

Employment Law Corner

Monthly Report



FOLEY & FOLEY^{PC}
ATTORNEYS AT LAW

December 2023

December Updates

[Retaliation Nation: How to Manage It](#)

[Return to Work, Mental Health and the ADA](#)

[It's Opening Day for EEO-1 Reporting!](#)

Top 10 Handbook Updates for 2024

It's the most wonderful time of the year---our Top 10 list! This year brought surprises from the NLRB and federal and state law changes. We draft and update hundreds of handbooks year after year, which means we keep on top of state, federal and even local compliance issues. No matter your industry or the size or type of your organization, we can create a clear, complete handbook tailored to your workplace. Without further ado, the Top 10:

State Laws: The ongoing developments and changes in state laws and regulations impact what revisions must be made to remain compliant. The volume and speed of these changes to the law can be overwhelming for employers both large and small, but we are here to help!

10. Sick Leave. Updating PTO and Sick Leave policies to remain compliant with state law.
9. Family and Medical Leave. Update state supplements, handbook statements, and policies to reflect new or revised state family and medical leave.

Equal Employment

8. Sexual Harassment. Complaint procedures should be properly referenced and updated to reflect the reporting structure of the company. Policies should be updated to reflect any remote work environment offered. The reporting procedure should be included in the Acknowledgement and Receipt for the Handbook.
7. Religious Accommodations. All employers should add or revise a Religious Accommodation Handbook statement based on the recent Supreme Court ruling in *Groff v. DeJoy*.
6. Anti-Discrimination & Anti-Harassment. Many states have updated and revised their definitions of discrimination and harassment by adding protected characteristics.
5. Pregnancy and Childbirth Accommodations. The Pregnant Workers Fairness Act came into effect in the summer of 2023. All employers with 15 or more employees must provide accommodations for pregnancy, childbirth and related medical conditions under federal

law. Employers should ensure they have an appropriate policy to reflect this requirement.

National Labor Relations Act: Recent rulings by the National Labor Relations Board impact what language must be included in workplace policies. Language should be updated to avoid prohibiting conduct protected under Section 7 of the National Labor Relations Act.

4. Conflicts of Interest. Policies or Handbook statements on conflicts of interest and outside employment must be appropriately updated. Non-solicitation & distribution of literature policies or Handbook statements must be updated to add a definition of “working time.”
3. Standards of Conduct. Policies on employee conduct, anti-violence, social media usage, and cell-phone usage should be properly updated to reflect the National Labor Relations Board ruling.
2. Acknowledgement and Receipt. The acknowledgement and receipt should include disclaimers regarding Section 7 of the National Labor Relations Act.

Best Practices

1. It’s Almost 2024. If you have not had your Handbook reviewed in three years, then it is dated, and may have non-compliant language and policies. A full Handbook review will ensure your Handbook is both compliant and in line with best practice.

We can help! We create and update hundreds of handbooks each year. Our **handbook service** is client-friendly to use and purchase. We address the latest compliance obligations so you can get back to business.

Contact us! We can help!

Meet Julia Pomella-Griggs

Julia has experience on a wide range of employment matters in the public, private, and nonprofit sectors. Julia’s experience includes counseling clients, drafting and analyzing policies, managing workplace misconduct, and conducting trainings.

For more info, check out her bio [here!](#)



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