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WASHINGTON BAN-THE-BOX

Governor Jay Inslee signed into law the Washington Fair Chance Act (WFCA) on March 13, 2018. The WFCA prohibits inquiries regarding applicants' conviction histories until the employer has determined the applicant is "otherwise qualified" for the position. Once the employer has initially determined that the applicant is otherwise qualified, the employer may make further inquiry.

With few exceptions, all public and private-sector employers in the State of Washington will be prohibited from:

- Advertising openings in a way that excludes people with arrest or conviction records from applying, such as using advertisements that state "no felons," "no criminal background," or that otherwise convey similar messages;
- Including any question in an employment application, inquiring orally or in writing, receiving information through a criminal history background check, or otherwise obtaining information about an applicant's arrest or conviction record, until after the employer has initially determined that the applicant is otherwise qualified for the position;
- Having automatic disqualifiers or categorically disqualifying an individual based a criminal record before initially determining the person is otherwise qualified for the position; or
- Rejecting or disqualifying an applicant for failure to disclose a criminal record prior to initially determining the applicant is otherwise qualified for the position.

The law will not apply to:

- Any employer hiring a person who will or may have unsupervised access to children under the age of 18 or a vulnerable adult or person, as defined by Washington law;
- Any employer, including a financial institution, who is expressly permitted or required under any federal or state law to inquire into, consider, or rely on information about an applicant's or employee's criminal record for employment purposes;
- Various law enforcement agencies or criminal justice agencies in Washington;
- Any employer seeking a nonemployee volunteer; or
- Any entity required to comply with the rules or regulations of a self-regulatory organization, as defined by the Securities Exchange Act.

This law is not intended to interfere with or diminish any collective bargaining agreements in unionized workplaces.

MORE WASHINGTON

- Under a new Washington law effective June 7, 2018, it will be unlawful to require that an employee must declare his/her sincerely held religious beliefs or affiliation, unless it is needed to assess religious accommodation requested by the employee.
- Washington has also enacted four new laws designed to address sexual harassment and assault in the workplace. The first one provides protection for those suffering domestic violence; the second one prohibits employers from requiring employees to enter into nondisclosure agreements that limits employees' ability to report or discuss harassment or assault in the workplace; the third bars employers from requiring to use arbitration or private dispute resolution processes for issues; and, the fourth relates to the Washington Human Rights Commission responsibility to develop a sample harassment prevention policy for employers to use.

AND STILL MORE FROM SEATTLE

Effective May 13th, 2018, Seattle employers will no longer be able to pay sub-minimum wages to people with disabilities. This puts Seattle at the head of the line in making this change. One of the supporters of this new law, Marcie Carpenter of the National Federation of the Blind said, “These kinds of laws were based on a 1930s mentality of disability: low expectations, few people were educated, and even fewer people worked. Times have changed, there’s now supported employment programs like the one that the City of Seattle operates.

IRS RELEASES UPDATED FORM W-4 AND WITHHOLDING CALCULATOR

The IRS has released a new version of Form W-4 and a revised [Withholding Calculator](#). Employers are encouraged to notify their employees of these updated tools. The calculator can help your employees check their 2018 tax withholding to determine if it’s still appropriate following the passage of the Tax Cuts and Jobs Act in December 2017. The new Form W-4 is what they would use to direct you to adjust their withholdings if any changes are warranted. The IRS urges all taxpayers to make sure they have the right amount of tax withheld from their paychecks, taking into account significant changes to the tax law for 2018. As an employer, you may decide to distribute a notice to help your employees ensure they get it right.

GETTING IT RIGHT

If employees have too much tax withheld, they will receive the excess as a refund when they file their tax returns, but it might make more sense for them to reduce their withholding and receive more in their regular paycheck. If they have too little tax withheld, they will owe tax when they file their tax return and might owe a penalty as well.

The IRS notes that the following groups, in particular, should make an extra effort to check their withholding:

- Two-income families
- People with more than one job at the same time
- People who work only for part of the year
- People who claim credits such as the child tax credit
- People who itemized deductions in 2017
- People with high incomes and more complex returns

The revised Form W-4 and Withholding Calculator can be used to update withholding in response to the new tax law provisions, a new job, or other changes in personal circumstances.

FORM W-4

If changes reduce the number of allowances an employee is allowed to claim, or their marital status changes from married to single, they must provide their employer with a new Form W-4 within 10 days. Employees can generally submit a new Form W-4 whenever they wish to change their withholding allowances for any other reason.

There are three withholding tax filing statuses: single, married, or married with tax withheld at single rate. Employees whose regular tax filing status is “married filing separately” must use “married with tax withheld at single rate” as their withholding tax filing status on Form W-4.

In general, employees can claim various withholding allowances based on their tax filing status and the tax credits, deductions, and adjustments to income that they expect to claim. For example, they might increase the tax withheld or claim fewer allowances if they have a large amount of taxable nonwage income. The amount withheld can also be adjusted to reflect that they have more than one job at a time and whether they have a spouse who also works.

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.

Employees can claim exemption from withholding for the current year if: (1) for the prior year, they were entitled to a refund of all federal income tax withheld because they had no tax liability; and (2) for the current year, they expect a refund of all federal income tax withheld because they expect to have no tax liability.

Our thanks to the Commerce Company for this article. Sources: IRS.gov and Broadridge Investor Communication Solutions, Inc. The Commerce Company was founded in Portland in 1995 and provides corporate retirement and investment planning for small to mid-sized businesses throughout the Northwest. Securities offered through Raymond James Financial Services, Inc., member FINRA/SIPC. Investment advisory services offered through Raymond James Financial Services Advisors, Inc. The Commerce Company is not a registered broker/dealer and is independent of Raymond James Financial Services. Contact us at www.thecommmco.com or 503-203-8585.

CLIENT ACCOLADES – LOTS OF JOYFUL NOTES THIS MONTH!

Congratulations go to **Schwabe Williamson Wyatt** who was recognized as the second largest law firm in the Portland Metro area. Additionally, they are expanding their service profile to include Alaska. They opened their new offices in Anchorage and added to their staff of maritime law expertise. This brings their offices to eight and fulfills its commitment to the Transportation, Ports and Maritime industries. Way to go, **Schwabe**, we are proud to be associated with you!!

DWFritz Automation, Inc. now has a new headquarters. They have moved into 165,000 square feet in Wilsonville, not far from the previous location. This sparkling new facility comes after only two years ago when they expanded their facility. The new building will house an advanced research lab, secure manufacturing space, a clean room, and locker rooms and fitness center for employees to use. This fast-growing company is poised for even more growth. Their plans call for revenue to climb to \$100 million. Congratulations, you must be really proud of what you have achieved!!

Expansion must be the watchword of this month. **Cura Cannabis Solutions** just completed a successful round of funding and are positioned for growth into the Canadian market which will open the door to European markets. Canada is moving forward on legalizing recreational marijuana and **Cura** wants to be a successful enterprise for them when it occurs. And one more thing, **Cura** doubled its business over one year ago which is a record for the industry based on publicly available data. It must be celebration time at their facilities!!

We are so pleased to have worked with **Elaine Wells** for years in her role as Executive Director of **Ride Connection**. She has guided that organization through many challenges and opportunities. On June 6, 2018 she will be feted by her staff and lots of friends as she steps forth into retirement. Knowing Elaine, she will find many ways to use her time in support of her charitable and community interests. Thanks, Elaine, for all you have done for the metro area and for all the good you still will be doing on behalf of all of us! You are very much appreciated!!

Good news for **Central Catholic High School** and **St. Mary's Academy** – they were selected as one of the top ten private high schools in Oregon. Central Catholic was #6 and St. Mary's was #5. We are proud to be associated with both of you and wish you many more years of top flight academic accomplishments!!

A Sad Note....David Bany, Co-Owner of **Moonstruck Chocolates**, passed away April 1, 2018 after a long battle with cancer. Dave was also a co-founder of the Youth Music Project and World of Speed Motorsports Museum. We offer our condolences for his family. He will surely be missed!!

SEXUAL HARASSMENT – TIME TO TAKE ACTION

A recent article on harassment prevention written by Fisher Phillips attorneys starts this way, "In the wake of #TimesUp and #MeToo, the business world continues to reel over the seemingly shocking realization that sexual harassment is even more pervasive than most had imagined. This movement has forced employers across all industries to grapple with the real worry that sexual harassment may be problematic in their own workplaces. Victimized employees, too, are coming to realize that they are not alone. Those who have been harmed are building camaraderie with kindred spirits and may now have the courage to report harassment in light of so many others who are doing the same."

We have received many requests to review harassment policies and conduct training. Clients tell us it is in the hopes of preventing any claims and to protect them if there are any. If you have been thinking about this and want to make sure that you have the best affirmative defense in the event that someone raises a concern, then we invite you to chat with us about your written materials and the necessary training that much have been done to argue an affirmative defense. Just give us a call; we are here to help!

MORE THAN ARM'S LENGTH

Every workplace has conflict or serious differences of opinion at times. Ordinarily employers have some type of dispute resolution process. They might use a mediator or they might have a policy that spells out a series of actions that they take to help employees come to some kind of common understanding. But with the number of employees working from home or remotely, imagine how much more difficult it is to resolve those conflicts when there isn't a common location so that they can't sit down and talk with one another. Sure, there is FaceTime, Skype and the like, but isn't the same as sitting across a table and working those differences out. Some simple steps may help resolve the difficulty and enhance the working relationship.

1. The first step is acknowledging that difficulties may arise. If the seed of that idea is raised to a conscious level, then when it occurs it won't be such a surprise. Saying something like, "I suspect that since we don't work at the same location, there might be differences of approach to which we need to pay attention to. It isn't like we can sit down and have a cup of coffee to talk it over. So, I think we need to have some idea about how we want to deal with this should it occur."
2. The second step may occur when the first difference of opinion happens. Either party might say, "Do you remember when we were talking about the possibility that we would have a difference of opinion about something? Well, I think that just happened, so can we talk about it please?"
3. The next discussion item might be like this. "Why don't you start and tell me why you think that is the way to go; and then I can tell you why I disagree and explain my point of view." This allows both parties to speak and be heard. Once that has been done, then the employees are ready for the next step.
4. This step involves how the employees are feeling and what they think it will take to resolve the challenge. The best statements are "I" statement because using the word "you" feels like an attack. Better to say, "Here's how I am feeling about this, what are you experiencing?" Then the next comments can be about why I think and you think we have the best answer to the problem. Being able to say, "Here is why I think this is the best answer or approach." What do you think is a better answer and why?"
5. The final step is really pretty easy once that information has been exchanged. Determining which solution accomplishes the most and has the least amount of risk is the one that should be adopted. By developing a process for disagreements to be resolved, allows each party to the dispute to be less emotional and more objective about what course of action should be taken. By minimizing the heat of the moment, the relationship is actually strengthened. This allows someone to say at the end, "I am glad that we had a chance to talk through this, even if we are in different states. One of these days, we actually have to meet face to face. Hope that happens soon." When a conflict can be ended in this fashion, both parties feel good and the best idea is usually identified.

MONTHLY QUESTION

Because of our April Fool's Day issue, we didn't include the Question of the Month item, so here it is – check out how you did. In the February-March issue of Advantage, we asked the following question:
How many federal laws do employers have to comply with?

And, the envelope please... The Department of Labor administers employers' compliance with 180 employment laws. If it always felt like there were a lot of them, now you know why it felt that way! No wonder we are tired and feeling overwhelmed at times.

The month's question is: The federal Fair Labor Standards Act (FLSA) has the ability to go back three years if they believe an employer was guilty of a willful pay infraction. Which state has the longest look back for state pay infractions?

Look for the answer next month!!

HR LINK

Perhaps it won't surprise you to know that we get lots of calls and emails about the Fair Labor Standards Act. The law has been around since the late 30s, but it still is a puzzle for many HR practitioners. Recently SHRM published an article that discusses in detail many of the rules associated with the FLSA. That article can be found at <https://tinyurl.com/y87w7lm2>. This is a great reminder of the answers to many FLSA questions.

THOUGHTS TO THINK ABOUT

No one is more cherished in this world than someone who lightens the burden of another. Thank you.

~Author Unknown

In the spring I have counted one hundred and thirty-six different kinds of weather inside of four and twenty hours. Many hands make light work.

~John Heywood

Never doubt that a small group of thoughtful, committed people can change the world. Indeed, it is the only thing that ever has.

~Margaret Meade

Obstacles are those frightful things you see when you take your eyes off your goal.

~Henry Ford

Great ideas need landing gear as well as wings.

~C.D. Jackson

Leaders who refuse to listen will eventually be surrounded by people who have nothing helpful to say.

~Andy Stanley

Life's problems wouldn't be called "hurdles" if there wasn't a way to get over them.

~Author Unknown

Well done is better than well said.

~Benjamin Franklin

HR BY THE NUMBERS

- According to CareerBuilders, 25% of employees admitted to coming in late at least once a month. About 12% of them said that it happens at least once a week. According to the survey results it looks like the age of the employee may make a difference. Employees ages 18-34 were the biggest offenders making up 38% of the employees who were late more often. Employees 45 and older, were the least likely workers to be late.
- Did you know that 22% of new hires will resign after only 45 days on the job? In fact, a recent study done by Recruiterbox shows that only 35% of candidates actually have the experience necessary to qualify for the position for which they applied. The number of available candidates is low, but this suggests we aren't paying attention to the qualifications needed to perform the work.
- Only 6% of employers have a policy that spells out the definition of bullying and that it is prohibited in the organization. The percent has doubled since 2013 when the study was originally conducted, but it is a still a really small number.
- A recent article named the Top Ten Most Common Mistakes Made at an Interview found that hiring managers assess the following things when conducting an interview:
 - 67% of candidates fail to make eye contact
 - 47% are unable to describe what their experience is that would qualify them to be considered
 - 38% seem to have lost the ability to smile
 - 33% either fidget way too much or slouch in their chairs.

FOR YOUR CALENDAR

Open up your Daytimers, Outlook, and all those Smartphones. The following is a look at upcoming events and workshops, special days, and other diverse and fun activities you will want to be aware of and schedule. **To register for our workshops, go to [HR Answers Events](#), or email your registration form to info@hranswers.com.**

MAY

National Months of Military Appreciation, Mental Health Awareness, Barbecue, Bike, Hamburger, Salad, Strawberry, Water Safety, and Melanoma Awareness

- May. 4 Star Wars Day
- May. 9 HRA Workshop – HRA Office – Tigard
[Demystifying FMLA / OFLA](#)
8:30am – 12:30pm
- May. 13 Apple Pie Day
- May. 14 Mother’s Day
- May. 15 HRA Workshop – HRA Office – Tigard
[Train-The-Trainer: Preventing Discrimination & Harassment in the Workplace](#)
8:30am – 12:30pm
- May. 18 Pizza Party Day
- May. 22 HRA Workshop – HRA Office – Tigard
[Difficult Conversations](#)
8:30am – 12:30pm
- May. 23 HRA Workshop – HRA Office – Tigard
[Corrective Action and Documentation](#)
8:30am – 12:30pm
- May. 25 National Wine Day
- May. 30 HR Lunch Bunch – Chemeketa Small Business Development Center - Salem
12:00pm – 1:00pm

Planning Ahead:

- Jun. 5 HRA Workshop – HRA Office – Tigard
[Performance Management](#)
8:30am – 12:30pm
- Jun 6 - HRA Workshop Series – HRA Office – Tigard (filling up fast!)
- Aug. 1 [Supervisory Success - Summer 2018](#)
8:30am – 12:30pm
- Sep 25 - HRA Workshop Series – HRA Office – Tigard
- Nov. 13 [Supervisory Success - Fall 2018](#)
8:30am – 12:30pm

View more details and register for our workshops and luncheons on our website at hranswers.com.

ON MY SOAPBOX

One of the things I like most about our Advantage Plan (our program that provides unlimited phone and email support) is the wide range of questions we get from clients. It is totally accurate for us to say that our work here is “never boring.” And let’s face it, if the answers were easy, then our clients probably wouldn’t need to call. It is amazing what situations can occur with employees, employee families, and managers who are struggling a bit with some of the situations that happen. I was describing consulting to someone a few years ago, and I was struggling to find a way to say how different each call is. I finally settled on it is like a multi-colored tapestry where no color is exactly duplicated any other place. Sure, there are some similarities at times, but each one is also a bit unique because of the people involved, the practices of the client organization, or the manner in which the situation has evolved.

We get questions about brand new employees, employees who have worked for the employer for 20+ years, questions about sensitive topics (health conditions, cognitive deficits, heart-breaking family situations), and questions about people who consistently day after day get up on the wrong side of the bed and create great misery in their workplaces.

We get questions about federal and state law and we work hard to stay in our area of expertise. We aren’t attorneys and we know that. But we are HR professionals, and we know that too. Attorneys can tell you what the law is, but they often struggle with advising about how to implement it in the workplace. That is our area of specialty. And actually, we think the most fun exists in the problem solving, the, “What do I do about this law and the employees who work here.”

It is also so satisfying to know that we have been able to assist someone chart a course of action to address whatever the concern is. We recently received a note saying that a client really valued our advice. Those notes of appreciation mean a great deal to us because we know that it is often difficult to make some of these decisions all alone. Giving us the opportunity to be a sounding board, and second set of eyes, or a shoulder when it is needed makes our professional lives so much more satisfying.

So, thanks to our Advantage clients for all the variety you bring us, and thanks to our project clients for giving us some work that is meaty and meaningful to tackle. We are truly blessed by having the chance to work with each of you!

- Judy Clark, President



ANSWERS, Inc.
“Whatever the Question”

PLEASE FEEL FREE TO VISIT OUR WEBSITE:

WWW.HRANSWERS.COM