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Portland Office
7650 SW Beveland St., Suite 130
Tigard, OR 97223
503-885-9815

Willamette Valley Office
7287 Park Terrace Dr. NE, Suite 101
Keizer, OR 97303
503-463-7269

Editor: Deborah Jeffries, SHRM-CP, PHR, CPC: **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 resources professionals and labor relations professionals. If you have questions about the content, an opinion about the information, or questions about your subscription, please call us at 503-885-9815 or email us at info@hranswers.com



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OREGON 2021 LEGISLATIVE UPDATE

The 2021 Oregon Legislative session has come to a close and there are several items that require action by Human Resources in specific industries, for specific professions, or in all organizations. Below are the highlights for **all industries**. If you would like a more detailed overview and list of action items, please join us on [August 25th](#) or [September 7th](#) for a live webinar.

- **HB 2168 Establishment of Juneteenth as a state holiday.**
- **HB 2231 Re-employment following voluntary overseas and domestic service;** Exempts time spent in voluntary service overseas and domestic voluntary service responding to a declared emergency or disaster from the five-year limit on reemployment rights.
- **HB 2420 Extended complaint timeline for filing Health & Safety retaliation and discrimination;** Extends from 90 days to one year.
- **HB 2474 Oregon Family Leave Act Eligibility;** Expands eligibility for protected leave under Oregon Family Leave Act to all employees of covered employer during public health emergency unless employee was employed for fewer than 30 days prior to commencing leave or worked average of less than 25 hours per week in 30 days prior to commencing leave.
- **HB 2818 Temporary Exemptions from Pay Equity;** for vaccine incentives, hiring bonuses and retention bonuses and sunsets hiring bonus exemption on March 1, 2022.
- **HB 2935 Discrimination;** Prohibits discrimination by including physical characteristics including hair type, texture, and style within the definition of race in school discrimination policies, interscholastic organization activities, and in unlawful employment practices, and prohibits school or employer dress codes or policies from disproportionately impacting members of a protected class.
- **HB 3041 Gender Identity;** Adds "gender identity" to all statutes that reference "sexual orientation" and expands certain protections to include gender identity relating to real property.
- **HB 3047 Disclosure of private information;** Creates a civil cause of action for the improper disclosure of private information (doxing).
- **HB 3178 Unemployment Insurance Eligibility;** Removes condition, to be deemed "unemployed," that an individual's weekly remuneration for part-time work must be less than their weekly unemployment insurance benefit amount between the measure's effective date and January 2, 2022. Restores condition for weeks beginning on or after January 2, 2022.
- **HB 3284 Covid -19 personal data;** Prohibits covered entities (person that collects, uses or discloses personal health data or that develops or operates a website, web application, mobile application, mobile operating system feature or other electronic method by means of which the person may collect, use or disclose personal health data) from collecting, using, or disclosing a person's data related to exposure, infection, or other information related to COVID-19, without the individual's affirmative express consent.
- **HB 3398 Delay implementation of Family And Medical Leave Insurance (FAMLI) program** - Changes start date for employer and employee contributions to January 1, 2023. Changes start date for benefit payments to September 3, 2023.

- **SB 169 Noncompetition Agreements;** Establishes that nonconforming noncompetition agreements are void rather than voidable, reduces maximum term from 18 to 12 months, and requires agreements to be in writing.
- **SB 483 Workplace Safety retaliation and discrimination;** Creates a rebuttable presumption that prohibited retaliation or discrimination has occurred if an employer bars or discharges an employee or prospective employee from employment or otherwise discriminates against that person within 60 days of an employee or prospective employee engaging in protected activities regarding workplace safety.
- **SB 569 Drivers License Requirements for employees;** Establishes that employer may only require employee or applicant to provide a valid driver license if the ability to drive is an essential job function or related to a legitimate business purpose.
- **SB 588 Oregon Sick Leave revised exemptions;** Removes exemption from Oregon's sick leave laws for employees, other than longshore workers, covered under a collective bargaining agreement and who are employed through a third party, and whose benefits are provided by a joint multiemployer-employee trust or benefit plan.

For a look at Industry/Professional Specific items as well as a complete 2021 Oregon Legislative Summary, including what passed and what didn't, please click [here](#). We look forward to being of assisting if you have questions or need additional information.

KNOWING YOUR ENVIRONMENT

Many people think culture is a squishy, fuzzy concept. However, increasingly, research is showing that people really do care about the culture where they work.

Culture is loosely defined as the beliefs and behaviors that govern how people act in an organization. It involves three basic human activities: what people think, what people do, and what people make. Further, several common elements of culture arise: it is shared, learned, transmitted cross generational, often symbolic, adaptive, and integrated. For some, culture is considered the "glue" that holds an organization together and for others, it is the "compass" that provides direction.

An organization's culture can be found in the Espoused Values (those values championed by the leadership), Observable Artifacts (architecture and physical surroundings, products, technologies, style, stories values, mission and rituals, and the Basic Assumptions (often underlying unconscious of attitudes, thoughts, and actions). Take a look around your organization. Can you see where this is true? Where are these elements at play for you?

So, a big question is "Why should we care about our culture?" Every organization should care! It has been proven that culture, if you have a strong one, is positively correlated with business results. These results are not just dollars but can be found in the moral of the people, the retention rates, the level of commitment and participation employees show daily.

As we return to the office and move forward working in hybrid environment, perhaps a smaller footprint, and even with people we have not personally met, yet reinforcement of the culture you had/have is important. Creating and reinforcing the culture you want takes work – hard work and you must be intentional.

So, what do you need to do differently going forward to share the message of the importance of your culture as we come back (or not) to the office?

Some key elements for your consideration to be bold and to lead include:

- Define a set of desired values and behaviors
- Align culture with strategy and processes
- Connect culture and accountability
- Have visible proponents
- Align your culture with your brand
- Invest time and energy

If you would like to learn more about building, reinforcing, or changing your culture please join us for our upcoming webinar on September 9th. [Register Here](#)

PROPOSAL FROM US DEPARTMENT OF LABOR

The U.S. Department of Labor today announced a [Notice of Proposed Rulemaking](#) to establish standards and procedures to implement and enforce [Executive Order 14026](#), “Increasing the Minimum Wage for Federal Contractors,” signed by President Biden on April 27, 2021.

U.S. Department of Labor announces proposed rulemaking to implement executive order, increase hourly minimum wage for workers on government contracts. This Executive Order and its enacting regulations will:

- Increase the minimum wage for workers performing work on or in connection with covered federal contracts to \$15 per hour beginning Jan. 30, 2022.
- Continue to index the federal contract minimum wage in future years to an inflation measure.
- Eliminate the tipped minimum wage for federal contract workers by 2024.
- Ensure a \$15 minimum wage for workers with disabilities performing work on or in connection with covered contracts.
- Restore minimum wage protections to outfitters and guides operating on federal lands.

Executive Order 14026 builds on Executive Order 13658, “Establishing a Minimum Wage for Federal Contractors,” signed by President Obama in 2014. The earlier order increased the hourly minimum wage to \$10.10 for workers performing on or in connection with covered federal contracts, beginning Jan. 1, 2015, and the hourly minimum wage increased annually thereafter based on inflation. The current federal contract minimum wage under Executive Order 13658 is \$10.95 per hour.

The department invites comments from the public on the proposed rule at www.regulations.gov. The comment period closes August 23, 2021

WHY SUPERVISOR TRAINING? THE NEED IS REAL!

"The task of the leader is to get their people from where they are to where they have never been." - Henry Kissinger

According to the SHRM 2019 culture report:

- \$223 billion is lost by U.S. organizations in the past five years due to employee turnover.
- 40% of employees say their manager fails to frequently have honest conversations about work topics.
- One in three workers say their managers can't lead a team.
- 28% of HR professionals' time is spent addressing problems caused by poor people managers.

These stats are concerning. There are a variety of ways people become supervisors in our workplaces. Often it is a promotion from within. Often the new supervisor receives little to no specific training for the new additional responsibilities. It might be assumed that new supervisors would pick up what they needed to know as they went along - not exactly the best option.

Given the realities of our current economic and legal environment, to put a supervisor on the job without training is to invite disaster. The responsibilities of a supervisor have expanded dramatically in recent years. They really do need to be a partner with human resources. The scope of their responsibilities is vast, and they are now often responsible for things like:

- hiring (screening and interviewing candidates).
- training (providing the training or identifying the need, scheduling it, and evaluating the results).
- developing staff (spot the talent, develop it, and offer opportunities for continued learning).
- motivating and recognizing (the achievements and contribution of employees toward meeting the department and organizational goals as well as this being part of retention).
- evaluating (providing feedback, documentation, etc.).
- understanding where the red flags are from a legal compliance standpoint.

Each of these areas are riddled with potential legal minefields. We need to prepare our managers and supervisors to have a keen eye, an open ear, and to think of their role as one of a protector and risk manager on behalf of the organization.

They are our frontline individuals who see and hear what's going on and they need our help to serve the role effectively. So, we ask you what are you doing to train these individuals? If you're struggling to answer that question, perhaps HR Answers can help. We would encourage you to think about our upcoming Supervisory Success program as one approach to help with this task. To learn more about our program starting in September [click here](#).

HR LINK(S) - OSHA HEAT TRAINING

With businesses reopening this summer after extended periods of being out due to COVID-19, special attention must be paid to properly retraining workers in safety procedures and how to deal with the extreme heat which much of the country has recently experienced.

who have been home for a year and a half are not going to be used to the work and won't be acclimatized. The National Institute for Occupational Safety and Health (NIOSH) recommends that you try to acclimatize people 20% each day so after a week, they'll be acclimatized.

The NHSC provides heat-safety research, education, and awareness; advises on heat-safety solutions in a variety of laborer settings; and advocates for heat-safety consensus standards and recommendations. According to the site they develop and implement comprehensive heat safety solutions for organizations and their employees. <https://heatsafetycoalition.com/>.

The federal government doesn't have a standard in place regarding heat illness, but certain states including Oregon and California do, requiring that you guarantee employees a certain amount of rest time, shade or air conditioning, and certain amount of water. As many Oregonians know, the new [OSHA Heat Illness Rules](#) require that employees who work outside for an average of 15 minutes or more per hour must have training on heat safety issues no later than August 1. The topics that must be covered are many, which has caused some confusion among employers on how best to proceed.

There are four types of heat illness to watch for in workers:

- Heat rash
- Cramps
- Heat exhaustion: You start sweating profusely
- Heat stroke: Your body stops sweating and starts breaking down

In July, Oregon OSHA adopted an emergency rule that strengthens requirements for employers to protect workers from the dangers of high and extreme heat. The requirements expand access to shade and cool water. They also include regular cool-down breaks, training, communication, emergency planning and other measures.

The temporary rule is effective immediately and stays in place for 180 days, as Oregon OSHA continues its work on a permanent heat stress prevention rule with an eye on adopting it this fall. The temporary rule applies to any workplace – outdoors and indoors – where heat dangers are caused by the weather.

Oregon OSHA encourages a careful reading of the entire rule, which reflects the best available science, and input from labor and employer stakeholders. The division offers [free resources](#) for understanding and implementing the rule. The rule incorporates the [heat index](#), which is what the temperature feels like to the human body when relative humidity is combined with the air temperature.

<https://osha.oregon.gov/news/2021/Pages/nr2021-26.aspx>

The emergency rule documents are available on Oregon OSHA's Adopted Rules page: [Oregon Occupational Safety and Health : Adopted Rules : Rulemaking : State of Oregon](#)

Temporary Rules to Address Employee Exposure to High Ambient Temperatures: [Temporary Rules to Address Employee Exposure to High Ambient Temperatures \(oregon.gov\)](#)

Text of adopted rules: [Text of Temporary Rules to Address Employee Exposure to High Ambient Temperatures \(oregon.gov\)](#)

[A-to-Z topic page about heat stress](#) includes quick guides, fact sheets, and posters in English and Spanish.

Meanwhile, the following free resources are available to help protect workers from high and extreme heat:

- [Oregon OSHA's consultation services](#) offers free assistance with health and safety programs. **No fault, no citations, and no penalties** are involved.
- The [division's technical experts](#) can help you understand health and safety requirements.
- The [federal OSHA heat stress app](#) is useful for planning outdoor work activities based on how hot it feels during the day.
- Oregon OSHA provides heat stress prevention videos in [English](#) and [Spanish](#).

THOUGHTS TO THINK ABOUT

We are what we repeatedly do. Excellence, then, is not an act but a habit. - *Aristotle*

Drive out fear. - *Dr. W. Edwards Deming*

Assume the best and that is usually what happens. - *Philip B. Crosby*

The path to greatness is always along with others. - *Baltasar Gracian*

Big people monopolize the listening. Small people monopolize the talking. - *David Schwartz*

The very difficulty of a problem evokes abilities or talents which otherwise, in happy times, never emerged to shine. - *Horace*

What is the point of doing something very efficiently that should not be done at all?
- *Peter Drucker*

When you're through changing, you're through. - *Bruce Barton*

HR BY THE NUMBERS

According to the TIAA Retirement Insights Survey from December of 2020 here's how employers have changed since the pandemic began:

- 82% of employers believe they have increased focus on health and safety of employees, but only 75% of employees agree.
- 69% of employers believe they have increased focus on improving the financial Wellness of employees, but only 32% of employees agree.
- 60% other players believe they have increased focus on retirement preparedness of employees, but only 25% of employees agreed

Even as employers are busy figuring out the best ways to transition to a hybrid remote/in-person work arrangement, 64% of 500 U.S. college seniors polled by recruitment software company iCIMS in April say they

want to work onsite most of the time or full time, and 98 percent say they would like to work in some kind of hybrid arrangement. Only 2% replied that they want to work remotely full time.

Just 26% of job seekers from the Class of 2021 say remote work is a selling point; instead, the physical location of the job is a more important factor when considering whether to apply.

A misperception is that because Gen Z are digital natives and are very tech-savvy, that they only want to work virtually. This is a group that truly enjoys personal interaction. They want to connect with humans. They have expectations about personalization and speed, so using technology to streamline processes is appreciated, but they want to be around other people.

Harassment: One in three executives have changed their behavior in the workplace due to the #MeToo movement. Executives believe sexual harassment has a negative impact on staff and the organization's bottom line. They are most concerned about:

- 23% morale
- 23% engagement
- 18% productivity

72% of U.S. employees are happy with their employer's efforts to stop sexual harassment yet more than a third of Americans still believe their workplace fosters sexual harassment.

94% of HR professionals report that their company has a policy to protect workers against sexual harassment.

36% of HR professionals indicate at least one employee reported a sexual harassment allegation at their organization within the last within the past 12 months.

76% of nonmanager employees who experience sexual harassment within the last year did not report it.

SHRM Survey. About 18,000 employees, including executives, managers and non-managers provided by Research Now were invited to complete these surveys. Respondents, who represented more than 15 industries and employers of all sizes, were asked to complete screening questions to determine their eligibility to complete the surveys. After screening, response rates were 20% for executives, 14% for managers and 26% for executives. The margin of error was plus or minus 3.1%.

Misc. Items:

- 3 of 4 HR leaders report employees are experiencing burnout. Employers need to explore options on how to cope with this level of stress so as to keep turnover minimized.
- Only 5.3% of HR leaders believe remote work optimizes performance. Employers need to think about how to build the right Hybrid/Remote policy for their organization.
- 50% of HR leaders believe business will move forward as usual. Employers may want to read the I/O Psychologist's view on what leaders should expect.
- Did you know 1 of 4 HR leaders thinks none of their employees will quit when pandemic restrictions are fully lifted?
- Just 13% of employees agree their leaders communicate effectively with their organization, according to Gallup. Having a well-developed communication plan and proper tools can make all the difference.

HRA CALENDAR

Open 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 click on the event below.

AUGUST: National Crayon Collection, Eye Exam, Family Fun, Goat Cheese, Happiness Happens, Romance Awareness, Water Quality, Sandwich, and Wellness Month.

Aug 4 **HR Lunch Bunch: Your Activities for Supervisor Training**
12:00pm to 1:00pm
[Register Here](#)

Aug 12 **HRA Webinar: Power of Appreciation**
8:30am to 12:00pm
[Register Here](#)

Job Search Webinar FREE
11:00am to 1:00pm
[Register Here](#)

Aug 17 **HRA Webinar: Courtesy is Contagious: Workplace Etiquette**
9:00am to 11:00am
[Register Here](#)

Aug 25 **HRA Webinar: Soft Skills - Building Rapport & Enhancing Relationships**
8:30am to 12:00pm
[Register Here](#)

Aug 25 **HRA Webinar: 2021 Oregon Legislation Impacting HR**
2:00pm to 3:30pm
[Register Here](#)

COMING UP:

Sep 1, 8, 22 **HR Basics Webinar Series**
and 29 8:30am to 12:00pm
[Register Here](#)

Sep 1 **HR Lunch Bunch: Recognizing Disability FREE**
12:00pm to 1:00pm
[Register Here](#)

- | | |
|---------------------|-------------------------------------------------------------------------------------------------------------------------------|
| Sep 2 | HRA Webinar: Corrective Action
8:30am to 10:30am
Register Here |
| Sep 7 | HRA Webinar: 2021 Oregon Legislation Impacting HR
9:00am to 10:30am
Register Here |
| Sep 9 | HRA Webinar: Defining Workplace Culture
8:30am to 12:00pm
Register Here |
| Sep 14 | HRA Webinar: Managing Conflict
8:30am to 12:00pm
Register Here |
| Sep 16 | Job Search Webinar FREE
11:00am to 1:00pm
Register Here |
| Sep 16 | HRA Webinar: Leaves – Protected, Discretionary, Paid or Unpaid
1:30pm to 3:30pm
Register Here |
| Sep 21 | HRA Webinar: You Must Be the Change Before You Can Expect Change
8:30am to 12:00pm
Register Here |
| Sep 22 | HRA Webinar: Positivity (No More Negativity)
8:30am to 12:00pm
Register Here |
| Sep 23 to
Nov 11 | Success for Beginning Supervisors (a series)
8:30am to 12:00 on Thursdays
Register Here |
| Sep 27-29 | NHRMA Conference and Tradeshow
Register Here with eventscloud.com |

We will be there as a sponsor and as speakers!

- Visit us at booth #10
- Laurie Grenya and Deborah Jeffries have a Pre-Conference Session at 9:00am: ***Live Q&A on common and emergent HR topics – what should your questions be, and why?*** We would love to have you join us. Check out the agenda and sign up for sessions: [Agenda | NHRMA 2021 Conference \(nhrmaconference.org\)](https://nhrmaconference.org)
- Deborah has other presentations as well; be sure to look for those.

LOOKING AHEAD:

- | | |
|---------------|-----------------------------------------------------------------------------------------------------------------|
| Oct 5 | HRA Webinar: Americans with Disabilities Act (ADA)
9:00am to 11:00am
Register Here |
| Oct 6 | HR Lunch Bunch: Consultant's Corner FREE
12:00pm to 1:00pm
Register Here |
| Oct 13 | HRA Webinar: Interviewing for Culture
9:00am to 11:00am
Register Here |
| Oct 14 | Job Search Webinar FREE
11:00am to 1:00pm
Register Here |
| Oct 27 | HRA Webinar: Teamwork
8:30am to 12:00pm
Register Here |

HANDLING STRESS

Work-related stress is a growing concern around the world that affects not only the health and well-being of employees, but also the productivity of organizations. HR Answers recently held a webinar on stress management and the conversation among the attendees addressed many aspects of this topic. They agreed that work-related stress arises where work demands of various types and combinations exceed the person's capacity and capability to cope.

What one person may perceive as stressful, however, another may view as challenging. Whether a person experiences work-related stress depends on the job, the person's psychological make-up, and other factors (such as personal life and general health).

Those in leadership positions need to pay close attention to their staff members (and to themselves) to see if they are experience any of the following signs or symptoms of work-related stress which can be physical, psychological, or behavioral.

Physical symptoms include:

- Fatigue
- Muscular tension
- Headaches
- Heart palpitations
- Sleeping difficulties, such as insomnia
- Gastrointestinal upsets, such as diarrhea or constipation
- Dermatological disorders

Psychological symptoms include:

- Depression
- Anxiety
- Discouragement
- Irritability
- Pessimism
- Feelings of being overwhelmed and unable to cope
- Cognitive difficulties, such as a reduced ability to concentrate or make decisions

Behavioral symptoms include:

- An increase in sick days or absenteeism
- Aggression
- Diminished creativity and initiative
- A drop in work performance
- Problems with interpersonal relationships
- Mood swings and irritability
- Lower tolerance of frustration and impatience
- Disinterest
- Isolation

All the following issues have been identified as potential stressors at workplaces. A risk management approach will identify which ones exist in your own workplace and what causes them. These include the main work-related stressors:

- Organization culture
- Bad management practices
- Job content and demands
- Physical work environment
- Relationships at work
- Change management
- Lack of support
- Role conflict
- Trauma

Some of the factors to pay close attention to that commonly cause work-related stress include:

- Long hours
- Heavy workload
- Changes within the organization
- Tight deadlines
- Changes to duties
- Job insecurity
- Lack of autonomy
- Boring work
- Insufficient skills for the job
- Over-supervision
- Inadequate working environment
- Lack of proper resources

- Lack of equipment
- Few promotional opportunities
- Bullying, Discrimination or Harassment
- Poor relationships with colleagues or bosses
- Crisis incidents, such as an armed hold-up or workplace death
- Lack of a clear job description or chain of command
- Unpleasant environmental conditions: crowding, noise, commuting difficulties, or inadequate non-working equipment
- Problems at home: family worries, financial challenges, addictions, etc.
- The FUD factor: fear, uncertainty, and doubt.

ON MY SOAPBOX

When I was early in my HR career, like many of you, I had a performance review by my Manager. It was mostly positive, but there was one set of comments that weren't. My boss told me that when people came to me for information or assistance that my response to them was not beneficial to my relationship with them. He told me that I had the information they needed, or I knew what the policies were, or could provide them specific details about how to go about solving the problem they had. And if you sense that there was a "but" behind those words, you are correct. He used a phrase that I had never heard before. He said, "Judy, you are 'experting them' and that causes them to be reluctant to come to you for advice or information."

I was stunned! I didn't know what he was talking about, but the expression on his face and the gravity of his tone made it abundantly clear that I was failing in something important. He said I would sometimes cut them off because I already knew the answer. Other times my tone of voice said, "You should have been able to find that answer yourself." Fortunately, he went on to tell me how I could solve the problem; how I could be of assistance to them and create a positive relationship at the same time. He suggested I ask more questions even if I thought I didn't need more information. He said that would assure them that I understood their situation and that my answer would be appropriate. He also said I should take my time answering them. If I answered too quickly, it would appear that I hadn't given their situation much thought. He also suggested that I end my suggested response with a question; something like "Would that work for you?" He said that would sound more exploratory, and it would give them the sense that we were working out the best response together.

I was so hurt that my so-called "expertise" was a problem. Slowly over the next few days as I tried out some of his suggestions, I found that the supervisors and managers seemed more at ease. It felt so artificial at first, but became more comfortable as I focused on them, and not my vast body of knowledge. It was a painful conversation, but with very positive results. I am sure that Bill had no idea that he was also teaching me something that would be crucial throughout my career. I didn't just use it while at Equitable Savings and Loan or Eastmoreland General Hospital where I went after Equitable; I have used it for years and years consulting in HR Answers, and when teaching and presenting. And I am better at it now, but still not perfect.

I have found that some of the best learning comes from honest critique and making mistakes. When our faults are not presented so that we can see them and learn, we go on doing what others may find irritating. We can also miss the mark so much that we are not seen as promotable or even capable.

I will always be grateful to Bill who not only supervised me (can you imagine having that job?!!!), but helped me learn so much, both about HR and about being a better person.

~Judy



"Whatever the Question"
Visit Our Website for More Information
hranswers.com

Judy Clark, Founder



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