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Finding Good Help Tops Profitability as Greatest Challenge for Owners

By Deana Gillespie and Edward J. Defort

The summer edition of *The Director.edu* featured results of the 2022 NFDA Funeral Service Student Expectations Study, which revealed that the main reason students in funeral service programs decided to enter the field was “to help people.

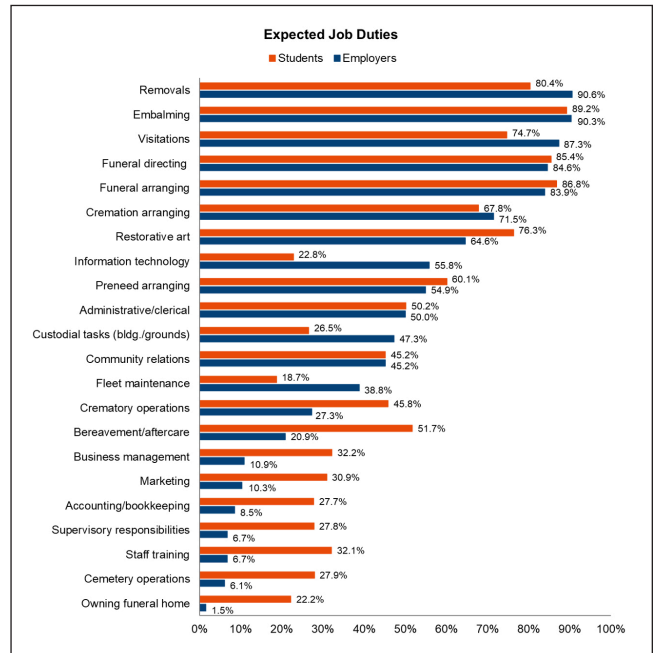
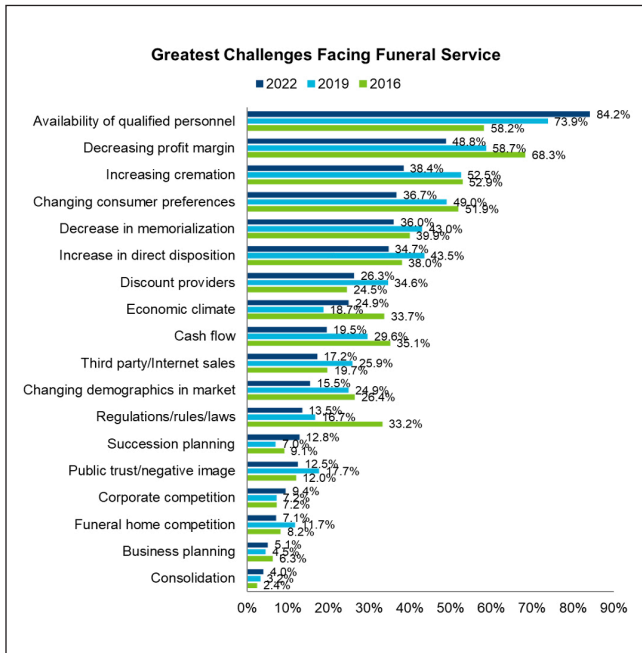
Comparing the results of both studies paints a picture as to whether job seeker and employer expectations are congruent and realistic.

In this issue, we take a look at what funeral home owners and managers view as their biggest challenges, according to NFDA's 2022 Funeral Directors' Expectations Study.

Finding qualified funeral directors to fill open positions still surpasses decreasing profit margins as the greatest challenge facing funeral service today, according to the latest results. This year, 84.2% of respondents cited the availability of qualified personnel as the greatest challenge they face – a significant increase from 73.9% in 2019, and 58.2% in 2016.

Decreasing profit margins was chosen by 48.8% of respondents, down from 58.7% in 2019. The next most cited reason was the increasing cremation rate, cited by 38.4% of respondents (52.5% in 2019), and changing consumer preferences, noted by 36.7% (49.0% in 2019).

The NFDA Funeral Directors' Expectations Study surveys funeral home owners and managers to measure their workplace expectations of new graduates. It comes on the heels of the NFDA study of funeral service students mentioned



above, which measures students' expectations regarding starting salaries, job benefits and job responsibilities.

Comparing the results of both studies helps paint a picture of whether job seeker and employer expectations are congruent, realistic and achievable – and, when they are not, if the expectation gaps can be bridged. Please note that, where applicable, the results were also linked to the 2019 and 2016 studies.

These results generally don't come as any surprise. For several years, firms have expressed difficulty in finding qualified people, which is exacerbated by the nationwide shortage of qualified applicants for *all* types of jobs in a variety of fields.

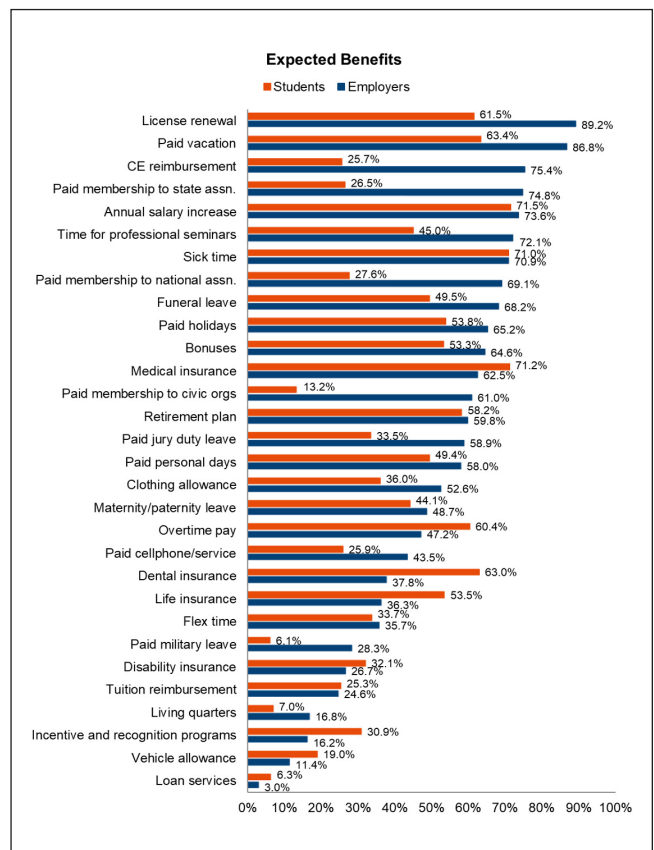
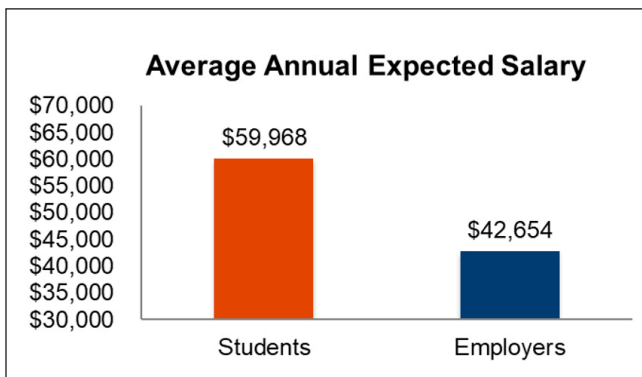
KEY FINDINGS

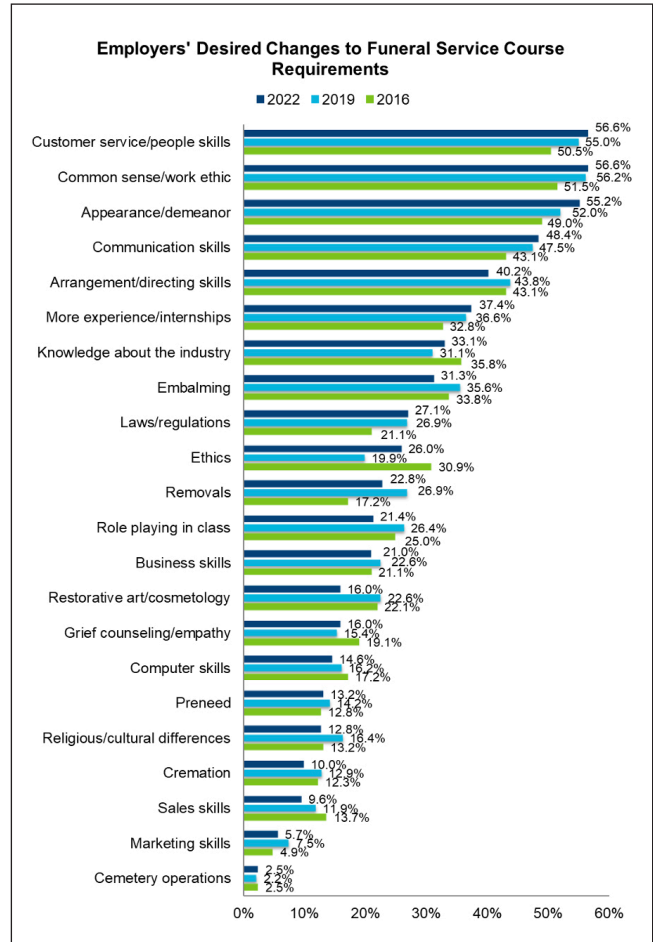
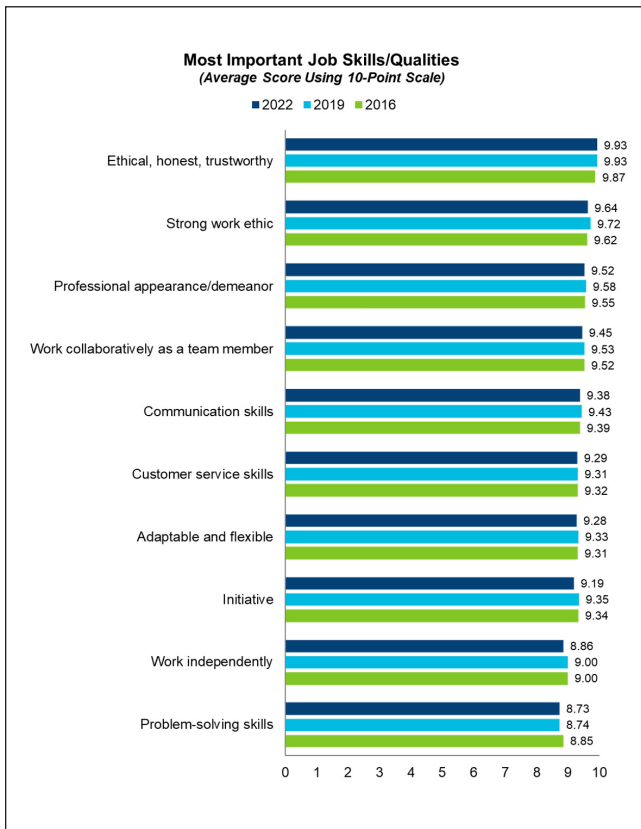
Similar to previous NFDA surveys, more than half of responding employers (61.8%) hired at least one new graduate in the past five years, compared to 54.8% in 2019, and 50.2% in 2016.

Most of these new positions were for the dual role of funeral director and embalmer (87.9%). Again, the results were in line with NFDA's 2019 and 2016 surveys, in which 86.6%

and 86.8% of employers, respectively, hired someone to fill the dual role. This year, 31.6% of survey respondents hired a funeral director, and 20.9% an embalmer (compared with 23.9% and 15.9%, respectively, in previous study results).

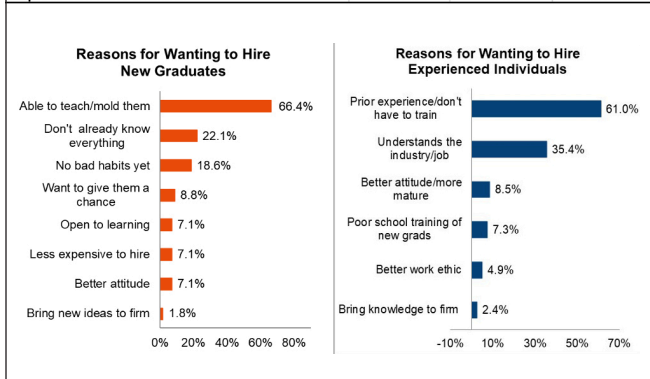
Employers are almost evenly split as to which type of employee they prefer to hire for their firm – an experienced individual versus a recent graduate – with 53.5% of respondents





Percentage of employers that hired at least one new graduate for each position in past 5 years	2022	2019	2016
Funeral Director	31.6%	23.9%	21.3%
Embalmer	20.9%	15.9%	17.6%
Funeral Director/Embalmer	87.9%	86.6%	86.8%
Other	7.0%	7.6%	13.2%

Do you prefer hiring new graduates or experienced individuals?	2022	2019	2016
New graduates	53.5%	53.2%	56.4%
Experienced individuals	46.5%	46.8%	43.7%



opting to hire new graduates, up slightly from 53.2% in 2019.

Of those preferring to hire new graduates, 66.4% primarily did so because they can “teach or mold them”; 22.1% said they “didn’t already know everything”; 18.6% of respondents stated they did so because they haven’t yet developed any “bad habits.” Conversely, of those preferring to hire experienced individuals, 61% mainly do so because they have “prior experience/don’t have to train; and 35.4% said they “understand the job/industry.

New hires and employers seem to be on the same page when it comes to the main funeral service duties to be performed – removals, embalming, visitations, funeral directing and funeral arranging topped both lists. When it comes to overall duties, students expect to do more funeral-related tasks than employers intend to assign to them.

The greatest expectation gaps occurred as funeral directors said they were significantly more likely to expect new hires to perform tasks related to information technology, custodial duties and fleet maintenance. New hires were significantly more likely to expect to perform tasks related to bereavement care, crematory operations, business management, marketing, staff training and supervisory responsibilities.

In general, employers offer more benefits than students expect to receive. NFDA’s latest study found that the benefits employers are most likely to offer include license renewal, paid vacation time, continuing education reimbursement and paid membership to state associations. The benefits most likely expected by students include paid sick time, medical insurance, license renewal, paid vacation time and an annual salary increase.

When it comes to anticipated annual salary, students expect to make 40% more than employers intend to pay them (\$59,968 and \$42,654, respectively). This raises the question: When it comes to supply and demand, will firms pay more?

Additionally, students expect to work slightly longer work-

weeks than employers expect. Employers anticipate newly hired grads to work an average of 43 hours per week, while students expect an average of 46 hours. According to NFDA's studies, almost all students, as well as employers, expect newly licensed employees to be on call.

The most sought-after qualities employers seek when hiring new graduates include ethics, honesty and trustworthiness; a strong work ethic; maintaining a professional appearance/demeanor; and the ability to work collaboratively with a team. This list has not changed much since 2019.

The top qualities/skills employers believe new graduates lack include a willingness to work irregular hours, attention to detail, having commitment/dedication/work ethic, and/or willingness to do nonfuneral work.

Almost three-fourths of those surveyed (72.3%) believe it would be either valuable or very valuable for new graduates to have had arranger training; 48.8% thought it would be valuable if they were a certified preplanning consultant; 42.8% felt it would be valuable if they were certified as a crematory operator; and 36.7% felt it would be valuable for new graduates to have celebrant training.

In terms of being prepared to enter the profession, NFDA's latest study found that 48.2% of employers either somewhat disagree (33.9%) or strongly disagree (14.3%) that students are well-prepared for their first funeral home position.

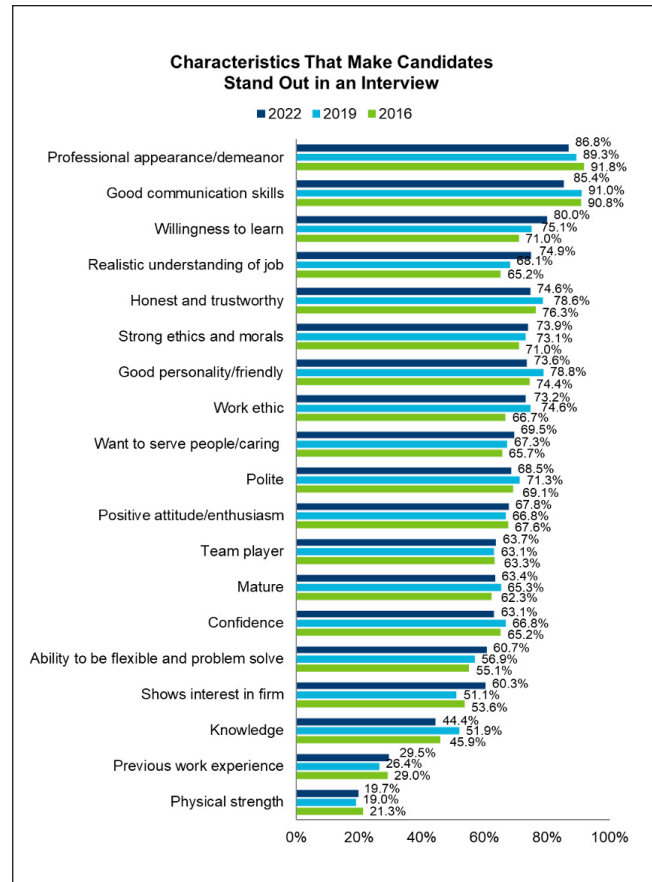
To better prepare students for entry into the profession, employer respondents were then asked what changes they recommend for funeral service curriculum requirements. The top suggested changes include teaching topics such as customer service/people skills, common sense/work ethic, appearance/demeanor, communications skills and/or arrangement/directing skills.

Regarding an annual salary, students expect to make more than employers intend to pay, raising the question: When it comes to supply and demand, will firms pay more?

The latest study also found that 35.8% of responding employers hired a new graduate who is no longer with their firm. Of those, 37.7% quit to pursue another career outside of funeral service; 30.2% quit to work at another firm; and 17% of employees were terminated.

Of employees who quit, 32.9% left due to the hours and 27.4% because of a compensation issue – a figure that has jumped from 11.5% in 2019, and 6.5% in 2016.

When asked how they advertise for a new position, most employers said they find new employees by word of mouth (68.5%); through a funeral service school career center



(50.4%); via networking (40.6%); and by using a job search engine (33.2%).

Employers said the top characteristic that makes a candidate stand out in a job interview is professional appearance/demeanor. Cited by 86.8% of respondents, this edged out the top choice in NFDA's 2019 survey of good communication skills, which came in at 85.4% this year. Other characteristics cited included a willingness to learn (80%); a realistic understanding of the job (74.9%); honesty and trustworthiness (74.6%); strong ethics and morals (73.9%); a friendly personality (73.6%); and a strong work ethic (73.2%).

FIRM DEMOGRAPHICS

During the 24 months since NFDA's last Funeral Directors' Expectations Study, 87.3% of firms experienced an increase in total overhead costs (a 16.8% increase from 2019), and 75.5% of respondents increased employee salaries, which is an increase from 15.7% in 2019).

It's interesting to note that 26.4% of responding firms increased the number of licensed staff members, while 21.6% decreased that number.

In the next 12 months, 80.1% of employers expect their total overhead costs to increase (a 16% increase since 2019), and 71.1% anticipate being able to increase employee salaries (an increase of 15.9% since 2019). Also, 45.9% plan to increase the number of licensed staff members at their firms – up from 30.7% in 2019 and a 49% increase.

Approximately three-fourths (74.3%) of responding firms

have offered an apprenticeship in the past five years, a significant increase since 2016. Of those, 79.9% hired the apprentice.

Forty percent of firms reported an annual caseload of 151 to 350; 23.1% served 76 to 150 cases per year; and 9.2% served fewer than 76. An added 10.9% served from 351-500 cases annually, 10.9% 501-1,000 cases and 5.4% more than 1,000 cases.

INDIVIDUAL DEMOGRAPHICS

More than two-thirds of NFDA study respondents were firm owners, principals or partners (77.8%), and 8.4% were managers. Most respondents were between ages 40 and 54 (32.5%), or between 55 and 64 (29.2%).

While most responding employers were male (80.3%), most responding students were female (78.8%). Most respondents in both studies were white; however, a significantly larger portion of student respondents were black/African-American

(19.9%) or Hispanic (11.7%), up from 14.9% and 3.5% in the 2020 survey, respectively.

METHODOLOGY

NFDA members listed as “main contacts” with a valid email address received an email invitation to complete the online survey. (Please note that all NFDA members are licensed funeral directors.) A reminder email was sent to potential respondents one week after the initial invitation was sent.

Of the 4,271 potential respondents with a valid email address, a total of 306 members completed the survey (7% response rate). Results for all respondents are projectable within a range of ±5.4% (with 95% confidence).

*Deana Gillespie is NFDA research manager.
Ed Defort is editor of NFDA Publications.*

AT A GLANCE

NFDA 2022 Consumer Awareness and Preferences Survey

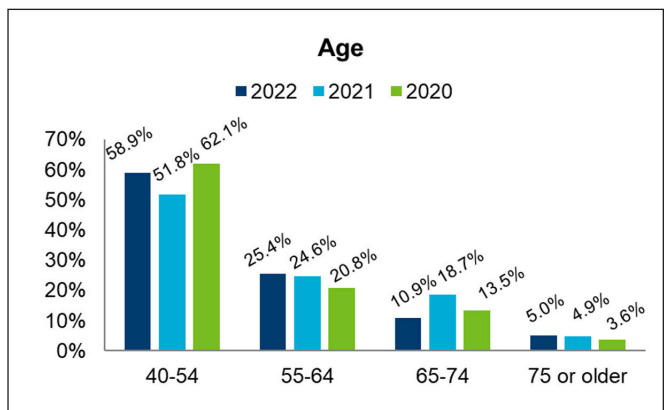
By Deana Gillespie and Edward J. Defort

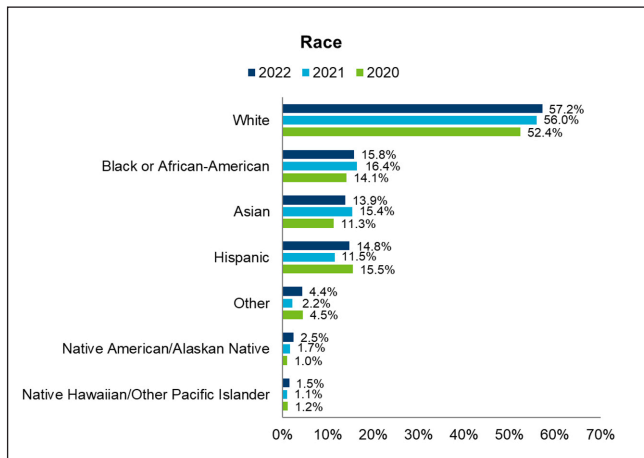
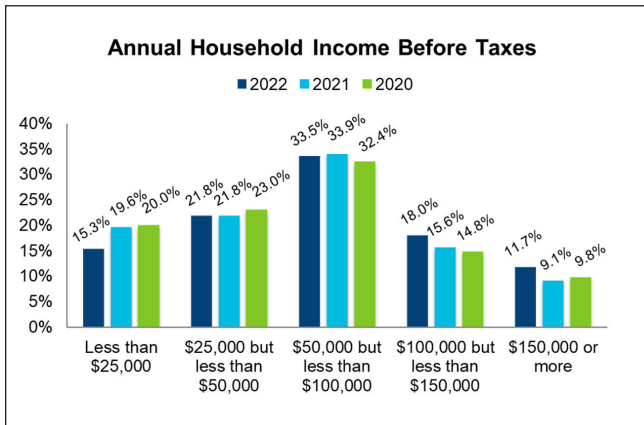


Making a connection with consumers is key to sustainability for funeral directors, but getting inside a consumer’s head becomes more challenging every year for directors looking to stay ahead of the curve when it comes to trends and memorialization preferences.

Because of COVID-19, consumers weathered more than two years of lockdowns, quarantines and restrictions on public gatherings and in-person meetings. We’re now Zoomin’ humans, content to meet virtually. We threw a lot of stuff at the wall over the past years and now we’re seeing what continues to stick and what hasn’t. For instance, will virtual services, necessitated by the pandemic, become the new norm? Or will consumers slowly fall back again into their pre-COVID-19 routine – back into the world where the data NFDA has mined once again describes consumer preferences for funerals and memorials?

2022 marks the publication of NFDA’s 11th Consumer Awareness and Preferences Survey. For the most part, the resultant numbers are fairly consistent with prior surveys, which reflects a statistical significance and a high level of reliability. In addition, each year, NFDA incorporates new





questions to keep the content fresh and make the study as comprehensive as possible.

As always, the study’s main objectives measure consumer awareness and their perceptions of funerals and funeral services to help directors improve the quality of service they provide by learning more about consumer attitudes toward new trends in funeral service.

As in past surveys, NFDA again asked consumers about a wide variety of topics, including shopping for a funeral home, planning for a funeral, why a certain funeral home is chosen, social media, religion, clergy, celebrants, green funerals, body donation, preneed, cremation and memorialization.

The key findings observed in the 2022 study include:

- 63.5% of respondents have personally been involved in planning a funeral for a loved one.
- Nearly half of consumers (49.7%) visited a funeral home website when they planned a funeral or memorial service. One quarter of those made all arrangements online, and 39.9% started the arrangement process online.

Is online arranging popular out of the necessity caused by COVID-19? Well, 53.7% felt the online planning process was a good experience but still needed the assistance of a

funeral director, while 35.8% were satisfied with the experience and were able to accomplish everything they wanted online.

This year’s survey found that, when seeking price information for a funeral, 28.7% of consumers would get it from a funeral home’s website, 26.5% would get it from a Google search and 58.7% would get it from a local funeral home.

Would online arranging take some of the personal touch away from funeral services? NFDA’s latest study found that 25.9% of respondents prefer to make funeral prearrangements online versus speaking directly to a funeral director. In analyzing the survey data, a picture begins to emerge about what consumers want. Respondents’ most recent experience regarding the death of a loved one was as follows:

- 46.1% attended a full funeral service with viewing, followed by a casketed burial.
- 14.8% attended a memorial service with cremation.
- 12.7% attended a full funeral service with viewing, followed by cremation.

Respondents who attended a funeral/memorial service with burial were significantly more likely to state that the service was very helpful in paying tribute to, or commemorating, the life of their loved one and was an important part of helping them begin the healing process versus those who attended a cremation service.

Did the pandemic make social media more of a go-to resource for families considering memorialization plans? Nearly two-thirds of consumers NFDA surveyed have visited a funeral home’s website, primarily to:

- Look for an obituary
- Look for information about planning a funeral
- Write an online condolence
- Look for price information.

53.7% of respondents felt online planning was a good experience but still needed a funeral director’s assistance. 35.8% were able to accomplish everything online.

Most respondents utilize Facebook (87.9%), with 65.7% of those stating that they use it daily or several times each week. Despite its popularity, only 41.7% of respondents who said they use Facebook regularly have visited a funeral home’s Facebook page – a low figure, but up considerably versus 32.6% in 2020.

When visiting a funeral home’s Facebook page, consumers primarily look to:

- Find an obituary
- Post a comment
- Look up funeral home contact information.

Not surprisingly, Facebook is not the business go-to resource; only 16.3% of survey respondents said they have used the services of a funeral home they found on Facebook.

In 2022, 44.3% of respondents felt having a religious component as part of a funeral was very important. Roughly three-of-five respondents this year identify as Christian (59.8%), and 19.1% had no religious preference.

In addition:

- 36.9% felt it was very important to have the body/cremated remains present at a funeral.
- 55.6% have attended a funeral at a location other than a funeral home or place of worship.
- 40.2% have attended a funeral or memorial service where someone other than a clergy member presided over the service.

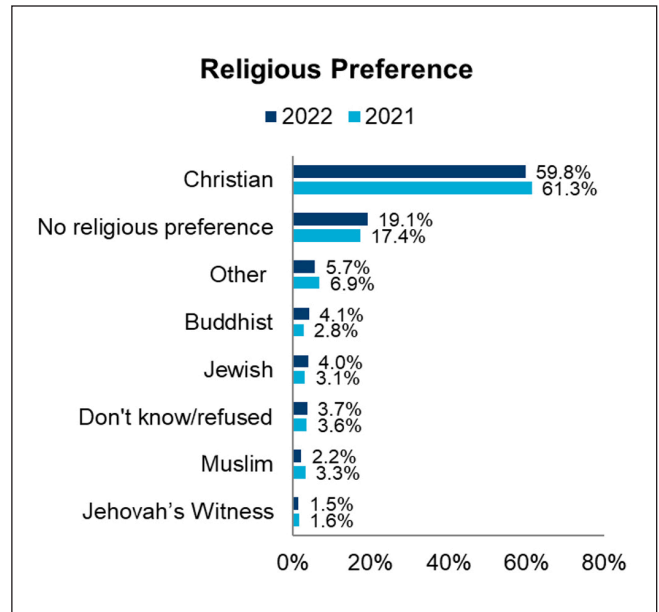
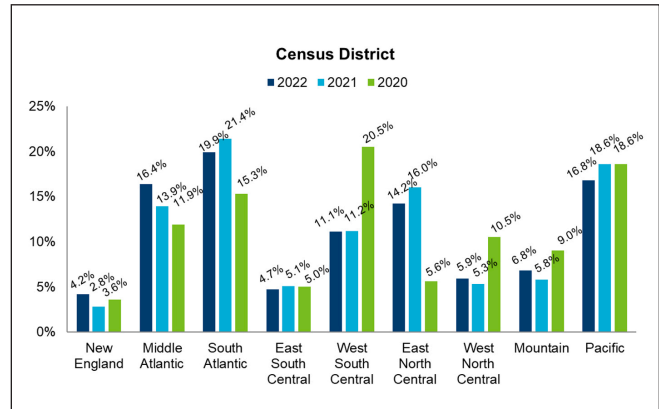
One-third of consumers (33.5%) called/visited more than one funeral home when planning a funeral. Of the consumers who visited or called more than one firm, 55.6% did so to compare prices, and 50.0% did so to check availability.

Of the 55.6% who visited or called more than one funeral home to compare prices, 40.0% obtained the pricing information in person (down from 66.1% in 2020); 31.8% obtained pricing information over the phone; and 14.6% obtained pricing information via a web search (up from 3.5% in 2021).

In addition, 62.8% felt it was easy/very easy to obtain pricing information (up from 51.1% in 2020).

Of those who contacted more than one funeral home, the reason they chose a particular funeral home was mainly due to affordable price (32.0%); its location (31.7%); or they had an existing relationship with a funeral director (30.2%).

When it comes to cremation, 41.8% of respondents said they would prefer cremation for their own funeral. Only 25.9% of those respondents preferring cremation for them-



selves said they would have a complete funeral service, including viewing and visitation prior to cremation.

When asked why they would choose cremation for themselves, 42.2% said it was more cost effective; 20.2% said it was easier/simpler/convenient; and 13.4% said it was their preference and/or family tradition.

Of those preferring cremation, 37.2% favor scattering their cremated remains in a sentimental place; 14.7% haven't decided; and 13.6% would bury or inter them at a cemetery.

If provided the opportunity, 23.8% of respondents would be either very interested or interested in witnessing the start of the cremation, while 36.2% were not interested at all.

This year's survey also reaffirmed that prearranging one's own funeral is not a priority for most – only 37.1% of respondents said they are either much more likely or somewhat more likely to preplan their own funeral/memorial arrangements since the onset of the COVID-19 pandemic.

DEMOGRAPHICS

For this study, NFDA again utilized a consumer panel consisting of a random nationwide sample of people who voluntarily take surveys. Therefore, please note that changes in

41.8% of consumer respondents said they would prefer cremation for their own funeral, but just 25.9% of those said they would have a complete funeral service as well.

opinions and perceptions in this year's study might arise from a different demographic make-up versus true changes in opinion over time.

NFDA conducted the study March 8-11, 2022. Survey invitations were emailed to an online consumer panel consisting of Americans, age 40 and older.

This year's respondents were significantly older as compared to last year's study: 58.9% were between 40 and 54, versus 51.8% in 2021; 25.4% were between 55 and 64, compared to 24.6% a year ago; and 10.9% were 65+, down from 18.7% in 2021.

Slightly higher responses were received from the South Atlantic, Pacific, and Middle Atlantic U.S. Census districts.

In terms of religious preferences, 19.1% of respondents stated they had none, and 59.8% identified themselves as Christian.

Just under 30% of respondents earned \$100,000 or more annually, while 37.1% earned less than \$50,000 annually.

Deana Gillespie is NFDA research manager.

Edward J. Defort is editor of NFDA Publications.



Responding to Tragedy on Social Media: What Should You Do?

By Caitlin Bray and Jenny McClanahan

Those in the funeral service profession are no strangers to personal loss and tragedy. But when devastation strikes en masse and causes a whole nation, or even the world, to grieve, what role do funeral professionals have to play in the social analysis of such an event? Or, more simply, should a funeral home make a post about it on social media?

Before posting to social media about a piece of news, ask yourself this: "Is my motivation to post about this topic grounded in a desire to market my business?" If so, then you need to use your best judgment to determine whether it's appropriate – and, most importantly, whether your target market will believe it's appropriate – to use current events as a marketing opportunity for your funeral home.

Even if the purpose of the post is not to market your services, remember that intentions matter little when it comes to social media. Adding one small social media post to the larger conversation on a mass shooting, for instance, might seem like a harmless gesture and one driven by only the best intentions to offer support to those affected. Executed poorly, however, factors such as timing, rhetoric and overall sensitivity have the potential to turn your well-intentioned message into a controversy that poses a risk to your firm's brand reputation.

Even if the purpose of your post is not to market your services, remember that intentions matter little when it comes to social media.

CHECKLIST

If you feel the urge to post on social media about something in the news, then this list of questions can help you determine the risk level and whether the post is worth it.

1. Is your funeral home directly connected to the event in some way?

The closer the connection between your firm and the event in question, the less likely you are to receive backlash for a message about it. This connection could be due to geography, interpersonal relationships or other circumstances.

2. Do you have something unique to add to the

conversation or have you taken any action to affect the situation directly?

Though thoughts and prayers are kind gestures, it's likely that those affected by a tragic event have already received an influx of such gestures. A donation or some such action contributes something positive and is a more solid message to send.

3. How likely is it that your post will reach anyone directly affected by the event?

While your message might be to those affected by tragedy, it's unlikely to actually reach them if they are not in your community.

4. How familiar is your community with your funeral home?

The existing connection with your community will influence the way your message is received. If the community feels familiar with your firm's brand, then the message might be better received than if this is their first encounter with your business.

5. Does anyone expect your firm to address this issue for any reason?

Again, your standing in the community will influence the way your message is received. If you've been in the community for many years and hold a position of authority, then some people might look to you for guidance or comfort during troubled times. If you're newer in the area or don't have much of a connection with the community, then people might wonder what gives you the authority to speak on the issue.

6. How often do you post on your funeral home's social media profile?

If you're consistently active on social media, a post about something unrelated to your funeral home might stick out less than if you rarely post to your profile.

7. How likely is it that you will post about a similar event in the future?

Consider the precedent you're setting if you post and whether you want to commit to posting about other tragedies or crises in the future.

The desire to help during times of crisis or tragedy is an overwhelming feeling, especially for funeral professionals whose entire lives have been dedicated to doing exactly that. When public crises or tragedies do arise, we encourage you to follow that urge to help, whether it means raising money, volunteering your services, providing caskets, etc.

But be sure that if you do make any public displays of support via social media, you've thought them through carefully and considered the impact your actions could have on your funeral home. In tense situations, it's easy to become reactive and make hasty decisions for fear of feeling left behind or out of touch. To avoid this, consider sitting down with a few trusted stakeholders and putting together a plan for how your firm will handle such situations ahead of time.

Caitlin Bray is agency copywriter for @need Marketing. Jenny McClanahan oversees the many creative projects that @need Marketing produces for partners.

Good Habits Start Early

How paperwork can save your firm and your career.

By Edward J. Defort

Mike Nicodemus, NFDA vice president of cremation services, constantly preaches – in person and during his many annual in-person training sessions – that when it comes to paperwork, “dotting the i’s and crossing the t’s” must not be taken for granted.

For students in funeral service education programs, this means that the habitual maintenance of the proper paper-



work might save you headaches throughout your career.

Nicodemus' point is clear and simple, and he guarantees it: “To avoid being sued, you'd better have good, proper paperwork because sloppy, incomplete and inaccurate paperwork will lead to litigation – and possibly unemployment.” For emphasis, he adds: “I've received calls from 38 attorneys since October 2017 asking me to serve as an expert witness.”

Nicodemus is an ardent believer in the credo: “Failure to have proper documentation regarding your interaction with clients damages your credibility if you are called to testify in a lawsuit. The lack of proper documentation makes the company look sloppy, unorganized, and lends to the plaintiff’s allegations of negligence and breach of contract. If an individual or a company is sloppy with its documentation, it’s easy for a jury to believe it is also sloppy with the way it does business.”

A judge doesn’t want to listen to stories in court, cautions Nicodemus; he or she wants to see it in writing! Thus, incomplete work, mistakes, poor quality, late delivery and ineffective or unsafe shortcuts are all examples of poor paperwork. Per Nicodemus: “People who have terrible time-management skills might not allocate enough time to prepare for a family coming in. They don’t feel the importance of double-checking their work; they are rushed to finish; they have low ambition and/or simply don’t care about the quality of their work, which might indicate disengagement from their job.”

Underscoring his point, Nicodemus noted an Alabama case in which a jury awarded \$12 million to a family when the funeral home could not locate a woman’s cremated remains. Four years after her death, the firm could not produce any paperwork!

Said Nicodemus, “Don’t you think someone on the jury would have asked, ‘Where has she been for the last four years?’ Could you appeal the decision? Sure, but that will cost you, too, in legal fees.”

He further explains: “Opposing counsel will try to illustrate how sloppy documentation and unreadable handwriting are indicative of a messy and careless funeral director. Anything that cannot be read, they will use technology to blow it up and then ask jurors if they can read it yet. When none of them can, the lawyer will say, ‘Well, how can anyone be expected to read it?’”

Opposing counsel will try to illustrate how sloppy documentation and unreadable handwriting are indicative of a messy and careless funeral director.

Proper and legible documentation, on the other hand, can show that the families the firm serves are well informed and made aware of their options. “One of attorneys’ favorite lines is, ‘If it isn’t in writing, it didn’t happen,’” according to Nicodemus. “Especially when you have a situation in which you think there might be a problem, document everything.”

According to the Federal Trade Commission, cremation

procedures are the largest source of risk-exposure and liability in the funeral industry. Funeral homes have a binding responsibility to ensure that cremation services are carried out in a legal, professional and ethical manner.

“A lot of funeral homes think that when they take a decedent to their third-party crematory, their hands are clean,” said Nicodemus. “You might think you didn’t have anything to do with the [situation that arose], but you were the one who hired the third-party crematory.”

Nicodemus continued with explanations of the primary liability issues:

- Wrongful authorization. Know your state statutes and who can sign the authorization. “Funeral directors are honest, hardworking men and women who take people at their word,” he said. “Know what you can and can’t do, according to state statutes, and know who you’re meeting with.”
- No identification of the remains. Nicodemus continues to wonder why only 38 of 50 U.S. states require identification. “It’s just unfathomable that in 12 states, a body can be cremated without having someone identify it,” he said.
- Lost or misdelivered cremated remains. “Well, that’s who the hospital said it was,” Nicodemus offered as an example of a too-typical response in such cases.
- Family disputes. Nicodemus offered four simple words: “Stay out of them.”
- Paperwork. “I guarantee you that sloppy, inaccurate or incomplete paperwork is going to be your worst enemy if you end up in court.”

At the funeral home at which he worked for 35 years as vice president of cremation operations, Nicodemus shared that the authorization forms were six pages long. “I had a guy tell me once that he didn’t sign [that many pages] when he bought his house. I explained that he was not buying a house but cremating his wife, and that was the way we did things. After all, if you don’t like your house, you can move, but we can’t ‘uncremate’ your wife.”

All employees must also be familiar with their firm’s policies and procedures. “Policies and procedures are mandatory for a reason,” Nicodemus said. “The state you’re in might not require that you ID the body, but your company does. Whatever needs to be filled in, fill it in. It’s on the form for a reason.”

If an owner/manager later has to admit ignorance in court, Nicodemus said a jury will view that as uncaring and purposeful, not as forgetfulness.

During a lawsuit’s discovery phase, he continued, the plaintiff’s lawyers will come in to look for every possible document that can possibly be attributed not only to the lawsuit, but also to those over the last five to 10 years.

“If a family is not willing to provide the information required to complete your forms, contact your supervisor im-

mediately,” warns Nicodemus. “Don’t ever make exceptions because that’s the case that’s going to come back and get you.” If a family isn’t willing to work with you and cooperate with what you’re requiring them to do, you must tell them that you won’t be able to help them.

Circling back to family disputes, Nicodemus’ advice is threefold: Don’t offer your own opinions, don’t take sides, and never side with the person who has the checkbook. “You’re not going to win,” he stated flatly. “You will have to tell the family that you would be glad to help them once they work out their differences.”

One basic fact to always have in mind is that funeral homes are litigation targets. The average wrongful cremation award is \$350,000-\$400,000. Despite that, Nicodemus shared that he’s been involved in cases in which awards were



well over \$1 million! And don’t forget attorney fees; billable hours can range from \$370 an hour for an associate to \$535 an hour for a firm-partner.

The bottom line is that a funeral home cannot afford to just “roll the dice” when it comes to sloppy, inaccurate and unfinished paperwork. In court, lawyers will ask the firm what steps it took when the unacceptable paperwork was discovered. Was the employee trained? Disciplined?

Sloppy paperwork will also have a negative impact on consumer perceptions of your funeral home. Said Nicodemus: “It will reduce your credibility, diminish your reputation and draw questions about your integrity. Any misleading or factually inaccurate information can have an enormous financial impact, as well, if litigated.”

Here’s the question a defendant will likely be asked in court: “Do you just not know any better or do you just not care?”

“You really can’t answer that one,” said Nicodemus. “If you know better, then you don’t care. Or you do care, but you don’t know any better. Or, if you cared, you would know better. They’ll twist you up like a pretzel.”

There are only two things that show that funeral directors’ actions are professional and appropriate: “Our word and proper documentation,” he summed up.

Nicodemus next explained that there is a big distinction between “negligent” and “reckless.” Negligent means you

made a mistake; you didn’t mean to, but you did. Reckless means you knew better but went ahead and did it anyway. “The lawyers are going to try to prove that you were reckless, and that will certainly increase the size of the settlement,” he said.

The discovery process in a lawsuit is very important and might involve entering the funeral home with warrants to go through all paperwork involved. “A pretrial procedure in a lawsuit is where each party obtains evidence from the other parties, including the production of documents,” Nicodemus said. “After discovery, both sides agree as to the strength of the case and whether to settle or go before a jury. Lawsuits can drag on and are very expensive.”

If you’re involved in litigation, Nicodemus advised, retain the right attorney – someone familiar with funeral, cemetery and cremation law. “It could be a year or two before you even find out you’re being sued,” he said. “It’s not uncommon for a trial to take place a year-and-a-half or two years after the incident happened. You’ll have 30 days to answer the complaint. That will test your memory. Lawyers aren’t interested in your memory of the situation; they want to see it in writing.”

Nicodemus then shared the story of the “\$4,600 pen.” A funeral director who used a third-party crematory took a body there, and the deceased was cremated. The crematory gave the director the container, which he then gave to the family.

“The family took the container to scatter the cremated remains and out comes a ballpoint pen,” he said. “They got in touch with the director, who said he would find out what took place. The crematory operator said he had no idea what happened, and asked, ‘What’s the big deal? It’s only a pen.’”

Thankfully, the director and his firm had helped the family on other occasions, and their kids had grown up together, so the family said they would not seek legal counsel. They did, however, want their money refunded, and that’s exactly what the funeral director did by writing a check for \$4,600.

Court lawyers will ask the firm what steps it took when the unacceptable paperwork was discovered. Was the employee trained? Disciplined?

Nicodemus posed this question: “Do any of you, when making a removal, remove and itemize [the contents] and have a representative [of the deceased] present at the place of death to sign off on what you’re giving them?” To his point, Nicodemus advised taking everything off at the place of death, cataloging it and placing it in a bag. Have [the representative] watch you and sign off; otherwise you might

struggle with the following sort of conversation someday:

“Where is my wife’s necklace?”

“She didn’t have a necklace on, sir.”

“Yes, she did.”

“No, she didn’t.”

You get the idea. “You should have written procedures for handling valuables,” he emphasized.

A firm could have the best, most comprehensive forms in the world, but if they are filled out improperly, they are worthless.

Crediting NFDA for its comprehensive list of forms available to members, Nicodemus stated that a firm could have the best, most comprehensive forms in the world, but if they are filled out improperly, they are worthless.

What are some methods to use to avoid sloppy, inaccurate paperwork and the headaches it can bring? First, when you talk to a family at the onset to set up the arrangements, Nicodemus said, tell them the meeting will take two to three hours. The family, of course, thinks that because it is just going to be a cremation, they’ll be in and out in 20 minutes.

“You all know that cremation arrangements take longer than burial arrangements,” he said. “Set that right from the start with families that it’s going to take several hours.”

He also offered the following suggestions:

- Know your forms like you know your way around the funeral home.

- Prior to seeing the family, highlight areas that need to be signed or initialed.
- Give yourself plenty of time with the family. Don’t rush.
- Never cut corners.
- If you make a mistake on a form, start over.
- Do not cross out or white out anything; it will void the contract.
- If you’re not sure of something, have someone in the office double check.

“If a problem arises, make sure all documentation is isolated and preserved,” warned Nicodemus. “Failure to maintain documentation can result in you automatically losing a lawsuit. Put [the documents] in a safe-deposit box or give them to your attorney.”

Nicodemus suggested documenting everything, including to whom you spoke (first and last name) and the day/time you spoke with them. As a rule, let the family alleging the problem do the talking while you write down everything. Also, never make an admission of guilt.

If your firm faces a lawsuit, the first thing to do is call your attorney so anything you say is protected by the attorney-client privilege. “I don’t know why, but some people will put in an email or text something they would never say to someone’s face or in a letter,” Nicodemus said. “Emailing and texting are just as admissible in court as any other forms of documentation. An attorney can get a subpoena to get all of your texts, emails – all your written documents.”

Nicodemus cautions that under no circumstance should a document ever be altered, created or forged. “That will be a separate lawsuit,” he warned.

Edward J. Defort is editor of NFDA Publications.



Nontraditional Choices Need Context, Too

By Teresa Schreiber Werth

In the mid-1980s, my parents moved from western New York to Florida. Having recently migrated into their age bracket myself, I now understand how their

life went from weddings and baby showers to hospital visits and funerals.

Back then, they were not “religious people” even though they had a close church affiliation in our hometown. After

relocating to Florida, however, they were “unchurched,” as were many of their friends.

When I visited my parents one winter, Mom told me that her close friend, Sue, had died and that she planned to go to her funeral.

When she got home from the service, I asked her how it was. I recall she didn’t look tearful or seem emotional, but instead mostly seemed annoyed. “It was awful,” she blurted out. “Just awful!”

I was stunned by the intensity of her reaction and asked,

“What made it so awful?”

“Well, first of all, it was held at the Knights of Columbus.” I understood that she meant instead of a church or funeral home.

She continued: “We sat at round tables!” Clearly, she expected neat rows of chairs.

And there was more. “And you know the Jazzercise class Sue went to? Well, they ‘performed!’” Depending on how you read that sentence, it might convey utter delight or sheer disgust. Mom’s tone was the latter.

The planners of Sue’s funeral were three-for-three in Mom’s book, i.e., wrong place, wrong set-up, and wrong program. This made me especially sad because grieving the loss of a close friend or family member should be affirming and comforting as you begin the grief journey, not jarring and upsetting.

I asked, “Isn’t that the place Sue went for Jazzercise three times a week, and weren’t those ‘performers’ her close friends?”

Mom nodded yes, but the damage was done, and I didn’t ask more questions.

Now, I don’t know how the service was billed – a funeral, a memorial service, a celebration of life or a life tribute. But if it was called anything but a “funeral,” people might have been tipped off about what not to expect, such as candles, hymns, scripture and clergy. There is comfort in tradition, but for my mom at Sue’s service, it seems there was none.



CONTEXT: THE CRITICAL COMPONENT

What was missing? My answer is simple: context. I think it’s safe to assume that the folks attending the service knew Sue, knew her spunky personality and high energy, and knew her love of Jazzercise and performance with her friends, so none of that should have been shocking. But someone – the celebrant, family member, Jazzercise instructor, etc. – needed to put all of it in context:

- Why we are gathered here? (To be in a place Sue loved, with people she loved, doing what she loved.)
- Why we are sitting at round tables? (So we can converse and share stories about Sue over lunch.)
- Why did we choose this format, music and setting? (So we could celebrate what Sue referred to as “the best years of her life.”)

I think if someone had taken the time to put Sue’s nontraditional service in context, my mom might have felt differently about all of it.

This is something I try to remember when working with families. I encourage them to make choices that are as authentic as possible in order to remember, honor and celebrate the deceased, and then I build that rationale, that context, into the script of the service.



READINGS, MUSIC, PERFORMANCE

When I ask families if there are readings they would like to use, most of them have nothing in mind. And even when a family tells me they want a “humanist” or “nonreligious” service, I make no assumptions. Those same families sometimes ask for the 23rd Psalm and/or the Lord’s Prayer because they have some emotional connection to those words. I therefore encourage them to look at poetry, quotations from literature and movies, song lyrics, or even to write original tributes. I encourage family and friends to be readers.

In addition, I encourage families to include music in services because it offers one more lasting connection they can make with their loved one. I call these “musical reflections,” and that song might forever trigger the memory of their loved one. Music choices run the full gamut, from sad to inspiring, to jubilant to funny (because sometimes “funny” just fits). I’m sure there are people who are jarred by some of the music choices, even when I am careful about sharing why they were chosen and what they mean.

I have officiated at life tributes in which a motorcycle or vintage car was parked graveside, and where a bottle of blackberry brandy was passed around for a toast. I have found creative ways to include pets in a service. I once worked with a family that chose to include scripture – according to Bob Dylan. For one service, the decedent’s niece choreographed and performed an interpretive dance in honor of her uncle. For another, the family gathered on a college campus and shared a whole day of activities to honor their loved one.

I’m sure there are people who are jarred by some of the music choices, even when I am careful about sharing why they were chosen and what they mean.



FINDING THE BEST WAY MATTERS MOST

I can do “traditional.” But it’s not about me; it’s about the person whose life is celebrated and their family. I always defer to them and find ways to make nontraditional choices work, providing options, rationale and cautions. I personalize whenever I can, make no assumptions and ask many questions. We email, text and speak on the phone. We fine-tune the draft until it is just right. There is no “one size fits all” in my planning process.

As a certified funeral celebrant, most of the services at which I officiate would be classified “nontraditional.” With a growing number of unchurched people in the country, it’s

not surprising that, given the option, many families choose a celebrant rather than clergy to plan and officiate at a funeral. (Sometimes, a clergyperson and I even work together.)

I believe that today, there really are no rules. Working together with the family, we find the most authentic way to honor, celebrate and remember their loved one.

Teresa Schreiber Werth is a certified funeral celebrant, a freelance writer and an author/editor. She recently published a book addressing the pandemic of unresolved grief due to the pandemic. More than 30 writers collaborated for her anthology, Navigating the Pandemic: Stories of Hope and Resilience.



Funeral Service Foundation Accepting Academic Scholarship Applications

The Funeral Service Foundation is accepting academic scholarship applications through November 1 at funeralservicefoundation.org, marking its 20th year of awarding academic awards. Up to 35 scholarships, ranging from \$2,500 to \$5,000, are available to current funeral service students and military veterans who meet the eligibility criteria.

The foundation offered its first academic scholarship, the Joseph E. Hagan Memorial Scholarship, in 2002. Since then, additional scholarships were established in memory of Shipley Rose Buckner and Dennis Schoep, and in honor of Steve Lang and Bob Horn. Memorial Classic Scholarships are funded by tournament proceeds from the annual golf event, and the Foundation '45 Scholarship is awarded in recognition of the foundation's founding year, 1945. The foundation also promotes the Brenda Renee Horn and Steve Mack Memorial Scholarships in partnership with the SCI National Scholarship Program.

Upon announcement of the scholarship recipients this November, the Funeral Service Foundation will have awarded nearly \$660,000 in academic scholarship support to 267 outstanding students of funeral service since 2002.

ACADEMIC SCHOLARSHIPS FOR FUNERAL SERVICE STUDENTS

Scholarships are open to full- or part-time students who are in good standing and enrolled in an ABFSE- or Canadian-accredited institution/program. Candidates must be attending classes and actively pursuing a degree in funeral service at the time of application. Students who are enrolled but have not yet begun coursework at the time of application are not eligible to apply for these scholarships. Paid directly to institutions, the scholarships offset the costs associated with tuition, fees, books and supplies.

ACADEMIC SCHOLARSHIPS FOR U.S. AND CANADA MILITARY VETERANS

A \$5,000 Journey to Serve Scholarship is available to U.S. or Canada military veterans who are age 18 or older at the time of application and currently enrolled in, or accepted into, an ABFSE- or Canada-accredited funeral service program.

The \$2,500 Hunter M. Harbeson Memorial Scholarship is also open to U.S. military veterans age 18 or older at the time of application and currently enrolled in, or accepted into, an ABFSE-accredited funeral service program.

THE APPLICATION PROCESS

Using a common application format, all academic scholarship candidates are required to answer five questions using no more than 250 words per question, and to submit a video that is no longer than two minutes. Military veteran candidates will also be asked to supply an overview of their military service.

Applicants are required to provide the following support materials by the November 1 deadline:

- Most recent transcripts from an ABFSE- or Canadian-accredited institution
- Letter of good standing from the institution's registrar, bursar or financial office
- Letter of recommendation from an instructor or program director.

Late applications are not accepted. Those who miss the deadline may apply again in 2023 from February 1-April 15 and from September 15-November 1. Those who have applied in the past but were not awarded an academic scholarship are encouraged to reapply.

From the Editor's Desk

A Historic Perspective

By Edward J. Defort

We include the results of NFDA's 2022 Consumer Awareness and Preferences Survey in this journal as a way of alerting you to keep your eye on consumer trends that have shaped – and are reshaping – the profession.

I often ask funeral directors, “If you had known in 1997 that the cremation rate would be well over 50% nationwide within 25 years, how would you have approached your business differently?” (Of course, the caveat is that in 1997, if funeral directors had been aware of the statistics gleaned at the time, which pointed to a 50%-plus rate, they would have already known.)

Annually, when the results of the latest NFDA consumer study are released, funeral directors comment that the numbers aren't very encouraging and that there seems to be more of a disconnect every year.

On the surface, this is true, but with every challenge comes opportunity. These numbers aren't meant to be the end of the story. Quite the contrary, they're meant to serve as a launch pad.

One key statistic NFDA has monitored over the last several surveys finds that funeral homes have neither been maintaining existing relationships nor building new ones in the community. Just 16.9% of respondents said they have attended a luncheon or other public event in which a funeral director presented information about funeral arrangements, cremation/burial options or preplanning.

This number, though it does have some COVID-19 influence, has remained consistent over the past several years – even before pandemic restrictions. So, too, has the number of respondents who have not been to such an event, nor would they attend, which has hovered at about 43%.

Still, the most important number here is the 40% of respondents who have not attended such an event but would consider it if one were offered. This creates an inviting scenario by which to build relationships and maintain the presence of the funeral service information hub in the community.

The motive for this survey is to show funeral directors what consumers are thinking. With today's broad menu of funeral and memorialization choices, coupled with changing consumer preferences, it's a challenge under normal circumstances to be on the same page as the various families you will serve.

 **Edward J. Defort**
Editor

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