**Archbright™**

**Insights Newsletter**

**November 2019**

**Introducing the Safety Hotline**

We all know that workplace safety is critical to protecting your employees. With the right planning and training, you can avoid injuries to your employees, prevent dangerous workplace activities, and equip your team with the knowledge and tools to help keep your workplace accident-free.

There are times, in spite of your best planning and training efforts, you need to talk to a safety expert—someone who can answer your questions right away, point you in the right direction, or provide a new perspective.

That’s where the Safety Hotline comes in. Just like the HR Hotline, the Safety Hotline provides eligible members unlimited phone and email support for safety advice. We are available to take your questions on workers’ compensation, safety policies and procedures, safety committees, working conditions, and more.

Simply contact us with your questions between 8am and 5pm, Monday through Friday (except holidays) at 206.328.1120 or 509.381.1635, or email us at safety@archbright.com.

The Safety Hotline is now open. We look forward to hearing from you!

**Discover the New Drivers of Employee Engagement**

87% of C-Suite Leaders recognize that disengaged employees are the biggest threat to their organization. This is especially true in our region where the talent wars are fierce. It’s never been more important for leaders to take the pulse of employee engagement than now—and the need to measure and address continually is critical.

That’s because employee engagement is directly correlated with such important organizational outcomes as increased productivity, profitability, quality, and customer service and decreased absenteeism, turnover, and safety incidents.

Archbright has recently completed extensive research on the drivers of employee engagement in small to medium sized businesses using a national employee satisfaction and engagement survey of 56,000 employee participants nationwide. We have learned the specific drivers of employee engagement you should be measuring in the categories of Leadership & Management Effectiveness; Communication; Pay, Benefits, & Recognition; Operational Effectiveness; Organizational Resources; Job Significance; and Employee Commitment.

How do you think your employees would rate you? How many disengaged employees do you have? And why are they disengaged? Contact your Account Executive to talk about running an Engagement Survey in your organization on our new digital platform!

**Vancouver - Pay Equity Workshop: Legal & Practical Considerations**

Pay Equity practices are a hot topic for human resources, with increased emphasis by the EEOC and new state laws targeting inequitable pay and promotion opportunities.

Inequitable pay and treatment can hurt businesses beyond just lawsuits. It can take a toll on employee engagement and satisfaction levels.

This hands-on workshop is designed to educate experienced HR professionals and C-suite on current pay equity laws and best practices, and provide them with tools to be legally compliant and foster an equitable workplace.

The workshop will cover:

* Legal Overview – Federal, Washington, Oregon, and Idaho Law
* Conducting a Basic Pay Equity Review
* Hiring Best Practices
* Equitable and Problematic Compensation and Performance Management Systems
* Tips for Senior Management Buy-in

Presented by Archbright experts – Kellis Borek, VP of Labor & Legal Services and Ami De Celle, Attorney

**When**: November 13th | 8:00 am to 11:30 am (8:00 am – Check-in Begins | 8:30 am – Program)

**Where**: Clark College CTC Room 144 | 18700 SE Mills Plain Blvd. | Vancouver, WA

**Cost**: FREE | a continental breakfast will be served

**2020 Vision: Building Your Company’s Training Budget for the New Year**

Happy Fall! The leaves are changing and there is a chill in the air. It’s a time for gratitude and thanksgiving. Although, at the office, it can be a not-so-popular time of year for some managers; it’s the dreaded budgeting season. Though the process of planning future expenses can be tedious, it’s also an exciting time to make plans for the new year. In particular, what are your organization’s plans for bringing employee training into focus in 2020?

In today’s tight labor market, companies must consider increasing their investment in employee training. “Organizations are competing not only for market share but also for employees. Employees want to work for an employer that will upgrade their skills to keep them competitive with peers from other companies”, according to the Society for Human Resource Management (SHRM).

LinkedIn’s 2019 Workforce Learning Report found only 27 percent of learning and development professionals see a “limited budget” as a top challenge—a 22 percent decrease since 2017. In fact, talent development budgets are increasing steadily year over year, demonstrating the importance of employee learning in organizations.

To determine an appropriate training budget, it’s important to consider company objectives and initiatives for the new year. For example, if anticipating a year of innovation and change, be sure to set aside funds to adequately prepare managers and front-line employees for what’s to come.

Archbright is ready to assist with courses to equip your employees with the skills they need to take on 2020 in full focus. Creating a healthy training budget will allow your organization to approach the new year with a clear vision, while ensuring employees are up to the task.

Source: Amy Bachmann, Director of Archbright University

**Washington Limits Enforceability of Non-Competition Agreements**

Effective January 1, 2020, the scope of enforceable non-competition agreements will narrow considerably for Washington employers. Under this new law, many non-competition agreements currently in effect will become unenforceable. To be enforced after the effective date of the new law, a non-competition agreement must meet the following requirements:

* The employee who is party to the agreement must earn more than $100,000 per year from the employer. For independent contractors, the annual earnings must exceed $250,000. These amounts will be adjusted annually for inflation.
* The agreement may not restrict competition for more than 18 months, unless the employer can show clear and convincing evidence that a longer restrictive period is necessary to protect the employer’s business.
* For new employees, employers are required to disclose the non-competition agreement, in writing, no later than the time an employee accepts a job offer. For current employees, non-competition agreements must be supported by independent consideration; continuing employment is not sufficient.
* Additionally, if the employee who is party to the agreement is laid off, the non-competition agreement is unenforceable (even if the above requirements are met) unless the employee is paid through the duration of the agreement’s restrictive time period.
* The agreement cannot require that the non-compete provision be adjudicated outside the state of Washington.

The new law also puts a heavy burden on employers to comply with its strict limitations by imposing a $5,000 penalty or the employee’s or independent contractor’s actual damages, whichever is greater – plus attorney’s fees and costs – on the employer in the event that a judge or arbitrator orders that a non-competition agreement is too broad in scope and must be narrowed or violates the law. Therefore, employers can no longer rely on the common strategy of drafting a broadly restrictive agreement and assuming that it would be narrowed to an enforceable scope without penalty.

The law additionally imposes new limitations on employers’ restriction of outside employment (sometimes referred to as moonlighting). Employers can no longer forbid their employees who earn less than two times the minimum wage from working second jobs, unless the second job raises safety issues or interferes with the employer’s reasonable scheduling expectations. However, employers may still enforce policies and agreements, and the common law duty of loyalty, to prohibit employees from taking a job with a competitor or that would otherwise create a conflict of interest.

This new law only limits the enforceability of non-competition agreements and outside employment restrictions. It does not restrict employers’ use of non-solicitation and/or confidentiality agreements.

Employers with current employees and/or independent contractors who have non-competes have several options. For employees and independent contractors who will no longer meet the salary threshold as of January 1, 2020, employers may:

1. Tell those individuals that their non-competes are no longer valid and enforceable; or
2. Leave the agreements alone but do not try or threaten to enforce the agreements upon the employee’s separation from employment
3. Have these individuals sign a non-solicitation and/or confidentiality agreement in exchange for some form of consideration (such as a bonus, raise, promotion) in order for a company to still have some protection for its information, customers, and/or employees.

For employees or independent contractors who meet the salary thresholds but have agreements that are otherwise unenforceable, employers will want to revise the agreements to make them compliant with this law and offer these individuals some form of consideration in exchange for them signing the new agreement.

Employers who are looking to have new employees or independent contractors sign non-competes should only offer non-competes to those individuals who meet the salary threshold requirements. Employers should provide the individuals with legally compliant non-competes in writing at the time the employee accepts the job offer or the independent contractors begins their project with the employer.

Eligible members are encouraged to contact Archbright HR Advice and Legal Counsel with any questions.

**Source:** Colleen Mayer, Staff Attorney, Legal and HR Advice

**Research Shows Employee Morale, Productivity, Loyalty are Higher in Diverse Workplaces**

As America grows more diverse and consumers scrutinize the values of companies they engage with, very diverse workplaces enjoy distinct and quantifiable business advantages over less diverse ones, according to research from Brodeur Partners’ Diversity & Inclusion practice. Morale is more than twice as likely to be rated “excellent” in very diverse workplaces, according to the online survey of 1,592 Americans. Fifty-six percent (56%) of respondents from very diverse workplaces described their teams’ morale as excellent versus only 23% of respondents from less diverse workplaces.

For 3 out of 5 respondents (59%), personal productivity is higher in environments with people of varied backgrounds and company loyalty, as expressed by net promoter score, is +46 for “very diverse” workplaces and only -1.4 for less diverse workplaces. A strong net promoter score indicates workers are more likely to stay in their jobs, say good things about the company, and aid in recruitment.

“Diversity drives business results, and the evidence continues to mount,” said Angela Hayes, Brodeur Partners’ senior vice president of diversity and inclusion. “This research cements the case that creating a welcoming, inclusive workplace ultimately improves the bottom line. The business advantages of inclusion will only intensify as our country and the world evolve.”

Diversity is intentional. Brodeur’s research also revealed a second major insight: Diverse workforces are developed intentionally, not accidentally. Approximately half of respondents working in very diverse workforces say their organizations:

* Actively recruit people from diverse backgrounds (50%);
* Design products and services for diverse communities (47%); and
* Engage diverse communities through tailored communications and marketing strategy (48%).

Fewer than 1 in 5 say the same of less diverse workforces.

Diversity also attracts talent. Among women, African Americans, Hispanics and younger workers, diverse workforces were ranked second in personal importance when deciding where to work, behind flexible working hours, in a list of six workplace attributes respondents reviewed, including continuous training opportunities, strong corporate social responsibility programs, wellness programs and the latest communications technologies.

Changing society. Diversity has surfaced as a business priority as the country nears a tipping point: Nonwhites will constitute a

majority of the U.S. population by around 2045, and the country’s children are projected to be majority minority by next year. Minority births have outnumbered Caucasian births since at least 2011.

“Society is evolving both demographically and culturally, which makes true inclusion essential for productivity, morale, teamwork, branding and revenue,” said Hayes. “American political culture, and the flashpoints around race, gender and ethnicity, are only raising the

stakes. Fortunately, organizations increasingly realize the importance of a relevant diversity and inclusion strategy to their success.”

Source: Brodeur Partners / CCH

**HR FAQ**

**Question:** A former employee has left substantial personal belongings in her office – framed pictures and artwork, a chair, and desk items that cannot be easily boxed and shipped to her. I have left messages and sent texts with no response – what should I do?

**Answer:** Personal items may be considered abandoned and can be disposed of by the employer if certain steps have been followed. Employers should first notify employees of personal items left at work. Small items may be packaged and shipped to the employee if they do not respond to requests to pick them up.

If the items can’t be shipped due to cost or size, notify the former employee in writing at their last known address – send reminders at 30, 60 and 90 days, stating that if they do not make arrangements to pick up their personal items, they will be considered abandoned and donated to charity.

If the former employee does not make arrangements to retrieve their belongings, inventory the items and take pictures of everything. Arrange for a charity donation and send the donation receipt to the employee’s last known address. All correspondence, pictures, and copies of receipts should be maintained in the personnel file.

Uncashed or returned employee checks must be handled in a different matter. Those regulations are governed by the Washington State Department of Revenue. The regulations can be found at https://dor.wa.gov/legacy/docs/pubs/ ucp/ucpreport.pdf.

Source: Katherine Kummerow, Senior HR Advisor at Archbright

**HR’s Role in Data Security**

Why does HR need to care about cybersecurity?

Cybersecurity and data security practices are now a workplace culture issue. Why is that? Because most cybersecurity threats come from employee actions. In the Dell End-User Security Survey, the results showed that many employees are likely to share confidential information without following the protocols set in place. 49% of the employees in the survey admitted that they use their personal email accounts for work.

IT and HR can work together to mitigate these security risks by creating risk awareness and risk intelligence for everyone in your organization. Many of the employees in the Dell survey supported protecting information but didn’t feel empowered. Not only does that put the organization’s financial security at risk, but not following procedures becomes part of the company’s culture. It is important to develop employee training programs and communications to help everyone (employees, management, and leadership) identify and understand the risks. One avenue we’ve taken at Archbright is to have a bi-weekly newsletter sent to all staff, detailing any new security risks and tips and tricks to make employees lives a little easier while they interface with technology.

Cyber security training should be a central component of any onboarding process, with new employees trained on basic security training, along with how to properly access and use confidential data. There should also be a focus on email security and learning to spot signs of potentially malicious activity, such as phishing and spear-phishing. Employees are the frontline of ensuring our IT systems and resources are secure, and holding employees accountable for following established security policies and procedures is critical to maintaining secure systems. Additionally, HR should also pay close attention to recovering sensitive information and closing the online accounts of any former employees as soon as possible.

One practice Archbright recently implemented was requiring two-factor authentication when accessing any of Archbright’s systems. This is just one way to stop threat actors, but it requires training to be used effectively.

Otherwise, users may inadvertently provide access to unauthorized individuals regardless of the security tools implemented. Our IT department was able to transition all employees over the course of a couple weeks and held several mandatory trainings via Lunch and Learns and departmental meetings to ensure that all employees felt comfortable with the use of the application and how it’s applied within the organization. These sessions were recorded (as are all of our Lunch and Learns) for any employees who were not available to attend.

Decrease your risk by focusing on your people, processes, and technology. While the threat of a cybersecurity attack can never be completely eliminated, building a cybersecurity culture with established security procedures, employee training, and awareness can help keep your company safer.

Source: Joy Sturgis, SPHR, SHRM-SCP, Content Manager at Archbright and Colin Lyons, Director of IT/BI/PMO at Archbright

**We are excited to introduce to you our new Compensation Consultant, Joe Padilla.**

Joe brings extensive experience as a compensation professional in the Pacific Northwest, both as a consultant to multiple clients and as a part of internal HR

organizations. Throughout his career, Joe has supported all types of compensation work, from compensation program development and integration of practices in M&A’s, to the creation of compensation philosophies, strategies, and everything in between. His expertise includes broad-based compensation, pay structure development, and total rewards best practices.

Joe is a graduate from the University of Washington’s Michael J. Foster School of Business and is a Certified Compensation Professional (CCP).

All of us at Archbright are thrilled to have Joe onboard. We hope you’ll join us in welcoming him to the Archbright team!

**It’s Membership Renewal Time!**

As we approach the end of the year, you once again have the opportunity to change your membership level. All members have received an email with more information about next year’s levels. Once you have reviewed, you will need to inform us of any changes by December 2nd. If you haven’t seen an email from us, please email info@archbright.com.

Note: if you would like to remain at the same level for 2020, then you do not need to do anything. Your membership will automatically renew on January 1, 2020. If you have any questions about the membership levels or how you can determine which one is best for your organization, please contact your Account Executive at 206.329.1120 or 509.381.1635.

Thank you for your continued membership!

**Washington State OSHA Log Update**

The Department of Labor and Industries (L&I), adopted a final rule change for Chapter 296-27 WAC Recordkeeping and Reporting recently that will affect employers across Washington State. The changes were adopted to ensure that L&I’s rules are at least as effective as the Occupational Safety and Health Administration (OSHA). The new rule, effective on January 1, 2020, will require certain employers (potentially exempting companies with 10 or fewer employees or those with low-risk industry classifications) to annually submit electronic injury and illness records to OSHA, which are already required to be kept under current recordkeeping regulations.

Affected employers will be required to electronically submit their completed OSHA Form 300A summaries to OSHA using the Injury Tracking Application (www. osha.gov/injuryreporting). 2019 summaries will be due March 2, 2020.

The log information and rule changes are intended to help employers, workers, and State and Federal agencies evaluate the safety of a workplace, understand industry hazards, and implement worker protections to reduce and eliminate hazards preventing future workplace injuries and illnesses. Understanding breakdowns in procedures, PPE, or training can be the difference between an injury and a good day’s work.

Washington State’s serious injury and fatality reporting procedures are still required in addition to OSHA reporting requirements. If any employee is involved in a work-related accident that has resulted in a death, inpatient hospitalization, amputation, or the loss of an eye(s), employers must report the accident to L&I by calling 1-800-423-7233 or visiting an L&I office within eight (8) hours of the incident. A non-hospitalized amputation or loss of an eye(s) of any employee must be reported with twenty-four (24) hours of the incident. Reporting procedures are required regardless of Worker’s Compensation coverage. In the event of an employee in-patient hospitalization or fatality, employers must not move any equipment unless they need to remove victims or prevent further incidents and injuries until a representative of L&I investigates the accident.

If an injury does occur at the workplace resulting in any of the above scenarios, you must assign people/witnesses to assist L&I in an investigation. As an employer, you are also required to conduct a preliminary internal investigation for all serious injuries.

This must include the following people: a person designated by the employer, the immediate supervisor of the injured employee, witnesses, an employee representative, such as a shop steward or other person chosen by the employees to represent them, any other person who has the experience and skills. For more information on OSHA 300 Log requirements or serious injury or fatality reporting procedures, visit lni.wa.gov/ safety/rules/chapter27

Please join us on Thursday, November 21st during our Monthly Safety Webinar to learn about Safety and Supervisor: A Supervisor’s Role in Safety. For questions or more information, please contact us at 206.329.1120 ext. 4, 509.381.1635 ext.4, or email safety@archbright.com.

Source: Eric Wood, Loss Control Analyst II at Archbright

**Did You Know?**

L&I proposed a decrease in average Worker’s Compensation insurance rates for a third year in a row! The proposal is for a 0.8 percent decrease in the average premium employers would pay for coverage in 2020. If adopted, the decrease would mean Washington employers as a group, would pay $21 million less in premiums – averaging about $15 less a year per employee. Public hearings are scheduled for November with a final decision being made by the end of the month.

**Monthly Safety Webinar**

Safety & Supervisor

Thursday, November 21st, 2019 | 2:15 p.m.

Effective safety and health programs do not rely on any single individual or department. In fact, it requires the involvement of the entire company: management, supervisors, and workers. Everyone has responsibilities. As stewards of the company, supervisors must clearly understand the key role they play in safety.

Visit the Safety Webinars page at Archbright.com for registration information. Reserve your seat today!

**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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