**Archbright™**

**Insights Newsletter**

**August 2017**

**Exploring Washington State’s Paid Family Leave Act**

Join Us for These Upcoming CoffeeTalks

Last month, Washington State joined California, New Jersey, Rhode Island, and New York and enacted a Paid Family Medical Leave Act.

It offers eligible workers up to 1) 12 weeks of paid medical leave, for the employee’s own serious health condition, with an additional 2 weeks for a complication related to pregnancy and 2) up to 12 weeks of paid family leave, which includes caring for a family member with a serious health condition. The total combined leave a worker can take in a year is 16 weeks, or 18 weeks if it is pregnancy-related.

This new law takes effect in two phases. In 2019, employers and employees will commence premium payments and then in 2020, eligible employees will have access to benefits. A private company will administer the leave benefits with oversight from the Employment Securities Department.

The State has yet to work up the regulations to interpret the law and there is no word yet on when those will be completed. We are monitoring the process and will keep members informed as it progresses.

In September, we are offering several CoffeeTalks to review the legislation and discuss its potential impact when rolled out. There are two sessions to choose from at our Seattle office in Georgetown on Wednesday, September 20th:

* Morning Session, 8:30 am to 10:30 am
* Afternoon Session, 1:30 pm to 3:30 pm

In Spokane, we will cover the Paid Family Leave Act in our Employment Law Update CoffeeTalk:

* Wednesday, September 13 | 8:30 am to 11 am | Spokane Airport Holiday Inn

Registration is now open at Archbright.com for all of these events. Please register early as space is limited. Questions? Reach out to info@archbright.com.

**CEO Corner, by Shannon Kavanaugh**

Attracting and Retaining Top Talent Begins with Leadership

The Washington State job market is tight. Very tight. In a Seattle Times article this year, Robert Half district president Megan Slablinski was quoted as saying, “The

war for talent is immense. In Seattle specifically, you’ve got large employers — we all know who they are — with massive amounts of openings in the tech space.”

So it’s no secret that attracting and retaining top talent remains a big issue for Washington State employers— especially those in the small to medium size sector!

Recently, I got the opportunity to hear Norman Behar, former Starbucks president, speak to the Seattle Rotary about Servant Leadership. His message is powerful and I believe the core of what it takes to attract and retain top talent. It starts from the top. Here are some highlights:

1. Put other people first. Not everything we do is what we get paid for doing.
2. Values are just words until they turn into action. Be conscious about that and you will go from being good at something but unable to teach it, to being good at what you do AND being able to teach it.
3. Only the truth sounds like the truth. Trust your people. They can deal with just about anything if you tell them the truth. What they can’t deal with is if you lie to them.
4. Show you care. It’s the small things that matter. Take the ‘we’re in it together’ approach and mean it. Take care of your people before you take care of yourself. “My day job is the people, my night job is the business.”
5. They remember what you do, not what you say.

You’ll make mistakes. Own them…and then fix them. Thank you Norm for such wisdom! If you’d like to see the full interview with Norman, check it out at youtu.be/pql0HUYvoDA. It’s worth the time! And I think you’ll agree…if you lead with these principles, you will become quite the attractive place to come to work!

**Make More Competitive Offers Using Employee Total Compensation Data**

Uncertainty. We all face uncertainty each day as we arrive at our office or sit down at our desk. We attempt to mitigate our uncertainty with research, tools, meetings, conversations, or simply closing our eyes and forging ahead. Often these feelings of uncertainty are increased when it comes to making decisions about employees’ total compensation.

As we know, many areas within human resources require significant use of time, energy, and focus to determine

a course of action. Employee total compensation is one bright spot in our never-ending quest for more data to help us make informed and confident decisions. A great deal of research has been conducted over the years regarding employee pay, bonus allocations, budgetary pay increases, benefits, policies and trends. Fortunately for us, this information is often easy to find, access, and digest— notice, I did not say inexpensive!

However, most organizations find data on employee total compensation invaluable and worth every penny. Why? Because an organization’s single largest expense is employee compensation. And if you are attempting to recruit and retain top talent in today’s market, you must seek out every opportunity to differentiate your organization from the hundreds of others looking for talent.

The good news is that there are numerous data sources available to you. As you start investigating your options, don’t forget to include Archbright in your research. We have several great Pacific Northwest regional surveys including Wage & Compensation, Benefits & Policies Trends, and (coming soon) Executive Compensation. Visit our website for more information or reach out to our Survey Team at [regionalsurveys@archbright.com](mailto:regionalsurveys@archbright.com).

**Save the Date: Archbright Open House [9.12.17]**

You are invited to come and experience our new space in Georgetown on Tuesday, September 12 from 3 to 5pm.

Join us for our open house event: Archbright’s Northwest Tour – A Taste of Washington, Oregon, and Idaho.

Registration is now open at Archbright.com!

**Combat the Shrinking Talent Pool with TRAINING**

Unemployment continues to fall and is at its lowest rate so far this decade—4.5% in Washington, 3.7% in Oregon, and 3.4% in Idaho. Looking at some of our biggest cities, unemployment is 3.3% in the Seattle/Bellevue/Everett area and 5.2% in Spokane.\*

What does this mean for employers?

It is harder than ever to retain and recruit skilled, motivated employees. If your organization is noticing the effects of the talent shortage, up your game with some of the following Archbright University training courses:

Understanding Legal Issues for Supervisors and Managers assists you in avoiding the common pitfalls that lead to time-consuming complaints, resignations, and lawsuits. Aug. 9, Spokane

Managing Across Generations informs leaders on how to minimize the difficulties of today’s multi-generational workforce. Since Millennials now make up the largest percentage of the American workforce and are expected to exceed 50% of the workforce in the next three years, there is a special section in class devoted to creating a millennial-friendly workplace. Aug. 14, Seattle[Georgetown]

Engaging and Retaining Talent is a course powered by Development Dimensions International and teaches participants to lead engagement and retention conversations as well as implement no-cost “everyday engagers.” Aug. 17, Seattle [Georgetown]

Emotional Intelligence at Work gives participants tools for making good decisions, dealing with change, building relationships, and managing stress—all crucial factors in engagement and retention. Aug. 22, Seattle[Georgetown]

Hiring Winners helps HR staff and hiring managers create a solid interview plan to select the best person for the job, answer tough questions about your organization, and make your organization a candidate magnet! Aug. 28, Seattle[Georgetown]

Supervisory Skills gives supervisors and managers the tools they need to manage performance effectively all day, every day, leading to better engagement and retention of both the team members and the supervisors themselves. Aug. 29-31, Seattle[Georgetown]

\*from May, 2017 report of US Bureau of Labor Statistics.

**Washington State Enacts DUI*E* Law**

Effective July 23, 2017, a new distracted-driving law went into effect for drivers in Washington State. Texting or holding a phone to the ear has been illegal in Washington since 2008, but the former law did not ban any other phone use. The new Driving Under the Influence of Electronics Act (DUIE) prohibits virtually all use of handheld gadgets such as phones, tablets, laptop computers, and gaming devices while driving.

The Seattle Times reports last year 156 of the 537 roadway deaths in Washington were blamed on distracted driving, as were 572 of the 2,208 serious injury cases.

The new law forbids all handheld uses, including composing or reading any kind of message, picture, or data, or taking a picture while driving. Under the measure, only “the minimal use of a finger” to activate, deactivate, or initiate a function on a phone or electronic device is allowed. Additionally, drivers may no longer use handheld devices while at a stop sign, red light, or while stopped in traffic.

Exceptions to this policy include using a smartphone mounted in a dashboard cradle for navigation purposes, or calls to 911 or other emergency services. Handheld devices may only be used if the driver has pulled off the roadway where the vehicle “can safely remain stationary.” The use of built-in electronics systems, such as hands-free calling, remains legal while driving.

While DUIE is considered a civil traffic violation, not a criminal offense as is driving under the influence of alcohol or drugs, DUIE is a primary offense – meaning a police officer can pull someone over just for using a handheld device and issue a ticket. Further, even the first DUIE violation will now be reported on a motorist’s state driving record, unlike the previous law, potentially leading to insurance rate hikes for the driver.

Under the new law, drivers can also be fined for other types of distractions such as grooming, smoking, eating, or reading if it interferes with safe driving, though these distractions remain a secondary traffic offense.

Employers are urged to advise employees of this new law; emphasizing compliance while driving in the scope of employment. Company policies must be updated accordingly. Contact Archbright Advice & Counsel for assistance.

Source: Joy Sturgis, HR Advisor

**Another New Form I-9 Released in July**

Surprise! The Form I-9 that the U.S. Citizenship & Immigration Services (USCIS) released only eight months ago is quickly becoming obsolete.

On the newly released version, the changes are minimal. Other than using different wording, changing an agency title, renumbering List C documents, and adding a new document to the List of Acceptable documents, you are unlikely to notice any other changes made to allow the form easier to navigate.

The previous version was released in November 2016 and carries the date 11/14/16 N at the bottom of the form. The new version of the form is dated 7/17/17 N.

Employers may use the previous version of Form I-9 through September 17, 2017. On September 18, the November 2016 version should be discarded and all employers are required to use the updated version.

To avoid any delay, discard the old version and begin using the new form now. Failure to use the new form by September 18 can result in large financial penalties ranging from $216 to $2,156 per form violation for a first offense.

All retention and storage requirements of the form remain unchanged.

Source: Jo Powers, HR Advisory Manager

**Oregon Minimum Wage**

Reminder: The minimum wage in Oregon increased to $10.25 per hour effective July 1, 2017. For the Portland Metro area, the minimum wage is $11.25 as of July 1. For Nonurban County areas, the minimum wage is $10 on July 1.

**Tattoos in the Workplace: What can Employers Do?**

Over the past several years, the number of “inked” adults is on the rise. A Harris Research Poll published in 2016 reported about three in ten Americans have at least one or more tattoos, up over 20% from four years ago. Tattoos are especially prevalent with younger adults, with almost half of adults (47%) age 18 to 29 having at least one tattoo.

As tattoos grow in popularity, they are also gaining acceptance in many workplaces. Small tattoos are generally now acceptable, but there are still areas of the body – the visible part of the neck, hands, or face – where many employers take issue. Employer policies continue to vary from conservative to liberal when it comes to visible tattoos in the workplace.

Policies prohibiting visible tattoos may make sense for some employers, but there are certain factors and best practices to recognize before adopting such policies.

* + Employers must develop and implement reasonable written dress and grooming policies appropriate for the company’s image. Blanket bans on tattoos should be avoided. Clear expectations as to whether tattoos must be covered at work is important in implementing and enforcing your policy. Similarly, employees must know in advance that there are consequences for violating these policies.
  + Problems with tattoos often arise when tattoos depict violence, offensive words or graphics, or otherwise violate the company’s anti-harassment and discrimination policies. Any “good grooming” policy must comply with Title VII of the Civil Rights Act, which prohibits discrimination based on sex, race, religion, national origin, and color. Even if your policy allows visible tattoos, you may be violating your own anti-harassment policies if you do not require employees to cover certain tattoos.
  + As a rule, courts conclude that personal appearance regulations are not unlawful if they are reasonable and applied evenhandedly. Allowing some (non-offensive) tattoos, but not others may lead to claims of discrimination. For example, if you allow a man to wear a visible tattoo but discipline a woman in a same or similar position for wearing a tattoo, this can lead to discrimination claims. Keep in mind, however, if an employee requests to wear a tattoo for religious reasons, you may need to first engage in an “interactive process” to determine if a reasonable accommodation can be made to accommodate the employee’s religious belief.

As tattoos in the workplace become more prevalent, the decision to allow or prohibit visible tattoos is not a simple one. As you develop your company policies and determine the best approach for your company, keep in mind these issues and how they reflect or undermine the culture and values of your organization.

Source: Joy Sturgis, HR Advisor

**HR FAQ**

Question: We have seasonal staff that we often rehire. Some are rehired each year and for others it may be two or three seasons before they are asked to return. Do they all have to complete a new I-9 form?

Answer: There are several answers to this depending on the circumstances.

Using the I-9 form only

Employers may complete Section 3. Reverifications and Rehires for former employees rehired within three years of the date of their original Form I-9. Ask the rehired employee to confirm the information on the original Form I-9 is still accurate. If so, insert the rehire date in Section 3 and sign and date that portion of the form. If the original Form I-9 is dated more than three years ago, a new form must be completed.

Using E-Verify

If you rehire a former employee within three years of his or her previous hire date, you may rely on the information on the previous Form I-9.

If you rehire an employee for whom an E-Verify case was never created and the employee’s previous Form I-9 lists an expired identity document (List B), you must complete a new Form I-9 and create a case for the employee in E-Verify.

If you rehire an employee for whom an E-Verify case exists and the employee’s previous Form I-9 lists an expired identity document (List B), you may either:

1. Complete Section 3 on the employee’s previous Form I-9 and not create a new case for the employee in E-Verify, or
2. Complete a new Form I-9 for the employee and then create a new case for the employee in E-Verify.

**Avoiding Actionable Feedback**

What conversations are you avoiding? You know what I’m referring to. The employee that everyone dreads having a conversation with. They know it all, they argue, they deflect or divert the conversation, they cry, they’re passive-aggressive… the list goes on. We avoid them hoping that the situation will resolve on its own, that they’ll transfer to another department, or best case, that they will find another job and you will never have to speak with them again!

Feedback comes in many forms including explicit and implicit messages. Avoiding or ignoring someone is feedback. The message that may be unintentionally sent is that you don’t like/respect the person, you don’t feel that their work is adequate, and/or their job is at risk. This message (personal attack) doesn’t convey our intended message which is that their behavior is not meeting the performance or quality standards and even more importantly, it doesn’t convey what behaviors are needed to meet expectations.

When avoidance doesn’t work and the pain becomes too much, we’re forced to give feedback under the worst possible conditions. Emotions are high, (frustration

over the situation, anger at the person for not being approachable, anger at ourselves for not doing something sooner), we’re in a hurry so we don’t take the time to develop a plan to ensure we have an effective conversation, trust is eroded (they are going to question why you didn’t say anything before now) and it will have less effect then when the issue originally occurred.

Courage to act comes when we have the tools and we purposefully use them to build relationships by showing appreciation, sharing knowledge, aligning expectations, and correcting behaviors. When we put off giving

actionable feedback about someone’s inappropriate behavior, we’re also missing out on opportunities to provide positive feedback for behaviors that we would like to see repeated. In a study by Harvard Business Review, researchers discovered that the ideal praise-to- criticism ratio in high performing teams is 5.6 to 1. How can we find five or six positive behaviors when we’re dwelling on the same negative one(s)?

A tool that we recommend in several of our Archbright University classes, including Supervisory Skills, Leadworker Effectiveness, and Feedback for Success, is the 5-step method for giving change feedback. This tool helps to minimize defensiveness so that the receiver

is more apt to hear the feedback and relate it to the situation than to internalize it as a personal attack about them. One step of the feedback model to reduce defensiveness involves giving specific examples of the

behavior including when-where-saw-heard. For example:

Before: You have a poor attitude.

After: Yesterday, at the staff meeting, I noticed that you rolled your eyes and sighed loudly when Mary responded with some customer service suggestions.

Before: You are always late.

After: The electronic time records show that you have been late seven times in the last two weeks, for a total of 125 minutes of missed time.

Providing timely, relevant, neutral, and actionable feedback is one of the most important duties that we have. The positive impact on our teams from doing so can be measured in quantity, quality, time, and cost. Who will you choose to give actionable feedback to today?

Source: Tracy Long, HR Consultant at Archbright

**WEBINAR: aPHR/PHR/SPHR Study Certification: What’s It All About?**

Are you thinking about aPHR/PHR/SPHR certification? Wondering how it will help you, and how to best prepare for the examinations? Then come to this free 60-minute session to hear what it’s all about. There is one more opportunity to attend in 2017:

August 11, 2017 (8 am to 9 am Pacific Time)

To register, and for more information on this session, visit the CAI website.

An HR certification will distinguish you from your peers, build your self confidence, and earn you greater respect from your organization. The first hurdle is to pass the exam.

You will find yourself well prepared by participating in this session Certification Study Course. The cost is $1,199. For more information, visit Archbright.com.

PHR/SPHR Session:

Tuesdays via Webinar, 9/26/17 through 12/12/17 Sundays via Webinar, 10/15/17 through 12/21/17

aPHR Session:

Thursday via Webinar, 9/7/17 through 10/26/17

**OSHA Electronic Reporting Update**

OSHA has announced that the Injury Tracking Application (ITA) used for electronic submission of the OSHA Form 300A, will be live and accessible as of August 1, 2017. OSHA also announced a proposed delay of the July 1, 2017 deadline for submission of the 300A summary form electronically. The proposed deadline would allow employers until December 1, 2017 to submit their 2016 OSHA Form 300A.

OSHA is seeking to delay the rule “to provide the new administration an opportunity to review the new electronic reporting requirements prior to their implementation and allow affected entities sufficient time to familiarize themselves with the electronic reporting system, which will not be available until August 1,” per a notice published in the June 28 Federal Register.

This rule went into effect January 1, 2017 and requires establishments with 250 or more workers to electronically submit information from their previous calendar year’s OSHA Form 300A summary to the agency. OSHA intends to make this information public on its website.

Employers with 10 or more employees are still required to keep a record of serious work-related injuries and illnesses (certain low-risk industries are exempt). Records must be maintained at the worksite for at least 5 years. Each February through April, employers must post a summary of the previous year’s injuries and illnesses in the workplace.

If you would like more information on the Electronic Reporting rule or OSHA Log requirements, please contact Archbright at 206.329.1120, 509.381.1635, or email safety@archbright.com.

Washington State Department of Labor and Industries has yet to respond to the Electronic Submission requirement. Archbright will share more information on requirements for Washington companies as it is released.

Slips, Trips and Falls

Falls are the third leading cause of unintentional death in the U.S., accounting for nearly 32,000 deaths in 2014\*. In the workplace, nearly 600 people died and 47,000 were injured in 2013. Common locations for slips, trips and falls are – doorways, ramps, cluttered hallways, areas with heavy traffic, uneven surfaces, areas prone to wetness or spills, unguarded heights, unstable work surfaces, ladders, and stairs.

Fall Prevention Tips

* Clean up all spills immediately
* Stay off freshly mopped floors
* Secure electrical and phone cords out of traffic areas
* Remove small throw rugs or use nonskid mats to keep them from slipping
* Keep frequently used items in easily reachable areas
* Wear shoes with good support and slip resistant soles
* Arrange material to provide open walking pathways
* Keep drawers and cabinet doors closed at all times
* Install handrails on all staircases on both sides
* Remove tripping hazards (boxes, materials, paper, etc.) from stairs and walkways
* Ensure adequate lighting both indoors and outdoors
* Remove debris from exterior walkways
* Adjust gutter downspouts to drive water away from pathways
* Periodically check the condition of walkways and steps, and repair damages

immediately

* Never stand on a chair, table or other surface on wheels

**Monthly Webinar**

New Hire Orientation

Thursday, August 17, 2017

2:15 p.m.

New hire orientations are an integral part of any safety program. In this webinar, we will explore new hire orientation requirements, as well as what effective new hire orientation training looks like and effective implementation of a new hire training program.

Topics include:

* New hire orientation training overview
* The pitfalls of ineffective new hire training
* WA State new hire orientation requirements
* Nuts and bolts of an effective new hire orientation program
* Best training delivery methods
* Do’s and don’ts

This monthly webinar is complimentary for all WCS/Retro members. Registration is required.

For members who are not enrolled in our Retro/Workers’ Comp Services, there is a participation fee. Please contact Scott Bradley, Director, Safety/Loss Control at 206.664.7260 or sbradley@archbright.com if you would like more information.

Thank you!

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

**Governor’s Industrial Safety & Health conference**

Every year the Governor's Industrial Safety and Health Conference offers 2 days of training and education, providing the latest tools, technologies and strategies for workplace safety and health. Alternating between the eastern and western side of the state, each year it attracts approximately 1,000 safety and health attendees. More than 300 volunteers, representing the diversity of industrial Washington, contribute to its success year after year!

Register for this year’s conference, September 19th & 20th at the Tacoma Convention Center, or learn more by visiting the Governor's Industrial Safety & Health Conference website, www.wagovconf.org

**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 | Georgetown Office: 5601 6th Ave S, Suite 400, Seattle WA 98108 | Phone: 206.329.1120 | Web: www.archbright.com