

## Updating the Employee Handbook

When you're at the forefront of your company, it can be simple to forget about the basic foundations of your business. For example, when was the last time you read your own company's employee handbook? Or better yet, do you even have an employee handbook? One of the easiest ways to limit employment discrimination liability is to have an employee handbook that is lawful, up to date, and strictly enforced without exception.

An out of date employee handbook, or the failure to have one at all, could cost your company millions in the event of litigation. While your manual shouldn't be filled with legalese because you want your managers and employees to read and understand it, there are some specific legal areas you should ensure are up to date with new regulations that took effect since Jan. 1, including the following:

### Discrimination and anti-harassment policies

One of the more crucial sections of your employee handbook is the one pertaining to employment discrimination and Equal Employment Opportunity regulations. There were several significant changes to employment discrimination law that went into effect in 2009, including a major legislative update to the Americans with Disabilities Act. Well-drafted procedures for handling employee complaints go a long way when it comes to limiting employer liability in these areas.

### Employee leave policies

New regulations for the Family and Medical Leave Act went into effect in 2009, including some noteworthy expansions to the leave allotted to the family of military personnel. Your handbook should outline the eligibility requirements for leave, the procedure for requesting leave, and specific guidelines for when employees return to work.

### Technology policies

It wasn't too long ago that cell phones were triple the size they are now and the likelihood of all your employees having access to office e-mail 24 hours a day was unheard of. This isn't the case these days. If you monitor employee internet and email access, it should be noted in your employee manual that this extends to their mobile device, especially if it's part of your payroll. You may also want to consider a provision regarding your ability to monitor text messaging on company-owned phones.

Lastly, I highly recommend that you write a handbook crafted for your business and your business alone. Do not download a "one-size fits all" manual for your company from the Internet. Also, don't rely on another company's standards regarding new legislation. While it may seem like a ready-made handbook includes everything, it won't be tailored to your company's unique issues.

Consult with an attorney to ensure the right provisions are inserted for your business and your policies and procedures are completely up to date. Make it an annual project in line with your company's anniversary if need be. A manual from 1982 isn't going to help your employees, or your legal liability, in the present day. I can assure you that the ounce of prevention that you

engage in now will prevent you from a pound of medicine in later litigation costs.