



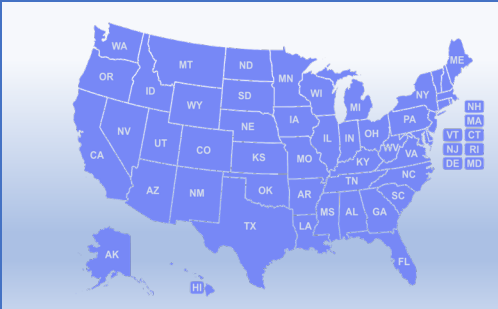
Trending Employment Policies

July 14, 2022

* Although we will be providing legal information during this webinar, we will not be providing legal advice.

AGENDA

Top Legal Employment Trends



Weapons in the Workplace

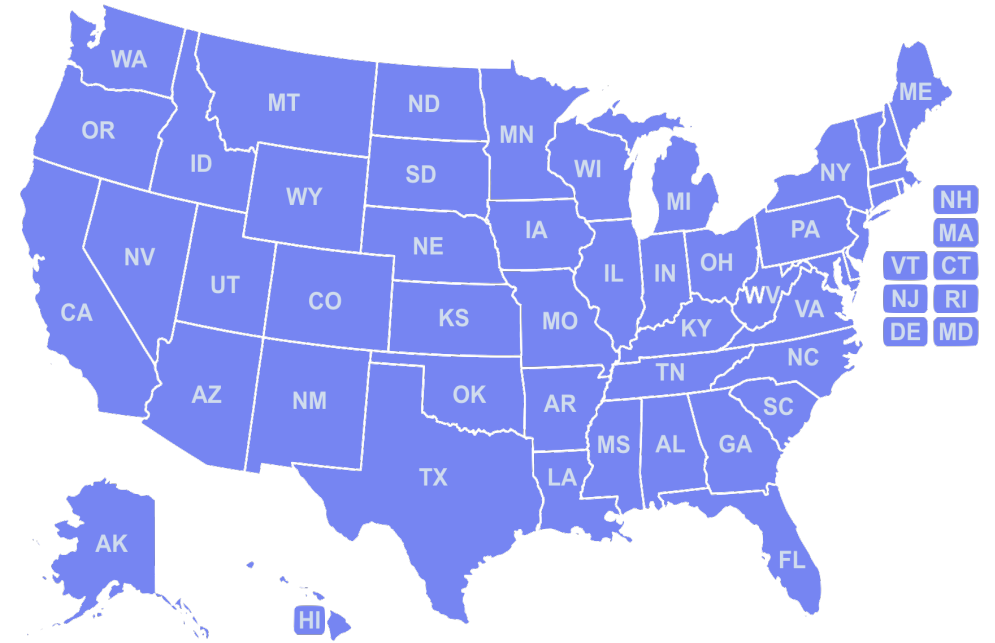


Commonly Asked Employee Handbook Questions



Expanding Protected Characteristics

- Federal Standard set by the Civil Rights Act of 1964 and expanded upon by later laws
- States can have overlapping and additional characteristics
- Maine and Tennessee both expanded race to include “protected hairstyles” joining 15 other states



Arbitration Policies

- Ending Forced Arbitration of Sexual Assault and Sexual Harassment Act of 2021
- Arbitration Agreements should not be kept in an Employee Handbook
- Arbitration Policies can reference individual agreements



Sexual Harassment Training

- Mandatory Training requirements in Connecticut, Delaware, Illinois, Maine, New York, and Washington
- General Employees v Supervisors/Managers & other training considerations
- Chicago now requires annual training for all employees, regardless of company size.

New Sick Leave Laws and Uses

- New Mexico's Paid Sick Leave Law effective July 1, 2022.
- Colorado's Paid Sick Leave Law effective January 1, 2022.
- Temporary COVID leave becoming permanent rules (OR & WA).
- Sick Leave use for high temperature or unsafe air quality (Oregon).



Importance of Workplace Safety



- The OSH Act requires employers to provide a safe work environment.
 - Employers may receive citations from OSHA for violations of this general duty.
- Workers' Compensation
 - Employees injured at work can be entitled to workers' compensation benefits—even if the injury is a result of gun-related incidents.
- State laws may permit negligence claims be brought against employers by victims of gun violence in the workplace.
- Vicarious liability
 - Depending on the facts of the case, employers could be held liable for the acts of their employees.

State Workplace Gun Laws

- 35 states have addressed firearms in the workplace.
- 24 have parking lot laws.
- Others have parking lot laws in the works or have previously tried to implement them.

UT

State Law: Utah Code Ann. § 34-45-103

Description: Employers must permit storage of firearms if (1) it is legally owned, (2) it is locked in or to the vehicle, and (3) it is not in plain view.

ID

State Law: Idaho Code § 5-341

Description: Employers who maintain a policy permitting employees to store firearms in their vehicles are given immunity from suit for civil damages.

Parking Lot Laws

Common Requirements

Personal Vehicle

Firearms must be in cars owned by the individual employee.

Locked

Firearm must be locked in the vehicle.

Out of Sight

Firearms must not be visible from outside the vehicle.

Legal Possession

Employee storing firearms in their vehicle must be legally permitted to possess them.

Notice

- Posted
 - MO: 11" x 14", 1" letters
- Provided in a handbook
- Verbally Communicated





Other Weapons



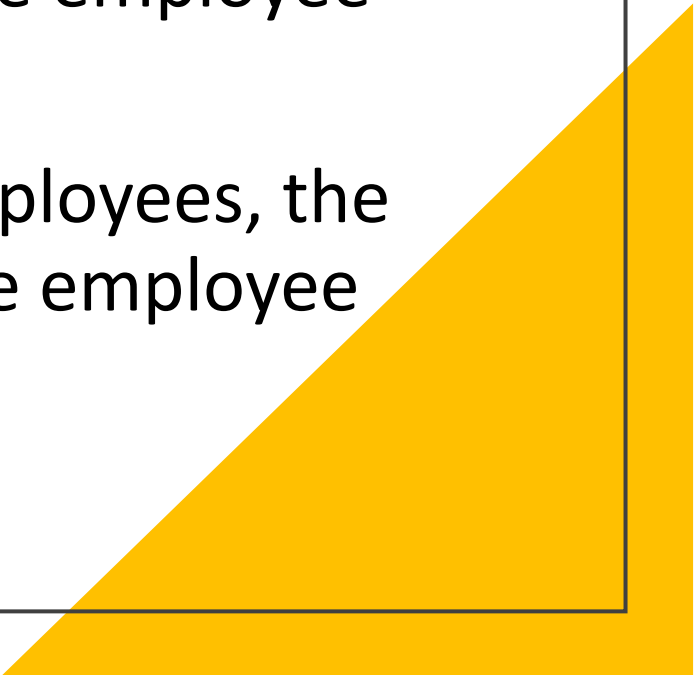


Defensive Weapons

- Pepper Spray
- Batons
- Safety Whistles
- Stun Guns
- Defensive Flashlights
- Personal Safety Alarms



Governing Law

- Place where the employee works
 - For remote employees, the state where the employee lives
- 

When to Update a Handbook



Legal Changes



New Employment Landscape



Changed Operations



Unanswered Questions

Purpose of Handbook

- Employee Resource
- Set Expectations
- Meet Legal Needs
- Strengthen Company Culture

Best Practices to Update Handbook

- Comply with Notice Requirements
- Ensure leadership and Managers are Informed
- Communicate the Changes
- Obtain an Acknowledgment



When to Obtain New Acknowledgment

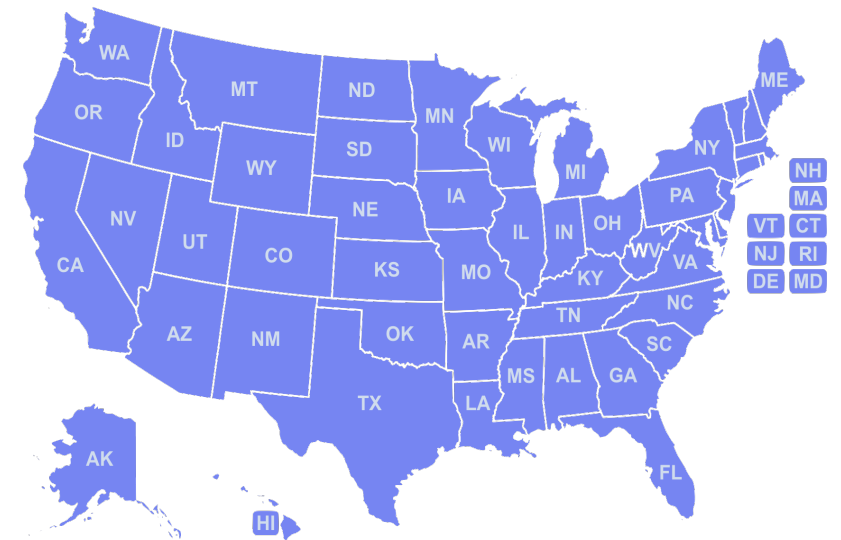
- Material Changes
- Many Minor Changes
- Significant Time Since Last Acknowledgment

Disclaimers to Include

- The handbook:
 - Does not create not a contract.
 - Is not all inclusive.
 - Does not alter "at-will" employment
 - Supersedes any previous handbook or unwritten policies.
 - Can only be changed in writing.
 - Can be changed by the company at any time.

Considerations When Moving to a New State

- Meal and Rest Breaks
- Sick Leave
- Family and Medical Leave
- Parental Leave
- Other Leave (witness duty, school leave)
- Pay frequency requirements
- COVID policies
- Labor posters
- Employment notices



Different States = Different Requirements

Utah

Required State Policies

- Immigration Law Compliance (15 Employees)
- Outside Employment Policy
- Meal and Rest Breaks
- Military Service Leave (state-specific)
- Jury Duty Leave (state-specific)
- Voting Leave
- Witness Duty Leave

Nevada

Required State Policies

- Meal and Rest Breaks
- Paid Time Off
- Paid Sick Leave (50 Employees)
- Domestic Violence Leave
- Jury Duty Leave (state-specific)
- Voting Leave
- Witness Duty Leave
- Emergency Worker Leave (10 Employees)
- School Visitation Leave (50 Employees)

California

Required State Policies

- FMLA (state-specific) (5 Employees)
- Meal and Rest Breaks
- Health and Safety Policy
- Lactation Accommodation
- Outside Employment Policy
- Paid Time Off
- Paid Sick Leave (including separate policies for Berkeley, Emeryville, Los Angeles, Oakland, San Diego, San Francisco, and Santa Monica)
- Pregnancy Leave (5 Employees)
- Organ, Bone Marrow, and Blood Donor Leave (15 Employees)
- Domestic Violence Leave (25 Employees)
- Crime Victim Leave
- Military Service Leave (state-specific)
- Jury Duty Leave (state-specific)
- Voting Leave
- Witness Duty Leave
- Civil Service and Air Patrol Leave (15 Employees, 50 Employees)
- School Activity Leave (50 Employees)
- School Appearance Leave

Posting Required Signage

- Companies with an entirely remote workforce may satisfy posting obligations using electronic-only means if:
 - All employees exclusively work remotely,
 - Employees customarily receive information from the company via electronic means, and
 - Employees always have readily available access to the posting.

Employee Handbook Formats

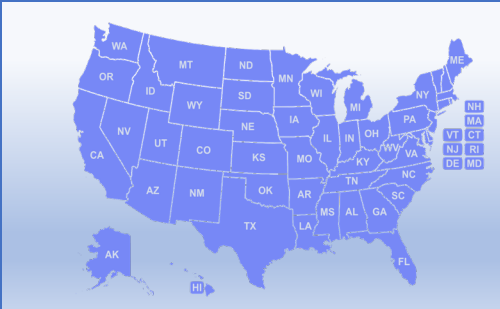


- Universal: One handbook with all employees governed by one set of policies
- State-specific: One handbook with employees governed by separate state-specific policies included in the body of the handbook
- Addenda: One handbook with policies from one or two main states and addenda for other states
- Multiple: Separate handbooks for each state

SixFifty Solutions

sixfifty.com/products/hr/

50 State Hiring Kit



50 State Employment Agreements



50 State Employee Handbook



Questions and Answers

www.SixFifty.com