



Insights

FEBRUARY | 2023 Newsletter



Resources to Support Pay Transparency

By now, you are likely aware of the requirements of Washington's Pay Transparency law that went into effect on January 1 and made the necessary changes at your organization. Remember, this law applies to employers with 15 or more employees.

To help provide additional support, we have a few members-only resources that you can access right away:

- Watch our microlearning covering the Salary Transparency Law in mozzo's **Video Training Library**.
- Review the *Pay Equity Keynote* in mozzo's **Resource Library**. This is an essential resource for Pacific Northwest employers, offering a summary of federal and state pay equity laws.
- Remember, eligible members can reach out to the **HR Hotline** with questions. Our advisors are available from 8:00 AM to 5:00 PM every business day.

Additionally, we recommend all members review their current compensation system. If you haven't done so recently and could use some expert guidance and assistance, we can help.

Engage our compensation consultant to design a plan that will meet your organization's current and future needs and align with your organizational strategies.

Please contact info@archbright.com or your Account Executive for more information about our compensation consulting services.

What's Inside

CEO Corner

- Get mozzo on the Go!

Archbright University

- 2023 Brings New Opportunities for HR Professionals

HR Advice & Counsel

- Seasonal Affective Disorder in the Workplace
- New Federal Laws Expand Protections Beyond State Laws

Archbright News

- Get Relief for Your Organization with HR Consulting

Safety & Loss Control

- New Year, New Safety Training Opportunities

mozzo Monthly Updates

- Resource Library Continues to Grow in 2023!

LOOKING AHEAD

CEO Corner



**Shannon
Kavanaugh**

President and CEO at Archbright

Get mozzo on the Go!

We recently celebrated mozzo's 2nd anniversary—how time flies! Did you know you can also access mozzo's HR and safety resources through your smartphone? If you haven't downloaded it yet, mozzo Mobile is available anytime through the App Store and Google Play.

The app includes the following features, although the availability of some functionality is dependent on your membership level and permissions:

- mozzo's **Community** offers a place to interact with other Archbright members. Join the conversation and ask questions, share experiences, exchange advice, and build your professional network.
- **Advisor Chat** helps you get answers to your questions right away. You can directly message our experienced team of HR and Safety Advisors every business day from 8:00 AM–5:00 PM.
- The **Video Training Library** contains a wide range of courses, available to you 24/7. Most videos are under 10 minutes long, making them easy to fit into the workday. You can also create custom training tracks and we recently launched new features that allow you to create custom training tracks and assign individual trainings and tracks to groups of learners.
- mozzo's **Resource Library** contains hundreds of HR and safety forms, sample policies and programs, training materials, and legal guidelines. All resources are vetted by our experts and are available to download and share at any time.
- The **Claims Tracker** is an incredible resource. If we manage your workers' compensation claims, you can track their progress here. Search by employee name, claim number, injury type, claim type, or claim status.

To access mozzo Mobile, you must have an active mozzo user account. If you aren't sure about your status, please reach out to your Account Executive or contact info@archbright.com for assistance. We are ready to help!

UPCOMING EVENTS

HRCI Webinar: Employment Law Updates for 2023

Our Director of Legal and HR Advice, Erin Jacobson, will be presenting an employment law update on February 16, 10:00-11:00 AM PST. This webinar is part of HRCI's webinar series, *Alchemizing HR: Navigating What's Next*, and will provide an overview of both approved and proposed employment legislation at the federal level. She will also discuss several trends in employment law at the state level, including pay transparency and paid leave requirements, that are especially impactful to employers with locations and employees in multiple states.

Register at [HRCI's website](https://www.hrci.org).



Sharpen your DEI Emotional Intelligence

Join the Institute for Sustainable Diversity & Inclusion (ISDI) on March 23, 9:00–11:30 AM (PST), for their March session of the Northwest Diversity Learning Series on emotional intelligence. Learn how to leverage your EQ competency when interacting and working with others. Presented by Dr. Helen Abdali Soosan Fagan, Ph.D., founder of the Global Leadership Group.

For more information on the event or to register, visit [ISDI's website](https://www.isdi.org).

Archbright is a proud sponsor of the Northwest Diversity Learning Series, currently celebrating its 25th year providing relevant, substantive, thought-leading, and cost-effective educational programming on diversity, equity, and inclusion for professionals in the Puget Sound Region.



ISDI

**INSTITUTE FOR SUSTAINABLE
DIVERSITY & INCLUSION**

2023 Brings New Opportunities for HR Professionals

The new year is in full swing, and the energy is palpable. While some companies are undergoing layoffs, others are setting new strategies in motion that will soon necessitate hiring. No matter the circumstance, the need for Human Resources is more vital than ever. Often, employees are 'voluntold' to execute the HR function when resources are scarce. Who can those employees turn to for help? Archbright's HR Hotline, of course, and a certification in Human Resources.

The Associate Professional in Human Resources ([aPHR](#)) certification offered by the Human Resource Certification Institute ([HRCI](#)) is designed for HR employees who have just begun their HR career or for employees in another field seeking to transition to Human Resources. It is also ideal for college graduates interested in pursuing a career in HR.

Per HRCI guidelines, "to be eligible for the aPHR, you must have a high school diploma or global equivalent. No HR experience is required since this is a knowledge-based credential."

According to the HRCI, the top three reasons that employers should seek to certify their HR employees are:

- To "minimize exposure to corporate risk."
- To ensure that "HR has the skills to develop talent recruitment and retention strategies."
- To "create a strong, positive company culture."

If pursuing an aPHR certification, Archbright recommends taking an aPHR study course taught by certified professionals to prepare for the certification exam.

[Archbright's aPHR Exam Preparatory Course](#) is a great place to start for the HR professional ready to take the plunge. It's a six-week offering in which participants attend class virtually one morning per week, covering the six functional areas:

- HR Operations
- Employee Relations
- Human Resource Development and Retention
- Recruitment and Selection
- Compensation and Benefits
- Health Safety and Security

Though the new year may bring different outcomes to different members, arming HR employees with the knowledge they need for success will help ensure they are ready for whatever the future holds. For more information, please reach out to your Archbright Account Executive or contact 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).

February 17 - [Building Interpersonal Awareness with DiSC® \(Virtual Class\)](#)

February 21, 28, & March 7 - [Management Fundamentals \(Virtual Class\)](#)

February 22 - [Time Management \(Virtual Class\)](#)

February 22 - [Archbright Info Session #1: HR and Legal \(Virtual Class\)](#) **New!**

February 24 - [Diversity and Inclusion in the Workplace \(Virtual Class\)](#)

February 27 - [Leadworker Effectiveness \(Seattle\)](#)

February 27 - [Managing Leaves and the Law \(Virtual Class\)](#)

March 1 - [Managing with DiSC® \(Virtual Class\)](#)

March 1 - [Archbright Info Session #2: Online Tools in mozzo \(Virtual Class\)](#) **New!**

March 2 - [Tackling Ethical Issues \(Virtual Class\)](#)

March 2 to April 9 - [aPHR Certification Exam Preparatory Course \(Virtual Class\)](#)

March 2, 9, & 16 - [Supervisory Skills \(Seattle\)](#)

March 3 - [Emotional Intelligence at Work \(Virtual Class\)](#)

March 6 - [Delegating and Setting Expectations \(Virtual Class\)](#)

March 7 - [Time Management \(Virtual Class\)](#)

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.**

HR ADVICE & COUNSEL

Seasonal Affective Disorder in the Workplace

Seasonal Affective Disorder (SAD) is a medically recognized form of depression that can arise—as the name suggests—with seasonal changes. While SAD typically arises during the winter, it can also present, in rare cases, in the summertime.

Symptoms of winter-onset SAD include oversleeping, appetite changes (such as craving a high-carb diet with resulting weight gains), and a corresponding deficit in energy levels. Individuals experience feelings of hopelessness and despair, and state they feel that way almost every day. They can have difficulty concentrating and lose interest in activities they usually enjoy. In severe cases, individuals can experience suicidal thoughts. By contrast, summer-onset SAD can present as insomnia, a decreased appetite, agitation, irritability, and other symptoms.

SAD is a major depressive disorder, and individuals experiencing symptoms should consult their physicians regarding diagnosis and treatment options. In other words, individuals shouldn't expect an easy fix by simply changing their diets, altering their sleeping habits, or increasing their exercise—though healthier habits have their rewards.

For employers, this can present a challenge. Managers, especially those with personal experience with SAD themselves, may assume that a direct report who is an exceptional contributor for eight months of the year must be struggling with the seasonal disorder—and seek to confront them about it. When addressing issues like this so directly, employers have to be careful not to violate federal and state disability laws.

Protections under the Americans with Disabilities Act (ADA) extend to anyone who (1) has a mental or physical impairment that substantially limits one or more major life functions, (2) has a history or record of such an impairment, or (3) is regarded as having such an impairment—whether or not the perception is correct. In other words, employees who have not yet officially been diagnosed as having SAD may still have a claim against their employer if they treat them as if they have SAD.

When employers suspect an employee may suffer from a condition like SAD and are unable or unwilling to recognize or accept themselves, it requires a nuanced approach. The manager or HR should confront the employee about performance-related issues (e.g., productivity, attitude, etc.) but add a statement like “Is there something you can tell us to help us better understand why the performance issues are happening?” If the employee explains that they may be experiencing a bout of depression, you can infer their response as a request for accommodation under the ADA.

Of course, if an employee expresses suicidal ideations, there are life-and-death considerations. In an emergency, contact 911, 988 (the Suicide and Crisis Lifeline), and/or their emergency contacts. In addition, if your organization has an Employee Assistance Program (EAP), it is wise to remind employees of the resources available to them.

The ADA provides employers a defense if the employee represents a “direct threat” to themselves or others, effectively removing the protections employees would otherwise have under the ADA. Contact legal counsel as soon as emergencies are resolved and discuss whether the direct threat analysis applies to your employee's situation.

If you'd like to discuss SAD or other conditions you suspect may be afflicting your employee population, contact the HR Hotline to discuss best practices for approaching employees.



Mark Nelson | Sr. HR Advisor

HR FAQ | **Question:** Super Bowl Sunday is coming up. How do we handle all the unplanned absences likely to happen on the following Monday?

Answer: According to the Workforce Institute at UKG, in 2021, 16.1 million Americans said they would miss work the day after the Super Bowl, with 8 million scheduling the day off in advance. This statistic, of course, doesn't include the employees with remote work arrangements that might, ahem, slack off that Monday. So, how do employers prepare for all these absences? Get ahead of the problem.

To start, openly and honestly communicate with your employees about their Super Bowl plans. Encourage employees to plan to take off Monday morning or the whole day if they know they are going to parties or staying out late. Remind employees about the company's attendance policy and the possible repercussions of “ghosting” work that day.



Another option is to prepare for a light workday on Monday—for example, don't plan a big project launch that day, move or cancel early morning meetings to allow for a late start, or permit remote work that day. Or consider offering lunch, breakfast, or another event or incentive to encourage employees to come in.

Keep in mind, if your employees call in sick, under Washington, Oregon, and Seattle sick time laws, they have a right to use their accrued, unused leave without providing documentation for less than three days' absence. Even if the absence seems suspicious, we advise against accusing the individual as this may invite a potential fine or lawsuit.

Sarah Johnson | Sr. HR Advisor

New Federal Laws Expand Protections Beyond State Laws

While employers finished 2022 end-of-year projects, federal legislators implemented several employment laws for 2023. Some of those laws are summarized below, calling out current state law differences.

December 7, 2022: The Speak Out Act

This law is similar to state laws recently enacted in states such as Washington and Oregon that make it easier for employees to speak out against sexual harassment or assault in the workplace. The federal Speak Out Act prevents employers from silencing employees by requiring them to sign agreements with non-disclosure and non-disparagement clauses prohibiting employees from talking about sexual harassment or sexual assault before a dispute or complaint event exists.

The Speak Out Act does not replace state laws that provide more protection to employees. Employers must consider state and federal law to ensure the most favorable outcome for employees. For example, Washington's Silenced No More Act provides broader employee protection by prohibiting provisions in employment agreements that restrict an employee from disclosing violations of public policy mandates and illegal discrimination, harassment, retaliation, and wage and hour infractions. Similarly, Oregon's Workplace Fairness Act mandates that employers may not enter into agreements with employees prohibiting discussions about alleged discrimination or sexual assault.

December 13, 2022: The Respect for Marriage Act

This federal legislation legally protects same-sex marriage even if the Supreme Court were to overrule this right recognized by the Supreme Court's 2015 Obergefell v. Hodges decision. This law requires federal and state governments to recognize any marriage between two individuals that is valid under any state law.

December 29, 2022: Pregnant Workers Fairness Act (PWFA)

The PWFA, effective June 27, 2023, requires employers with 15 or more employees to make reasonable accommodations for employees with medical conditions related to pregnancy and childbirth, absent employer hardship.

The intent of the PWFA is to increase accommodation protections for pregnant employees besides those already available under two federal laws that apply to most employers—The Americans With Disabilities Act (ADA) and the Pregnancy Discrimination Act (PDA). The ADA does not include pregnancy as an impairment, limiting pregnant employees' accommodation rights. The PDA prohibits discrimination against pregnant employees but does not require employers to accommodate pregnancy or related conditions other than those offered to "similarly situated" employees.

Once again, this new law does not replace state laws already granting pregnant worker accommodation protections. Washington State's Healthy Start Act, passed in 2017, requires Washington employers with 15+ employees to reasonably accommodate pregnant employees regardless of disability. Oregon's Employer Accommodation for Pregnancy Act, effective in 2020, added medical conditions related to pregnancy, including lactation, to Oregon's discrimination law. The PWFA likely impacts Idaho employers since it has no specific state law on pregnancy accommodations.

December 29, 2022: The Providing Urgent Maternal Protections (PUMP) for Nursing Mothers Act

This federal law has a catchy acronym and expands employee protections for lactating mothers. Employers of all sizes are now required to provide reasonable break time and a private space (other than a bathroom) for pumping breast milk for one year following the birth of their child. The PUMP act applies to all employees, regardless of gender.

Washington's lactation law applies to employers with 8+ employees and provides this right to employees for up to two years after the child's birth. Oregon's law applies to all employers and extends protection for lactating employees for up to 18 months after the child's birth.

As the New Year commences, employers must determine if these federal laws require new compliance obligations or if current state laws already offer more generous employee protection. For employers in Washington and Oregon, the laws already in effect generally provide employees more protections than these new federal laws; however, employers in Idaho and other states will need to thoroughly review their current practices for compliance.

Resources related to these new federal laws will be updated in the coming weeks in the Resource Library. In the meantime, eligible members may contact the HR Hotline for questions or consult with an Archbright attorney.



Kellis Borek | VP, Labor & Legal Services
and General Counsel

ARCHBRIGHT NEWS

Get Relief for Your Organization with HR Consulting

The work required from an organization's designated HR person or team doesn't stop, even when the role is vacant. And if the seat is empty or not enough resources are made available to those filling it, an organization can quickly fall out of compliance.

Luckily, our experienced HR consultants can quickly step in to manage day-to-day HR responsibilities, complete specific projects or tasks, and provide assistance where and when you need it.

Our consultants are experienced with:

- Covering for HR staff on leave
- Covering open HR positions during recruiting
- Developing HR policies
- Reviewing employee files for compliance
- Managing employee relations
- And more!

To learn more about Archbright's HR Consulting services or find out other ways Archbright can help you, contact us at info@archbright.com.

Get to Know the HR Consulting Team!

If you've utilized Archbright's HR Consulting services before, there's a chance you've worked with one or multiple of these fantastic individuals.

Liza Romero, HR Consulting Manager

As the HR Consulting Manager, Liza oversees and supports our talented group of HR Consultants. She ensures the team has the resources to engage and provide quality work to our members and follows up with members to perform quality checks and receive feedback on our consulting engagements. Liza also supports our members with Affirmative Action Plans, investigations, and other assigned tasks.



Debbie Stark, Senior HR Consultant

Debbie works with leaders at member organizations to craft and execute their people strategies. She applies her HR and organizational development experience to assess their HR operations, recommend new organizational structures, deliver insights on employee engagement, and design new HR processes. Debbie also recruits for HR leadership positions and solves complex workplace issues as an interim HR leader.



Sandra Villegas, Senior HR Consultant

Sandra tailors her approach to the organization and circumstance, drawing from over 30 years of HR experience. Her recent work with members includes covering for HR managers or staff to help keep HR departments running smoothly, and completing specific projects to support busy HR teams.



Jackie Nachtman, Senior HR Consultant

In her role, Jackie provides members with human resources support and guidance through short and long-term engagements. These can include serving as the member's HR department or filling in on a temporary basis. The extent of her work depends on the member's needs, and can include recruiting, leave administration, and even job description revisions.

Liza, Sandra, Jackie, and Debbie are just a few of the people on the team! Get to know the rest of the HR Consulting team on our [LinkedIn](#) page.

SAFETY & LOSS CONTROL

New Year, New Safety Training Opportunities

The beginning of the year is a classic catalyst to “start fresh,” an opportunity to take stock and improve anything that wasn’t optimal in the prior year. In the world of workplace safety, that might mean scrutinizing an organization’s Safety Training Program.

Too often, Safety Training Programs involve an initial safety orientation to familiarize new employees with workplace hazards and policies but not much else. And while safety orientations are very important (particularly because new employees typically represent the largest demographic of injured workers), employers should treat this orientation as a first step toward creating and maintaining an effective Safety Training Program.

It is important to acknowledge that state or federal codes do not always expressly require safety training. Still, employers have an overarching responsibility to provide a workplace free from recognized hazards. If an employer’s hazard mitigation efforts rely on controls like policies and using personal protective equipment (PPE), then effective and ongoing safety training to communicate expectations is prudent. But how do employers know which training should be prioritized, when employees should receive it, and how it should be delivered?

With limited time and resources, tackling training for hazards that pose the highest risk of severe injury or that employees are exposed to most frequently are good prioritization methods. Consider examining past years’ near-miss and incident investigations to determine what safety topics warrant ongoing training. For example, suppose a severe injury involving time loss occurred because an employee bypassed a machine guard; now might be a good time to offer machine guard training.

Another resource to help determine priority training topics is your employees. This might mean asking the Safety Committee to chime in on what types of process errors they see or holding a round table with each department to garner opinions on what hazards to address with training.

Regarding the “when” and “how” of training, no prescribed methods or intervals are required unless specified in a state or federal safety regulation. Depending on the topic and nature of the work, small, consistent efforts like Toolbox Talks that take as little as 5-10 minutes can be just as effective as more extended classroom training for some topics. Many employers follow a monthly training schedule, with each month dedicated to a single safety topic. In contrast, other employers use learning management systems to assign and track training completion each year automatically.

Whatever the method, ongoing training should be efficient, engaging, and appropriate for the facility and topic. Training materials that get to the point (times will vary, but studies show that 30 minutes or less is ideal), clearly communicate the “what’s in it for me?” for employees, and actively involve participants, such as by Q&A, hands-on demonstration, group activity, etc., tend to improve knowledge retention. That’s not to say that formal classroom training doesn’t have its place; complex topics like operating heavy machinery or working on live electrical circuits warrant additional training time and expertise.

Still need help? Fortunately, Archbright members have access to many resources to help their Safety Training Program succeed. In the **mozzo Resource Library**, eligible members can find a growing list of Safety Snaps (5-10 minute toolbox style of training), employer guides, and other training resources, including *Required Training & Written Programs Checklists* that identify required programs, training, and training intervals based on work environments. Members will also find numerous safety microlearning courses in the mozzo **Video Training Library**. For employers looking for a more interactive option, Archbright offers **Safety Essentials**—live virtual or in-person training sessions delivered to your employees! Contact the Archbright Safety Hotline or mozzo Advisor Chat for more information. Employers can also read an expanded version of this article on the [Archbright Blog](#).



Korin Judge | Loss Control Analyst I

mozzo MONTHLY UPDATES

Resource Library Continues to Grow in 2023!

In the last month, we've added and updated over 25 resources in the Resource Library, including the following:

New Resources

- [Lockout Tagout Authorized Employees Safety Snaps](#): This tool is designed to be a brief toolbox-talk-style of training for authorized employees, supplementing training requirements to help keep safety at the forefront of workers' minds.
- [Why Employees Unionize Keynote](#): After several years of decline, petitions for union representation surged in 2022. This resource is designed to assist employers who would prefer to remain union free by outlining the reasons why employees unionize, signs to watch for that may signal a union campaign, and tools for employers to use to legally remain union free.
- [Paid Leave Oregon Policy](#): This sample policy can be used in an employee handbook to inform employees about the program and the employer's expectations when taking leave.
- [Fall Protection Plan for Constuction Quickstart — Washington](#): Fall Protection is required for employees working at heights. Learn what you need to know about the Washington Construction requirements using this Quickstart Guide.
- [Required Training & Written Programs Checklist — OSHA](#): Employers covered by Federal OSHA standards can use this checklist to identify required workplace safety training and written programs.

Updated Resources

- [Washington Cares Fund Keynote](#): This resource was developed to assist employers in preparing for and administering the Washington Cares Fund.
- [Non-Compete Agreements Keynote](#): Non-compete agreements can be enforceable for certain employees, as long as state-specific requirements are followed. This resource outlines the elements that should be incorporated not only into the document itself but also into the method of obtaining such an agreement.
- [Confined Space Entry Program](#): Employers with permit-required confined spaces must have a written Confined Space Entry program. This template is made to be site specific.
- [Employer Responsibilities Keynote](#): This resource outlines employer responsibilities under federal and state law and frequently asked questions relating to garnishments.
- [Elevating Work Platforms Quickstart — Washington](#): Learn what you need to know about using elevated work platforms in Washington using this Quickstart Guide.
- [Training Roster](#): Use this training roster to document who attended what training and when the training occurred.

All of these resources and more are available to download and share on mozzo.



Consumer Price Index

US Cities Average—December 2022

CPI-W: 291.051 - 0.494% (1 month change) + 6.252% (1 year change)
CPI-U: 296.797 - 0.307% (1 month change) + 6.454% (1 year change)

Seattle/Tacoma/Bellevue—November/December 2022

CPI-W: 324.906 - 0.304% (bimonthly change) + 7.892% (1 year change)
CPI-U: 330.489 + 0.096% (bimonthly change) + 8.408% (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.

Insights is published monthly for its member companies by Archbright™, founded in 1936. Items in **Insights** are for information only and not intended to render legal advice. Material contained herein may not be reprinted without the permission of Archbright.

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