



UPDATE YOUR EMPLOYEE HANDBOOK WITH 2023 DEVELOPMENTS CHECKLIST

The National Labor Relations Board's August 2023 *Stericycle* ruling adopted a strict new legal standard for evaluating the validity of workplace rules under the National Labor Relations Act. The new standard represents a return to a case-by-case review of workplace rules and heightened scrutiny of employer policies.

When to Use

An up-to-date handbook helps employers keep their workforce informed of current policies and procedures, and employee rights and benefits. It also helps employers show that their policies are in compliance. For these reasons, diligent organizations strive to keep their handbook current and accurate. The challenge comes in tracking the volume of federal, state and local laws and regulations in order to determine which legal developments will require revisions to a policy, the roll out of a new policy or removal of an obsolete policy from the handbook.

It can be a daunting task, but it is important to get it right. This checklist will help.

Below we list significant new or updated compliance requirements that impact the employee handbook, based on legal developments that have taken effect, or will soon take effect, this year. We also include links to the corresponding model employee handbook statements.

Employers should identify the jurisdictions listed below where they have physical operations or remote employees, and where the underlying law is applicable to their workplace, and then complete the updates to their employee handbook(s).

NATIONAL

- **Pregnancy accommodation:** requires employers with 15 or more employees to provide accommodations for pregnancy, childbirth, and related medical conditions (6/27/23)
- **Religious accommodation:** reflects modified standard for religious accommodation in the Supreme Court case *Groff v. DeJoy*
- **Sexual and other unlawful harassment:** updated to address remote work environments.
- **Standards of conduct:** reflects the National Labor Relations Board's *Stericycle* ruling, which adopted a new legal standard for evaluating the validity of workplace rules under the National Labor Relations Act (8/2/23); and updated to address remote work environments

ALABAMA

- **Cell phone use/texting while driving:** restricts the use of wireless telecommunications devices while driving (6/14/23)
- **Weapons in the workplace:** amends employee firearm rights (1/1/23)

ARKANSAS

- **EEO:** prohibits hairstyle discrimination (7/31/23)

CALIFORNIA

- **Bereavement leave:** requires employers with five or more employees to provide eligible employees with up to five days of bereavement leave (1/1/23)
- **Discrimination, harassment and retaliation prevention:** prohibits discrimination based on reproductive health decision-making (1/1/23)
- **Family and medical leave:** expands covered reasons for leave to include care for a designated person (1/1/23)
- **Health and safety:** provides employee protections in the event of an emergency condition (1/1/23)
- **Paid sick and safe time:** expands covered reasons for leave to include care for a designated person (1/1/23)
- **Pregnancy and pregnancy-related disabilities leave and accommodation:** requires employers with 15 or more employees to provide accommodations for pregnancy, childbirth and related medical conditions under federal law (6/27/23)

Los Angeles employer updates

- **Schedules, hours and retention of retail workers:** requires covered employers to provide employees with good-faith estimates and advance notice of their work schedules, predictability pay for certain schedule changes, and rest between shifts, and to offer additional hours to existing employees before hiring new employees (4/1/23)

San Francisco employer updates

- **Supplemental compensation for military leave:** requires covered employers to supplement the pay of eligible employees during military leave for up to 30 days in a calendar year (2/19/23)

COLORADO

- **EEO:** adds marital status as a protected characteristic under Colorado antidiscrimination law (8/7/23)
- **Harassment, discrimination, and other unfair employment practices:** modifies the definition of harassment under Colorado antidiscrimination law (8/7/23)
- **Military leave:** clarifies military leave allotment (3/10/23)
- **Paid sick and safe leave and public emergency leave:** amends pay rate calculations under the Healthy Families and Workplaces Act (1/1/23); expands qualifying reasons for paid sick and safe leave (8/7/23)

FLORIDA

- **Employment eligibility and work authorization:** requires private employers with 25 or more employees to use the E-Verify system to verify a new employee's employment eligibility (7/1/23)
- **Weapons in the workplace:** allows concealed carry of a weapon or firearm without a permit (7/1/23)

GEORGIA

- **Smoke-free workplace:** prohibits vaping in the workplace (7/1/23)
- **Time off to vote:** expands voting leave protections (7/1/23)

ILLINOIS

- **EEO:** prohibits hairstyle discrimination (1/1/23)
- **Family bereavement leave:** broadens bereavement leave coverage (1/1/23)
- **Mandatory time off/day of rest:** modifies day of rest requirements (1/1/23)
- **Meal breaks:** provides additional meal break time for certain employees (1/1/23)

Chicago employer updates

- **Sexual and other unlawful harassment:** clarifies that the city's anti-harassment ordinance applies to all employers with employees working in Chicago.

Evanston employer updates

- **Schedules and hours:** requires employers in covered industries to provide employees certain rights and protections under the City's Fair Workweek Ordinance (9/1/23)

LOUISIANA

- **Genetic testing and preventive cancer screening leave:** requires covered employers to provide unpaid leave for medically necessary genetic testing and preventive cancer screening (8/1/23)

MAINE

- **Vacation:** requires employers with 11 or more employees to pay terminated employees all unused paid vacation accrued under a vacation policy (1/1/23)

MASSACHUSETTS

- **Overtime:** repeals overtime requirement for retail employees who work on Sundays and certain holidays (1/1/23)

MICHIGAN

- **Cell phone use/texting while driving:** permits use of a mobile electronic device in hands-free mode while driving (6/30/23)
- **EEO:** prohibits discrimination based on sexual orientation, gender identity and gender expression (6/14/23); prohibits hairstyle discrimination (6/15/23)

MINNESOTA

- **EEO:** prohibits hairstyle discrimination (8/1/23)
- **Pregnancy and lactation accommodation:** expands employer coverage to include employers with one or more employees and expands accommodations and protections under the state's pregnancy and lactation accommodation law (7/1/23)
- **Pregnancy and parenting leave:** expands employer coverage under the Pregnancy and Parenting Leave Act to include employers with one or more employees, and removes certain employee eligibility requirements (7/1/23)

Bloomington employer updates:

- **Sick and safe leave:** requires employers to provide sick and safe leave under the Bloomington Earned Sick and Safe Leave Ordinance (7/1/23)

St. Paul employer updates

- **Paid sick and safe time:** reflects expiration of provision in the Earned Sick and Safe Time (ESST) Ordinance that allowed certain employers to provide unpaid leave (1/1/23); clarifies employer coverage requirements, adds definition of a year and amends carryover provisions under the ESST Ordinance (2/24/23)

NEW MEXICO

- **EEO:** adds gender as a protected characteristic under the New Mexico Human Rights Act (6/16/23)

NEW YORK

- **Anti-discrimination and anti-harassment:** addresses all types of discrimination and harassment in alignment with guidance in the state's 2023 model sexual harassment prevention policy.
- **Lactation accommodation:** expands required lactation accommodations under state law (6/7/23)
- **Paid family leave benefits:** expands definition of family member under the state's paid family leave law to include siblings (1/1/23)

New York City employer updates

- **Anti-discrimination and anti-harassment:** addresses all types of discrimination and harassment in alignment with guidance in the state's 2023 model sexual harassment prevention policy.
- **Lactation accommodation:** expands required lactation accommodations under state law (6/7/23)

NORTH DAKOTA

- **Pregnancy accommodation:** defines pregnant to include pregnancy, childbirth and related conditions under the North Dakota Human Rights Act (8/1/23)

OHIO

- **Cell phone use/texting while driving:** expands definition of electronic wireless communications device and broadens prohibited uses while driving (4/3/23)
- **Crime victim leave:** adds new qualifying reason for crime victim leave and eliminates subpoena requirement (4/6/23)

OREGON

- **Family and medical leave:** clarifies definition of family member and modifies reinstatement provisions under the Oregon Family Leave Act (9/3/23)
- **Paid family and medical leave:** provides eligible employees with access to benefits under Oregon's paid family and medical leave law (9/3/23)
- **Sexual and other unlawful harassment:** clarifies that protections also apply to former employees and allows a nondisclosure agreement provision in a release of claims against the employer only if the employee requests one (1/1/23)
- **Sick and safe time:** clarifies definition of family member (9/3/23)
- **State board or commission service leave:** provides unpaid leave to serve on an Oregon state board or commission (9/24/23)

PENNSYLVANIA

- **EEO:** expands definition of race, religious creed and sex under the Pennsylvania Human Relations Act (8/16/23)

Philadelphia employer updates

- **COVID-19 paid leave:** amends supplemental regulations concerning COVID-19 paid leave (2/28/23)

RHODE ISLAND

- **Discussion of wages:** provides wage disclosure protections to employees (1/1/23)
- **Sick and safe leave:** amends definition of employee under the Healthy and Safe Families and Workplaces Act (6/20/23)
- **Temporary caregiver insurance and leave:** increases number of weeks of paid leave in a benefit year (1/1/23)

TENNESSEE

- **Employment eligibility and work authorization:** lowers the employee threshold to require that employers with 35 or more employees use E-Verify to confirm the work eligibility of new hires (1/1/23)

TEXAS

- **EEO:** prohibits hairstyle discrimination (9/1/23)

UTAH

- **Military leave:** repeals the state's military leave law (5/3/23)

VIRGINIA

- **Bone marrow or organ donor leave:** provides unpaid leave for organ and bone marrow donation (7/1/23)

WEST VIRGINIA

- **Cell phone use/texting while driving:** expands prohibitions on driving while using electronic devices (6/9/23)