



Insights

JUNE | 2022 Newsletter



The 2022 Archbright Benefits Plus Survey is Open Now!

Participate in this year's survey and learn how hundreds of companies across the Pacific Northwest support work-life balance, increase employee satisfaction, manage compensation programs, promote health and well-being, and encourage financial wellness.

Last year's survey included data from 381 participating organizations and was representative of non-exempt, exempt, and executive level positions.

We generate two versions of the report from this survey: the Full Report (reg. \$500+tax) and the Nonprofit Report (reg. \$300+tax). Archbright members who complete the survey will receive the results for free.

Members who do not participate in the survey can purchase the reports with their tiered membership discount when published later this year.

All survey contacts should have received an email invitation to complete the survey last week. Participation for the survey closes on July 5, so submit your responses today!

Questions? Contact our Survey Team at regionalsurveys@archbright.com.

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LOOKING AHEAD

CEO Corner



**Shannon
Kavanaugh**

President and CEO at Archbright

Workplace Investigations Conducted by Archbright

Workplace investigations are rarely simple or straightforward, yet the need for timely and impartial workplace investigations remains a constant.

We understand investigations can be challenging for members to navigate for so many reasons. They can be unpredictable, time-consuming, and highly sensitive—especially when complaints involve a high-level executive or manager.

Choosing the right investigator is very important. You need someone who is credible, respected, regarded as fair and impartial, and knowledgeable about employer policies and employment law issues.

Let us help.

After an initial consultation, we assign an attorney-trained, experienced investigator from our team. Our investigator independently reviews all pertinent documents and interviews all relevant witnesses, following the evidence as it develops and providing regular updates as to how many hours have been spent and how many likely witnesses remain to be interviewed. Investigation interviews may be conducted in person or virtually.

When the fact-finding process is completed, you'll receive verbal and/or written findings that include the specific reasoning for the determinations. Our fact finding investigators do not provide legal advice. However, eligible members may have access to our legal team for ongoing advice on the matter.

If you'd like to learn more about this service, please reach out to us at hrhotline@archbright.com for more information. Our team is ready to help.

UPCOMING EVENTS

Archbright Portland CoffeeTalk Beyond the Pandemic: Employment Law Update

HR Professionals have spent the last two years focused on issues related to the COVID-19 pandemic. Now, as we continue to reopen, it's time to take a look at other employment law updates and how they may impact your organization.

Date: Wednesday, June 15, 8:30 AM-10:30 AM

Speaker: Erin Jacobson, Director, Legal & HR Advice

Location: Portland, OR

Cost: Free (including parking!)

A continental breakfast will be served.

Click [here](#) to register!

Lessons Learned after Two Years with Washington Paid Family and Medical Leave and Updates on the Washington Cares Act

Employees have been eligible to use Washington Paid Family and Medical Leave since January 1, 2020. This presentation will focus on employer lessons learned over the past two years and touch on recent legislative changes to the law. Also, employee contributions under the Washington Cares Act are set to begin July 1, 2023, and eligible employees will be able to draw on benefits starting July 1, 2026. In 2022, the legislature passed some new exemptions under the law that eligible employees may apply for.

Date: June 16, 2022, 11:30 AM-12:30 PM

Speaker: Colleen Mayer, Attorney

Location: Virtual

Register at [Seattle SHRM's website](#).

Juneteenth: New Opportunities for Employee Training

On June 17, 2021, President Biden deemed Juneteenth an official federal holiday to mark a significant event in history, the end of slavery in the United States. Juneteenth commemorates June 19, 1865, the day that Union Army Major General Gordon Granger arrived in Galveston, Texas to announce that slaves were now emancipated. This was more than two years after President Abraham Lincoln issued the Emancipation Proclamation on January 1, 1863 that freed all slaves. However, the law had not been widely followed, extending slavery in the United States for two and half more years. Also known as Emancipation Day, the holiday has been celebrated by Black Americans for years, though it has not been widely taught or discussed in other circles until now.

In 2022, June 19th falls on a Sunday, making June 20th the first official day that employers will be able to acknowledge the holiday. Whether or not the day will be a day of celebration and rest for employees will be determined employer by employer. No matter the company decision, however, acknowledging the holiday is advised as a continued effort to support the breakdown of systemic racism in America. To do so, employers might send an all-company communication to acknowledge the importance of the day and to educate all employees on its significance. To take it a step further, organizations may provide employee education on the topic of Diversity, Equity, and Inclusion.

Archbright University offers multiple training options. The Video Training Library in mozzo is a perfect place to start with its Diversity, Equity, and Inclusion training track, offering bite-sized learning options that employees can tackle in short bursts. Topics include Being an Ally, Subtle Acts of Exclusion, The Importance of Pronouns, and Unconscious Bias in the Workplace, to name a few.

Additionally, Archbright University's training class, [Diversity and Inclusion in the Workplace](#), is the perfect foundational class for all employees to begin conversations about the topic. The next public session will be held on [June 27](#). The class is also available for private team training sessions.

For more information on how to obtain Learner Seats to view the Diversity, Equity, and Inclusion training track on mozzo or for information on how to schedule a private team training, please reach out to your Archbright Account Executive or email info@archbright.com.



Amy Bachmann | Director of Sales and Training

Upcoming Classes

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

- June 10 - [Managing Leaves and the Law \(Seattle\)](#)
- June 13 - [Building Interpersonal Awareness with DiSC® \(Seattle\)](#)
- June 13, 14, & 15 - [Management Fundamentals \(Virtual Class\)](#)
- June 16 - [Crucial Conversations® Focused: 1-Day \(Virtual Class\)](#)
- June 21 - [Time Management \(Virtual Class\)](#)
- June 22 - [Leadworker Effectiveness \(Seattle\)](#)
- June 23 - [Managing FMLA \(Seattle\)](#)
- June 24 - [Managing with DiSC® \(Virtual Class\)](#)
- June 27 - [Diversity and Inclusion in the Workplace \(Virtual Class\)](#)
- June 27 - [First Aid/CPR/AED Recertification \(Seattle\)](#)
- June 27, 28, & 29 - [Supervisory Skills \(Virtual Class\)](#)
- June 28 - [Fundamentals of Project Management \(Virtual Class\)](#)
- June 29 - [Discipline and Documentation \(Virtual Class\)](#)
- June 30 - [Conducting Effective Internal Investigations \(Seattle\)](#)
- June 30 - [Holding Others Accountable for Great Performance \(Virtual Class\)](#)

How to Register:

Register online anytime at [Archbright.com](https://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 **Sign In** button, then select **Sign up now** and follow the prompts.

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

HR ADVICE & COUNSEL

Unique Considerations for Hiring Teenagers This Summer

As summer is fast approaching, many employers tap into a newly available talent pool for their seasonal positions—teenagers on summer break from school. Summer jobs can be a win-win solution for employers and young workers alike. Employers can fill open hourly positions that have been difficult to recruit for in the current competitive labor market. Teenagers can learn valuable skills that will assist them as they progress into adulthood—and earn some pocket money in the process!

However, there are many issues that employers must keep in mind when employing minor workers.

State and Federal Laws Regulating Hours and Occupations

State and federal laws provide regulations that govern minor employment, including a minimum age for employment, hour limitations, required permission, and prohibited hazardous occupations.

The Fair Labor Standards Act (FLSA) prohibits the employment of children under 16 years old unless regulations have specifically authorized the position for minor workers aged 14 or 15. If the job is allowed for 14 and 15-year-olds, employers must ensure that the work hours do not interfere with the minor's education and the working conditions do not jeopardize the minor's health and well-being. During summer break, June 1 through Labor Day, 14 and 15-year-olds may work up to 40 hours a week, up to eight hours per non-school day, so long as they do not work before 7 AM or after 9 PM.

The Department of Labor, Wage and Hour Division (WHD) prohibits minors from working in jobs that they classify as hazardous.

The Washington Department of Labor and Industries (L&I) generally requires that teen workers be at least 14 years old. Before teens under 18 can begin work, employers must obtain a minor work permit endorsement from L&I, proof of age documentation, and a consent form signed by a parent or guardian. When school is not in session, minors aged 14 or 15 may work up to eight hours per day and 40 hours per week. Those who are 16 to 17 years of age may work up to 48 hours per week. No minors are permitted to work past 8 PM without adult supervision on the premises. Some separate restrictions and exemptions apply to minors in agricultural occupations.

Oregon employers must verify the minor's age through acceptable proof of age and obtain an annual Employment Certificate from BOLI. Minors must be at least 14 years old to work, with only limited exceptions. Those under 16 years of age may work in non-hazardous occupations, between 6 AM and 10 PM, up to eight hours a day. 16 and 17-year-olds do not have daily hour restrictions and may work up to 44 hours per week, with limited exceptions for those working in agricultural occupations or organized youth camps. Also, if a minor employee arrives for their scheduled shift but is not needed, the employer must pay either half the wages of the planned shift or one hour's wages, whichever is greater.

Workplace Conduct

In addition to adhering to compliant hours and occupations, employers must also consider extra workplace precautions to protect minor workers. Young employees with limited work experience are often reluctant to report harassment or other types of prohibited workplace conduct. Employers should train minor workers (in addition to all employees) on unacceptable workplace behavior and where and how they should report possible harassment.

Safety

The safety of all workers is of paramount importance, but extra care is necessary to ensure teen employees' safety in the workplace. According to the National Institute for Occupational Safety and Health (NIOSH), minor workers between 15 and 19 are injured every five minutes at work. This is about twice the rate of injuries for workers over 24. When all employees from the top-down participate in safe work practices, it sets a good example for young workers.

Employers must follow all applicable federal and state safety regulations for their industry and comply with all child labor laws, including prohibiting minor workers from doing certain hazardous job tasks. Employers must also provide safety training using words and language that teens can understand, including clear instructions for each task. Hands-on training is typically the most effective training method, and employers shouldn't assume that the young worker understands a job task if they don't ask questions. Employers should also follow required safety practices, such as the proper use of personal protective equipment (PPE). Consider implementing a buddy system, partnering teens with experienced workers, and ensuring that they are supervised closely.

For more information, see the [Unique Considerations for Hiring Teenagers This Summer](#) blog post on Archbright.com.

Lindsey Sosa, Content Manager | Tiffany Knudsen, Content Manager

Travel Time for Non-Exempt Employees in Washington

When non-exempt employees travel as part of their employment, whether from job site to job site, throughout the day, or across the country on a multi-day trip, the employer may have to compensate the employee for some or all time spent traveling.

A recent Washington Court of Appeals case confirmed that Washington law is more favorable for employees than federal law regarding overnight travel time.

Typical travel time from home to work and returning home at the end of a workday is considered daily commute time and is not compensable.

However, travel time is compensable for out-of-town trips when the employee travels for a “work-related purpose.” A “work-related purpose” means the employee’s travel time is part of an assigned task, is required at the employer’s direction, and takes place on the employer’s premises or at a prescribed workplace.

One-day out of town assignments | An employee who typically works at a fixed location but is given a special one-day work assignment out-of-town (and leaves from their home) must be paid for all time spent traveling from home to the out-of-town job site, excluding an uninterrupted meal period. If an employee must report to the worksite to pick up a vehicle before leaving for the assignment, the drive between work and home is the employee’s commute and is not compensable. Additionally, under Washington law, time spent as a passenger in a car rather than driving is compensable unless the employee is voluntarily traveling as a passenger for their convenience.

Overnight Travel | A recent Washington Court of Appeals case, *Port of Tacoma v. Sacks* (2021), confirmed that Washington law is more favorable than the Fair Labor Standards Act (FLSA) for travel time. The court upheld Washington Labor & Industries (L&I)’s citation that “hours worked” included the employees’ travel time from home

to the airport, the waiting time for the flight, the time in the air, and the time after landing until arrival at their hotel. Once an employee arrives at their hotel, provided they are not otherwise working, their time is not considered hours worked. Hours worked will also include the employee’s return flight and all travel time until they arrive home.

Company-provided vehicle | Whether an employee is on duty when driving a company-provided vehicle between home and work is based on how the employer restricts the employee’s personal activities and controls their time.

For example, when the employee drives the company vehicle between home and their job site, this time may be hours worked if the employee is prohibited from driving the vehicle for personal use or performing work during the drive time. Work during the drive time may include being redirected to another location, transporting non-personal tools and equipment, or receiving daily job assignments that require the employee to spend more than negligible time mapping travel routes. However, when the employee is free to use the company vehicle for personal purposes, such as running personal errands, or is not performing any services or working during the drive, this time is likely not compensable.

Archbright members are encouraged to review their policies and practices regarding travel time for non-exempt employees. And always continue to remind non-exempt employees to accurately record their hours worked and, in some cases, re-evaluate whether out-of-town travel is necessary or required. The HR Hotline is available to eligible members for further guidance and questions. The mozzo Resource Library also has Travel Time Keynote and Travel Time Policy for additional details.



Ben Eckhart | Attorney

HR FAQ | Question: We are excited to (finally) have a summer picnic for our employees this year! What types of things should we consider when planning for the event?

Answer: With COVID restrictions lifting, many employers are returning to their everyday operations, including summer picnics and other company events. A lot goes into planning an employee event that everyone will enjoy, but there are some crucial compliance aspects to consider before encouraging employees to let their hair down.

Many employees will want to know if the time spent at the event will be paid. In general, if an employee’s participation is mandatory and the event is during regular business hours, the time a non-exempt employee attends the event should be compensated at their standard hourly rate and subject to overtime if applicable. Of course, exempt employees should not experience any salary deduction for time spent at an employer event. If the event is optional and held outside business hours, non-exempt employees generally do not need to be paid for the time.

If you plan to serve alcohol, consider taking extra precautions to limit employee consumption by providing no more than two drink tickets and don’t supply liquor, just beer or wine. Additionally, it is wise to provide a shuttle service or rideshare vouchers so that employees are not driving intoxicated after the event.

If an employee injures themselves at a mandatory employer-sponsored event, they will likely qualify for a workers’ compensation claim. To reduce liability, employers can make the event voluntary, hold it outside of regular work hours, and ensure it does not take place on employer premises. Employers can further reduce their liability by having employees sign a release beforehand that states that the activity is voluntary, not work-related, and that employees assume the risk of injury by participating. Keep in mind liability may not be eliminated altogether, so it’s best to take safety precautions to avoid an injury in the first place.

When picking an event location, consider the venue’s capacity, accessibility, and potential hazards such as tripping risks or slippery surfaces. Review emergency response procedures, food temperature requirements to avoid foodborne illnesses, shade availability if the weather is hot, and ensure employees with COVID-19 symptoms don’t attend.

After more than two years of navigating a stressful pandemic, employees deserve to have fun and reconnect with their coworkers in an in-person social setting. And with a few precautions geared toward safety and HR compliance, employers can reduce their liability risks and enjoy the event too!



Lindsey Sosa | Content Manager

ARCHBRIGHT NEWS

Improve Workplace Safety and Manage Workers' Compensation Claims with ReClaim

In last month's Insights, we mentioned how Archbright ReClaim is an excellent alternative for members who don't qualify for a Retrospective Rating Program. This one-of-a-kind service provides workers' compensation claims management as well as safety support to help participants improve their performance and earn a refund on their service fees.

And because effective workers' compensation claims management impacts your company's premium for three years, so the sooner you get started, the better.

Maintaining workplace safety is critical. Claims against your company can quickly snowball into much larger (and more expensive) problems if not handled appropriately and in a timely matter.

For every dollar Labor & Industries (L&I) pays an injured employee, the employer is charged 4.5 times the amount. The sooner a claim is managed following an injury, the better the outcome for both the employer and the injured employee. If left unmanaged, even small claims can unnecessarily escalate into significant losses for your company.

How does ReClaim work?

With Archbright ReClaim, members gain access to our safety and claims management services without the same participation requirements that apply to retrospective rating groups. Regardless of industry, members can participate in ReClaim and earn a refund.

Our claims and safety experts will review your performance, make an actionable plan to improve safety, and manage your claims. Not only do we notify you when a claim is filed, but we collaborate with you throughout the life of the claim to ensure the best possible financial outcome. Our goal is to alleviate stress and allow you to focus on other objectives.

What are the benefits?

Archbright provides the following Claims support to ReClaim participants:

- Responds within 24 hours of claim notification to minimize costs and expedite claims management intervention
- Evaluates all claims, looking for patterns and cost containment strategies that may have gone unnoticed
- Receives and prioritizes all correspondence from the Department of Labor & Industries (L&I) to drive claims forward and keep you advised on their status
- Administers the L&I Stay-At-Work reimbursement program, so participants receive additional dollars from L&I

Also, services provided by the Safety Team include:

- Access to the Archbright Safety Hotline for unlimited safety questions during any business day from 8 AM to 5 PM
- A recurring Financial Review to uncover your true workers' comp costs and analyze your claims losses to determine where improvement is needed
- Periodic Inspections of your work areas to determine if there are any safety risks, including broken equipment, damaged equipment, and slip-and-fall hazards

As a ReClaim participant, you'll also receive access to mozzo's Claims Tracker, where you can get real-time status on your outstanding claims.

Archbright ReClaim Refund

In addition to having experts manage your claims and provide safety support and services, you also may be eligible for a refund. Archbright ReClaim pools the service fees participating organizations pay to Archbright. Archbright then takes 30% of that service fee each year and distributes refunds to the best-performing companies enrolled in the program. The better your company performs, the higher the refund.

While improving your performance and potentially earning a refund as part of Archbright ReClaim, you may soon qualify for a retro program. And once you are eligible for retro, you may have the opportunity to earn an even higher refund.

The world of workers' compensation can be a complex one, but we are here to help.

For more information on Archbright ReClaim, call us at 206.329.1120 or 509.381.1635 or email info@archbright.com.

SAFETY & LOSS CONTROL

Get Ready for Wildfire Smoke Season

June is typically the turning point for better weather in the Pacific Northwest. Unfortunately, June also now signals the start of wildfire smoke season for the region. The last few years have seen unprecedented wildfire smoke events, and air pollution records have been shattered. Because employees who work outdoors can be exposed to this unhealthy air, states are starting to implement new air-quality specific rules to protect workers.

Washington | In July of 2021, Washington's Department of Labor and Industries (L&I) adopted an emergency rule to protect outdoor workers from the hazards presented by wildfire smoke. In April of 2022, the agency announced that because permanent rulemaking was ongoing, it intends to adopt the emergency rule again for the summer of 2022. The emergency rule will be in effect from June 1 through September 29. It will apply to workplaces where employees may be exposed to a NowCast Air Quality Index (AQI) of 69 or higher, with some exceptions. Requirements include providing a written wildfire smoke response plan in the employer's Accident Prevention Program that addresses communication between the employee and employer, exposure controls including but not limited to respirator use, the health effects of wildfire smoke, and training.

Oregon | Like Washington, Oregon adopted an emergency wildfire smoke rule in 2021 and started working towards permanent rulemaking. However, Oregon OSHA has yet to announce a permanent rule or an emergency rule for the summer of 2022. Employers in Oregon are encouraged to monitor air quality and implement controls to reduce employee exposure when the AQI is at or above 101.

Best Practices for All Employers | All employers are responsible for protecting their employees from workplace hazards, and wildfire smoke is no exception. Regardless of state rules, all employers should monitor air quality at their worksites. Employers can check the forecasted AQI for Washington and Oregon online. When outdoor air is heading towards unhealthy levels, employers should consider how long employees will be working outside, how physically demanding the work is, how hot it is, and if workers are at high risk due to preexisting health conditions. Some studies indicate that wildfire smoke can worsen symptoms for those with current or previous COVID-19 infections. When outdoor air quality is considered unhealthy or hazardous, employers can reduce risks by relocating workers to less smoky areas, rescheduling work, reducing the level and duration of physically demanding work, and providing structures that supply filtered air. Work vehicles should be equipped with air conditioning, and employees should be encouraged to recirculate the air with the vents and windows shut. Remember to check and replace the cabin air filters regularly.

Don't forget that wildfire smoke can also be harmful to indoor workers. Public health agencies advise closing windows and setting air conditioners to 'recirculation mode' to reduce the intake of pollutants. Portable High-Efficiency Particulate Air (HEPA) cleaners can also improve air quality in small, enclosed spaces. Avoid using ozone generators as they can worsen lung disease. Employers can also offer and allow the voluntary use of masks such as a KN95 or N95 to help reduce smoke exposure. Cloth face covering and surgical-style masks used for COVID-19 will not protect workers from smoke. Employers permitting respirator use will still need to follow applicable respirator requirements such as medical evaluations and fit testing.

Archbright will continue monitoring rulemaking activity and notify employers with a Compliance Alert email if 2022 rules are announced or updated. Eligible members are encouraged to contact the Safety Hotline with wildfire smoke and respirator use questions.



Tiffany Knudsen | Content Manager

AIR QUALITY INDEX

0-50

Good

51-100

Moderate

101-150

Unhealthy for
sensitive groups

151-200

Unhealthy

201-300

Very Unhealthy

301-500

Hazardous

mozzo MONTHLY UPDATES

Meet the Brains Behind the Resource Library!

Did you know that Archbright's Content Team does more than just produce articles for Insights each month? They also maintain mozzo's Resource Library, by updating resources and creating new ones each week. There is a lot that happens in the HR and safety compliance world (as we're sure you already know), so they work hard to deliver resources in a timely matter to ensure you have accurate information when you need it.

Get to know our Content Managers, Lindsey Sosa and Tiffany Knudsen!



Lindsey Sosa joined Archbright in 2018 as an HR Consultant working with members on various HR assignments. To further pursue her passion for writing and HR compliance, Lindsey became Archbright's HR Content Manager in May 2021. In this role, she maintains the HR content in the Resource Library, writes blogs and articles, and stays up to date on constantly evolving HR regulations.

Before joining Archbright, Lindsey worked as an HR professional across a variety of industries ranging from high tech to local government.



Tiffany Knudsen is a Content Manager at Archbright, responsible for creating and reviewing all safety-related content. She joined Archbright in 2006 as a Safety & Loss Control Professional providing Archbright's Retrospective Rating participants with financial analysis, workers' compensation advice, and safety-related assistance. She teaches many safety-related classes, is a certified

Instructor Trainer through Medic First Aid, and is the Medic First Aid Director for ASW. Tiffany is a certified Safety Management Specialist and has over twelve years of experience working as an EMT, and National EMT Instructor.

Also, here are a few of the recently updated and new resources that they've added to the Resource Library. Sign in to mozzo to check them out!

New & Updated HR Resources

- [Job Posting Template](#)
- [NLRB's Guidance on Employee Handbook Rules Keynote](#)
- [Pay Differential Policy](#)
- [Remote Work Checklist](#)
- [Stay Interviews Keynote](#)
- [Workplace Privacy: Employee Surveillance, Monitoring, and Searches Keynote](#)

New & Updated Safety Resources

- [COVID-19 Screening Poster](#)
- [Employer's Guide to Workplace Injuries](#)
- [How to 101: Stay Safe in the Heat Poster](#)
- [Job Hazard Analysis Form](#)
- [Powered Industrial Truck Operator Safety Snaps Training](#)



Consumer Price Index

US Cities Average—April 2022

CPI-W: 284.575 + 0.494% (1 month change) + 8.934% (1 year change)
CPI-U: 289.109 + 0.558% (1 month change) + 8.193% (1 year change)

Seattle/Tacoma/Bellevue—March/April 2022

CPI-W: 310.928 + 1.710% (bimonthly change) + 8.451% (1 year change)
CPI-U: 316.525 + 2.079% (bimonthly change) + 9.121% (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.

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