**Archbright™**

**Insights Newsletter**

**August 2015**

Archbright™ 2015 Salary Survey Results Available on August 19

For the past 18 years, Archbright has produced one of the largest and most comprehensive salary surveys in the region. We are pleased to announce that the results of the 2015 Archbright Salary Survey will be available to members on August 19.

The Archbright 2015 Salary Survey includes data from over 373 organizations reporting base pay and total compensation for 488 job titles and 34,283 employees at all levels of the organization—ranging from executive to management to nonexempt positions.

Job families represented in the survey include:

* Accounting and Finance
* Banking
* Business Administration
* Customer Service
* Construction
* Engineering and Scientific
* Facilities and Maintenance
* Healthcare
* Hospitality
* Human Resources
* Information Technology
* Manufacturing and Quality Control
* Retail
* Sales and Marketing

Salary data breakouts include industry, geographic area, employment size, organization type, and annual revenue. Benchmark your company’s compensation, wage, and benefits packages with these invaluable results.

Members that participated in the survey receive their survey report free of charge, as well as earn 1 HRCI recertification credit, if applicable. The non-participant member price for the results is $595.

Questions about the survey? Please contact our Survey Department at 206.664.7210.

**DOL’s Proposed White-Collar Rule Open for Comments**

The Department of Labor’s proposed rule amending the FLSA’s white-collar exemption regulations was officially published on July 6, thereby kicking off a 60-day comment period that will close September 4.

On June 30, 2015, the Obama administration unveiled the proposed revisions to the overtime rule, which decisively lift the white-collar exemptions’ salary floor from $23,660 to $50,440 but offer no official stance on whether to implement a bright-line “primary duty” rule mandating that exempt employees perform at least a minimum percentage of exempt work, or to alter the substantive “duties” tests that inform whether a given employee falls within one of the FLSA’s professional exemptions from overtime pay.

**Stakeholder input sought.** Specifically, the DOL posed the following questions “for consideration in the Final Rule”:

1. What, if any, changes should be made to the duties tests?
2. Should employees be required to spend a minimum amount of time performing work that is their primary duty in order to qualify for exemption? If so, what should that minimum amount be?
3. Should the Department look to the State of California’s law (requiring that 50 percent of an employee’s time be spent exclusively on work that is the employee’s primary duty) as a model? Is some other threshold a better indicator of the realities of the workplace today?
4. Does the single standard duties test for each exemption category appropriately distinguish between exempt and nonexempt employees? Should the Department reconsider the decision to eliminate the long/short duties tests structure?
5. Is the concurrent duties regulation for executive employees (allowing the performance of both exempt and nonexempt duties concurrently) working appropriately or does it need to be modified to avoid sweeping nonexempt employees into the exemption? Alternatively, should there be a limitation on the amount of nonexempt work? To what extent are exempt lower-level executive employees performing nonexempt work?

The DOL is also contemplating the inclusion of examples of additional occupations in the regulations in order to provide further guidance in administering the white-collar exemption provisions. To that end, the agency also seeks comments on what specific additional examples of nonexempt and exempt occupations would be most helpful to include. The department requested comments in particular from stakeholders in the computer and information technology industry as to what additional occupational titles or categories should be included as examples, as well as comments on what duties are typical of such categories and would thus cause them to generally meet or fail to meet the relevant exemption criteria.

The Department also wants feedback on whether employers should be able to factor in nondiscretionary bonuses (like productivity or profit-sharing bonuses) in calculating the higher salary threshold.

**Comments urged.** Interested parties are invited to submit written comments on the proposed rule at www.regulations.gov (in the search field type in the RIN# “1235-AA11” to comment). Alternatively, written submissions can be addressed to: Mary Ziegler, Director of the Division of Regulations, Legislation, and Interpretation, Wage and Hour Division, U.S. Department of Labor, Room S–3502, 200 Constitution Avenue NW, Washington, DC 20210.

**Source:** CCH

**NEW MEMBER BENEFIT**

If you hold a PHR or SPHR certification, you may earn up to 12 HRCI credits simply because of your company’s current membership status with Archbright:

* 3 credits per full year of membership under the MEMBERSHIP category (up to a max. of 9 credits)
* 3 additional BUSINESS credits (1 per year for SPHR) under the continuing education category
* Or receive $50 off the exam fee!

Find out more on the Members-Only page at Archbright.com

**Focus Shifting Toward Wellness to Counter Increased Health Care Costs**

With health care costs rising, employers are turning toward wellness programs to counter some of the financial strain, according to the 2015 Society for Human Resource Management (SHRM) Employee Benefits Survey report released June 29. The top wellness benefits offered to manage chronic diseases and other health- related issues include wellness resources and information (80% of respondents) and wellness programs (70%).

Five-year trends also show a slow shift of health care costs to employees. For example, consumer-directed health plans such as health savings accounts (HSAs) have risen by 8%, and employer contributions to HSAs have also increased by 10%. The report also shows five-year trend increases in the percentage of organizations offering mental health coverage, contraception coverage, vision insurance, short-term disability insurance, critical illness insurance and coverage for laser-based vision surgery.

Among other findings:

* The most common benefits were paid holidays (offered by 98% of respondents), dental insurance and prescription drug programs (both 96%), mental health coverage and professional memberships (both 91%), and organization-provided break room/ kitchenette and traditional 401(k) or similar defined contribution retirement savings plan (both 90%).
* The shift to defined contribution retirement savings plans and Roth 401(k) savings plans continues, with only 26% of organizations reporting that they now offer defined benefit pension plans that are open to all employees.
* The most commonly offered women’s health benefit is contraceptive coverage (83%).
* Three out of five (60%) organizations offered some form of telecommuting: 56% offered telecommuting on an ad-hoc basis, 36% part of the time, and 22% on a full-time basis.
* The three family-friendly benefits that have decreased over the last five years were bringing children into work in an emergency (22%), child care referral services (9%), and on-site parenting seminars (1%).
* The percentage of organizations paying for certification/recertification fees in 2015 (78%) increased, compared to 71% in 2011.

New benefits added to this year’s report include egg freezing for nonmedical reasons (2%), paid surrogacy leave (5%), company-provided fitness bands/ activity trackers (13%), company-organized fitness competitions (34%), and company-provided student loan repayment (3%).

The survey included 463 randomly selected HR professionals and examined more than 300 benefits.

**Source:** CCH

The Future of Domestic Partner Benefits After *Obergefell v. Hodges*

On June 26, 2015, the U.S. Supreme Court ruled in *Obergefell v. Hodges* that all states must now license same- sex marriages, or recognize same-sex marriages performed in other states. *Obergefell* in effect, simplifies benefits administration for employers in that state insurance laws may require carriers to offer the same healthcare coverage and benefits to “spouses,” regardless of whether they are same-sex or opposite-sex spouses. Self-funded plans that are not subject to state insurance laws remain subject to anti-discrimination laws and therefore, may also be required to cover same-sex spouses to the same extent as opposite sex-spouses.

However, in light of the ruling, some employers are considering discontinuing healthcare, leave or other benefits for unmarried same-sex domestic partners. Their reasoning is that in the past same-sex couples could not legally marry, and now they can.

Before discontinuing any domestic partner benefits, employers should examine both the legal and practical risks. One key factor is whether or not an employer offers benefits to opposite-sex domestic partners—RCW 26.60.0303, Washington State’s Domestic Partnership statute provides domestic partnership status for opposite sex partners over the age of 62. Oregon and Idaho do not legally recognize domestic partnerships for opposite sex partners. It would not be prudent, considering the potential liability, to continue to provide benefits to opposite-sex domestic partners who have the ability, but choose not to marry, yet require same-sex partners to marry in order to be eligible for the same benefits. Employers should review any change in benefits to ensure compliance with relevant federal and state anti-discrimination laws. Also, consider the message such a change will send to employees and how they will respond. Will it affect your ability to compete in the marketplace?

It also remains to be seen whether or not any employers will lodge a religious objection to complying with the *Obergefell* ruling in light of the Supreme Court’s June 2014 ruling in *Hobby Lobby Stores Inc. et al. v. Sylvia Burwell*, which exempted closely held, religiously inclined employers from the requirement to provide employees with cost-free contraceptive coverage.

In the coming months employers can expect more specific guidance to be issued by federal and state agencies on how certain employment laws are affected by this landmark ruling.

**Instructor Spotlight: Kara Craig**

Kara M. Craig is a Staff Attorney for Archbright where she provides advice, counsel, training and representation to members on the entire range of employment and labor law issues. Kara joined Archbright in 2013 and has 14 years of experience as an attorney. Prior to joining Archbright, Kara served as Assistant General Counsel for the Board of Education of the City of Chicago and litigated employment and civil rights claims in state and federal court. She earned both her B.A. and J.D. from the University of Illinois. Kara loves tennis and voraciously reads 19th century history.

**Join Kara to Brush Up On Your Legal Knowledge at These Classes:**

**Managing FMLA — Aug. 27, 9am - 12pm in Kent**

With the ever expanding scope of employee leave, employers’ obligations, and new case law, mistakes in managing FMLA are hard to avoid. Learn the traps and outsmart them!

**Managing the Bermuda Triangle of Leave Laws — Sept. 29, 1pm - 4pm in Seattle**

An employee’s on-the-job injury will trigger industrial insurance coverage, may constitute a “serious health condition” under FMLA, and qualify as a disability under ADA. Learn your obligations and avoid getting lost in the Bermuda Triangle!

And check the calendar for “Employment Law Landmines: Avoid the Top 10 Traps” coming in the next few months!

Register at [Archbright.com](http://www.archbright.com)

**Free CoffeeTalk!**

August 26 – Spokane: What’s New In Employment Law in 2015 8:00-11:00

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

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

August 18 – Kent

August 25 – Seattle

September 17 - Seattle

September 24 – Kent

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

August 19 - Kent: First Aid/CPR/AED

August 26 - Seattle: First Aid/CPR/AED

September 18 - Seattle: First Aid/CPR/AED

September 25 - Kent: First Aid/CPR/AED

Supervisory Skills

August 4 - Seattle: Supervisory Skills - Session 1

August 11 - Seattle: Supervisory Skills - Session 2

August 12 - Kent: Supervisory Skills - Session 1

August 18 - Seattle: Supervisory Skills - Session 3

August 19 - Kent: Supervisory Skills - Session 2

August 25 - Kent: Supervisory Skills Tune-Up

August 26 - Kent: Supervisory Skills - Session 3

September 14 - Kent: Supervisory Skills - Session 1

September 16 - Seattle: Supervisory Skills - Session 1

September 21 - Kent: Supervisory Skills - Session 2

September 23 - Seattle: Supervisory Skills - Session 2

September 24 - Kent: Supervisory Skills - Session 1

September 28 - Kent: Supervisory Skills - Session 3

September 30 - Seattle: Supervisory Skills - Session 3

October 1 - Kent: Supervisory Skills - Session 2

Microsoft Office (8:00 – 4:00)

August 10 - TLG Tacoma: Microsoft Office Mentor Led (2010, 2013/Office 365) Session 1

August 11 - TLG Tacoma: Microsoft Office Mentor Led (2010, 2013/Office 365) Session 2

August 19 - TLG Bellevue: Microsoft Excel Instructor Led - Level 2 (2010, 2013/Office 365)

August 24 - TLG Seattle: MS Office Mentor Led - (2010, 2013/Office 365), MS Project (2010 only) Session 1

August 25 - TLG Seattle: MS Office Mentor Led - (2010, 2013/Office 365), MS Project (2010 only) Session 2

August 26 - TLG Seattle: Microsoft Excel Instructor Led Level 1 (2010, 2013/Office 365)

August 31 - TLG Seattle: Microsoft Excel Instructor Led - Level 3 (2010, 2013/Office 365)

September 14 - TLG Seattle: Microsoft Excel Instructor Led - Level 2 (2010, 2013/Office 365)

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

September 28 - TLG Bellevue: Microsoft Office Mentor Led (2010, 2013/Office 365) Session 1

September 29 - TLG Bellevue: Microsoft Office Mentor Led (2010, 2013/Office 365) Session 2

Leadworker Effectiveness (8:00 – 4:00)

August 18 - Kent: Leadworker Effectiveness

September 9 - Kent: Leadworker Effectiveness

August 6 - Seattle: Leadworker Effectiveness

September 1 - Seattle: Leadworker Effectiveness

**FREE! Developing Your Company’s Training Plan (8:30 – 12:00)**

August 13 - Kent: Developing Your Company’s Training Plan

September 24 – Seattle: Developing Your Company’s Training Plan

Other Classes

August 5 - Kent: Hiring Winners (8:30 AM-4:30 PM)

August 7 - Kent: Understanding Legal Issues for Supervisors and Managers(8:30 AM-12:00 PM)

August 13 - Seattle: Time Management (8:30 AM-12:00 PM)

August 14 - Seattle: Building Interpersonal Awareness (8:30 AM-12:00 PM)

August 19 - Spokane: Understanding Legal Issues for Supervisors and Managers(8:00 AM-12:00 PM)

August 20 - Seattle: Project Management (8:30 AM-4:30 PM)

August 27 - Kent: 5 Star Service: Every Customer, Every Time(8:30 AM-3:30 PM)

August 27 - Seattle: Communicating for Success (8:30 AM-12:00 PM)

August 27 - Kent: Managing FMLA(9:00 AM-12:00 PM)

September 2 - Seattle: Project Management (8:30 AM-4:30 PM)

September 9 - Seattle: Hiring Winners (8:30 AM-4:30 PM)

September 10 - Kent: Feedback for Success (1:00 PM-4:30 PM)

September 10 - Seattle: HR Fundamentals - Session 1(8:30 AM-4:30 PM)

September 11 - Seattle: HR Fundamentals - Session 2(8:30 AM-4:30 PM)

September 15 - Kent: Becoming a Leader - Session 1(8:30 AM-4:30 PM)

September 15 - Seattle: Change Management (1:00 PM-4:30 PM)

September 15 - Seattle: Managing the Millennial Employee (8:30 AM-12:00 PM)

September 16 - Kent: Delegating and Setting Expectations (1:00 PM-4:30 PM)

September 16 - Kent: Discipline and Documentation (8:30 AM-12:00 PM)

September 18 - Kent: Time Management(8:30 AM-12:00 PM)

September 22 - Kent: Becoming a Leader - Session 2(8:30 AM-4:30 PM)

September 22 - Seattle: Communicating for Success (8:30 AM-12:00 PM)

September 22 - Seattle: Conflict to Collaboration (1:00 PM-4:30 PM)

September 23 - Kent: Emotional Intelligence: Effective Communication and Influence(8:30 AM-4:30 PM)

September 23 - Kent: Project Management (8:30 AM-4:30 PM)

September 29 - Seattle: Understanding the 5 S's (9:00 AM-4:00 PM)

September 29 - Seattle: Managing the Bermuda Triangle of Leave Laws(1:00 PM-4:00 PM)

September 30 - Kent: Building Interpersonal Awareness (8:30 AM-12:00 PM)

September 30 - Kent: Communicating for Success (1:00 PM-4:30 PM)

Accountability is SMARTER

Here are some comments we’d love to read on an employee survey:

“My supervisor gives really clear directions. She tells me exactly the result she’s looking for, when it needs to be done and where I can get help if I need it…” and “When priorities involving my work get changed, my boss makes sure I’m the first to know…” or how about: “I never worry about what my co-workers in other departments are doing, because I know we all have the same goal in mind…” or even better, “When I give my word to do something, everyone I work with knows they can count on me to get it done…” If it makes you wonder what kind of organizations have employees who talk that way, the answer is that it’s the ones where people at all levels hold each other accountable for their performance. It’s the ones where accountability is a lived, not just verbalized, value. Where requests for action actually set people up to succeed. How do they do that?

One key is that employees in high performing organizations actually talk differently to one another—perhaps they even share a secret language. That’s the premise of Henry J. Evans in his book, Winning with Accountability. He refers to it as the language of accountability and while not common, it’s a language any organization can learn to use. Of course, just like learning any language, even your first, it takes a lot of practice over time to build your vocabulary and correctly apply the rules in order to become a fluent communicator. Would you like your organization to get in on this secret?

An easy place to start on the journey to an accountable culture is to get in the habit of making requests using a tool many of us are already familiar with from goal setting—SMART, which stands for:

Specific—Can be visualized in terms of appearance, behaviors, dates, and times

Measurable—Is quantifiable; the difference between start and finish can be measured

Attainable—Is possible according to the laws of physics and available resources

Results-oriented—Moves us in the direction we want to go

Trackable—Has identifiable milestones

Even though one of the most impactful characteristics of the language of accountability is specificity, something more is needed. Evans offers an expanded version of the SMART acronym, SMARTER, to capture the value alignment and support necessary for engaging full participation in this culture change. The added ER stands for:

Ethical—Is consistent with organizational and personal values (critical for employee engagement!)

Recorded—Is known about by a second person or a record exists that serves as a reference to support the action to be taken

Just as the SMART model helps us achieve goals, getting even SMARTER can accelerate organizational performance through the language of accountability.

**2015 NW Diversity Learning Series: Cultures, Generations, Genders—Bridging the Divides**

Cultural agility has been identified as the skill set needed to navigate successfully in multicultural contexts. Organization development studies indicate the topics of cultural differences, generational conflict, and gender biases are trending in the 21st century workplace. In response to these trends, the 2015 NW Diversity Learning Series—now in its 17th year—seeks to foster cultural agility by bridging the divides in the multicultural workplace.

Please join us for one or both of our remaining 2015 sessions:

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

In this interactive session, you will analyze your organization for the presence of elements that work for women, learn how to advocate for practices that create new archetypes, and design tailored developmental activities that reduce second- generation gender bias in your workplace.

**Session 6: November 5—Time to “Woman Up”: Leading the paradigm Shift to Gender Equity in the Workplace**

This session calls on women—and men—to embrace, practice, and adopt a paradigm shift that values and rewards leadership behaviors typically viewed as “feminine.” This transformational leadership style promotes inclusivity, supports positive organizational and societal change, and facilitates the advancement of women in leadership roles.

Both sessions are 8:30am to Noon at Nordstrom’s Corporate HQ, Seattle. For more information, or to register, visit Archbright.com.

Confined Spaces

Workplaces contain areas that are considered to be “confined spaces” because while they are not necessarily designed for people, they are large enough for workers to enter and perform their jobs. Confined spaces also have limited or restricted means for entry and/or exit and are not designed for continuous worker occupancy. Confined spaces include, but are not limited to, tanks, vessels, silos, storage bins, hoppers, vaults, pits, manholes, tunnels, equipment housings, ductwork, pipelines, etc.

The term “permit-required confined space” is used to describe a confined space that has one or more of the following characteristics: contains or has the potential to contain a hazardous atmosphere; contains a material that has the potential to engulf an entrant; has walls that converge inward or floors that slope downward, and taper into a smaller area which could trap or asphyxiate an entrant; or contains any other recognized safety or health hazard, such as unguarded machinery, exposed live wires, or heat stress.

All hazards found in a regular workspace can also be found in a confined space. However, they can be even more hazardous in a confined space than in a regular worksite.

Hazards in confined spaces can include:

* Poor air quality: There may not be enough oxygen for the worker to breathe. The atmosphere might contain a poisonous substance that could make the worker ill or even cause the worker to lose consciousness. Natural ventilation alone will often not be sufficient to maintain breathable air.
* Chemical exposures by skin contact, ingestion, or inhalation of ‘bad’ air.
* Fire Hazard: There may be an explosive or flammable atmosphere due to flammable liquids and gases and combustible dusts.
* Residual chemicals leftover from processes in the workplace.
* Noise.
* Safety hazards such as moving parts of equipment, structural hazards, entanglement, slips, and falls.
* Radiation.
* Temperature extremes including atmospheric and surface.
* Shifting or collapse of material.
* Flooding or engulfment-type hazards.
* Uncontrolled energy including electrical shock.
* Visibility hazards.
* Biological hazards.

For questions or more information regarding Confined Space policies and issues, please contact your Safety & Loss Control Representative at 206.329.1120.

Monthly Safety Webinar

**Confined Space Program**
Thursday, August 20th
2:15 p.m.

Many workplaces contain areas that are considered “confined spaces” because while they are not necessarily designed for people, they are large enough for workers to enter and perform certain jobs. Every company that has confined spaces is required to have a written program developed that will identify, evaluate, and control such spaces, as well as detail procedures and responsibilities for entering and working within confined spaces.

Topics include:

* Permit Required
* Non-Permit Confined Spaces
* Alternate Entry
* Procedures
* Contractors
* Training
* Testing and Monitoring
* Rescue Procedures

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?**

What OSHA found when studying confined space fatalities was that:

* 89% of fatalities occurred with jobs authorized by supervisors.
* 80% of fatalities happened in locations that had been previously entered by the same person who later died.
* In 40% of fatal atmospheric accidents, the hazard was not present at the time of initial entry.
* 35% of those who died were supervisors.
* Only 7% of locations had warning signs indicating that they were confined spaces.

**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: editor@archbright.com | Seattle Office: P.O. Box 12068; Seattle, WA 98102

Phone: 206.329.1120 | Web: www.archbright.com