**Archbright™**

**Insights Newsletter**

**March 2017**

**Our Annual Wage and Compensation Survey Opens for Participation on March 20**

Archbright’s Annual Wage & Compensation Survey opens for participation on March 20. All Archbright members who participate in the survey will receive the report, in its entirety, for free when the results are released in June.

The 2017 Archbright Wage & Compensation Survey is the largest one of its kind in the Pacific Northwest and will collect and report on salary data for all positions through the Director level in:

* Corporate & Administration
* Engineering & IT
* Finance & Human Resources
* Sales, Marketing, & Service
* Materials & Production
* Health Care & Social Services
* Education & Cultural Programs
* Non-Profit Management
* And more!

Non-profit organizations will be included in the Archbright Wage & Compensation Survey and a special report of the non-profit data will be available for applicable organizations.

It’s easy to participate! Check your inbox on March 20 for the survey link to get started. Data must be submitted on or before April 21.

Questions? Contact our survey team at regionalsurveys@archbright.com!

**CEO Corner, by Shannon Kavanaugh**

The Case for Executive Coaching

*“A coach is someone who sees beyond your limits and guides you to greatness.”*

*–Michael Jordan*

A Manchester Study of Fortune 1000 companies showed leaders who engaged an executive coach saw many benefits, including:

* 77% Improved relationships-direct reports
* 71% Improved relationships- immediate supervisors
* 67% Improved team work
* 63% Improved peer relationships
* 61% Improved job satisfaction
* 53% Improved productivity
* 52% Reduced conflict
* 44% Improved organizational commitment
* 48% Improved quality
* 48% Improved organizational strength

And you don’t have to be a Fortune 1000 exec to see these benefits. Our Executive Coaching team has helped many of our members achieve great outcomes. Let us know if we can help you or someone on your leadership team

**Inclusivity, Equality, and Transgender in the Workplace**

Despite progress made towards LGBT workplace equality, nearly 90% transgender Americans have experienced employment discrimination, harassment, or mistreatment. That astoundingly high number is discouraging. So, as today’s workplace is becoming more and more diverse, how can it also become more inclusive?

Lee Schubert is transgender and also the author of Woman Incognito: Transsexual without Transition. Participating in an interview with Wolters Kluwer Law & Business, Schubert explains that there are several things transgender employees want their managers—and coworkers—to know. Knowing these things and acting on them can only help workplaces become more inclusive.

**Pronoun Use Matters**

Pronoun use matters tremendously. “Using the appropriate pronouns for transgender people’s gender identity is perhaps the strongest single indicator that you accept them as who and what they are,” stressed Schubert.

“Alternatively, using the wrong pronoun tells a transgender employee that you do not accept his or her gender identity. It is usually clear which gender someone identifies as, but if you are not sure, just ask what pronouns to use. And try not to look too surprised if the answer is ‘they’ rather than either he or she. These days some people prefer not to be defined by gender at all.”

Much like pronoun use, bathroom use matters too. While this topic is currently up for debate in communities and courtrooms nationwide, Schubert explains, “Starting in early childhood, people are conditioned to think of which bathroom they use as a major signifier of whether they are male or female. As a result, a transgender woman feels that anyone who denies her the right to use the women’s restroom is actually denying that she is a woman, and vice versa for transgender men. On the other hand, being expected to use the bathroom that corresponds to the gender they identify as gives transgender people the sense that they are being accepted as who they really are. For a transgender person, it all boils down to acceptance.”

**How to Handle a Transition**

If an employee is going to transition while already working for an employer, that employer should prepare in advance. Schubert encourages management to hold a meeting for the individual’s coworkers to tell them about it, lay out clearly what is expected of them in accepting the change, and give them a chance to express their own feelings about it. There are many types of professional consultants who can contribute valuably to this type of preparation. And, since the bathroom question is almost certain to come up, Schubert says one option to consider is providing a gender neutral bathroom.

**Policies**

When it comes to policy development and implementation, Schubert says transgender policy should flow quite naturally from general diversity policy. “The basic key to developing and maintaining a healthy, productive and diverse workplace is simply to treat everyone equally. Black and white. Male and female. Straight and gay. Cisgender and transgender. But formal policies can accomplish only so much,” Schubert explains.

Management can set a positive example in the way they treat transgender employees:

1. Always use the right name and pronoun;
2. Be inclusive by ensuring that ALL employees are invited to participate fully in all company activities; and
3. Avoid focusing too much on the fact that someone is transgender. “The transgender employee does not want to be treated as a transgender man or woman, but simply as a man or woman, and as an equal part of the company,” Schubert emphasized.

Archbright’s silver and gold members can view our KeyNote: Transgender Employees on the “Members Only” Archbright website for more assistance with handling an employee transition.

**Source:** CCH

**Navigating Washington Leave Laws Is Complex**

When an employee requests a medical leave of absence, the employer must instantly juggle as many as seven overlapping federal or state leave laws to ensure the employee’s “protected” rights are preserved. Each leave law contains unique nuances that even the sharpest HR professionals find difficult to fully understand or remember.

Take, for example, the situation of a pregnant employee in Seattle with less than one year of service whose child will be born prior to her becoming eligible for FMLA (has worked less than 1,250 hours within the 12-months preceding the commencement of the leave). There are potentially six intersecting leaves an employer must bear in mind this scenario: State and Federal Pregnancy Disability Leave, Washington Family Leave Act (FLA), Federal Family and Medical Leave Act (FMLA), Seattle Paid Safe and Sick Leave, and (effective 1/1/18) the Washington Paid Leave Act.

**Considerations:** In Washington, all women are eligible for pregnancy disability leave regardless of the length of employment, therefore the leave must be granted whether she is part-time or full-time. In this situation, she is not eligible for FMLA at the time the child is born.

**Length of Leave:** She must be granted leave for the entire time she is temporarily disabled due to pregnancy or childbirth, as certified by a doctor. Typically, this is 6 to 8 weeks for a normal delivery, but may extend for many months prior to delivery with a difficult pregnancy. Should the employee become eligible for FMLA during her “pregnancy disability” leave, additional time off (up to 12 weeks) for “bonding leave” may be taken within the first 12 months of the birth of the child under FMLA or FLA.

**Benefits:** Health benefits may be suspended unless company policy and benefits contract allow for the benefits to continue for other employees who are temporarily disabled. Benefits may be continued under COBRA, if applicable. Employees may use any paid time off available before taking unpaid leave.

Obviously, this is a lot of information to contemplate and our HR Advisors are standing by to walk members through the maze of interconnected laws. In addition, Archbright has prepared a new KeyNote to assist with understanding the interaction of the various federal and Washington state leave laws which is now available to silver and gold members on the “Members Only” Archbright website under the title: *Washington Leave Laws*.

**Source:** Archbright HR Advisors

**HR FAQ**

**Question:** Can we keep employee medical information in the personnel file? I know we are supposed to have separate files, but it makes for an abundance of files. Why do they have to be separated?

**Answer:** The Americans with Disabilities Act (ADA) requires employers to keep all medical records separate and accessible only to designated officials. Medical information stored electronically must be similarly protected (e.g., by storing it on a separate database). State laws dictate confidentiality of medical information and tort laws give employees a private right of action for invasion of privacy. Keeping medical information separate will reduce the risk of a future disability discrimination lawsuit. No information concerning an employee’s medical or physical condition should be in the employee’s personnel file. Information can be confidential even if it contains no medical diagnosis or treatment course and even if it is not generated by a health care professional.

In addition, it is important to train managers that any employee medical information which they may receive must be kept confidential. This means they cannot respond to questions regarding employees such as “What’s wrong with Jack?” or “Why is Gina missing so much time?” The ADA allows for certain exceptions to this rule, private medical information can be shared with:

* supervisors and managers where they need medical information in order to provide a reasonable accommodation or to meet an employee’s work restrictions;
* first aid and safety personnel if an employee would need emergency treatment or require some other assistance (such as help during an emergency evacuation) because of a medical condition;
* individuals investigating compliance with the ADA and with similar state and local laws; and
* pursuant to workers’ compensation laws (e.g., to a state workers’ compensation office in order to evaluate a claim) or for insurance purposes.

**Featured Class: Driving Change**

Don’t be caught in the 70% of workplace change initiatives that fail! Attend Driving Change and become a leader who:

* Turns resistance into commitment.
* Minimizes the negative effects change has on productivity, morale, and collaboration.
* Inspires team members to take ownership of change.
* Accelerates the process of making change happen.

Driving Change is offered March 21, 8 am-12 pm, in our virtual classroom. Get the benefits of a live classroom—group discussions, Q&A with the instructor, and practice activities—without the travel time, expense, and hassle. Registration now open!

**Remote Control: Can You Flex?**

There was a time many years ago when an employee, a new mom perhaps, might have made the rare – and bold – request to be allowed to work from home for a while. With her supervisor’s enthusiastic support and her request approved, all visible evidence of her as an employee disappeared from her cubicle. At home, she was provided with as much technology as was available back then (dialing in on a land line! A fax machine!). Yet even though she stayed in multiple-times-per- day telephone contact with her supervisor and occasionally came into the office as necessary, it wasn’t long before the howling began from others on the staff: “What makes her so special?” and “Why can’t I work from home?” and the ultimate: “My workload has increased because now I’m doing the things she’s not here to do.” You can see where this could go and there it often went: the trial arrangement was quickly revoked and dismissed as a failed experiment, to echoes of “Oh, we tried that and it didn’t work.”

What a difference a couple of decades can make: technology now has us working anytime from almost anywhere, and few of us remember that it was ever an issue to do so.

For the many businesses and their employees who participate in flexible work schedules and/or remote working arrangements, the benefits are real and attractive: increased employee engagement coming from a deepened sense of work/life balance; reductions in wasted commute time, transportation costs and greenhouse gas emissions; avoidance of stress from fighting the daily traffic grind (Seattle now 20th on the list for worst traffic congestion); increased intensity of mental focus while working uninterrupted during quieter hours or in a private space.

And yet, many employers haven’t made the commitment to give flexible schedules or remote work a try. For some, these work models simply don’t meet their business needs. For others, concerns about productivity, accountability, and even fairness to those who can’t participate due to the nature of their job duties are real issues to be solved before launching different approaches to scheduling and performing work.

If you’re considering trying one or both, here are a few tips we’ve gathered in our research on possibilities for new ways to work:

**Policy:** As with virtually all employment matters, success begins with clearly communicated expectations. A well-written and communicated policy will provide guidance to leaders and team members regarding accountability, roles, and responsibilities under the remote and/or flexible work schedule.

**Eligibility:** Participation criteria should be clearly spelled out in the policy. Consideration should be given to individual job duties, the likelihood of the individual’s success as a remote worker, and the supervisor’s capacity to manage remote workers.

**Availability:** Response times when working remotely or on a flexible schedule must meet the requirements and needs of internal and external customers. Adherence to certain Core Hours is typically a universal requirement. The manager should always know where a team member is and vice versa. Employees may be required to maintain an updated electronic calendar visible to the rest of the Company.

**Compliance:** It is particularly important for employers to monitor the actual time worked by non-exempt employees (i.e., those who are not exempt from the overtime requirements of the Fair Labor Standards Act) to avoid running afoul of overtime requirements.

For employers who want to dip a toe in the flexible work pool before diving off the deep end, experimenting with schedules and encouraging openness to adjustments along the way will be hugely helpful in reaching the best fit for the organization as well as individual team members. Once the schedules are working successfully, offering remote work options to those whose jobs and work habits lend themselves to such arrangements will be a natural next step.

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

**Save the Date for Archbright University Symposium**

On April 19, Archbright will host the Archbright University Symposium. This free event features segments from our most popular and impactful classes. More details to follow. Space is limited; please register online at Archbright.com.

When: April 19 | 9 AM to 11:30 AM

Where: The Museum of Flight, South View Lounge

Cost: FREE

**Protecting Your Eyes at Work**

March is National Workplace Eye Wellness Month and it may be a good time to re-evaluate your employees’ risk to eye injuries, which is a very common injury in the workplace. According to the National Institute for Occupational Safety and Health (NIOSH), every day about 2,000 U.S. workers sustain job-related eye injuries that require medical treatment. However, safety experts and eye doctors believe the right eye protection can lessen the severity or even prevent 90 percent of these eye injuries.

Chemicals or foreign objects in the eye and cuts or scrapes on the cornea are common eye injuries that occur at work. Other common eye injuries come from splashes with grease and oil, burns from steam, ultraviolet or infrared radiation exposure, and flying wood or metal chips.

In addition, health care workers, laboratory and janitorial staff, and other workers may be at risk of acquiring infectious diseases from eye exposure. Some infectious diseases can be transmitted through the mucous membranes of the eye. This can occur through direct exposure to blood splashes, respiratory droplets generated during coughing, or from touching the eyes with contaminated fingers or other objects.

Workers experience eye injuries on the job for two major reasons:

1. They were not wearing eye protection.
2. They were wearing the wrong kind of protection for the job.

A Bureau of Labor Statistics survey of workers who suffered eye injuries revealed that nearly three out of five were not wearing eye protection at the time of the accident. These workers most often reported that they believed protection was not required for the situation.

Washington State Department of Labor and Industries (L&I) requires workers to use eye and face protection whenever there is a reasonable probability of injury that could be prevented by such equipment and engineering controls have already been implemented. Personal protective eyewear, such as goggles, face shields, safety glasses, or full face respirators must be used when an eye hazard exists. The necessary eye protection depends upon the type of hazard, the circumstances of exposure, other protective equipment used and individual vision needs.

To evaluate if eye protection should be required in your workplace, employers should be conducting written hazard assessments. A hazard assessment identifies hazards or potential hazards in your workplace and helps you determine if Personal Protective Equipment (PPE) is required for the job. In Washington State this assessment must be documented and kept on file until a process changes. This information is used for employee safety training and should be re-evaluated and updated when employees are injured.

For more information or assistance with hazard assessments, PPE training information or help with appropriate eye protection, please contact Archbright at 206.329.1120, 509.381.1635, or email safety@archbright.com.

**Monthly Webinar**

**L&I Citation Process
Thursday, March 16, 2017**

Dealing with the aftermath of a Labor and Industries safety inspection can be daunting. This webinar will help you understand your responsibilities, options, and rights following a citation from a Labor and Industries inspection.

Topics include:

* Closing conference
* Types of citations
* 2015 change in calculation
* Understanding penalty calculations
* Appealing your citation
* Posting requirements

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.

The webinar is also available to members not enrolled in our Workers’ Compensation or Retrospective Rating Programs for a registration fee. Please visit Archbright.com or contact info@archbright.com for more information.

Safety is a State of Mind. Accidents are an Absence of Mind.

**Did You Know?**

Learn How to Recognize an Eye Injury – Because eye injuries can cause serious vision loss, it’s important to be able to recognize an injury and appropriately respond to it. DO NOT attempt to treat a serious eye injury yourself. If you notice any of these signs in yourself or someone else, get medical help right away.

* The person has obvious pain or trouble seeing
* The person has a cut or torn eyelid
* One eye does not move as well as the other
* One eye sticks out compared to the other
* The eye has an unusual pupil size or shape
* There is blood in the clear part of the eye
* The person has something in the eye or under the eyelid that can’t be easily removed

- The American Academy of Ophthalmology

**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.

Insights is published monthly for its member companies by Archbright™, founded in 1936. Items in Insights are for information only and not intended to render legal advice. Material contained herein may not be reprinted without the permission of Archbright.

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