**Archbright™**

**Insights Newsletter**

**October 2016**

**Join Us for Our Annual Workplace Performance Symposium**

Archbright™ is pleased to announce our Annual Workplace Performance Symposium. We hope you can join us as Archbright experts cover the best practices, hot topics, and emerging trends that impact HR professionals every day.

Mark your calendars for Wednesday, November 9th from 9AM to Noon!

This year’s presentations include:

* Gender Identity in Workplace: Beyond the Restroom
* Bully-Proofing Your Workplace
* The Money Trap: Getting Better Results with Intrinsic Rewards in the Workplace
* Geeking HR
* Joint Employment: Who’s In Charge?
* FLSA Update: Are You in the Know?
* Mindfulness in the Workplace
* And more…

“Each year we look forward to putting on this event and sharing our experts’ insights on the topics impacting HR professionals and business owners today,” said Archbright President and CEO Shannon Kavanaugh. “We have packed this year’s agenda with information to help companies in Washington State maintain compliance and build employee engagement.”

Spend your morning with us. Mingle with other HR professionals! Meet the Archbright team. All are welcome!

**When:** Wednesday, November 9 | 9am to Noon   
**Where:** Billy Baroo’s | 13500 Interurban Ave S | Tukwila Cost: FREE | A continental breakfast will be served.

Registration for the Workplace Performance Symposium is now open at archbright.com.

**“The Dark Web:” Advances in Internet Technology and the Workplace**

Though the “Dark Web” sounds fictitious, the challenge it poses to employers is very real. The Dark Web refers to an internet pathway that allows users to surf the web without revealing a physical location, or “IP address.” By downloading a browser called “Tor,” individuals gain untraceable access to the Dark Web and a wide range of content that is not available on traditional search engines like Google. Though the Dark Web is not itself illegal, it is often used as a tool to buy drugs or post illicit videos. This is problematic because tech savvy employees may be accessing the Dark Web on business computers during work time, and it is untraceable.

Employers may take proactive steps to limit employee access to the Dark Web. First, employers can strengthen their internet security to prevent employees from downloading Tor. But blocking Tor on company computers is not alone sufficient, as employees may install Tor using alternate means like a USB drive. Employers should also maintain an “acceptable-use” policy with clear guidelines addressing appropriate use of business computers and internet access, as well as consequences for policy violations. By making this policy visible, employees may be deterred from using company resources to explore the Dark Web.

Please refer to Archbright’s Computer, Email, and Internet Access and Bring Your Own Device policy samples, which are available in the HR Toolkit on archbright.com. These samples will provide examples of language addressing the use of the Dark Web.

**Source:** Amy Jungwirth, Staff Counsel at Archbright

**HR FAQ**

**Question:** We’ve had employees ask to record their performance meeting sessions on their smartphones. What are our obligations under the law and can we say no?

**Answer:** Yes, you can say no. Employees in Washington state may not record these meetings without your consent. Washington requires that all parties be aware of and consent to any recorded communication, in any setting or circumstance. You are under no obligation to allow employees to record performance review meetings or any other workplace interaction.

This also means it is unlawful for an employee to secretly record a conversation with management or coworkers, and employers are protected from having covertly recorded comments used against them in court. However, employers are likewise prohibited from recording conversations with employees without consent. Employers seeking to record verbal communications must explicitly gain employee permission before doing so.

***NOTE:*** The law is different in Idaho and Oregon. Idaho and Oregon are “one-party consent” states that allow a conversation to be recorded if at least one party consents to the recording. Employers in these states may still refuse to consent to employees recording meetings and conversations but are at greater risk for covert recordings. In these states, employees are under no obligation to get permission before recording and if they do ask, it is not unlawful for employees to secretly record despite your protests.

**The Minimum Wage in Washington Will Increase on January 1**

The minimum wage in the state of Washington will increase by 6 cents from $9.47 per hour to $9.53 an hour on January 1, 2017.

**More Workers are Enrolling in High-Deductible Health Plans with HSAs, Premiums Rise Modestly**

The average annual workplace family health premium rose a modest three percent to $18,142 in 2016, and the average deductible for high-deductible health plans rose 12% to $1,478 annually, according to figures recently released by the Kaiser Family Foundation. Kaiser further reports that, at small firms, average deductibles now top $2,000. Furthermore, few employers reported changing workers’ hours due to the ACA’s employer requirements, and those that did were more likely to shift workers to full-time status. Workers on average contribute $5,277 annually toward their family premiums.

This year’s low family premium increase is similar to last year’s (4%) and reflects a significant slowdown over the past 15 years. Since 2011, average family premiums have increased 20 percent, more slowly than the previous five years (31% increase from 2006 and 2011) and more slowly than the five years before that (63% from 2001 to 2006).

The recent trend in part reflects covered workers moving into high-deductible plans compatible with Health Savings Accounts (HSAs) or tied to Health Reimbursement Arrangements (HRAs). These plans have lower average premiums than other plan types.

In 2016, 29 percent of all workers were in such plans, up from 20 percent in 2014, while a shrinking share of workers (48% in 2016, down from 58% in 2014) are enrolled in Preferred Provider Organization (PPO) plans, which have higher-than-average premiums. These shifts effectively reduced the average premium increase by half a percentage point in each of the past two years, the analysis shows.

Spousal coverage options. This year’s survey finds that while most employers who provide health benefits offer coverage to workers’ spouses, some employers are using a number of strategies that can limit workers and their spouses from enrolling in coverage when other options are available. For example:

* Among employers that offer spousal coverage, 13 percent of small firms and 5 percent of large ones do not allow a worker’s spouse to enroll in coverage if their spouse is offered coverage from another source. An additional 5 percent of small firms and 8 percent of large ones only allow enrollment under certain conditions. In addition, 12 percent of firms require spouses with other coverage options to pay higher premiums or cost-sharing than other spouses;
* 10 percent of all offering firms give additional compensation to workers who enroll in their spouse’s health plan instead of the company’s plan. This share is similar for large and small firms.
* Among firms offering family coverage, 45 percent of small businesses and 18 percent of larger ones contribute the same dollar amount towards premiums for workers whether they enroll their dependents or not. This in effect requires workers to pay the full costs of enrolling their dependents.

The survey was conducted between January and June of 2016 and included 3,110 randomly selected, non-federal public and private firms with three or more employees (including 1,933 that responded to the full survey and 1,177 others that responded to a single question about offering coverage).

**Source:** Kaiser Family Foundation / CCH

**HR FAQ**

**Question:** We have one employee who works in Yakima and he wants to go on FMLA leave. The problem is that although we are covered by the law since we have 200 employees in Seattle, he lives and works 140 miles from our headquarters in Seattle. The law clearly states there must be at least 50 employees within 75 miles of our Yakima worksite for him to be covered by FMLA and this is not the case. So can we deny his leave?

**Answer:** Maybe. It depends on whether the Yakima employee is working at a worksite or his home. An employee’s personal residence is not considered a worksite under FMLA. There are many remote employees who work from home such as salespersons who travel a sales territory and who generally leave to work and return from work to their personal residence, or employees who telecommute from home. In these cases, their worksite is the office to which they report and from which assignments are made. Therefore, if your Yakima employee works from his home office and reports to your headquarters in Seattle, he would be eligible for FMLA leave even if he is your sole employee in Yakima, WA.

**With today’s low unemployment rates, it is harder than ever to recruit, hire, and retain good talent.**

In Hiring Winners, managers and HR professionals will learn to

* Avoid the legal risks of hiring
* Plan the most important questions to ask
* Effectively review applications, resumes, and social media
* Sell your organization to candidates
* Skillfully answer tough questions from candidates
* Reduce bias with a candidate scoring matrix

**This Class is Available:**

Seattle | Friday Oct 14 | 8:30-4:30   
Kent | Monday Nov 7 | 8:30-4:30   
Seattle | Tuesday Dec 6 | 8:30-4:30   
Anytime at your location!

**Driven to Disruption**

Merriam-Webster defines “disrupt” as “to cause (something) to be unable to continue in the normal way; to interrupt the normal progress or activity of (something).” Put another way, to disrupt is “to throw into confusion or disorder” and if that’s your business we’re talking about, it’s probably gotten your attention by now.

Although first identified in the mid-1990’s by Harvard professor Clayton Christensen as disruptive technologies and later refined to disruptive innovation, the term digital disruption has gained prominence in the public vernacular in recent years due to the surprising—and disruptive— success of companies like Uber,

Airbnb, Facebook, and many others. These newcomers seem to emerge out of nowhere by applying digital technologies to the way businesses operate that upend time-honored business models.

As Avi Dan noted, “Disruptive brands tend to grow in leaps and bounds, changing the trajectory of consumers’ viewpoint of the brand and the marketplace. They are vibrant, daring and authentic… operating unseen below the radar until it is too late

for the competition to react to their ascendency.” (November 29, 2015 Forbes.com)

Whether your business has been disrupted (yet) or not, it would be wise to consider Rhys Grossman’s observation: “We’re at a critical time for the digital economy. Digital is no longer the shiny front end of the organization – it’s integrated into every aspect of today’s companies. As digital technologies continue to transform the economy, many leaders are struggling to set a digital strategy, shift organizational structures, and remove the barriers that are keeping them from maximizing the potential impact of new digital technologies.” (Harvard Business Review, March 21, 2016)

**Sounds like a tall order for many organizations.**

In the September, 2016 HR Magazine article “HR in the Age of Disruption”, author Geri Coleman Tucker takes a look at the people strategies applied by five leading-edge innovative companies, each of which also has been a “disruptor” in its industry. Teeing up with a quote from Clayton Christensen:

“Disruptors use technology to find and serve customers in ways that didn’t exist before,” Tucker points out that not only are the profiled companies changing the way business is done, they’re changing “the way talent is sourced, developed and rewarded.” The article cites examples that touch on topics we’ve covered in these pages before: employee engagement; onboarding practices for retention; the demise of the traditional performance review; how employees are rewarded; all of which were unique to and served the culture and objectives of that particular organization.

There’s no doubt that digital disruption is having an impact on many traditional HR practices— the ongoing question is: how can HR serve our customers – the organization and the employees – in ways that didn’t exist before? We’d love to hear your thoughts!

**Source:** Susan Brandt, MA, SPHR, Director of HR Solutions at Archbright

**What IS Ergonomics, Really? by Guest Columnist Deborah Read, President of ErgoFit Consulting, Inc.**

Consistently over the past 15+ years, we’ve found that executives, directors, and managers don’t REALLY know what ergonomics IS, what poor ergonomics is REALLY costing the business, how ergonomics can be used as a BUSINESS strategy for their company, nor when they should use it.

Ergonomics was “invented” in World War II as a means of optimizing soldier performance. It worked so well that the concepts were borrowed by industry, a common phenomenon for military technology and advances. It was really only about 2 decades ago that ergonomics fell under the umbrella of Safety & Health.

While it certainly impacts Safety & Health, it has broader positive impacts in an organization; particularly with operational efficiencies.

Either way, the heart of ergonomics is to understand the 3-way interaction of the worker performing their work at their worksite. As shown in the “What Is Ergonomics” image, these three entities affect one another. For example, if the worksite is modified, it will likely change the methods of working and thereby impact the worker.

At the micro ergonomics level, we are concerned with this interaction on an individual worker level, and will pay close attention to the individual’s methods and the tools they use. At the macro ergonomics level, we are using a systems approach, integrating the broader contexts of a company’s systems, processes, and culture and understanding upstream and downstream effects.

Great ergonomics professionals can flex between the two perspectives of micro ergonomics and macro ergonomics, making recommendations for continuous improvement in both. And this is where the client company gets the biggest bang for their buck.

Ultimately, just like the military used ergonomics to optimize soldier performance, businesses should use ergonomics as a business strategy to optimize employee performance… thereby optimizing the entire system, leading to higher profitability.

**#2 Cause of Workplace Injuries and Fatalities**

Slips, trips, and falls are preventable, however, they are the number 2 cause of both workplace injuries and fatalities. You might assume that only falls from heights can cause death and injury, but falls from the same level accounted for 110 deaths, and 141,060 injuries in 2013, and occurred in varied industries.

There are four risk categories that affect slips, trips, and falls – environment, equipment, work practices, and individual behavior. Examples of environment could be slippery walking surfaces, equipment could be inappropriate footwear for the job, work practices could be inadequate fall protection equipment training, and individual behavior examples could be texting while walking.

According to the National Safety Council, nothing has more impact on safety behavior than individual behavior. Employees often carry too much weight, rush to complete a job, or generally do not pay attention to their surroundings. Effective training and re-training is essential to keep employees safe, and create a safety culture.

For more information, sample polices, training resources, or to utilize Archbright’s consultation services to evaluate or assist with your company’s safety program, please contact us at 206.329.1120, 509.381.1635, or info@archbright.com.

**Three Steps to Help Prevent Falls in Your Workplace**

OSHA provides three steps to helps prevent falls in your workplace – plan, provide, and train.

Plan ahead to get the job done safely. When working from heights, such as ladders, scaffolds, and roofs, employers must plan projects to ensure that the job is done safely. Begin by deciding how the job will be done, what tasks will be involved, and what safety equipment may be needed to complete each task. When estimating the cost of a job, employers should include safety equipment, and plan to have all the necessary equipment, and tools available to employees.

Provide the right equipment. Workers who are six feet or more above lower levels are at risk for serious injury or death if they should fall.

To protect these workers, employers must provide fall protection, and the right equipment for the job, including the right kinds of ladders, scaffolds, and safety gear. Different ladders and scaffolds are appropriate for different jobs. Always provide workers with the kind they need to get the job done safely.

Train everyone to use the equipment safely. Falls can be prevented when workers understand proper set-up and safe use of equipment, so they need training on the specific equipment they will use to complete the job. Employers must train workers in hazard recognition and in the care and safe use of ladders, scaffolds, fall protection systems, and other equipment they’ll be using on the job.

**Monthly Webinar**

**Archbright’s 8 Elements of an Effective Safety Program Series**

**Element #8 – Measuring Performance**

**Thursday, October 20at 2:15 p.m.**

We are concluding our series, Archbright’s 8 Elements of an Effective Safety Program, with a discussion on how to measure safety performance. It is not enough to simply institute a safety program, you need to constantly evaluate that program for effectiveness and areas of improvement.

Topics we will cover in Element #8 in our series:

* Measurement tools
* Measuring safety at every level
* Observations
* Data collection

This monthly webinar is complimentary for all members of our Workers’ Compensation and Retrospective Rating Programs. Attendees will receive an email approximately one

week before the webinar with participation and login information. For questions or more information on our webinar training, please contact safety@archbright.com.

For those not enrolled in our Workers’ Compensation or Retrospective Rating Programs, there is a $49.95 fee. Please contact info@archbright.com for registration information.

“Successful change comes from focusing on building the new, not fighting the old.”

**Did You Know?**

According to injury statistics, slips, trips, and falls were responsible for 724 deaths, and 229,190 injuries in 2013. That number includes:

* Construction: 302 deaths/21,890 injuries
* Education and health services: 13/47,740
* Manufacturing: 42/21,430
* Transportation and warehousing: 35/21,970
* Professional and business services: 91/19,300
* Wholesale trade: 25/12,640

**Please Notify Us of Staff Changes.** Please take a moment to contact us to correct any staffing changes for your organization, including email addresses. Email us at info@archbright.com.

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We welcome your comments and suggestions.

Email: info@archbright.com | Seattle Office: P.O. Box 12068; Seattle, WA 98102

Phone: 206.329.1120 | Web: www.archbright.com