**Archbright™**

**Insights Newsletter**

**June 2015**

Onsite Training with Archbright

AUGUST 2014 Newsletter

Our Learning and Development team can customize courses and deliver them at your organization. Here are some of the most popular courses that members just like you are bringing onsite:

* **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)*
* **Workplace Harassment Awareness** encourages mutual understanding, sensitivity, and respect among employees—while limiting the potential for expensive charges of discrimination or harassment. If your managers and employees are not yet trained, your company could be at risk. (*1.5 hours)*
* Looking to improve customer service? Consider **5 Star Service: Every Customer, Every Time**. Participants learn to deal with internal and external distractions, listen for meaning behind customer’s communications, and respond professionally to difficult customers of any type. *(6 hours)*
* Emotional Intelligence is the ability to identify and effectively manage emotions in ourselves and with others. **Emotional Intelligence: Effective Communication and Influence** increases your capacity to make good decisions, deal with change, build relationships, and manage stress. Best of all, you leave with tools that help you immediately start communicating better. (*7 hours)*

*To maximize the benefits of group learning within your workplace, please contact your Account Manager at 206.329.1120 for more information.*

Your Independent Contractors May Be “Workers” Requiring Workers’ Compensation Insurance

Many businesses use independent contractors, rather than employees, to simplify and make more efficient aspects of their business. But using contractors requires an exercise of caution and an assessment as to whether the law sees the contractors as being just that or as “workers” covered by workers’ compensation insurance law. A cautionary tale recently played out within Washington State Labor and Industries and Washington courts.

B&R Sales, Inc. (“B&R”), a business that sells and installs floor coverings, recently appealed a Washington State Board of Industrial Appeals determination that B&R was required to pay industrial insurance premiums for independent contractors that B&R had hired to install floor covering for its customers. This determination was based upon its finding that the contractors were actually “workers” under Washington law. During 2008, B&R contracted with 17 supposed independent contractors to install the materials it sold to its clients. These installers were required to provide the tools they needed for installation and a van capable of transporting the tools. Some of the contractors’ tools were specialized, unique to the installation trade, and available only from specialty stores serving professional installers. Each contractor had the right to hire additional employees to perform the installation work.

B&R argued that these supposed contractors did not qualify as “workers” because they could not perform their contracted work without using expensive specialized tools and customized vans, meaning the essence of their contracts was not personalized labor. The Washington State Court of Appeals disagreed. The court interpreted the applicable Washington State statutory definition of “worker,” holding that a contractor falls within that definition of worker if the primary object of the contract is to procure the contractors’ personal services rather than to procure their specialized equipment.

Despite the fact that contractors were required to use large/expensive equipment valued between $7,000 and $20,000 to perform their work, the court determined that in this case, it was clear that the contractors’ skilled personal labor – not the equipment – was the primary object of the contract. This is because B&R relied on the contractor’s knowledge, learned skills, and experience to install several different types of floor coverings, which was very labor intensive and required skillful hand installation of various flooring materials. According to the court, the tools were ancillary to the performance of the contractors’ skilled labor. The court therefore concluded that these contractors were “workers” under Washington law.

The case sends a clear message to businesses that the state will look critically at whether the independent contractors they use are in fact contractors or whether they are workers requiring the payment of insurance premiums, and that there is a significant predisposition towards resolving that question in favor of finding worker status.

Employers would be wise to closely review their independent contractor relationships, with the help of counsel, given the inclination the state of Washington apparently has in finding them to be “workers” as opposed to “contractors.” Resolving the proper classification of contractors prospectively may help employers avoid paying potentially hefty back- premium payments for an independent contractor misclassification.

*Archbright’s Legal Team can help you ensure your contractors are properly classified. Contact your Account Executive at 206.329.1120 for more information.*

New FMLA Forms Published

The U.S. Department of Labor just released updated FMLA forms and notices with a new expiration date of May 31, 2018. The new forms are available on our website. The forms are virtually the same as the old ones with the exception of a reference to the Genetic Information Non - discrimination Act (GINA).

How Does ACA Affect Employers with Fewer than 50 Employees?

The IRS has just published helpful guidance reminding small businesses that most employers with fewer than 50 full-time employees or full-time equivalent employees, on average during the prior year, are not subject to the Affordable Care Act’s (ACA’s) employer shared responsibility provision, since they are not an Applicable Large Employer (ALE) for the current calendar year. This means that not only are such employers not subject to the ACA’s employer shared responsibility provisions, they are also not subject to the employer information reporting provisions for the current year.

All employers, regardless of size, that provide self-insured health coverage must file an annual information return reporting certain information for individuals that they do cover, however. The first returns are due to be filed in 2016 for coverage provided during 2015.

**Tax credit available.**

The IRS reminds small employers that, even though they are not required to, they can purchase health insurance coverage for their employees through the Small Business Health Options Program, better known as the SHOP Marketplace. And, employers that have fewer than 25 full-time equivalent employees with average annual wages of less than $50,000 may be eligible for the small business health care tax credit if they cover at least 50 percent of their full- time employees’ premium costs and generally, after 2013, if they purchase coverage through the SHOP.

The IRS states that calculating the number of employees is especially important for employers that have close to 50 employees or whose workforce fluctuates throughout the year.

To determine its workforce size for a year an employer adds its total number of full-time employees for each month of the prior calendar year to the total number of full-time equivalent employees for each calendar month of the prior calendar year, and divides that total number by 12.

For more information, visit the IRS’s Determining if an Employer is an Applicable Large Employer page on IRS.gov/aca.

SOURCE: IRS Health Care Tax Tip 2015-31, May 13, 2015

11 Employment Policies You Might Think Are Legal but the NLRB Might Not

Work rules and employee handbooks are under increasing scrutiny as the National Labor Relations Board (NLRB) continues its sweeping enforcement effort against rules deemed overbroad and infringing on an employee’s Section 7 rights, says a new XpertHR white paper. Merely having an unlawful policy “on the books” may be sufficient for the NLRB to find an employer in violation of the National Labor Relations Act (NLRA)—even if the policy is well intentioned or not enforced—especially if it has a “chilling” effect on an employee’s protected activity.

In light of the NLRB’s March 2015 report, XpertHR encourages employers to review their employment policies and handbooks to determine if they are compliant with the NLRB’s rules and interpretations. One emerging issue is social media. Now that social media has essentially become today’s “watercooler” and a forum for employees to discuss workplace conditions, the NLRB is aggressively enforcing policies that either explicitly prohibit or restrict an employee’s right to use social media to comment about the company’s business, policies, or employees.

For example, employers can prohibit employees from making negative comments about customers on social media. However, they cannot prohibit employees from posting photographs taken of employees on company premises or at company events (e.g., posting a photo of employees carrying a picket sign in front of the workplace or unsafe work conditions).

Another area of concern is policies restricting photography, recording, and personal electronic devices. Employees have the right to photograph and make recordings in furtherance of their protected concerted activity, such as photographing safety violations or documenting unfair labor practices committed by the employer. On the other hand, a policy regulating photography and recording will be found lawful if its scope is appropriately limited. For example, an employer may prohibit employees from recording in areas that would violate patient privacy or other sensitive information.

The following are 11 policies employers must review to determine whether they run afoul of the NLRB’s recent guidance:

* 1. Social Media Policy
  2. Policies Restricting Photography, Recording, and Personal Electronic Devices
  3. No Distribution/No Solicitation Policy
  4. Confidentiality Policy
  5. Employee Conduct Towards Management
  6. Employee Conduct Toward Coworkers
  7. Policies Regulating Employee Conduct Toward Third Parties
  8. Policies Restricting Use of Company Logos, Copyrights, and Trademarks
  9. Policies Restricting Leaving Work
  10. Conflict of Interest Policies
  11. Handbook Disclosure Provisions

Source: XpertHR

**Instructor Spotlight: Rita Carson**

Rita Carson, Senior Professional in Human Resources and Certified Professional in Learning and Performance, has facilitated leadership learning within various industries for over 20 years. She joined Archbright in February, 2015 and truly loves to work with front-line and mid-level supervisors and managers. Rita believes that one of her unique contributions to making the world a better place is by helping supervisors and managers improve their skills. She is fascinated by learning new things, loves to work in her garden, attempts to practice yoga, and enjoys hanging out with her husband and friends.

**NEW! Holding Others Accountable for Great Performance**

As a supervisor, you are responsible for delivering great results with the help of your team. However, if your team members are not doing their part effectively, it can be nearly impossible. What if team members know what to do and are still not doing it? What if talking to someone about his or her performance feels like the last thing in the world you want to do? This course will help you learn to apply a five-step approach for holding others accountable so that you can be counted on to deliver great team performance and results. Instructor: Rita Carson

**Upcoming Dates**

June 17, 1:00-5:00, Seattle

August 6, 12:30-4:30, Kent

Register at Archbright.com

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

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

June 16 - Kent

July 14 - Kent

July 23 - Seattle

August 18 - Kent

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

June 17 - Kent

June 24 - Seattle

July 15 - Kent

July 24 - Seattle

Supervisory Skills

June 3 - Kent: Supervisory Skills Session 3, 8:30-4:30

June 4 - Seattle: Supervisory Skills Session 1, 8:30-4:30

June 9 - Spokane: Supervisory Skills Session 1, 9:00-5:00

June 9 - Kent: Supervisory Skills Tune- Up 1:00-4:30

June 10 - Spokane: Supervisory Skills Session 2, 9:00-5:00

June 11 - Seattle: Supervisory Skills Session 2, 8:30-4:30

June 11 - Spokane: Supervisory Skills Session 3, 9:00-5:00

June 18 - Seattle: Supervisory Skills Session 3, 8:30-4:30

June 17 - Kent: Supervisory Skills Session 1, 8:30-4:30

June 24 - Kent: Supervisory Skills Session 2, 8:30-4:30

July 1 - Kent: Supervisory Skills Session 3, 8:30-4:30

July 8 - Seattle: Supervisory Skill Session 1, 8:30-4:30

July 15 – Seattle: Supervisory Skills Session 2, 8:30-4:30

July 16 - Kent: Supervisory Skills Session 1, 8:30-4:30

July 22 - Seattle: Supervisory Skills Session 3, 8:30-4:30

July 23 - Kent: Supervisory Skills Session 2, 8:30-4:30

July 30 - Kent: Supervisory Skills Session 3, 8:30-4:30

Microsoft Office Mentor Led (8:00 – 4:00)

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

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

June 8 - TLG Tacoma: Microsoft Office Mentor Led (2010, 2013/Office 365) Session 1

June 29 - Seattle: Microsoft Office Mentor Led (2010, 2013/ Office 365) Session 1

July 24 - TLG Bellevue: Microsoft Office Mentor Led (2010, 2013/Office 365)

Microsoft Office (8:00 – 4:00)

June 22 - TLG Bellevue: Microsoft Excel Instructor Led Level 2 (2010, 2013/Office 365)

June 30 - Seattle: Microsoft Excel Instructor Led Level 1 (2010, 2013/Office 365)

July 8 - TLG Bellevue: Microsoft Excel Instructor Led Level 3 (2010, 2013/Office 365)

July 27 - TLG Bellevue: Microsoft Excel Instructor Led Level 1 (2010, 2013/Office 365)

Leadworker Effectiveness

June 4 - Kent: Leadworker Effectiveness 8:00-4:00

June 5 - Seattle: Becoming a Leader Session 2, 8:30-4:30

June 16 - Seattle: Leadworker Effectiveness 8:00-4:00

July 1 - Seattle: Leadworker Effectiveness, 8:00-4:00

July 21 - Kent: Leadworker Effective-ness 8:00-4:00

Other Classes

June 2 - Kent: Discipline and Documentation 8:30-12:00

June 8 - Seattle: Building Interpersonal Awareness 1:00-4:30

June 9 - Kent: Conflict to Collaboration 8:30-12:00

June 10 - Seattle: Hiring Winners 8:30-4:30

June 16 - Kent: Forklift Training-the-Trainer 9:00-3:30

June 16 - WEBINAR: Employment Law Update 11:00-12:30

June 17 - Seattle: Employment Law Update 9:00-12:00

June 17 - Seattle: Holding Others Accountable for Great Performance 1:00-5:00

June 19 - Seattle: Understanding Legal Issues for Supervisors 9:00-12:00

June 23 - Kent: Managing the Bermuda Triangle of Leave Laws 9:00- 12:00

June 24 - NWDLS Session 4: What’s Age Got to Do with It? Leading Generational Inclusiveness in the Workplace 8:30-12:00

June 25 - Kent: Developing Your Company’s Training Plan 8:30-12:00

June 25 - Seattle: Project Management 8:30-4:30

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

July 7 - Kent: Training-the-Trainer 9:00-12:00

July 9 - Seattle: Developing Your Company’s Training Plan 8:30-12:00

July 9 - Seattle: Writing and Delivering Performance Reviews 1:00-4:30

July 10 - Seattle: Shipping Hazardous Materials 8:00-4:30

July 10 - Seattle: Shipping Hazardous Materials Update 11:30-4:30

July 14 - Seattle: Crucial ConversationsTM Session 1, 8:00-5:00

July 14 - Kent: Building Interpersonal Awareness 8:30-12:00

July 14 - Kent: Time Management 1:00-4:30

July 17 - Seattle: Driving Employee Engagement and Satisfaction 9:00-12:00

July 20 - Seattle: Time Management 1:00-4:30

July 21 - Seattle: Crucial ConversationsTM Session 2, 8:00-5:00

July 22 - Kent: Communicating for Success 8:30-12:00

July 22 - Kent: Change Management 1:00-4:30

July 28 - Kent: Project Management 8:30-4:30

July 28 - Kent: Maximizing Your HR Value: An Introduction to Metrics 9:00-12:00

July 28 - Seattle: Feedback for Success 1:00-4:30

July 30 - Seattle: Discipline and Documentation 8:30-12:00

July 30 - Kent: Coaching for Success 1:00-4:30

July 30 - Seattle: Delegating and Setting Expectations 1:00-4:30

**Succession Planning**

Citing a recent Wall Street Journal report that Millennials (18-to-34-year olds) now make up the largest generation in the American workforce, an NPR radio commentator quipped: “but Boomers are still the bosses…” That may be true for today, but times are changing: with 10,000 Baby Boomers turning 65 every day over the next two decades, their migration out of the workforce has begun.

And that fact begs the question: how will the next generations prepare for the challenges of leading the organizations of the future? There are plenty of Gen Xers and Millennials willing and eager to step up, but will they be ready?

According to the Society for Human Resource Management, less than one quarter of US organizations have a formal succession plan in place.

Succession planning begins with defining and understanding the context in which the business operates: what is the Vision? Mission? What‘s the Strategy for achieving them? What challenges lie ahead for this business? Of those that can be anticipated, how can they be solved or mitigated by preparing now?

Next, key organizational roles are identified and the critical skill sets and competencies that will be needed in those roles are defined. A talent review will assess the readiness and development needs of potential candidates. A development process will address the acquisition of necessary skills and competencies through performance coaching, education, and experiential learning. And one major benefit in terms of employee engagement that comes along with the publication of an application process for succession is the message that professional development is a lived value for the organization. The appeal of that to Gen X and Millennial employees is huge.

Archbright has helped design, develop, and launch highly effective and well-received succession plans for our member companies. If you’d like more information on how we can customize a plan for you, contact your Archbright Account Executive.

Leading the Multigenerational Organization

Bridge the divides of generational conflict and build your transformational leadership style by understanding why people behave the way they do. This hands-on workshop continues the exploration of generational differences predicated on shared values created by shared events and challenges leaders to adopt collaborative, inclusive practices. Learn when to shift from an independent to interdependent leadership paradigm, how to develop an influential leadership style, and apply collaborative leadership principles to become a more effective leader.

Join us on June 24 for “What’s Age Got to Do with It? Leading Generational Inclusiveness in the Workplace.” Register online at Archbright.com.

Upcoming Sessions:

Session 5: September 16 Time to “Woman Up”: Discover Your Unconscious Biases and Double Standards

Session 6: November 5 Time to “Woman Up”: Leading the Paradigm Shift to Gender

Equity in the Workplace

Register online today at Archbright.com.

Hearing Conservation and Noise Protection

If you are not careful, you can lose your hearing. If you are exposed to very loud noise or moderately loud noise for an extended period, you must take some form of hearing protection precautions. Since 2004, the Bureau of Labor Statistics

has reported that nearly 125,000 workers have suffered significant, permanent hearing loss. In 2009 alone, BLS reported more than 21,000 hearing loss cases.

Whether at work or outside of work, exposure to loud noise can also create physical and psychological stress. It can reduce productivity, interfere with communication and concentration, and contribute to workplace accidents and injuries - making it difficult to hear warning signals and pay attention to your job. Noise-induced hearing loss limits your ability to hear high frequency sounds, understand speech, and seriously impairs your ability to communicate. The effects of hearing loss can be profound, as hearing loss can interfere with your ability to enjoy socializing with friends, playing with your children or grandchildren, or participating in other social activities you enjoy, and can lead to psychological and social isolation.

The “Best Practices” approach to hearing protection requires that whenever a worker’s noise exposure is at or above an 8-hour average of 85 decibels, hearing protection should be worn.

The best defense against hearing loss is to use engineering and work-practice controls to eliminate the excessive exposure wherever possible.

If you are exposed to loud noises intermittently - wear protection.

Rule of thumb: If you have to raise your voice to talk to someone, you are in an area where the noise level is at or above 85 decibels, and you should be wearing hearing protection.

Here are some examples of how noise exposure can be reduced or eliminated through engineering and work-practice controls:

* Periodic rotation of workers to less noisy areas
* Adding or replacing mufflers on motorized or pneumatic equipment
* Following equipment maintenance procedures to keep bearings and other moving parts lubricated
* Isolating loud equipment such as compressors and generators away from work areas
* Replacing older, noisier equipment with newer, quieter models
* Installing sound absorbing materials on walls and ceilings

For questions or more information regarding Hearing Conservation policies, please contact your Safety & Loss Control Representative at 206.329.1120.

Monthly Safety Webinar

JUNE 2015

Hearing Conservation Program Thursday, June 18th

2:15 p.m.

Are there areas of your work environment that are noisy? If so, protecting your employees from the dangers of noise exposure and the threat of hearing loss should be an important aspect of your company’s safety program.

This webinar will provide you with the tools and knowledge required to ensure your company’s hearing conservation program is effective and compliant.

Topics include:

* Requirements
* Monitoring
* Hearing protection options
* Engineering controls
* Training
* Recordkeeping

This monthly webinar is complimentary for all members of our Workers’ Compensation and Retrospective Rating Programs. Attendees will receive an email with information 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?

The percentage of women in the U.S. workforce has about doubled in the past 50 years - with more than 60 percent of women employed today, according to the Bureau of Labor Statistics. Coupled with a declining percentage of men in the workforce (down 13 percent to 73 percent in the same period of time), women are making up more and more of the ranks of the daily workforce.

**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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