**Archbright™**

**Insights Newsletter**

**April 2019**

**Are You in Compliance?**

A recent survey\* on HR compliance found that fewer than half of small businesses have confidence that they are fully aware of employment laws and regulations affecting their businesses at the federal (45%), state (48%) or city/county (49%) levels.

Archbright can help you determine how you’re doing a number of ways:

* **The HR Snapshot.** This self-serve online quiz gives you immediate feedback on all areas of your HR function. Find out more about how to access this member benefit in our CEO Corner on page 2.
* **The HR Check-Up.** We designed our HR Check-Up service to quickly and affordably identify issues that your company needs to address. Our HR Consultant will spend a ½ day onsite reviewing your files and meeting with key personnel. Then, you’ll receive a summary report with an assessment of your current state as it relates to 5 key areas, best practices, recommendations, and priorities for next steps.
* **The HR Assessment.** This is an all-inclusive review of your HR function, taking a deeper dive than the HR Check-Up. Our consultant spends a full-day onsite, conducts interviews, and collects documents. After the onsite visit, we spend several weeks reviewing your information. Once the analysis is completed, we deliver a comprehensive Executive Report outlining all areas that are meeting current compliance levels as well as the areas that are at risk.

Taking the time to evaluate how well your organization complies with employment laws can be next to impossible. But there are real risks to not knowing. If you’d like to find out more about these services, reach out to us at info@archbright.com, 206.329.1120, 509.381.1635, or visit Archbright.com.

\* 2018 National Small Business Compliance Survey by ComplyRight

**Take the HR Snapshot!**

There are times when it is important to take a closer look at how HR is functioning in your organization. Maybe you have experienced turnover in your HR team or you have recently gone through significant growth. Or maybe you worry that in light of all the changing employment laws that you are simply unaware of what you should be doing to ensure compliance.

That’s where our HR Snapshot comes in. This member benefit is a great tool to help you review your HR practices and uncover any areas you may need to address for both compliance and employee engagement.

The HR Snapshot is an online quiz that asks 55 different yes/no questions about HR at your organization. It takes about 30 minutes to complete and then you’ll immediately see your results. Maintained by our expert team of HR Advisors, in these results you’ll learn key compliance information, best practices, and our recommendations for next steps.

To get started, visit your Member Home page and choose the version (based on the number of employees at your organization) that applies to you. It’s that easy! Even better, this member benefit is available to you at any time and there is no limit as to how many times you can use it.

If you haven’t completed an HR Snapshot yet, we hope you’ll give it a try now! For more information or to provide feedback on the HR Snapshot, please email us at info@archbright.com. We’d love to hear from you!

**Annual Spokane Workplace Performance Symposium**

Archbright is pleased to announce our annual Spokane Workplace Performance Symposium on May 1st. The symposium program offers a unique opportunity for participants to learn from Archbright experts as we discuss the latest in human resource trends and practices.

This year’s presentations include:

* Organizational Culture & Safety | Presented by Joseph Marth, Vice President of Workplace
* Innovation and Art Dalessandro, Vice President of Business Development
* Must Do’s in the Era of #METOO | Presented by Erin Jacobson, Staff Attorney
* Five Behaviors of a Cohesive Team | Presented by Krisann Hatch, Regional Director, Eastern Washington & Idaho

Seats are limited. We welcome a maximum of 2 attendees per organization.

Spend your morning with us. Mingle with other HR professionals! Meet the Archbright team. All are welcome!

**When:** Wednesday, May 1 | 9 am to Noon | 8:30 am – Check-in Begins

**Where:** Northern Quest Resort - The Loft Room | 100 North Hayford Road | Airway Heights, WA

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

This program has been approved for 2.25 (HR (General) recertification credit hours toward aPHR™, aPHRi™, PHR®, PHRca®, SPHR®, GPHR®, PHRi™ and SPHRi™ recertification through the HR Certification Institute.

**Archbright: Your Go-To Resource for Safety Training**

Stay safe from injuries and penalties with Archbright’s safety training, available in Seattle, Spokane, and at your organization’s location.

Active Shooter Preparedness and Response for Employers: This course explores the dynamics of typical active shooter situations and discusses current best practices for preparation and response to such incidents.

Seattle | June 13 | 9 am to 12 pm

Dealing with Hazardous Waste: Dealing with Hazardous Waste meets the annual training requirement and covers the basics of proper handling, storage and disposal of dangerous waste to ensure your facility’s compliance.

Seattle | July 2 | 8:30am to 4:30pm

Forklift Train-the-Trainer: Forklift Train-the-Trainer was created to allow a competent employee to inform, train, evaluate, and certify new or experienced forklift operators to meet the WISHA code.

Spokane | April 10 | 9am to 3:30pm Seattle | July 9 | 9am to 3:30pm

Shipping Hazardous Materials: This course satisfies Regulation 49 CFR 172.700-704, which requires everyone participating in the transportation of hazardous materials be trained within 90 days of hiring or reassignment.

Spokane | September 16 | 8:30am to 5:00pm Seattle | September 25 | 8:30am to 5:00pm

Shipping Hazardous Materials Update: This course satisfies the requirement in Regulation 49 CFR 172.700-704 for recurrent training at least every three years.

Spokane | September 16 | 12pm to 5pm Seattle | September 25 | 12pm to 5pm

Understanding Workers’ Compensation and Controlling Costs: This course addresses many common misconceptions and explains the law in non-legalese, user-friendly terms.

Seattle | April 9 | 8:30am to 12pm

First Aid/CPR/AED Certified Training: Certified by Washington Industrial Safety & Health Act and Washington State Department of Labor Industries, WAC 296-800-15005 stipulates that employers assure adequately trained personnel are available in the event a medical emergency occurs in

the workplace.

Seattle | April 23 | 9am - 4pm Seattle | May 7 | 9am - 4pm Seattle | May 29 | 9am - 4pm

First Aid/CPR/AED Recertification: For those who have already been certified within the last two years.

Seattle | April 30 | 8:30 am to 1:00pm Seattle | May 24 | 8:30 am to 1:00pm

**In Case You Missed It: Archbright eAlerts**

**Employers Required to Submit EEO-1 Data May Now Do So, But What About Pay Data?**

The EEOC’s online portal is now open through May 31, 2019 for employers filing EEO-1 2018 employment data. There is substantial uncertainty, however, as to whether additional pay data needs to be submitted this year. At issue is the so-called “Component 2” data for EEO-1 reports. Within the past couple of years, the EEOC had announced it would require covered employers to submit not only information on employees’ race/ethnicity and gender by job category (Component 1), but also data on employee pay and hours worked, reported

in pay bands for EEO job categories (Component 2). This additional data was to be collected for the first time for 2018. In 2017, however, another federal agency challenged the collection of Component 2 data and issued a stay on that collection. The matter ended up in court.

On March 4, 2019, a federal court held that the stay was improper and ordered the collection of Component 2 data “immediately” reinstated. That order has left employers, legal professionals, and the EEOC itself wondering if this means employers have to report that pay data in time to meet the May 31, 2019 deadline. Yesterday, the court ordered the EEOC to inform employers by April 3, 2019, whether the information needs to be submitted for the 2018 EEO-1 reporting cycle. The EEOC announced it is, “…working diligently on next steps in the wake of the court’s order…” and the agency, “…will provide further information as soon as possible.”

So what should employers do? The first step is to make sure the filing requirements even apply. As a reminder, only certain employers are required to submit EEO-1 data, including, for example, federal contractors and first-tier subcontractors with 50 or more employees and a single contract of $50,000 or more, and employers subject to Title VII with 100 or more employees, regardless of federal contractor status. If filing requirements apply, Archbright recommends employers prepare the Component 2 data, but hold off submitting it until further instruction is announced by the agency.

Source: Archbright

**Washington’s Employment Security Department Extends the Paid Family and Medical Leave Q1 Reporting Deadline**

On March 13th, the Employment Security Department announced that it has extended the first reporting deadline for employers under the new Paid Family and Medical Leave plan. The new deadline is July 31st, by which time all Washington employers will need to follow the State’s process – currently in development – for submitting all required reports and premiums for both the first and second quarters of 2019.

The new deadline for reporting does not change employers’ continuing obligations, which began January 1st, to deduct and set aside both the employee and employer premium contributions. It merely extends the time to submit those premiums to the State.

Source: Archbright

**U.S. Department of Labor Releases Proposed “Overtime Rule” Updates**

On March 7, 2019, the U.S. Department of Labor (“DOL”) proposed a revised rule regarding the salary required for an employee to be considered exempt from the federal overtime rules, raising the rate to an expected $679 per week ($35,308 per year). In addition to raising the minimum salary threshold from $455 to $679 per week, this proposed rule also increases the highly compensated employee exemption from $100,000 to $147,414 per year. No changes were proposed to the duties tests for the exemptions. The rule must go through an extensive public comment period before its enactment, which is expected to be sometime in late 2020.

In addition, Washington’s Department of Labor and Industries (L&I) has released an initial pre-draft version of updates to the exemption rules that include significantly raising the salary basis test. Under the pre- draft proposal to the rules, the salary basis would increase to a minimum of 2 to 2.5 times the state minimum wage for a 40 hour workweek, which would range from $1,080/week to $1,350/week – or $56,160 to $70,200 annually – with an expected effective date in 2020. These changes proposed by L&I are considered to be a “pre-draft” which means L&I is still seeking stakeholder comment and has not technically proposed an official rule change. After L&I considers input regarding the pre-draft rules, they will create “draft rules” and hold public hearings for the general public to submit formal comments before they are finalized.

For now, it is important to note that these rules are simply proposals at this point – many changes might occur before either rule is finalized. However, employers should begin planning and evaluating what effect these changes could have on compensation systems, including conducting an audit of employee classifications to ensure that exempt job positions are classified properly.

Source: Archbright

**HR FAQ**

**Question:** We have an employee who is refusing to go see a physician after a work place injury. Can we force them to go?

**Answer:** The short answer is no, you cannot force someone to seek medical treatment.

However, you must still assess the injury or illness to determine if they may need further treatment. If the injury is minor, note that in your incident report and have the employee sign a statement saying they have been offered medical treatment but are declining.

If the injury is more severe and you are concerned, start by trying to gently persuade them that it would be in their best interests to seek care. If they still refuse and you still are concerned that the injury needs immediate treatment, you can tell them that you are placing them on unpaid leave until they have provided a fitness for duty to return to work.

While it is important to handle workplace injuries with care, keep in mind that not all injuries will need medical care.

**Millennials are Double-Edged Sword for HR: The Most Common and Hardest Employees to Engage**

It’s predicted that, by 2020, millennials will make up 35 percent of the global workforce. Clearly, they are an important demographic for businesses to recruit, motivate, engage and retain. But according to the “Technology’s Role in Managing & Retaining Employees” research study released by Speakap, millennials are a double-edged sword for HR professionals—they are the most common and the hardest generation of employees to engage. In fact, 48 percent of the surveyed HR professionals in the US and UK reported that millennials make up the majority of their non-desk workforces. On top of that, 32 percent said millennials are the hardest group of employees to engage— more so than Gen Z, Gen X and baby boomers.

As a generation, millennials value meaningful experiences over products. are more idealistic than pragmatic, are continuously in search of personal fulfilment (rather than ‘just another job’) and aren’t tolerant of subpar experiences—whether it’s the customer experience delivered by brands or the employee experience delivered by employers.

According to Erwin Van Der Vlist, Co-Founder & CEO of Speakap, there are specific ways companies can better communicate and engage with these younger generations of employees. “First and foremost, companies should tap into millennials’ intrinsic desire for personal fulfilment and a sense of purpose. A smart and secure way to do this is to take advantage of the socially intuitive experience (and user interface) provided by enterprise social networks and use these platforms to provide ongoing learning and development content. This will help your millennial workforce not only improve their job-related skills, productivity and performance, but it will also make them feel personally fulfilled in their roles and more satisfied with the company.”

Key findings from the study include:

* Technology-enabled HR is the rule, not the exception. Nearly three-fourths (69 percent) of the survey respondents said that their organizations currently implement technology-driven HR initiatives. Plus, 48 percent said that 16-45 percent of their total HR budget is allotted to technology designed for internal/employee communications.
* High employee turnover is a problem that cannot be ignored. 75 percent of the surveyed HR professionals said they experience an average turnover rate of up to 30 percent each year. This is further supported by the fact that 15 percent of the respondents said their employees only stay for a duration of 1-2 years, while another 8 percent said the average duration of employment for their workers is less than one year.
* Real-time feedback, socially engaging experiences and mobile access influence engagement with millennial and Gen Z workers. 46 percent of the respondents said that their millennial and Gen Z workers want an employee communications platform with a similar functionality and experience to social media. Plus, 47 percent said their millennial and Gen Z workers prefer to have questions answered in real-time.
* Improving employee-manager relationships and reducing turnover are bigger HR priorities with Gen Z workers than millennials and baby boomers. When asked to cite their top HR priority for managing Gen Z employees in 2019, 18 percent of the respondents cited ‘keeping employees engaged long-term’ and 13 percent cited ‘improving employee-manager relationships.’
* When it comes to engaging baby boomers, mobile access and tech- enabled HR initiatives are less important. 45 percent of the surveyed HR professionals said their baby boomer workers rarely use social media/mobile apps, while 57 percent said this generation of employees are more likely to disconnect after working hours.
* Inefficient, delayed feedback loop creates a black hole in employee communications. 39 percent of the surveyed respondents admitted to using paper surveys and 49 percent said they use the company intranet as a means of collecting employee feedback.

Erwin Van Der Vlist concluded, “A key takeaway from our research study is that HR departments should modify their employee communications based on the demographics of their employees. Given that millennials, Gen Z and baby boomers all have different tech skills, mobile adoption rates and expectations for the employee experience, this should be a no-brainer. I would recommend that organizations apply a buyer persona approach to their HR communications to better understand where their employees are searching for information online, what content employees are consuming most often and what content has the greatest influence in persuading them to take an action. This will prove tremendously valuable if organizations – and their HR departments – want to make a meaningful connection with these workers and keep them engaged long-term.”

Source: Speakap / CCH

**Partner News: Open Enrollment Rate Guarantees for Media, Transportation, Maritime, Healthcare, Tourism, Hospitality, and Aerospace Businesses**

Archbright has partnered with Business Health Trust (BHT) – Washington’s source for employee benefits to provide access to high quality, affordable healthcare options to our members.

Whether you have two employees or more than 100, BHT can help you

create a benefits program that attracts talent and keeps your employees healthy and productive – at a budget you can afford. Their comprehensive offerings give employers a choice of over 20 affordable medical plans from major carriers like Premera and Kaiser, and a wide range of additional employee benefits including dental, vision, life insurance, personal accident, and an employee assistance program.

In addition to insurance, BHT offers comprehensive plan administration, and a wide variety of additional services, resources, and savings such as on-demand virtual care, monthly wellness resources, cost-savings on common office supplies, business services, and up to 50% off on retail ORCA passes.

If your business is in one of the following industries you can take advantage of open enrollment rate guarantees through June 2020: Media, Transportation, Maritime, Healthcare, Tourism, Hospitality, Aerospace. If you’re not in one of these industries, you can still get a quote with rate guarantees through December 2019.

Even if you already offer health insurance to your employees, we can receive a free quote from BHT to compare rates and learn more about the options that are available to you at https://businesshealthtrust.com/request-a-quote/.

Source: Business Health Trust

**Protecting the Workforce from Silica**

Respirable Crystalline Silica has been on a lot of employers’ minds these days. It is an extremely hazardous particulate that, if exposed to certain levels over time, can lead to lung cancer, silicosis, COPD and/or kidney disease.

Deciphering the updates to the regulations that the Occupational Safety and Health Administration (OSHA) and the Department of Labor and Industries (L&I) have put forth can be a difficult task for employers that use this in their daily operations. First, let’s take a step back and learn a little about this particulate.

Silica is a common mineral found in the earth’s crust. Materials such as sand, stone, concrete, and mortar contain crystalline silica. It also has been used in producing products such as glass, pottery, ceramics, bricks, and artificial stone.

This particulate in-turn becomes hazardous to an individual’s health when exposed to inhalation of Respirable Crystalline Silica (RCS) over an extended period. RCS particulates are very small particles that are a least 100 times smaller than beach sand. It becomes inhalable when cutting, sawing, drilling, grinding, and when crushing stone, rock, concrete brick, block, and mortar. This coincides with activities that involve abrasive blasting (or sand-blasting), sawing brick or concrete, sanding or drilling into concrete walls, grinding mortar; manufacturing brick, concrete blocks, stone countertops, or ceramic products, and crushing or cutting stone. Also, industrial sand used in foundry work and hydraulic fracking can also expose workers to RCS.

OSHA estimates about 2.3 million people in the US are exposed to silica at work. So how do employers protect their workers from exposure to this hazardous particulate and ensure they are compliant? General industry updates are more geared toward more extensive sampling, as well as sequestering areas where RCS may be present.

Key points in the updated requirements for General Industry include:

* Exposure Sampling (if at or above action level of 25 micrograms per cubic meter of air, over an 8-hour TWA)
* Dust Controls (wet methods and ventilation)
* Respirators (if dust controls don’t keep exposures below the PEL, respirators are required to affected workforce)
* Medical Exams\* (offered to workers exposed at or above the action level – 25 Ųm3 – for 30 or more days a year). This must be offered every three years
  + if worker has exposure for 29 days a year, you are not required to offer Medical Exams
* Warning Signs and Regulated Areas – Warning signs must be posted at entrances to designated areas where exposures are above PEL’s

For questions or more information, please contact your Safety & Loss Control Consultant at 206.329.1120, 509.381.1635, or email safety@archbright.com.

**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: info@archbright.com | Georgetown Office: 5601 6th Ave S, Suite 400, Seattle WA 98108 | Phone: 206.329.1120 | Web: www.archbright.com