**Archbright™**

**Insights Newsletter**

**March 2016**

Appreciating and Engaging Your Employees Builds a Better Workforce

Recognition is one of the critical factors contributing to a high degree of employee engagement. As many organizations celebrate Employee Appreciation Day this month (March 4), how well does your company recognize and communicate appreciation to its employees?

You can make a big impact in the workplace by paying attention to some simple practices that build the foundation for genuine recognition:

1. Know your people. You can’t personalize recognition for someone you don’t know. Think about how much you know about each of your employees. What would you like to know? Put a plan in action.
2. Practice noticing what’s working. Make it a point to get out and notice what’s going right. Put it on your calendar. Keep a log of the positives you’ve noticed. Who contributes to making things right and how are they doing it?
3. Recognize often! Perception is extremely powerful. In the workplace, it generally takes four positive interactions with someone to counteract just one negative interaction. Remember that a simple but sincere “Thank you!” counts as a positive interaction.

Increased recognition increases employee engagement, and the benefits of an engaged workforce are well-documented: reduced absenteeism, improved safety, decreased turnover, increased productivity, and higher profits.

This annual holiday is a great reminder on the importance of appreciating your hard-working employees. Start taking the first steps toward employee appreciation today!

**Issuing a Bonus? Double Check your Overtime Calculation!**

Many employers do not realize that the regular rate of pay used to calculate overtime for non-exempt employees may include certain bonus payments.

The Fair Labor Standards Act (FLSA) requires overtime compensation to be paid at a rate of at least 1-1/2 times a non-exempt employee’s regular rate of pay for each hour worked in a workweek in excess of 40 hours. The FLSA provides that the “regular rate of pay” includes all payments made by the employer to the employee during the workweek, with a few exceptions. If you fail to accurately determine the regular rate of pay, and thus overtime, an employee may not be paid correctly for all hours worked, which constitutes a wage and hour violation under federal and state law.

In order to correctly calculate overtime pursuant to federal law, remember to look at each workweek separately. The regular rate of pay is determined by dividing the total earnings for an employee in a workweek by the total number of hours worked in the workweek for which such compensation was paid. Non-discretionary bonus payments are generally considered part of the total earnings. Non-discretionary bonuses generally include those that are announced to employees to encourage them to work more steadily, rapidly, or efficiently, and bonuses designed to encourage employees to remain with an employer. Few bonuses are deemed to be discretionary under the FLSA. According to the Federal Regulations, bonus payments are discretionary and therefore, excluded from earnings for purposes of calculating overtime, only where:

1. The bonus remains completely within the employer’s discretion and is in no way required by any contract, agreement, or implied or express promise such that employees may expect the bonus.
2. 2. The bonus payments are made pursuant to a bona fide profit-sharing, trust, or bona fide thrift or savings plan.

See 29 CFR § 778.200(a)

Whether a bonus is “discretionary” or “non-discretionary” has been the subject of much litigation – and the stakes are high. This analysis should be undertaken only with the assistance of legal counsel. Review your bonus plans and practices with counsel to avoid being punished for carrying out good intentions!

**Source:** Kara Craig, Archbright’s Staff Counsel

**I-9 FAQ**

Yes, but you must “re-create a Form I-9 that includes such a function, as long as the resulting form is legible; there is no change to the name, content, or sequence of the data elements and instructions; no additional data elements or language are inserted; and the standards specified under 8 CFR 274a.2(e) through (i), as applicable, are met.”

Further information at this link: https://www.uscis.gov/i-9-central/i-9-central-questions-answers/faq/how-can-i-add-electronic- signature-field-form-i-9

**Can an employer use abbreviations when completing the Issuing Authority and the Document Name?**

In the Employers Handbook for I-9’s http://www.uscis.gov/sites/default/files/files/form/m-274.pdf Page 6: Figure 2: Section 2: Point 2 states “You may use common abbreviations to document the document title or issuing authority, e.g. DL for driver’s license and SSA for Social Security Administration.”

**Oregon Minimum Wage Bill Approved, Governor Promises to Sign**

The Oregon House of Representatives passed Senate Bill 1532 on February 18 to increase the state minimum wage. Oregon Governor Kate Brown promises to sign the measure. The bill would raise the minimum wage for all workers to the highest in the nation.

The minimum wage bill calls for gradual increases over six years, with increases based on geographical boundaries—to reach $13.50 per hour statewide by July 1, 2022, $14.75 in the metro Portland area, and $12.50 in rural areas. Beginning in 2023, the minimum wage would then be determined based on inflation, with the larger cities being $1.25 more than the state minimum wage and the rural areas being $1 less. Currently, the minimum wage in Oregon is $9.25 per hour.

Governor Brown released the following statement in response to passage of the measure:

“Today’s action advances one of my priorities for 2016: raise the minimum wage,” said Governor Brown. “I started this conversation last fall, bringing stakeholders together to craft a workable proposal; one that gives working families the much-needed wage boost they need, and addresses challenges for businesses and rural economies presented by the two impending ballot measures. I look forward to signing this bill.”

Specifically, the minimum wage bill calls for the minimum wage to increase statewide to $9.75 effective July 1, 2016; $10.25 on July 1, 2017; $10.75 on July 1, 2018; $11.25 on July 1, 2019; $12 on July 1, 2020; $12.75 on July 1, 2021; and $13.50 on July 1, 2022. After June 30, 2023, and beginning July 1 of each year, the minimum wage rate is to be adjusted annually for inflation.

If the employer is located within the Portland Metro Urban Growth Boundary (within the boundaries of Clackamas, Multnomah and Washington counties) organized under Chapter 268, the minimum wage increase would also start at $9.75 on July 1, 2016, and would then increase as follows: $11.25 on July 1, 2017; $12 on July 1, 2018; $12.50 on July 1, 2019; $13.25 on July 1, 2020; $14 on July 1, 2021; and $14.75 on July 1, 2022. After June 30, 2023, the minimum wage is to be $1.25 more than the statewide minimum wage determined above, based on the rate of inflation.

If the employer is located in a nonurban county, namely, Baker, Coos, Crook, Curry, Douglas, Gilliam, Grant, Harney, Jefferson, Klamath, Lake, Malheur, Morrow, Sherman, Umatilla, Union, Wallowa or Wheeler county, the minimum wage is to increase as follows: $9.50 on July 1, 2016; $10 on July 1, 2017; $10.50 on July 1, 2018; $11 on July 1, 2019; $11.50 on July 1, 2020; $12 on July 1, 2021; and $12.50 on July 1, 2022. After June 30, 2023, the minimum wage is to be $1 less than the state minimum wage, as determined by inflation.

According to the Associated Press, the bill was crafted as a compromise between what unions, businesses, and farmers want and as an attempt to thwart proposals that could go before the voters in November. Those two proposals call for a statewide minimum wage of $13.50 (Initiatives 57 through 59) or $15 (Initiative 41), phased in over time.

**Source:** State of Oregon, Office of the Governor, News Release, February 18, 2016 / CCH

**Third Annual National Safety Stand-Down Set for May 2-6 Highlighting Importance of Preventing Falls**

The U.S. Department of Labor’s Occupational Safety and Health Administration and other federal safety agencies announced February 16 that they have designated May 2-6, 2016, for the third annual National Safety Stand-Down. The event is a nationwide effort to remind and educate employers and workers in the construction industry of the serious dangers of falls – the cause of the highest number of industry deaths in the construction industry.

OSHA, the National Institute for Occupational Safety and Health and the Center for Construction Research and Training are leading the effort to encourage employers to pause during their workday for topic discussions, demonstrations, and training on how to recognize hazards and prevent falls.

“Falls still kill far too many construction workers,” said Dr. David Michaels, Assistant Secretary of Labor for Occupational Safety and Health. “While we regularly work with employers, industry groups, and worker organizations on preventing falls and saving lives, the National Safety Stand-Down encourages all employers – from small businesses to large companies operating at many job sites – to be part of our effort to ensure every worker makes it to the end of their shift safely.”

More than four million workers participated in the National Safety Stand-Downs in 2014 and 2015, and OSHA expects thousands of employers across the nation to join the 2016 event. To guide their efforts, OSHA has developed the official National Safety Stand-Down web site with information on conducting a successful stand-down. After their events, employers are encouraged to provide feedback and will receive a personalized certificate of participation.

“In many workplaces, falls are a real and persistent hazard. Given the nature of the work, the construction industry sees the highest frequency of fall-related deaths and serious, sometimes debilitating injuries,” said Dr. John Howard, Director of NIOSH. “Since the effort began in 2014, the National Safety Stand-Down serves as an important opportunity for both employers and workers to stop and take time in the workday to identify existing fall hazards, and then offer demonstrations and training to emphasize how to stay safe on the job.”

For more information on the success of last year’s Stand- Down, see the final data report. To learn how to partner with OSHA in this Stand-Down, visit http://www.osha.gov/ StopFallsStandDown/. The page provides details on how to conduct a stand-down; receive a certificate of participation; and access free education and training resources, fact sheets and other outreach materials in English and Spanish. To learn more about preventing falls in construction visit http://www. osha.gov/stopfalls/.

**Source:** CCH

**Featured eLearning: 2016 Winter Employment Law Update**

Join Kellis Borek, VP of Labor and Employment Services, for the latest information on laws and regulations affecting employers. Topics include Supreme Court action on constructive discharge, the ACA contraceptive mandate, and donning and doffing time; EEOC updates on sex and disability discrimination, and digital charge documents; FLSA updates on exempt vs. nonexempt and compensable time; local minimum wage and paid sick leave; marijuana policies, parental leave, and even drones at work. Visit our eLearning page on Archbright.com for more!

**NEW COURSE: Promoting Ethical Behavior**

According to the Ethics Resource Center, 45% of workers observe unethical or illegal behavior while on the job each year. Some of these acts will create immediate, significant problems for employers. Other acts may begin as minor but snowball into large, out-of-control situations. Promoting Ethical Behavior gives participants the information, tools, and practice they need to make the best decisions in the workplace—for themselves, their companies, and their customers.

**This course will be held in Seattle on April 4th from 9am to 12pm. Please call 206.329.1120, 509.381.1635, or visit archbright.com to register today.**

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

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

March 21 - Seattle

March 28 - Kent

April 21 - Kent

April 28 - Seattle

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

March 22 - Seattle

March 29 - Kent

April 22 - Kent

April 29 - Seattle

Supervisory Skills 9:00-4:00

March 3 - Kent: Supervisory Skills - Session 1

March 7 - Seattle: Supervisory Skills - Session 3

March 10 - Kent: Supervisory Skills - Session 2

March 16 - Seattle: Supervisory Skills - Session 1

March 17 - Kent: Supervisory Skills - Session 3

March 23 - Seattle: Supervisory Skills - Session 2

March 30 - Seattle: Supervisory Skills - Session 3

April 5 - Kent: Supervisory Skills - Session 1

April 6 - Kent: Supervisory Skills - Session 2

April 7 - Kent: Supervisory Skills - Session 3

April 12 - Seattle: Supervisory Skills - Session 1

April 19 - Seattle: Supervisory Skills - Session 2

April 26 - Seattle: Supervisory Skills - Session 3

Leadworker Effectiveness

March 8 - Seattle: 8:00-4:00

March 16 - Kent: 8:00-4:00

April 6 - Seattle: 8:00-4:00

April 20 - Spokane: 9:00-5:00

April 25 - Kent: 8:00-4:00

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

March 2 - Seattle

April 8 – Seattle

April 15 - Kent

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

March 9 - Seattle

March 17 - Kent

April 7 - Seattle

April 21 - Kent

**Project Management**

March 10 - Spokane: Project Management 9:00-5:00

March 10 - Seattle: Project Management 8:30-4:30

April 5 - Seattle: Project Management 8:30-4:30

April 26 - Kent: Project Management 8:30-4:30

**FREE COURSES!**

March 18 - Kent: Developing Your Company's Training Plan 8:30-12:00

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

Other Classes

March 8 - Kent: Discipline and Documentation 1:00-4:30

March 8 - Kent: Writing and Delivering Performance Reviews 8:30-12:00

March 9 - Kent: Forklift Train-the-Trainer 9:00-3:00

March 10 - Kent: Managing the Bermuda Triangle of Leave Laws 9:00-12:00

March 15 - Seattle: Hiring Winners 8:30-4:30

March 15 - Kent: Shipping Hazardous Materials 8:00-4:30

March 15 - Kent: Shipping Hazardous Materials Update 11:30-4:30

March 17 - Seattle: Emotional Intelligence: Effective Communication and Influence 8:30-4:30

March 22 - Spokane: HR Fundamentals - Session 1, 9:00-5:00

March 23 - Spokane: HR Fundamentals - Session 2, 9:00-5:00

March 24 - Spokane: Forklift Train-the-Trainer 9:00-15:00

March 24 - Seattle: Conflict to Collaboration 8:30-12:00

March 24 - Kent: HR Fundamentals - Session 1, 8:30-4:30

March 25 - Kent: HR Fundamentals - Session 2, 8:30-4:30

March 25 - Kent: HR Records: How, What, Where, When, Why 1:00-4:00

March 31 - Seattle: Maximizing Your HR Value: An Introduction to Metrics 9:00-12:00

March 31 - Kent: Setting Goals 1:00-4:00

April 4 - Seattle: Promoting Ethical Behavior 9:00-12:00

April 8 - Kent: Training-the-Trainer 9:00-12:00

April 12 - Kent: Conflict to Collaboration 8:30-12:00

April 13 - Seattle: 5 Star Service: Every Customer, Every Time 8:30-3:30

April 15 - Seattle: Managing FMLA 9:00-12:00

April 18 - Kent: Change Management 8:30-12:00

April 18 - Seattle: Delegating and Setting Expectations 1:00-4:30

April 18 - Seattle: Feedback for Success 8:30-12:00

April 19 - Kent: Hiring Winners 8:30-4:30

April 20 - Kent: Diversity and Inclusion in the Workplace 9:00-12:00

April 28 - Kent: Coaching for Success 8:30-12:00

**Putting Your Brain to Work**

With advanced research technologies, we now know how to prime our brains for optimal functioning. The behavioral aspect of brain science gives us exciting clues for building innovative, collaborative, and open cultures where employees thrive and naturally engage.

**Two brains**

In a sense, we have two brains, or perhaps more accurately, two systems in the brain. As Caroline Webb points out in her article, *How Small Shifts in Leadership Can Transform Your Team Dynamic*, the brain’s automatic system is the more reactive, emotional one that helps us take care of routine, instinctual activities, and ensures that all our basic functions are working. Because this part of the brain evolved during a time when daily survival was our primary goal, it focuses on making sure we are safe. At the first whiff of danger, we are triggered to either fight, fly, or freeze. This reaction easily overpowers the *deliberate system* of the brain, causing our defenses to rise and is responsible for our tendency to react in less than optimal ways to perceived threats.

The gift of our humanness is that we have what might be called a higher-functioning brain in the deliberate system, making us capable of reasoning, prioritizing, forward thinking, and maintaining self-control. Because it requires a lot of resources to do its job and can only do one thing at a time, it tires easily, leaving us more vulnerable to the reactiveness of the automatic system. Good to know, but how do we get the best benefit from both systems?

**Provide focus time**

When working on a nasty problem or trying to invent the next “Uber” organization, we need mental and physical space with little distraction. Multi-tasking is not effective! Allocating prime brain resources to several tasks at a time – checking emails, social media, calendar updates – actually makes us dumber by breaking the concentration that’s necessary for accessing higher level thinking. Research shows that we make from two to four times more mistakes when confronted with interruptions and distractions.

**Use breaks wisely**

Since we know that the high level of concentration also takes a toll on our brain’s energy stores, we can use intentional, periodic rest breaks to replenish and recharge. Every hour or so, get up, move your body, get a healthy snack, even day dream.

Design your workspaces to allow for high-concentration, low- interruption areas. Let your staff know it is okay for them to go to a conference room or other area for some peace and quiet. Encourage walking meetings and healthy snack breaks. Block out time for thinking work on your calendar just as you would for a meeting.

**Focus on rewards, not threats**

It doesn’t take much to threaten someone’s self-worth. In a meeting, when someone responds to another’s idea with a non- verbal “what were you thinking look,” they might react by lashing back, withdrawing or pouting as their automatic system jumps into gear. A simple judgmental comment can cause the brain to downshift and move to a defensive position. Just knowing this is happening can help you to reframe the situation so your brain can refocus on the content of the meeting and release the threat response.

There is also a discovery mode where the brain is focused on the potential rewards of the situation. When we can see a positive outcome, creative juices start to flow, the deliberate system kicks in, and energy flows towards innovation and possibility. So, instead of focusing on what’s not working – which can trigger the threat response – engage your staff by asking about what is working. Frame up the problem or challenge with what has been going well. Instead of correcting someone, first ask her to think through how she might she might do it differently.

**The next steps**

You don’t have to be a brain scientist to put your brain to work. Making small daily changes leads to real changes overtime.

Start by paying attention to your attention – when are you most focused? How can you create more of those times for you and your team? What are you doing intentionally (or not) that is causing others to react defensively?

The first step is to notice. The second step is to experiment by making make one small positive change and paying attention to what happens as a result. You might be surprised at the big impact small changes can make!

**Source:** Rose Singer, Sr. Learning & Organization Development Consultant at Archbright

**Join Archbright at the 2016 Washington State Employment Law & Human Resources Conference**

The Washington State Employment Law & HR Conference is where human resource professionals and business leaders come to learn about important Washington State and Federal legislation and employment issues that will be impacting their business in the future. Archbright is proud to be the Premier Sponsor at this year’s conference on March 18 at Meydenbauer Center in Bellevue. Please stop by our booth to visit the team and give our prize wheel a spin!

**Safety Through Achieving Recognition Together (START Program)**

This month we are highlighting the START program. The START program is a Labor and Industries (L&I) program that recognizes occupational safety and health excellence and leads to a safer workplace, lower costs, improved morale, and community recognition. The benefits to the program for both employers and employees include:

* + Employers lower their costs
  + Employees come home safe at the end of the day
  + Employers and employees work together cooperatively
  + Employers receive comprehensive, no charge safety and health consultation from the Department of L&I
  + Gives employers an exemption from routine inspections
  + Helps establish a competitive advantage by being recognized as a safety-conscious company
  + Leads to enhanced public recognition

The START program is open to employers operating work sites in Washington State and is administered by the Department of Labor and Industries. Employers with fewer than 50 workers at a specific work site and not more than 250 at all work sites within Washington State are the primary focus for this program. Additionally, employers must be in operation for at least one year at the particular work site that is being considered for a START certification. The employer’s injury/illness rate for the preceding year must also be below their industry’s average for the location being considered for START.

Businesses that achieve START status will be approved for a period of 1 year initially with 2 additional renewals possible of 18 months, then 24 months. Companies that successfully complete the final 24 months will be eligible for graduation from START. To learn more about the benefits of the START program, or to develop a plan to achieve START, please call 206.329.1120, 509.381.1635, or email safety@archbright.com.

*“Successful change comes from focusing on building the new, not fighting the old.”*

Monthly Safety Webinar  
March 2016

Archbright’s 8 Elements of an Effective Safety Program

Thursday, March 17th 2:15 p.m.

Topics we will cover in Element #1 - Safety Program Evaluation:

* Evaluate Current Policies
* Identify Opportunities for Improvement
* Delegate Responsibilities
* Train to Safety Policies
* Measure Program Effectiveness

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 info@archbright.com for registration information.

**Did You Know?**

Working teens are injured every year. How are you keeping them safe?

* Every 30 seconds, an American teen worker is injured on the job, and one teen dies from a workplace injury every 5 days.
* Teens have higher rates of work-related injuries and illnesses than adults.
* Most injuries to teen workers occur within the first 12 months of employment.
* The 6 most dangerous jobs for teens are: Agriculture, Retail (working alone, late- nights), Construction, Manufacturing, Warehousing, and Sales (door to door).

**Source:** Bureau of Labor Statistics

**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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