**Archbright™**

**Insights Newsletter**

**June 2019**

**Onsite Safety Support You Can Count On**

At Archbright, we understand the most effective safety programs are those built and managed from inside an organization. We also understand that sometimes this simply isn’t possible. For member companies who need onsite support for their safety program, we offer Onsite Safety Consulting.

Your Safety and Loss Control Consultant will monitor workplace activities to ensure that workers comply with company policies and government safety regulations. Depending on your company’s needs, we can help develop safety policies, perform workplace inspections, investigate incidents, implement safety training, and ensure compliance with governing agencies.

We will work with your organization to build the infrastructure for a comprehensive, self-sustained Health & Safety Program.

To find out more, reach out to your Account Executive, email us at info@ archbright.com or visit Archbright.com.

**Your Retention Reality—you need to invest in developing good Managers!**

Effective managers are critical to the success of our organizations. We all know that. But what are you doing about it? Are you investing the time and resources into developing their management skills? Is it a high priority? If not, it should be! Here’s why:

* Gallup’s Workplace Analytics Team recently highlighted key findings for companies to share with their leaders in 2019. The number one finding? Leaders need to understand and improve the manager experience at their company. They report that managers are less clear about expectations and experience more stress than those they manage.
* TinyPulse, a leader in employee-engagement pulse surveys, analyzed data from over 25,000 employees across the world from January to October 2018 and found the top reason that employees leave their job is poor management performance. They report 40% of employees who do not rate their supervisor’s performance highly have interviewed for a new job in the last three months, compared to just 10% for those who do rate their supervisor highly.

Developing managers not only improves your employees’ experience, it also directly impacts your managers’ engagement levels and job satisfaction. And in the high- turnover job market we find ourselves in, satisfied managers and employees mean low attrition and higher performance.

Since launching The Management Academy three years ago, Archbright has helped many members further the development of their workplace leaders. The six-week cohort program makes an impact because of its approach. Participants move through the curriculum with a consistent peer group and as a result, they experience a more dynamic, collaborative, and supportive learning environment.

Powered by Development Dimensions International (DDI), each course addresses a key aspect of management, from effective communication to building trust to change management. The program also includes prep work, ongoing action items, peer check-ins, and on-demand virtual reinforcement activities.

The next session of The Management Academy starts on July 11th. If you are looking for professional development opportunities for your management team, I encourage you to find out more about this program. You can reach out to your Account Executive or email us at info@archbright.com. Registration is now open at Archbright.com!

**CoffeeTalk: Civility in the Workplace**

An ancient curse: “May you live in interesting times.” It seems as though we are living through interesting times, where we are at a crisis point with a lack of civility in the workplace. Incivility often leads to bullying and/or harassment behaviors. Incivility is costly – taking a toll on the psychological well- being of employees, as well as their engagement and satisfaction levels. Incivility can also increase turnover costs, destroy a company’s reputation, and result in costly legal consequences. So what are organizations to do?

In this CoffeeTalk, Archbright’s VP of Workplace Innovation, Joseph Marth, will provide practical steps that organizations can take to return civil behavior to their workplaces. Attendees will learn to distinguish between inclusion, civility/incivility, and harassment; the 4-step process for ensuring that employees act with civility; and how to use a Code of Civility in their organization.

Two Options to Attend:

Spokane | Presenter Joseph Marth When: July 10 | 9:00 am to 10:30 am

(8:30 Check-in Begins; 9:00 am Program)

Where: Northern Quest Resort – Kalispel A & C 100 North Hayford Road | Airway Heights, WA

Cost: FREE | a continental breakfast will be served

Seattle | Presenter Joseph Marth When: July 17 | 8:30 am to 10:00 am

(8:00 Check-in Begins; 8:30 am Program)

Where: Archbright’s Office in Georgetown Squared 5601 6th Ave. S. Suite 400 | Seattle, WA

Cost: FREE | a continental breakfast will be served

**If you are ready to pursue a Professional in Human Resources (PHR®) or Senior Professional in Human Resources (SPHR®) certification, Archbright can help.**

An HR Certification Institute® (HRCI®) certification distinguishes you as a master in the HR field, with proven levels of skills and knowledge, and the competence necessary to mitigate risks and drive business results. But first, you must pass the exam!

Archbright is pleased to offer a 12-week HRCI certification exam preparatory course that covers the six functional areas of the PHR® and SPHR® exam:

* Business Management & Strategy
* Workforce Planning & Employment
* Human Resource Development
* Compensation & Benefits
* Employee & Labor Relations
* Risk Management

The next session starts July 2nd. Classes occur 6pm to 9pm every Tuesday, July 2nd through September 24th at our Seattle office. (No class on September 3rd.)

Prepare for Success on the Exam—and Beyond

The key to the success of the PHR and SPHR certifications is the relevance of the content to the needs of today’s workplace. Created by HR subject matter experts and validated by HR professionals working in the field, the exam is regularly updated to ensure it is consistent with current HR practices.

Certification is a career-long commitment that demonstrates dedication, credibility, and a mastery of the principles of human resources to your employers, clients, staff members, and professional peers around the globe. Certification attests to the investment you have made in your HR career and holds a recognized place in the profession.

Program Requirements: There are no admission requirements to enroll in our program, however certain criteria must be met for participants taking the PHR or SPHR exam. Visit www.HRCI.org for exam requirements.

**Pay Equity Law Expands Once Again for Washington Employers**

On May 9, 2019, Governor Inslee signed legislation adding additional provisions to what is now known as the Washington Equal Pay and Opportunities Act (EPOA). The EPOA originally went into effect on July 28, 2018 and significantly expanded Washington’s existing gender pay law for the first time since its enactment in 1943. The new amendments, designed to further address income disparities, employer discrimination and retaliation practices, and promote equal status of all workers in Washington state, go into effect July 28, 2019 and include some substantial changes.

Employers may not:

1. Seek an applicant’s wage or salary history from the applicant or a current or former employer; or
2. Require that an applicant’s prior wage or salary history meet certain criteria, except:
3. An employer may confirm an applicant’s wage or salary history:
   1. If the applicant has voluntarily disclosed their wage or salary history; or
   2. After the employer has negotiated and made an offer of employment with compensation to the applicant.

Additionally, employers with 15 or more employees must:

1. Upon request of an applicant for employment after the employer has initially offered the applicant the position, the employer must provide the minimum wage or salary for the position for which the applicant is applying.
2. Upon request of an employee offered an internal transfer to a new position or promotion, the employer must provide the wage scale or salary range for the employee’s new position.
3. If no wage scale or salary range exists, the employer must provide the minimum wage or salary expectation set by the employer prior to posting the position, making a position transfer, or making the promotion.

Eligible members are encouraged to contact an Archbright HR Advisor or Attorney with any questions about this new legislation.

Source: Ami De Celle, Attorney at Archbright

**EEO-1 Pay Data Due September 30 for 2018 and 2017**

The United States Equal Employment Opportunity Commission (EEOC) has announced that covered employers should prepare to submit EEO-1 pay data for 2018 and 2017 by September 30, 2019. As a reminder, earlier this year, a federal court reinstated a requirement that EEO-1 subject employers must submit not only information on employees’ race, gender, and sex by job category (Component 1), but also data on employee pay and hours worked, reported in pay bands for EEO job categories (Component 2). The federal court’s ruling has been appealed, so there is a possibility that a higher court could still order that the pay data does not need to be submitted.

Covered employers were required to submit Component 1 data by May 31, 2019 and should prepare to submit Component 2 data by the September 30 deadline. The EEOC expects to begin collecting EEO-1 Component 2 data for 2017 and 2018 in mid- July, 2019, but will notify filers of the exact date the survey will open as soon as it is available. Instructions for filing are available on the EEOC website at: <http://www.eeoc.gov/employers/eeo1survey/index.cfm>.

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

Effective January 1, 2020, the scope of enforceable non-competition agreements will narrow considerably for Washington employers. House Bill 1450, signed by the Governor on May 8, 2019, imposes several limitations on non-competition agreements. Under this new law, many non- competition agreements 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 new law also puts a heavy burden on employers to comply with its strict limitations by imposing a $5,000 penalty – 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. 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.

House Bill 1450 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.

Note that 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.

Eligible members may contact Archbright HR Advice and Legal Counsel with any questions.

Source: Erin Jacobson, Director, Legal and HR Advice at Archbright

**HR FAQ**

**Question:** I received a Social Security “No Match” letter for my employee. Does this mean the employee is unauthorized to work? Do I need to terminate him?

**Answer:** A Social Security “No Match” Letter is not necessarily an indication that the employee is undocumented or unauthorized to work. The Social Security Administration (SSA) resumed no-match notices to employers in March of 2019 for the purpose of advising employers that corrections are needed in order to match the employee’s earnings with SSA records.

A no-match letter on its own does NOT mean an employee is unauthorized to work. A mismatch can be for many reasons, including typographical errors, incomplete or blank names reported, name changes, incomplete or blank social security numbers, or even identity theft. A no-match letter itself does not question the employees’ immigration status or work authorization.

So, what should employers do?

1. Don’t take any adverse action against an employee based on a No-Match letter alone.
2. Compare the SSA information with the individual’s employment records.
3. If the employer’s records match, ask the employee to check the name and number on the employee’s Social Security card.
4. If there is a mistake on the card or the card needs to be changed or corrected, ask the employee to reach out to SSA to resolve the issue.
5. Do not request that the employee complete a new Form I-9 or produce I-9 documents to resolve the mismatch.
6. Only if the employee admits during the meeting – or at any time – that they may not lawfully work in the United States, must you terminate employment immediately.

Employers who receive a No-Match letter must review each case individually. Document your meetings and instructions to the employee in writing. Follow up regularly with the employee and document their efforts to resolve the issue.

If after a reasonable time, the employee has not produced documentation to correct the issue, discuss next steps with legal counsel.

**Remote Control: Can You Flex?**

Technology now has us working anytime from almost anywhere, and few of us remember that it was ever an issue to do so. Reports suggest that approximately 3.9 million employees in the U.S. work from home at least 50% of the time, and in addition to that there are offsite workers, sales reps, field agents and more who make up a sizable workforce that are working remotely.

For the many businesses and their employees who participate in flexible work schedules and/or remote working arrangements, the benefits are real and attractive: increased employee engagement coming from a deepened sense of work/life balance; reductions in wasted commute time, transportation costs and greenhouse gas emissions; avoidance of stress from fighting the daily traffic grind (Seattle is the 6th most congested among major U.S. cities according to INRIX’s 2019 Congestion Report); increased intensity of mental focus while working uninterrupted during quieter hours or in a private space.

And yet, many employers haven’t made the commitment to give flexible schedules or remote work a try. For some, these work models simply don’t meet their business needs. For others, concerns about productivity, accountability, and even fairness to those who can’t participate due to the nature of their job duties are real issues to be solved before launching different approaches to scheduling and performing work.

If you’re considering trying one or both, here are a few tips we’ve gathered in our research on possibilities for new ways to work:

Policy: As with virtually all employment matters, success begins with clearly communicated expectations. A well-written and communicated policy will provide guidance to leaders and team members regarding accountability, roles, and responsibilities under the remote and/or flexible work schedule.

Eligibility: Participation criteria should be clearly spelled out in the policy. Consideration should be given to individual job duties, the likelihood of the individual’s success as a remote worker, and the supervisor’s capacity to manage remote workers.

Availability: Response times when working remotely or on a flexible schedule must meet the requirements and needs of internal and external customers. Adherence to certain Core Hours is typically a universal requirement. The manager should always know where a team member is and vice versa. Employees may be required to maintain an updated electronic calendar visible to the rest of the Company.

Compliance: It is particularly important for employers to monitor the actual time worked by non-exempt employees (i.e., those who are not exempt from the overtime requirements of the Fair Labor Standards Act) to avoid running afoul of overtime requirements.

For employers who want to dip a toe in the flexible work pool before diving off the deep end, experimenting with schedules and encouraging openness to adjustments along the way will be hugely helpful in reaching the best fit for the organization, as well as individual team members. Once the schedules are working successfully, offering remote work options to those whose jobs and work habits lend themselves to such arrangements will be a natural next step.

Did you know?

* According to Inc. Magazine, remote employees are almost twice as likely to work beyond 40 hours a week— and not just on menial tasks. Workers tend to

be 20% more productive when they get to tackle creative projects remotely.

* Our snowy February forced the federal government to let employees work from home for four days and saved Washington taxpayers an estimated $32 million.
* Penn State researchers found when you give employees the flexibility to control where and when they work, they gain an extra hour of sleep a week to become more attentive and alert.

Source: Archbright

**Benefits of Ergonomics**

Proper ergonomics is critical in today’s manufacturing industry. The result of continually exerting the same muscles or ligaments repeatedly over time can lead to long and drawn out claims. However, the number and severity of Musculoskeletal Disorders (MSDs) resulting from workplace overexertion, and their associated costs, can be substantially reduced by applying effective ergonomic principles.

Many MSD cases are injuries that compounds over time. MSDs affects the muscles, nerves, blood vessels, ligaments, and tendons. Workers can be exposed

to hazards that can contribute or lead to MSDs at work. These activities can include lifting heavy items, bending, reaching overhead, pushing and pulling heavy loads, working in awkward body positions, and performing the same tasks repetitively.

Workplace induced MSDs can be prevented. Ergonomics, defined as fitting a job to a person, can help lessen muscle fatigue, increase productivity, and can help greatly reduce the number of work-related MSDs. Some examples of these injuries include carpal tunnel syndrome, tendinitis, rotator cuff injuries, muscle strains, and low back injuries. All of these injuries can lead to a painful life for the employee and much higher costs for the employer.

The Bureau of Labor Statistics maintains that MSD cases account for 1/3 of all worker injury and illness cases. Implementing an ergonomic process is effective in reducing the risk of developing MSDs in high-risk industries. When assessing what constitutes an effective ergonomic approach, the following are critical elements to consider in the workplace:

1. Commitment by management is crucial to the overall success of the ergonomic process.
2. Management should define clear expectations and objectives for the ergonomic process, provide adequate resources to engage with their workforce, and delegate responsibilities to assigned staff.
3. Workers should be involved in workplace audits. Workers can provide important information about hazards in their workplaces and assist in the ergonomic process by voicing their suggestions for reducing exposure to certain risks that can lead to MSDs.
4. Proper ergonomic training ensures that workers are aware of ergonomics and its benefits and are aware of the early signs of MSDs.
5. Identify and assess ergonomic problems in the workplace before they result in MSDs.
6. Early reporting of MSDs can accelerate the job assessment and improvement process, while helping to prevent or reduce the progression of symptoms, the development of serious injuries, and subsequent time loss claims.
7. Mitigating workplace hazards can help reduce, control or eliminate workplace MSDs.
8. Established evaluation and corrective action procedures are needed to assess the effectiveness of the ergonomic process and to ensure its continuous improvement.

Ergonomics is often an afterthought when thinking of safety principles. Employers should ensure ergonomics are incorporated into all processes. Preventing workplace injuries deriving from poor ergonomics will save time, money, and employees. Proactivity is essential in preventing Musculoskeletal Disorders in the workplace so, keep a keen eye and ear out for employee feedback.

If you would like further information on how to implement a sound ergonomic work environment, please contact your Safety and Loss Control Consultant for more information. Have a safe day!

**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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