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PLANNING FOR 2018

The numbers are in and it looks as though one thing will stay the same and one thing will change. According to Willis Towers Watson, one of the major advisory and consulting houses in the US, the average pay increase will remain the same about 3% for 2018, with only a tenth of a percent higher for executives. But one thing is decidedly different and that is they are reporting top performers will likely get as much as a 4.5% increase. The breakdown they give is:

Top performers – 4.5%

Average performers – 2.6%

Below Average performers – 1%

To many employees it might seem odd, that even with the resurgence of the marketplace and the positive economic news, there is much change in the increase level. It is important for employers to remind their employees that minimum wages have changed in many states (up \$1.50 per hour in Oregon), that benefit costs are rising due to healthcare uncertainty, and that many employers made expensive changes when it was thought that the revised FLSA was going to occur. Talking with employees about the organization's financial prospects also provides them with a greater understanding of the organization's ability to make more sizable pay changes.

POSTING REQUIREMENTS

As a result of the employment law changes in Oregon, employers will need to obtain the new posters and have them up and viewable on the date the new law is effective. Oregon employers will need a new poster as of October 6, 2017 and another new poster January 1, 2019. Federal Contractors need to ensure that all their posting requirements are being met. Using the Federal Contractor Posting Guide will make this easier. The Guide can be found at the Federal Contractor Posting Guide Page – [Go THERE](#). Do you supposed they could make it more difficult to find?

HOW TO DEAL WITH GOSSIP

To address gossip first requires that we define it. Here is what the internet dictionary says:

“Casual or unconstrained conversation or reports about other people, typically involving details that are not confirmed as being true.” It is also defined as, “A person who likes talking about other people's private lives.”

The perceptions of gossip vary from very serious to not such a big deal. Part of this difference is the nature of the comments, the hurt they can cause, and the sensitivity of the individual being gossiped about. And, according to one source, “(Gossip) shows comradery among your team because it shows that employees are invested in one another. But when it begins to hurt people's feelings, it only concerns negative information, or there is no truth to the comments, then that is the time to shut it down.”

Gossip can be a potent weapon if it is used maliciously. And, its negative results can be quite harmful. According to the research done by Kurland and Pelled for their article in the Academy of Management Review, some consequences of gossip are:

- Erosion of trust and morale
- Lost productivity and wasted time
- Increased anxiety
- Divisiveness when employee take sides
- Hurt feeling and reputations
- Attrition due to good employees wishing to escape the negative culture.

Recent NLRB rulings allow employers to take action of gossip, but not if the organization's policy is over-broad and impacts employees' ability to discuss working conditions and their opinions of the boss. It is critical that any policy language clearly state that no restriction exists on comments about the boss or about the working conditions of the organization. Stating that the restrictions do not infringe on an employee's ability to discuss non-work-related issues. Be sure to include email and text comments if developing a policy.

Most folks who have been in the workforce for some time, know that we cannot stop all gossiping. People seem bent of talking about who is dating who and who is trying to hide a relationship. That seems to be human nature. But it is important for an employer to keep their eyes open in case someone feels their gender, race, religion, or disability (and other factors) are the subject of gossip. That can lead to an employee unrest and even a harassment charge.

I-9 REMINDER

On July 17th, 2017, the US Citizenship and Immigration Services authorized the new version of the I-9 which must be used by employers no later than September 18, 2017. Some changes are small and might not even be noticed, but the new form must be used. There are both an electronic form and a paper form so employers can use whichever fits their processes. Information regarding the forms and the changes can be found at <https://www.uscis.gov/i-9>. And one other note, it is not permitted for the employer to tell the applicant what forms to bring to verify their right to work in the US. Employers can email or fax the list of documents that can be used, but it is not allowed for the employer to offer advice about this.

EEO-1 UPDATE

The Office of Information Regulatory Affairs (OIRA) has decided to postpone indefinitely effectiveness of the newly created pay data reporting component of the annual EEO-1 report. This requirement had already been postponed once. The new date was supposed to be next March. However, the OIRA says that it suspended that requirement because it wanted to assess data collection requirements and the burden estimates associated with employers having to respond to the new data reporting obligations. For more information on this, check the EEOC's website at <https://www.eeoc.gov>. This means no EEO-1 report is due in 2017 and the report filed in March 2018 will include only race/ethnicity and gender information, not pay data or hours worked.

HR QUESTION

The question for this month is...What percentage of positions filled in 2016 were for new positions never held before by anyone in the organization? Your choice of answers is:

- 5 -20%
- 21 - 40%
- 41 - 60%
- 61 - 80%
- 81 - 98%

Look for the answer next month and then compare your organization's new positions to what is occurring nationally.

The answer to last month's question, "What one position has been completely abandoned due to automation?" The answer is.....wait for it.....elevator operator. Let us know if you got it right or what your other guesses were.

OREGON ENACTS NEW LAW IMPACTING OVERTIME AND MAXIMUM HOUR LIMITS FOR MANUFACTURERS

A new Oregon law clarifies Oregon's daily and weekly overtime laws and sets new maximum-hour limits for certain Oregon employers. The new statute, which Oregon Governor Kate Brown signed on August 8, 2017, requires most employers in the manufacturing sector to pay employees the greater of daily or weekly overtime if an employee works more than 10 hours in a single day and more than 40 hours total in the course of a single workweek. The law also sets a firm 55-hour weekly limit for most manufacturing-sector employees.

Editor: Judy Clark, CPC, SPHR, IPMA-CP: Advantage is published monthly and is designed to provide information on regulations, HR practices and management ideas and concerns. The intended audience is managers, supervisors, business owners, human resource and employee relations professionals. If you have questions about the content, an opinion about the information, or questions about your subscription, please give us a call at (503) 885-9815 or e-mail info@hranswers.com.

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The law generally applies to employees who work in mills, factories, and manufacturing establishments. However, both the original statutes and the statutes as amended by the new law contain numerous provisions that include exceptions or varying requirements for employers engaged in specific types of manufacturing operations. Processors of perishable goods are, for instance, exempt from the new 55-hour weekly maximum. Employers should consult with counsel to determine which of the new provisions apply to them.

The new overtime calculations went into effect immediately upon passage and the remaining changes will take effect on January 1, 2018.

Daily and Weekly Overtime Calculations

The new statute amends several provisions in Oregon's daily and weekly overtime statutes to specify that manufacturing employers must pay employees the greater of daily or weekly overtime for employees who work both more than the daily maximum of 10 hours and the weekly maximum of 40 hours during a single workweek. This amendment clarifies the previously vague statutory language that did not specify how employers should compensate an employee who works both daily and weekly overtime.

For nearly a century, Oregon manufacturing employers had interpreted the overtime statutes as requiring them to pay employees the greater of daily or weekly overtime. But in January, Oregon's Bureau of Labor and Industries (BOLI) issued new guidance (http://www.oregon.gov/boli/TA/pages/t_faq_tamanufacturing.aspx) stated that if an employee worked both daily and weekly overtime, the employer had to pay the employee *both* types of overtime. In other words, BOLI's new interpretation stated that an employee who worked three 12-hour shifts and one 10-hour shift in a given week (for a total of 46 hours) should receive 12 hours of overtime—6 hours of daily overtime for the 3 days where the employee worked more than 10 hours, and 6 hours of weekly overtime because the employee worked more than 40 hours in the week.

The new law overrides BOLI's "double overtime" interpretation and reestablishes the status quo that both Oregon employers and BOLI itself had maintained prior to BOLI's January guidance. Now, an employee who works both daily and weekly overtime in a single week receives the greater of the daily or weekly overtime, but not both. Thus, under the hypothetical discussed above, the employee would receive 6 hours of overtime pay for the three 12-hour days, since that is greater than the 4 hours of weekly overtime he had earned during the week.

Maximum Hours Requirement

The other major component of the new law prohibits most manufacturing employers from requiring employees to work more than 55 hours in a workweek.

The primary exception set forth in the statute applies to manufacturers who process perishable products. Those employers can permit employees to work more than 55 hours during the period of time when the perishable product "must be processed after harvesting, slaughter or catch." During that "undue hardship period," eligible employers can permit their employees to work up to a maximum of 84 hours per week for four weeks, and up to 80 hours per week for the remaining hardship period. Affected employers can claim up to 21 weeks per year of undue hardship for purposes of the statute. Employers must obtain the written consent of any employee who will work more than 55 hours in a week during the hardship period, and the employer must also provide BOLI with a written notice stating, among other things, when the undue hardship period will start and when it is expected to end.

Next Steps for Affected Employers

Employers with manufacturing operations in Oregon should consider taking the following steps to ensure compliance with the new law:

- Review the amended statutes carefully with counsel to determine which provisions apply to their employees and which do not;
- Examine past employee schedules and timesheets to determine the frequency with which employees worked both daily and weekly overtime hours in a single week;
- If a manufacturing employer has employees who work more than 55 hours in any week and does not process perishable goods, it should implement new scheduling policies and hire new employees as necessary to ensure uninterrupted operations while complying with the new weekly maximum;
- If an employer processes perishable goods, it should determine which week(s) of the year it may need employees to work more than 55 hours, and draft the employee consent and BOLI notification forms necessary to claim the undue hardship exemption;
- Train human resources, payroll, and managerial staff on the new requirement; and,
- Edit employee handbook and new hire materials to reflect the new requirement.

Our thanks to Little Mendelson for the main content of this article.

THOUGHTS TO THINK ABOUT

Perfection is not attainable, but if we chase perfection we can reach excellence. ~Vince Lombardi

Autumn repays the earth the leaves which summer lent it. ~Georg Christoph

You learn something every day if you pay attention. ~Ray LeBlond

Learn as much as you can while you are young, since life becomes too busy later. ~Dana Stewart Scott

Many people quit looking for work when they find a job. ~Author Unknown

It doesn't make sense to hire smart people and tell them what to do. We hire smart people so they can tell us what to do.
~Steve Jobs

No one who achieves success does so without acknowledging the help of others. The wise and confident acknowledge this help with gratitude. ~Author Unknown

BUILDING A "WE ORGANIZATION"

A "WE ORGANIZATION" can only be developed if several foundation principles are in place. Creating a workplace that values loyalty, teamwork, and a shared sense of purpose requires that there be a shared set of beliefs. The following are some of the key characteristics of a "We Organization:"

- SHARED MISSION – is the Mission Statement something that lives in the organization or is it simply a document that is gathering dust, no one references, and no one can really remember the exact words or location of the material?
- SHARED QUALITY STANDARDS – does everyone in the organization hold themselves accountable for quality work and help others meet the expected standards through assistance and gentle reminders?
- SHARED VISION – does everyone know where the organization is going and how they can contribute to organizational success through their own work?

Employees often believe the "we" doesn't include them. They think maybe it is about the Board or maybe it is only about management. They say, "If I left, they'd simply get someone else and go right on." To counter that, a "we organization" has to be a place where everyone knows that they, as a worker and as a person, are valued and that there is respect for everyone's contribution to the organization's processes and its operations. To truly develop a "we organization," management needs to talk less and listen more. If we are a "we organization," the sense that every aspect of the organization matters and involves everyone, needs to be modeled in every aspect of the decision making and problem-solving processes.

A "we organization" is really about loyalty – loyalty of employees to the employer and loyalty of the employer to employees. This is not easily achieved, must be constantly nourished, and must start at the top. Loyalty is created through trust. When trust has been eroded, then it must be the primary activity of the organization to re-build it. Every word must be considered so that there will be no situation requiring a take back of any commitments or statements. Employees must be advised that no words will be given if they can't be counted on. Over time, employees will learn what they hear is authentic.

In addition to the above principles, the foundation of a "we organization" is all about the way we speak to each other, what we say to one another, what we elect not to say to one another, and whether each employee feels that they are being treated with dignity and honor. When this level of care and individual concern is demonstrated, trust is being regenerated, and the organization can operate on a more "we are all in this together" basis.

A perfect example of a "we organization" is the U.S. Marine Corp. Their commitment to NEVER leave a Marine behind and their obsession with "one for all and all for one" sets a standard for others to emulate. They don't just talk about it, they live it. They constantly strive to look out for each other's welfare, and try to enhance the lives of all associated with the Marine Corp. They understand that to be successful in their endeavors, they must have complete trust and confidence in one another. Teamwork is critical to their very lives, and so they commit to being their best selves on behalf of whatever they are assigned and on behalf of each member of the Corp. They believe that living these ideals will result in a competent, highly trained, motivated team capable of carrying out whatever they are asked to do.

Another example, perhaps different than you might think, is the goal that Dave, the Founder of Wendy's set for his Foundation. Dave was adopted and he felt strongly about children and families, so he used the profits of his fast food chain to fund his belief in finding homes for children. When a new employee started at the Foundation, Dave shared his thoughts about the Foundation's work and mission. When a new employee started at one of the food outlets, he shared these words with them – "There is no "I" in Wendy's – it begins with the most important word you will learn here... WE." His words to every new employee at the Foundation were: "We are as strong and productive as the partners (the Wendy's stores) who support us and share our passion to ensure that every child grows up in a permanent family. You will discover here that W and E are not simply two letters that start the word Wendy's – they are the essence of what we do here."

And lastly, there are the words of the Lion's Club International who regularly reminds members that the endeavors they support are based on the theme, "We – not me." It is important that each of us ask, "Am I a 'we' person or a 'me' person?" When we try hard to live up to the label of a "we" person, we are operating at our best and highest calling.

HR BY THE NUMBERS

According to research from *Upwork and Freelancer's Union*, the freelance workforce grew from 53 million in 2014 to 55 million in 2016, and those employees now represent 35% of the U.S. workforce.

* * * *

About one-third of employers with severance agreements set a minimum payment of two weeks' pay. 20% offer at least one month's salary. *Source: WorldatWork, Severance and Control Plans (2014).*

* * * *

Businesses continue to face cyberattacks. According to *IC3* the monetary damage caused by cybercrimes has cost a pretty penny:

\$17.8 million in 2001

\$559 million in 2009

\$1.07 billion in 2015

In a survey done by *Symantec*, when these cyberattacks happen 64% of Americans are willing to pay the ransom vs. 34% of other countries globally.

One in 131 emails contain malware, the highest rate in 5 years (2016) *Symantec*.

* * * *

According to PwC's "Financial Wellness" survey about 1/3 of Gen X and Millennials have withdrawn money from their retirement plans and about half think it is likely they will do so in the future.

CLIENT ACCOLADES

Lewis and Clark College ranked number 5 in the nation in the annual identification of "Cool Schools" conducted by the Sierra Club. This is the same position the College had in 2014. There is a total of 1,000 points possible. Lewis and Clark increased their score by 52 points this year due to their initiatives regarding fossil fuels, a partnership with local farmers, and the creation of a campus market, an online sharing platform. They were the only liberal arts college on the West Coast to make the top ten. Congrats Lewis and Clark, we are proud to be associated with you!!!

Congratulations to our clients who are listed in the *Portland Business Journal's* "Healthiest Employers of Oregon 2017"! Well done **Craft Brew Alliance** – you are a 2017 Participant!

The *Portland Business Journal* listed the top 10 employers in groups by their employee size:

100-499 Employees – Congratulations to **R&H Construction** (9) and **Organically Grown Company** (10)!

500-1499 Employees – Congrats goes to **Tualatin Valley Fire & Rescue** (6) and **First Tech Federal Credit Union** (9)!

Chary Krout of **First Tech Federal Credit Union** is the HR Leadership Winner in the Medium Company Category – Well done **Chary!!**

A special shout out to **Anvil Media, Inc** who is listed in *Portland Business Journal's* "THE LIST" under "Largest Creative Agencies in the Metro Area"! Great job!

WATCH OUT – IT’S BACK TO SCHOOL TIME

It is September and so across American kids are returning to school. This is a time of rituals. Whether it is shopping for school supplies or getting those new clothes because they have grown so much over the Summer, or knowing that the homework will be coming back to the house and trying not to worry that it will be something you can’t help your kids with, that time is fast approaching. But there is one other thing that is much more connected to HR. That is parents requesting time off to attend a student-teacher conference, a desire to visit the school’s recital or plays, and the need to check in with the Principal if there is a discipline meeting.

Different states have different requirements and the general nature of PTO gives employees the freedom to use time for a wide variety of reasons. Employers must be ready to address all of these because it is back to school time! Don’t forget to stock up on number 2 pencils!!

E-VERIFY CHANGES

The federal E-Verify posting, issued by the U.S. Citizenship and Immigration Services (USCIS) agency, was updated Aug. 17th. It requires all employers who utilize E-Verify in the workplace, including both those who are required to and voluntarily participate in the program, to make minor changes.

The posting was updated to reduce language and make information more clear and understandable. The layout of the poster was also redesigned. One of the most significant changes is that the English and Spanish versions are combined on one posting, meaning there is no longer a stand-alone Spanish E-Verify posting.

Employers who are using E Verify must acquire the new poster and ensure that it is where employees and applicants can easily see it. For employers who use the internet for recruiting, a link from the employer’s website or electronic posting referencing the E-Verify will be one way to handle the posting requirement.

The revised posting is required for the following:

- Federal contractors
- Employers in states that require the use of the federal E-Verify program
- Employers that voluntarily participate in the federal E-Verify program

FOR YOUR CALENDAR

Open up your Daytimers, Outlook, Palm Pilots, and all those Smart Phones. The following is a look at upcoming events, special days and other diverse and fun activities you will want to be aware of and get scheduled. **To register for our workshops, please call any of our offices, or send an e-mail to Petrina Bigford at info@hranswers.com, or fax it to (503) 352-5582.**

SEPTEMBER

Month of National Suicide Prevention, Chicken, Little League, Hispanic Heritage, Rice, Baby Safety, Courtesy, International Square Dancing, and Fall hats

- Sept. 16 National Working Parents Day
Sept. 22 American Business Women's Day
Sept. 26 National Dumpling Day
**Sept 27 HRA Workshop – HRA Office – Tigard
Getting Organized with Bethanne Kronick
8:30am – 12:30pm**
**Sept 27 HRA LUNCH BUNCH – Salem
Unconscious Bias
12:00pm – 1:00pm**

Coming up:

- Oct. 4 HRA LUNCH BUNCH – HRA Office– Tigard
12:00pm – 1:00pm**
**Oct. 10 HRA Workshop – HRA Office – Tigard
Critical Thinking; Decision Making and Problem Solving
8:30am – 12:30pm**
**Oct. 17 HRA Workshop – HRA Office - Tigard
Compensation & Classification with Oregon's Equal Pay Act
8:30am – 12:30pm**
**Oct. 31 HRA Workshop – HRA Office – Tigard
Effective Meeting Facilitation
8:30am – 12:00pm**

Planning Ahead:

- Nov. 2 HRA Workshop – HRA Office – Tigard
First Aid/CPR/AED
8:30am – 3:30pm**
**Nov. 7 HRA Workshop – HRA Office – Tigard
Effective Presentation Skills
8:30am – 12:00pm**
**Nov. 14 HRA Workshop – HRA Office – Tigard
Developing & Utilizing Job Descriptions
8:30am – 12:30pm**

Flyers for our workshops can be found on our events page under each workshop. View more details and register on our [website](#).

Information and advice offered through Advantage should not be construed as legal opinion. The material contained herein will not apply to all circumstances or to all organizations. Use it as a resource and reference. Should you feel legal advice is required, please consult with your corporate counsel.

ON MY SOAPBOX

It is hard not to be distressed.

I am usually an optimistic person. I can almost always find a silver lining or a bright spot amongst the challenges and issues of the day, be they personal, professional, or national. But I am finding it harder and harder to adhere to that sense of myself. Think about it:

- Two major hurricanes hitting the US – all the pain and desolation they caused
- The new information that President Trump is selling Presidential Medals for \$45.00
- A recent report done by Boardsource that identifies that a lack of diversity exists on most not-for-profit boards and that even though it has been identified as a problem for more than 10 years, there has been precious little change in the demographics.
- Every night there is a story on the news about someone shooting someone.
- There is an abundance of uncertainty...politically, economic, and national safety.
- And, don't even get me started on North Korea....

It seems as though every news cast or posting contains mostly bad news. And, it isn't just that it is bad news, but it is also about people behaving badly. It is bullying, it is bullets flying, it is too much protesting that centers on hate, it is about the huge increase in depression diagnoses, etc. It is hard to be light-hearted when there is this much trouble in the world!

Au contraire – your perspective depends on what you focus on. I am buoyed by a picture I found amongst my emails that showed a man in Fanning Springs, Florida, riding his power mower down the highway handing out water to drivers stuck in standstill traffic as people evacuated in advance of the hurricane's arrival. When you see this type of thoughtfulness, a small but very meaningful gesture, you can once again feel as though there is caring and it is not dead.

And then there was the baseball game for my youngest grandson, Rennick, this last weekend. Both my daughter and I wore messaging t-shirts. We didn't coordinate, we just chose the same type of attire. Hers said, "Weekends, I love you" and mine said, "Love each other." These are only two of the sayings cropping up on t-shirts everywhere. They are positive affirmations that make everyone who sees them smile and feel a little lilt in their day. It is hard not to feel better when you approach someone wearing, "Count your blessings" or "Today is your day." These have become ever so popular. And that shouldn't surprise us...we all need that little booster shot. And how can it be much better that letting everyone know your positive thoughts and well wishes?

So, I think we have options. We can focus on the really awful stuff, and there certainly is a lot of it around. Or we can identify those moments of grace, beauty, or good fortune. We have to acknowledge that not all things are going well and that we are distressed by that. But we don't have to let that be the only thing that exist for us. There are people to care about and hug, there are bright and beautiful sunsets, there are people who need assistance and if we help, we get rewarded with a smile.

I know that sounds a little like Pollyanna, or maybe even a lot like that. But our focus and our thoughts are under our control. We just need to remember to exercise them for good!!

- Judy Clark, President



ANSWERS, Inc.

"Whatever the Question"

PLEASE FEEL FREE TO VISIT OUR WEBSITE:

