



# Insights

OCTOBER | 2022 Newsletter



## Charging Up Your Recruiting Efforts

Now more than ever, recruiting is unpredictable. It can be challenging to find the time it takes to be successful. We can help. Archbright's Recruiting Service will help you fill key positions across your organization, from sales to operations.

Our recruiting consultant works closely with your hiring manager to create a comprehensive plan that supports your company's culture and management style. From crafting the job posting that captures your organization's needs to finding candidates that would be a good fit, Archbright has the time and expertise to source the best candidate pool possible for your open position.

As your recruiting partner, we get to know your organization so we can connect you with quality candidates. During a recent successful engagement to recruit for a QA Manager role, our consultant met a candidate that wasn't right for the open position but was a great fit for the member. Understanding the competitiveness of the current market, our consultant suggested that the member reach out to this candidate to see if there were any other opportunities for her. She was too good to let slip away. The member agreed. Not only did the candidate impress the leaders of the organization, the candidate was recently hired for a different open position. This is just one of many member success stories—let's write yours next!

For more information, please reach out to your Account Executive or [info@archbright.com](mailto:info@archbright.com).

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## LOOKING AHEAD

# CEO Corner



**Shannon  
Kavanaugh**

President and CEO at Archbright

### Archbright ReClaim Refunds Awarded

In September, we awarded our very first service fee refunds to qualifying participants of the Archbright ReClaim program.

**We congratulate these members for their commitment and participation!**

I am thrilled to share that with this inaugural refund, we distributed over **\$200,000** to our 40 qualifying members—an amount equaled to 30% of the program's total service fees.

With Archbright ReClaim, we are helping members lower their workers' compensation premiums through effective claims management and safety practices.

Similar to the Department of Labor & Industries' (L&I) retrospective rating program that pools the group's workers' compensation premium and distributes refunds of unused premium to the greater group, Archbright ReClaim pools the service fees of participating organizations, then takes a portion of that service fee to distribute refunds to the best performing companies enrolled in the program!

Our dedicated teams help program participants manage every claim to get their injured employee back to work and prevent future injuries through proven safety support. This effort not only saves thousands of dollars in insurance cost over time, but, again, could earn a service fee refund each year.

**Best of all, any organization can qualify for Archbright ReClaim regardless of industry, premium size, or past performance.**

If you would like to learn more, please reach out to us at [info@archbright.com](mailto:info@archbright.com) or your Account Executive.

### L&I proposes 4.8% Workers' Comp Increase for 2023

On September 20, the Washington Department of Labor and Industries (L&I) announced a proposed 4.8% increase in the cost of workers' compensation insurance for 2023. On average, this would result in an additional \$61 per year in premium for each full-time employee, bringing insurance rates back to what they were in 2016. L&I says that this increase will help ensure the program's long-term health. Public hearings will be held on October 26 and 27. Final rates will be adopted on November 30 and go into effect on January 1. Archbright will monitor and update members when rates are finalized.

## UPCOMING EVENTS

### Untold Stories: Surmounting the Disinformation of Native American Legacies

Join the Institute for Sustainable Diversity & Inclusion (ISDI) on November 10, from 9:00 AM-11:30 AM (PST), for their November session of the Northwest Diversity Learning Series. This session will cover thoughts on how Indigenous people, Native Americans, American Indians, have not had the same presence in organizational DEI efforts as other groups. For more information on the event or to register, visit <https://www.14sdi.org/s6-nov-10-2022>.

Presented by Jennie Marie Durán, J.D., an Assistant Vice Chancellor and SUNY's System-wide Affirmative Action Officer.

*Archbright is a proud sponsor of the Northwest Diversity Learning Series, currently celebrating its 24th year providing relevant, substantive, thought-leading, and cost-effective educational programming on diversity, equity, and inclusion for managers, and employees in the Puget Sound Region.*

### Spokane CoffeeTalk | Employment Law Update

Join us for our first in-person Spokane CoffeeTalk since before the pandemic! Erin Jacobson, Archbright's Director of Legal & HR Advice, will review and break down recent changes in employment and labor laws. This a free event, and both members and non-members are welcome to attend. To register, visit <https://www.archbright.com/store/Spokane-CoffeeTalk-Employment-Law-Update>.

WHEN: Wednesday, November 9 | 8:30 AM-10:30 AM

WHERE: Oxford Suites Spokane Valley, 15015 East Indiana Ave, Spokane Valley, WA 99216

At this event, we will discuss:

- Wage and Hour Laws
- Pay Equity
- Leave Laws
- And more!

*Come ready to learn and eat! Breakfast is on us.*



## The Importance of Training Leads

Many organizations believe that effective employee development *starts* with manager training, which supports organizational outcomes and employee satisfaction. However, research has found that most managers do not receive training until they have been in their leadership role for nearly ten years.

As a result, 60 percent of new managers underperform in their first two years, negatively affecting both new managers and their direct reports.

At Archbright University, we believe that professional development is critical for all employees, from individual contributors to tenured leaders. A common challenge for small to medium-sized companies is the limited number of leadership positions for employees to move into as their career grows. **A robust professional development plan should provide well-rounded training options for *all* employees, not just those who want to climb the ladder.**

One of the best places to start training is with new Leads. These are typically front-line employees who may not have positional power, but they oversee a facet of the business when they are on the clock, and other employees look to them for answers.

Leadworker Effectiveness training at Archbright University ensures that newly appointed Leads are on a path to success from the beginning. This class is offered monthly and is available both virtually and in-person to accommodate busy schedules and employees located out of state.

Key course objectives include:

- Manage relationships with non-Leads for increased teamwork and productivity
- Use active listening techniques to increase information sharing across the team
- Effectively set performance expectations with employees
- Acknowledge high performers with a three-step feedback model
- Improve substandard performance using a five-step feedback model

Providing this type of training early in an employee's career provides a foundation for success while creating a consistent company culture rooted in strong communication. For more information about **Leadworker Effectiveness** training at Archbright or how to build a training plan to address all employee needs, please contact your Account Executive or email [info@archbright.com](mailto:info@archbright.com).



Amy Bachmann | Director of Sales and Training

## Upcoming Classes

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

October 12 - What is Retro? (Virtual)

October 14 - First Aid/CPR/AED Recertification (Seattle)

October 14 - Leadworker Effectiveness (Seattle)

October 14, 21, & 28 - Supervisory Skills (Seattle)

October 17 - Time Management (Seattle)

October 17, 18, & 19 - Supervisory Skills (Virtual)

October 21 - Coaching For Success (Virtual)

October 24 - Leadworker Effectiveness (Virtual)

October 24 - Workplace Harassment Awareness (Virtual)

October 25 - Holding Others Accountable For Great Performance (Seattle)

November 2 - Feedback For Success (Virtual)

November 4 - First AID/CPR/AED Certified Training (Seattle)

November 4, 11, & 18 - Supervisory Skills (Virtual)

November 7 & 8 - HR Fundamentals (Virtual)

November 8, 15, & 22 - Management Fundamentals (Virtual)

## How to Register:

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

If you are an Archbright member, you will see the pricing for your membership level once you sign in and view the class details.

Visit our website to setup an account if you need one.

If you have any questions, please contact us at **206.329.1120, 509.381.1635, or [info@archbright.com](mailto:info@archbright.com)**.



## HR ADVICE & COUNSEL

### Union Awareness: The Top 5 Issues That Non-Union Employers Should Look Out For

After vowing to be the most pro-union president in history, President Biden took steps literally from day one to achieve that goal. On his inauguration day, President Biden called for the resignation of the Trump-appointed National Labor Relations Board (NLRB) General Counsel and later appointed former union attorney Jennifer Abruzzo to the position.

General Counsel Abruzzo has already issued several directives to NLRB field offices to make union organizing easier. Non-union employers need to heighten their awareness of these directives and other union organizing trends, especially if they prefer to remain union-free.

#### **The NLRB is actively looking to expand the definition of protected concerted activity.**

In one of the first acts as General Counsel, Abruzzo issued a memo directing the NLRB field offices to look for and pursue cases that would expand employees' rights to engage in protected concerted activity. Complying with Abruzzo's direction, field offices are expected to bring unfair labor practice charges against employers that disciplined workers for discussing concerns that aren't typically considered subjects of protected concerted activity, such as social justice and political advocacy.

#### **Petitions for union representation elections are increasing—and so are their win rates.**

During the first three quarters of the federal fiscal year 2022, union representation petitions filed with the NLRB increased by 58% over the same period of the prior fiscal year. Within the first eight months of the fiscal year 2022, the NLRB received more union representation petitions than in the entire previous fiscal year. Unions won 76.6% of elections in the first six months of 2022.

#### **Americans have a more favorable view of unions now than they have in decades.**

According to Gallup's annual poll, completed in August, 71% of Americans approve of unions in 2022. This union approval rating is the highest since 1965 and represents a significant increase since a dip to 48% approval in 2009. This high approval rating is valid even though most American workers are not union members, suggesting that many employees would look favorably upon union organizing in their workplace.

#### **The NLRB may severely restrict employers' ability to respond to a union organizing campaign.**

General Counsel Abruzzo has specifically asked the NLRB to reconsider the legality of so-called "captive audience meetings." Currently, employers may require employees' attendance at mandatory meetings, during which the employer educates the employees on the potential downsides of joining a union and the upsides of rejecting representation. Amazon has successfully utilized such meetings to defeat union organizing campaigns in several locations. However, they would no longer be allowed if the Board decides that such meetings would constitute an unfair labor practice. In the meantime, the NLRB is already showing a greater willingness to hold employers accountable for their responses to union organizing, filing multiple unfair labor practice charges against Starbucks' alleged unfair anti-union campaign practices and retaliation against union organizers.

#### **Employees may choose unions for better pay and benefits and increased fairness among workers.**

Traditionally, the most common reason employees give for organizing has been to combat unfair treatment by their employers, as they looked to the union to advocate for fair, uniform standards and avoid favoritism. However, a recent Jobcase survey suggests that employees now see better pay and benefits, plus increased job protection, as the primary benefits of a union workplace. Notably, although it may not have been at the top of the pro-union list, a focus on fairness remains, with 67% of Jobcase survey respondents believing that unions could help ensure fair treatment of workers.

With union organizing increasing, and employers' ability to respond to organizing being limited, non-union employers' best bet to stay that way is to proactively address the concerns that may lead employees to join unions in the first place. Employers may preempt organizing by confirming that they are paying appropriately for their market, getting creative with benefits when money is tight, and ensuring that all managers and supervisors treat employees fairly and equitably. Incidentally, those are some of the same strategies that may help employers attract and retain workers in this tight job market!



*Erin Jacobson* | Director, Legal & HR Advice



# What Employers Need to Know About Paid Leave Oregon

Oregon is preparing to roll out its much-anticipated paid family and medical leave program called Paid Leave Oregon. The program, which was delayed for a year partially due to the COVID-19 pandemic, will require employee and employer contributions to start on January 1, 2023. Employees can apply for benefits beginning on September 3, 2023.

Paid Leave Oregon will allow employees to take paid time off for their own or a family member's serious health condition, bonding with a new child, and issues related to domestic violence, stalking, sexual assault, or harassment. Employees can take up to 12 weeks of leave for any qualifying reasons unless it is pregnancy, childbirth, or a related medical circumstance—for those reasons, an employee can take up to 14 weeks of leave. Employees may take an additional four weeks of unpaid leave for a condition covered by the Oregon Family Leave Act (OFLA). Employees can take the time continuously or intermittently, but the leave increment cannot be smaller than a full workday. Employees have job restoration protections once they have worked for their employer for 90 days. Employers must also provide continuation of health care benefits while the employee is on leave under this program.

Paid Leave Oregon applies to employers that employ one or more employees working anywhere in Oregon State except for the federal government and tribal governments. Employees who earned \$1,000 or more in the base year (the first four of the last five completed calendar quarters) or the alternate base year (the last four completed calendar quarters) before claiming their benefit are eligible to apply for benefits. Further, the employee must perform their work primarily in Oregon State. The term "employee," as defined under the law, excludes independent contractors, certain work-study program participants, participants in a work training program administered under a state or federal assistance program, railroad workers exempted under the federal Railroad Unemployment Insurance Act, and volunteers.

The 2023 contribution rate is 1% of employee wages, up to \$132,900. Employees will pay 60% of the required contribution, and employers will pay 40% of the contribution. Employers with fewer than 25 employees are not required to pay the 40% employer contribution; however, they must still withhold and remit the employee portion of the contribution to the Oregon Employment Department with their payroll reports.

Employers may elect to offer an equivalent plan with equal or better benefits and leave durations than provided through the state's program. Employers that wish to elect an equivalent plan must apply to the Oregon Employment Department.

Eligible Archbright members are encouraged to contact the HR Hotline with any questions concerning Paid Leave Oregon.



Colleen Mayer | Attorney

## HR FAQ

**Question:** We have an employee in an exempt position who would like to reduce her schedule to 30 hours a week. We are willing to do that but don't want to move her to an hourly position. Can we do that, and if so, how?

**Answer:** You can have part-time exempt employees, but there are some pros and cons you should consider first.

Some advantages of this arrangement include the individual retaining their professional status, salary costs remaining the same week to week, and the employee's income staying consistent. If they work a few additional hours, no extra pay is due.

A disadvantage is that if the employee works fewer hours due to business needs, reducing their salary may violate state and federal salary basis laws. Employers may prorate the salary for a part-time exempt position as long as the reduced salary meets the state and federal level of the exempt salary basis. This means in Washington, the employee must earn at least \$1,014.30 a week (2022 amount), and in Oregon and Idaho, \$664 a week.

If you decide to allow the arrangement, the first step is to review the job description to ensure the position duties are truly exempt work. Archbright has a checklist in the mozzo Resource Library to help with this determination, called *Overtime Exemption Checklist Keynote*. It is best practice to have an Archbright attorney review the checklist and job description to verify the correct designation.

While a part-time exempt status can be a valuable approach to retaining a good employee who wishes to work fewer hours for personal or family reasons, it is important to sit down and explain to the employee how this change will impact their job. First, you should communicate their new salary and how their reduced hours will affect their benefits and time off plans. You will also need to explain that, just as with a full-time, exempt position, they may need to work additional hours with no increased income. You should also establish expectations around their part-time schedule. For example, they may need to adjust their schedule to work if required for a meeting or project on a day when they aren't scheduled to work.

Example questions employers should cover include:

- Do they need to check voicemail if they are not actively working?
- How will they communicate their work hours to internal and external customers?
- Who will be covering emergencies if they are unavailable?

With proper planning, a part-time exempt arrangement can be a win-win for the employee and the employer.



Katherine Kummerow | Sr. HR Advisor



## ARCHBRIGHT NEWS

### Spotlight on Member Services: What's Your Favorite Thing to Do in the Fall?



Tracy Sigmon



Tatum Doke



JaLisa Jones



Mary Konichek



Anna Muller



Sophia Patton

Even though we're heading into spooky season, our member services team's favorite things to do in the fall aren't so scary! Maybe you'll even get some ideas for things to add to your autumn bucket list before the season ends.

**Tracy Sigmon, Director of Member Consulting Operations:** My mind goes to two places: The crisp chill in the air and how good it feels to take a walk in the woods with friends with that briskness AND the joy of curling up on the couch under a blanket on a rainy day with a great book, while my family watches football around me.

**Tatum Doke, Member Services Coordinator:** My favorite thing to do in the fall is going for walks with my family and getting coffee with friends. That and going for long car rides to enjoy the PNW scenery.

**JaLisa Jones, Member Services Coordinator:** My family is based in North Carolina, so my favorite thing to do in the fall is to go for a drive through the Blue Ridge Parkway. It's always a beautiful drive, but during the fall when the leaves change is absolutely gorgeous!

**Mary Konichek, Business Systems Analyst:** One of my favorite things to do in the fall is I love to get my house all cozy and warm—turn on the fireplace and light all the fall scented candles—and then snuggle up in a blanket and watch a movie with my family.

**Anna Muller, Project Coordinator:** I like to go for long walks through the neighborhoods to listen to audio books and check out the trees decked out in their fall colors!

**Sophia Patton, Project Coordinator:** My favorite thing to do in the fall is go to a UW football game on a crisp day where the leaves are falling and the sun is shining.

*P.S. Get to know the rest of our team better through our Archbright Spotlight profiles on [our LinkedIn page!](#)*

### It's Almost That Time of Year: Renewal Season

All Bronze, Silver, and Gold Archbright members have from now until December 1, 2022 to make changes to their membership level for 2023. We will begin emailing membership renewal reminders to all main contacts later this month with more information.

*Note: Memberships will automatically renew on January 1, 2023. If you're happy with your current membership and would like to remain at the same level for 2023, then you do not need to do anything!*

If you have any questions or want to learn about the other membership level options, contact us at [info@archbright.com](mailto:info@archbright.com) or your Archbright Account Executive.



## SAFETY & LOSS CONTROL

### Is Your Organization Prepared for a Disaster?

September was National Emergency Preparedness Month, and later this month, on October 20, over 13 million people around the globe will participate in a popular earthquake preparedness drill called the [Great Shakeout](#). Many employers actively participate in these initiatives, but for those who don't, it's a great reminder that disasters can strike anytime, and it's important to be ready. Depending on your workplace's unique circumstances, that could mean preparing for a broad range of emergencies.

Most organizations have some risk of fire, power outages, and workplace violence. Other organizations will need to go further in their assessment and consider risks from severe weather, earthquakes, tsunamis, flooding, gas leaks, or chemical spills. Some of these emergencies might also be interdependent, meaning that one event could create a domino effect of multiple emergencies.

The first step in emergency preparedness is knowing which disasters your organization is susceptible to. Employers are encouraged to list all emergency-type events that could impact the workplace. This exercise can be a great Safety Committee activity, and resources such as [Ready.gov](#) can help employers identify different types of emergencies that could happen. Employers can find a tool in the mozzo Resource Library called *Emergency Preparedness Vulnerability Assessment* that can help prioritize preparation and response for the identified emergency events based on likelihood and impact.

Once you know what emergencies to prepare for, consider how best to respond to each one. The goal is to limit losses to people, property, business operations, and the environment. With these in mind, ask the following questions for each potential emergency:

- What impact will the emergency have? Is the entire organization at risk, or just certain areas?
- How will management and employees respond? Will one person or a team of people take charge? What duties will each person be responsible for?
- Will first responders be notified? If so, how?
- Will employees evacuate or shelter in place? If evacuating, will employees go to a central location or disperse for safety? If sheltering, where and for how long?
- How will management and employees communicate during the emergency?
- Will a headcount occur? How?
- Are supplies such as water, food, or communication devices needed?
- Will any operations continue during the emergency? If not, what will operational shut-down involve?
- When and how will operations resume? Who is responsible for communicating and carryout out operational start-up?
- What will organizational recovery look like? What resources will be needed, and who will provide them?

As these questions probably demonstrate, emergency response is complex and varied! That is why it is so important to plan ahead. Developing a written Emergency Response Plan can help and may even be required for some employers, depending on the state or industry. Using elements of an emergency management system like the [National Incident Management System](#) (NIMS) or Incident Command System (ICS) to help manage emergencies may also be appropriate, depending on the scope of the emergency. Stockpiling supplies or kits with essential survival items like food, water, blankets, radios, and first aid supplies is also a great precaution.

Eligible members can find several helpful emergency preparedness resources in the mozzo Resource Library or contact the Archbright Safety Hotline for additional assistance.



Korin Judge | Safety Consultant II



## mozzo MONTHLY UPDATES

### Latest Video Trainings Available Now in mozzo

With more than 100 unique microlearnings available on the HR, safety, and compliance-related topics, mozzo's Video Training Library provides just-in-time training to your employees. Here are some of the new trainings now available to view, assign, and share within your organization.

#### HR Fundamentals Track

**Workplace Bullying Part 1—Bullying Behaviors (4:20):** Workplace bullying has been defined by the Workplace Bullying and Trauma Institute as “the repeated mistreatment of one or more employees with a malicious mix of humiliation, intimidation, and sabotage of performance”. This course identifies different types of workplace bullying that employees may experience, along with some common root causes.

**Workplace Bullying Part 2—Confronting and Stopping Bullying (3:53):** Stopping workplace bullying requires nothing less than turning the workplace culture upside down. Bullies must experience negative consequences for harming others. And only executives and senior management can reverse the historical trend. This course describes organizational practices that can effectively address bullying.

#### General Professional Development Track

**Digital Distractions (4:16):** For many people, computers, tablets, and smartphones are an essential part of doing business. But using these tools can also be challenging. When we are hyperconnected and struggle to unplug, our focus and attention decrease, our productivity decreases, and anxiety and stress increase. In this course, we explore ways to moderate the use of digital tools both in and out of the workplace.

#### Safety Track

**Hazardous Energy Control for Authorized Employees Part 1 (6:08):** Authorized employees at risk of exposure to hazardous energy sources should always consult their employer's written hazardous energy control program for guidance. However, some basic concepts apply in any situation involving hazardous energy. In Part 1 of the Hazardous Energy for Authorized Employees series, we review when there is a need for hazardous energy control, as well as the common types and sources of hazardous energy in the workplace. This video is part of a three-part series.

#### Diversity, Equity, and Inclusion Track

**Tokenism Part 1 — Identifying the Harm of Tokenism (6:27):** Strong DEI programs improve employee satisfaction, drive innovation, increase public opinion, and boost revenue. However, when building these initiatives, organizations may be tempted to rush and take shortcuts, which can lead to tokenism. This course describes and gives examples of tokenism. This video is part of a two-part series.

If you would like to share these trainings with the rest of your organization, reach out to your Account Executive or to [info@archbright.com](mailto:info@archbright.com) for more information.



### Consumer Price Index

#### US Cities Average—August 2022

CPI-W: 291.629 - 0.202% (1 month change) + 8.660% (1 year change)  
CPI-U: 296.171 - 0.035% (1 month change) + 8.240% (1 year change)

#### Seattle/Tacoma/Bellevue—July/August 2022

CPI-W: 322.664 + 0.323% (bimonthly change) + 9.226% (1 year change)  
CPI-U: 326.796 + 0.043% (bimonthly change) + 9.040% (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](mailto:info@archbright.com).

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We welcome your comments and suggestions.

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