

**POMS & ASSOCIATES HR & EMPLOYMENT WEBINAR SERIES**


## TIME TO REVIEW AND UPDATE YOUR EMPLOYMENT POLICIES

*Getting Ready for 2025*




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### TODAY'S PRESENTERS





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His experience in HR management is in the public, private for-profit, and private non-profit sectors, having served in executive and other management positions. He received his BA in English Literature and Education at Bucknell University, and his EMBA & Ph.D. from the University of New Mexico. He has taught graduate school in business and management for over 30 years as a Lecturer on the faculty of the UNM Graduate School of Public Administration, teaching in the areas of human resource management, leadership, organizational behavior, strategy and change, and NPO management.

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## SHOULD YOU EVEN HAVE AN EMPLOYMENT POLICY MANUAL?

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**POMS AXIOM #1: VERY IMPORTANT**

- If you and your managers, supervisors, and lead workers don't have the **ABILITY** or the **WILL** to enforce your policies ...
- **Then don't include them in your Employment Policy Manual ...**
- ... Unless it is a policy required by law. THEN you have no choice but to enforce the policy.
- Be sure to train your management employees about their **affirmative duty to enforce and uphold policy as written!**



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**POMS WHY EMPLOYMENT POLICIES ARE IMPORTANT**

- They set clear expectations and guidelines for all employees
- Legal Compliance/Protections - Strengthens defense in litigation
  - Protects against discrimination and unfair treatment claims
  - Explains applicable laws
- Communicates values and expectations for how things are done at your organization
- Advises Employees of Benefits Available
- Advises Employees of Rights and Responsibilities
- Supports consistent treatment of staff, fairness and transparency
- Helps management to make decisions that are consistent, uniform and predictable
- Establishes basis for taking corrective action and disciplinary action
- Documents and communicates best practices appropriate to the organization

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**POMS EMPLOYMENT POLICY MANUALS:**

- Set out and communicate your organizational culture, and values
- Must be easy for employees to understand
- Are driven by legal compliance
- Set expectations
- Communicate employer expectations of employees
- Clarify employee expectations of employer
- Consider terminology you want to use, and what it says about you:
  - Employee vs. team member
  - "Manager" vs. "Supervisor"
  - First or third person?
  - Singular "they"
- Consider an Employee Handbook of 30 pages or less



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**POMS WHY EMPLOYMENT POLICIES ARE IMPORTANT**


- Helps identify potential problems before they flair up, minimizing "crisis management"
- Reduces the number of emotional decisions and promotes a more businesslike atmosphere
- Defines authority and responsibility of employees
- Communicates and facilitates consistent, fair, and equitable administration of policies.
- Promotes continuity in management and supervision style throughout the organization.
- Helps Guide Your Managers, Supervisors, and Leads in their responsibilities
- Consistent personnel management and supervision practices build fairness and equitable treatment
  - Builds morale, productivity and employee engagement
  - Reduces exposure to discriminatory practices and impact.

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**POMS YOUR POLICY MANUAL: SHIELD or SWORD?**




- **SWORD:** An Employment Policy Manual that is poorly done, and not followed or enforced will do you more harm than good. It can become a Sword used by plaintiff's attorneys to demonstrate a violation of law, policy, or employment contract.
- **SHIELD:** When done well, followed, and properly enforced, the Employment Policy Manual can become a Shield used by the employer to demonstrate fairness, and compliance with legal obligations.

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**POMS LEGAL PITFALLS OF EMPLOYMENT POLICY MANUALS**

- *"A poorly done employment policy manual, one that is out of date, or one that isn't followed, is the plaintiff attorney's best friend."*
- A bad policy manual/handbook or one that is misapplied may do more harm than good
- If not strictly followed, may give rise to breach of express or implied contract, misrepresentation or promissory estoppel claims
- Failure to apply policies uniformly may support claims of discrimination or retaliation
- Can create legal rights where none exist



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**POMS LEGAL PITFALLS OF EMPLOYMENT POLICY MANUALS**

- Examine what is in writing vs. what actually happens "on the job"
  - In NM, CA, and many other jurisdictions, courts have said that "employment practice" over-rides your employment policy.
- Provide training to supervisors, and other members of management. If they are not properly trained, no policy will provide any protection and in fact may be the basis for upholding an employee's claim against a company.
- Make sure that ALL copies of employment policy manuals are current - particularly ones that managers and supervisors have.
- Not keeping your employment policies current is an invitation to risk exposure, and litigation

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## LEGAL PITFALLS OF EMPLOYMENT POLICY MANUALS

- In most jurisdictions within the US, employment is presumed to be “at will” - either the employer or employee can terminate the employment relationship “*at any time, for any reason or for no reason at all.*”
- Exceptions to “at will” provide employers with “due process rights” in the State of Montana and in Public Sector employment
- Plaintiff’s attorneys will try to find ways around the employment at will doctrine based on:
  1. **Public policy exception** (most states have some form);
  2. **Implied covenant of good faith and fair dealing** (minority view); and
  3. **Express or implied written or oral contract.**
- The “strength” of the “at will” doctrine varies among jurisdictions.

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## DON'T LET YOUR POLICIES BE EXHIBIT “A” IN COURT

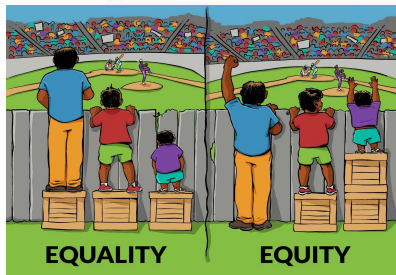


2. Examine what is in writing vs. what actually happens “on the job” - In New Mexico and many other jurisdictions, courts have said that “employment practice” becomes your de facto employment policy.
3. Provide training to supervisors, and other members of management. If they are not properly trained, no Manual will provide any protection and in fact may be the basis for upholding an employee’s claim against a company.
4. Don’t “wing it.” Many employers write policy manuals, distribute them, and then fail to read and follow them when making important employment decisions. Read your policy manual and follow it.
5. Don’t just put it on the shelf. Policy manuals should be reviewed and updated *at least* annually for legal compliance and to ensure that you’re following your own policies.
6. Beware templates and do-it-yourself software package at the local Office Wiz store. Unfortunately, those one-size-fits-all packages don’t adequately reflect state or local law and are often poorly drafted.
7. Have your policies reviewed by your employment law attorney - not by your divorce lawyer.

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## DON'T LET YOUR POLICIES BE EXHIBIT “A” IN COURT

1. Consistent personnel management and supervision practices build fairness and equitable treatment
  - Builds morale, productivity and employee engagement
  - Reduces exposure to discriminatory practices and impact



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## DON'T LET YOUR POLICIES BE EXHIBIT “A” IN COURT

1. Can you say that 100% of your managers and supervisors understand and always follow your employment policies?
2. Do your managers and supervisors all **consistently enforce and uphold** employment policies and procedures?
  - The Doctrine of Agency
3. Are your organizational and management practices always consistent with your written employment policy?
4. Is your Employment Policy Manual *always* clear, so that there are no areas that cause you or your supervisory staff difficulty?



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**POMS DON'T LET YOUR POLICIES BE EXHIBIT "A" IN COURT**

5. Does your anti-harassment and discrimination policy prohibit all forms of illegal harassment, and not just sexual harassment?
6. When you update your Employment Policies, do you ensure that ALL copies are properly updated, particularly those used by managers and supervisors?
7. Do you have safety policies and procedures?
8. Have you updated your policies at all during the past year?



Let's just say that the answers to these 8 questions all should be an unequivocal "YES!"

If you answered "NO" to any of these 8 questions, your Employment Policy Manual needs attention.

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**POMS IT'S TIME TO DEVELOP OR REVISE YOUR POLICIES WHEN:**

- Legislation or regulations that expressly requires an organization has a policy in place
- Legislation or regulations that do not expressly require an organization have a policy, but the regulations and steps to be followed are tightly defined and a policy will help to ensure the organization is in compliance with legal requirements.
- There is inconsistency in how employees behave, or managers make decisions that is negatively impacting the work environment or accomplishment of business
- There is confusion about certain areas of the business or how things are to be done



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**POMS DON'T LET YOUR POLICIES BE EXHIBIT "A" IN COURT**

- Policies are developed for the many, not the few - when you bring a policy into force you are establishing a standard that will apply broadly across the organization - not just to a few individuals who may be causing problems.
- Policies are rules or standards to be followed consistently and reduce a managers' flexibility to treat each situation as unique.
- It can be difficult to change policies once they have been implemented and become part of your organization's culture and ways of working
- Be sure that any policies you implement, address a real need and are in line with what your company values and how work should be accomplished.
- You also need to ensure managers have the skills and resources to be able to implement and monitor the policy.

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**POMS LEGAL PITFALLS OF EMPLOYMENT POLICY MANUALS**

**POLICY MANUALS AS CONTRACTS**


- Most states have recognized that provisions in an employment policy manual may give rise to implied assurances of continued employment and hence to an implied-in-fact contract.
- Contract terms are construed against the drafter of the document.
  - Thus, ambiguities are construed against the employer.
- Contracts are usually considered to be ambiguous if the language can reasonably be construed in more than one sense and the construction cannot be determined within the four corners of the document.



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**POMS LEGAL FRAMEWORK**

- Laws set floors
  - Employers can always go above & beyond the law
    - E.g., FMLA employer maintaining more than health insurance.
  - Drafting a policy to a law can often be a mistake
- Doesn't need to be printed
  - Intranets, HCM applications
  - Accessible any time




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**POMS EMPLOYMENT POLICY FORMAT AND COMPANION DOCUMENTS**

1. **MASTER POLICY MANUAL** - *The official policy manual that effectively carries the force of law.*
  - Managed by Human Resources
  - Electronic - Available on-Line - Direct EE access, or Kiosks
  - Electronic & E-mail notification of updates and changes
2. **"CONTROL" PRINT HARD COPIES**
  - In key locations, managers as "custodians"
  - Controlled for accurate updating by HR - each policy starts on a new page for ease of replacement; heading used to record effective dates of each policy version.
  - Easy reference by managers & supervisors
  - Available to employees for review if needed
3. **MASTER HISTORICAL ARCHIVE**
  - HR maintains historical record of all previous policies, when they were in effect
  - Litigation support
4. **EMPLOYEE HANDBOOK** - *If you want something for distribution to employees - NOT A POLICY MANUAL*
  - "Readers Digest" summary of key policies and other FAQs
  - Can be easily and inexpensively distributed in hard copy, and replaced when changes need to be made.

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POLICY FORMAT AND ADMINISTRATIVE ISSUES

**POMS**

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**POMS INTERNAL ADMINISTRATIVE POLICIES AND PROCEDURES**

Internal Administrative Policies and Procedures are a set of established guidelines and detailed steps that outline how an organization should manage its operations, ensuring consistency, fairness, and accountability in decision-making and day-to-day activities across all levels of staff, and acting as a formal framework for running the organization smoothly. Key points about administrative policies and procedures:

- **Purpose:** To provide clear direction and expectations for employees, managers, and stakeholders, promoting efficient operations and adherence to standards.
- **Policies** are broad statements outlining organizational goals, values, and decision-making principles on a particular topic.
- **Procedures:** Specific, step-by-step instructions on how to execute a policy in practice.
- **Benefits of having internal administrative policies and procedures:**
  - **Consistency:** Ensures everyone in the organization follows the same guidelines.
  - **Transparency:** Makes expectations clear for employees and stakeholders.
  - **Accountability:** Enables tracking and addressing any deviations from established procedures.
  - **Legal Compliance:** Helps organizations adhere to relevant laws and regulations.

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## INTERNAL ADMINISTRATIVE POLICIES AND PROCEDURES

- **Financial** - internal controls, reserves, expense reporting, budget management, procurement process, etc.
- **Human Resources** - recruitment, job posting (e.g. pay transparency laws), hiring and interviewing, corrective and disciplinary action, succession planning, leadership & management development, I-9 administrative protocols, internal self-audits, etc.
- **Information Security** - data protection and off-site storage, data recovery, cyber-security, password management, access controls, etc.
- **Customer Service** - complaint handling, return procedures, communication protocols, etc.
- **Operational** - SOPs (e.g. medical protocols), equipment usage, classroom management, etc.
- **Safety** - safety rules and protocols, training, accident and near-miss reporting, etc.
- **Communication** - internal communication channels, confidentiality, etc.
- **Records Management** - document retention, storage, archiving, purging & destruction, etc.
- **Compliance** - legal and regulatory adherence e.g., environmental, food handling, etc.
- **Crisis and Disaster Management** - protocols for responding to natural disasters and emergencies, etc.
- **Workplace Violence Prevention Plan** - overall program (including policy) for preventing and responding to workplace violence, etc.
- **Drug and Alcohol-Free Workplace Program** - employment policy, training (general, and management reasonable suspicion, testing protocols, etc.

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## SAMPLE FORMAT FOR POLICY AND GUIDANCE

### RELIGIOUS ACCOMMODATION

#### POLICY:

[Employer Name] will provide reasonable accommodation for employees' religious beliefs, observances, and practices when a need for such accommodation is identified, and reasonable accommodation is possible. A reasonable accommodation is one that eliminates the conflict between an employee's religious beliefs, observances or practices and the employee's job requirements, without causing undue hardship on the conduct of [Employer Name]'s business.

#### DISCUSSION: Guidelines, Procedures, Work Rules, and/or Standards:

[Employer Name] has developed an accommodation process to assist employees through this process, through open communication between employees and management to discuss conflicts between religion and work, and to take action to provide reasonable accommodation for employees' needs.

Any employee who perceives a conflict between job requirements and religious belief, observance or practice should bring the conflict and their request for accommodation to the attention of [Human Resources] [or insert name/contact details for appropriate company representative or department] to initiate the accommodation process. [Employer Name] asks that accommodation requests be made in writing, and in the case of schedule adjustments, as far in advance as possible.

[Employer Name] will not retaliate or otherwise discriminate against an employee or applicant because they request an accommodation in accordance with this policy.

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## EMPLOYMENT POLICY NOTICE

**NOTICE:** Not all [Full Employer Name] business or employment-related policies, procedures, work rules, directives, or other similar guidelines are necessarily contained in this Employment Policy Manual.

Any individual consulting this Policy Manual, finding an absence of language with regard to a particular issue; such absence is not and should not be construed as consent. In such instances, individuals should contact [Human Resources] to obtain clarification.

[Employer Name] reserves the right to issue additional policies, procedures, work rules, directives and/or other similar guidelines from time to time at its sole discretion, and which are to be considered extensions or expansions of this Employment Policy Manual.

Individual departments may also issue, with approval of the [Top Level Official] and [the HR Official], departmental, or other specific work rules to meet business needs, which again are considered to be extensions or expansions of this Employment Policy Manual.

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## WRITING EMPLOYMENT POLICIES

- **Establish clear language:** When drafting employment policies and procedures, it is critical that the language used is clear and easily understandable.
  - Clear language helps reduce confusion and ambiguity, allowing for a more consistent policy interpretation.
  - It also helps avoid misunderstandings and potential legal issues.
  - When writing policies, use simple language that can be easily understood by all employees.
- **Provide examples:** Providing examples, either in the policy itself, or in the "Guidance" section, of how a policy should be interpreted can help ensure consistency in its implementation.
  - For example, if the policy states that employees must take their vacation time within a certain period of time, provide an example of what this might look like in practice (e.g., "Employees must take their vacation time within 12 months of earning it").

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 **WRITING EMPLOYMENT POLICIES**

- **Use resources but beware of templates:** There are many resources companies can refer to when drafting policies.
  - Organizations such as the Society for Human Resources (“SHRM”), BLR, as well as HR policy examples and samples.
  - These resources can be used as a starting point when drafting HR policies.
- **Allow flexibility:** Policies are usually written in more general terms so they can’t cover every possible scenario that could potentially fall under the policy.
  - This allows for some flexibility in policy interpretation.
  - Questions on interpreting a policy or identifying policy precedents should be directed to the Human Resources department.
- **Company alignment:** Reflect your company culture and values in the policy wording and consider how the policy supports your company’s goals and objectives.

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 **EXTERNALLY DRIVEN POLICIES: *Industry-Specific***

- Many industry-specific policies are also externally driven, expressed as laws formulated and enforced by government. For example:
  - **Federal Contractors** - AAP, paid leave, hiring practices, etc.
  - **Medicaid-Funded Entities** - DRA Medicaid Fraud, Whistleblower
  - **USDOT-Covered CDL Drivers** - Drug Free Workplace, driver safety
  - **Tree Service Companies** - OSHA ANSIZ133.1 Standard for Tree Care Safety
  - **Healthcare Organizations** - OSHA Infection controls, HIPAA, etc.
  - **Schools** - Title IX, FERPA, Mandatory Reporting, Staff-Student Boundaries, etc.
- Again, we highly recommended that you append, reference, or incorporate such industry-specific policies in EPM.

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 **EXTERNALLY DRIVEN POLICIES: *Jurisdictional***

- Externally driven policies are usually expressed as laws, regulations, or ordinances formulated and enforced by government on the federal, state, or local (county or municipal) level. For example:
  - **Federal** - Fair Labor Standards Act, FMLA, and on, and on ...
  - **State** - Anti-discrimination laws, NM “Victims of Domestic Violence Act,” Workers Comp, Wage & Hour laws, Voting, CA Paid Leave laws, etc.
  - **Local** - Minimum wage ordinances, anti-discrimination ordinances e.g. Cincinnati ordinance prohibiting discrimination on the basis of “Appalachian Descent”
- We recommend that you append, reference, or otherwise incorporate policies into your EPM that reflect requirements from all jurisdictions that apply to you.

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 **INTERNALLY DRIVEN POLICIES: *Nature of Organization***

- Internally driven policies are based on the nature of the organization, and dependent on a number of variables. For example:
  - **Federal or State Government Contractors** - AAP, paid leave, hiring practices, etc.
  - **Organizations Preparing and Serving Food** - FDA FSMA regulations, OSHA, USDA
  - **Number of Employees** - laws and regulations often apply to organizations based on the number of employees e.g., FMLA, ADA, COBRA, etc.
  - **Public v. Private Sector Employers** - “probationary period” vs. “introductory and training period,” “comp time,” Loudermill rights, etc.
  - **Unionized v. Non-Unionized Employers/Departments/Classes of Employees** - CBAs, Weingarten Rights, etc.

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**POMS SAMPLE POLICY MANUAL CONTENTS** *(Edited)*

<p><b>1. General Information</b></p> <ul style="list-style-type: none"> <li>• DISCLAIMER(s)</li> <li>• About the Company</li> <li>• Employment At Will</li> <li>• Right To Interpret and Change Policies</li> </ul> <p><b>2. Commitment to Diversity</b></p> <ul style="list-style-type: none"> <li>• Diversity and Inclusion</li> <li>• EEO &amp; Non-Discrimination</li> <li>• Civility and Respect in the Workplace</li> <li>• Reporting and Anti-Retaliation</li> <li>• ADAAA Disability Accommodation</li> <li>• Lactation Accommodation</li> </ul>	<p><b>3. General Employment Practices</b></p> <ul style="list-style-type: none"> <li>• Promotions, Transfers, &amp; Demotions</li> <li>• Training &amp; Introductory Period</li> <li>• Performance Management</li> </ul> <p><b>4. Workplace Conduct &amp; Behavior</b></p> <ul style="list-style-type: none"> <li>• Expectations of Conduct &amp; Behavior</li> <li>• Corrective and Disciplinary Action</li> <li>• Teamwork &amp; Collaboration</li> <li>• Personal Appearance, Grooming &amp; Hygiene</li> <li>• Attendance &amp; Punctuality</li> <li>• Ethics &amp; Conflict of Interest</li> <li>• Required Disclosure of Outside Employment</li> </ul>
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**POMS SAMPLE POLICY MANUAL CONTENTS** *(Edited)*

<p><b>7. Wage &amp; Salary Administration &amp; Pay Practices</b></p> <ul style="list-style-type: none"> <li>• Payment of Wages</li> <li>• Employee Classifications (FLSA, FT-PT, Type &amp; Status)</li> <li>• Work Schedules</li> <li>• Flexible Work Arrangements</li> <li>• Overtime</li> <li>• On-Call and Call-Back Pay</li> <li>• Business Travel &amp; Reimbursement</li> </ul> <p><b>8. Employee Benefits</b></p> <ul style="list-style-type: none"> <li>• Benefits Overview <ul style="list-style-type: none"> <li>• Don't Include Details of Benefits</li> <li>• Refer to HR for Current Benefits Info</li> </ul> </li> <li>• Workers Compensation</li> <li>• Employee Training &amp; Prof Development</li> <li>• Educational Assistance Program</li> <li>• Service Animals, Pets, Companion Animals</li> </ul>	<p><b>9. Safety and Security</b></p> <ul style="list-style-type: none"> <li>• General Safety Rules</li> <li>• Workplace Violence Prohibited</li> <li>• Weapons in the Workplace</li> <li>• Workplace Bullying and Abusive Conduct</li> <li>• Accident or Near Miss Reporting</li> <li>• Tobacco and Smoke-Free Workplace</li> <li>• Fitness for Duty</li> <li>• Return-to-Work/Transitional Employment</li> <li>• Drug-Free Workplace</li> <li>• Inspections, Searches &amp; Surveillance</li> <li>• Security of Electronic Resources</li> <li>• Driving Policies</li> <li>• Visitors and Security</li> <li>• Infectious Disease/Pandemic Outbreak</li> </ul>
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**POMS SAMPLE POLICY MANUAL CONTENTS** *(Edited)*

<p><b>5. Organizational Property &amp; Information Technology</b></p> <ul style="list-style-type: none"> <li>• Privacy, Protection of Business Records, Equipment, &amp; Assets</li> <li>• Non-Disclosure of Confidential &amp; Proprietary Information</li> <li>• Care of Organizational Property &amp; Equipment</li> <li>• Electronic Communications</li> <li>• Computer Use</li> <li>• Theft, Misappropriation, Fraud</li> <li>• Cyber-Security</li> </ul>	<p><b>6. Time Off and Leaves of Absence</b></p> <ul style="list-style-type: none"> <li>• Holidays</li> <li>• Paid Leave (Annual Leave, Sick Leave)</li> <li>• FMLA</li> <li>• Personal Leave Without Pay</li> <li>• Military Leave</li> <li>• Jury Duty or Witness Service Leave</li> <li>• Bereavement</li> <li>• Victims of Domestic Abuse Leave</li> <li>• Volunteer Emergency Responder Leave</li> <li>• Religious Observances Leave</li> <li>• Parental School or Childcare Activities Leave</li> <li>• Blood Donation Leave (CA or optional)</li> </ul>
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**POMS SAMPLE POLICY MANUAL CONTENTS** *(Edited)*

**10. Leaving Employment with [Company]**

- Separation from Employment (Types)
  - Voluntary Resignation
  - Retirement
  - Involuntary Termination
  - Job Abandonment
  - Failure to Return to Work from Leave Within Allotted Time
- Return of Company Property
- Exit Interviews
- References/Verifications of Employment
- Layoffs, Reductions in Force
- Furloughs

**11. Receipt / Acknowledgment of Receipt of Employment Policy Manual**



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**POMS POLICIES, PROCEDURES, SOPs, AND WORK RULES****What is a Policy? The Rules.**

- Policies are “The Rules” that govern the operation of your organization and those who work for it.
- They are designed to tell you the rules that need to be followed, and that shows the intention to do some thing.
- Policies often will allow for some “management prerogative” in enforcement.
- An employment policy is a business rule that includes things like no smoking, no drinking, and other business practices like dress codes, vacation policy, or your company’s codes of conduct.
- Policies evolve as the business, and legal environment grows and changes.
- Organizations need to be more regimented about how often employment policies are revisited and updated.
  - *Example: A company might have a policy that mandates preventative maintenance be performed on all manufacturing equipment so that workers are not at risk and downtime is avoided.*
- A common problem we see is that sections of the personnel policies become so detailed and specific that they virtually outline the procedures, especially for disciplinary actions, grievances and appeals of adverse actions.


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**POMS POLICIES, PROCEDURES, SOPs, AND WORK RULES****What are Procedures? The Steps.**

- A **Procedure** is a written document detailing all inter-related activities of specific system - such as system of document control, or a system of procurement,
  - *Example: A procurement procedure would have detail of related activities like supplier evaluation & approval activities, purchasing activities, supplier monitoring activities etc.*
- Procedures are established or official way of doing something, in order to comply with a policy.
- Procedures explain how to fulfill a company’s policies in more specific detail, often dictating “what” must be done and “who” is responsible.
  - *Example: If it was policy that all employees must receive 20 hours of safety training annually, a procedure would provide detail about how those hours are to be allocated and attained.*

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**POMS POLICIES, PROCEDURES, SOPs, AND WORK RULES****Different “levels of Policies” you may need:**

- Organization-wide
  - Department / Team
  - Program-specific
  - Labor-Management Relations
- 
- Work rules are specific applications of policies that typically apply to department, job classification, or program-specific matters related to conduct, or behavior.
  - Write work rules for a specific job category or location such as service, clerical, front desk, grounds.
    - *Example: Proper Notice for Absence or Tardiness: Employees must call their immediate supervisor or designated contact within <X> minutes of their beginning work time (may be different times for different departments.*

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**POMS POLICIES, PROCEDURES, SOPs, AND WORK RULES****Differences Between Policy and Procedure**

- Procedures are established or official way of doing something, in order to comply with a policy. A series of steps taken to accomplish an end.
- Procedures explain how to fulfill a company’s policies in more specific detail, often dictating “what” must be done and “who” is responsible.
  - *Example: If it was policy that all employees must receive 20 hours of safety training annually, a procedure would provide detail about how those hours are to be allocated and attained.*

Policies	Procedures
Have widespread application	Have a narrower focus
Are non-negotiable, change infrequently	Are subject to change and continuous improvement
Are expressed in broad terms	Are a more detailed description of activities
Are statements of <i>what</i> and/or <i>why</i>	Are statements of <i>how</i> , <i>when</i> and/or <i>who</i> & sometimes <i>what</i>
Answer major operational issues	Detail a process

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## POMS POLICIES, PROCEDURES, SOPs, AND WORK RULES

- **Work Rules** are more about the rules of the work and not the employment relationship. This type of document will generally change more frequently than employment relationship information. Work rules are often incorporated into collective bargaining agreements.
- The major purpose of the Work Rules document is to provide detailed information to employees about everything they need to do/know to perform the work of the organization without harm to themselves or others.
- The Work Rules document is generally a good idea - its content varies a lot with the specific business. For example, a healthcare organization probably needs an OSHA infection control set of policies and procedures. A retail store not at all.
- Work Rules can also be used to modify and adapt policies to the needs of particular departments or programs, e.g., Call-in times for absence or tardiness where individual departments may have different requirements.

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## POMS MULTI- JURISDICTION MANUALS

Should be tailored to the industry, number of employees, union/non-union status, and whether they are government contractors or public- or private-sector employers.

Likewise, multistate employers need to make sure their employment policy manuals are compliant with applicable state and local laws where their employees are physically located, sent to work on assignments, or working remotely.

- Comprehensive EPMs detailing all jurisdictional differences can create a “we-they” schism, as employees will compare.
- Separate EPMs for all jurisdictions may also lead to comparing and can be difficult to maintain.
- Consider selecting “the best” policy for all employees, less comparison, maybe even celebration
- Make sure all “notification” policies are included in the handbook body
- All state-required benefits not included in the body should be in an addendum




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## POMS EMPLOYEE HANDBOOK


- An **Employee Handbook** should be a short concise booklet that an employee can use to know the basic “rules of the road.” Primarily **summaries and guidelines** about the employment relationship but may need to have some safety/work rules information.
- Because an **Employee Handbook** is necessarily shorter and more general, the use of the word “policy” in the employment policy manual can cause a contradiction when there is another document (e.g., a Policy Manual) that covers the same topic and also uses the word “policy.”
- The **Employee Handbook** states that it contains only guidelines, and the Employment Policy Manual is the official statement of Policy. It refers the employee to a supervisor, manager and the EPM for specific details. e.g., FMLA



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## KEY POLICIES, AND UPDATES FOR 2024-25



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**POMS 12 ESSENTIAL POLICIES**

1. At-Will Employment
  - **NOTE:** The “strength” of the “at-will” doctrine varies from state to state
  - “At-Will” doctrine doesn’t apply in Montana, or for public sector employers (except appointed positions)
2. Equal Opportunity Employer
3. Prohibiting Discrimination, Harassment, and Bullying
4. Leaves of Absence
5. Attendance & Punctuality
6. Discipline & Corrective Action
7. Safety and Security Policies (OSHA,
8. Drug-Free Workplace (include DOT, federal contract)
9. Workplace Security & Violence Prevention
10. Policies Implicating Privacy Rights
11. Confidentiality and Trade Secrets (Data breach)
12. Policies Driven by Company Size - FMLA, ADAAA, ACA, Title VII, COBRA, etc.



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**POMS IMPACT OF NLRB STERICYCLE, INC. RULING**

- On August 2, 2023, in Stericycle, Inc., 372 NLRB No. 113 (2023), the National Labor Relations Board adopted a strict new legal standard for evaluating the validity of workplace rules under the National Labor Relations Act (“the Act”).
- The NLRB overturned the Boeing Co., 365 NLRB 154 (2017), its prior standard under which rules, policies and handbook provisions were treated either as categorically lawful or are subject to a test that weighed their tendency to restrict employee rights against the business needs justifying them.
- The NLRB re-adopted the test established in Lutheran Heritage Village-Livonia, 343 NLRB 646 (2004), which declared unlawful any workplace rule that “would reasonably be interpreted” by employees as limiting protected activities.
  - The Lutheran Heritage standard was previously used by the NLRB to target commonly adopted rules and policies including, among many others, those promoting civility, courtesy, and productivity, and prohibiting harassing, disruptive, and insubordinate workplace conduct.

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**POMS WELL ... 23 ESSENTIAL POLICIES, ANYWAY**

13. Internet, E-Mail and Electronic Communications
14. Pay Practices
15. Benefit Description - not details!
  - Reference to Plan Documents, Benefits Handbook
16. Employee Status and Classifications
17. Grievance/Complaint, or Dispute Resolution
18. Separation Policies
19. FLSA Safe Harbor Policies
20. Code of Conduct - Expected, Prohibited, Off-Duty Conduct
21. Other Industry-Driven Policies - e.g., Medicaid Fraud, Medication Security and Dispensing, Federal Contractor Policies, etc.
22. Other Jurisdictionally-Driven Policies - e.g., CFRA, Paid Sick Leave, etc.
23. Other Sector-Driven Policies - e.g., Compensatory Time, Probationary Period, etc.



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**POMS IMPACT OF NLRB STERICYCLE, INC. RULING**

- The National Labor Relations Board’s (NLRB) decision is enforceable for all private sector employers (even non-union) in the U.S., and employers should ensure their work rules and policies are compliant.
- The Lutheran Heritage standard returns to case-by-case review of rules and heightens its scrutiny of policies in at least two important ways:
  1. The NLRB now considers a rule *presumptively unlawful* if it “could” (rather than “would”) be interpreted to limit employee rights, meaning rules may be invalidated even if there are alternative interpretations that are consistent with employee rights.
    - The NLRB sees employee rights under the Act as broadly defined, continually evolving and not susceptible to being specifically enumerated.
    - The Board may find a rule invalid based on potential interference with activities that were not, or could not have been, foreseen by the employer when drafted, and even if the rule was never interpreted or applied in an unlawful manner.

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 **IMPACT OF NLRB STERICYCLE, INC. RULING**

The *Lutheran Heritage* standard returns to case-by-case review of rules and heightens its scrutiny of policies in at least two important ways:

2. Whether a rule implicitly limits protected activities under the new standard will not be considered from the standpoint of a “reasonable” employee, as it was under *Lutheran Heritage*, but instead based on the perspective of someone “economically dependent” on the employer who considers engaging in activity protected by the Act.
  - As a result, rules that are appropriate under ordinary workplace circumstances may be found improper by the Board specifically in the context of a theoretical employee considering organizing or engaging in other concerted activities but fearful of doing so.
  - The Board’s characterization of a “state of economic dependency” in the workplace implies that any workplace rule even arguably limiting employee rights is illegally coercive. The Board’s decision does acknowledge there may be competing justifications for maintaining such rules.

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 **IMPACT OF NLRB STERICYCLE, INC. RULING****Practical Implications of the Decision for Employers:**

Be sure to carefully read through your employment policy manuals, and ask yourself if an employee could reasonably interpret a policy as having a chilling effect on the employee’s right to engage in concerted activities.

Employment policies to pay special attention to include overly broad rules that:

- Prohibit disparaging the company
- Require civility of the workplace
- Prohibit the use of profanity
- Prohibit the use of cameras in the workplace
- Require confidentiality.

This means that you cannot have an overly broad policy that says, for example “*Employees are required to treat one another with civility and respect*,” that could easily be interpreted to have a “chilling effect” on labor organizing.

However, you might say something like, “*Employees are required to treat one another with civility and respect, in the normal course of doing business*,” in which case one could argue that labor organizing is not something that happens “in the normal course of doing business.”

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 **IMPACT OF NLRB STERICYCLE, INC. RULING****Practical Implications of the Decision for Employers:**

- The Board will no longer treat categories of rules as appropriate but will separately scrutinize discrete provisions in employment policy manuals on their own merits.
- The new standard construes rules from the idiosyncratic perspective of federal labor law and its very broad and evolving definition of protected, concerted activities.
- The NLRB now seems to assume coercion based on presumed “economic dependency” in the workplace and invites litigation about competing interests under an undefined standard.
- Should the Board find a work rule unlawful under *Stericycle*, the employer must timely remove, redact, or replace unlawful language and post and distribute notices to employees acknowledging the violation and providing information about their rights under the Act.
- Overly broad rules may be treated by the Board as unintentional evidence of discriminatory animus, muddying the stated reasons for discipline of an employee when applied to a given case.

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 **IMPACT OF NLRB STERICYCLE, INC. RULING****Practical Implications of the Decision for Employers:**

- Maintaining an unlawful rule during an organizing campaign may result in the Board’s invalidating an election where employees rejected union representation and ordering a rerun. Employers facing organizing efforts should definitely prioritize review of their workplace rules and policies prior to the filing of an election petition.
- Employers, regardless of whether they are unionized or not, should review their employment policy manuals to ensure compliance with the Board’s new employer handbook standards.
  - Employers should establish a regular, periodic review of their workplace rules with an eye toward the Board’s new standard, to ensure that they prevent misunderstandings, avoid unintended interference with protected activities, and tailor the foreseeable effects of the rules on employee rights to demonstrable, legitimate, and substantial business justifications.
- The Board’s new analysis of handbooks and work rules thus focuses on whether an employee could reasonably interpret the rule in question to have a “coercive meaning,” even if a contrary, non-coercive interpretation of the rule is also reasonable.

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### AT-WILL EMPLOYMENT

- **Is it clear that all employment is at-will?**
  - Employees operating under the terms of a contract or collective bargaining agreement would require separate documents.
- **Does the language used explain the concept?**
  - Workers should understand that at-will arrangements give both workers and companies the right to terminate employment at any time with or without reason.
  - However, employers cannot fire on the basis of a protected category such as race or disability.
- **Do you mention the courtesy of two weeks' notice before quitting?**
  - Leaving immediately is becoming increasingly popular, especially among Millennials.
  - Make people aware of any possible *future* repercussions, such as forfeiting the possibility of future employment with the organization.
    - Be careful about having immediate consequences - can erode "at-will"

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### HYBRID OR REMOTE WORK POLICIES

- Organizations that don't already have hybrid or remote work policies should develop them for their 2025 employment policy manuals. Having these policies in place is vital for protecting the company from unnecessary risk and exposure, improving employee performance and experience, and ensuring the organization gets all its equipment back when employees move on. A telework policy should address these items:
  - How employees deliver work
  - How meetings are conducted, including technologies used and dress codes
  - Expected working hours and scheduling
  - Expectations for employee availability and response times
  - Rules for cyber safety
  - Technologies and equipment employees will use
  - The return of equipment when employees move on
  - Inclement weather procedures, especially whether employees will still work if the headquarters is closed

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### SOCIAL MEDIA

- **Do you adequately cover relevant topics?**
  - It's important to include guidelines on confidentiality of company/client information, posting on work time or devices, and staying away from harassing colleagues.
- **Who can post on official company sites?**
  - You may wish to limit who comments/posts on company sites and pages.
  - In addition, you may wish for employees who comment on company social media posts to disclose their employment with the company.
- **Does your language leave the impression that the company is trying to prohibit employees from talking about work?**
  - Remember that the National Labor Relations Act enables employees to converse freely with each other about employment and working conditions, including topics like pay, hours, and treatment

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### HYBRID OR REMOTE WORK POLICIES

- Who is eligible to telecommute, and under what circumstances?
- What technology is required, and who will pay for it?
- Do employees have set hours to be online while telecommuting, and is there any flexibility in scheduling?
- What security measures does the company have in place and expect telecommuting employees to follow when working outside of the office?
- Is it clear that telecommuters must display the same professional behavior when working online as when in the office?
  - Ensure employees know improper conduct such as bullying coworkers on company chat platforms is subject to disciplinary measures.
- ***Note that supplemental handbook material may prove useful when presenting work-from-home policies.***

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### INCLEMENT WEATHER

- **Is it clear how weather-related closure decisions get made?**
- **How does information regarding weather-related decisions get conveyed to employees**, including the timing of such messages and communication method?
- **Do employees get paid on snow days?**
  - Spell out any differences by status (exempt vs. non-exempt) and length of closure (partial or full day).
- **Who, if anyone, can work at home when the weather is questionable, but the office is open?**
  - How does one get approval? What activities (such as trainings) “count” as working?

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### WORKPLACE VIOLENCE PREVENTION

- You can be sure your workers are still thinking about the many workplace shootings that have happened recently, and likely are wondering what safety measures you have taken to protect against a similar attack or workplace violence.
- Make sure you update or add safety policies to your handbook. Start with the basics like a strict no-fault violence and threats of violence disciplinary policy. Your policy should make it clear that any violation will result in immediate termination. Then address each type of workplace violence as outlined by OSHA in their guidance and at the National Institute for Occupational Safety and Health (NIOSH). These are:
  - **Criminal intent.** The perpetrator has no legitimate business relationship to the workplace and usually enters the affected workplace to commit a robbery or other criminal act. Your handbook policy should assure employees that you have plans for possible criminal acts and are committed to regularly updating prevention measures.
  - **Customer or client.** The perpetrator is either the recipient or the object of a service provided by the affected workplace or the victim. The assailant may be a current or former client, patient, customer, passenger, criminal suspect, inmate, or prisoner. Your handbook policy should acknowledge potential violence and offer training for vulnerable employees. OSHA provides industry-specific guidance and training ideas.

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### HEALTH AND SAFETY

- Has your handbook kept pace with relevant legislation, such as federal law requiring employers to provide reasonable time and space accommodations for breastfeeding mothers?
- Are elements of the Family and Medical Leave Act spelled out in a way that workers know how the information pertains to your workplace?
- Do you make it clear that sick people are expected to stay at home for their own good and that of their fellow employees?
- Do you have general policies concerning communicable diseases, and pandemic responses?
  - Regarding COVID-19 or other communicable diseases, is information presented about testing, quarantining, contact tracing, and returning to the office? Are leave policies spelled out in detail?
  - What screening procedures are in place at the office, and what hygiene rules are employees expected to follow?
  - Again, a separate supplement with greater detail could be beneficial when presenting information directly related to the pandemic.

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### WORKPLACE VIOLENCE PREVENTION

- **Co-worker or supervisor.** The perpetrator has some employment-related involvement with the affected workplace. Usually, this involves an assault by a current or former employee, supervisor, or manager. Your handbook policy should reassure workers that you take every complaint seriously, have processes in place for security during and after contentious discharges or disciplinary meetings, and encourage workers to speak with HR about alarming behavior.
- **Personal relationship.** The perpetrator is someone who does not work there but has or is known to have had a personal relationship with an employee. Your handbook policy should encourage workers to use your employee assistance program to address relationship and mental health challenges and provide information on how to access treatment.

Finally, as part of your workplace violence policies, adopt the strictest no-weapons policy possible under your state's laws. You can tell employees no weapons are allowed at work. If you are in a state that allows workers to store unloaded weapons in their automobiles in company-owned parking lots, you may want to use a weapons checkpoint at entries.

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**POMS WORKPLACE VIOLENCE PREVENTION**

- 1 Criminal Intent**  
Workplace violence by a perpetrator that has no direct or previous relationship with the employee or the establishment
- 2 Customer / Client**  
The act of violence that occurs when the employee is performing their daily duties. The perpetrator is a client of the employee or the establishment.
- 3 Worker-on-Worker**  
Act of violence is a result of an aggression between two or more employees in the same workplace.
- 4 Personal Relationship**  
The perpetrator has a direct relationship with someone whom affects their work and workplace, but does not work with them.

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**POMS EVOLVING LEAVE POLICIES (Paid and Unpaid)**

The past year saw increasing calls for paid leave laws to be enacted at both the state and local level. And new paid leave laws have come into effect in several states since 2022, like New Mexico's Healthy Workplaces Act.

At least 11 states and municipalities have enacted paid leave laws and others are likely to follow. Consider these factors when assessing whether your leave paid policies may be in need of an update:

1. Pay attention to where employees are located and headcount. Depending on the laws in those jurisdictions, consider a state or local supplement to the main handbook to account for the nuances under greatly differing paid leave laws, which may apply depending on how many employees you have in a particular state.

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**POMS CALIFORNIA: WORKPLACE VIOLENCE PREVENTION PLAN**

By July 1, 2024, most employers must have established and provided initial training on a Workplace Violence Prevention Plan (WVPP) to their employees.

- Must record information about every workplace violence incident in a violent incident log
- Must review plans and provide effective training

The WVPP must conform with the requirements of new Labor Code Section 6401.9:

- The plan must be written - it can be standalone or incorporated into an Injury and Illness Prevention Plan
- The plan must be easily accessible to employees, their authorized representatives, and Cal/OSHA representatives at all times
- Must be specific to the hazards and corrective measures for each work area and operation
- Employers must involve employees in creating and implementing the plan.

**NOTE: While a WVPP is not required in other states, employers should consider implementing such a plan.**

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**POMS EVOLVING LEAVE POLICIES (Paid and Unpaid)**

2. Clearly explain employee eligibility. Federal law requires employers provide FMLA leave after one year on the job and 1250 hours worked and state and local requirements may require leave after less time on the job (e.g., Wisconsin's unpaid FMLA law only requires 1000 hours in the preceding 52 weeks). However, employers can also offer leave at any point before those requirements kick in.
- Ensure that your policy clearly explains when an employee may be eligible for various paid leaves and ensure that if such leave is protected by law, the policy is compliant.
3. Make sure your leave policies are not inadvertently discriminatory. For example, parental leave policies should apply equally to all types of new parents, although there is an important distinction to be made between paid leave for recovering from childbirth and paid leave for bonding or other non-medical reasons.

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**POMS** EVOLVING LEAVE POLICIES (Paid and Unpaid)

4. Watch at the state level paid and unpaid leave laws.
  - Many states expanded access to leave for COVID-19-related and other medical reasons.
  - Effective Jan. 1, 2021, all private employers with five or more employees are covered under the California Family Rights Act (CFRA) - only applied to private employers with 50 or more employees.
  - Effective Jan. 1, 2022, the California Family Rights Act was expanded to allow covered workers to take leave to care for a parent-in-law.
  - Effective July 1, 2022, New Mexico private employers are required to provide paid sick leave
  - In 2022, Connecticut and Oregon also expanded their family-leave laws, and Illinois has a new law requiring employers to provide victims of violent crimes (and family members of victims) with unpaid leave or allow them to take available paid time off.

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**POMS** EXPENSE REIMBURSEMENT

- Watch laws in your jurisdiction - While federal law only requires that employers reimburse employees for expenses that bring an employee's earnings below the federal minimum wage, state and local laws vary greatly in the treatment of worker expenses and reimbursement.
  - California, Illinois, Iowa, Massachusetts, Montana, New York and the District of Columbia require that employers reimburse employees for various work-related expenses.
- Further, several of those states consider expense reimbursement wages subject to the same timing requirements as regular payroll.
  - Lawsuits for failure to properly reimburse employees for expenses are rapidly increasing in these states and for all manner of expenses ranging from typical work-related expenses such as telephone and internet fees and the cost of office supplies, to the extra cost of energy to heat or cool a house.

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**POMS** DRUG-FREE WORKPLACE POLICIES

- A number of states have enacted medical and/or recreational use of marijuana, which affects your drug-free workplace policies and procedures.
- Post-Accident/Incident drug and alcohol testing - most policies we see do not comply with current law and regulations:
  - OSHA issued a rule on post-accident/incident/injury drug testing (29 CFR § 1904.35(b)(1)(i)), effective August 2016; which clarified in 2018 when post-accident drug testing is permitted
    - OSHA requires that employers replace a blanket testing policy or rule.
  - OSHA clarified that most workplace drug-testing programs are permissible, including:
    - Random drug testing.
    - Drug testing unrelated to the reporting of a work-related injury or illness.
    - Drug testing under a state workers' compensation law.
    - Drug testing under other federal law, such as a U.S. Department of Transportation rule.
  - Employers need not specifically suspect drug use before testing, but there must be a reasonable possibility that drug or alcohol use by the reporting employee was a contributing factor to the reported injury or illness for an employer to require drug testing.
  - Additionally, drug testing that is conducted to evaluate the root cause of a workplace incident that "harmed or could have harmed employees" is allowed if the employer tests all workers who could have contributed to the incident, rather than just the employees who reported injuries.

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**POMS** EXPENSE REIMBURSEMENT

Expense reimbursement also raises questions regarding the ultimate ownership of devices and equipment, especially when employment ends. To address these issues, a good expense reimbursement policy clearly provides:

- what expenses are reimbursable and by when the employer will reimburse the employee (applicable state law will govern these and set floors for reimbursement);
- who owns the devices or equipment; and
- how the equipment is handled when the employment relationship terminates (will they be wiped of company information and the employee can keep them, must they be returned, etc.?)



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### PROTECTED CHARACTERISTICS

- Over the last several years, state and local authorities have expanded definitions of protected characteristics. At least 18 states and many municipalities have added protections for natural and protective hair styles, for example.
- Medical or recreational use of marijuana is now legal in 26 states. Several of those states such as Connecticut, Montana, Nevada, New Jersey, New York, and Rhode Island provide protections for employees that participate in off-duty recreational use of cannabis products and therefore limit an employer's ability to refuse to hire or take adverse action against those workers.
- Keep your language current, and specific. While catch-all language to include additional protected characteristics, such as "and any other characteristic protected by federal, state, or local law," is a common solution, adding the particular protected characteristic to the policy - and better still to harassment and discrimination training - can serve as a defense against liability.

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### SEXUAL ORIENTATION AND GENDER IDENTITY

- Are you using gender-neutral pronouns?
- Does the language used throughout the handbook reflect the recent Supreme Court ruling that Title VII's sex discrimination provision applies equally to discrimination based on sexual orientation and gender identity?
- Does your equal opportunity statement include that the company does not discriminate on the basis of sex — including sexual orientation and gender identity/transgender status?
- Has your anti-harassment policy been updated to specifically state that the organization does not tolerate harassment based on sex, sexual orientation, or gender identity?
- Have outdated rules (such as requiring men to wear suits and women to wear dresses) been modified to reflect that the company does not enforce the dress code in a way that reinforces stereotypes about how a particular gender should look and dress?

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### PROTECTED CHARACTERISTICS

**At a minimum, every policy manual should contain an Anti-harassment and Anti-Discrimination Policy that:**

- Includes all characteristics that are protected from unlawful harassment and discrimination;
- has a reporting procedure providing multiple reporting avenues for individuals to make complaints about harassment; and
- emphasizes the employer's commitment to maintaining a workplace free from such unlawful conduct.

**State and Local Governments have expanded antidiscrimination protections such as:**

- Height and weight (Michigan, District of Columbia and New York City); Caste (Seattle and Fresno);
- Marital or family status (nearly half of states); Actual or perceived family responsibilities (Illinois);
- Reproductive health decisions, including termination of pregnancy (California, Delaware, Hawaii, Illinois and New York); Sexual orientation, gender expression and gender identity (more than half of states);
- Military status (California, Connecticut, Illinois, Massachusetts, New Jersey, New York, Ohio, Rhode Island, Virginia and Washington); and
- Victims of domestic violence (California, Connecticut, New York, Illinois and Rhode Island).

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### SEXUAL ORIENTATION AND GENDER IDENTITY

- Have gendered hairstyle rules (such as no long hair or buns on men) been rectified?
- What legislation regarding hairstyles may affect your workplace? Several states already have passed the CROWN Act to ban discrimination against natural hair (including afros, braids, twists, and locks), with federal action on the horizon.
- Does the code correctly place an emphasis on neatness, cleanliness, and safety in workplace dress over dictating specifics?
- Do the guidelines display an organizational commitment to supporting employees' religious, ethnic, and cultural beliefs?
- Does the policy manual encourage workers with questions regarding appearance standards to consult with HR?

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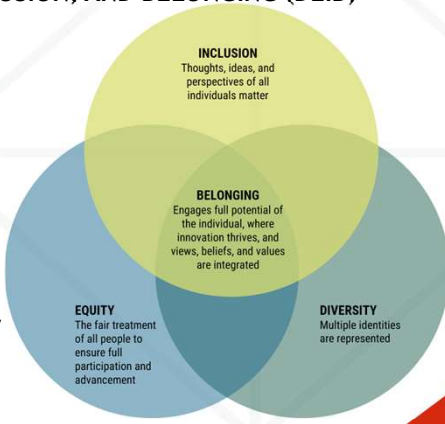
**POMS THE “CREATING A RESPECTFUL AND OPEN WORLD FOR NATURAL HAIR” (CROWN) ACT**

- The CROWN Act provides protection against race-based hair discrimination in the workplace and in K-12 public and charter schools based on hair texture and protective styles.
- For 2024-5, many employers need to create or update specific policies (including grooming and dress code policies) in their employment policy manual.
  - Employers must ensure their dress code policies are current and comply with state and local laws. It is critical to review existing policies to ensure they are not banning or restricting certain hair textures and styles that are associated with race, national origin and ethnicity.
- As of July 2024, there are 27 states that have passed their own version of The CROWN Act. This legislation protects employees (often black women) with natural hairstyles from discrimination.
- Additionally, the U.S. Virgin Islands and more than 40 county and municipal local governments have passed CROWN laws.

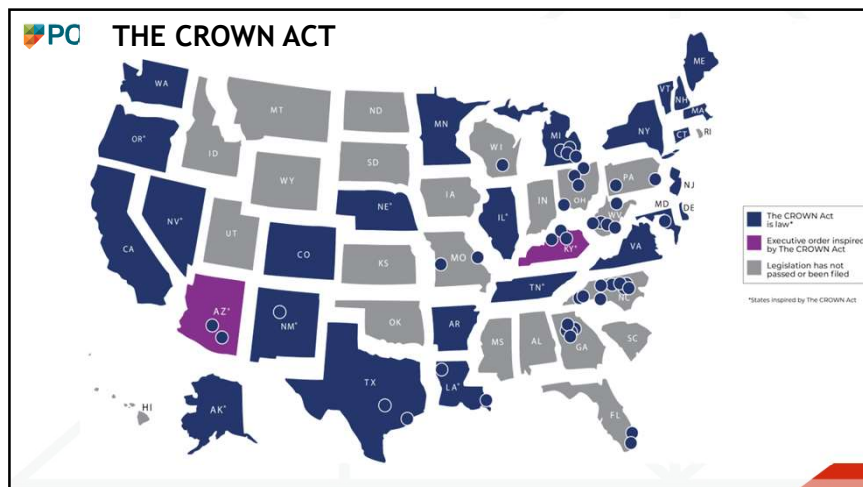
73

**POMS DIVERSITY, EQUITY, INCLUSION, AND BELONGING (DEIB)**

- DEIB policies per se are not required by law, but many employers have chosen to implement DEIB as a reflection of values and culture.
- DEIB has become a political hot potato, and as such, many companies may choose not to implement specific DEIB policies and programs.
- The talent you are trying to attract and retain in today’s labor market is racially and ethnically diverse, or they have deep connections with people who are.
- To compete for talent, employers may want to consider updating their employment policy manual to support DEI efforts, reduce opportunities for discrimination, and condemn racism, sexism, homophobia, and general bigotry.



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**POMS PAY TRANSPARENCY LAWS**

- Generally, Pay Transparency laws require employers to disclose prospective salary or salary range, and/or a description of benefits when advertising an open employment position. More specific obligations vary by state.
- Most of these laws require a pay range to appear in both public and internal job postings, sometimes alongside other information, such as details about benefit offerings.
- A few jurisdictions require an employer to share a pay range with a job applicant upon request or at a certain point in the interviewing and hiring process but do not mandate that the information appear in job postings.
- Some pay transparency laws also give employees the right to learn the pay range for their current position.
- As pay transparency laws continue to take hold in new jurisdictions, employers should carefully consult state guidance keep job posting policies current. Non-compliance can result in mounting penalties, and compliance may be especially challenging in light of the increased number of remote work opportunities.

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### PAY TRANSPARENCY LAWS

- Remote work may lead to confusion about which jurisdiction's pay transparency law applies to a given job posting since several jurisdictions have opted to apply their laws broadly. For example, the California law applies to any job posting where the position could ever be performed by someone residing in California, even working remotely—as long as the employer has at least one employee residing in California.
- Currently, state and local pay transparency laws include those passed by:
  - California, Colorado, Connecticut, District of Columbia, Hawaii, Illinois (effective 1/1/25), Maryland, Massachusetts (effective 10/29/25), Minnesota (effective 1/1/25), Nevada, New Jersey (effective 6/1/25), New York (State, Albany County, Ithaca, New York City, Westchester County), Ohio (Cincinnati, Toledo), Rhode Island, Vermont (effective 7/1/25), and Washington.
- Employers with workers in these states, counties, and municipalities should review their upcoming job postings to ensure compliance. There is an expectation that this will continue as a trend in other states.

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### PARENTAL LEAVE POLICIES/BENEFITS FOR WORKING PARENTS

- Employment policies should be updated to meet new and changing parental leave programs, as well as the expectations of working parents generally.
- Parental leave policies have been multiplying all over the US. Currently, ten states in the US have paid parental leave programs, with more states working on their own.
- Employers in these ten states and with employees who work remotely from these states must have paid family leave policies that are updated and in compliance.
- Beyond the legal requirements, employers should also seriously consider offering more flexibility for working parents as part of their employer brand.
  - Post-pandemic, employees can expect a substantial increase in flexibility at work.
  - Parents have benefitted from this flexibility and often consider it a necessity, not a perk.
  - Especially in the current, tight labor market, employers are more likely to lose talent (or have trouble attracting it) when they don't offer the flexibility that working parents demand.

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### PROMOTION OF EMPLOYEE WELLNESS AND MENTAL HEALTH

- To retain staff in 2024-5, employers will need to keep up with the recent trend in supporting employee wellness and mental health. The pandemic accelerated this trend.
- Employers should deeply review employee benefits and a general prioritization of employee wellness.
  - Do they offer enough vacation time for employees to avoid burnout?
  - Do their health insurance plans make mental health care more accessible?
  - Many employers are offering mental health days and Employer Assistance Programs (EAPs) to improve access to mental health care services.
  - Employers may also want to adopt language urging employees to stay home or work from home when sick.
  - FMLA policies can be expanded to include language about mental health conditions, which often also qualify for leave.
  - It may be a good idea for employers to create a specific "Wellness Policy" in your 2024-5 employment policies, including the initiatives and benefits offered to support employees' physical and mental health

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### WEINGARTEN RIGHTS MAY SOON APPLY TO NON-UNION EEs

The National Labor Relations Board (NLRB) recently released an advice memo in which it signaled it is evaluating whether to extend Weingarten rights to nonunion employers.

- Nonunion employees can have representative in investigatory interviews that could lead to discipline
- Nothing states a policy change is required
- Should your organization's policy change? Or just your practice?
- The NLRB may be looking to expand this right to nonunion workforces once again may signal it will be more lenient when it comes to the type of conduct allowed by representatives in such meetings. Accordingly, this is an issue all employers should watch.



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### CAPTIVE AUDIENCE BANS

In 2024, a number of states have passed or introduced legislation to bar employers from requiring employees to attend “captive audience” meetings on religious or political matters.

- These laws prohibit employers from coercing employees into attending or participating in meetings that are sponsored by the employer and concern the employer’s views on religious or political matters (including union organization).
- In general, the bans on captive audience meetings include exceptions for certain communications that employers are required by law to make.
- Employers should be mindful of avoiding discussions of political or religious matters during required meetings (including discussions related to unionization) and may consider a review of employer policies regarding workplace meetings.
- Draft policies that clearly indicate that workplace meetings regarding religious or political matters are voluntary and that employees will not be punished or benefited for either attending or not attending those meetings.
- Ensure that discussions of political or religious matters during required meetings, including discussions related to unionization, are prohibited.

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### DISCRIMINATION AND ARTIFICIAL INTELLIGENCE (AI)

- In the workplace context, AI technology may be used to help with employee management functions, such as recruiting and hiring by analyzing resumes, predicting job performance or evaluating a job candidate’s attention span.
- While the hope in using these tools in the recruitment process is to reduce or eliminate bias, the use of artificial intelligence is not without risk and may give rise to employment discrimination claims even on a class-wide basis.
- Last year, the USDOL Equal Employment Opportunity Commission (EEOC) issued a guidance on AI decision making tools and algorithmic disability bias.
- Also last year the U.S. Office of Science and Technology Policy issued its “[Blueprint for an Artificial Intelligence Bill of Rights](#)” concerning Algorithmic Discrimination Practices. The AI Bill of Rights provides recommendations to ensure that AI is safe and equitable in various sectors of society, including the workplace.
- Some states, such as New York, Illinois, and Maryland have enacted measures to regulate the use of algorithms in the workplace. Employers in these states should review these laws. It is anticipated that other states may propose legislation in this area.

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### CAPTIVE AUDIENCE BANS

Currently, 12 states have passed legislation allowing employees to opt out of captive audience meetings, including:

- |   |                  |
|---|------------------|
| 1. Alaska (effective July 1, 2025)      | 7. Minnesota;    |
| 2. California (effective Jan. 1, 2025); | 8. New Jersey;   |
| 3. Connecticut;                         | 9. New York;     |
| 4. Hawaii (bans political speech only); | 10. Oregon;      |
| 5. Illinois (effective Jan. 1, 2025);   | 11. Vermont; and |
| 6. Maine;                               | 12. Washington.  |

This trend is likely to not only continue in 2025 - For example, Maryland, Massachusetts, New Mexico and Rhode Island have introduced similar laws that remain under consideration.

- Additionally, on Nov. 13, 2024, the National Labor Relations Board (NLRB) ruled that an employer violates the NLRA by requiring employees, under the threat of discipline or discharge, to attend a meeting in which the employer expresses its views on unionization. This decision only applies to future NLRB cases.
- Employers should be mindful of avoiding discussions of political or religious matters during required meetings (including discussions related to unionization) and may consider a review of employer policies regarding workplace meetings. Finally, employers should continue to monitor for legal updates in the states where employees are located.

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### NONCOMPETE AGREEMENTS

- On April 23, 2024, the Federal Trade Commission issued a final rule to promote competition by banning non-competes nationwide, protecting the fundamental freedom of workers to change jobs, increasing innovation, and fostering new business formation.
- On August 20, a district court issued an order stopping the FTC from enforcing the rule on September 4, 2024. The FTC is considering an appeal. The decision does not prevent the FTC from addressing non-competes through case-by-case enforcement actions.
- The National Labor Relations Board has also stated that most noncompete and non-solicitation agreements violate the National Labor Relations Act. Many states have also passed noncompete bans or taken action to ensure non-competes are unenforceable.
- Employers may want to consider limiting or eliminating noncompete agreements and policies to avoid potential litigation and unnecessary enforcement hurdles.

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 **POMS NONCOMPETE AGREEMENTS**

- Employers should review their existing policies, and non-compete agreements and consider revising the agreements to include other contractual provisions that would protect their legitimate business interests based on the NLRB ruling (covers all private employers in the US), and even if the FTC rule takes effect.
- The FTC identified several alternatives to non-competes that still enable firms to protect their investments without having to enforce a noncompete.
  - Trade secret laws and non-disclosure agreements (NDAs) both provide employers with well-established means to protect proprietary and other sensitive information. Researchers estimate that over 95% of workers with a noncompete already have an NDA.
  - Instead of using non-competes to lock in workers, employers that wish to retain employees can compete on the merits for the worker's labor services by improving wages and working conditions.
- Note too, that under the final FTC rule, existing non-competes for senior executives can remain in force. Employers, however, are prohibited from entering into, or enforcing new non-competes with senior executives.
- Employers are encouraged to check if their state (or the state their remote workers are in) has passed a law governing the use of non-competes, and to stay tuned.

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 **POMS PROTECTIONS FOR PREGNANT & NURSING MOTHERS**

- The PUMP Act amended the FLSA by requiring employers to provide all employees—both exempt and non-exempt—with reasonable break time and a private location other than a restroom in which to express breast milk.
  - PWFA's requirements took effect in June 2023.
  - Employers with fewer than 50 employees may be granted an exemption from complying with the requirements if the employer is able to show that doing so would present an undue hardship in terms of expense or other difficulties in light of the employer's size, resources, nature, or business structure.
  - Employees must provide an employer with notice of an alleged failure to comply with the requirement to provide a private location to pump and give the employer 10 days to remedy the matter before initiating any legal action based on the failure.
  - Employers subject to the PUMP Act need to immediately ensure that they afford to all nursing mothers, regardless of their status as exempt or non-exempt, adequate break time and access to a private location for purposes of expressing breast milk.
  - Employers should also evaluate their current policies and procedures to ensure they are prepared to address accommodation requests from pregnant employees.

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 **POMS PROTECTIONS FOR PREGNANT & NURSING MOTHERS**

- The 2023 omnibus government funding bill included two provisions that expand protections for pregnant and nursing employees.
  - **The Pregnant Workers Fairness Act (PWFA), and**
  - **The Providing Urgent Maternal Protections (or PUMP) for Nursing Mothers Act**
- These two laws are aligned with Title VII, the Pregnancy Discrimination Act, the Americans with Disabilities Act (ADA), and many existing state laws.
- The new legislation clarifies many of the rights and treatment of working mothers that have historically been pieced together under multiple statutes, regulations, and court decisions.
- The PWFA requires employers with 15 or more employees to engage in an interactive process to determine temporary reasonable workplace accommodations for pregnant applicants and employees with conditions related to pregnancy and/or childbirth, and to provide such accommodations if doing so would not impose an undue hardship.
  - The PWFA took effect on January 1, 2023.
- Employers should be mindful of these expanded protections for pregnant employees and carefully consider accommodations that may be needed as a result of their pregnancy.

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 **POMS REMOTE WORKERS**

When updating employment policies, employers are encouraged to make an up-to-date list of the municipalities and states in which they have remote employees. The state in which remote employees are physically located is often considered the state in which they "work." Therefore, employers' policies may need to be compliant with certain employment laws of the states and municipalities where they have remote workers.

Some of the key state and local employment laws that may apply to remote workers include:

- **Leave laws:** Even basic leave such as bereavement leave, jury duty, and election leave may differ depending on the state and the municipality
- **Non-competes:** These clauses should be tailored to the state where the employee works
- **Pay equity:** A number of states have laws requiring salary transparency or laws that ban inquiry into the wage history of applicants
- **The CROWN Act:** Approximately 24 states and 40 local governing bodies have passed laws prohibiting race-based hair discrimination
- **Drug Testing:** Drug testing procedures tend to vary state to state. In addition, there were several notable state legislative developments in this area of law this year. Also, make sure your policies take medical and/or recreational marijuana use into account.
- **Background Checks:** Approximately 37 U.S. states and more than 100 municipalities have enacted legislation that bans application questions about arrest history and convictions, and limit when in the interview process background checks can be conducted. Employers should ensure they are applying the right state and local laws when running background checks on remote workers.

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**POMS REMEMBER THE BASICS!**

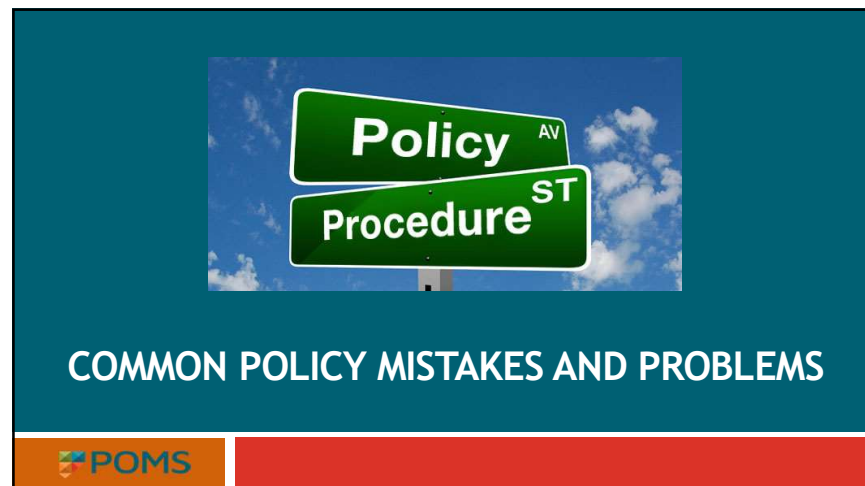
- Use plain language.
- Set clear expectations for attendance, conduct, and discipline.
- Include that the policy manual is not a contract of employment and does not modify the at-will nature of employment.
- Include that the policies within the policy manual may be revised, modified, or revoked at any time, with or without notice.
- Make sure that the company retains discretion and flexibility when making decisions.
- Ensure that your managers, supervisors, and employees actually follow the policies!

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**POMS COMMON MISTAKES AND PROBLEMS WE SEE**

1. **Not regularly changing and updating policies** - i.e. reaching up onto a dusty shelf to hand out and refer to the same old Employment Manual someone wrote years ago.
  - Review and update AT LEAST annually, AND as needed.
2. **Including details that are likely to change frequently.**
  - e.g. Using peoples' names, details about benefits, etc.
3. **Using a Manual template that does not fit the company.** Manual templates are useful but must be used with care.
  - Be particularly careful about using public sector manuals as a model for a private sector employer.
4. **Not including disclaimers and other statements to preserve management rights**, e.g. right to bypass progressive discipline.

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**POMS COMMON MISTAKES AND PROBLEMS WE SEE**

5. **Not communicating changes effectively to all employees** - including getting proper employee sign-offs on new or revised policies.
6. **Not adapting the policies for your local jurisdiction(s).** You may need more than one version of the policy manual if you have employees in several states.
7. **Having unlawful policy statements** in your Employment Policy Manuals
  - **Examples:** won't pay for unauthorized overtime, deductions from pay for lost/damaged property not allowed by law, compensatory time in private sector, prohibiting discussion of pay, non-payment of paid leave if required by state law, etc.

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 **COMMON MISTAKES AND PROBLEMS WE SEE**

8. **Overly long and legalistic policies** that are not distinct from procedures and guidelines.
9. **Wage and hour issues** - Misclassification (exempt, non-exempt, independent contractor), failure to define workweek, meal and rest periods (state law especially). This is much more than just a Manual problem. Majority of employers have technical violations of wage/hour laws - DOL estimates 75%-80%.
10. **Not having essential or legally required provisions** (*EEO statement, reasonable accommodation statements (disability, religion) anti-harassment (of any kind), anti-retaliation, FMLA notice if covered employer, authorized to work in United States, at-will employment*).
11. **Leave policies that don't allow the flexibility needed to comply with ADA** reasonable accommodation obligations.

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 **COMMON MISTAKES AND PROBLEMS WE SEE**

16. **Limiting who employees can or must report to for harassment,** retaliation or discrimination of any kind and/or not following the process laid out .
17. **Not providing sufficient flexibility for similar conduct but different context or severity.** This is essentially over restrictive or overly detailed disciplinary processes or rules of employment.
18. **Having contradictory provisions** (e.g. multi-step discipline vs. immediate termination provisions)
19. **Putting a cap on medical leaves and overly restrictive return-to-work policies.**
20. **Not controlling Meal and Rest Periods ...** or not providing meal and rest periods that comply with legal requirements in state jurisdictions like CA.
21. **Not clearly stating policy to control Overtime**

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 **COMMON MISTAKES AND PROBLEMS WE SEE**

12. **Not having a statement prohibit making false charges,** fraudulent workers comp claims, etc.; subject to discipline
13. **Creating obligations that the company does not comply with** (e.g. performance reviews, disciplinary procedures, attendance policies, pay increases and promotions).
14. **Overly restrictive policies,** such as social media, non-solicitation, confidentiality, etc. These areas are frequently the source of charges to the NLRB alleging violations of the NLRA (section 7 - protected concerted activity rights of employees).
15. **Improper Harassment & Discrimination prevention policy** - e.g. having a sexual Harassment policy instead of having a broad policy prohibiting harassment for other protected classes, and retaliation.
  - Current "best practice" is to have a policy on: "[Civility and Respect in the Workplace: Preventing Discrimination, Harassment, and Retaliation](#)"

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 **COMMON MISTAKES AND PROBLEMS WE SEE**

22. **Conflating policy with procedures and work rules** - except where required (e.g. unlawful harassment)
23. **"Use it or lose it"** vacation/PTO policies in some jurisdictions (e.g. CA, NM - maximum accrual cap is okay).
24. **Public sector policies in private employer EPMs** (e.g. comp time)
25. **Negative, "prohibitive," or punitive language** - written in such a way that it demonstrates the company does not trust or respect employees - culture.
26. **Not including policies specific to your organization or industry** (e.g. Medicaid Fraud, Food handling, Child welfare)
27. **An overly detailed, step-driven corrective/disciplinary action policy or procedure.**
28. **Problematic terminology** (e.g. "permanent" vs. "regular" employee, "probationary period" vs. "Introductory" or "Training and Orientation" period

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### COMMON MISTAKES AND PROBLEMS WE SEE

28. **Having unlawful policy statements:**
  - “Do not discuss your wages with any other person ...” - Right to discuss terms and conditions of employment.
29. **“Guarantee” language such as “will,” “shall,” etc.** Becomes promissory and can be interpreted as contractual.
  - e.g. “Employees performance shall be reviewed on the anniversary date of hire.”
30. **Not “capping” certain paid leave benefits**, can result in unintended costs
  - Offering Paid Jury Duty leave - rare, but some jury trials (federal grand juries, for example) can last for months.
32. **Acknowledgement page certifying that the employee has “read” the policy manual.**
  - Signed acknowledgement receipt, and employee’s responsibility for becoming familiar with the policies, and knowing who to ask questions about the policies.
  - Provides a level of consistency and proof that an employer makes their employees aware of the Policy Manual.
  - File original signature acknowledgements (including revisions) in official file.

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### COMMON MISTAKES AND PROBLEMS WE SEE

38. **Consider union contract (CBA) conflicts.** Try to align policies and CBAs for consistent administrative processes.
  - If certain employees are covered by a union contract, there are limitations as to the degree that the employee manual can apply to those employees.
  - Many times, an introductory section of the manual will make clear that the manual does not apply to these employees.
  - If any aspects of the manual are intended to apply to such employees, application of the manual may require bargaining obligations.
39. **Not Including a Computer/Technology Use Policy**, and having a separate companion written agreement updated and signed annually.
40. **Copying Policies from the Internet or Other Organizations** without careful review and revision for your organization.




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### COMMON MISTAKES AND PROBLEMS WE SEE

33. **Clearly define leave benefits:** how vacation time/PTO/sick leave is earned or accrued, and how it is paid out upon separation.
34. **Having an Overly Restrictive Disciplinary Policy.**
  - List the types of conduct that may result in employee discipline and potential penalties for infractions up to and including termination of employment
  - Should not include a rigid “step” disciplinary system from which the organization cannot deviate, leaving you ill-equipped to handle serious incidents if it is the employee’s first infraction.
35. **Not Applying Policies Consistently.**
  - *Managers’ & supervisors’ legal duty to uphold and enforce policy.*
36. **Not Expressly Reserving the Right to Change and Modify the Employment Policies** With or Without Notice
37. **Forget to include Safety and Security Policies**
  - Employers have the obligation to provide a safe and healthful workplace to their employees, who in turn are obligated to follow policy.

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## REVISING AND UPDATING YOUR EMPLOYMENT POLICY MANUAL



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**POMS**

- 1 • Review current organization policies
- 2 • Create an outline - equal employment opportunity statement, statement about at-will employment, handbook's purpose, background information
- 3 • Summarize versions of each update policy and procedure
- 4 • Add each summary in the appropriate place after the outline, and assign team to review
- 5 • Submit the final version to legal council for review
- 6 • Select a means of publication
- 7 • Distribute handbook to all covered employees
- 8 • Establish a system for periodic review and updating

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**POMS ASSESSING YOUR EMPLOYMENT POLICIES**

- Do the policies comply with the current laws (statutes, regulations and case law)?
- Have any policies interfered with company operations?
- Have any of the policies affected employees' productivity or morale?
- Have any of the policies generated lawsuits or charges of discrimination?
- Have the policies been consistently applied?
- Are there policies that need to be added to the Manual, or that should be deleted?




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**POMS ASSESSING YOUR EMPLOYMENT POLICIES**

**Get input before writing policies**


- Legal and/or professional guidance on changes or additions needed to update policy manual
- Hold a meeting - feedback and suggestions from managers, supervisors and leads
- Union considerations
- Review HR Issues of concern, past issues
- Feedback from employees regarding questions or concerns



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**POMS ALIGN POLICIES WITH OTHER DOCUMENTS**

- An Employment Policy Manual is only one document in an entire set of employment documents that a company needs.
- All of these documents are interrelated and contradictions between one document and another document can cause problems in the event of employment charges or litigation.



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**POMS ALIGN POLICIES WITH OTHER DOCUMENTS**

- An Employment Policy Manual is particularly interrelated with other employment documents because it is a summary of most of the information related to a company's employment practices and policies.
- Very few companies review their Employment Policy Manuals in the context of their other employment documents.
- A related problem is revising one document and not reviewing/revising other documents that are affected by the change in the first document.



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**POMS DISTRIBUTION OF MANUAL: EDUCATE EMPLOYEES**

- **Communication of policies** to employees is key, both at hire, and whenever you issue changes
  - Review key policies
  - Opportunity for employee to ask questions
  - Get signed document acknowledging receipt, etc.
  - Collect and Storing Employee Acknowledgment Forms
- **Training**
  - Human Resources Personnel
  - Managers, Supervisors, Leads - affirmative legal duty to uphold and enforce policies
  - Employee Training - Review key provisions, questions
    - Explain the steps that were taken and why.
  - Re-educate employees when changes in policy occur
  - Take prompt action when policies are misused - Accountability, consistency

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**POMS MANAGEMENT / LEGAL REVIEW & FEEDBACK**

- Have key management employees and supervisors review policies to ensure understanding
- Review by the employment attorney who will be defending you if an employment practices claim or charge is filed.
- Re-draft based on feedback, prior to publishing.



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**POMS DISTRIBUTION OF MANUAL: EDUCATE EMPLOYEES**

- Get signed document acknowledging receipt, etc.
- Collect and Storing Employee Acknowledgment Forms

_____	I acknowledge that I have been encouraged to read and familiarize myself with the contents of this Policy Manual, and that I accept the terms of these employment policies, procedures, Manual, and work rules as a condition of my employment.
_____	I acknowledge that these policies in this Employment Policy Manual have been reviewed with me, and that I have had an opportunity to ask questions about all the policies.
_____	I understand that nothing in this Policy Manual constitutes an employment contract or agreement to maintain any current level of employment or other benefit, and that it does not create a promise of future employment, benefits, or a binding contract for any purpose.
_____	I understand that nothing in this Policy Manual is meant to, nor should it be interpreted to, in any way limit my rights under any applicable federal, state, or local laws, including my rights under the National Labor Relations Act to engage in protected concerted activities with other employees to improve terms and conditions of employment, such as wages and benefits.
_____	I fully understand that as a condition of my continued employment with LCDN, my responsibility to comply with, uphold, and observe these and future revisions to all of LCDN's policies, procedures, Manual, and work rules, including those specific to my department and work area.

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### KEY ELEMENTS OF A POLICY

- Don't commit to a policy that can't be enforced
  - No fault attendance policy
  - Strict progressive discipline policies
  - No personal cell phone use during working hours
- Avoid Rigidity
  - Listing prohibited conduct
  - Personal appearance policies
  - Personal/romantic relationships
- Avoid language which unduly limits management discretion
- Don't write a policy for every little thing - remember, policies are for the many, not for the one.

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### SUPERVISOR & MANAGER TRAINING

- It is vital to train managers, supervisors, and leads on the policy manual
  - The affirmative legal duty to enforce policy as written
- To Avoid legal problems, the company must enforce provisions as written, unless management provides different instructions
- Managers, supervisors, and leads should refer all benefits and leave issues to Human Resources - (e.g., ADAAA, FMLA)
- Supervisors fully put on notice of obligations
- Supervisors develop a better understanding of purpose of company's policies
  - Also provides opportunity to provide input

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### TRACKING CHANGES, UPDATES, ADDITIONS


- Develop a plan for active maintenance and review
- Solicit, and encourage users to provide feedback, and be prepared to make revisions as needed
- Archive changes and date new releases with an "Effective Date"
- Once adopted your policies must be followed & enforced by supervisors - check with them regularly
- Remember - you can change your mind and change your policy!
- Make it simple to update and keep it updated
- Track updates clearly and consistently
- Don't just throw it on the shelf
- Remember it is a "living" document subject to legislative rulings, industry norms, technological advancements, and changes in your organization
- Measure outcomes by monitoring or testing - Why have a policy that nobody follows?

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### TAKEAWAYS


- Staying Up to date is hard
- Consider an official employment policy manual, and a shorter "Reader's Digest" version for your employment policy manual for distribution.
- Take a 30,000 foot view - don't make a policy for an individual.
- Make widely available & understandable
- Consider how an employee might use a handbook when crafting
- Keep compliant by reviewing laws & your obligations
- Consider your handbook a retention tool
- Embracing them as a culture signal helps further your culture
- Draft in the organization's voice
- Share with employees
- Train managers, supervisors, and leads

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 **QUESTIONS**


- This is the chance to address issues that may not have been covered to your satisfaction; or
  - To expand a point; or
  - To clarify a point.
- If there are any further questions which we were not able to get to today, please feel free to contact the instructors.

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 **POMS**

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