**Archbright™**

**Insights Newsletter**

**March 2019**

**Join us for the Archbright University Symposium in Seattle**

Archbright is pleased to announce our Annual Archbright University Symposium

taking place in Seattle on Wednesday, March 20th from 9AM to Noon!

Archbright University helps organizations achieve their learning goals through the corporate university format – a proven way to increase your company’s commitment to employee learning and professional development. We hope you can join us as our instructors cover a selection of our corporate university offerings.

This year’s presentations include:

Supervisory Skills Presented by Forest Woodley, Sr. Consultant, Archbright University

Civil Treatment for Employees & Leaders Presented by Rita Carson, Sr. Consultant, Archbright University

Building Interpersonal Awareness with DiSC® Presented by Tom Norwood, Sr. Consultant, Archbright University

Crucial Conversations® Presented by Holly Eckert-Lewis, Sr. Consultant, Archbright University

Spend your morning with us. Mingle with other HR professionals! Meet the Archbright University team.

When: Wednesday, March 20 | 9 am to Noon [Check in will begin at 8:30 am]

Where: Museum of Flight, View Lounge | Seattle

Cost: FREE

This program has been approved for 2.5 (HR (General)) recertification credit hours toward aPHR™, aPHRi™, PHR®, PHRca®, SPHR®, GPHR®, PHRi™ and SPHRi™ recertification through the HR Certification Institute.

**Get Proactive about Pay Equity**

In my younger days, I would start to hear the brakes squeaking and do what many did… turn up the radio! Why? Because I did not have the time (or money!) to do anything about it. Instead, I chose to avoid the inevitable for as long as possible and not investigate

the squeak. My denial always cost me more in the end.

I feel like I’m seeing a similar phenomenon with Pay Equity. The #MeToo movement and new laws such as Washington State’s Equal Pay Opportunity Act are in place. But employers are ignoring the squeak, turning up the radio, and hoping it will go away. They either know they have a problem and don’t want to fix it…or think they don’t have a problem but are too afraid to verify. But it’s vital to organizational health that leaders NOT ignore this one.

Let’s look at some stats from Gartner:

* By 2027 almost 60% of the U.S. labor force will comprise women and minorities.
* Pay gaps continue to widen and are projected to increase by 0.17% every year.
* There is a 16% drop in intent to stay when employees perceive a pay gap in their organization.

So my call to all leaders is to turn down the radio and get proactive. It’s the absolute best way to protect your organization from legal risk AND ensure you have the reputation you need to attract and retain good talent. Ask your Archbright Account Executive about how Archbright can help with a Pay Equity Analysis (under attorney/client privilege)!

**Reading Engagement and Satisfaction in an Organization**

Palm Reading, Employee Engagement, and a March Conference Booth

Like many of today’s professionals, Jim Barker has two jobs. By day, he builds an enterprise-wide Lean training program at a well-known local company; by night, he is a master palm reader and creator of the Divine Hand method of palm reading. His method of palm reading draws upon body language, psychology, sociology, and intuition. He has found that your “finger positions,

the shape of your hand, and the lines on your palm all work to tell the story of where you’ve been, where you are now, and your highest and greatest potential.” His focus in not on fortune telling but instead providing insight that could lead to transformation both personally and professionally.

Archbright’s Engagement and Satisfaction Survey offers another type of reading – one that will help your organization uncover underlying dissatisfaction and

disengagement. Our online survey asks your employees, your most significant investment and most important asset, to rate ten satisfaction factors. Then, we walk you through the results and the story they tell about your organization. The results set the stage for developing

an action plan to resolve any issues found and to create a workplace where your employees can reach their highest and greatest potential.

To learn more about Engagement & Satisfaction Surveys or to have your palm read by Jim Barker, please stop by our booth at the 2019 Washington State Employment Law and Human Resources Conference on March 8th. Visitors to our booth will be offered a complimentary palm reading from 7:30 am to 1 pm. We hope to see you there!

**Source:** Casie Danielson, Events Specialist at Archbright

**Leads play a crucial role in many organizations—overseeing daily work of the front-line employees, and making sure the productivity goals are met within quality and safety standards.**

This can be difficult without the organizational authority that a supervisor has, so Leads must develop the power of influence to have an impact.

In Leadworker Effectiveness, Leads will learn skills they will use daily:

* managing their changing relationships with co-workers,
* establishing open communication,
* clearly setting expectations,
* giving feedback to improve substandard performance, and
* giving feedback to acknowledge high performance.

Register now for one of these dates:

Tri-Cities | March 5 | 8:30 am to 4:30 pm

Seattle | March 7 | 8:30 am to 4:30 pm

Mt. Vernon | March 21 | 8:30 am to 4:30 pm

Virtual | March 25 - 29 | 8 am to 9 am

Virtual | March 25 - 29 | 2 pm to 3 pm

Yakima | April 9 | 8:30 am to 4:30 pm

Seattle | April 10 | 8:30 am to 4:30 pm

Seattle | May 7 | 8:30 am to 4:30 pm

Virtual | May 20 - 24 | 9 am to 10 am

Virtual | May 20 - 24 | 2 pm to 3 pm

Spokane | May 15 | 9 am to 5 pm

Tacoma | June 4 | 8:30 am to 4:30 pm

You can also bring Leadworker Effectiveness to your organization for groups of 10 or more. A virtual, instructor-led option is also available. We offer this class in English, in English with Spanish translation, and in Spanish. Contact your Account Executive at 206.329.1120 or 509.381.1635 for more information

**Washington’s High Court Holds Business Strictly Liable for Employee’s Actions**

In a decision with far-reaching implications, the Washington Supreme Court ruled last month that a business that is a place of public accommodation under the Washington Law Against Discrimination (WLAD) is strictly liable if one of its employees harasses or discriminates against a member of the public. In Floeting v. Grp. Health Coop., No. 95205-1, 2019 WL 406923 (Wash. Jan. 31, 2019), a patient alleged he was repeatedly sexually harassed by an employee over a several month period. Group Health investigated the concerns and terminated the employee approximately two weeks later. The patient then sued Group Health alleging he had been subjected to sexual harassment in violation of the WLAD.

The law protects employees from discriminatory treatment on the basis of a protected status, including sexual harassment, and also protects individuals from discriminatory treatment in places of public accommodation. Examples of public accommodations include movie theaters, public transportation, hotels, funeral services, restaurants, amusement parks, public libraries, and educational institutions. For example, a grocery store violates the law if it bars a customer on the basis of the customer’s gender identity, religion, or some other protected status.

In the case above, Group Health argued that it should only be liable for acts about which it knew or should have known. The court disagreed. While that is the standard used in employment, businesses that are public accommodations are strictly liable for the acts of their employees in the context of the WLAD. The court noted that the WLAD focuses on whether the actions resulted in discrimination, not whether the business intended to discriminate. “The test we adopt imposes strict liability to the extent it does not allow an employer to escape liability by asserting a lack of fault.”

This case illustrates the importance of annual workplace harassment training for all employees, stressing that discrimination or harassment can stem from a variety of relationships, including a third party or non-employee, e.g., customer, vendor, client, etc. Customer complaints of harassment or discrimination should be treated with the same prompt, effective response as those complaints generated from within the business. It is important not only to respond to complaints promptly, but to provide policies and practices that prevent harassment and discrimination. As indicated in this case, when dealing with members of the public, such as a customer or patient, taking prompt corrective action after the fact was not enough to escape liability.

Eligible members are encouraged to contact an Archbright HR Advisor with any questions and/or download Archbright’s comprehensive harassment policy sample from the HR Toolkit or mobile app.

Source: Ami De Celle, Attorney at Archbright

**HR FAQ**

**Question:** One of my employees told me that I have to pay her if the office closes due to inclement weather, even if she didn’t perform any work – is this true?

**Answer:** The answer depends on whether the employee is exempt or non-exempt. Unless company policy or a union contract provides a more generous benefit, non-exempt employees are only required to be paid for hours actually worked. Whether an employer closes the office due to bad weather, or an employee elects not to come to work due to unsafe road conditions, the time away from work may be unpaid, unless paid time off such as vacation or PTO is available for use.

When an employer closes the office due to inclement weather, exempt employees must be paid for the time missed, unless the office is shut down for a full workweek and the exempt employee did not perform any work during the week. If the offices remain open during bad weather and an exempt employee does not report to work for any part of the day, the employee can be docked a full day’s pay as long as the employee did not perform any work during the day. Exempt employees must not receive a pay reduction for any partial day worked.

At times, severe weather (such as the recent snow across the Northwest), fires, power failures, or earthquakes can disrupt company operations. A written policy will assist you and your employees in making decisions when faced with these emergency situations. Sample policies are available to eligible members on the HR Toolkit on the Archbright website or mobile app.

**Inclusive Workplace Cultures are Key to Retaining Talent, Research Shows**

Today, employee engagement company Limeade revealed new workplace inclusion research from the Limeade Institute. When employees feel included at work, they are 28% more engaged and three times more likely to stay.

This research underscores the need for organizations to look beyond diversity hiring metrics—and toward building workplace cultures that foster inclusion.

“Hiring a diverse workforce is important, period. But people will leave if they don’t feel their unique perspectives and identities are valued,” said Dr. Laura Hamill, Chief Science Officer of the Limeade Institute and Chief People Officer at Limeade. “The key to inclusion is to make sure employees feel a real sense of belonging during the hundreds of interactions they have with colleagues every day. And

to think about how these interactions make people feel known, welcomed, and appreciated.”

New Limeade Institute research reveals that inclusive workforces help people feel welcomed, known, valued and encouraged to bring their whole, unique selves to work.

Specifically, when employees feel included, they are:

* 28% more engaged at work;
* 3 times more likely to stay at their organization;
* 43% more committed to their organization; and
* 51% more likely to recommend their company as a great place to work.

The research also reveals that employees who feel included report 19% higher well-being. And while leader and manager behavior is important for perceptions of inclusion, peer interactions play a more significant role.

“You need commitment from every employee, every day to create a culture that feels inclusive. Unfortunately, this is where many well-intentioned companies lose their way,” added Dr. Hamill. “Our research shows that organizations can help every employee build more inclusive habits and mindsets. Fortunately, organizations have access to more research and tools than ever before to make work and life better.”

Source: Limeade/CCH

**Most Employees Claim They Would Refuse to Accept Higher Paying Job Offer From a Company That Fails to Act Against Sexual Harassment**

Most employees will not accept a job with higher pay from an employer that fails to act against sexual harassment, according to a recent survey of 540 full- time employees from The Manifest. Nearly 80% of employees will not tolerate a lack of action against sexual harassment. Employees will also not tolerate employers that sell user data without users’ knowledge (79%) or create environmental problems (72%).

Sexual harassment inflicts damage on a company’s workers, culture, and its bottom line. Toxic work cultures persist, however. According to a 2018 survey from the nonprofit Stop Street Harassment, 38% of women report experiencing sexual harassment in the workplace. Ultimately, companies that fail to address sexual harassment will suffer increased turnover, diminished profits, and damage to their reputation.

Employees motivated to report sexual harassment. The Manifest’s survey found that just over 40% of employees (43%) claim they are likely to protest privately to a manager or supervisor if they learn that their company failed to act against sexual harassment. After that, employees claim they’re most likely to quit (20%), leak the information to the news media (15%), or do nothing (7%).

Employees who report sexual harassment at work are sometimes at risk for social isolation, retaliation, anxiety, and depression. Despite these hardships, most employees feel a need to act against unethical behavior that directly impacts coworkers or them.

Employees most tolerant of employers with differing politics. More than half of employees (54%) are likely to accept a job with a higher salary from a company that makes political donations to candidates they dislike. Secondarily, employees will tolerate if their company tries to stop labor unions from organizing (39%), uses legal loopholes to minimize tax liabilities (38%), collects sensitive data about customers (35%), and lobbies against consumer protection regulations (31%).

Overall, employees are more likely to tolerate disagreeable company behaviors that are driven by politics or economics, instead of ones that directly impact coworkers or them.

Source: The Manifest/CCH

**EEO reporting.** Due to the partial federal government shutdown, the opening of the 2018 EEO-1 Report is postponed until early March 2019, according to an announcement from the Equal Employment Opportunity Commission (EEOC).

The deadline to submit EEO-1 data is extended until May 31, 2019. At a later date, the EEOC will provide details and instructions for 2018 EEO-1 filers, including the exact date of the survey opening.

**New Job Description Tool Available to Archbright Members through AnswersNow**

Introducing JDXchange – Quickly Write Effective Job Descriptions.

Create high quality job descriptions that will help you hire, evaluate, compensate, and retain top talent while supporting compliance with the FLSA, ADA, Joint Commission, state pay equity regulations, and other regulatory bodies. JDXchange walks you through the Job Description writing process, supplying guidance and content, to create and categorize your jobs, write job summaries, essential functions, detailed qualifications, physical demands and working conditions, and competencies. JDXchange can even help you with job postings! Create job descriptions, view them holistically-side by side, download them, and share with stakeholders.

To access this new tool, log in to your AnswersNow account, select Smart Charts & Tools, and Human Resources.

Then select Job Descriptions and Performance Reviews by HRTMS.

When you click on the HRTMS link, a new window opens to a ‘registration’ page. Your email will auto-embed so you just need to fill-in your first/last name, and your company name to complete the registration. Click on the user agreement checkbox and /or view the agreement, then select continue.

This will direct you to a Tools home page, where you will land on future logins. Registration is only completed once, but you can edit your name under settings.

Once logged in, we encourage you to visit the Help Center. There are Getting Started videos and a Knowledge Base that includes step-by-step instructions and screenshots of how to use the tool.

If you do not yet have an account for AnswersNow setup, please contact info@archbright.com to request a login. Once you are setup in the system, login to the Archbright website, select Archbright Partners from the Member Home menu, and click on AnswersNow to access the tool.

**Your AnswersNow Subscription**

Included with all memberships is 24/7 access to the latest HR, benefits, and payroll compliance resources and tools-including state laws!

**Protecting Your Workforce from Bloodborne Pathogens**

Asking an employee to pick-up garbage around your facility may seem like it’s not a big deal, but it poses safety risks you may not have realized. To evaluate employee safety, we encourage members to ask themselves, “What potential hazards exist?” and “What is the worst-case scenario in this situation?” When removing garbage, hazards include needlestick, sharps injuries, or other possible exposure to bodily fluids.

The growing homeless population in Washington state is impacting hygiene services. It is estimated that there are over 12,500 people homeless in the city of Seattle on any given night. Our region’s current needs are outpacing care system shelters and affordable housing.

With more people on the streets, businesses are often faced with more waste around their property. Items contaminated with bodily fluids could to spread Bloodborne Pathogens. A needlestick or bodily fluid exposure has the potential to infect an individual with HIV or Hepatitis among other diseases. Businesses will want to consider how they are handling any cleanup that could have regulated waste present.

Who is required to have a Bloodborne Pathogen Exposure Control Plan (ECP)?

Essentially any employer who has employees with occupational exposure. These occupations are often found in the health care field, firefighters, or laundry services where employees are exposed as part of their normal job functions, however this requirement could apply to any employer who asks their employees to handle potentially infected waste or sharps. If you require an employee to go outside and clean up the property where these types of items are found, you would be required to put a Bloodborne Pathogen Exposure Plan in place. Businesses that do not have occupational exposure to potentially infectious materials and do not require their employees to handle potentially infectious materials do not need an Exposure Plan.

A Bloodborne Pathogen Exposure Plan outlines the protective measures an employer will need to take to eliminate or minimize employee exposure to blood and other potentially infectious material (OPIM), Personal Protective Equipment (PPE), training, removal of regulated waste, post-exposure procedures, employee communication, and recordkeeping. Your ECP must be reviewed and updated at least annually, and whenever necessary to reflect new or modified tasks and procedures which affect occupational exposure and to reflect new or revised employee positions with occupational exposure.

If you determine that your business does not need an Exposure Plan but would still like your employees to have training on how to handle Bloodborne Pathogens (BBP) that they might voluntarily encounter, consider signing your employees up for an Archbright First Aid workshop. Archbright’s workshops include basic information on potential exposures, how to safely remove PPE, and clean up after first aid events.

For questions or more information, please contact your Safety & Loss Control Consultant at 206.329.1120, 509.381.1635, or email safety@archbright.com.

**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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