**Archbright™**Insights NewsletterDecember 2020

**Archbright ReClaim: Rewarding Members for their Commitment to Safety**

Our new service, Archbright ReClaim, helps companies lower their workers’ compensation premiums through proven and effective claims management and safety practices. And as an added incentive, each year the best performing participants receive a partial or full service fee refund, and potentially an additional bonus, as a reward for reducing claim costs.

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 participating organizations pay to Archbright.

Archbright then takes 30% of that service fee each year and distributes refunds to the best-performing companies enrolled in the program.

Our team helps program participants manage every claim to get their injured employee back to work and prevent injuries before they happen through proven safety support. This dedication to workers’ compensation will not only save members thousands of dollars in insurance costs over time, it could also earn participants an Archbright 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.

**Introducing 15Five**

I am excited to announce that Archbright recently partnered with 15Five, a people and performance management platform. 15Five takes a holistic approach by combining evidence-based software, services, education, and day-to-day practices to create highly-engaged, high-performing organizations.

We started using 15Five at Archbright this year and are thrilled with the platform!

Through strategic weekly check-ins, 15Five delivers everything a manager needs to maintain visibility and impact performance, including continuous feedback, objectives tracking, recognition, 1-on-1s, and 360 reviews.

Archbright follows the EOS (Entrepreneurial Operation System) management system highlighted in the book TRACTION. 15Five is the perfect platform to help us instill focus, discipline, and accountability throughout the company so that everyone executes on our vision—every day. We are working predominantly remotely during this pandemic and 15Five has been a lifesaver to me as CEO, the leadership team, and our teams.

The platform solves the challenges inherent in managing remote and distributed teams by helping us stay focused on what matters. The Objectives and Weekly Priorities, Check-In, and High Five features confirm priorities between a manager and their team to enable higher performance, productivity, efficiency, and peer recognition.

If you’d like to learn more about 15Five, please reach out to your Account Executive or email us at info@archbright.com.

**An Update on Archbright’s First Aid Classes**

Archbright is committed to the safety and health of all workplaces. Due to the current pandemic, in-person First Aid & CPR certification offerings have been put on hold. Employees that previously received certification through Archbright, whose certification expired between February 2020 and August 2020, have received an automatic 120-day certification extension.

Employers in Washington State should also note that Washington Labor & Industries (L&I) is not currently enforcing First-Aid certification requirements under DOSH Directive 1.60 due to the high risk of COVID-19 for in-person training. Archbright continues to monitor the pandemic as well as Federal and State requirements that impact employers.

As soon as we are able to start offering this training again, and/or when L&I starts enforcement again, we will notify Archbright members. If you have any questions, please contact [info@archbright.com](mailto:info@archbright.com).

**New Toolkit Resource: Employers Guide to Workplace Injuries**

Any employer’s primary goal is to keep employees health and on the job; however, accidents and injuries do occur from time to time.

When someone becomes injured or ill in the workplace, the focus should be on getting the employee prompt medical attention and ensuring that all responsible equipment, materials, or practices are immediately addressed to avoid further harm. Understanding the roles that the employer and ill or injured person should follow can help aid in recovery and speed the claim process.

Our new toolkit resource, the Employers Guide to Workplace Injuries, assists employers in better understanding how to handle workplace injuries, including HR, safety, and legal considerations, as well as best practices.

Eligible members can access the guide in our Online Toolkit, found under Member Home on Archbright.com, or through our mobile app, Archbright Mobile, available on the App Store or Google Play.

**All Archbright University Classes to Remain Virtual Through June of 2021**

Archbright University public classes have been scheduled for January through June of 2021 and are now open for registration on Archbright.com. All classes will be held virtually.

As you finalize Q1 and Q2 training plans for yourself or your organization, please note the following are on the schedule for January:

* Our next PHR/SPHR Certification Exam Prep Program kicks off on January 12. It is the first of two opportunities to complete the program before the end of June. The 12-week program is taught by our experienced subject matter experts.
* Our new class, The Power of Habit, is on January 14. Based on the New York Times bestseller by Charles Duhigg, The Power of Habit™, this course draws on the science of habit formation to help learners recognize when they need to change, what behaviors they ought to change, and how to make desired behaviors stick.
* If you have not yet experienced our Crucial Conversations class, your next opportunity is January 20. This incredible class teaches you how to achieve spirited dialogue at all levels in your organization and introduces a set of tools that builds alignment, agreement, and interpersonal communication.

All of our virtual courses are taught by an expert, live on screen so participants can ask questions throughout each class. You can expect the same level of interactivity as when taking an in-person class—we use onscreen chat, virtual whiteboards, and good old-fashioned conversation.

If you have any questions about Archbright’s public classes, please reach out us at info@archbright.com!

**Will the FFCRA be Extended into 2021?**

Will FFCRA be extended into 2021? The short answer is…we have no idea! As 2020 comes to an end, so might the Emergency Paid Sick Leave and Emergency Paid Family and Medical Leave under the Families First Coronavirus Response Act (FFCRA) – at least that’s what we know as of now.

When Congress passed the FFCRA in March, there was no expectation that the pandemic would continue past the end of the year. It is not clear yet whether Congress will extend the paid leave law – or replace it with something entirely different. In the meantime, however, employers should consider how they will handle continued leave requests when the FFCRA expires.

So, what happens if FFCRA leave is no longer available and employees still need leave?

First, employers must keep in mind that other protected leaves may still apply. These protections may include ADA, Washington Family Care Act, Washington’s Paid Family Leave Act, Oregon Family and Medical Leave Act (OFLA), and protected sick leave under Washington and/or Oregon law may apply for an employee and family member or if school or daycare closure is mandated by a public official. If the employer is notified that an employee has a medical impairment that compromises their immune system in such a way that exposure to the virus may create a “direct threat” of harm to the employee, it may also be necessary to engage in the interactive process under the ADA to determine the nature of the employee’s medical status and need for accommodation. In addition, the protections under Washington’s “high risk proclamation” have been extended through the State of Emergency.

If no protected leaves apply, employers must be prepared to manage expectations regarding remote work or flexible schedules. Consider whether remote work or modified schedules may be available for employees that need flexibility to care for young children that must attend school virtually from home. It is not clear when or if some schools will reopen this school year and employers should consider how they can continue to support working parents.

It is also important for employers to consider how they will handle guidance from the CDC or state and local health departments related to quarantine or testing. Employers must continue to be mindful of their duty to provide a safe workplace for all employees – and that means following the guidance of health professionals to reduce the spread of COVID-19 in the workplace.

At this point, employers should remind employees of the anticipated expiration of the FFRCA and be prepared to answer employee questions about remaining FMLA balances, leave options in 2021, and what, if any, paid time off is available. Archbright will continue to monitor any changes or extensions relating to the FFCRA and will update members as more information is provided. Eligible members may also access Archbright’s comprehensive KeyNotes and sample policies available in the Online Toolkit and COVID Resources page located on the Members Only website.

*Source: Joy Sturgis, Content Manager*

**Washington Minimum Wage Increases January 1, 2021**

Reminder: Effective January 1, 2021, Washington’s standard minimum wage will increase to $13.69/hour. Seattle’s minimum wage will increase to $16.69/hour. Small employers may meet the $16.69 minimum wage by paying no less than $15.00 per hour in wages and contributing at least $1.69 per hour toward an employee’s medical benefits and/or reported tips.

**Employer Considerations for Holiday Closures**

With the holidays right around the corner, many employers might be considering closing operations for a few days, such as the week between Christmas Day and New Year’s Day. If this is something you may be considering for the first time or is something you have done in the past, there are several considerations, including:

* Pay: Employers are not obligated to pay non-exempt (typically hourly) workers if no work is performed. If an exempt (salaried) employee works any part of the week, the weekly salary must be paid. However, if an exempt employee does not work the entire work week, no salary needs to be paid. Employees may be required to use available paid vacation time off during a shutdown period, subject to state or local law. For more information, reference Archbright’s KeyNote Furloughs and Pay Docking for Exempt Employees.
* Notification to Employees: It is advisable to let employees know as soon as possible if operations will be shut down. Similarly, if the employer expects employees to use vacation or other eligible paid time off during the shutdown period, that expectation should be promptly communicated as well.
* Unemployment: Employees who are laid off without wages for all or part of a shutdown period are eligible to file for unemployment. Employers should not promise that an employee will receive unemployment benefits, as the decision to award unemployment benefits is made by the state’s unemployment office, and there may be considerations unknown to the employer.
* Holiday Pay: Employers are generally not required to pay employees holiday pay. A holiday is generally considered an employer-provided benefit, subject to the employer’s policies. Therefore, if a holiday occurs during a shutdown period, the employer’s policies or practices would dictate whether the holiday is paid. It is important to remember, however, that the law only requires employers to consider actual hours worked versus hours paid when calculating overtime pay. If the employer provides paid holidays, it is not required to count the unworked paid holiday hours towards the overtime calculation for a non-exempt employee. Keep in mind, however, that an exempt employee that works any part of the work week must be paid their weekly salary.

To help manage your workplace obligations during the holidays, plan ahead, and have clear policies and procedures in place. Eligible Archbright members are encouraged to contact the HR Hotline with any questions or to seek specific guidance. Eligible members may also access Archbright’s Online Toolkit to review KeyNotes, sample policies, and forms, available on the Member website or mobile app.

*Source: Joy Sturgis, Content Manager*

**HR FAQ**

**Question:** We want to mandate COVID-19 testing. Can we require all employees to get tested?

Answer: Although the EEOC currently allows employers to administer COVID-19 testing to employees before allowing them to enter the workplace, there are many HR and legal concerns and considerations employers should consider before adopting testing requirements, including:

* Testing only provides a result based on a point in time. A negative test one day may not mean the employee will not contract the virus the next day. Guidance from health officials also states that there may be a delay between the time a person is exposed to the virus and the time that the virus can be detected by testing.
* If an employer requires a test as a condition of employment, the employer must generally pay for the test – and the employee must generally be paid for the time required to take the test.
* Test results are not 100% accurate. The possibility of false negatives has been reported by health studies, which could mean an employee actually does have the virus.

Unless health officials have recommended testing for your industry, employers should instead consider other alternatives to help keep the workplace safe, including:

* Daily screening of symptoms for employees and visitors entering the workplace;
* Enforce face covering, physical distancing requirements, and other safety precautions through a robust and comprehensive on-site safety plan;
* Provide training for employees and retrain periodically as guidance is updated from state and local health officials. Remind employees of the importance of keeping the workplace safe for themselves and their families.

Employers that want to adopt testing are encouraged to consult with legal counsel before implementing testing. Employers desiring to implement a comprehensive COVID-19 workplace safety plan are encouraged to contact Archbright’s Safety Hotline.

**Executives Expect Outlook to be Improving According to Employer Associations of America 2021 National Business Trends Survey**

In the just released 2021 National Business Trends Survey from the Employer Associations of America (EAA), 44 percent of executives expect the overall outlook for the 2021 economy to be improving. This annual survey shares information on what executives nationally are doing to address the changing business climate. Survey responses also reflect the impact COVID-19 has had on this year’s business trends.

When executives were asked if the overall U.S. economy in the next 12 months will “improve, stay the same, or decline,” the largest segment of respondents (44 percent) think it will improve, as opposed to last year with only 12 percent planning that the economy would improve. This year, 33 percent think it will stay the same (last year 52 percent expected the economy to stay the same). Only 24 percent think it will decline (compared to 36 percent in 2020).

An additional 11 questions were added to this year’s survey regarding COVID-19’s impact on business, addressing employee safety, stay at home/social distancing, work from home/remote work, interviews/training online/remote meetings, hazard pay/bonus, and candidates unwilling to work in the office/field. When asked how concerned respondents are regarding COVID-19 and its impact on business continuity (e.g. supply chain, financial implications, temporary shutdowns), 52 percent indicated that they are “extremely to moderately concerned.”

Following are the top five measures that executives say they have been or are planning to continue to implement in 2020 and 2021 to address COVID-19 (listed in order of the top responses from 2021).

| **Measures to address COVID-19** | **2020 % of Responses** | **2021 % of Responses** |
| --- | --- | --- |
| Deep clean/disinfect work areas on a regular basis | 85 | 72 |
| Enforce plans/policies regarding employees who become ill or exhibit COVID-19 symptoms while at work | 84 | 70 |
| Communicate frequently to employees about self-screening protocols | 70 | 55 |
| Increase signage regarding COVID-19 prevention protocols | 77 | 52 |
| Enforce plans/policies to accommodate employees who need to remain home due to underlying health issues | 65 | 50 |

Similar to last year’s survey responses, the top three serious challenges for business executives include:

* Talent acquisition
* Talent retention
* Ability to pay competitive wages

“Ability to pay for benefit costs” and “Cost of regulatory compliance” rounded out the overall top five business challenges facing 2021.

Also noteworthy for 2021 wage/salary strategies, 64 percent of the executives responding to the survey are planning to award wage/salary increases, along with 29 percent awarding variable pay bonuses for 2021.

According to 2021 survey responses, following are the top measures that executives say they have been implementing or are planning to continue in 2020 and 2021 to strengthen business results (listed in order of the top 2021 responses).

| **Top 5 Measures** | **2020 % of Responses** | **2021 % of Responses** |
| --- | --- | --- |
| Invest in technology | 38 | 47 |
| Invest in equipment | 33 | 41 |
| Increase flexible work arrangements | 39 | 39 |
| Increase recruiting emphasis | 20 | 26 |
| Use data analytics to improve business strategy | 15 | 21 |

The EAA is a nonprofit national association that provides this annual survey to business executives offering insights and trends for business outlooks, business investment plans, staffing levels, hiring plans, job creation, pay strategies, and business challenges.

The 2021 survey saw an increase in participating organizations, up nearly 400 from last year with 1,484 participating organizations throughout the U.S.

Archbright members who participated in this survey received the report for free. The report is also available for purchase on Archbright.com.

**Holiday Celebrations – Pandemic Style**

This holiday season is shaping up to be unlike any other. Many of us have never experienced quarantine or pandemic prevention strategies quite like what’s happening in the world right now. The Centers for Disease Control (CDC) and local health authorities have all issued statements advising against large group holiday celebrations intended to reduce the spread of COVID-19. Many employers have canceled their annual holiday festivities, and most people are following guidelines to limit holiday celebrations to those in their households.

Although this season is different than those in years past, it is not too late to come together to spread cheer and practice gratitude. If looking for a way to bring your team together, consider hosting a virtual holiday gala. Encourage attendees to dress in fun seasonal attire such as ugly holiday sweaters or something that sparkles. Take requests from employees regarding their favorite holiday music that would play during the event, and consider games like ‘Holiday Party Bingo’ or have a workspace decorating contest. Consider having colleagues draw each other’s names before the event and have them write a kind note or list something they appreciate about the person whose name they drew to be read anonymously during the party. Get creative and have fun; everyone can use a break to unwind from these stressful times. If a celebratory toast is on the agenda, schedule the festivities for the end of the workday and remind employees to follow the company’s policy on alcohol. Of course, make sure you run all ideas past your HR department. People enjoy the holidays in different ways and it’s important to be considerate of your workers’ varied backgrounds.

Regardless if your company chooses to celebrate the season together virtually or not, it’s a good practice to review COVID-19 prevention strategies with all employees. It may have been a while since your company provided the required training for staff on reducing the spread of the virus. As work activities have moved indoors due to cold weather or people are getting together with friends and family on their personal time, COVID-19 cases could increase. Consider   
re-training your employees on current CDC or State guidance, including:

* Maintain six (6) feet of distance with anyone not in your household.
* Wear a face covering that covers both the mouth and nose when outside of the home, in areas where there are other people, and anytime inside a business.
* Wash your hands before eating or drinking, before and after touching your face or using the restroom. Use soap and water, and scrub for at least twenty (20) seconds.
* Clean and disinfect commonly touched surfaces regularly.
* Avoid social gatherings with those outside of your household. Although we all miss our friends and family, positive COVID-19 cases are on the rise.

Don’t forget to keep up with daily COVID-19 screening before employees enter the workplace. Not only is screening required, but it is also a good prevention method to help identify those who may be experiencing symptoms and prevent them from sharing the virus with others. Encourage employees to get their annual flu vaccinations and continue good hygiene practices.

We wish everyone a safe, healthy, and happy holiday season!

*Source: Tiffany Knudsen, Safety Content Manager*

**Safety & Health Webinars**

**Tips, compliance information, and tools to take safety programs to the next level!**

Archbright’s extensive safety & health webinar library is available to all members. Our Safety, Loss Control, and Workers’ Compensation experts record monthly webinars that employers can use to build, or update, required written safety programs and establish best practices.

Topics include:

* COVID-19 Safety Program Requirements
* 8 Essential Elements of Safety Series
* Required Written Programs
* Safety Train the Trainer Topics
* Employee Safety Engagement
* Claims’ Financial Impact
* Retrospective Rating
* And More!

Most webinars are designed in conjunction with sample templates and tools for employer implementation. Contact safety@archbright.com for more information about this webinar library!