

# 13 Must-Have Policies for Today's Workplace (with Tips for Keeping Them Legal)

Presented by



Shanna Wall, Esq.  
Compliance Attorney



# What We Will Cover

- Why policies matter
- 6 “essential” policies for all employers
- 7 “trending” policies for today’s workforce

# Why Do Policies Matter?

- Employee Expectations
  - Set expectations
  - Avoid repeated questions
  - Ensure all employees are treated equally and fairly

# Why Do Policies Matter? (cont'd)

- Legality of Policies
  - Maintain compliance both federal and state
  - Avoid expensive lawsuits
  - Multi-state companies



# 6 Essential Policies for All Employers

## Policy #1: Attendance & PTO

- Employee expectations for attendance
  - Hours of work; start and finish times
- PTO: Paid Time Off
  - Vacations, personal days, sick days, etc.
  - How it accrues
  - Process for requesting time off

# 6 Essential Policies for All Employers

## Policy #2: Time & Pay/Salary Deductions Policy

- Payday
- Timekeeping
- Breaks
- Overtime approvals
- Improper deductions
- “Safe harbor” policy



# 6 Essential Policies for All Employers

## Policy #3: Discrimination/Harassment & EEO Policy

- Informs employees of right to be free from workplace discrimination, harassment and retaliation
- Federal and state-specific protected classes for both EEO and harassment
- Compliance with federal anti-discrimination laws



# 6 Essential Policies for All Employers

## Policy #3: Discrimination/Harassment & EEO Policy (cont'd)

What to include in a discrimination/harassment policy:

- Protected classes
- Examples of discrimination/harassment
- Procedure for filing complaint
- Two designated points of contact
- No retaliation
- Zero tolerance
- Disciplinary measures



# 6 Essential Policies for All Employers

## Policy #3: Discrimination/Harassment & EEO Policy (cont'd)

What to include in an EEO Policy:

- Protected classes
- Examples of prohibited employment-related activities
  - Hiring
  - Firing
  - Promotion, etc.
- Disciplinary measures

# 6 Essential Policies for All Employers

## Policy #4: Rules of Conduct

- A Rules of Conduct Policy should include:
  - Purpose of the policy
  - Examples of poor job performance
  - Examples of misconduct
  - Disciplinary measures that may result from a policy violation

# 6 Essential Policies for All Employers

## Policy #5: ADA Policy

- ADA - Americans with Disabilities Act
- Compliance with federal laws ADA and ADAAA
- 15 or more employees
- Reasonable accommodation

# 6 Essential Policies for All Employers

## Policy #5: ADA Policy (cont'd)

What to include in an ADA Policy:

- Intent to comply with all applicable laws
- ADA definition of “disability”
- Recognition that some individuals may need reasonable accommodations
- Process for requesting a reasonable accommodation



# 6 Essential Policies for All Employers

## Policy #6: FMLA & Leaves of Absence Policy

- What is FMLA
  - Family and Medical Leave Act of 1993 is a federal law requiring covered employers to provide employees job-protected and unpaid leave for qualified medical and family reasons.
  - *Employers with 50 or more employees*
- Leaves of Absence
  - Bereavement leave
  - Military leave
  - Small necessity
- Check state and local laws

# 6 Essential Policies for All Employers

## Policy #6: FMLA & Leaves of Absence Policy (cont'd)

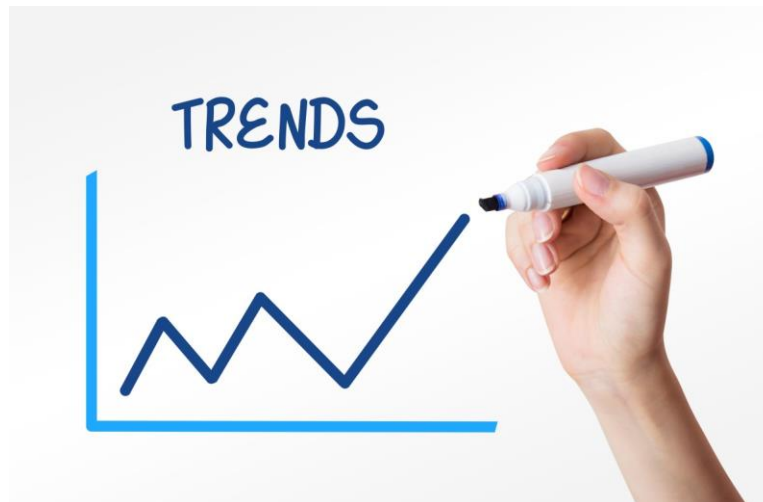
What to include in an FMLA Policy:

- Leave entitlements
- Benefits and protection
- Eligibility requirements
- How to request leave
- Employer responsibilities
- Enforcement



# 7 Trending Policies for Today's Workforce

What is currently trending in the modern workplace?



# 7 Trending Policies for Today's Workforce

## Policy #1: Updated Confidentiality Policy

- **Ask yourself:**
  - What in your business needs to remain confidential?
  - What parameters do you want to set?
  - What are the consequences for violating this policy?
- **Make sure to:**
  - Give specific examples of confidential material
  - List employee's obligations
  - Include any federal or state trade-secret laws that may apply



# 7 Trending Policies for Today's Workforce

## Policy #2: Remote Workers Policy

- **Ask yourself:**
  - Who is eligible for remote work?
  - Do you have any limitations on remote work?
  - How will you monitor your remote workers?
- **Make sure to:**
  - Comply with any applicable state laws
  - Have a specific time & pay policy for remote workers
  - Reserve your right to end ability to work remotely



# 7 Trending Policies for Today's Workforce

## Policy #3: BYOD Policy

- **Ask yourself:**
  - What personal devices do you allow your employees to use?
  - How will you monitor the personal devices?
  - What limitations or security features will you require?
- **Make sure to:**
  - Comply with any applicable privacy laws
  - Establish procedure for end of employment
  - Include risks and liabilities

# 7 Trending Policies for Today's Workforce

## Policy #4: Social Media Policy

- **Ask yourself:**
  - Do you need a policy for both business and personal use?
  - What guidelines need to be established?
  - What about use of social media while at work?
- **Make sure to:**
  - Consider NLRB rules
  - List specific confidential information that cannot be shared
  - List the disciplinary measures for policy violations

# 7 Trending Policies for Today's Workforce

## Policy #5: Severe Weather Policy

- **Ask yourself:**
  - What types of weather emergencies is your company susceptible to?
  - What procedures do you want in place in case of severe weather?
  - How will you communicate with your employees?
- **Make sure to:**
  - Clearly explain the procedure for employees to follow

# 7 Trending Policies for Today's Workforce

## Policy #6: Weapons Policy or Zero Tolerance for Workplace Violence

- **Ask yourself:**
  - What items will you consider weapons?
  - What conduct do you want to prohibit?
  - What disciplinary measures do you want in place?
- **Make sure to:**
  - Comply with state and local laws
    - Posting requirements
    - Privacy laws
    - Concealed carry
  - List specific examples of prohibited violent conduct



# 7 Trending Policies for Today's Workforce

## Policy #7: Drug and Alcohol Policy

- **Ask yourself:**
  - What substances you want to prohibit?
  - What testing procedures you want in place?
  - What disciplinary measures you want to take for policy violations?
- **Make sure to:**
  - Comply with federal, state and local laws
  - Consider ADA
  - Detail search and testing procedures



# Final Tips

- Be concise
- Use common language
- Avoid absolutes - give your company discretion
- Update frequently
- Check state and local laws
- Include at-will disclaimer\* and acknowledgment
- Get attorney approval before implementing

# Questions





# Easy Ways to Manage Workplace Policies (from ComplyRight)

- Essential Workplace Policies
  - One-off policies
  - Attorney written and approved
- Gradience Handbook Manager
  - Handbook Creator
  - Attorney-written and-approved policies
  - Both federal and state
  - Automatic updates



Visit [hrdirect.com](http://hrdirect.com) for more information.

