**Archbright™**

**Insights Newsletter**

**October 2021**

**Get Rewarded for Improving Your Organization’s Safety**

Introducing Archbright ReClaim

With Archbright ReClaim, we are helping members lower their workers’ compensation premiums through effective claims management and safety practices.

Similar to the Department of Labor & Industries’ (L&I) retrospective rating program that pools the group’s workers’ compensation premium and distributes refunds of unused premium to the greater group, Archbright ReClaim pools the service fees of participating organizations, then takes a portion of that service fee to distribute refunds to the best performing companies enrolled in the program!

Our dedicated teams help program participants manage every claim to get their injured employee back to work and prevent future injuries through proven safety support. This effort not only saves thousands of dollars in insurance cost over time, but, again, could earn a service fee refund each year.

Best of all, any company can qualify for our program regardless of industry, premium size, or past performance!

If you’d like to learn more, please visit Archbright.com, reach out to your Account Executive, or email us at info@archbright.com.

**On-Demand Workplace Harassment Awareness Training in mozzo!**

Did you know we recently added our popular on-demand Workplace Harassment Awareness training course to the mozzo Video Training Library?

This animated video training is a streamlined version of our Archbright University course but includes all the same information and gives you much more flexibility!

You simply assign the training and track its completion within mozzo and employees complete the course at a time convenient with their schedule. It is also ideal for managing this important training for new hires throughout the year.

Participants will need to have a mozzo learner seat in order to view the training. (If you need to purchase additional learner seats, please reach out to your Account Executive.)

mozzo learner seats are an affordable way to provide professional development in your organization. Learners receive unlimited access to all Video Training Library resources, which include additional on-demand trainings to help strengthen skills and include microlearnings on communication, management, safety, human resources, and more.

If you have not yet explored mozzo, I encourage you to reach out to your Account Executive and schedule a tour!

In addition to the Video Training Library, you can learn more about other mozzo features, including our Advisor Chat, Job Description Builder, Handbook Builder, Community, and Resource Library.

Not sure who your Account Executive is? Email info@archbright.com and they will connect you!

**Brush up on Customer Service Skills**

First impressions are everything. So how can you create a positive, memorable experience for your customers and increase likelihood of them becoming repeat customers?

With our newest class, Delivering Extraordinary Customer Service, participants improve customer service skills through problem-solving, positive language, and understanding of the customer’s expectations and needs. Attendees also learn self-care strategies to help recover from tough experiences, which is crucial to maintaining morale and retention of your employees.

When: Nov 4 | 9 AM - 4 PM

Where: Virtual

Click here to register today!

**L&I Proposes Workers’ Compensation Insurance Increase**

The Washington Department of Labor and Industries (L&I) is proposing a 3.1% rate increase for the average price of workers’ compensation insurance in 2022, which would be the first time that rates have gone up in five years. If adopted, the average net rate per $100 of payroll will be $1.53, although various industries and risk classes will be impacted differently because this is an average. The proposal is driven by the

cost-of-living adjustments for pensions, triggered by an increase in the state’s average wage.

A virtual hearing is scheduled for 10:00 AM on October 26 to gather public feedback before a rate increase decision is made. The final rate will be decided by November 30 and will go into effect on January 1, 2022.

Link to virtual hearing: https://lni-wa-gov.zoom.us/j/88980694211

Meeting ID: 889 8069 4211

Passcode: Rates1026!

Archbright representatives will attend the virtual hearing and keep members informed of the final decision.

**It’s Renewal Time!**

It’s that time of year again. As an Archbright member, you have from now till December 1, 2021, to make changes to your membership level. Please be watching for an email from us in the coming days with more information!

Note: If you would like to remain at the same level for 2022, then you do not need to do anything! Your membership will automatically renew on January 1, 2022.

Thank you for your continued membership!

**Tools for Managing in a Hybrid Work Environment**

A recent survey by Morning Consult reports that 39% of US adults would consider quitting their jobs if employers weren’t flexible about remote work. Among millennials and Gen Z, it increased to 49%.

These are startling statistics, and when coupled with the reshuffling of millions of Americans in the workforce, it is clear that employers must immediately focus on how to successfully manage employees in a hybrid work environment.

Continuing to drive organizational goals and priorities without setting foot in the same space takes a strong commitment to communication and to managing to employees’ strengths. It also takes a leader who is skilled in change management principles and how to coach employees from resistance to commitment.

Archbright University is here to support members seeking new tools for changing times. The following classes are recommended to equip managers and supervisors with the skills they need to effectively lead in a hybrid environment.

* Change Management for Leaders—In this half-day virtual class, managers learn the importance of adapting to change and how to navigate the four stages of change. They identify ways to diagnose where their teams are in the change acceptance process and obtain tools for moving them from resistance to commitment. (Next Session: October 15)
* Stay Connected: Managing Virtual Teams—In this interactive virtual class, three key areas are covered to give leaders the tools they need to keep a team connected and productive: Communicate More and More Often, Manage Deliverables and Deadlines, and Nurture People and Relationships. Managers apply the techniques to realistic case studies and create a personalized action plan for how to get the best results in their real-world situations. (Next Session: October 26)
* Managing with DiSC®—In this full-day virtual class, participants learn how to read the styles of the people they manage and adjust their management techniques accordingly. Participants walk away with concrete strategies to help them adapt to the styles of their direct reports, enabling them to bring out the best in their people. (Next Session: November 3)

Registration is now open for these classes on Archbright.com.

**Top Employment Law Changes Coming to Oregon**

The Oregon Legislative Session came to a close at the end of June 2021, and with it came a variety of changes to employment laws in Oregon. Most changes take effect on January 1, 2022. The list below provides a synopsis of the most notable changes that Oregon employers should know. Please note this list is not exhaustive; eligible members who would like additional information are encouraged to contact an Archbright attorney.

**Tolling or “Suspension” of the Statute of Limitations on Civil Causes of Action**

The statute of limitations for all civil causes of action, including employee claims against employers, is suspended until December 31, 2021, which is when the Governor’s declared public health emergency related to COVID-19 is scheduled to be lifted.

**Changes to the Oregon Family Leave Act (OFLA)**

* Sick child leave was expanded to include taking care of a child whose school or childcare provider has been closed in conjunction with a public health emergency. This became part of the regulations in March 2021.
* The eligibility requirement is reduced to 30 days with a covered employer to qualify for leave during a public health emergency.
* Now, if an employee is eligible for OFLA leave before separating from employment or suffering a reduction in hours and is rehired within 180 days, the employee is still eligible for OFLA leave upon rehire. The amount of time the employee previously worked for the employer will be credited to the employee for OFLA eligibility purposes.
* Gender-neutral terminology was added to the pregnancy leave portion of the statute.

**Increased Statute of Limitations for Unsafe Workplace Complaints**

Under ORS 654.062, the statute of limitations for an employee to file a discrimination or retaliation complaint with the Bureau of Labor and Industries (BOLI) increased from 90 days to one year.

**New Rebuttable Presumption for Safety and Health Complaints**

Effective June 15, a rebuttable presumption was added that a violation of the statute has occurred if an employer discharges or discriminates against an employee within 60 days after the employee engaged in a protected activity covered under the statute.

**Oregon’s CROWN (Creating a Respectful and Open World for Natural Hair) Act**

* The CROWN Act adds two new definitions to ORS 659A.001: 1) “Protective hairstyle” means a hairstyle, hair color, or manner of wearing hair that includes, but is not limited to, braids, regardless of whether the braids are created with extensions or styled with adornments, locs and twists; and 2) “Race” includes physical characteristics that are historically associated with race, including but not limited to natural hair, hair texture, hair type, and protective hairstyles.
* The Act also adds language that an employer can enforce a dress code or policy as long as the dress code “does not have a disproportionate adverse impact on members of a protected class to a greater extent than the policy impacts persons generally.”

**Driver’s License Prohibition**

* It is an “unlawful employment practice” for an employer to require an employee to present a driver’s license “unless the ability to legally drive is an essential function of the job or is related to a legitimate business purpose.”
* Candidates and employees can still voluntarily offer their driver’s license as a form of identification for I-9 verification purposes, and employers can accept their driver’s license without violating the law.

**Changes to Non-Compete Law**

* The maximum post-employment restrictive period is reduced from 18 months to 12 months.
* If a non-compete agreement does not comply with the requirements of the law, it will be considered void as a matter of law and unenforceable instead of just being “voidable.”
* For a non-compete agreement to be valid, an employee’s salary must be at least $100,533 at the time of termination. This amount will increase annually.
* An employer must provide an employee with a signed, written copy of the non-compete agreement within 30 days of termination.

**Pay Equity Compensation Changes**

* The Pay Equity Act was revised to exclude vaccine incentives for any complaints filed on or after April 29, 2021 to March 1, 2022. Compensation also does not include hiring bonuses or retention bonuses for any complaints filed between May 25, 2021 through March 1, 2022.

**Behavioral Threat Assessment in the Workplace:**

An Interview with Dr. Lynn Van Male

Workplace violence continues to be a serious concern for employers, and HR professionals and other business leaders must remain vigilant for potential threats in their workplace. Senior HR Advisor, Mark Nelson, sat down with Lynn Van Male, Ph.D., CTM, an accomplished consultant specializing in behavioral threat assessment and management, to understand potential signs of workplace violence and response strategies.

**Since the COVID-19 pandemic began, we’ve seen an uptick in calls to the HR Hotline regarding possible workplace violence issues. Have you seen the same trend in your practice?**

The pandemic, societal unrest, and issues of violence in the media have caused everyone an increased amount of stress. The supports many people had available to them pre-pandemic are often less available to them now. Even as things begin to open back up, folks are still more isolated than they were pre-pandemic and having difficulty connecting with the things that used to give their life purpose, sense, meaning, and value. It’s still a challenge for people to exercise quality self-care.

**When starting a dialogue about workplace violence prevention, are there basic terms or baseline concepts you want HR professionals to know?**

I’m most concerned that employees have a voice for letting HR, leadership, and front-line supervisors know about behaviors that are causing them concern for their safety. Keep it broad. If we get too far into minutia and definitions, people start to wonder if what they’re seeing or hearing meets the definition of violence and if it should even be reported. They second-guess themselves, and then they stay silent. That’s not what we want to happen.

**That’s excellent advice. Given this information, how should employers approach workplace violence?**

A meaningful and effective workplace violence prevention program has several key elements. Employers should educate staff on the organization’s expectations, the contents of the workplace violence prevention policy, and what employees can do to handle situations in the moment. Depending on the organization’s kind of work, employers may need to customize or tailor their violence prevention program to suit the behavioral hazards that their workers might experience. Do employees have occasion to interact with the public, clients, or even coworkers who have the potential to become volatile? If so, do they have the skills they need to stay safe?

Although a meaningful workplace violence prevention program starts with employee education and a policy, employers also need to give employees a voice to let leadership know what they’re concerned about. Larger, multi-site organizations may need a more complex online reporting system where employees would submit concerns. Smaller, single-site organizations might have a standardized form that employees can complete. Regardless of size, complexity, or geographical density, everyone in the organization should have access to a method for telling their employer—anonymously if they so choose—about behaviors that cause a safety concern.

Once employers receive reports about safety concerns, they must have a process for doing something with that information. People will not take the time to talk to their employer and voice their concerns if they think it’s going nowhere. Leaders must review these reports in an evidence-based and data-driven way that aligns with current behavioral threat assessment and management best practices.

To read the rest of the interview with Dr. Van Male, check out our blog at Archbright.com.

**HR FAQ**

**Question: We are in the process of planning year-end bonuses. If an employee is absent during the year for an FMLA-qualifying leave, can we prorate their bonus amount for the time they missed work?**

Answer: It depends. The Family and Medical Leave Act (FMLA) prohibits employers from “interfering with, restraining, or denying” an employee’s exercise of FMLA rights. It also prohibits employers from “discriminating or retaliating against an employee” for exercising or attempting to exercise FMLA rights. Employers, therefore, cannot consider FMLA leave as a “negative factor in employment actions” and must provide an employee who takes FMLA leave with the same benefits that another employee on non-FMLA leave would receive. This includes discretionary and non-discretionary bonus payments.

Companies may base bonus calculations upon many different factors, including company financial performance, production output, attainment of individual objectives, number of sales, and attendance for the year.

Bonus calculation measurement criteria affected by an employee’s absence, whether due to FMLA or not, can be considered, and the employer can prorate the bonus accordingly. For example, suppose an employee is eligible for a $5,000 bonus for making a certain number of outbound sales calls in the year. They take a 6-week FMLA leave, and due to their absence, they don’t meet the call target by year-end. Their bonus could be either withheld or prorated. But employers must apply the same criteria to another employee who takes a 6-week unpaid leave for a trip and doesn’t meet the target.

Employers who pay bonuses based on hours worked must carefully scrutinize each employee to ensure that PTO usage is considered uniformly—for those who use it for FMLA-protected leave and those who take it for vacation purposes.

Employers should also keep in mind that if their bonus plan is in writing, they must follow the plan’s terms unless it violates the law, even if it is more favorable than what the law requires.

**We’ll Help You Take the Guesswork out of Compensation Consulting**

The demand for increased pay transparency will only continue with the social movements gaining traction across the US. The generation entering the workforce wants to know how employers calculate their pay, how they can make more money, and how much their co-workers earn. No longer is pay a forbidden subject. Employees are openly discussing compensation and need to know they’re paid fairly.

An organization is only as good as its people, and the competition for talented, experienced employees is steep. If you’re planning to hire in the near future or want to evaluate your current employees’ wages against regional or national averages, compensation consulting is vital to ensuring you provide new and existing talent with wages that are on par with your competitors and are fair across your company.

We sat down with our experienced compensation consultant, Jackie Bindon, to answer some commonly asked questions to help you determine if you’re in need of compensation advice.

**How will compensation consulting benefit us?**

There are many benefits to having current pay data, including saving you money. This data will help you identify if you are over-paying or underpaying employees. The latter opens you up to the risk of your employees finding higher pay somewhere else and losing talent that may have years of experience at your organization. When you factor in recruiting costs, training costs, and the minimized productivity while a new employee gets up to speed, turnover can cost you upwards of $20,000.

Developing your full compensation program could be less expensive than losing one employee. If designed correctly, it should reinforce your company’s culture while sending a strong message to both employees and prospective employees about who you are as an organization. Reports show that upwards of 50% of employees are, or will be, looking for a new job in the next six months. There are many reasons employees quit their jobs, don’t let your compensation plan be one of them.

Be sure to tell your employees about the investment you’ve made to develop a compensation program to find and retain top talent. You might be pleasantly surprised to see how much employees are reassured it’s important to the business.

**Can compensation consulting projects be customized?**

Yes, we offer compensation consulting by the hour, from one market pricing to full compensation program development. We offer services based on your needs and will customize projects to meet your goals and budget. If you need to know the market price for one position, we can help. If you need help designing a full compensation program, we can do that too.

**What’s involved in a compensation project?**

Compensation can be intimidating for many human resources professionals, but it doesn’t need to be! If you choose Archbright to help you with your compensation needs, I will guide you through the process and all the decisions that need to be made.

First, we look at your job descriptions and match them to salary survey jobs. Once you approve the match, I will take the data for all your jobs and create a wage structure, otherwise known as pay ranges. I will put your jobs in grades according to the market rate. Then I will conduct an incumbent analysis to determine where pay inequities may be present and help formulate a plan for pay adjustments. At the end, you will get an Excel file with all the work we produced. You’ll have peace of mind knowing you have a structure designed to support your business goals and strategy.

**We don’t currently have open positions for which we need compensation assessments; can you still work with us?**

Yes! If you want your job descriptions updated, you can work with one of our HR Consultants who will help write them, or you can use our Job Description Builder in mozzo where there are more than 700 job descriptions at your disposal. Creating a job description is quick and easy with this tool, all you need to do is follow the prompts.

For Gold Members, don’t forget your membership comes with 4 market pricing reports (for non-executive level positions) each membership year. If you haven’t received yours yet, contact your Account Executive to start the process.

**Meet Jackie Bindon**

Jackie is a Senior Compensation Consultant with Archbright. She has more than 30 years of HR experience. For over two decades, she has consulted with companies in various industries to create compensation and pay equity programs to foster a collaborative, respectful, and inclusive work environment.

Jackie attended San Jose State University, holds a SHRM-SCP certificate, and is a member of the Society of Human Resources Management and World at Work. She enjoys playing with her dog Daisy, spending time with her family and friends, cooking ethnic foods, hiking the nearby trails, and kayaking neighborhood lakes in her free time.

**Workplace Emergencies—Is Your Company Ready?**

Everyone knows emergency preparedness is important, but often it falls to the bottom of the priority list as we juggle the many daily demands of business. An emergency can be an unexpected occurrence of varying degrees with the potential to impact business. If your workplace is like many others, you may not be as prepared as you would like. Setting aside time for planning and preparing for emergencies can save your company future time and frustration and prevent potential injuries.

What is a workplace emergency?

According to the Occupational Safety and Health Administration (OSHA), a workplace emergency is a situation that threatens workers, customers, or the public and can disrupt or shut down operations. An emergency can also cause physical or environmental damage. Emergencies can occur naturally or be caused by humans and may include but are not limited to extreme weather, earthquakes, floods, fires, chemical spills, disease outbreaks, or civil unrest.

What’s required by employers?

Per OSHA, all employers need to have an emergency action plan that includes means of egress in the event of an emergency and safeguards designed to protect employees during the event. Some examples of safeguards include sprinkler systems, alarms, fire doors, and exit lighting. Employers must train all new employees on the plan when hired, anytime the plan changes, or when the employee’s role in the plan has changed (e.g., the employee is responsible for equipment shut down or assisting other employees during emergency egress). Depending on the industry and state requirements, employers may also need to add other elements into the plan, such as critical plant operation considerations, rescue duties, and emergency supplies for displaced workers.

Training for Emergencies

Emergency preparedness training gives employees the knowledge, skills, and abilities needed to perform key tasks in an emergency. Every employee needs to know the details of the emergency action plan, including how to safely exit the workplace, when to shelter in place, the types of alarms systems used, and if they have a role in any shutdown procedures. Employees need to know the potential emergency types they may face and any hazards such as flammable materials or toxic chemicals that they could be exposed to. Annual or bi-annual drills are also recommended for most industries and required for some based on OSHA or state-plan requirements.

Where to Start

Employers looking to create or update their emergency action plan can visit OSHA’s Emergency Preparedness & Response: Getting Started webpage or their state agency’s website for more information on what’s required for their industry.

Archbright members can also utilize the Emergency Preparedness Employer’s Guide, the Emergency Vulnerability Assessment tool, and a sample Emergency Action Plan, all located in the mozzo Resource Library.

For additional assistance or questions about your Emergency Action Plan, contact the Safety Hotline at 206.329.1120, 509.381.1635, or safety@archbright.com. Taking even small steps now can help protect your workplace in the future.

**Emergency Planning Tips**

Assess risk and identify mitigation strategies

Designate an evacuation meeting spot away from hazards

Post emergency exit maps throughout the facility

Develop procedures to assist those who need help exiting the facility

Have staff trained in first aid and CPR

Encourage employees to build their own emergency kits

Create a business continuity plan in addition to an emergency action plan