**Archbright™**

**Insights Newsletter**

**December 2016**

**Holiday Message from the President**

Your Archbright team would like to wish you the happiest of holidays this coming season.

We’d also like to express our great appreciation for your continued membership this year. It’s our mission to tackle the complexities of the workplace, so you can focus on the passion of your business. We hope we’ve achieved that for you this year!

Some fun facts for 2016:

* We now serve 1075 employers in Washington and Idaho...and even a couple in Oregon
* The HR Hotline has fielded almost 5,700 calls from members so far this year
* Our HR professionals and legal teams reviewed/developed over 175 employee handbooks
* We’ve deployed more than 10 HR Consultants for both part-time and full-time HR support onsite at our members’ locations
* Over 143 Affirmative Action Plans have been delivered
* Our Organization Development team has conducted over 17 Employee Satisfaction with Engagement Index Surveys
* More than 5,500 member employees have been trained through Archbright’s Corporate University courses
* This year’s Wage & Compensation Survey represents compensation for 40,900 employees in 452 organizations across Washington State, representing benchmarks for over 600 jobs
* Our manufacturing retrospective rating program for Workers’ Comp continues to be one of the best performing in the state—rebating over $13,000,000 to members this year!

There’s more, but that is a sampling of the many ways we are working to help you elevate workplace performance. Archbright is proud to stand by your side and serve your teams. Let us know if we can help in any additional way.

We wish you a prosperous and rewarding New Year!

Shannon Kavanaugh, President

**HR Professionals Alerted to Federal Antitrust Violations**

Alarmed by recent settlement cases involving employers and individuals found guilty of colluding with competitors in “no employee poaching” or “salary fixing” arrangements, the Department of Justice and Federal Trade Commission has issued guidance on antitrust compliance. Employees benefit from a free and open marketplace and any attempt to share information with competitors to restrict job movement, fix wages, or limit benefits harms workers. Traditionally, price fixing is completely understood as an anathema to business, it is not always contemplated in the employment arena.

The guidance is addressed specifically to human resources (HR) professionals who are largely responsible for recruiting and compensation decisions in an increasingly competitive market. It is designed to educate, inform, and warn them that federal agencies intend to investigate and seek sanctions for antitrust violations. Non-compliant businesses may be subject to civil and/or criminal liability, and HR professionals as individuals could face criminal prosecution.

The three principal areas of enforcement are: (1) non-poaching agreements; (2) agreements that fix compensation and/or benefits; and (3) disclosures of non-public compensation or benefits information. In the quick reference card published with the guidance, the agencies remind companies that the following conduct may raise antitrust concerns:

* Agreeing with another company about an employee’s salary or other terms of compensation, either at specific level or within a range.
* Agreeing with another company to refuse to solicit that other company’s employees.
* Agreeing with another company about employee benefits.
* Expressing to competitors that you should not compete too aggressively for employees.
* Exchanging company-specific information about employee compensation or terms of employment with another company.
* Discussing the above topics with colleagues at other companies, including during social events or in other non-professional settings.
* Receiving documents that contain another company’s internal data about employee compensation.

For example, it would be unlawful to ask a competitor to stop offering certain employee benefits, like gym memberships or transit subsidies, to align with your company’s benefits plan. HR professionals, as well as executives and managers involved in hiring and compensation, are strongly advised to read the guidance. Companies interested in performing an internal audit should do so with the involvement of counsel.

**Source:** Archbright Legal Staff

**Key Takeaways from the 2016 Benefits & Policies Trends Survey**

The end of the year is rapidly approaching and that means the holiday season is upon us! We thought members would find the following insights learned from this year’s **Benefits & Policies Trends Survey** especially interesting as we navigate this time of year:

**Holidays:** Did you know that 5% of organizations provide some level of flexibility as it relates to holiday schedules? For example, 2% of respondents said they offer their employees the option between two holiday schedules. While just 15% of companies close their doors for the period between Christmas and New Year’s, the majority of employers pay employees for observed holidays (88%).

**Paid Time Off:** Although unlimited paid time off is increasingly being discussed in many workplaces, employers are not yet convinced. Only 6% currently offer it and plan to continue to offer it while just 4% are considering it for the future. Our survey also found 57% of employers offer time off for vacation and sick time, 42% offer PTO, and 1% provide no paid time off.

**Year-End Bonuses:** The majority of employers surveyed are not offering year-end gifts or bonuses to non- managers (53%). Of those companies that are offering these, the value of the gift of bonus varies widely:

* 3% indicated they will give between $1 and $25
* 9% reported their gift/bonus to be valued between $500 and $1,000
* 8% will give between $1,000 and $2,499
* 4% reported value to be $2,500 and $4,999

At the $5,000 level, just 3% will give end-of-year gifts to non-managers. The majority of employers will give between $26 and $499 (19%).

There is much more to learn from this year’s survey to help you benchmark your company’s benefits and policy practices for 2017. Access the report today at members-only pricing (50% off). The full report and a special non-profit report are now available on Archbright.com.

**Source:** Whittney Dideon, Director of HR Systems & Services

**Spokane Sick and Safe Leave**

Effective January 1, 2017, the City of Spokane will join Seattle and other municipalities in Washington by requiring that local employers provide paid sick and safe leave to their employees. The Spokane City Council reaffirmed its commitment to this requirement and also passed several clarifying amendments to the new law at its meeting on November 14th. The City Council also noted at the public meeting that this law is intended to be a bridge to the imposition of statewide paid sick leave (as provided in the voter-approved I-1433) and that the local law would lapse when the state law becomes effective in 2018.

As amended, the basic requirements of the Spokane sick and safe leave are as follows:

**Application:** The law applies to any employer with a permanent location in the Spokane City limits that employs at least one person to perform more than 240 hours per year of work within the City. Only those employees who work at least 240 hours per year in the City are entitled to the leave.

**Leave Accrual:** Employees accrue one hour of leave for every 30 hours worked, beginning on their first day of employment. Full-time exempt employees are assumed to work 40 hours per week for leave accrual purposes. Alternatively, employers may front-load the maximum carryover amount (described below) at the beginning of the year, or they may comply via a Paid Time Off program that affords at least the same benefit to employees.

**Leave Usage:** Employers with fewer than ten employees must allow employees to use up to 24 hours of paid sick and safe leave per year. Employers with ten or more employees must allow usage of up to 40 hours per year. Leave may be used in one hour increments. Significantly, one of the November 14th amendments states that employers shall allow the use of leave whenever requested by an employee, without any provision for confirming the purpose for the leave.

**Maximum Carryover:** Employers with fewer than ten employees must allow employees to carry over 24 hours of accrued leave into the next year, whereas employers with ten or more employees must allow 40 hours to be carried over.

**Recordkeeping:** Employers must keep records of sick and safe leave accrual and usage for three years. They must also provide employees with a statement of leave balance and usage with each payroll.

**Enforcement:** The November 14th amendments include a mechanism for investigation and imposition of monetary penalties (including civil citations and back pay damages); however, the amended ordinance also provides that the enforcement focus for 2017 will be educating and providing technical assistance rather than leveling penalties.

**Source:** Erin Jacobson, Archbright Staff Counsel

**Washington State Joins Trend in Offering Paid Leave**

The November elections heralded in a new paid leave benefit for all employees working in the state of Washington. Employees may accrue at least one hour of paid sick leave for every forty hours worked which can be used after the 90th day of employment. Forty hours of unused leave may be carried over into the following year. Employees may not be retaliated against for using paid leave and they cannot be required to find a replacement in order to take the leave. This benefit is not effective until January 1, 2018. For further explanation of this new law, refer to the *Washington Paid Leave KeyNote* in the HR Toolkit on the Archbright website.

**Source:** Jo Powers, Director, HR Strategies and Practices

**USCIS rolls out new Form I-9**

U.S. Citizenship and Immigration Services (USCIS) has published a revised version of Form I-9, Employment Eligibility Verification. The new version (dated 11/14/16) must be used by employers beginning January 22, 2017. Until then, employers may continue to use either the version dated 03/08/2013 N or the new version.

**Changes.** In a news release, USCIS pointed to several changes made in the new version. Section 1, for example, asks for “other last names used” rather than “other names used,” and streamlines certification for certain foreign nationals. Other changes include the addition of prompts to ensure information is entered correctly; the ability to enter multiple preparers and translators; a dedicated area for including additional information rather than having to add it in the margins; and a supplemental page for the preparer/translator.

The instructions, which have been separated from the form in keeping with other USCIS forms, also include specific instructions for completing each field. The revised Form I-9 is also easier to complete on a computer, according to USCIS. Enhancements include drop-down lists and calendars for filling in dates, on-screen instructions for each field, easy access to the full instructions, and an option to clear the form and start over. When the employer prints the completed form, a quick response (QR) code is automatically generated, which can be read by most QR readers.

**Source:** CCH

The Management Academy, Archbright’s 3-month leadership development program where you will learn from:

* Six in-person classes with the same instructor
* Peer check-ins, guided by questions from the instructor
* On-the-job application assignments
* Short online reinforcement activities
* Short class prep assignments to make the most of class time

The Management Academy begins January 17th, with a 7 am early start so you can beat the traffic and be back to work by lunch! Register online today!

**A Change Agent in Need of a Sponsor**

George was the head of HR at a growing company. Despite increasing sales, employee turnover was high. Exit interviews pointed to low morale and employees who felt their work didn’t matter. Supervisors were so busy, they hardly had time to give regular feedback to their team members. When they did, they had a tendency to bark orders about meeting the ambitious goals.

George recognized the need for change. He identified some training that would build supervisors’ skills with feedback and coaching. He had a hallway conversation with Jill, the president, to tell her his plan. “Sounds good,” she said as she raced off to her next meeting. George arranged the training over the next few months.

The supervisors came back reporting great things about the course. But nine months later, there was no change in the turnover rate. Exit interviews were consistently grim. George scratched his head.

He hadn’t realized his role as a change agent. A change agent is a project manager for change. They facilitate, advocate and help create the conditions for change, but they can’t accomplish the change alone. Ultimately the sponsor—the organizational leader—needs to lead the change. Sometimes the most important thing a change agent does is help educate the leader on how to be an excellent sponsor.

Once George realized this, he began to work with Jill directly. He helped her recognize the “burning platform” that created the need for change. She began to see the turnover problem as hers, not just HR’s. She stepped forward to convey her vision and commitment to change. She began spending more time giving feedback and coaching to the supervisors, modeling the behaviors she was asking of them. With Jill sponsoring the change and George supporting her as a change agent, together they decreased the turnover rate, increased morale and learned to work together effectively for future change.

Inspired by Daryl Conner, Managing at the Speed of Change.

**Source:** Diane Moore, SPHR, Senior Learning & Development Consultant at Archbright

**Why Bother with Ergonomic Improvements?**by Guest Columnist Deborah Read, President of ErgoFit Consulting, Inc.

There’s a tremendous ROI with ergonomic interventions. A literature review published in the Journal of Safety Research (2008 (39); Goggins et al) that analyzed 250 case studies of a variety of ergonomic interventions across industries (manufacturing, healthcare, office), concluded the following average findings:

* 75% fewer lost work days
* Workers comp costs reduced 68%
* 65% reduced MSD incident rate
* Absenteeism reduced 58%
* 53% fewer restricted work days
* Turnover reduced 48%
* Labor costs reduced 43%
* Cost/claim reduced 39%
* Productivity increased 25%

**So how do ergonomic interventions get those results?** I call it “The Ergonomics Bridge.” Ergonomics has a positive impact across multiple departments throughout an organization because ergonomics is a multidisciplinary science that optimizes the human-work interaction using a systems approach and a task approach. It identifies and eliminates both musculoskeletal injury risk exposures and inefficiencies, thereby increasing whole-system capability and profit.

You’re company is more ‘investible’ with an integrated health and safety process. When ergonomics is executed well and in a continuous improvement-leading indicator manner, it is a HUGE competitive advantage.

**OSHA Issues Winter Weather Recommendation Reminders**

**Preventing Slips on Snow and Ice**

To prevent slips, trips, and falls, employers should clear snow and ice from walking surfaces and spread deicer as quickly as possible after a winter storm. When walking on snow or ice is unavoidable, workers should be trained to:

* Wear footwear that has good traction and insulation (e.g. insulated and water resistant boots or rubber over-shoes with good rubber treads)
* Take short steps and walk at a slower pace to react quickly to changes in traction

**Preventing Falls When Removing Snow from Rooftops and Other Elevated Surfaces**

* OSHA’s Hazard Alert and winter weather webpages provide guidance to employers on how to prevent serious injuries and fatalities. Employers should consider options to avoid working on roofs or elevated heights, plan ahead for safe snow removal, and:
* Provide required fall protection and training when working on the roof or elevated heights
* Ensure ladders are used safely (e.g. clearing snow and ice from surfaces)
* Use extreme caution when working near power lines
* Prevent harmful exposure to cold temperatures and physical exertion

For more information on inclement weather safety, please contact us at 206.329.1120, 509.381.1635, or info@archbright.com.

**Winter Driving Tips**

According to the Federal Highway Administration, 70 percent of the nation’s roads are located in snowy regions—in other words, anywhere that receives more than five inches of snowfall each year, on average. In addition, nearly 70 percent of the U.S. population lives in these snowy regions. In other words, a lot of us have to deal with winter storms. And, about 70 percent of the accidental deaths that occur in the wintertime happen in automobiles. Here are a some driving tips from AAA to help keep you, your employees, and their families safe in the winter time:

* Avoid driving while you’re fatigued. Getting the proper amount of rest before taking on winter weather tasks reduces driving risks.
* Never run a vehicle in an enclosed area, such as a garage.
* Make certain your tires are properly inflated.
* Keep your gas tank at least half full.
* If possible, avoid using your parking brake in cold, rainy, and snowy weather.
* Do not use cruise control when driving on any slippery surface (wet, ice, sand).
* Always look and steer where you want to go.
* • Use your seat belt every time you get into your vehicle.

**Monthly Webinar**

**Emergency Preparedness**

**Thursday, December 15th at 2:15 p.m.**

Is your company prepared for emergencies? Would workers know how to respond in an emergency?

How would you provide basic services in the immediate aftermath of a disaster? Join our staff for details on preparedness plans you need in place to lessen a disaster’s aftermath, speed up the recovery process, and assure your employees’ safety.

Topics include:

* Emergency Vs. Disaster
* Establishing a Team
* Creating an Emergency Action Plan (EAP)
* Vulnerability Assessment
* Emergency Response
* Training and Documentation

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.”

**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.

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