



Insights

NOVEMBER | 2015 Newsletter



Archbright Collaborates in Leadership of L&I Pilot Program

Archbright's Director of Claims Services, Lloyd Brooks, joined other business representatives from Washington State to collaborate with the Department of Labor & Industries (L&I) on a pilot project to reduce delays of Independent Medical Exams (IMEs) and improve communication between L&I and employer representatives about the need for IMEs.

IMEs are scheduled by L&I's Claim Managers for injured workers for a variety of reasons:

- Provide input on the medical treatment plan
- Determine if the worker has any permanent impairment
- Help ensure workers receive timely and appropriate benefits by addressing medical conditions and curative treatment promptly

The pilot project was launched in July of 2013 in response to the ongoing concerns expressed by retro groups about delays in the process for obtaining an IME, particularly early in a claim. These concerns have prompted the introduction of numerous bills in the Legislature since 1995 in an effort to allow employer representatives to independently schedule IMEs. These bills have consistently faced overwhelming opposition by L&I and Labor.

Through the pilot project, a formal process for employer representatives to request an IME was established. Employer representatives and L&I staff also developed new communication processes, training for both L&I staff and employers, and improved working relationships.

A celebration event was held on August 21, 2015 at L&I's headquarters in Tumwater to recognize those who participated in the IME pilot's successful completion. "The success of the IME pilot demonstrates what we can do collaboratively," said Vickie Kennedy, Assistant Director for L&I's Insurance Services. About 30 people attended the celebration event including Retrospective Rating Program manager, Tim Smolen, and L&I Director, Joel Sacks.

For more information about Archbright's retro program, please visit Archbright.com.

Archbright's Lloyd Brooks speaks at the committee's final meeting in Aug. 2015.



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10 Essential Questions Employees Should Ask Themselves During Open Enrollment Season

Open enrollment season can be a time of high anxiety for employees who don't know what kinds of insurance to consider and what benefit levels to select. Transamerica put together a list of 10 questions employees can ask themselves that may help ease the stress of benefits selection. Consider sharing the list with your employees:

- 1. What's my share of medical costs?** Deductibles, copays and coinsurance amounts are on the rise, so be sure to find out what they are before looking at policies designed to help with these and other expenses. An important part of financial planning is understanding what you would have to pay for a costly medical event such as an accident or critical illness.
- 2. What are my out-of-pocket non-medical expenses?** Many expenses such as transportation, child care, and lost income due to missing work are not covered by your major medical insurance. These non-medical costs can add up quickly.
- 3. Do I want to use my savings for these expenses?** Even if there's enough money in the bank to handle them, wouldn't you rather use your savings for that retirement RV trip or the vacation planned for next year? The costs of supplemental insurance can be far less than those of a medical emergency. For example, purchasing a critical illness policy would pay a lump sum cash benefit after a heart attack, and that money could be used for travel to see a specialist or to cover child care while you focus on recovery.
- 4. How would I make up for lost income if I became disabled?** One of the most crucial items to protect is your income. Many employers offer some sort of coverage for long-term disability. Consider what could happen if you can't work for three to six months due to a back injury. Short-term disability insurance provides a percentage of your pay for a specified period of time that could help with the mortgage – for the home where you've planted flowers and made the payment for the car that gets the girls to softball practice.
- 5. What's my health history?** Past problems could indicate a predisposition to other problems and recurrences of similar issues. It's not fun to think about risks to your health by things like smoking or watching sports on TV versus actually exercising. Whether or not you're ready to make changes today, you may need medical treatment based on health habits, so it makes sense
- to get a policy like hospital indemnity insurance, which pays benefits for hospital stays.
- 6. What's my family medical history?** Has anyone in your family had cancer, heart disease, or high blood pressure? Consider how cancer insurance or critical illness insurance can help if you've inherited certain family illnesses, along with Dad's interesting nose and Mom's loud laugh.
- 7. What does my family like to do in our spare time?** Playing sports, hiking, or spending time at the lake? Some activities carry more risk for injury. If you or your child has an accident, you'll need to cover increased expenses. Accident insurance pays benefits you can use for medical bills and other out-of-pocket expenses.
- 8. Do I go in for routine eye exams and dental cleanings?** Your eyes may be a window to your soul but they can also help detect potential health issues. Plus, protecting your oral health represents a crucial disease-prevention strategy. Vision and dental insurance can be a great value, and make getting retro-chic glasses or teeth cleanings a snap. Consider what you'd spend without one or both of these types of policies and balance that amount against the cost of coverage.
- 9. How does my age affect my health risk factors?** Getting older can make insurance even more important. At younger ages, the risk is lower so some types of insurance are more affordable. Take a look at your employer's group rates—they may be lower than you think.
- 10. Does anyone need my income in the event of my death?** Do I have life insurance? Do I have enough life insurance? Group life insurance is competitively priced and offers certain levels of coverage on a guaranteed issue basis.

Source: CCH

Washington's Minimum Wage Will Remain the Same in 2016

Washington state's minimum wage will stay the same in 2016—\$9.47 per hour—because the national Consumer Price Index did not increase.

Changes to the minimum wage are based on the nationwide Consumer Price Index for Urban Wage Earners and Clerical Workers (CPI-W) for the 12-month period ending each August 31. The index represents a shopping basket of goods needed for everyday living, including groceries, gas and clothing. According to the federal Bureau of Labor Statistics, the CPI-W decreased 0.3 percent between August 2014 and August 2015.

For years, Washington's minimum wage has been the highest in the country. That will change January 1, 2016, when minimum wage in California and Massachusetts will reach \$10 per hour.

Source: Washington State Department of Labor and Industries

Electronic Signatures Now Accepted in Union Organizing Campaigns

In a guidance memo issued September 2, 2015 by the National Labor Relations Board's General Counsel, a union can petition for an organizing election by presenting evidence of a "showing of interest" via an electronic form instead of hand signed authorization cards. A "showing of interest" establishes that a union has sufficient support to hold a certification election.

Submissions supported by electronic signatures must contain the following information:

- The signer's name;
- The signer's e-mail address (or other known contact information such as a social media account);
- The signer's telephone number;
- The language to which the signer has agreed (e.g., that the signer wishes to be represented by a certain labor organization for purposes of collective bargaining - or no longer wishes to be represented by a labor organization for purposes of collective bargaining);
- The name of the employer of the employee; and
- The date the electronic signature was submitted.

There are additional requirements for the party submitting electronic digital signatures (usually a union). A declaration must be submitted that:

- identifies what electronic signature technology was used;
- an explanation as to how that technology ensures that the signature is that of the "signing" employee;
- the employee actually "signed" the document; and
- the electronically transmitted information (regarding what and when the employee "signed" the "form") is the same information seen and signed by the employee.

All electronic signature submissions received will be presumed to be valid.

Now, unions may avoid the lengthy and tedious process of physically collecting signed cards and employees may sign and submit cards in the privacy of their home. The electronic card check process and the new NLRB election rules are predicted to make it far easier for unions to organize new workers.

Source: Archbright

FAQ

Question: We have an employee who is eligible for FMLA, but does not want to take it. Can we force her to use it?

Answer: No, an employer cannot force employees to use "protected" leave if they choose not to. This became clear in the case of *Escriba v. Foster Poultry Farms* (743 F.3d 1236 9th Cir. 2014). In this case, Ms. Escriba wanted to take two weeks off to care for her ill father. HR inquired whether she wanted to take FMLA leave because the reason for her leave request was a qualifying FMLA event. Ms. Escriba replied "no" she only wanted to use her vacation. She was granted a two-week vacation leave, but did not report nor call in to work for another 16 days after her vacation time was spent. She was terminated based on the company's three-day "no call / no show" rule.

Ms. Escriba sued the company for interfering with her FMLA rights. The company prevailed with the court concluding that an employee can affirmatively decline to use FMLA leave, even if the underlying reason for seeking the leave would have invoked FMLA protection. It cited another ruling, "If an employee does not wish to take FMLA leave but continues to be absent from work, then the employee must have a reason for the absence that is acceptable under the employer's policies, otherwise termination is justified."

Some employees may not wish not to take leave in an effort to preserve FMLA for some other event scheduled for later in the year, such as a surgery or childbirth. An employee may opt to preserve FMLA leave when the employer's vacation policy, as in the Escriba case, requires the FMLA leave to run concurrently against accrued vacation time. By simply exhausting paid vacation first, the employee could save the FMLA leave for future use. However, refusing to take FMLA can be puzzling to the employer because without these protections, the employee can be disciplined for a prolonged or "unauthorized" absence from work. Also, the employee may lose health insurance while on leave without the protections of FMLA.

In the final analysis, it remains the employer's duty to ask employees if they want to take protected leave, whenever the employer has reason to believe FMLA may apply. If the employee opts out of using FMLA, we recommend obtaining a written statement acknowledging the decline of the leave. Lastly, if an employee declines FMLA for their own serious health condition, the Americans with Disabilities Act may apply and require the employer to engage in the accommodation process before enforcing its attendance policies.

Learning and Development

INSTRUCTOR SPOTLIGHT:

KRISANN HATCH, Regional Manager of HR Solutions - Eastern Washington



Krisann Hatch has been with Archbright for two years, working with companies to strategize, innovate, and implement HR solutions, deliver employee-development training, and provide advice, consultation, and support on a wide-range of HR issues. Prior to Archbright, Krisann spent nearly 25 years at all levels in Human Resources with Red Lion Hotels. Krisann has an undergraduate degree in Business Administration from Eastern Washington University, an MBA from Washington State University, and is a certified Senior Professional in Human Resources (SPHR, SHRM-SCP). In her free time, Krisann loves spending time with her hubby and two children, and cheering on her EWU Eagles. GO EAGS!!

November

MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY
2 	3 NWDL Session 6: Time to "Woman Up": Leading the Paradigm Shift to Gender Equity in the Workplace 8:30-12:00 Kent: Supervisory Skills Session 1, 9:00-4:00 Seattle: Understanding Wage and Hour Law 9:00-12:00 FREE Seattle: Developing Your Company's Training Plan 1:00-4:30	4 Seattle: Emotional Intelligence: Effective Communication and Influence 8:30-4:30 Kent: Supervisory Skills Session 2, 9:00-4:00 Kent: Change Management 1:00-4:30	5 Seattle: Supervisory Skills Session 1, 9:00-4:00 Kent: Supervisory Skills Session 3, 9:00-4:00	6 Spokane: First Aid/CPR/AED Certified Training 9:00-4:00
9 TLG Seattle: Microsoft Excel Instructor Led - Level 2 (2010, 2013/Office 365) 8:00-4:00	10 Seattle: Feedback for Success 8:30-12:00 Kent: Project Management 8:30-4:30 Seattle: Discipline and Documentation 1:00-4:30 Kent: Time Management 1:00-4:30 FREE Spokane: Developing Your Company's Training Plan 1:00-4:30	11 	12 FREE Spokane CoffeeTalk: Workers' Compensation Update and Rate Review 8:00-11:00 Kent: Communicating for Success 8:30-12:00 Seattle: Supervisory Skills Session 2, 9:00-4:00 Kent: Building Interpersonal Awareness 1:00-4:30	13
16 	17 Kent: First Aid/CPR/AED Certified Training 8:00-3:30 Kent: 5 Star Service: Every Customer, Every Time 8:30-3:30 Seattle: Time Management 8:30-12:00	18 Kent: First Aid/CPR/AED Recertification 8:00-12:30 TLG Bellevue: Microsoft Excel Instructor Led Level 1 (2010, 2013/Office 365) 8:00-4:00 Kent: Conflict to Collaboration 8:30-12:00 Seattle: Managing FMLA 9:00-12:00	19 Kent: Leadworker Effectiveness 8:00-4:00 Seattle: Supervisory Skills Session 3, 9:00-4:00 FREE Everett CoffeeTalk: Workers' Compensation Update and Rate Review 9:00-12:00	20 Seattle: Shipping Hazardous Materials 8:00-4:30 Seattle: Shipping Hazardous Materials Update 11:30-4:30
23 Seattle: First Aid/CPR/AED Certified Training 8:00-3:30	24 Seattle: First Aid/CPR/AED Recertification 8:00-12:30	25 	26 Thanksgiving Holiday 	27 Day After Thanksgiving Holiday
30 TLG Bellevue: Microsoft Office Mentor Led (2010, 2013/Office 365) - Session 1, 8:00-4:00				

Developing Your Company's Training Plan

Is your organization just getting started with training? Or have you been offering training for some time, but the training has not been organized into an efficient and effective overall plan?

In Developing Your Company's Training Plan, you will learn how to look at the training needs of the entire organization and map these to your company's strategic goals. Participants leave class with templates, completed examples, and work done on their own organizations to take their company's training plan from start to finish.

FREE to Members

Seattle Nov. 3, 1:00-4:30

Spokane Nov. 10, 1:00-4:30

Kent Dec. 16, 1:00-4:30

Register at Archbright.com

December

MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY
	1 TLG Bellevue: Microsoft Office Mentor Led (2010, 201/Office 365) Session 2, 8:00-4:00 Kent: Mediation Skills for Managers, Supervisors, and Human Resources 8:30-4:30 Seattle: Supervisory Skills Session 1, 9:00-4:00	2 Seattle: Hiring Winners 8:30-4:30	3 Seattle: Leadworker Effectiveness 8:00-4:00 Kent: HR Fundamentals Session 1, 8:30-4:30	4 Kent: HR Fundamentals Session 2, 8:30-4:30 Kent: HR Records: How, What, Where, When, Why 1:00-4:00
7 TLG Bellevue: Microsoft Excel Instructor Led - Level 2 (2010, 201/Office 365) 8:00-4:00	8 Kent: Supervisory Skills Session 1, 9:00-4:00 Seattle: Supervisory Skills Session 2, 9:00-4:00	9 Kent: Leadworker Effectiveness 8:00-4:00 Seattle: Becoming a Leader Session 1, 8:30-4:30 Spokane: Hiring Winners 9:00-5:00	10 Kent: Delegating and Setting Expectations 8:30-12:00 Seattle: Holding Others Accountable for Great Performance 8:30-12:30 Kent: Managing the Millennial Employee 1:00-4:30	11 Seattle: Understanding Legal Issues for Supervisors and Managers 8:30-12:00
14 TLG Tacoma: Microsoft Office Mentor Led (2010, 201/Office 365) - Session 1, 8:00-4:00	15 Kent: First Aid/CPR/AED Certified Training 8:00-3:30 TLG Tacoma: Microsoft Office Mentor Led (2010, 201/Office 365) Session 2, 8:00-4:00 Kent: Supervisory Skills Session 2, 9:00-4:00 Seattle: Supervisory Skills Session 3, 9:00-4:00	16 Kent: First Aid/CPR/AED Recertification 8:00-12:30 Kent: Time Management 8:30-12:00 Seattle: Becoming a Leader Session 2, 8:30-4:30 FREE Kent: Developing Your Company's Training Plan 1:00-4:30	17 Seattle: Communicating for Success 8:30-12:00 Kent: Employment Law Update 9:00-12:00 Spokane: Time Management 1:00-4:30	18
21 Seattle: First Aid/CPR/AED Certified Training 8:00-3:30	22 Seattle: First Aid/CPR/AED Recertification 8:00-12:30 TLG Seattle: Microsoft Excel Instructor Led - Level 3 (2010, 201/Office 365) 8:00-4:00 Kent: Supervisory Skills Session 3, 9:00-4:00	23	24	25 Holiday
28	29	30	31	

Organization Development

Stories That Connect

High performing work cultures are connected cultures. Culture—the beliefs, values, and norms expressed by the people in an organization—evolves and is reinforced through person-by-person interactions. Culture lives in the stories people tell one another; in their descriptions of the way things work around here. It's the stories people hear from one another that reinforce their membership in the same "tribe." When people don't have enough contact with one another to share their stories, a break in positive relationships occurs and the health of the culture—and of the organization—often suffers.

What can you do to help bridge the distance in space and time between people who work on different shifts or in far-flung locations? Here are a few ideas:

Telling Stories

Telling and listening to stories is a universal human phenomenon. Capitalize on people's love of stories to engage them about what's going on "over there." Share success stories from other shifts or locations at meetings. Use names and details to make the stories come alive. Instead of "Our Nevada location exceeded their goal" try: "Mary, Larry, and Teri in the desert of Nevada were like manufacturing ninjas last Tuesday. While the rest of us were sleeping, they produced 1032 widgets above their target. Then Kari and Harry had them packaged and on the loading dock for UPS by 3:30 a.m., resulting in an early delivery to Customer Alpha. Customer Alpha was so delighted, by the way, they placed an even larger order with us." Add even more detail with photos of that team in action. Another variation to telling the story verbally is to post photos of people driving their trucks, helping their clients, or otherwise doing their great work with a bit of narrative so coworkers can learn about those don't see every day.

Listening to Stories

Provide opportunities for story exchange by holding occasional events where people come together in person. It could be as simple as an afternoon ice-cream social which bridges two shifts. Incorporate some questions to give people a reason to talk with those beyond their regular work group. Get-to-know-you-bingo is a classic example in which people seek out another who "worked here when we opened this branch" or "has worked in 3 different departments" or "rides a motorcycle between offices." Offer a small prize for the first person to complete a bingo. For teams that work miles apart, think about additions to in-person interactions that can surface interesting stories from each location to share with the others. Consider having the same event on the same day in different locations and invite a few gregarious people to play "roving reporter" to gather up a few tales and snapshots that can be shared.

Stories for Change

Stories can keep founding missions vibrant. Stories from that time when "we didn't think we could do it but we did" can keep people connected to today's current aspirations. Stories about successes as well as lessons-learned can help people connect to a healthy workplace culture and move it forward as old stories are retold and new ones emerge.

There is a growing field of organization development practices that draw on the powerful use of stories for workplace effectiveness. For more information about how Archbright's organization development consultants can bring their expertise to help your organization thrive, please contact your Archbright Account Executive at 206.329.1120.

Source: Archbright

NWDLS

Session #6 - Time to "Woman Up": Leading the Paradigm Shift to Gender Equity in the Workplace

Please join us for Session 6 on November 3

Bridge the divides of unconscious gender bias as part of your transformational leadership style! Research suggests the underrepresentation of women in leadership roles is a moral and business imperative. This session calls on women—and men—to embrace a paradigm shift and adopt a holistic approach to eliminating gender bias in the workplace. The combination of transformational organization change and transformational leadership facilitates the advancement of women in leadership roles and across the organization.

This session is at Nordstrom's Corporate HQ, Seattle from 8:30am to Noon. For more information, or to register, visit [Archbright.com](https://www.archbright.com).

Safety and Loss Control

Safety Committees

Safety Committee members have an important and honorable job to do. During any part of the work day, there is nothing more important than having a safe workplace. When the Safety Committee identifies and addresses workplace hazards, it prevents injuries and incidents. In the unfortunate event of an on-the-job injury or even a near-miss, Safety Committee members can investigate. They can find the causes of the incident and develop safeguards to prevent another, similar incident. Safety Committee members can then ensure that the safeguards are implemented and followed.

Safety Committee members can assist in:

- Identifying unsafe conditions and correcting the problems
- Spotting unsafe acts and counseling the workers
- Determining the root causes of accidents
- Developing the needed safeguards and following up on their implementation

Safety Committee members lead others by their own example. By not engaging in horseplay, teasing, or unsafe practices, and by speaking up to discourage others from acting improperly, Safety Committee members help create a climate of safety throughout the workplace.

The Safety Committee can seek suggestions on workplace improvement from coworkers and discuss these suggestions in their monthly Safety Committee meetings. In this way they are able to make workplace improvements based on the knowledge of the front-line worker.

Safety Committee members can also mentor new employees. They can advise them about the importance of safety and of offering safety suggestions to Committee members – making them feel welcome.

The Safety Committee can also assist in the creation and maintenance of Job Hazard Analyses (JHAs) and in keeping the organization compliant with all safety and health regulations.

Safety Committees can meet periodically to discuss all incidents and suggestions. Meeting discussions are written down and posted for all workers and management to read, thereby creating a team atmosphere.

For questions or more information regarding Safety Committees in your workplace, please contact your Safety & Loss Control Representative at (206) 329-1120.

Monthly Safety Webinar

NOVEMBER 2015

Safety Committees

Thursday, November 19th

2:15 p.m.

An effective safety committee unites workers and management in their commitment to workplace safety. It is based on the principle that management and the workforce share in the responsibility for creating and maintaining a safe and healthy workplace. This webinar will cover the basics for employers who are forming new committees or looking at ways to improve on existing committees.

Topics include:

- Requirements
- Creating a committee
- Roles & purpose
- Meeting organization
- Getting the most out of your committee
- Documentation

This monthly webinar is complimentary for all members of our Workers' Compensation and Retrospective Rating Programs. Attendees will receive an email approximately one week before the webinar with participation and login information.

For those not enrolled in our Workers' Compensation or Retrospective Rating Programs, there is a \$49.95 fee. Please contact learning@archbright.com for registration information.

**"Safety might not always be common,
but it always makes sense."**

Did You Know?

OSHA's Top 10 Most Cited Violations in Fiscal year 2015:

1. Fall Protection
2. Hazard Communication
3. Scaffolding
4. Respiratory Protection
5. Lockout/Tagout
6. Industrial Powered Trucks
7. Ladders
8. Electrical Wiring Methods
9. Machine Guarding
10. Electrical General Requirements

**New Required Job Safety and Health Poster
Will Be Mailed To Your Employer Soon - Please
Contact Us For More Information**



Consumer Price Index

U.S. Cities Average—September 2015

CPI-W: 232.661	- 0.302% (1 month change)	- 0.64% (1 year change)
CPI-U: 237.945	- 0.16% (1 month change)	- 0.036% (1 year change)

Seattle/Tacoma/Bremerton—July/August 2015

CPI-W: 247.500	+ 0.23% (bimonthly change)	+ 1.24% (1 year change)
CPI-U: 251.617	- 0.002% (bimonthly change)	+ 1.79% (1 year change)

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

Please Notify Us of Staff Changes. Please take a moment to contact us to correct any staffing changes for your organization, including email addresses. **Email us at info@archbright.com.**

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We welcome your comments and suggestions.

Email: editor@archbright.com | Seattle Office: P.O. Box 12068; Seattle, WA 98102 | Phone: 206.329.1120 | Web: www.archbright.com

Seattle Office

2940 Fairview Avenue East
Seattle, WA 98102
phone 206.329.1120
fax 206.860.7889
www.archbright.com

Kent Office

24437 Russell Road, Suite 110
Kent, WA 98032
phone 206.329.1120
fax 206.328.0131
www.archbright.com

Spokane Office

5709 West Sunset Hwy, Suite 208
Spokane, WA 99224
phone 509.381.1635
fax 206.860.7889
www.archbright.com