**Archbright™**

**Insights Newsletter**

**August 2019**

**The 2019 Regional Pay Survey Is Now Available**

Archbright is proud to offer one of the largest and most comprehensive pay surveys for the Pacific Northwest.

Formerly known as our Wage & Compensation Survey, our Regional Pay Survey is a comprehensive benchmark of wage, salaries, and bonus data on non-exempt, exempt, and executive level positions from organizations throughout Washington, Oregon, and Idaho.

This year there are three report options to choose from:

* The Wage Report contains exempt and non-exempt data from for-profit and non- profit organizations.
* The Non-Profit Report contains pay data collected from non-profit organizations and, for the first time, it also includes executive compensation data.
* The Executive Report contains executive compensation data for both for-profit and non-profit organizations.

Through our new survey partnership with Cascade Employers, an employer association based in Salem, Oregon, our survey has expanded to include 568 jobs from 798 participating employers.

Archbright members who participated in the survey receive the PDF reports for free. If you did not participate, you may purchase this year’s reports and receive your Bronze, Silver, or Gold discount.

For more information, or to purchase this year’s report, visit the Surveys page at Archbright.com.

**Introducing the Custom Report Tool**

The Archbright team, in partnership with Cascade Employers Association, has produced our largest pay survey yet! The reports are now available for purchase (see cover story for more info) and for the first time, we are excited to also offer an all new web-based, on-demand reporting tool so members can access this incredibly valuable pay data.

Our new Custom Report Tool allows users to create online custom compensation reports by choosing one or more filters—such as job title, geographic area, company size, revenue, industry, and more—to produce and download their own reports. These custom queries are easy to do and allow users to create reports in real-time!

The Custom Report Tool is now available for free to Bronze, Silver, and Gold members who participated in this year’s Regional Pay Survey. (We sent log-in credentials to designated contacts earlier this month. Contact info@archbright.com if you did not receive it.) For Bronze, Silver, and Gold members who did not participate in this year’s Regional Pay Survey, you may purchase a subscription to the Custom Report Tool on Archbright.com.

Finally, a huge thank-you to our members! Your participation year after year ensures our pay surveys remain an invaluable resource for compensation planning in the Pacific Northwest!

If you have questions about how to access or purchase this year’s survey reports and Custom Report Tool, please reach out to our Member Support team at info@ archbright.com. If you have questions about the survey or survey participation, contact our Survey Team at regionalsurveys@archbright.com.

**Archbright Speakers and Booth at NHRMA’s 81st Annual Conference & Tradeshow in Portland**

Archbright is the Platinum sponsor of NHRMA’s 81st Annual Conference & Tradeshow this fall. The conference will be held in beautiful Downtown Portland from Wednesday, October 9th through Friday, October 11th.

This year’s conference theme - “Bridging the Future of HR” - will focus on the future of HR and bridging HR as a strategic business partner.

Our booth’s theme this year is Bridging the Gender Pay Gap and will feature an interactive display around pay equity that will encourage conference attendees to consider their own company’s journey on this important issue. Be sure to stop by and talk with us about how we can help your company be legally compliant and foster an equitable workplace.

Archbright experts will be at NHRMA too, giving presentations during the following concurrent workshop times.

Thursday, October 10th

12:45 – 2:15 pm | Pay Equity: The Next #METOO? | Presented by Krisann Hatch and Ami De Celle

2:45 – 4:00 pm | Labor Law Update 2019 Presented by Kellis Borek

2:45 – 4:00 pm | When Rover (or Tigger) and Children Come to Work | Presented by Katherine Kummerow

Friday, October 11th

8:30 – 10:00 am | When Rover (or Tigger) and Children Come to Work | Presented by Katherine Kummerow

**Let’s extend a warm welcome to Archbright University’s new Director Amy Bachmann!**

Amy Bachmann joined Archbright on May 31 and has been in a whirlwind of onboarding, visioning, and talking with members ever since. Amy brings an amazing variety of teaching and leadership experiences to her new role. She has worked in corporate education and training for more than 20 years, as well as in elementary education. She even taught in Honduras for a year. She has worked as a sales representative and in sales training. She has held teaching and management positions in healthcare, university, non-profit, and corporate settings, where she has trained everyone from tow truck drivers to C-suite holders. We at Archbright also hold a deep appreciation for the cultural diversity and anti-bias work she has led.

She holds a Masters in Education from the University of San Diego, with a focus in Curriculum Design.

A couple of questions for Amy:

What do you love most about the training field?

Training is my absolute passion. Working in the Learning and Development field is unique because you have the opportunity to see the “aha” moments and the light bulb go on in class attendees every day. It feels great to provide our members with training that has the potential to change lives and careers for the better.

What is most exciting about joining the team at Archbright?

Team Archbright is amazing! Every employee has been so welcoming and inclusive. I have been particularly impressed with the Archbright University team. There are many ‘trainers’ out there who can deliver content. However, the Archbright University Consultants strive to teach and uplift our members’ employees in every class that they facilitate. Attending an Archbright class, whether online or in person, is an awesome experience!

What does Archbright University have in store for the members?

Archbright University is growing every day. Our Members can expect more classes to be available on demand in the next year. We are also increasing our course offering in Spanish. Keep your eye out for more information coming soon!

**The NLRB Makes Withdrawing Union Recognition a Little Easier**

In Johnson Controls, Inc., 368 NLRB No. 20 (July 3, 2019), the National Labor Relations Board (Board) adopted a new framework for determining whether an employer can rightfully withdraw recognition of a union based on its belief that the union no longer enjoys majority status.

Under Section 9(a) of the National Labor Relations Act (NLRA), unions enjoy a presumption of majority status during the term of the collective bargaining agreement, up to three years. Prior to Johnson Controls, an employer that received evidence, such as a petition signed by employees stating that the union no longer enjoyed majority support, could notify the union within a reasonable period of time prior to contract expiration that it intended to withdraw recognition once the contract expired. This was called anticipatory withdrawal. The employer would remain bound by the collective bargaining agreement until expiration, at which time the employer could formally withdraw recognition and refuse to bargain a successor agreement. If at the time of actual withdrawal, the union still did not have majority status, the employer’s withdrawal was deemed legal.

However, because there was typically several months between the time of anticipated withdrawal and actual withdrawal, the union had plenty of opportunity to re- establish its majority status by getting new membership cards signed. The union had no obligation to let the employer know that it had regained majority status, so if the employer withdrew recognition at contract expiration, and the union had regained a majority, the employer would be in legal jeopardy and subject to an unfair labor practice charge and an order to bargain.

Under the Board’s new framework, a union that has lost majority status may only reestablish its majority by way of a secret ballot election. Now, if within 90 days of contract expiration, an employer receives evidence that the union no longer enjoys majority status, that evidence conclusively rebuts a union’s presumptive continuing majority status at contract expiration. Once the employer gives the union its anticipatory notice of withdrawal, the union’s only recourse to reestablish majority status is to call for an election within 45 days of the employer’s notice. The Board explained that this new process allows for more labor stability and safeguards employee free choice.

Eligible Archbright members who are union employers are encouraged to contact an Archbright Attorney with any questions.

Source: Mara Vinnedge, Senior Labor Counsel

**EEO-1 Pay Data Due September 30**

The United States Equal Employment Opportunity Commission (EEOC) announced earlier this year that covered employers should prepare to submit EEO-1 pay data for 2018 and 2017 by September 30, 2019. Although the U.S. Department of Justice (DOJ) has filed an appeal, the EEOC has made it clear that the notice of appeal, at least for now, does not stop the data collection.

The EEOC recently posted resources for EEO-1 filers that provide valuable clarification on how to prepare and file Component 2 data. The resources include a sample data collection form, instruction booklet, user’s guide and fact sheet of important deadlines, reminders, and definitions. The new EEOC resources can be found at: https:// eeoccomp2.norc.org/info and a list of frequently asked questions is available at: https://eeoccomp2.norc.org/Faq.

**New Requirements Coming for Oregon Employers Under Workplace Fairness Act**

Oregon Senate Bill 726 was signed by the Oregon Governor on June 11, 2019, significantly expanding employment protections related to discrimination, harassment, sexual assault, and retaliation.

* Employers are now required to have a written anti- discrimination policy. The legislation outlines requirements for written employment policies related to discrimination, harassment, and retaliation, effective October 1, 2020. At a minimum, employer policies must include: reporting procedures, including individuals responsible for receiving reports; notification of five-year statute of limitations for civil actions; notification that an employer may not require or coerce an employee to enter into a nondisclosure or non-disparagement agreement; and advises employees and employers to document any incidents involving discrimination, harassment, or retaliation. Employers must provide a copy of any written policies and procedures to new employees upon hire as well as upon receipt of a discrimination, harassment, or retaliation complaint.
* The statute of limitations expands from one year to five years for many discrimination, harassment, and retaliation claims.
* With limited exceptions (such as a severance agreement), the legislation prohibits any agreement with an employee or prospective employee that contains a nondisclosure provision, a non-disparagement provision, or any other provision that prevents an employee from disclosing harassment or retaliation relating to a protected class.
* The statute allows employers to void a severance agreement with a managerial level employee or above when the employee is terminated for discrimination, harassment, or retaliation following a good faith investigation.

Oregon’s Bureau of Labor and Industries (BOLI) is expected to issue regulations that may provide employers with interpretive guidance on this new law. In the meantime, Oregon employers are encouraged to review their existing policies and agreements for compliance with the new requirements.

Source: Joy Sturgis, Senior HR Advisor

**HR FAQ**

Question: We know that applicants may not be required to disclose salary history in Washington state, but can we still ask an applicant what their salary expectation is?

Answer: Under the Washington Equal Pay and Opportunities Act (EPOA) that went into effect July 28, 2019 employers may not:

1. Seek an applicant’s wage or salary history from the applicant or a current or former employer; or
2. Require that an applicant’s prior wage or salary history meet certain criteria, except:
3. An employer may confirm an applicant’s wage or salary history if the applicant has voluntarily disclosed their wage or salary history; or after the employer has negotiated and made an offer of employment with compensation to the applicant.

Additionally, employers with 15 or more employees must:

1. Upon request of an applicant for employment after the employer has initially offered the applicant the position, the employer must provide the minimum wage or salary for the position for which the applicant is applying.
2. Upon request of an employee offered an internal transfer to a new position or promotion, the employer must provide the wage scale or salary range for the employee’s new position.
3. If no wage scale or salary range exists, the employer must provide the minimum wage or salary expectation set by the employer prior to posting the position, making a position transfer, or making the promotion.

Although asking an applicant or employee for their salary expectation is not specifically prohibited under this law, it may be seen as a back-handed way to obtain salary history information and therefore is not recommended. Similarly, asking employees to voluntarily disclose salary history or expectation on an application would likely be seen as “seeking” an applicant’s wage or salary history under this law, which is specifically prohibited.

If salary history is voluntarily disclosed, without the employer asking, employers may confirm the information.

Eligible members are encouraged to contact an Archbright HR Advisor or Attorney with any questions about this new legislation.

**Leadership and the Triangle of Resentment**

Think about the team of people who report to you. They probably have varying levels of experience and skills as well as differing personalities. As a result, you may delegate the majority of new or interesting tasks or projects to one or two key people. You may think that you simply can’t delegate to others because they just don’t know enough. Maybe you don’t trust them to work hard enough to get it done, or get it done right.

Now that makes sense, right? After all, certain people have proven that they can get the job done! And while that is true, we also must look at the impact this has on the team dynamic.

You see this triangle here? Here at the top is the leader (that’s you). On one side is your “chosen one” and on the other side is the “rest of the team.” When there is a “chosen one” in a team, this innocent triangle turns into a “triangle of resentment.”

* The rest of the team resents the chosen one, who is clearly the boss’s favorite.
* The rest of the team also resents the boss, who doesn’t seem to value them.
* The boss resents the rest of the team for not working harder.
* And while the chosen one may enjoy their special status for a short time, they soon get resentful toward the boss for overburdening them.
* At that point, the boss can grow resentful of the chosen one who doesn’t seem to have the cheerful attitude they used to.
* Lastly, the chosen one resents their co-workers, who are not stepping up to the plate.

The way to overcome this dynamic is to shift your framework around delegation. Rather than seeing delegation as a tool to get work done as quickly as possible, delegation should be a tool to get work done while developing employees, strengthening relationships, and improving processes.

1. **Developing employees.** If an employee is new to a task, don’t give them full responsibility from the start. Look at the long-term benefit, and invest time orienting them to the task. Let them watch you do it. Let them try some of the steps while you are there. Give them partial responsibility. Gradually, while their skills develop, increase their ownership of the task.
2. **Strengthening relationships.** Delegation is a prime opportunity to develop your relationships with team members. It is also a prime opportunity to encourage relationships between team members. Do you need to train the person new to the task yourself? Perhaps you could assign one team member to teach another how to do it, setting the stage for them to increase their trust and connection. According to Adam Grant’s research at the Wharton School of Business, the amount of help that peers give each other is the single strongest predictor of team effectiveness.
3. **Improving processes.** You have your way of accomplishing the task, and the chosen one does, too. These are probably very good ways since you’re smart people! And it is possible that the task can be done even better. Delegating the task to a new person will allow new perspectives to be considered that can be used to streamline the task, increase the quality of the product, or maybe even eliminate it altogether.

So, where do you get started? The next time you are about to delegate a task to your “chosen one,” ask yourself: Who else could learn to do this over time? Can my regular go-to person teach someone new? Might a person new to this task have something valuable to contribute, given the chance?

Source: Holly Eckert-Lewis, Archbright

**Take Leadership Skills to the Next Level**

Archbright’s Management Academy is a 6-week cohort learning program designed to develop effective workplace leaders. It is powered by Development Dimensions International (DDI). Our next session starts on September 11.

For more information, visit Archbright.com.

**Dangers of Fatigue in the Workplace**

At a time when unemployment rates are at an all- time low throughout much of the United States, it is becoming increasingly harder to find employees fit for the job. Employers often remedy the short fall in labor by allowing and encouraging their employees to work longer hours. While on the surface longer hours may seem like a good short-term solution, it can be costly to both the employee and the employer, alike.

Fatigued employees can create indirect costs through incidents and injuries. According to the National Safety Council (NSC), an average employer with 1,000 employees can expect to lose upwards of $1 million in productivity in a given year due to fatigue-related incidents and accidents.

When a worker is fatigued; balance, coordination, motor skills, and cognitive ability are all negatively affected. A fatigued employee can be likened to being as at risk as an intoxicated or impaired person.

Fatigue has been linked to many catastrophic incidents throughout the U.S. in recent years, including the 2005 BP Texas City Oil Refinery Explosion, the 2009 Colgan Air Crash, the 2010 Deepwater Horizon oil spill, and the two nuclear accidents at Chernobyl and Three Mile Island.

Sleep deprivation can play a big role in the fatigue of a worker. There are many reasons an employee may be sleep deprived. Multiple jobs, children, and sleeping disorders are just a few examples. Sleep issues play a factor in at least 13% of all workplace injuries. According to OSHA, accident and injury rates are 18% higher during evening shifts and 30% greater during night shifts (relative to day shift work).

People are naturally more alert during daylight hours and more prone to mental and physical fatigue during nightfall, due to the human body’s natural circadian pattern, which is regulated by the hormones cortisol and melatonin.

Company culture can also lead to widespread sleep deprivation. Increased workload almost always equates to less sleep or a decrease in quality of sleep. According to the U.S. Department of Health and Human Services – Centers for Disease Control and Prevention — Those working more than 48 hours a week are more likely to experience insomnia, poor sleep quality, and/or shortened sleep duration. Most sleep experts recommend adults get at least 7 hours of sleep each night.

Other factors at work can increase the likelihood of fatigue. Exhaustion from extremely demanding physical and mental tasks are draining on the workforce. Less challenging occupations have their concerns, underlying sleepiness can present itself in unstimulating tasks like driving, or repetitive job tasks.

Even factors such as workplace air quality, lighting, and noise can impact workers alertness or fatigue. Other factors at play include long commutes, long working hours, lack of work breaks, and quick shift returns.

Experts ultimately agree that the longer an employee works, the higher the risk an employee is involved in an accident or incident at work.

As an employer, it is your responsibility to protect your workforce from workplace hazards. You should consider fatigue a hazard and treat it as such. Look for creative ways to ensure that your workforce is awake, alert and attentive to their job tasks. Proactively monitor the general awareness of your employees to ensure they can safely perform their job functions.

Have a safe day!

**Monthly Safety Webinar**

Train the Trainer: Slips, Trips & Falls

Thursday, September 19th, 2019 | 2:15 p.m.

Slips, trips and falls can happen anywhere in your operation, possibly resulting in disability or even death. The results of these accidents can be extremely costly to employers and employees. It is important that workers know what they can do to prevent slips, trips and falls in the workplace.

Visit the Safety Webinars page at Archbright.com for registration information. Reserve your seat today!

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We welcome your comments and suggestions.

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