**Archbright™**

**Insights Newsletter**

**June 2017**

**Performance Management that Builds Employee Engagement**

*Introducing Catalytic Coaching!*

Catalytic Coaching fixes what’s broken with the traditional performance review by empowering employees to take ownership of their professional development. It focuses on the ongoing conversation between manager and employee that allows supervisors to stop being a critic or judge and function instead like a coach.

The process is straightforward. Employees draft a development plan aimed at improving contributions in their current job and increasing potential for other opportunities. Coaches then help employees grow their strengths and develop areas for improvement through regular performance development conversations.

It transforms both individuals and their organizations by saving time, reducing stress, and building employee engagement.

To learn more about Catalytic Coaching and how it brings out the best in people at work, please join us at one of our upcoming CoffeeTalks:

Catalytic Coaching - A New Approach to Performance Management

Spokane | July 12 | 8:30AM to 10:30AM

Seattle | August 16 | 8:30AM to 10:30AM

For more details and to register for either session, visit Archbright.com. We hope to see you there!

Catalytic Coaching is a product of Energage, part of the WorkplaceDynamics family.

**CEO Corner, by Shannon Kavanaugh**

Immigration Raids: Is Your Company Ready?

In February of this year Seattle-area technology company Sysgain was the target of an ‘immigration raid’, ahem, I mean ‘routine inspection’. The ‘routine inspection’ was done by an agent of the U.S. Citizenship and Immigration Services who reportedly showed up unannounced demanding documentation and employment records.

While this agency generally is focused on H1-B visa program violations, another agency that could come calling is Immigration Customs Enforcement (ICE) to perform a compliance audit of your I-9 records. While these ‘raids’ are still somewhat rare, they are expected to increase and you need to be prepared.

As CEOs we can lose sight of the compliance side of HR. We get complacent… until something like this happens. It’s dramatic and can be damaging and expensive to defend. Preventive steps are critical and that means having your I-9 and H1-B visa paperwork in order before any such inspection happens to you. ICE issues fines between $200 and $2,000 per non-compliant I-9 form.

What we’ve found with our 1,000+ members is that employers may do a decent job at the time of hire to get the paperwork they need, but where they fall down is in the follow up. Often eligibility changes, visas expire, and an employer doesn’t know it or document it. This is where the trouble comes in to play!

Have you done an I-9 audit in the last 12-24 months? If not, the time has never been more right than NOW. Visit Archbright’s online HR Toolkit (available to our Silver and Gold members) and download important I-9 resources to get informed or have one of our HR consultants help you with an audit, or a more comprehensive HRAssessment.

**Registration Now Open for The Management Academy’s Summer Session**

The Management Academy is a 6-week cohort learning program designed to further develop workplace leaders and encourage a more dynamic, collaborative, and supportive learning environment.

Participants move through six key leadership courses with a consistent peer group:

* Building and Sustaining Trust | July 11, 7 am to 11 am
* Addressing Poor Performance | July 18, 7 am to 11 am
* Driving Change | July 25, 7 am to 11 am
* Maximizing Team Performance | August 1, 7 am to 11 am
* Accelerating Business Decisions | August 8, 7 am to 11 am
* Adaptive Leadership | August 15, 7 am to 11 am

The Management Academy may be right for you if:

* You lead a team
* You are experienced and comfortable with the basic management skills of feedback, coaching, and delegation
* You can commit to the follow-up assignments, prep work, and peer coaching calls (1-2 hours between each class)

Registration is now open online. Visit Archbright.com for more information or contact us at info@archbright.com.

This program is powered by Development Dimensions International.

**AnswersNow Database Available to Archbright Members**

AnswersNow is a national database to help with everyday HR compliance issues and is available to you as part of your Archbright membership.

This unique resource includes full texts of employment law and regulations for all 50 states plus Washington D.C. It includes a “What the Employer Must Do” section for every state, making it one of the most complete and detailed resources for state employment laws available today.

There is also a lookup/comparison charting tool that allows users to quickly research most employment topics for either a single state or multiple states to perform a comparison. And it is always up-to-date.

If you do not have an account for AnswersNow set up, please contact Anna Muller, Member Services Representative, at amuller@archbright.com to request a login. Once you are set up in the system, you’ll simply login to the Archbright website, select Archbright Partners from the Member Home menu, and click on AnswersNow to access the tool.

**Do you love the Seattle-area traffic? No? We have options for you!**

For many of you, our new classrooms in Seattle (Georgetown neighborhood) will be easy and convenient. We look forward to welcoming you there and showing off our new digs. For those who are not able to get to our new location, we have several options to keep you on track with your professional skills development.

**Training Satellites**

We have classes scheduled at locations north, south, and east of Seattle for your convenience. The greater the response we get to the classes at these locations, the more we will offer there for you!

Bellevue at Embassy Suites Eastgate: Management Academy, six Tuesday mornings starting July 11

Mukilteo at Future of Flight Aviation Center: Supervisory Skills July 19, 20, 21

Tacoma at McGavick Conference Center: Supervisory Skills July 28, August 4, and August 11

**Spokane**

If you are in eastern Washington or Idaho, join us at our Spokane office:

June 21: Discipline and Documentation July 13: Time Management

August 9: Understanding Legal Issues for Managers and Supervisors

September 12: Writing and Delivering Performance Reviews

September 20: Leadworker Effectiveness

**Virtual Classroom**

We use technology that allows for partner and small group work in a virtual environment, so you still get all the practice in the live classroom.

July 10: Developing Yourself and Others September 11: Developing Yourself and Others

**Training at Your Location**

When you have several participants who need to learn the same skills, have us come to you. Call 206.329.1120 or 509.381.1635 for details.

**OSHA Withdraws Guidance Allowing Union Reps to Participate in Safety Walk-Throughs**

On April 27, 2017, the Occupational Safety and Health Administration (OSHA) agreed to rescind its 2013 interpretative letter, known as the “Fairfax Memorandum,” which allowed union representatives to accompany safety inspectors during safety walk- throughs even if the union did not represent the company’s employees.

When issued, the 2013 memorandum represented a sizable expansion of OSHA’s historical position that third parties, like industrial safety specialists, could join in walk- throughs if “reasonably necessary.” Many business groups opposed the memorandum because they considered it unjustifiably advantageous to union-organizing activity, with little actual connection to employee safety.

In September 2016, the National Federation of Independent Businesses filed suit arguing that OSHA had exceeded its authority by issuing the memorandum without allowing for notice and comment from interested parties. In February 2017, the

trial court ruled against OSHA and in April 2017 it confirmed its withdrawal of the memorandum. OSHA has yet to comment publicly on the issue.

Source: Amy Jungwirth, Esq., Attorney at Archbright

**Comp Time Bill Passes House**

On May 2, 2017, the U.S. House of Representatives passed a bill that, if enacted, would amend the Fair Labor Standards Act to allow private employers to offer eligible employees the ability to receive paid time off (compensatory time or “comp time”) in lieu of overtime pay.

Known as the “Working Families Flexibility Act of 2017,” the legislation provides that employees with 1,000 hours of service during a continuous period of employment for at least 12 months are eligible to voluntarily enter written comp time agreements with their employers. Maximum accrual is capped at 160 hours of comp time per given year. Employees must be permitted to use their comp time within a reasonable time of making a formal request, unless doing so would “unduly disrupt” business operations. Unused but accrued comp time hours remaining at the end of the year will be cashed out. At termination, all accrued unused comp time converts to overtime compensation to be paid.

The bill does not require employers to offer comp time agreements, nor are employees obligated to accept them. If accepted, employees can choose to withdraw from a comp time agreement at any time. Likewise, employers can terminate a policy of offering comp time with 30 days’ notice, unless terms of a collective bargaining agreement provide otherwise.

The Senate will consider the bill next. As the Senate has voted down similar legislation in the past, the future of the bill is uncertain; stay tuned.

Source: Amy Jungwirth, Esq., Attorney at Archbright

**HR FAQ**

**Tips for Minimizing Summer Dress Code Mishaps at Work**

As summer heads our way, so do warm weather dress code challenges for managers and bosses. Employees instinctively start dressing for the heat without always considering what might be too informal for their workplace.

A survey conducted by legal compliance and consulting services company Seyfarth Shaw at Work, revealed that more than 50% have experienced obstacles or discomfort when dealing with employees sporting overly revealing, casual summer clothing.

1. **Prep with a PRE-Summer Policy:** Develop and distribute a specific Summer Dress Code policy - before facing the heat. Include examples of what is not (and, if helpful, what is) summer-appropriate attire. Then explain and train according to your policy.
2. **“Float” Toward Summer Casual Season:** Some companies experiment with a “floating” casual day, where employees can pick a day each week to “come-in-casual” (so long as no key customer meeting is planned). By allowing employees to “Dress Your Way, One Day” each week, companies can identify and address issues earlier throughout the year.
3. **Don’t Mangle Dress Code Management Moments:** Supervisors often get tongue-tied when advising staff members of potential dress violations. Develop higher-level “Dress-Code Designees” who are trained to appreciate privacy concerns and to safely describe your company’s “Dress Expectations.”
4. **TiIt’s About the Apparel, Not the Anatomy:** Dress code conversations should be focused on your apparel standard - not on your employee’s specific skin vs. clothing ratio.

Finally, once you have a policy, team, and plan in place; don’t panic. Courts tend to support reasonable dress code enforcement. Sometimes the solution is as simple as adding a layer or turning a shirt inside out to address a risky or risqué slogan.

Source: CCH

**Reporting Requirements Here to Stay Under AHCA**

The American Health Care Act (AHCA) (H.R. 1628) passed the House by a narrow margin on May 4, 2017. While the bill would not repeal the Patient Protection and Affordable Care Act’s (ACA) employer mandate, it would reduce the employer shared responsibility penalties to zero, retroactively effective to 2016. During a recent Aon webinar, A Closer Look: Health Care Reform in the First 100 Days of the Trump Administration, Kerri Willis, senior vice president of Aon Health & Benefits Legal Consulting Group, noted that while the employer mandate penalties would be eliminated, “the AHCA does not repeal the employer reporting requirements.”

Tax credits, not subsidies. The reason why the employer reporting requirements would not be removed under the AHCA is because instead of the ACA-created tax subsidies to purchase coverage, the AHCA would provide tax credits.

Eligible individuals must not have access to government health insurance programs or an offer of health insurance from any employer. The credits would be adjusted by age and range from $2,000 for those younger than 30 years old to $4,000 for those age 60 or older.

“One thing to keep in mind about these tax credits is that they are only available to individuals who are not eligible for other coverage, such as coverage through an employer-based plan,” said Willis. “This is one of the reasons why employer reporting requirements do not go away. Since individuals are only eligible for these tax credits if they don’t have an offer of coverage from their employer, the IRS needs a way to know who has been offered coverage through their employer and who hasn’t. So there is going to have to be some sort of reporting from employers to the IRS to let them know who is eligible for these tax credits.”

Simplified reporting. The ACA requirements for employer reporting are complex. “The expectation would be that the reporting would get much simpler and much more streamlined under the AHCA, so the complicated 1095-C and 1094-C forms that employers have grappled with over the last couple of years would go away,” Willis concluded. “The process would be much easier but, of course, we have a long way to go to see how that would actually play out if the legislation were passed.”

Source: Aon.com

HR FAQ

Question: We have a new employee that filled out his I-9 form on his first day of work. He brought in his driver’s license but says he lost his social security card. He has

a receipt to show he filed for a replacement copy. Can I accept a receipt?

Answer: Yes, you can accept a receipt for an application to replace a lost, stolen, or damaged employment authorization document, but you cannot accept a receipt for an initial or renewal employment authorization (for example, a visa or work permit).

There are only three types of acceptable receipts:

* A receipt for the application of any List A, List B, or List C document (i.e., a Social Security Card) showing that the employee has applied to replace a document that was lost, stolen, or damaged. This receipt is valid for only 90 days and the employee must show you the replacement document for which the receipt was given.
* A lawful permanent resident may present the arrival portion of a Form I-94/I-94A with a temporary Form I-551 stamp. This receipt is valid until the expiration date on the stamp, or one year after the issuance date if the stamp does not have a date, at which time the employee must provide their permanent resident card.
* A refugee may present the departure portion of a Form I-94/I-94A with a refugee admission stamp or computer-generated printout of Form I-94 with admission code “RE.” This receipt is valid for 90 days from the date of hire, at which time the employee must show you either an Employment Authorization Document (Form I-766) or a combination of a List B document and an unrestricted Social Security Card.

If a receipt is provided, enter the word “receipt” along with the document title, document number, and the last day that the receipt is valid in Section 2 of the Form I-9. When the replacement verification is provided, cross out the word “receipt” and record the document information, then initial and date the change. You cannot accept receipts if employment will last less than three days.

It is important for employers to periodically audit I-9 files for compliance, especially if the task of accepting suitable I-9 documents is shared by several company representatives. It is also important that employers

establish an effective process to ensure re-verification upon expiration of documents – a process as simple as creating Outlook reminders could save thousands of dollars in

fines if you are found out of compliance when audited by a federal agency. Refer to our KeyNote Form I-9 Compliance available to Gold and Silver members on the “Members Only” Archbright website.

**The Power of Intrinsic Rewards**

Intrinsic motivation is about acting because you want to and because you enjoy the activity—it comes from inside the individual. Extrinsic motivation is driven by external forces such as rewards, money, fame, good grades, or praise—it arises outside the individual.

Historically, most businesses have created their cultures and employee motivation around extrinsic rewards and/ or penalties whether it be paychecks, bonus programs, discipline, recognition programs, etc. And many, if not most, probably still do today. But is that working?

Chip Conley is an American hotelier, author, and speaker. He is the founder of Joie de Vivre Hospitality and was the CEO for nearly 24 years. He is also the author of Peak: How Great Companies Get Their Mojo from Maslow.

In this book, Conley writes that business success comes not just from meeting people’s needs (extrinsic rewards, typically) but knowing which needs to meet. In doing so, he speaks to his belief that money, for example, creates base motivation, recognition creates loyalty, but meaning creates inspiration.

In Drive: The Surprising Truth About What Motivates Us, Daniel H. Pink, one of the world’s leading business thinkers, contends that human motivation is largely intrinsic and that the aspects of this motivation can be divided into autonomy (the desire to direct our own lives), mastery (the desire to get better and better at something that matters), and purpose (the desire to serve something larger than ourselves). He argues against the old models of motivation driven by rewards and fear of punishment, dominated by extrinsic factors such as money.

Most of us would agree that we want our employees engaged in our workforce. We know that engaged workers demonstrate high levels of effort, persist at difficult tasks over time, help others, go beyond the norms or expectations, voice recommendations for changes and improvements, expand their roles or responsibilities in response to a team or organizational need, and adapt to and/or facilitate change to improve our work environments. We also know there is a positive link between engagement and business outcomes— things like higher customer satisfaction, higher productivity, higher profit, higher employee retention, higher safety ratings, and higher quality.

If your organization is stuck in the old ways of carrot- and-stick philosophy, is experiencing high turnover, or has an unengaged workforce, try asking yourself these questions:

* Is there progress in work? Some sort of achievement?
* Is there specific, directed recognition, and praise?
* Is there satisfaction in the work itself?
* Do your employees have some level of responsibility, some authority to decide?
* Is there opportunity? A development plan?
* Do your employees know how their job and their actions contribute to the greater good?

In asking and answering these types of questions, you may learn that it’s not a fancy new “total rewards program” that is needed. There are other ways to create a workforce that is inspired to go above and beyond every day through the power of intrinsic motivation.

Source: Krisann Hatch, Regional Director, Eastern Washington & Idaho

**Member Spotlight | Compton Lumber Celebrates 125 Years**

**Congratulations to Archbright member Compton Lumber, a family-owned provider of quality lumber products and expert customer service, on its 125th anniversary!**

Since its founding in 1892, Compton Lumber has played a pivotal role in supporting the growth of the Seattle landscape, partnering with the pillars of local business, community organizations, and the arts.

“Horace F. Compton, my great grandfather and founder of the company, got his start by working at the lumber mill run by Seattle pioneer, David F. Denny,” said John Compton, President of Compton Lumber. “In the face of a severe economic depression in 1892, Horace harnessed his entrepreneurial spirit and with a capital investment of $300 established the first retail lumber business west of the Mississippi.”

From its early beginnings, Compton Lumber placed great value on providing its customers with not just high-quality lumber and building materials, but also with superior customer service. This emphasis has boded well for the company, allowing it to withstand the ups and downs of the building industry over the years. It is one of the rare lumberyards left in an urban setting.

The entire Archbright team wishes our friends at Compton Lumber continued success and congratulations on this incredible milestone.

**Bloodborne Pathogens**

The term Bloodborne Pathogens (BBPs) refers to infectious micro- organisms, such as Hepatitis B and Human Immunodeficiency Virus (HIV), that can be transmitted through blood or other potentially infectious materials (OPIMs) and can cause disease.

In Washington State, DOSH requires Employers to protect workers who may be exposed to BBPs as a result of performing their job duties.

Employers must develop and implement a written Exposure Control Plan with details on the protective measures in place to reduce or eliminate the hazards of occupational exposure to bloodborne pathogens.

Most Employers do not need a BBP Exposure Control Plan if they are NOT working in a medical or similar field that puts employees in direct contact with bloodborne pathogens. To determine if you have employees with occupational exposure you first need to determine if the employee has occupational exposure to blood or other potentially infectious materials (OPIM) without considering the use of personal protective equipment (PPE). Employers can review online a list of job risk classification codes where all employees are considered to have occupational exposure, or review a list of job classifications where some employees are considered to have occupational exposure and a description of all tasks and procedures or groups of related tasks and procedures with occupational exposure.

If you determine that your employees do have occupational exposure, you will need to develop and implement a written Exposure Control Plan, train your employees to the Exposure Control Plan at least annually, maintain training records, make Hepatitis B Virus (HBV) vaccinations available to employees, control employee’s exposure to BBPs and OPIMs, handle regulated waste safely, follow PPE requirements, follow post-exposure requirements, maintain medical records, and post signage where required. A full list of requirements can be found under WAC 296-823. It should also be noted that Archbright First Aid/CPR/AED classes meet General Industry (non-occupational exposure) BBP training requirements.

If you would like a list of job risk classification codes that may require Bloodborne Pathogen training and a Written Exposure Control Plan, have questions about requirements, or would like to see sample program and training materials, please contact Archbright at 206.329.1120, 509.381.1635, or email safety@archbright.com.

**Reporting Fatalities and Hospitalizations**

Employers must report workplace fatalities or in-patient hospitalization of any employee within eight (8) hours of the incident to Washington State Labor and Industries (L&I). Employers also need to report a non- hospitalized amputation or loss of an eye(s) within twenty-four (24) hours of an incident. This regulation applies to all employers with workers working in Washington State no matter what industry they work in and regardless of workers’ compensation coverage.

To report, you can call 1-800-423-7233 or visit a local L&I office.

Employers must not move any equipment (for example, machinery, tools, or personal protective equipment) involved in a work-related incident that results in an employee fatality, in-patient hospitalization, amputation, or loss of an eye, until a representative of the Department of Labor & Industries investigates. You can only move equipment if necessary to remove any victims or prevent further incident and/or injuries.

**Monthly Webinar**

Incident Investigation

Thursday, June 15, 2017

2:15 p.m.

Why do people get hurt at work? This month Archbright guides you through the process of conducting incident investigations in your work place. We will cover why and when to investigate incidents and how to substantially reduce or completely prevent the same or similar incidents from recurring in the future.

Topics include:

* Types of Incidents
* When to Investigate
* Investigation Process
* Evaluating Root Causes
* Identify Corrective Actions
* Next Steps

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?**

Electronic Recordkeeping Rule Update

OSHA has announced that the initial date by which certain employers are required to submit their injury and illness logs electronically will be extended. The Recordkeeping Rule currently requires certain employers to submit the information from their completed 2016 Form 300A to OSHA electronically by July 1, 2017. The proposal will extend this to a later date. Currently, we do not have any additional information about the timeline for this. We will let you know as additional information, including a proposed extension date, is available.

For the latest updates and additional information, you can visit: https://www.osha.gov/recordkeeping/index.html

**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 | Georgetown Office: 6501 6th Ave S, Suite 400, Seattle WA 98108 | Phone: 206.329.1120 | Web: www.archbright.com