



**HR***telligence*

**2024 Best Practices -  
Handbooks and  
Policies**

Presented by  
Karen Lynch, Esq.

The materials presented during this webinar are for informational purposes only and are not intended to constitute legal advice. Participants in this webinar should contact their attorney to obtain advice with respect to any particular legal matter. Participation in this webinar does not create an attorney-client relationship between HRtelligence and the participant. All liability with respect to actions taken or not taken based on the contents of this webinar are hereby expressly disclaimed.





## Karen Lynch, Esq.

CONTRIBUTING WRITER

Karen specializes in developing and presenting labor and employment content aimed at providing practical guidance for employers. As a practicing labor and employment attorney and counselor, she has a vast working knowledge and in-depth experience in ensuring that employers are in compliance with the most current laws and counsels employers on various federal, state and local legal issues. She draws from this background to develop sharp, up-to-date content for HRtelligence.

Karen received a B.A. from New York University and a J.D. from Hofstra University School of Law. Prior to joining Ali Law Group, she was a Deputy County Attorney for Nassau County, representing local government and its officials in employment and civil rights claims in Federal and State court.

631-423-3440 | [karen.lynch@alilawgroup.com](mailto:karen.lynch@alilawgroup.com)



# Overview

## **Intro/Setting the Stage**

- Importance of a Well-Drafted Employee Handbook
- Why Companies Need Employee Handbooks and Policies
  - Key to Good Employee Relations
  - Evolving Legal Updates
  - Minimizing Risk

## **Key Components of the Handbook and What Policies Should Be Included**

- What to Include/Not to Include
- “Must-Have” Policies

## **Recent Updates**

## **Updates for 2024**

## **Key Considerations When Drafting or Revising Employee Handbooks**

## **HRtelligence TIPS**





**Intro/  
Setting the Stage**

# The Importance of a Well-Drafted Employee Handbook

- In New York, a properly drafted handbook complies with an employer's notice requirements under state and federal law, reduces the risk of employer liability, and places employees on notice of their rights and responsibilities to the employer.
- A well-drafted employee handbook reaffirms the nature of the employment relationship and states the terms and conditions of employment.
- Employee Handbooks are your front line of defense! Employee handbooks that are well-drafted, current, and legally proper are an aid for employers in defending against claims of discrimination, harassment, breach of contract, wrongful termination, and other employment law claims.
- Well drafted Employee Handbooks will serve as the “backbone” for your HR Compliance, setting forth policies that will apply in many employee situations, such as accommodation requests, performance reviews, etc.
- Legal advice is crucial to determine how your handbook policies interact with other HR processes.

# Why Companies Need Employee Handbooks/Policies

## 1. Key to Good Employee Relations

- Employee handbooks provide a uniform and convenient means to provide employees with information about the terms and conditions of their employment in one place.
- When well drafted, they clarify any ambiguity with respect to these terms and conditions so employees are on notice of the nature of their relationship with the employer and the employer's expectations.
- Handbooks also provide the guidelines for fair and consistent employee treatment and serve as a reference for supervisors and managers when their subordinates have questions about the terms and conditions of their employment.

# Why Companies Need Employee Handbooks/Policies (Cont.)

## 2. Evolving Legal Updates

- The handbook reflects the latest labor laws and social norms.
- The handbook outlines recent legal updates



# Why Companies Need Employee Handbooks/Policies (Cont.)

## 3. Minimizing Risk

- Employee Handbooks are the number one most important tool that an employer can have to protect itself from future liability and in ensuring compliance with the law. When drafting a handbook, employers should look at all of the components of their business.
- From a legal perspective, employee handbooks often are the first piece of evidence an employer uses to defend itself against claims of discrimination, harassment, breach of contract, wrongful termination, and other allegations by employees.
- The handbook can substantiate the employer's commitment to lawful employment practices and corroborate the employer's position that it treated a particular employee in accordance with its neutral procedures.



**Key Components  
of the Handbook  
and What Policies  
Should Be Included**

# What to Include/Not to Include

## 1. What Should Be Included in the Handbook?

- User-friendly language and a reasonable length.
- Policies regarding applicable federal, state, or local employment laws.
- Operational policies.
- Benefits.
- General standards that are applicable to the employer.
- General disclaimer that notifies employees and managers that this handbook supersedes all prior handbooks and that the policies are subject to change with or without notice.
- Employee review and acknowledgment.


## What to Include/Not to Include (Cont.)

### 2. What Should NOT Be Included in the Handbook?

- Do not use a template without tailoring it to your specific company and needs. A handbook drafted by AI or a PEO will not accurately reflect your Company's specific policies.
- Do not use a one size fits all handbook if different groups of employees or departments require different work rules.
- Do not use legalese.
- Do not include job descriptions or worker classifications so that you will not need to update the entire handbook each time one of these changes. It is a best practice to outline these in a separate file.
- Do not use language that overpromises or makes too many guarantees on the employer's part (i.e., instead of stating "will" state "will make every effort to.")
- Do not include policies that may infringe upon the National Labor Relations Act (NLRA).

## Must Have Policies

1. Equal Employment Opportunity/Non-Discrimination
2. Anti-Harassment
3. Anti-Retaliation (including whistleblower protection)
4. Sexual Harassment Prevention Policy
5. Complaint Procedure
6. Disability and Reasonable Accommodation
7. Lactation Accommodation
8. Workplace Violence
9. Pay Practices
10. Pay Transparency Policy
11. Paid Time Off and Leaves of Absence (including sick leave)
12. Hours of Work and Attendance
13. Meal and Rest Breaks
14. Standards of Conduct
15. Non-disclosure/Confidentiality
16. Communications – Email, Social Media, Internet, Phone
17. Drug and Alcohol Testing (if applicable)
18. Retirement Savings Plan (10 employees or more)
19. Airborne Infectious Disease Exposure Prevention Plan
20. Employee Handbook Acknowledgement



**Recent  
Updates**

## Recent Updates

- Electronic Copies of Mandatory Workplace Postings
- New York Paid Family Leave
- Protected Absences
- New York Paid Vaccination Leave Extended
- Amendments to Working Mothers in the Workplace Act
- Pregnant Workers Fairness Act
- Accommodations
- New York Pay Transparency Law
- New York City Pay Transparency Law
- New York Sexual Harassment Prevention Policy Updates
- Restrictions on Confidentiality Provisions Included in Agreements Resolving Claims of Unlawful Discrimination, Harassment or Retaliation
- Notice of Unemployment Benefits at Separation
- NLRB Standard for Workplace Rules/Policies
- Prohibition on Discrimination on the Basis of Height and Weight (NYC)



**Updates  
for 2024**



# Updates for 2024

Some new laws and regulations to note for employee handbooks in 2024 are:

- New York Paid Family Leave Changes
- New York Paid Vaccination Leave No Longer in Effect
- Social Media Protections for Employees & Applicants
- New York Freelance Isn't Free Act
- New York Clean Slate Act
- Workers' Bill of Rights (NYC)



**Key Considerations  
When Drafting  
or Revising  
Employee Handbooks**

# Key Considerations

- A handbook is a living document that must be consistently maintained to ensure it reinforces your business practices and that your policies are up to date with the latest federal, state and local laws.
- The Employee Handbook creates a framework to guide management and leadership and lays out workplace policies and procedures.
- Managers should be trained on these policies and processes to ensure proper implementation and how to address problems and complaints.
- Distribute the employee handbook to employees at new hire orientations and annual company training and email remote employees (if applicable).
- With an up-to-date, comprehensive handbook, employees always know what is expected of them and how they can contribute to the business.

## Key Considerations (Cont.)

- A lack of clarity about policies or uneven enforcement of policies and procedures may lead to perceptions of unfairness or allegations of discrimination. Clear policies and equitable implementation help ensure everyone is treated with respect in a non-harassing, non-discriminatory way.
- Review the employee handbook regularly to ensure that the policies and procedures are being followed and align with company practices. The employee handbook should be updated as necessary, with updates promptly communicated to employees. This should be done at least every year.



**HRtelligence TIPS**

# HRtelligence TIPS

- Identify required policies based on size and location of business, classification of workers and industry.
- Do not rely on a template document that is not tailored to your Company's needs.
- Know what policies should NOT be included.
- Draft policies that support the company's culture and values.
- Avoid confusing terminology.
- Keep a copy of the employee handbook readily available to all employees.
- Retain employee acknowledgments in their personnel files.
- Promptly communicate updates to employees and provide addendums with receipt of acknowledgement for any updates.
- Update Employee Handbook yearly to incorporate recent updates.



## 2023 Year in Review E-book

The start of the year is the optimal time to plan your HR strategy for the year. This is a great chance to familiarize yourself with upcoming labor and employment legal updates and HR trends and begin the planning process.

To help you, we are excited to feature our newest offering for purchase at \$395, **the 2023 Year in Review E-book.**

This digital download contains the supporting materials for all of our 2023 webinars, which covered over 20 topics.

*Our E-book is free for HRtelligence members that had signed up in 2023 (those members will receive a code for a free digital download). New HRtelligence members for 2024 will receive a \$200 discount code for the e-book.*



# HRtelligence Membership

Just as a reminder, membership with HRtelligence offers access to a full library of curated content developed by Labor and Employment Attorneys with the purpose of helping you making intelligent and informed HR decisions. We have a robust calendar of topics outlined for 2024

View the calendar on our website's **Upcoming** page.

Note we provide HRCI credit for most topics. We will add hot topics and guest speakers throughout the year as well.

Membership is on a monthly (\$99 per month) or annual (\$999 for the year) basis.

Join at: [hrtelligence.com/become-a-member/](https://hrtelligence.com/become-a-member/)

The graphic is a grid titled "2024 Webinar Calendar" with the HRtelligence logo at the top left. It lists topics for each month from January to December. Each month has a blue header bar with the month name. The topics are listed in a clean, sans-serif font. A QR code is located in the bottom right corner of the calendar grid.

2024 Webinar Calendar		
<b>JANUARY</b> <b>LEGAL OUTLOOK 2024</b> Preparing for 2024: What Employers Need to Know 2024 Best Practices: Handbook and Policies	<b>FEBRUARY</b> <b>HIRING &amp; ONBOARDING</b> Hiring and Documentation Requirements and Legal Compliance Onboarding Strategies for Success	<b>MARCH</b> <b>WAGE AND HOUR</b> Top Trends in Wage and Hour and How They Affect Your Business Legal Requirements and Recent Developments
<b>APRIL</b> <b>RESTRICTIVE COVENANTS</b> Legal Trends and Updates on Restrictive Covenants Are Your Confidentiality, Non-solicitation, Non-compete Agreements Enforceable & Up to Date?	<b>MAY</b> <b>TECHNOLOGY IN THE WORKPLACE</b> Technology and Cybersecurity in the Workplace: Legal Compliance Strategies for Managing Technology in the Workplace	<b>JUNE</b> <b>NLRB/NLRA</b> An Overview of Recent NLRB Decisions and How They Impact your Business Labor Briefing: Strategies Related to Monitoring Employees, Privacy, and Communications/Social Media
<b>JULY</b> <b>DRUGS/ALCOHOL/ SUBSTANCE ABUSE</b> Substance Abuse Awareness in the Workplace Drug and Alcohol Abuse in the Workplace: Key Updates	<b>AUGUST</b> <b>DISCRIMINATION &amp; DEI</b> EEO/Disrimination: Legal Overview How Effective Performance Management and Job Descriptions Can Mitigate Risks	<b>SEPTEMBER</b> <b>FEDERAL STATUTORY UPDATES</b> OSHA Updates: What Employers Need to Know to Ensure Workplace Safety ERISA Litigation Update
<b>OCTOBER</b> <b>LEGAL RISK RELATED TO TERMINATIONS</b> Best Practices for Legally Compliant Termination Procedures Reductions in Force/ Layoffs/Reduced Hours What Employers Need to Know	<b>NOVEMBER</b> <b>ACCOMMODATIONS IN THE WORKPLACE</b> Understanding Reasonable Accommodations in the Workplace Workplace Management of Pregnancy Leave, Family Leave and Requirements for Nursing Mothers	<b>DECEMBER</b> <b>YEAR-END REVIEW</b> Year End Review and Supreme Court Update  Use this QR code for a full list of events and to register for our webinars.





[HRTelligence.com/subscribe](https://HRTelligence.com/subscribe)

Get Actionable  
Information You Can Use  
HRTelligence is a platform with

**TRENDS**

**INSIGHTS**

**PRACTICAL  
GUIDANCE &**

**STRATEGIES**

Developed by labor and employment attorneys  
for HR professionals, legal and C-level executives.



© 2023 HRTelligence. All Rights Reserved

