designed to indicate the general nature and level of work performed by associates within this classification. It is not designed to contain or be interpreted as a comprehensive inventory of all duties, responsibilities and qualifications required of associates assigned to this job.*

- **Must live within one hour travel distance from assigned stores**
- **Valid Drivers license**

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## Position Description

Job Title:	General Manager	Location:	Various
Reports to:	Area Manager	FLSA:	Exempt
Department:	Store Operations	Date:	June 2011

**Position Summary:** The General Manager is responsible for the management of the entire store operation. He or she will lead the management team to ensure execution of organizational objectives and initiatives and achievement of store and profit goals. The General Manager is responsible for customer and associate satisfaction, brand standards, and profitability. The General Manager will select, develop and effectively lead a high performing team.

### Principal Duties:

1. Supervises the day-to-day task assignment for and performance of five to 50 Customer Service Associates and one to seven management associates.
2. Ensures a pleasant shopping experience for all customers, responds to customer complaints or inquiries and solicits customer feedback and input.
3. Manages all matters relating to associates and the store team – recruiting, hiring, training, coaching and performance management.
4. Ensures execution of established safety, security, quality, and store operations policies, procedures and practices.
5. Analyzes results and trends and prepares action plans to leverage the store's strengths and address areas of opportunity.
6. Plans and prepares work schedules and coordinates daily assignments and activities of associates.
7. Ensures profitability.
8. Executes strategy through planning.

### Requirements:

- o Leadership experience in a fast-paced retail, food service, or fuel environment
- o Bachelor's degree in business or related discipline preferred
- o Experience, skills and abilities consistent with Leader of Leaders competencies:
  - o Teambuilding & Inspiring Commitment
  - o Mentoring
  - o Managing the Customer Experience
  - o Lead Change
  - o Interpersonal Engagement
  - o Driving Accountability
  - o Talent Strategist
  - o Achievement Drive & Motivation
- o Availability to work all shifts, weekends and holidays

*Preceding job description has been designed to indicate the general nature and level of work performed by associates within this classification. It is not designed to contain or be interpreted as a comprehensive inventory of all duties, responsibilities and qualifications required of associates assigned to this job.*



## Position Description

Job Title:	Assistant General Manager	Location:	Various
Reports to:	General Manager	FLSA:	Exempt
Department:	Store Operations	Date:	June 2011

**Position Summary:** The Assistant General Manager is responsible for supporting the General Manager in the management of the entire store's operations. He or she is also responsible to meet and/or exceed performance and profit goals according to corporate objectives. These objectives include selecting, developing and training of management and hourly associates.

### Principal Duties:

1. Supervise the day-to-day task assignment for and performance of 5-50 Customer Service Associates and one to five management associates.
2. Ensure a pleasant shopping experience for all customers, respond to customer complaints or inquiries and solicit customer feedback and input.
3. Manage all matters relating to associates and the store team. This includes recruiting, hiring, training, coaching, managing performance and administering progressive discipline.
4. Ensure execution of established safety, security, quality, and store operations policies, procedures and practices.
5. Analyze results and trends to prepare action plans, leverage the store's strengths and address areas of opportunity.
6. Plan and prepare work schedules and coordinate daily assignments and activities of associates.
7. Ensure profitability.
8. Execute strategy through planning.
9. Lead Safety in the store in which they are assigned.

### Requirements:

- Leadership experience in a fast-paced retail, food service, or fuel environment
- Bachelor's degree in business or related discipline preferred
- Experience, skills and abilities consistent with Leader of Leaders competencies:
  - Teambuilding & Inspiring Commitment
  - Monitoring
  - Managing the Customer Experience
  - Lead Change
  - Interpersonal Engagement
  - Driving Accountability
  - Talent Strategist
  - Achievement Drive & Motivation
- Availability to work all shifts, weekends and holidays

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## Position Description

Job Title:	Fresh Food Manager	Location:	Various
Reports to:	General Manager	FLSA:	Non- Exempt
Department:	Store Operations	Date:	June 2011

**Position Summary:** The Fresh Food Manager is responsible for managing all aspects of the fresh food and beverage operation of the store (collectively, the “food service area”). The Fresh Food Manager is a dedicated resource within the store management team responsible for achieving the store process and result goals through the efficient execution of all fresh food/ food service programs in compliance with corporate and regulatory guidelines. The Fresh Food Manager is required to train and manage food service associates, oversee the inventory and ordering of product and supplies and arrange for the routine maintenance and upkeep of the equipment and facilities. The Fresh Food Manager is responsible for maintaining a safe and sanitary food service environment.

### Principal Duties:

1. Ensures a pleasant shopping experience for all customers, responds to customer complaints or inquiries and solicits customer feedback and input.
2. Manages the training, coaching and performance management of food service associates and the food service team.
3. Ensures the 24/7 execution of all food service programs including proper ordering, production planning, product handling and display.
4. Ensures execution of established safety, security, quality, and store operations policies, procedures and practices.
5. Analyzes food service results and trends and prepares action plans to leverage the store’s fresh food strengths and address areas of opportunity.
6. Coordinates daily food service assignments and activities of associates.
7. Ensures food service profitability.

### Requirements:

- Leadership experience in a fast paced retail, food service, or fuel environment.
- High School Diploma or equivalent (additional coursework, training, or certification will be required).
- Experience, skills, and abilities consistent with the Team Leader competencies:
  - Coaching and Developing Others
  - Relationship Building
  - Customer Focus
  - Manage Change
  - Responsibility
  - Process Management & Execution
  - Business Drive
- Must successfully complete Wawa’s Food Service Training Program
- Required to pass the Food Service Sanitation Certification Course, and maintain certification eligibility

*Preceding job description has been designed to indicate the general nature and level of work performed by associates within this classification. It is not designed to contain or be interpreted as a comprehensive inventory of all duties, responsibilities and qualifications required of associates assigned to this job.*

as required by the local municipality

- Availability to work all shifts, weekends and holidays

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## Position Description

Job Title:	Fuel Manager	Location:	Various
Reports to:	General Manager	FLSA:	Non- Exempt
Department:	Store Operations	Date:	June 2011

**Position Summary:** The Fuel Manager is responsible for managing all aspects of the fuel product offering at store-level. The Fuel Manager is a dedicated resource within the store management team responsible for achieving the store process and result goals through the efficient execution of all fuel programs in compliance with corporate and regulatory guidelines. The Fuel Manager is required to train and manage fuel service associates, oversee all product handling procedures, manage the inventory and ordering of supplies, and collaborate with the Store Maintenance Team to ensure the completion of routine maintenance and cleaning of all fuel-related equipment. The Fuel Manager is responsible for maintaining a safe, clean, and customer-focused fuel environment at all times.

### Principal Duties:

1. Ensures a pleasant shopping experience for all customers, responds to customer complaints or inquiries, and solicits customer feedback and input.
2. Manages the training, coaching, and performance management of all fuel service associates and leaders.
3. Ensures the 24/7 execution of fuel operations at store-level including product handling, supplies ordering, and pricing compliance.
4. Ensures execution of established store operations policies, procedures, and practices.
5. Analyzes fuel metrics and trends and prepares action plans to leverage the store's fuel operations strengths, and address areas of opportunity.
6. Coordinates daily fuel operations assignments and activities of associates.
7. Ensures fuel operations profitability at store-level.

### Requirements:

- Leadership experience in a fast paced retail, food service, or fuel environment.
- High School Diploma or equivalent (additional coursework, training, or certification will be required).
- Experience, skills, and abilities consistent with the Team Leader competencies:
  - Coaching and Developing Others
  - Relationship Building
  - Customer Focus
  - Manage Change
  - Responsibility
  - Process Management & Execution
  - Business Drive
- Availability to work all shifts, weekends and holidays.

*Preceding job description has been designed to indicate the general nature and level of work performed by associates within this classification. It is not designed to contain or be interpreted as a comprehensive inventory of all duties, responsibilities and qualifications required of associates assigned to this job.*



## Position Description

Job Title:	Inventory Merchandise Manager	Location:	Various
Reports to:	General Manager	FLSA:	Non-Exempt
Department:	Store Operations	Date:	June 2011

**Position Summary:** The Inventory Merchandise Manager (IMM) is responsible for managing all aspects of customer service, safety and vendor care. The IMM is a dedicated resource within the store management team responsible for maintaining accurate article level inventory to maximize sales. In addition to leading execution of article level inventory process and achieving stated goals, the Inventory Merchandise Manager is required to train and direct customer service associates in customer service, receiving processes, dry-stock maintenance, housekeeping and other tasks necessary for efficient store level operations.

### Principal Duties:

1. Ensures a pleasant shopping experience for all customers.
2. Manages the training, coaching and performance management of customer service associates.
3. Provides subject matter expertise in the area of customer service programs including cash management, "point of sale" maintenance, and cycle counts; maintains accurate article level inventory, follows proper vendor check in processes, and provides housekeeping for the store.
4. Ensures the 24/7 execution of all customer service programs and processes.
5. Ensures execution of established safety, security, quality, and store operations policies, procedures and practices.
6. Analyzes customer service results and trends and prepares action plans.
7. Coordinates daily customer service assignments and activities of associates.

### Requirements:

- Leadership experience in a fast paced retail, food service, or fuel environment;
- High School Diploma or equivalent (additional coursework, training or certifications preferred)
- Experience, skills and abilities consistent with the Team Leader competencies:
  - Coaching and Developing Others
  - Relationship Building
  - Customer Focus
  - Managing Change
  - Responsibility
  - Process Management & Execution
  - Business Drive
- Availability to work all shifts, weekends and holidays

*Preceding job description has been designed to indicate the general nature and level of work performed by associates within this classification. It is not designed to contain or be interpreted as a comprehensive inventory of all duties, responsibilities and qualifications required of associates assigned to this job.*



## Position Description

Job Title:	Customer Service Associate	Location:	Various
Reports to:	General Manager	FLSA:	Non- Exempt
Department:	Store Operations	Date:	January 2011

**Position Summary:** The Customer Service Associate works in support of the store management team to facilitate the completion of all store level tasks and performs a variety of tasks related to different areas of the store including food preparation, cash register duties, customer service, general housekeeping and other sales floor related functions.

### Principal Duties:

1. Supports and follows all Wawa safety and security initiatives.
2. Provides a pleasant shopping experience for all customers and responds to customer inquiries in a timely fashion.
3. Operates the cash register pursuant to corporate standards; maintains proper cash levels.
4. Prepares and completes food service orders to meet and exceed customers' satisfaction.
5. Ensures the proper execution of all store level marketing programs.
6. Completes all store housekeeping functions (i.e., cleaning, dusting, sweeping, mopping, emptying trash).
7. Replenishes products and supplies to ensure in stock conditions at all times.
8. Communicates with store manager regarding customer requests and vendor-related concerns.
9. Checks in external and internal vendors according to corporate procedures.
10. Completes other tasks as assigned by store management.

### Requirements:

- Customer service oriented
- Strong interpersonal skills
- Strong verbal communication skills
- Strong organizational skills
- Ability to lift up to 50 pounds
- Reliable transportation

*Preceding job description has been designed to indicate the general nature and level of work performed by associates within this classification. It is not designed to contain or be interpreted as a comprehensive inventory of all duties, responsibilities and qualifications required of associates assigned to this job.*



## Position Description

Job Title: **Fuel Court Associate** Location: **New Jersey**  
Reports to: **General Manager** FLSA: **Non-exempt**  
Hired/ General Manager Date: **1/01/2011**  
Promoted by:  
Department: **Store Operations**

### Position Summary:

The Fuel Court Associate (FCA) works in support of the Store Management Team to facilitate the completion of Gasoline related tasks. The FCA will be expected to ensure fuel safety, gasoline customer service and fuel court related tasks are completed with efficiency and consistency.

### Principle Duties:

1. Support and follow all Wawa safety & security initiatives
2. Provide a pleasant shopping experience for all customers and respond to customer inquires in a timely fashion
3. Operate the cash register as per corporate standards and maintain proper cash levels
4. Maintain fuel court area with a focus on safety, customer service, etc.
5. Ensure the proper execution of all gasoline marketing programs
6. Complete gasoline housekeeping functions including; cleaning, dusting, sweeping, and emptying trash, etc.
7. Replenish gasoline products and supplies to ensure in stock conditions at all times
8. Communicate with the Store Manager/FTL regarding customer requests, vendor related concerns and other situations that may arise
9. Check in external/internal vendors according to corporate procedures
10. Completes other tasks as assigned by store management

### Requirements:

- Customer service oriented
- Strong interpersonal skills
- Strong verbal communication skills
- Strong organizational skills
- Ability to lift up to 50 pounds
- Reliable transportation

### Disclaimer:

The above statements are intended to describe the general nature and level of work being performed by people assigned to this classification. These statements are not an exhaustive list of all responsibilities, duties and skills required of the personnel so classified.



"Dickinson, Katherine"  
<katherine.dickinson@wawa.com>

12/19/2011 04:14 PM

To "JBlume@fec.gov" <JBlume@fec.gov>

cc

bcc

Subject RE: Wawa Advisory Opinion Request

History: This message has been forwarded.

Hi Joshua – I have attached the document that you sent to me with Wawa's responses embedded and shown in italics. If you have any more questions or require further clarification on any point, please do not hesitate to contact me. I hope you have a happy holiday and I look forward to your response.

Thanks. Kathy



2011 FEC Response.doc

## **Wawa AOR Questions**

1. Do the Area Managers have the authority to hire and fire the General Managers whom they supervise? *Yes.*  
If not, do their suggestions or recommendations regarding hiring, firing, advancement or promotion carry particular weight with the people who do make these decisions?
2. Do the General Managers have the authority to hire and fire the employees whom they supervise? *Yes.* If not, do their suggestions or recommendations regarding hiring, firing, advancement or promotion carry particular weight with the people who do make these decisions?
3. Are the Area Managers all salaried employees? *Yes.*
4. Are the General Managers all full-time employees? *Yes, all General Managers are salaried and are expected to work 46.75 hours per week.*
5. How closely do the Area Managers supervise the work of the General Managers? Do they review all the General Managers' decisions? Can they veto a General Manager's decision, and if so, does this happen frequently?  
*The Wawa Area Managers typically have between 15 – 18 General Managers reporting to them, so daily supervision is not even possible. The Area Managers do mentor/coach the General Managers but, ultimately, the General Managers are responsible for the day-to-day operation of their store and the people they manage at the store level.*
6. Do the General Managers perform any manual duties in the stores? If so, about what percent of time is devoted to this work, and do they have sole discretion to decide when they will perform this work? *The General Managers are working managers and assist in all areas of store operations based on the needs of the business. They have sole discretion as to when the work is performed and what work they will perform.*
7. It seems that all of the employees whom the General Manager supervises are hourly employees except for the Assistant General Managers. Is this so?  
*Yes.*
8. What percent of the General Manager's day is spent supervising hourly employees versus performing the described discretionary functions?



*Approximately 90 – 95% of a General Manager's time is spent supervising hourly employees.*

9. What are the characteristics of the hourly employees supervised? What percent are full-time versus part-time? Are they eligible for benefits with a continued expectation of employment? *For purposes of this response, full-time associates will be considered to be those associates who are eligible for benefits and part-time associates will be those associates who do not meet the benefits eligibility requirements. Benefits eligibility is based on working 60 days or more and averaging 34.5 hours over that 60 day period. Eligibility is reviewed weekly. Approximately 41.3% of store associates are full-time. Employment is "at will" but if there are no issues related to job performance, Wawa strives to retain its associates, as low employee turnover is good for business. Do some hourly employees supervise other employees? [It appears so, respecting the hourly managers]. Yes.*

10. Is it so that all the General Managers covered in the request supervise at least the equivalent of 2 full-time employees? *Yes.*

11. Do the areas superintended by the Area Managers have permanent status and function within the Wawa organization? *Yes. Most Wawa stores operate 24 hours a day, 365 days a year. Occasionally Wawa will close an under-performing store.*



"Dickinson, Katherine"  
<katherine.dickinson@wawa.com>

01/11/2012 04:17 PM

To "JBlume@fec.gov" <JBlume@fec.gov>

cc

bcc

Subject RE: Wawa Advisory Opinion Request

Joshua – this is an accurate summary of our conversation and I don't have anything to add. Do you know when we are likely to receive a response from the FEC? Thanks for all your help. Kathy

**From:** JBlume@fec.gov [mailto:JBlume@fec.gov]  
**Sent:** Monday, January 09, 2012 10:59 AM  
**To:** Dickinson, Katherine  
**Subject:** Wawa Advisory Opinion Request

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FEDERAL ELECTION  
COMMISSION  
2012 JAN 11 PM 4:25  
OFFICE OF GENERAL  
COUNSEL

Dear Ms. Dickinson:

In our telephone conversation on Friday, January 6, you provided me with additional information regarding Wawa's request for an advisory opinion. I have set out below my understanding of certain points that you made during the conversation. Please review the statements below and either confirm their accuracy or correct any misperceptions.

1. The Area Managers evaluate the General Managers' performance and also discipline the General Managers. While Area Managers cannot make final decisions regarding the General Managers' promotion and advancement, they may be asked to participate on panels that do have such authority. Even when Area Managers are not asked to serve on such panels, however, their opinions with respect to whether a General Manager should be promoted or advanced are given great weight by the final decision makers. Area Managers will address General Managers' complaints or grievances with respect to personal working conditions in the first instance; if this discussion does not resolve the issue, the General Manager may pursue the complaint or grievance at higher levels according to a standard company procedure. Area Managers do work with General Managers to resolve day-to-day store management issues or problems. Area Managers do not directly or unilaterally set or adjust General Managers' salaries, but because a General Manager's salary is partly tied to the General Manager's performance, and the Area Manager evaluates the General Manager's performance, the Area Manager indirectly influences the salary. The General Manager's salary is based on other factors as well, however, such as overall store and company performance.

2. General Managers have discretion and are able to exercise independent judgment in determining how to interpret and apply established company policies, procedures, and practices to different situations that may arise in managing the stores.

3. General Managers typically interview, select, and train their employees; direct their employees' work; maintain records to help them supervise and control their employees; discipline their employees; plan the work to be done in the store and determine the techniques to be used; and provide for their employees', and their customers', safety and security. General Managers for the most part do not determine which merchandise to buy and sell in the stores, as this is largely determined by a centralized corporate procurement process, informed by Wawa's Marketing Department. General Managers use a corporate software tool to divide the work among their employees, but they are not rigidly bound by the software, and have discretion to deviate from it.

Please respond via e-mail. Your response, as well as your responses to my previous questions in your

December 19 e-mail, may be treated as part of Wawa's advisory opinion request, and, as such, may be posted on the Commission's website.

Thank you very much for your cooperation.

Sincerely,

Joshua Blume  
Attorney, Policy Division  
Federal Election Commission  
999 E Street, N.W., Room 642  
Washington, D.C. 20463  
(202) 694-1533  
jblume@fec.gov