**Archbright™**

**Insights Newsletter**

**May 2020**

**Introducing Our New Class for Managing Virtual Teams**

A recent Korn Ferry survey reports 77% of remote workers are finding it difficult to concentrate during the outbreak, saying they are distracted by watching the news, worrying about health of friends and family, and trying to work from home with kids present.

Managing remote workers can be challenging, especially during these times of uncertainty and stress. If your organization recently switched to remote work in response to the outbreak, or if you have always had the option of working remotely, managers are now required to flex a whole new set of skills.

In our new 90-minute interactive class **Stay Connected: Tips & Techniques for Managing Remote Teams**, managers learn 3 key areas to keep virtual teams connected and productive: Communicate More and More Often, Manage Deliverables and Deadlines, and Nurture People and Relationships.

This course helps participants:

* Improve communication techniques for virtual workers
* Manage productivity by clearly establishing deliverables and deadlines
* Understand how to nurture people and relationships to achieve better results
* Create practices that are transferable to non-virtual work

Registration is now open at Archbright.com for the following virtual sessions:

Thursday, May 21 | 9 am to 10:30 am

Tuesday, June 2 | 9 am to 10:30 am

Tuesday, June 16 | 9 am to 10:30 am

Monday, June 29 | 9 am to 10:30 am

If you are interested in training a group of managers, this class is also available as a virtual onsite for members. Please reach out to your Account Executive or info@archbright.com for more information.

**New Member Benefit:
COVID-19 Employee Pulse Survey**

As a leader, I have found this time of COVID-19 to be challenging, to say the least. I know it has been equally challenging for the Archbright team. I wanted a way to assess how our employees are handling its impact both personally and professionally as well as solicit feedback on how they think we as leaders are supporting them during this crisis.

To do this, I asked my Workplace Innovation Team to put together a quick PULSE survey that I emailed to all employees. Within minutes we received valuable, actionable feedback, including an area of communication we were able to tighten up right away.

I highly recommend you do the same. So, a few weeks ago, I emailed all members with the opportunity *to run this same survey with your teams at no charge as a member benefit*. The response was incredible.

Over the last 2 weeks we have implemented the survey for many members, and their survey experience was just as valuable as ours. We have heard time and again how helpful it was to hear directly from employees about how they are doing during these uncertain times.

If you have not yet run the pulse survey, it is still available to you.

It includes 4 key categories of questions with open comments options in each category. You simply email the survey to your employees, coordinating your launch and close date with us. Then, we will send you links to your online reports to monitor results as they come in. We will also provide you with a sample survey launch email.

If you are interested, contact us at surveys@archbright.com with your request. We are ready to help!

**The 2020 Regional Benefits Survey Opens for Participation This Month**

We are pleased to announce Archbright’s 2020 Regional Benefits Survey opens for participation on May 11. This survey reports practices related to benefits in the region including:

* Holidays
* Time-off
* General Compensation Trends
* Health & Welfare Benefits
* And more

This year, we are also including a special COVID-19 section with questions about how benefits and policies have been impacted as a result of the pandemic.

All survey contacts will receive an email invitation to complete the survey on May 11. The survey will close on June 12, 2020. Archbright members who participate in this survey will receive the survey report for FREE when published.

Please contact us at 206.329.1120, 509.381.1635, or regionalsurveys@archbright.com with any questions about this year’s benefits survey.

**Register for the Next Session of the Northwest Diversity Learning Series**

Marginalizing Immigrants Is an Old Story: It’s time to Write a New Chapter

Session 3: Wednesday, May 13, *to be delivered virtually*

Learn how to make your workplace more welcoming and inclusive of immigrant employees by knowing the historical role immigration has played in the development of the United States, the contributions of immigrants to the advancement of the country and our economy—particularly in terms of start-ups, innovation, inventions, and creativity, and confront the biases and myths about immigrants, particularly immigrants of color.

Presenters:

* John Lopez, Ph.D., is president of Lopez Research and Consulting, LLC, and author of the Amazon bestselling book “An Immigrant in the C-Suite: From the Journey, Lessons for the Business Community.”
* Carlos B. Gil is an emeritus professor of the University of Washington where he taught the history of Latin America for 30+ years. He currently presides over The Latino Development Organization of the Monroe Correctional Complex and is the president of The GilDeane Group.

Registration is now open at https://www.i4sdi.org/2020-nwdls-sessions.

**The Three e’s of e-learning in the Archbright Virtual Classroom**

The term “e-learning” first appeared on the learning and development horizon in 1999, introduced by Elliott Masie, an instructional design expert. Over the past 20 years, e-learning has evolved into what it is today: a thriving industry that allows learning to happen from literally anywhere.

But not all e-learnings are created equal. To be effective, online classes must have more than just an electronic delivery. To ensure interactive learning takes place and learners stay engaged, e-learning classes must possess the three e’s. They must be entertaining, enabling, and engaging.

At Archbright University, we have gone to great lengths to ensure that every class is entertaining, enabling, and engaging, offering our entire course catalog virtually, with the exception of First Aid and select safety classes.

To ensure entertaining content for our remote participants, Archbright University instructors always teach with their video cameras on. Participants have the option to attend on or off camera, depending on their comfort level.

To create an environment in which every participant is enabled to learn, course materials are sent out ahead of time for participants to review. During class, an online ‘chat’ feature is enabled to allow learners who may not be as comfortable with interacting in-person an opportunity to contribute.

To create an engaging classroom experience, Archbright instructors use virtual break-out sessions, allowing for interactivity and peer-to-peer learning. Our interactive slides also engage learners, allowing them to type onto our virtual whiteboard to share their ideas.

The virtual classroom has come a long way since 1999 and Archbright is proud to be on the forefront of e-learning, particularly during this trying time. Rest assured, Archbright University participants will always have an entertaining, enabling, and engaging experience in any virtual class they attend. For more information about e-learning, visit Archbright.com.

**Managing A Union Workforce During COVID-19 Pandemic**

The current public health emergency due to COVID-19 has not changed a unionized employer’s legal duties under the National Labor Relations Act (NLRA). An essential business or a business that will resume operations soon must have a response plan that ensures a safe workplace and keeps COVID-19 from spreading. Absent clear CBA language, most unionized employers are prohibited from making unilateral changes to union employee’s working conditions without reasonable notice and possibly bargaining with the union. Giving the union ample notice before enacting a new work rule in response to CDC guidelines is challenging due to daily updated legal and regulatory guidance.

Consider the following as you manage union employees during a public health emergency:

1. Review the collective bargaining agreement (CBA) and existing policies outside the CBA to determine the extent of the employer’s freedom to act independently and quickly. Review all relevant language including:

* Public emergency, Acts of God, and/or force majeure provision that may apply and provide flexibility;
* Safety and health provisions in the CBA that may require the employer to do more than what is required by applicable law and provide grievance rights;
* Reduction in hours, layoffs, and shifts, and how these actions may impact pay and benefits;
* Call-in pay or weekly pay guarantees;
* Employers participating in a multi-employer pension plan may trigger partial withdrawal liability by reducing the amount of working hours;
* Subcontracting and use of temporary workers may be necessary due to low attendance of trained employees. Is there contract language or past practice addressing the employer’s right to use subcontractors or temporary employees?
* Vacation, Sick Leave, Short-term disability eligibility, and leave of absences; and
* Work rules (discipline policy) and the health and safety policy to determine employees’ obligations to report medical diagnosis which pose a threat to coworkers.

2. Employers currently negotiating a new contract are bound by the NLRA to bargain in good faith. Unless the parties agree to an extension of the CBA, negotiations must proceed. Proposals during COVID-19 may include employer wage freezes and pay cuts, or Unions seeking “hazard” pay and enhanced safety and health language.

3. Unions may have a right to enter a workplace to inspect it to review health and safety issues. If an employer receives such a request, it is entitled to know the reason for the request and the qualifications of the individuals performing the inspection. In addition, it is entitled to limit the number of union representatives who participate.

4. Union Information Requests. Many unions are seeking extensive information regarding the employer’s response to the COVID-19 outbreak, such as real or perceived health and safety concerns, and how absences resulting from the outbreak will be addressed. Both topics involve mandatory subjects of bargaining and thus likely fall within the type of information that is presumptively relevant to the union’s representation of employees.

5. Finally, unionized employers must stay up to date on federal, state or local governmental actions and further updates from OSHA and the CDC. It is recommended that such updates that potentially affect the union workforce be shared with the union representative.

Archbright’s attorneys have expertise in labor law and collective bargaining. Eligible members with questions concerning these and other labor issues are encouraged to call an attorney at Archbright.

*Source: Kellis Borek, Vice President, Labor and Legal Services*

**COVID-19 Resources**

Remember to visit our COVID-19 Resources for Members page under Member Home. We have made all relevant Toolkit outbreak resources available to all members here, including recent webinar recordings:

* Workplace Safety During COVID-19: A Guide to Keeping Operations Running Safely & Efficiently
* Employer Obligations Under the Families First Coronavirus Response Act
* Managing a Reduction in Force During COVID-19: What Employers Need to Know

**What Should Employers be Doing to Prepare Their Workplace to Return to Work?**

For most employers, the coronavirus pandemic has disrupted businesses like nothing previously experienced. As employers and employees prepare to return to work and resume operations, communication and planning will be more important than ever.

Here are a few things to consider:

* If employers are bringing anything less than all of their employees back to work, they must be mindful to return employees using the same elements as preparing for layoffs. Just like layoffs, employers need to use objective criteria in determining who – and how – to return employees to reduce the risk of discriminatory, even if unintentional, actions.
* As employees return to physical worksites, managers may be eager to enforce pre-COVID attendance policies. Employers must prepare for the Americans with Disabilities Act (ADA) implications for high-risk employees not ready to return to work or continuing to need accommodation and remember the leave requirements under the Families First Coronavirus Response Act (FFCRA).
* Employers must continue ensuring safety standards, including appropriate screening of employees and physical distancing as recommended by the Centers for Disease Control and Prevention (CDC) and World Health Organization (WHO). Employers should consider appropriate screening, including temperature taking, under the EEOC’s pandemic rules. These guidelines have changed over time and likely will continue to change over time, so employers should revisit them often.
* Employers and employees must prepare for a new “normal.” It is likely, at least for the next few months, this may include increased PPE requirements, such as masks, physical distancing standards where possible, and continued cleaning of workspaces and common areas. Employers must ensure they are ready to meet these standards (or others) and train and hold employees accountable for following any new requirements. Just like any other safety violations, employers must consider appropriate discipline if employees do not follow safety requirements.
* Returning to work during these uncertain times may create uneasiness for many employees. Employers must prepare for increased communication and focus on morale with employees. This might include reminding employees about the company’s Employee Assistance Program (EAP), if available, status updates from senior leadership, and ensuring handbook and safety policies are updated with any new standards or requirements.

Eligible members are encouraged to contact the HR and Safety Hotlines with any questions or to seek guidance. Eligible members may also access Archbright’s comprehensive KeyNotes and sample policies available on the Archbright HR Toolkit and COVID Resources page located on the Members Only website.

*Source: Joy Sturgis, HR Content Manager & Ami De Celle, Attorney*

**HR FAQ**

Question:If an eligible employee has applied for Washington’s new PFML benefit, may I still require the employee to exhaust any applicable paid leave benefits if also designating the leave under the FMLA?

Answer: No. If an employee taking FMLA leave qualifies for a disability leave plan like the new PFML benefit, neither the employee nor the employer may force the employee to use any paid leave benefits.

Leave under the FMLA is unpaid. As a general rule, the FMLA regulations permit an employer to require that employees exhaust any available paid leave banks while on FMLA. In other words, an employer may require employees use available paid leave during FMLA and not in addition to it. Employers, especially those with generous leave benefits, rely on this regulation to ensure employees not return from twelve weeks of leave, only to take additional time away from work for, say, an extended vacation.

There is an important qualification to this rule. If an employee is drawing from a “disability leave plan,” neither the employee nor the employer may force the use of paid leave. Disability leave plans include not just a short- and long-term disability benefit offered through an employer, but also workers’ compensation—and even Washington State’s new PFML benefit.

FMLA regulations are not the only source of limitation. Section 192-610-075 of the Washington Administrative Code states the following: “Employers may not require employees to take paid vacation leave, paid sick leave, or other forms of paid time off provided by the employer before, in place of, or concurrently with paid family or medical leave benefits.”

Employers in Washington must also be careful when requiring the use of paid sick leave broadly. Washington’s Department of Labor & Industries states that paid sick leave is a worker’s right under the State’s paid sick leave requirements, which only an employee may authorize the use of. Under this interpretation, an employer may not force or automatically apply an employee’s accrued paid sick leave. If the employee requests the use of accrued paid sick leave, then the employer could apply it. An employee that elects not to use their accrued paid sick leave may be subject to discipline under your attendance policy.

If an employer’s written FMLA policy references the requirement that employees exhaust applicable paid leave banks during any FMLA leave, Archbright recommends employers qualify such a directive with language like “when permitted by law.” For additional questions and concerns, eligible members are encouraged to contact an Archbright HR Advisor at hrhotline@archbright.com.

*Source: Mark Nelson, Senior HR Advisor*

**Is Wearing Gloves Effective Protection Against COVID-19?**

The Centers for Disease Control and Prevention (CDC) and the Occupational Safety and Health Administration (OSHA) do not currently recommend the use of gloves for workplaces whose employees are not at high risk of exposure to COVID-19 such as healthcare or mortuary workers. However, as the COVID-19 outbreak continues, many people are wearing disposable gloves in the grocery store, gas station, and/or the workplace.

This begs the question: Does wearing gloves protect from infection or eliminate the need for handwashing? In general, the answer is no – handwashing remains the number one recommended method to control infection – but using gloves properly may provide another level of protection.

If employers choose to provide disposable gloves to employees, consider these points:

* Gloves are a form of personal protective equipment (PPE) – so proper selection, fit, training on the use, as well as disposal, are critical. A variety of sizes should be provided to ensure an optimal fit.
* Do not mix latex and nitrile gloves to avoid potential allergic reactions. Many people are allergic to latex.
* If gloves are not typical PPE for the workplace, employers should complete a workplace hazard assessment to determine if there are areas where gloves should not be worn because they may create a larger hazard. *For example, wearing the wrong type of glove around chemicals could create an exposure hazard, or use with moving machinery parts could create a pinch-point hazard*.
* Employees should always wash hands before putting gloves on to avoid contaminating the outside of the gloves with any bacteria or viruses that may be on the hands.
* Disposable gloves should not be reused even if washed/disinfected, and the wearer should avoid touching their face while wearing them – wearing gloves that have touched surfaces and then touching your face creates the same risk as not wearing gloves.
* When gloves are no longer needed or need to be replaced, they should be removed properly to minimize the transmission of any potential bacteria or viruses on the glove. See CDC guidance on how to remove gloves.
* Employees should be provided with closed trash receptacles or sealable plastic bags to dispose of the gloves. If wearing gloves is part of a high hazard requirement such as healthcare, gloves should be disposed of in biohazard containers.
* Once the gloves are disposed of, the wearer should immediately wash their hands with soap and water for at least 20 seconds or, if hand washing is not possible, use an alcohol-based hand sanitizer containing at least 60% alcohol and rub hands together for about 20 seconds (or until dry). See CDC handwashing guidance for more information.

Research shows that it is very difficult to remove gloves without contaminating your hands during glove removal. A study from the U.S. National Center for Biotechnology Information showed that 52.9% of glove removals resulted in either contaminating the skin or clothing – so whether you wear gloves or not, hand washing is the most effective way to fight the spread of COVID-19.

Studies have also shown that we touch our faces (think eyes, nose, and mouth) frequently, up to 23 times per hour, and often we are not even aware that we are doing it. This habit helps spread diseases like COVID-19 from person to person. Simple hand washing can help put an end to the spread; soap can kill viruses by removing the lipid layer around the virus. Without this protective layer, the virus becomes ineffective and will no longer cause infection.

So, can gloves be effective in preventing the spread of COVID-19? Maybe – but not unless properly used and not as a replacement for handwashing. Proper handwashing and physical distancing are still the most effective protection against COVID-19. If you choose to wear gloves, or if employers choose to provide gloves, ensure they are used and disposed of properly – and of course, make sure you save enough for our valuable health care workers during this time!

*Source: Tiffany Knudsen, Safety Content Manager*

**Preventing Heat Stress in the Workplace**

Summer in the Pacific Northwest is approaching. This means that employers need to start planning how they will protect their employees from the season’s dangers. Although this region doesn’t get as hot as other areas of the country, temperatures above 70°F can still create a hazard depending on the type of work activity. Every employer has a responsibility to protect their employees which involves taking steps to help prevent heat-related illnesses.

Each year in Washington State, over 100 people are hospitalized due to heat-related illnesses. Heat hazards are common in both indoor and outdoor work environments. If the hazards are recognized and preventative measures are taken, these illnesses and fatalities can be avoided. A heat-related illness occurs when there is an increase in a workers’ core body temperature exceeding healthy levels. The body’s natural way to keep from overheating is to increase the heart rate and increase sweating. If the body cannot cool itself down a person can experience a heat-related illness such as heat stroke, heat rash, heat exhaustion, heat cramps, and Rhabdomyolysis.

Employers that have warm working environments should do more than offer cold water or popsicles to their workers, they should also implement a Heat-related Illness Prevention Program which includes looking for opportunities to engineer out the potential for heat stress. Some common engineering controls include the use of A/C, increasing ventilation, cooling fans, reflective-heat measures to block radiant heat, or providing shade for outside workers. Employers may need to acclimate workers starting their day off in the heat, re-acclimate workers after extended periods of being away from heat, adjust schedules based on forecasts, limit as much of the strenuous work as possible during times of high heat, and use relief workers.

When engineering controls are not enough, personal protective equipment (PPE) can be used as supplemental protection. Common PPE that can help reduce heat-stress includes water-cooled garments, fire proximity suits, air-cooled garments, cooling vests, sun hats, light-colored clothing, as well as sunscreen.

An effective Heat-related Illness Prevention Program should include worker acclimatization, heat alerts, and medical monitoring. It should also include effective training including how to recognize heat-related illness symptoms, as well as what to do in the event of a heat-related emergency. As with most safety topics, prevention and proactivity will be your best bet in mitigating the hazards associated with heat stress. Be heat smart and know when the weather forecast calls for extreme temperatures. Get creative in accommodating these circumstances.

For more information on heat stress and other summer-related hazards, please contact the Safety Team at Archbright at 206.329.1120 ext. 4, 509.381.1635 ext.4, or email safety@archbright.com

*Source: Tiffany Knudsen, Safety Content Manager*

**Monthly Safety Webinar**

**New Hire Orientation**

*Beyond the First Week of Employment*

Thursday, June 18th, 2020 | 2:15 p.m.

Returning furloughed employees, temporary workers, operational expansion, seasonal demand, and natural workforce attrition are all possible drivers for a changing workforce. Whatever the reason, new or unconditioned workers represent new risk for your business. Studies show that recent hires are much more likely to experience injuries than tenured workers. By investing early in your employee training program, you can help mitigate this risk. Join us as we discuss how to design and implement a comprehensive safety orientation program that follows the worker beyond the first week of employment.

Topics include:

* Who should be included?
* Training Requirements
* Effective Training
* Short and Long-term Follow-up
* Employee Retention

Visit Archbright.com for registration information.

*People can be unpredictable…your safety program shouldn’t be.*