

# It's time to modernize your employee handbook with this simple checklist



## EMPLOYEE HANDBOOK CHECKLIST

- AT-WILL EMPLOYMENT
- SOCIAL MEDIA
- WORKING FROM HOME
- INCLEMENT WEATHER
- HEALTH AND SAFETY
- SEXUAL ORIENTATION AND GENDER IDENTITY
- DRESS CODES

You must modernize your employee handbook to keep ahead of potential legal issues. Using the same employee handbook year after year without much thought leads to missing and outdated material. This can cause confusion among employees about policies and standards. Without timely and clear information for all to reference, organizations become vulnerable to employee claims that they “were never told” certain things. And failure to present answers to questions commonly asked by staff members taxes already busy human resource departments with unnecessary inquiries.

If modernizing your employee handbook is on the agenda for 2021 (and it should be), let this checklist serve as food-for-thought about possible improvements. Consulting legal counsel for input and final review is

recommended.

## **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 repercussions, such as forfeiting the possibility of future employment with the organization.

## **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 that 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.

## **Working from home**

- 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 supplementary handbook material may prove useful when presenting work-from-home policies during the COVID-19 pandemic.

## **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?

## **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?
- In regards to COVID-19, 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.

## **Sexual orientation and gender identity**

- 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?

## **Dress codes**

- 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?
- 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 handbook encourage workers with questions regarding appearance standards to consult with HR?

## **Keep these in mind as you modernize your employee handbook**

As you revise, make sure you make disclaimers early and often throughout the text. Employees need to be aware that the handbook is not a contract. Your organization must retain the right to make changes as seen fit and as laws change.

In regards to this last point, realize that the new year quickly brings with it a new presidential administration. Be alert to workplace and employment policy changes that are bound to arise with this switch and how they affect what's in your handbook.

Be certain to pay attention to legislation at the state and local levels, too. Businesses operating at multiple sites may find important variations between locations.

**Additional Resource:** When updating your employee handbook, consider these [9 crucial COVID additions to make to your handbook](#).