**Archbright™**

**Insights Newsletter**

**January 2016**

Archbright’s Workplace Harassment Awareness Training

In today’s business climate, it is prudent and essential for any employer to establish and maintain a work environment that is free from discrimination and harassment.

Companies who have trained their managers on Workplace Harassment Awareness and have established policies for both anti-harassment and sexual harassment may think that they have done enough to reduce the risk in their organization. However, it is equally as important to train your employees to be sensitive to comments, gestures, behaviors, or mannerisms that may be construed as harassment or creating a hostile work environment.

Additionally, regular training in unlawful harassment prevention is one component that allows employers to use the powerful affirmative defense against claims of harassment and discrimination in the workplace.

As you plan for Workplace Harassment Awareness training at your organization, Archbright can help. We offer Workplace Harassment Awareness as an onsite class or in an eLearning format, for both employees and supervisors. After completing our course, participants will be able to:

* Recognize discrimination
* Recognize harassment
* Know what to do if they are a target or witness to harassment
* Act within the boundaries of respectful workplace behaviors

The aim of Workplace Harassment Awareness training is to encourage mutual understanding, sensitivity, and respect among employees, while limiting the potential for expensive charges of discrimination or harassment.

For more information, please visit Archbright.com or reach out to your Account Executive at 206.329.1120.

**Employers Have Little Tolerance of Marijuana Use by Workers, Survey Finds**

Medical or recreational use of marijuana is legal in 23 states and the District of Columbia, but employers in those locations continue to have a zero-tolerance policy about the drug’s use in the workplace, the Society for Human Resource Management (SHRM) found in a survey of HR professionals. Most survey respondents (94 percent) said their organization has a formal, written substance use policy and 82 percent of respondents whose organizations have operations in states where both recreational and medical use are legal said they have zero tolerance for use while working marijuana use is not permitted for any reason. Eleven percent said exceptions are made for medical use, but that restrictions might apply.

“While marijuana use is legal in some states, it remains illegal under federal law,” said Evren Esen, SHRM’s director of survey programs. “Substance use, disciplinary, and hiring policies are all influenced by employers’ limited tolerance of marijuana use.”

More than one-third of respondents said employees at their organizations violated marijuana use policies in the past 12 months, with 4 percent of those respondents saying they had more than 10 violations during that time.

Most substance use policies include consequences for violating the policy. For a first-time violation of marijuana use policies, termination was the most frequent action taken, cited by 50 percent of respondents in states where medical marijuana is legal and 41 percent of respondents whose organizations have operations in locations where both recreational and medical marijuana are legal.

Under federal and most state laws, employers can refuse to hire marijuana users. In states where recreational use is legal, 44 percent of respondents said they do not hire recreational users.

The survey also shows:

* About one-half of respondents said their organizations conduct pre-employment drug testing for marijuana use for all job candidates, primarily after extending a contingent job offer. About two-fifths of respondents said their employees could be tested for marijuana use when circumstances warrant it, and more than one-quarter of respondents said all employees could be tested any time during their employment.
* 29 percent of respondents in locations where recreational and medical marijuana use are legal said they had modified their substance use policy since legalization; 37 percent indicated that their policy is now more restrictive in the disciplinary action taken for marijuana use.

“HR professionals in states where marijuana is legal for both recreational and medical use tended to have stricter policies in place than those where only medical marijuana is legal,” Esen said.

**About the survey.** In October, SHRM polled 623 randomly selected HR professionals in 19 states where medical marijuana is legal and four states and the District of Columbia where medical and recreational use are legal.

**Source:** SHRM / CCH

Seattle employers must post, in a conspicuous place at the workplace, the new minimum wages which took effect on January 1, 2016.

The poster is available at: http://www. seattle.gov/Documents/Departments/ laborstandards/mwo-wt-poster-2016.pdf

**Business Standard Mileage Rate Decreases to 54¢ in 2016**

The IRS has announced that the business standard mileage rate for transportation expenses paid or incurred beginning January 1, 2016, will be 54 cents per mile, down 3.5 cents from the 57.5 cents-per- mile rate in effect during 2015.

**Seattle City Council Passes Ordinance to Strengthen, Streamline its Labor Standards**

The Seattle City Council has passed the mayor’s proposed ordinance to strengthen Seattle’s Office of Labor Standards’ ability to enforce minimum wage and other workplace standards, creating stronger incentives for employees to report labor standards violations and for employers to comply with labor standards requirements. A news release from the council December 14 says the legislation better protects workers, while leveling the playing field for business that are already in compliance by deterring and penalizing bad-actor employers. “This legislation strengthens Seattle’s ground-breaking labor laws to ensure they are enforced fairly and that all workers receive the wages they earned,” said Mayor Edward B. Murray.

In November, the mayor sent the proposed ordinance to the council with a goal to harmonize the city’s four labor standards in the Minimum Wage, Administrative Wage Theft, Paid Sick and Safe Time, and Job Assistance (now called “Fair Chance”) ordinances.

As enacted, the ordinance harmonizes enforcement procedures, remedies key definitions, provides workers with a private right of action to pursue labor standards claims in court, increases recovery for workers by permitting up to three times the amount owed, and strengthens the Office of Labor Standard’s (OLS) ability to identify businesses that are failing to comply.

**Benefits to workers, employers.** Although the ordinance grants OLS flexibility in determining penalties to address intentional noncompliance, it also ensures that genuine mistakes by employers are not unduly punished. “A workplace where everyone succeeds is our goal,” said Councilmember Bruce Harrell, chair of the Public Safety, Civil Rights, and Technology Committee, stressing that “we must listen to the voice of both the worker and the employer to ensure we have a thriving, equitable, and safe worker and business ecosystem.”

After developing the ordinance, with initial assistance from U.S. Department of Labor staff, the city spent “dozens of hours” meeting with stakeholders including workers, community groups, and businesses in order to refine it.

**Extensive changes.** Changes to the ordinance are extensive, so much so that the OLS published a detailed chart of the changes contained in the ordinance. For example, a private right of action was added to the Paid Sick and Safe Time, Minimum Wage, and Wage Theft ordinances, which will be effective April 1, 2016, for businesses with 50 or more employees, but not until April 1, 2017, for businesses with fewer than 50 employees. The definition of retaliation, including the definition of “adverse action,” has been expanded substantially. Investigatory authority also has been broadened. Remedies have been expanded for the Paid Sick and Safe Time, Minimum Wage, and Job Assistance ordinances; notably, failure to comply with any requirement of the ordinances will be considered a violation.

**Source:** CCH

On February 1, 2016 the new Tacoma Paid Leave ordinance takes effect.

Employers are required to post a notice of the leave available at: http://cms.cityoftacoma. org/finance/paid-leave/notices/Paid-Leave- Workplace-Notice-English.pdf

**Feeling the Pain of ACA Reporting This Year? Want to Avoid It Next Year?**

Archbright Pay can help. For Archbright Pay members that meet ALE requirements and elect access to the ACA payroll module, we will carefully walk you through the implementation and set-up process which will help you capture ACA information throughout 2016. We also offer an integrated time and labor management solution that can help you monitor employee ACA eligibility throughout the year in real time. Once set- up, you can create and review draft 1094 and 1095 documents to ensure accuracy prior to final printing and filing.

Visit Archbright.com or call your Account Executive for more information.

**Instructor Spotlight: Denis Sapiro, MBA, CSP**

Denis Sapiro joined Archbright as an adjunct instructor in 1993. His experience as a chemist has enabled him to better understand transporting hazardous materials since 1974. Through Karden Associates, Inc. (est. 1986) he has taught and assisted companies, universities, and government agencies with hazmat issues for land, sea, and air modes. His experience with chemical and nuclear waste disposal enriches his waste management workshops. As a dedicated Kiwanian he has served children through club, division, district, and international positions for over 40 years.

**Dealing with Hazardous Waste**

According to WAC 173-303, any employer who uses paint, anti-freeze, non-recycled oil, parts-washing or other solvents, plating solutions, laboratory chemicals, inks, dry cleaning chemicals, glues, or adhesives must provide training in Dealing with Hazardous Waste. This course meets the annual requirement and covers the basics of proper handling, storage, and disposal of hazardous waste. Participants may bring copies of manifests or annual reports to ask specific questions of the instructor.

**Upcoming Dates**

Dealing with Hazardous Waste, 2/9, 8:00-4:00, Kent Shipping Hazardous Materials, 3/15, 8:00-4:30, Kent Shipping Hazardous Materials Update, 3/15,

11:30-4:30, Kent

Register at Archbright.com

**Upcoming First Aid/CPR/AED Classes**

**Full Certification 8:00-3:30**

January 20 - Seattle

January 27 - Kent

February 18 - Seattle

February 25 - Kent

**Recertification 8:00-12:30**

January 21 - Seattle

January 28 - Kent

February 19 - Seattle

February 26 - Kent

Supervisory Skills 9:00-4:00

January 14 - Kent: Supervisory Skills - Session 1

January 19 - Kent: Supervisory Skills - Session 1

January 21 - Kent: Supervisory Skills - Session 2

January 25 - Seattle: Supervisory Skills - Session 1

January 26 - Kent: Supervisory Skills - Session 2

January 28 - Kent: Supervisory Skills - Session 3

February 1 - Seattle: Supervisory Skills - Session 2

February 2 - Seattle: Supervisory Skills - Session 1

February 2 - Kent: Supervisory Skills - Session 3

February 8 - Seattle: Supervisory Skills - Session 3

February 9 - Spokane: Supervisory Skills - Session 1

February 9 - Seattle: Supervisory Skills - Session 2

February 10 - Kent: Supervisory Skills - Session 1

February 10 - Spokane: Supervisory Skills - Session 2

February 11 - Spokane: Supervisory Skills - Session 3

February 16 - Seattle: Supervisory Skills - Session 3

February 17 - Kent: Supervisory Skills - Session 2

February 22 - Seattle: Supervisory Skills - Session 1

February 24 - Kent: Supervisory Skills - Session 3

February 29 - Seattle: Supervisory Skills - Session 2

Microsoft Office 8:00-4:00

January 6 - TLG Seattle: Microsoft Excel Instructor Led - Level 2 (2010, 2013/Office 365)

January 7 - TLG Seattle: Microsoft Office Mentor Led (2010, 2013/Office 365) - Session 1

January 8 - TLG Seattle: Microsoft Office Mentor Led (2010, 2013/Office 365) - Session 2

January 19 - TLG Bellevue: Microsoft Excel Instructor Led - Level 1 (2010, 2013/Office 365)

February 1 - TLG Seattle: Microsoft Office Mentor Led (2010, 2013/Office 365) - Session 1

February 2 - TLG Seattle: Microsoft Office Mentor Led (2010, 2013/Office 365) - Session 2

February 4 - TLG Bellevue: Microsoft Excel Instructor Led - Level 2 (2010, 2013/Office 365)

February 16 - TLG Tacoma: Microsoft Office Mentor Led (2010, 2013/Office 365) - Session 1

February 17 - TLG Tacoma: Microsoft Office Mentor Led (2010, 2013/Office 365) - Session 2

February 22 - TLG Seattle: Microsoft Excel Instructor Led - Level 1 (2010, 2013/Office 365)

February 25 - TLG Bellevue: Microsoft Excel Instructor Led - Level 3 (2010, 2013/Office 365)

Leadworker Effectiveness (8:00 – 4:00)

January 19 - Seattle

January 27 - Kent

February 10 - Seattle

February 23 - Kent

**Time Management 8:30-12:00**

January 12 – Seattle

January 19 - Kent

February 3 - Seattle

February 17 – Kent

**Building Interpersonal Awareness 8:30-12:00**

January 20 - Kent

January 28 - Seattle

February 12 - Seattle

February 23 - Kent

**Project Management 8:30-4:30**

January 26 - Seattle

February 11 - Seattle

February 22 - Kent

**FREE COURSES!**

January 22 - Kent: Developing Your Company's Training Plan 8:30-12:00

February 25 - Seattle: Developing Your Company's Training Plan 8:30-12:00

Other Classes

January 11 - Kent: Project Management 8:30-4:30

January 12 - Seattle: Coaching for Success 1:00-4:30

January 13 - Kent: Hiring Winners 8:30-4:30

January 14 - Seattle: HR Fundamentals - Session 1 8:30-4:30

January 15 - Seattle: HR Fundamentals - Session 2 8:30-4:30

January 15 - Seattle: HR Records: How, What, Where, When, and Why 1:00-4:00

January 20 - Kent: Emotional Intelligence: Effective Communication and Influence 8:30-4:30

January 20 - Kent: Feedback for Success 1:00-4:30

January 21 - Seattle: Training-the-Trainer 1:30-4:30

January 21 - Spokane: Understanding Legal Issues for Supervisors and Managers 9:00-1:00

January 22 - Seattle: Crucial Conversations™ - Session 1 8:00-5:00

January 29 - Seattle: Crucial Conversations™ - Session 2 8:00-5:00

February 8 - Kent: Understanding Legal Issues for Supervisors and Managers 8:30-12:00

February 9 - Kent: Dealing with Hazardous Waste 8:00-4:00

February 11 - Kent: Holding Others Accountable for Great Performance 8:30-12:30

February 17 - Seattle: Change Management 8:30-12:00

February 18 - Kent: Managing FMLA 9:00-12:00

February 23 - Seattle: Managing the Millennial Employee 8:30-12:00

**Sink, Swim, or Just Tread Water? First Aid for First Time Supervisors**

Being promoted for the first time into a role with supervisory responsibilities can be simultaneously thrilling and terrifying. You’re the one whose hard work is finally being recognized! You’re so doggone responsible, now you’re responsible for others! You’ve got some authority! You can make decisions! In some distant place in your brain, echoes of Dr. Seuss are chanting “Oh, the places you’ll go!” And it’s all great up until one of your new direct reports gives you the stink eye when you tell them to do something. Or your boss asks why something else wasn’t done and you don’t have a clue. Or an employee comes to you to complain about another employee and begins sobbing and you realize you don’t have any tissues handy, much less any idea of what to say or do. Oh, the places you’d like to go… anywhere but here.

Given that scenario, perhaps it’s not surprising at all that we often hear from employers who are facing tough employment decisions involving supervisors who, after many months – or even worse, many years – haven’t developed that magical “supervisory common sense” so necessary to succeed in one of the most challenging roles an organization has to offer. It’s curious that we conclude that someone who makes an excellent employee should also have expert skills in communication, performance coaching, change management, delegation, conflict management, meeting facilitation, team building, goal setting, disciplinary action, time

management, making presentations, stress management, and also be knowledgeable about employment law, harassment avoidance, workplace diversity and inclusion, company policies and practices, and the resources available to employees… Perhaps it’s because we simply haven’t thought about it. Perhaps it’s because we ourselves bobbed to the top when tossed into the sink-or-swim supervisory pool and assume others will, as well.

The truth is, whether a new supervisor sinks to the bottom or swims like a champ likely has little to do with their personal attributes – successful supervisors come in all shapes, sizes, and dispositions. It has much more to do with the support they receive from the environment they’re trying to navigate. If you have a new supervisor in your workplace who’s just treading water or showing signs of starting to sink, forget the magic, and throw them a life preserver in the form of these important steps:

**Hold a Coronation** – as their manager, you should meet with the new supervisor and his/her team and announce their promotion. Express your enthusiasm and support. Encourage questions. Answer honestly. You’d be shocked at how many times we’ve heard about new supervisors whose promotion isn’t announced because “it might upset someone who didn’t get selected.”

**Give Clear Expectations** – what specific results do you expect? How long do they have to accomplish them? Who can help them? What resources can they access? Schedule regular check-in dates.

**Tell them how their performance will be evaluated** – what’s your system? What do you look for? How will they know if they’re doing / not doing what you expect?

**Tell them specifically what you will do to support them in their work** – when are you available? Tell them how you like to receive feedback and ask how they like to receive feedback. Honor that.

**Give them a list of company contacts** for any information or services their employees may need (e.g., payroll, human resources, benefits, policy manuals, etc.) Set them up as the first stop for employee questions.

Meet for 1:1s frequently and taper off gradually (but never completely).

Provide Training Opportunities – Archbright’s Supervisory Skills series is a great place to start!

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

**What You Need to Know About New FLSA Regulations CoffeeTalk**

Join us at our upcoming FREE CoffeeTalk, where Archbright™ attorney Kara Craig will discuss the current rules, how they will change later this year, and how you can prepare your organization—including budgeting for the change, deciding whether to give raises to meet the new thresholds, managing workweek hours, and paying hourly and overtime rates. Register at Archbright.com.

Tukwila: Wednesday, January 13th | 9AM to 11AM

Spokane: Wednesday, January 20th | 8AM to 11AM

OSHA 300 Recordkeeping

The OSHA Form 300 is a record of work-related injury and illness incidents.

This form classifies each incident and records the extent and severity of each case. The record also tracks days missed from work, restricted work activity or job transfers. Use the OSHA 300 record in conjunction with the OSHA 301 Injury and Illness Incident Report, a form required when a reportable work-related injury or illness occurs.

OSHA regulations require businesses with 10 or more employees to maintain an OSHA 300 log every year, although there are exemptions.

OSHA asks about 80,000 businesses to report their OSHA 300 logs every year. This information is used as part of OSHA’s site-specific inspection targeting program. The Bureau of Labor Statistics (BLS) also uses this information for its Annual Survey of Occupational Injuries and Illnesses.

For questions or more information regarding OSHA recordkeeping, please contact a Safety & Loss Control Consultant at 206.329.1120.

**Carbon Monoxide**

Carbon monoxide, also known as CO, is called the “Invisible Killer” because it’s a colorless, odorless, poisonous gas. More than 170 people in the Unites States die every year from accidental non-fire related CO poisoning associated with consumer products. Here are some tips to keep you safe:

* Have your home heating systems (including chimneys and vents) inspected and serviced annually by a trained service technician.
* Never use portable generators inside homes or garages, even if doors and windows are open. Use generators outside only, away from the home.
* Never bring a charcoal grill into the house for heating or cooking. Do not barbeque in the garage.
* Never use a gas range or oven for heating.
* Open the fireplace damper before lighting a fire and keep it open until the ashes are cool. An open damper may help prevent build-up of poisonous gases inside the home.
* Install battery-operated CO alarms or CO alarms with battery backup in your home outside separate sleeping areas. Read manufacturer installation recommendations.
* Know the symptoms of carbon monoxide poisoning: headache, dizziness, weakness, nausea, vomiting, sleepiness, and confusion. If you suspect CO poisoning, get outside to fresh air immediately, and then call 911.

Monthly Safety Webinar
January 2016

OSHA 300 Recordkeeping
Thursday, January 21st
2:15 p.m.

Topics we will cover:

* Required Recordkeeping Forms
* Annual Requirements
* Retention and Updating
* Recordable and Non-Recordable Criteria
* Changes for 2016 reporting
* Frequently Asked Questions

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 those not enrolled in our Workers’ Compensation or Retrospective Rating Programs, there is a $49.95 fee.

Please contact learning@archbright.com for registration information.

 “Safety might not always be common, but it always makes sense.”

Did You Know?

According to the Product safety Commission, in 2014 there were 12 fatalities and 14,500 injuries treated in the emergency room due to decorating for the holidays. These injuries can include broken bones, strains, cuts, and burns. Here are some ways to prevent injuries:

* Use caution on ladders and check ladders to ensure they are not broken prior to use.
* Place live Christmas trees away from heat sources and keep trees well-watered.
* Look for labels the read “fire resistant” when purchasing an artificial tree.
* Place burning candles away from items that can catch fire, and away from places where children and pets can knock them over.
* Examine new and old light sets for damage and throw away anything that is frayed, has exposed wires or loose connections.
* Place decorations with small removable parts out of reach of young children.

**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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