



Insights

MARCH | 2021 Newsletter



The 2021 Regional Pay Survey is Now Open for Participation

This year's Regional Pay Survey is now open for participation, so we wanted to remind you of the following:

- 1. The benefits of participation.** All members who participate in our survey will receive access to the pay data for free. This includes all published PDF reports and access to the Custom Report Tool (more information on this one-of-a-kind resource below).
- 2. It's an evergreen survey.** Our survey is now evergreen! If you participated in our 2020 survey, you can log in and update your pay data at any time before March 19th to be included in our 2021 survey. This ensures you remain a survey participant and receive free access to the updated pay data when published.
- 3. Access to the Custom Report Tool.** As a participating member in this year's survey, you can access all pay data through the Online Custom Report Tool. This tool allows you to create custom reports by choosing one or more filters (job title, geographic area, size, revenue, industry, and more). Plus, throughout the year, you can age the pay data as necessary for more accurate analysis.

If you did not participate in last year's Regional Pay Survey and would like to participate this year, just reach out to regionalsurveys@archbright.com. Can't participate this year? Members can purchase survey access at their membership level discount when published.

For more information, please visit Archbright.com or contact our survey experts at regionalsurveys@archbright.com with any questions.

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LOOKING AHEAD

CEO Corner

**Shannon
Kavanaugh**

President and CEO at Archbright

mozzo's Claims Tracker

Last month we launched mozzo, our new members-only, online platform!

With over a year in its making, mozzo's features include a Community for members to connect with each other, an Advisor Chat to engage with our HR and Safety Advisors, a Job Descriptions Builder with over 700 jobs to choose from, a Handbook Builder to ensure your handbook is in compliance, a Video Training Library of microlearnings to view and share, and our newly expanded Resource Library that now includes both HR and safety resources.

In addition, members who utilize our workers' compensation claims management services, as a retrospective rating program (retro) member or a participant of Archbright ReClaim, also get access to mozzo's Claims Tracker.

This feature is one we have waited years to bring to members! We are excited to at last offer it as it empowers members to:

- Quickly see key information for each claim—saving time sorting through paperwork or logging on to external systems.
- Download claim information with the click of a mouse to easily compile reports for open, closed, or denied claims, as well as view details to aid in OSHA log maintenance.
- Track progress and history of all claims that Archbright manages for your organization, so you can identify and analyze claims trends to improve performance.

The mozzo Claims Tracker is just another way we are innovating to support members and help lower their workers' compensation premiums. In addition to our proven and effective claims management and safety practices, members can now stay updated in real-time on the status of each claim we manage for them.

If you are a retro or ReClaim member and have not yet explored mozzo or the Claims Tracker feature yet, or if you want to learn more about any of the above, please reach out to your Account Executive or info@archbright.com to schedule a tour.

**The Northwest Diversity
Learning Series: Session 2****Leveraging the Roots of Resistance
for Inclusive Transformation**

Many change efforts get stalled when they experience resistance.

Some individuals back away from the change as they hear concerns raised about "reverse discrimination" or "lowered standards." Others may be labeled as resisting change and that they "don't get it." Still others may in fact see changing an organization to a more inclusive, diverse, and equitable organization as a challenge to their sense of who they are and to their values.

The challenge is—how do you understand and address resistance as a part of the change process? How do you prepare the workforce to expect resistance and to work through it?

At the end of this session, participants will:

- Understand the role of resistance in the change process.
- Recognize the different ways resistance shows up in the change process.
- Be able to diagnose where your organization is along the "path" to an inclusive organization.
- Develop strategies to effectively engage resistance and move to greater inclusion and systemic equity.

Participants will leave with greater empathy, as well as strategies and tactics for leveraging resistance for systemic equity.

When: Wednesday | March 17, 2021 | 9a-11a PST

Presenter: Judith Katz, Ed.D.

[Learn more and register at i4sdi.org!](https://www.i4sdi.org/)

**ISDI**INSTITUTE FOR SUSTAINABLE
DIVERSITY & INCLUSION

Archbright University's 2021 Manager Training Recommendations

In a [recent Gartner poll](#), 90% of HR leaders said employees would be allowed to work remotely even once COVID-19 vaccines are widely available. Gartner also reported that while most organizations have had months to work on the remote-work experience to keep employees productive and engaged, many still viewed remote set-ups as temporary.

The reality is that some level of remote work is here to stay.

And now that employers have sorted out the technology issues of equipping employees to successfully work from home, they must set their managers up for success as they face the unique challenges of a managing a remote workforce.

Rather than resorting to reactive measures later, consider a three-prong training plan that covers **Connectivity Training**, **Communications Training**, and **Diversity Training**. The following Archbright University courses are recommended for all managers to address these three areas:

- [Stay Connected: Managing Virtual Teams](#). Three key areas are covered to give managers the tools they need to keep a team connected and productive: Communicate More and More Often, Manage Deliverables and Deadlines, and Nurture People and Relationships.
- [Emotional Intelligence at Work](#). Emotional Intelligence (EI) is the ability to identify and effectively manage emotions in ourselves and with others. Participants learn how to understand others' behaviors through empathetic listening and to manage stressful situations more effectively.
- [Crucial Conversations® Focused: 1 Day Class](#). Teaches how to achieve spirited dialogue at all levels in your organization and introduces a set of tools that builds alignment, agreement, and interpersonal communication.
- [Change Management for Leaders](#). Provides employees with the tools needed to move from change resistant to commitment. Participants learn the importance of adapting to change effectively and how to navigate through the four stages of change.
- [Managing the Layers: Protected Leaves and the Law](#). This class outlines employer responsibilities to manage the new WAPFML law, identifies legal obligations when managing absences, and takes into consideration the many types of protected leaves such as sick leave, FMLA, ADA, and domestic violence leave.
- [Diversity and Inclusion in the Workplace](#). Recommended for all employees, this class focuses on understanding what diversity and inclusion means in the workplace and learning to recognize different types of exclusion. Participants practice several communication skills to create a more inclusive environment.

For more information on any of these suggested courses or to book a private team training, please visit [Archbright.com](https://www.archbright.com) or reach out to your Archbright Account Executive.

Amy Bachmann | Director, Archbright University

Upcoming Classes

For the complete course schedule, please go to [Archbright.com](https://www.archbright.com).

March 15, 22, & 29 - [Management Fundamentals \(Virtual\)](#)

March 16 - [Shipping Hazardous Materials \(Virtual\)](#)

March 17 - [Crucial Conversations® Focused: 1-Day Class \(Virtual\)](#)

March 18 - [Change Management for Leaders \(Virtual\)](#)

March 23 - [Communicating for Leadership Success \(Virtual\)](#)

March 24 - [Workplace Harassment Awareness \(Virtual\)](#)

March 25 - [Understanding Wage and Hour Law \(Virtual\)](#)

March 26 - [Leadworker Effectiveness \(Virtual\)](#)

March 30, 31, & April 1 - [Supervisory Skills \(Virtual\)](#)

March 31 - [Building Interpersonal Awareness with DiSC® \(Virtual\)](#)

April 6 - [Discipline and Documentation \(Virtual\)](#)

April 6 - [Managing FMLA \(Virtual\)](#)

April 7 & 8 - [HR Fundamentals \(Virtual\)](#)

April 7 - [HR Records: How, What, Where, When, Why \(Virtual\)](#)

April 7 - [The Power of Habit \(Virtual\)](#)

How to Register:

Register online anytime at [Archbright.com](https://www.archbright.com).

You will need to log in to the website to register and see pricing for your membership level.

If you do not have an account on our website, it's easy to set-up. Click on the Login button, then select Create An Account and follow the prompts.

If you have any questions, please contact us at **206.329.1120, 509.381.1635 or info@archbright.com.**

Or, download Archbright Mobile to browse the calendar and register!



HR ADVICE AND COUNSEL

Vaccine Roundup: Answers to Employers' Most Common Vaccination Questions

With vaccines now available for many employees, employers' most common COVID-19 questions have shifted from how to handle positive cases or exposures at work to how to address vaccinations. Here are brief answers to just a few of the questions that many employers are asking:

Can we mandate or incentivize our employees to get vaccinated?

In general, an employer may mandate vaccination, but they must consider religious accommodations for employees who have sincerely held religious beliefs that prevent them from receiving a vaccine. Employers must also consider medical accommodations for employees with disabilities that preclude safe vaccination. Additionally, unionized employers should fulfill bargaining obligations before implementing any mandate.

Employers who wish to incentivize employees to receive the vaccine must be cautious not to exceed EEOC enforced limitations on wellness incentives. In January, the EEOC proposed rules suggesting that they would consider anything more than a small incentive (e.g., a water bottle or a small gift card) to be too much under the ADA. However, with the change of the presidential administration, those proposed rules were frozen and then withdrawn, leaving employers to wonder again how much incentive is too much. Employers must be mindful of potential discrimination claims by individuals who are unable to participate in a COVID-19 vaccine program due to disabilities or religious beliefs. Eligible members are encouraged to call an Archbright HR Advisor to discuss before implementing a vaccine incentive program.

We voluntarily extended FFCRA emergency paid sick leave. Does an employee who experiences side effects from the vaccine qualify for this leave?

This is an open question that has not been directly addressed by the Department of Labor or the Internal Revenue Service, and there are arguments to be made on both sides. Archbright's interpretation is that side effects from the vaccine could qualify for FFCRA leave if the specific symptoms that the employee experiences are the same symptoms that would require quarantine under CDC or Department of Health guidelines. For example, an employee experiencing a fever and chills would be directed by the Washington Department of Health to quarantine for a variable period, depending on the circumstances, which could be considered a state quarantine or isolation order that would qualify under FFCRA.

Do employees who have been fully vaccinated still need to quarantine after an exposure?

The CDC recently updated its guidance to state that individuals who are fully vaccinated (meaning that it has been at least two weeks since their final dose) do not need to quarantine following a known or suspected exposure, as long as it is within three months of their last dose and they remain symptom free. These employees should continue to watch for symptoms and follow all other safety protocols (such as wearing face coverings and practicing physical distancing). Since guidance is constantly evolving, employers who allow such employees to return to work without quarantining should document the fact that the employee had been fully vaccinated and that the employer followed the CDC guidance that was in place at the time.

Employers should also consider whether, or not, they want to adopt this new guidance in their daily screening protocols. Given the fluid nature of this situation and the unknown risks that a fully vaccinated person exposed to COVID-19 may still be able to transmit the virus to others, Archbright has elected not to update our sample screening form or online tool at this time.

We have an employee who has been on leave due to their being at high risk for complications. Can we require them to return to work after they receive the vaccine?

Employees that are high risk for COVID-19 may be entitled to continued accommodation under federal and state disability laws. In Washington, Governor Inslee's proclamation protecting high risk employees remains in place, without any modification or exception for employees who have been vaccinated. Therefore, under the plain terms of the proclamation, it would be

risky for an employer to terminate a high risk employee who refused to return to work even after being fully vaccinated. However, employers should maintain communication with these workers and reiterate the employer's emphasis on workplace safety, as well as the efficacy of the vaccine, to encourage their voluntary return.

Eligible members are encouraged to access the mozzo Resource Library for additional information, including sample vaccination policies and a sample COVID daily screening form, and contact an Archbright HR Advisor with any questions.

Erin Jacobson | Director, Legal and HR Advice



Lessons Learned: One Year with Washington's PFML

Washington's Paid Family and Medical Leave (PFML) program has now been in effect for over a year. Here is a list of a few lessons learned and important reminders of not-so-well-known requirements under the law from employees taking leave this past year.

Employers must provide a written notice to an employee of their rights under the law when the employee is absent for 7 consecutive days for medical and/or family leave reasons. The employer must send the notice within 5 business days after: 1) the employee's seventh consecutive day of absence due to family or medical leave; or 2) the employer has received notice that the employee's absence is due to family or medical leave, whichever is later.

Employees may take intermittent leave under the law. While the employee has to report their hours of leave to ESD on their weekly claims, they are not obligated to provide this information directly to their employer, which makes it difficult for employers to track an employee's intermittent leave entitlement. Since ESD does not currently provide the employer with the amount of leave that the employee is reporting on their weekly claims, we recommend that employers have employees fill out a WPFML request form that states how the employee intends to take intermittent leave (i.e. 2 days/week). Employers should also advise employees that they must still comply with the company's call-in procedures while using intermittent leave under the law.

PFML states that "if an employee on leave claims eight consecutive hours at any point during a week, the minimum claim duration is satisfied." This is particularly applicable to employees whose regular shifts are less than 8 hours. Those employees will have to be out at least two consecutive days to meet the minimum claim duration. However, once the minimum claim duration of 8 hours is met for the calendar week, employees can take leave in increments of less than 8 hours if deemed to be medically necessary in that week.

Employers are reminded to provide employees, who state they are applying for WPFML leave, with conditional leave while waiting to see if ESD approves the leave. Employers should consider informing employees that if their WPFML application is denied or the employee fails to submit an application, then the employee's absences during that time may be considered unexcused and subject to the company's attendance and/or disciplinary policies.

Employers must provide continuation of health benefits to an employee when an employee's leave under FMLA and WPFML overlap by at least 1 day. ESD updated this rule, WAC 192-700-020, in June 2020.

Employees are currently only entitled to job restoration under the law if they meet the following three criteria: 1) the company has 50 or more employees; 2) the employee has been employed by the current employer for 12 months or more; and 3) the employee worked 1250 hours in the immediately preceding 12 months before the date the leave commences. Employees who do not meet these three criteria can be denied job restoration. If an employee is entitled to reinstatement, an employer can deny restoration if the employee is among the highest paid 10% of employees employed by the employer within 75 miles of the facility and the "denial is necessary to prevent substantial and grievous economic injury to the operations of the employer." If an employer decides to deny restoration under this reason, they must provide written notice either in person or by certified mail.

For additional information, please reference the Resource Library for the *Washington Paid Family and Medical Leave Keynote* and related policy and request form. Eligible members are encouraged to contact an Archbright HR Advisor with any questions or to seek specific guidance.

Colleen Mayer | Attorney



HR FAQ | Question: During a virtual team meeting, an employee was slurring their speech, as if they have been drinking! What should I do?

Answer: With more employees working remotely, reports have shown that there has been an increase in substance abuse during working time. Whether it is due to difficult home conditions that have brought on a drinking problem, the stress of the pandemic, or the increased availability of alcohol throughout the work day, employers are seeing an increase in performance issues due to alcohol or drug use. What should employers do to combat this growing concern?

1. Be attentive to performance issues and address them thoroughly and in a timely manner. Employers who have a strong corrective action system capable of identifying and dealing with poor performers in a consistent manner can eliminate many drug/alcohol abusers through the process without ever resorting to other means such as drug testing. However, supervisors must understand their heightened responsibilities under this form of corrective action process, and be willing to consistently enforce, without exception, job standards, and work rules.

2. Ensure that your company has a strong policy prohibiting substance abuse. While not the only method of minimizing the effects of drugs and alcohol in the workplace, a policy prohibiting use, possession, sale, or being under the influence is a great start in an effort to have a safe, productive work environment. There may be additional required prohibitions depending on the type of business and/or other government requirements, such as for Federal Contractors. The policy should address recreational and medical marijuana use as well. Samples are available in our Resource Library if you need to implement a policy or update your existing version.

3. Ensure your policy includes the ability to test for drugs and alcohol. It is recommended your policy contain a provision that allows for drug testing in

the event of reasonable suspicion. Employers should develop a policy after reviewing the law, safety issues, the nature of the business, and company culture. Once developed, the policy should be communicated to all affected employees. If you have unionized employees, implementing a drug and alcohol policy must be negotiated with the union.

4. Have an established account with a drug testing provider who is able to perform remote testing. The need to drug test is generally something that comes up suddenly, and is extremely time sensitive. Spending time researching, identifying a provider, and establishing an account, is not something there is time for when you've just witnessed an employee who appears under the influence RIGHT NOW. Suggest having an established account that can be utilized at moment's notice. In addition, with the addition of remote work, finding a mobile drug testing provider is also strongly recommended. Having the ability to send a mobile tester out to someone's home or a job site immediately can be critical.

Keep in mind that although an employer can consistently enforce its employment policies and procedures, employers must be cautious not to discriminate against individuals with a history of drug or alcohol addiction or take adverse action based on a perception of such a problem. In this regard, individuals who identify themselves as having an addiction to drugs or alcohol may be protected, and the employer may be required to review and consider reasonable accommodations to assist the individual in recovery from the addiction. Before taking action against an employee, eligible Archbright members are encouraged to call an Archbright HR Advisor or legal counsel. For additional information about substance abuse in the workplace and testing requirements, please visit our Resource Library to review the *Drugs and Alcohol in the Workplace Keynote* and sample policies.

Kathy Iverson | Sr. HR Advisor



ARCHBRIGHT NEWS

'New Normal' Brings Hiring Optimism, Virtual and Reskilling Challenges

The long-term impact of the coronavirus pandemic on hiring and career development is just coming to the surface and will affect the way employers hire and train candidates for the near future, according to the results from [the annual Future of Work global survey conducted by Monster](#).

Yet despite the volatility caused by the pandemic, recruiters and talent acquisition professionals are feeling optimistic about 2021. Eighty-two percent of global employers plan to hire in 2021. More specifically, 47 percent plan to replace or backfill open positions, and 35 percent even expect to expand their company's workforce by hiring for new jobs. Those numbers shift to 42 percent and 40 percent, respectively, in the U.S.

Skills gap. According to the survey, the hiring outlook is up, but varies by industry and is affected by continued demand for reskilling.

- Although 93 percent of employers are confident in finding the right candidates, 40 percent of respondents expect to continue facing the skills gap, with one third of employers agreeing the skills gap has increased compared to one year ago.
- Tech-industry recruitment leads with 49 percent of respondents planning to hire net new jobs, whereas health care and finance/banking are expected to replace jobs lost due to the pandemic (59 percent and 53 percent, respectively). Nearly one third (32 percent) of recruiters for leisure/hospitality are expecting continued hiring freezes.

Virtual recruiting. Virtual recruiting is on the rise, but it is putting fit at risk.

- Although the U.S. is leading the charge at adapting to virtual practices, with 70 percent of U.S. recruiters using virtual technology for at least half of their candidate interviewing and new-hire onboarding, more than a quarter (26 percent) of global respondents still struggle to master virtual recruiting.
- Candidates are struggling to assess company culture and job fit through virtual hiring: Three in four candidates (75 percent) agree that "virtual hiring makes it difficult to really assess how a company's values and culture align with my own."
- Leisure/hospitality, transportation/logistics, and retail lag behind other sectors in adapting to virtual hiring: an average of 18 percent of recruiters in those industries do not do any virtual hiring.

Employers must adjust. According to survey results, employers need to adjust to meet the demands of today's candidates.

- HR professionals adapted to the new way of working and hiring during the COVID-19 pandemic, with many of them making changes to flexible work schedules (42 percent), remote work flexibility (41 percent), and updated health policies and protocols (40 percent). However, the industry will need to adapt to the demands of today's candidates.
- Workers are struggling with job-related anxiety (32 percent), headaches from too much screen time (16 percent), and depression (14 percent). Women around the world are feeling this more strongly than men, with 36 percent of women experiencing job-related anxiety and 13 percent experiencing loneliness.
- Despite a stronger emphasis on diversity, equity, and inclusion in the workplace, globally 56 percent of survey respondents have not, nor are they planning to update their DEI strategies. This is in stark contrast to candidates' desire for employers to offer diversity training (35 percent), build a diverse workforce (34 percent), create elements of an inclusive work environment and workspace (29 percent), and encourage employee resource groups (20 percent).

CCH Incorporated

SAFETY AND LOSS CONTROL

COVID-19: One Year of Safety Adaptations

For many employers in the U.S., March 2021 marks the one-year anniversary of workplace modifications due to COVID-19. In February of 2020, most employers were aware of the coronavirus, but how the virus would impact the workforce wasn't yet clear. Starting in March 2020, many employers began asking employees who could work remotely to do so. Workers who remained at the worksite had to endure a series of job adaptations that sometimes felt never-ending. Employers have had to pivot quickly to keep up with safety regulations that have changed rapidly and often seemed unclear.

With many agencies issuing updated protocols, employers may be wondering what regulations they should be currently following a year later. Archbright recommends that all employers follow OSHA guidance, which is largely based on CDC recommendations. Additionally, employers must follow applicable state and local health department requirements. Both Washington and Oregon have provisions similar to OSHA guidance with additional stipulations. Below are some highlights of these state regulations that go above OSHA statutes:

Washington

- Follow the WA Governor's COVID-19 site for phase and sector-specific requirements.
- Designate a COVID-19 Coordinator.
- Create and post your written COVID-19 Prevention Plan in the workplace.
- Educate workers and customers on COVID-19 in the language they best understand.
- Follow requirements for medium to high to very high-risk workplaces.

Oregon

- Monitor and follow Oregon's COVID-19 rule, including sector-specific requirements.
- Create a written infection control plan that includes a site-specific risk assessment.
- Follow requirements to manage flow, occupancy limits, and physical distancing protocols if indicated by an industry sector requirement.
- Provide training on COVID-19 that allows the opportunity for employee feedback.
- Follow cleaning and sanitation schedule based on how long the site is occupied.

COVID-19 Requirements for all Employers

OSHA has issued guidance for all workplaces to help keep workers and customers safe and healthy from widespread illness. This guidance includes but is not limited to:


- Developing an Infectious Disease Preparedness & Response Plan, including COVID-19 Plan.
- Implementing health screening practices.
- Establishing prevention techniques, including wearing face coverings, handwashing, cleaning, physical distancing, ventilation, and training.
- Determining workers' level of risk for exposure to COVID-19.

Since these are just highlights of some of the requirements, Archbright recommends that eligible members review our COVID-19 checklist located in the Resource Library. This checklist will assist employers who want to stay on

top of the latest recommendations, requirements, and regulations. It will also help employers build or audit their company's Infectious Disease and/or COVID-19 Plan. The Resource Library also contains other helpful tools such as a plan template, educational materials, posters, policies, and sample training tools. Archbright continues to monitor changes to OSHA guidelines, as well as state regulations in Washington and Oregon, and update our resources accordingly. Eligible members are encouraged to reach out to the Safety Hotline with safety-related questions.



Tiffany Knudsen | Safety Content Manager



Consumer Price Index

U.S. Cities Average—January 2020

| | | |
|----------------|---------------------------|--------------------------|
| CPI-W: 255.296 | + 0.478% (1 month change) | + 1.565% (1 year change) |
| CPI-U: 261.582 | + 0.425% (1 month change) | + 1.400% (1 year change) |

Seattle/Tacoma/Bellevue—November/December 2020

| | | |
|----------------|-----------------------------|--------------------------|
| CPI-W: 279.308 | - 0.301% (bimonthly change) | + 1.584% (1 year change) |
| CPI-U: 283.409 | - 0.385% (bimonthly change) | + 1.427% (1 year change) |

1982-84 Base; CPI-U = Urban Consumers; CPI-W = Wage Earners & Clerical Workers

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We welcome your comments and suggestions.

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