




Insights

MAY | 2021 Newsletter



Register Today for the Management Academy's Virtual Spring Session

For leaders ready to take the next step in their professional development, Archbright University offers the [Management Academy](#), powered by Development Dimensions International (DDI). **DDI** 

Participants join a small group of peers to complete six key DDI leadership courses:

- Communicating for Leadership Success
- Driving Change
- Building and Sustaining Trust
- Maximizing Team Performance
- Addressing Poor Performance
- Adaptive Leadership

The program occurs over a 6-week period and includes prep work, ongoing action items, and peer check-ins. *This encourages a more dynamic, collaborative, and supportive learning environment.* We've designed the program for those who:

- Lead a team
- Are experienced and comfortable with basic management skills of feedback, coaching, and delegation
- Can commit to the follow-up assignments, prep work, and peer coaching calls

This is a terrific opportunity to empower managers, cultivate leadership, and make a lasting impact in your organization.

Registration is now open for our spring VIRTUAL session:

Mondays, 8:30am to 12:30pm | [May 18 through June 22](#)

For more information or to register, visit [Archbright.com](#), email info@archbright.com, or call 206.329.1120 or 509.381.1635.

"I am leaving with so many great tools to apply at work, from trust-building to communication planning. It was a great class and instructor!"
- Recent Management Academy Graduate

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LOOKING AHEAD

CEO Corner

**Shannon
Kavanaugh**

President and CEO at Archbright

Archbright Awards 200K to Local Non-Profits that Provide Health and Wellness Services

In 2014, Archbright endowed \$1.8 million to be awarded over 10 years via the Seattle Foundation in the amount of \$200,000 each year.

The mission of Archbright's Health and Wellness Fund is to encourage healthy lifestyle outcomes of Pacific Northwest residents through health and wellness education, research, and services.

Grants were awarded this year to support these organizations:

- Big Brothers Big Sisters of Puget Sound (inspirebig.org) creates and supports one-to-one mentoring relationships that ignite the power and promise of youth.
- Cascade Regional Blood Services (crbs.net) provides a constant, safe, cost-effective supply of blood, blood components, and other related services to community hospitals and clinics in Western Washington.
- Food Lifeline (foodlifeline.org) feeds children, adults, and seniors facing hunger today and is working to end hunger for tomorrow.
- Kids Company (kidscompany.org) provides and advocates for affordable quality childcare that enriches and nurtures all children, supporting their success in school and in life.
- Plymouth Housing (plymouthhousing.org) provides permanent homes and comprehensive support to help our neighbors leave long-term homelessness behind for good.
- Wellspring Family Services (wellspringfs.org) helps children, adults, and families who are experiencing crisis take the next step forward, tap into their own resilience and strength, and build community.

We are proud to support these organizations and hope you will too!

April 21 Webinar Recording Now Available to Members

The recording of our April 21 webinar, [Lessons Learned After 1 Year with Washington Paid Family and Medical Leave](#), is now available on Archbright.com to all members, whether or not registered for or could attend the live event.

Washington's Paid Family and Medical Leave program has been in effect for over a year. According to the Economic Opportunity Institute, the Washington Employment Security Department received 85,000 applications during the first six months the program was available to employees, which was much more than projected. Employees are aware of and taking advantage of their rights under the law.

There have been many lessons learned from employees taking leave under the law. Further, the first year saw changes to the rules that govern the program. Now is an excellent time to discuss those lessons and changes and issue reminders about important requirements under the law.

In this [recording of our 4/21/21 webinar](#), Colleen Mayer, Attorney, and Joy Sturgis, Content Manager, cover lessons learned and important reminders about requirements under the law, including:

- Notification requirements
- Intermittent leave
- Minimum claim duration
- Continuation of health benefits
- Job restoration rights

The recording is now available as a free product in our store on Archbright.com. Questions? Contact us at info@archbright.com.



Supplemental Supervisor Training Available Now on mozzo

It is widely understood that not all training is created equally, particularly leadership training. More importantly, no program is one size fits all.

At Archbright University we offer leadership training suited to a variety of learning styles. For example, [Supervisory Skills](#) and [Management Fundamentals](#) provide engaging experiences with a live instructor, on camera when taught virtually. Attendees always receive participant guides to ensure visual learners are supported. We provide small group interactions and breakout sessions to engage kinesthetic learners. Finally, we include videos and microlearnings to engage auditory learners.

Just like their varied learning styles, participants learn at different paces. Some concepts come more naturally, and others require more practice.

To support learners both inside and outside of the classroom, we are excited to present an asynchronous learning option, the Video Training Library available only on [mozzo](#).

Asynchronous learning occurs when participants are on their own and seeking additional information. Eligible members can now access a series of training videos, known as microlearnings, on mozzo, to support the concepts learned in [Supervisory Skills](#) and [Management Fundamentals](#). Each microlearning is under 10 minutes in length and provides clear, concise instruction when the employee needs it most.

With a mozzo learner seat in hand, every leader can access the Management Track within the Video Training Library to reinforce key skills such as Giving Feedback and Leading with Empathy. There are currently nine videos in the Management Track with more to come:

1. Equitable Hiring Part 1 – Asking the Right Interview Questions
2. Equitable Hiring Part 2 – Getting Complete Answers
3. Giving Feedback
4. Leading with Empathy
5. Setting Clear Expectations
6. Stay Connected – Managing Virtual Teams
7. Strategies to Manage Relationships
8. Tools for Deeper Listening
9. Understanding the Role of a Lead

For more information on how to access asynchronous learning options for employees on mozzo, please contact your Archbright Account Executive or info@archbright.com.

Upcoming Classes

For the complete course schedule, please go to Archbright.com.

May 17 - [Understanding Legal Issues for Supervisors and Managers \(Virtual\)](#)

May 18 to June 22 - [Management Academy \(Virtual\)](#)

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

May 27 - [Workplace Harassment Awareness \(Virtual\)](#)

June 2 - [The Power of Habit \(Virtual\)](#)

June 3 - [Communicating with Impact \(Virtual\)](#)

June 3 - [Stay Connected: Managing Virtual Teams \(Virtual\)](#)

June 4 - [Coaching for Success \(Virtual\)](#)

June 7 - [Conflict to Collaboration \(Virtual\)](#)

June 9 - [Fundamentals of Project Management \(Virtual\)](#)

June 10 - [Leadworker Effectiveness \(Virtual\)](#)

June 10, 17, & 24 - [Supervisory Skills \(Virtual\)](#)

June 11 - [Building Interpersonal Awareness with DiSC® \(Virtual\)](#)

June 14, 15, & 16 - [Management Fundamentals \(Virtual\)](#)

June 17 - [Managing the Layers: Protected Leaves and the Law \(Virtual\)](#)

June 18 - [Discipline and Documentation \(Virtual\)](#)

How to Register:

Register online anytime at 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

High-Risk Proclamation Now Allows Employers to Seek Verification

On April 8, 2021, Washington State Governor Inslee modified the [proclamation](#) that provides protections for high-risk workers. The proclamation initially prohibited employers from seeking verification from employees requesting accommodation due to being high risk for severe illness from COVID-19, as defined by the CDC. With increased vaccination rates and increased provider capacity, the new update will now allow employers to verify employees' underlying medical conditions. The updated proclamation continues to protect high-risk individuals in the workplace but with new safeguards for employers.

What stays the same?

Employers remain prohibited from:

- Failing to utilize all available options for alternative work assignments to protect high-risk employees, if requested, from exposure to COVID-19. This may include a leave of absence when an alternative work arrangement is not feasible.
- Taking adverse action against an employee who requests accommodation. This means that employers continue to be prohibited from permanently replacing employees who are out on leave due to their high-risk status. Employers may still hire temporary employees to perform the work during the high-risk employee's leave.
- Making changes to a high-risk employee's accommodations under this proclamation, without providing the employee 14 calendar days' advanced notice.

Additionally, the proclamation remains in support of telework, the use of alternative or remote work locations, reassignment, and physical distancing to continue to reduce the spread of COVID-19.

What is new?

Effective April 23, 2021, employers are no longer prohibited from:

- Requiring medical verification from any employee who requests accommodation under this proclamation. Employers must follow the same interactive process required by state and federal disability laws, taking into consideration the employee's medical condition, vaccination status, and the circumstances of the employee's job or workplace.
- Failing to fully maintain employer-related health insurance benefits, starting in the calendar month following a 14-day notice to the employee. Employers may still be required to maintain benefits if the employee is eligible for leave under the FMLA.

What should employers do now?

Employers should begin by auditing the status of all employees who are currently out on leave due to their high-risk status. There will likely be reason for the employer to communicate with all such employees, and what that communication entails depends on a couple of specific questions.

Does the employer have medical verification of the employee's high-risk status and corresponding need for accommodation?

If the employee is in a risk category that previously precluded the employer from requesting medical verification, then the employer likely has no confirmation other than employee's own statement as to whether the employee does have a high-risk condition and whether that condition prevents the employee from returning to work. Now employers are authorized to request such medical verification, both as to the condition itself and as to the employee's need to remain on leave.

If the employer already has verification of the high-risk condition (possibly through a prior interactive process with the employee, unrelated to COVID-19), it is still advisable to request updated verification specific to any ongoing accommodations that the employee's medical provider recommends. An employee may have been unable to work in the early stages of the pandemic, but increased safety protocols, vaccinations, and other updates may make it possible for them to return now. Employers should, therefore, seek updated medical verification and complete the interactive process with the employee.

Is the employee still on the employer's group medical insurance plan?

If an employee's medical provider confirms that they are still unable to return to work due to their high risk for severe illness, employers may now be able to remove those employees from their employer-provided health insurance benefit. This will likely depend on the employee's pay status and the length of their unpaid leave. If the employee remains in paid status or is eligible for FMLA leave, then they likely remain entitled to employer-provided medical benefits per the employer's policy and plan. If, however, the only reason that they remained on the employer's plan was the protection from the former versions of the high-risk proclamation, then the employer is now cleared to remove them following the required 14-day notice referenced above.

Keep in mind that the new American Rescue Plan Act includes COBRA premium assistance for eligible employees for continuing coverage from April 1, 2021, through September 30, 2021. Therefore, moving employees from active employee coverage to COBRA coverage may not negatively impact employees and will allow employers to receive a tax credit for the premium assistance. Contact your COBRA administrator for additional information regarding COBRA eligibility and available subsidies.



Eligible members are encouraged to contact the [HR Hotline](#), [Safety Hotline](#), or legal counsel with any questions or to seek specific guidance. Eligible members may also access Archbright's comprehensive keynotes, sample policies, and workplace posters available in the mozzo Resource Library and the Archbright mobile app.

Erin Jacobson | Director, Legal and HR Advice

Washington Long-Term Care Insurance Program

Last May, when the focus was primarily on all things COVID-19, Governor Jay Inslee passed the nation's first long-term care insurance (LTI) program, paid for by an employee payroll premium. The LTI program mandates a payroll tax for Washington-based employees to pay for long-term care expenses.

The tax is scheduled to be 0.58% of payroll, or 58 cents per \$100 of income, meaning someone making \$100,000 per year would pay \$580 per year in taxes. This payroll tax starts collecting in January 2022 and is scheduled to be paid entirely by the employee. The employer can elect to pay this tax on behalf of the employee, but unlike FICA and PFML, there is no obligation to pay a portion. An employee can claim exemption from this tax if they have private LTI insurance.

Starting Jan. 1, 2025, the insurance will cover a beneficiary's long-term care expenses (to the extent not covered by Medicare) up to \$100 per day per beneficiary, for up to 365 days, with a lifetime cap of \$36,500 (adjusted for WA CPI). To be eligible, employees will have had to have paid the premium working at least 500 hours per year for 3 years of the previous 6 years in which they are seeking the benefit, or for a total of 10 years with at least 5 of those paid without interruption.

To opt out, a qualifying employee may apply for exemption with Employment Security Department (ESD) (using a format that will be approved by ESD) if they have obtained other long-term care insurance prior to November 1, 2021. Employees can apply for the premium assessment waiver by December 31, 2022. If approved, an employee's exemption will be effective for the quarter immediately following approval. Once an employee opts out, the employee cannot opt back into the program. The employee would then be required to provide this approval letter to their employer to ensure the premium is not deducted. Any tax paid prior to the waiver effective date will not be refunded to the employee.

So what should employers do?

1. Communicate to employees about the upcoming tax and their ability to "opt out" if they have private insurance. Planning ahead now can allow employees that want to consider private insurance to do so. Private insurance may provide a better benefit and may be more affordable to the employee.
2. Prepare to collect and remit the payroll tax beginning January 1, 2022.
3. Employers with unions should notify the union(s) that they are complying with the law and be prepared to engage in effects bargaining if the union requests it. Employers with a collective bargaining agreement in existence on October 19, 2017, are not subject to the program unless and until the existing agreement is reopened and renegotiated or the existing agreement expires. Employers must notify ESD when the collective bargaining agreement becomes open.

Employers should contact their payroll or tax advisor with any questions about this new law. For assistance with effects bargaining, eligible members may contact an Archbright Labor Attorney.

Kellis Borek | Vice President, Labor & Legal Services General Counsel



HR FAQ

Question: My employee says they are going to sue me personally because I didn't do anything about their co-worker harassing them. Can they really do that?

Answer: The answer is...possibly! Under federal law, employees, including supervisors, cannot be held individually liable for harassment claims. However, in some states, such as Washington, an aggrieved employee may sue not only the employer, but the harasser as well. Supervisors can be personally liable for their own discriminatory or harassing acts, or for failing to report harassment to the appropriate person after receiving a complaint of harassment. Under those state laws, supervisors may be personally liable if they fail to address harassment in the workplace that

they should have known about - for example, conduct observed and not addressed even if the supervisor is not responding to a complaint.

What this means for supervisors is that not only can they no longer ignore the little clues that something may be amiss, but they must also be actively looking for those clues and addressing them immediately.



A couple things to keep in mind for managers:

1. Know your employer's policy on harassment and the internal procedure for filing harassment complaints. Know who to direct complaints or suspicions to.
2. Be observant. For example: Every time Lindsay walks in a room, Joe walks out. During conference calls Leslie is engaging and contributing to discussions, but when Steve is on the call, Leslie doesn't say a word. Aaron said he needed to speak with you, but you didn't have time and said you'd have to speak with him later, and then you didn't do so. These are just a few examples of "should have known" situations.
3. Take seriously any and all employee complaints about harassment. You may observe something on the way to a very important meeting, but it is important to stop and address it (or report it) immediately - even if this means you are late to a meeting.

The best defense for avoiding that lawsuit is to stay observant, address complaints or observations immediately when you see or hear about them, let HR/Management know right away, and lastly... don't be the one doing the harassing!

Kathy Iverson | Senior HR Advisor

ARCHBRIGHT NEWS

May Session of the Northwest Diversity Learning Series: Negotiating with Power

Driving change within an organization requires tough conversations in which powerful individuals are asked to change.

This session, we will draw from theory and research on the principles of negotiation, labor and union disputes, and upward influence to equip DEI leaders with a set of strategies and tactics for navigating these tough negotiations. This means getting into “good trouble, necessary trouble” by having the courage to ask for what is needed and doing necessary work to set those asks up for success.

Participants will build their confidence in your negotiation abilities by learning a framework for making sense of these unique negotiation contexts. They’ll also engage in live-coaching to bring the framework to life and seat the concepts in reality.

By the end of this session, participants will:

- Understand the difference between negotiations that are dispute resolution versus deal making.
- Apply a dispute resolution framework for navigating negotiations regarding diversity, equity and inclusion.
- Gain upward influence tactics that are helpful in negotiating with power.
- Work with negotiation planning tools learning how to prepare for a future negotiation.

Archbright is a proud sponsor of the Northwest Diversity Learning Series, currently celebrating its 23rd year providing relevant, substantive, though-leading, and cost-effective educational programming on diversity equity, and inclusion (DEI) for managers, and employees in the Puget Sound Region.



ISDI
INSTITUTE FOR SUSTAINABLE
DIVERSITY & INCLUSION

When: May 19, 9 am to 11 am | **Where:** Virtual

Presenter: Christina T. Fong is the Associate Dean for Inclusion and Diversity and the William D. Bradford Endowed Professor of Management at the Michael G. Foster School of Business at the University of Washington

REGISTRATION IS NOW OPEN AT [I4SDI.ORG](https://i4sdi.org)

Upcoming Changes to Four HRCI Exams

After research and evaluation, beginning on May 1, 2021, HRCI® is reducing both the exam duration and number of questions for the following exams: aPHRi™, PHR®, PHRca® and SPHR®.

Exam	New Exam Duration	New Exam Length
aPHRi	1 hour 45 minutes	90 questions
PHR	2 hours	115 questions
PHRca	2 hours 15 minutes	115 questions
SPHR	2 hours 30 minutes	140 questions

As with any update, the HRCI® team of psychometricians and subject matter experts worked to maintain exam reliability, rigor, and validity. The exams will still be based on the current exam content outline for each exam type.

Prep for Your Exam at Archbright University

There are two remaining opportunities this year to take our popular [PHR/SPHR Certification Exam Prep Program](#). This virtual, instructor-led HRCI certification exam prep program covers the six functional areas of the PHR and SPHR exam:

- [Summer Session | July 7 through Sept 22 | Wednesday mornings, 8:30 to 11:30 am](#)
- [Fall Session | Sept 17 through Dec 10 | Friday mornings, 8:30 to 11:30 am](#)

Registration is now open for both sessions on Archbright.com.

SAFETY AND LOSS CONTROL

New Washington Law Seeks to Protect Temporary Workers

A new law in Washington is being introduced to help keep temporary workers safe while on job assignments. Many employers utilize temporary staffing agencies as a cost-effective way to quickly fill vacant positions or cover short-term increases in production demands. Although employers have always been responsible for keeping employees safe from recognized hazards, temporary workers often get little to no training on the assigned duties and site-specific hazards they might encounter on the job.

[House Bill 1206](#), which is being added to [49.17 RCW](#), goes into effect on **July 25, 2021**, and focuses on the identification and mitigation of workplace hazards for temporary workers, including providing them with information regarding potential assignment hazards and making sure they receive the appropriate training to keep themselves safe. This new law focuses specifically on protections for construction and manufacturing workers who get jobs through temporary staffing agencies, who, according to research conducted by the Safety and Health Assessment and Research for Prevention Program (SHARP), get hurt more often on the job than permanent employees. The study found that workers from staffing agencies are much less likely to receive training on the hazards they will be exposed to during their work assignment, and found that workers are afraid to say “no” to an employer when asked to do something different from the original job assignment because they fear losing their job.

The new law requires that employers identify workplace hazards and train temporary staff on those hazards before they begin the work. If the temporary worker’s job or work location changes and the worker is introduced to new hazards, the worker must be informed of those new hazards. Additionally, employers must provide workers with updated training and personal protective equipment (PPE) as needed. Under the new law, workers can also refuse the new task without the fear of retaliation if they have not been adequately trained first.


Employers who want to revamp their hazard recognition and training programs in response to the new rule can find Job Hazard Analyses, safety orientation, and written program templates as well as sample training materials in the Resource Library on [mozzo](#). Eligible members are encouraged to reach out to the Safety Hotline with safety-related questions.



Tiffany Knudsen | Safety Content Manager

Steps to Meet Temporary Worker Safety Requirements

1. Employers must conduct and document workplace Job Hazard Analysis', including identifying personal protective equipment (PPE) needs.
2. Employers must inform the Staffing Agency of the anticipated job hazards.
3. The Staffing Agency must provide and document general safety training to workers before assignment.
4. Employers must provide site-specific training to workers and document training, maintain training records, and provide confirmation of the training to the Staffing Agency within 3 days.
5. Employers must provide the tools and PPE necessary to do the job assignment safely.
6. If the job assignment changes, the employer must repeat the process.



Consumer Price Index

U.S. Cities Average—March 2021

CPI-W: 258.935	+ 0.815% (1 month change)	+ 3.007% (1 year change)
CPI-U: 264.877	+ 0.708% (1 month change)	+ 2.660% (1 year change)

Seattle/Tacoma/Bellevue—January/February 2021

CPI-W: 282.795	+ 1.248% (bimonthly change)	+ 1.695% (1 year change)
CPI-U: 286.950	+ 1.249% (bimonthly change)	+ 1.714% (1 year change)

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

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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