**Archbright™**

**Insights Newsletter**

**May 2016**

Employee and Leadership Training at Archbright

Research shows that a company’s investment in training provides higher gross profit margins and greater revenue per employee. Additionally, training improves a company’s competitive edge, increases worker productivity, and boosts employee retention rates.

Beyond on-the-job training for technical skills, companies must offer employees support for soft skills and career advancement. Some of Archbright’s most popular learning and development courses include:

* Supervisory Skills dramatically boosts your supervisors’ effectiveness through the use of consistent models for everyday supervision activities. The secret to its success? Structured activities where participants actively practice their new skills. (21 hours over 3 days) Sessions starting on 5/2, 5/11, and 5/18.
* Leadworker Effectiveness teaches Leads the skills they use each day, including how to manage their changing relationships with co-workers, establish open communication, clearly set expectations, and give feedback to improve performance. (7 hours) Offered on 5/12, 5/16, and 5/24.
* Hiring Winners participants learn how to analyze job requirements, conduct effective interviews, evaluate candidates, and extend a job offer. Attendees are encouraged to bring job descriptions for current open positions for in-class practice. (7 hours) Offered on 5/19.
* Project Management attendees learn standardized methods and procedures to keep their projects focused, on task, and driving toward on-time delivery. Participants will apply lessons to a practice project, and can bring outlines of their current or future projects to the class for insight. (7 hours) Offered on 5/5 and 5/17.

View our entire course calendar and register for any of the above courses at Archbright.com.

**How to Embrace Telecommuting Revolution While Managing Its Risks**

Fully aware that they can do the same work from an iPhone in Dubai, a tablet at a suburban Starbucks, or a cubicle in a downtown office, the most sought-after employees have gravitated towards companies that allow them to telecommute. To remain competitive for employee talent, many companies have seriously considered embracing telecommuting in some form. Concerns about the risks telecommuting presents have kept some companies from straying from more traditional workplace models. However, through thoughtful and creative management, any company can mitigate the risks telecommuting poses. Tips for managing those risks, are outlined below.

1. **Privacy and data security**

Instead of working in the controlled environment of an office, where equipment and networks can be closely monitored and maintained, telecommuters may access and transfer confidential and proprietary data from devices and/or over networks that lack adequate security protections.

***Best practice:*** Ensure that transmissions of company data are secure. Enabling an employee to work from home should include an assessment of the employee’s available equipment, as well as his or her Internet service provider (ISP). Bear in mind that properly conducting this assessment may require expertise beyond that possessed by an internal information technology department.

1. **Wage and hour**

Telecommuting presents the challenge of ensuring that “non-exempt” employees accurately report their hours worked.

***Best practices:*** To avoid claims of alleged “off the clock” work, employers should establish policies for non- exempt telecommuters that require them to (a) use company-provided software to accurately track their time, and (b) sign acknowledgements, on a regular basis, attesting to their compliance with the company’s time- tracking policies. Train staff to ensure employees, including managers, are not under the misimpression that telecommuters are “on-call” or otherwise available at all times.

1. **OSHA and workers’ compensation**

[Employers are not liable for, and are not obligated to inspect, their employees’ home offices](https://www.osha.gov/pls/oshaweb/owadisp.show_document?p_table=DIRECTIVES&amp;p_id=2254). The [one exception](https://www.osha.gov/pls/oshaweb/owadisp.show_document?p_table=DIRECTIVES&amp;p_id=2254) is that the Occupational Safety and Health Administration (OSHA) imposes liability on employers that provide or require an employee to use materials that cause hazardous conditions. Telecommuting also broadens potential liability by blurring the line between injuries that are and are not compensable under workers’ compensation laws. For example, courts have granted benefits to an on-call nurse who fell in her own driveway while carrying work documents and a take-out pizza, and to a saleswoman who tripped over her dog while carrying fabric samples from her home to her car.

***Best practices:*** Carefully consider what materials will be provided to employees to use, clearly distinguishing those materials from other unrelated materials employees may have in their homes. To reduce further ambiguity, and limit liability, employers should enter into written agreements with telecommuters that clearly and narrowly define which areas of the telecommuters’ home constitute his or her “home office.”

**Source:** CCH

**EEOC’s New Charge Status System Up and Running**

The EEOC has launched its Online Charge Status System.

The system includes two components that are aimed at improving the agency’s services to the public. First, individuals who have filed a charge of discrimination are now able to check the status of their charges online. Second, the new business portal permits businesses to receive and upload documents and communicate with EEOC.

The agency receives over 150,000 inquiries from individuals with questions about workplace discrimination and approximately 90,000 charges per year, making its charge system the agency’s most common interaction with the public.

**Online Charge System.** Specifically, the EEOC’s new [Online Charge Status System](http://www.eeoc.gov/employees/charge_status.cfm) permits individuals who have filed charges of discrimination to track the progress of their charge. The system provides up-to-date status on individual charges, as well as an overview of the steps that charges follow from intake to resolution. Contact information for EEOC staff assigned to the charge is also provided.

The Commission said that with the new system, charging parties will have access to information about their charge at their convenience, while agency staff can focus on investigating charges. Respondents will also be able to access the system and receive the same information on the status of the charge.

The Online Charge Status System is available for charges filed on or after September 2, 2015. It is not available for charges filed before that date or charges filed with EEOC’s state and local Fair Employment Practices Agencies.

The system can be accessed at [http://www.eeoc.gov/ employees/charge\_status.cfm](http://www.eeoc.gov/%20employees/charge_status.cfm) or by selecting the Check the Status of a Charge button on <www.eeoc.gov>.

Digital Charge System. All EEOC offices now use a Digital Charge System, in which employers transmit and receive documents regarding discrimination charges through a secure online portal. The Digital Charge System permits faster document transmittal, as well as notifications to the employer and EEOC staff to improve communication with EEOC.

**Source:** CCH

**FAQ**

**Question:** Can we restrict men from wearing earrings? Our general manager is having a fit that his delivery drivers are starting to display this kind of jewelry.

**Answer:** Actually, no. You could prohibit all employees from wearing earrings, but you cannot single out the men in this case. Otherwise, the dress code policy will violate Title VII of the Civil Rights Act, which prohibits discrimination based on sex and other protected categories. Since 2014, courts and other federal agencies have determined that discrimination against workers who express their gender in a non-conforming way (i.e. transgender employees who express a gender identity which differs from their sex at birth) is **illegal** sex discrimination.

This new interpretation means having separate dress codes for men and women is no longer acceptable. Guidelines which require men to wear ties and women to wear skirts are now considered discriminatory. According to the EEOC, policies may not promote sex-stereotyping. Should a policy distinguish between male and female attire and grooming, there must be a legitimate, non-discriminatory rationale for doing so.

This is not to suggest employers should abandon dress standards. Having a dress code is highly recommended. Individual preferences on appropriate attire differ widely and can be a source of conflict among co- workers, absent any guidelines. Employers have a right to manage the company image and safety standards by specifying grooming and dress standards, but the restrictions must be gender-neutral. For instance, banning revealing clothing, spandex, tattoos, unnatural hair coloring, mohawks, torn and dirty clothes, or clothing with slogans or offensive language can easily apply to both sexes. Insisting on conservative dress, unpolished nails, leather shoes, tops which cover the whole shoulder, also applies regardless of gender.

If your current policy includes separate dress and grooming standards for men and women, it must be modified immediately. Download the Dress Code Policy from the HR Toolkit to find specific gender-neutral dress code policies. www.archbright.com/?page=Dress\_Code

**Featured Instructor: John Holschen**

John Holschen has been teaching with Archbright since 2013. He served for over 20 years in the Special Operations and Intelligence branches of the U.S. Army. He is a graduate of multiple Military Close Quarters Combat courses, is certified as an instructor by the US Army and as a Firearms Instructor by the Washington State Criminal Justice Training Commission.

John is a four-time winner of the National Tactical Invitational and has placed among the top five practitioners each of the nine years he has participated.

Learn from John’s expertise at:

**Active Shooter Preparedness and Response for Employers**

Unfortunately, workplace violence and “active shooter” situations are becoming an increasing worry for employers. Equally as concerning, the general public is subject to a lot of misinformation about active shooter situations and what to do in case of an attack.

This session will examine data compiled from over 230 events to gain a better understanding of the “who, what, and how” of active shooter incidents. You will learn both how to prepare to survive such an attack as well as the optimal response strategies.

**This Class is Available:**

**Kent | May 17th from 9am to 12pm**

**From Judgement to Encouragement: The New Performance Management**

**In last month’s Insights**, we examined the reasons for a rapidly growing trend toward eliminating the traditional performance appraisal. And while not many tears are being shed at its demise, organizations are holding off on jettisoning their existing programs until they’re clear on what the alternatives are. We still need to manage performance, after all, to ensure the success of the business and engagement of the workforce. The shift really is more about moving away from an evaluative approach toward a developmental one.

Here’s a look at a sampling of organizations that are pioneering new ways to inspire great performance:

**IBM ditched its traditional annual performance reviews** for a new approach featuring more frequent performance feedback conversations. According to Forbes, (February, 2016), the new system is based on survey data from current IBM employees, who favored a flexible system of setting shorter-term goals that would accommodate the speed of change in a dynamic business environment. More frequent performance feedback is provided by requiring managers to meet with employees on their progress at least quarterly. Interestingly, the IBM employees preferred not having to complete self-reviews of their performance. Instead, managers assess whether employees achieve, exceed, or need to improve in meeting the expectations of their roles in each of five dimensions of performance.

**Adobe, a multinational software company**, dropped their traditional performance evaluation system for a simpler but more effective one: every three months, either employee or manager may request a “check-in” where the conversation is based on feedback about the employee’s performance gleaned from a group of peers. With the goal of making coaching and developing into a continuous collaborative process between managers and employees, Adobe’s new system focuses on keeping high performers engaged and offering practical advice to below-par performers who want to improve. Since rolling out the new approach worldwide, Deloitte Global Human Capital Trends 2015 reports that Adobe experienced a 30 percent reduction in voluntary turnover in spite of operating in a highly competitive talent environment.

**Cargill, Minneapolis based food producer and distributor**, launched its Everyday Performance Management system in 2012, eliminating ratings altogether and shifting focus to ongoing conversations that emphasize performance feedback, development, coaching and building trust. According to *SHRM* (January, 2015), since implementing the new approach, Cargill employee survey results show a 10 percent increase in employee engagement.

The keys to success for these newer programs are: **Simplicity** resulting from a minimum of steps and paperwork; **Frequency** of performance conversations between employees and managers; **Separation** of performance from compensation; **Tools and Training** for managers and employees alike to help with giving and receiving developmental feedback and setting and achieving goals; **Structure** that provides a context and guidance for navigating this new manager and employee relationship.

**One size doesn’t fit all.** Once you decide to embark on this journey toward successful and productive performance management, learn from the experience of others but create what works in your unique organization and culture. **Archbright can help!**

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

**Archbright Welcomes Attorney Erin Jacobson to Our Spokane Team**

We are thrilled to announce Erin Jacobson has joined the Archbright team at our Spokane office. As part of our experienced legal team, Erin provides advice and counsel to members on complex employment law issues and brings a wealth of experience in labor relations.

Since 2009 Erin has been an Assistant City Attorney with the City of Spokane, serving as chief negotiator with the City’s seven labor unions; advising the City on labor and employment practices and policies; and representing the City in labor arbitrations, PERC hearings, and other labor-related disputes. She also served as Acting Human Resources Director from June 2010 to May 2011, overseeing the Human Resources and Benefits Department that support the City’s approximately 2,000 employees.

During her years of private practice, Erin represented employers at all stages of litigation in federal and state courts, and advised employers regarding employment practices and policies. She earned her Juris Doctorate from Georgetown University Law Center in Washington, D.C. and was admitted to the Washington Bar in 2001.

Inspecting Your Workplace

The conditions at the worksite reveal much about the effectiveness of your company’s safety and health program. An inspection involves a systematic review of your facility, equipment, and processes which allow you to:

* Address Compliance Issues
* Ask employees what they think. (They may have noticed areas of risk which are not obvious or have become complacent to hazards.)
* Reference commitment to safe work policies and procedures
* Review “near misses”, Incident Reports, etc.
* Review past inspection findings from both internal and external sources (i.e., Archbright, Insurance provider, L&I inspections/citations, Industrial Hygienist, Safety Committee, Etc.)

Walk around your facility and consider:

* What might cause harm?
* Who may be exposed to harm and where?
* Are existing controls and precautions adequate?
* Are there opportunities for improvement?

Each inspection must examine who, what, where, when and how. Pay attention to items most likely to develop unsafe or unhealthy conditions due to stress, wear, impact, vibration, heat, corrosion, chemical reaction or misuse. Inspect the entire workplace area. Include areas where no work is done regularly, such as parking lots, rest areas, office storage areas, and locker rooms.

For a sample inspection checklist for your organization or to learn more about Archbright Safety Inspection services, 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  
May 2016

Element #3 – Inspections

Thursday, May 19th 2:15 p.m.

Topics we will cover in Element #3 - Inspections:

* Types of inspections
* Roles & Responsibilities
* Frequency of inspections
* Benefits

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.

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?**

2015 WA Work-Related Fatality Summary

In 2015, 58 traumatic work-related fatal incidents occurred in Washington State. This is 18 fewer work-related fatalities than in 2014, and the third lowest number seen in the last ten years. Since, 2006 the number of work-related fatalities has decreased by an average of 2.7 per year.

Falls were the leading cause of fatalities with 15 incidents, 4 more than in 2014. 5 of the 15 falls were from ladders, 4 from roofs or buildings, 2 from platforms and 1 from other.

FACE - Washington Fatality Assessment & Control Evaluation

**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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