



Employment Law Alert

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Recent Legal Developments Require Review of Employee Handbooks

Many employers have employee handbooks that have been passed down through generations of management, or that were obtained through networking or an online search. These handbooks may be legal landmines waiting to explode in litigation. Employers should review their employee handbooks for legal compliance in light of two recent developments.

First, Paid Time Off (PTO) and sick leave policies of California employers need to be reviewed to comply with California's new paid sick leave law, which requires accruals of paid sick days to start on July 1, 2015 for most employees. Common problems in existing policies are waiting periods before PTO accrues, insufficient accrual of PTO, and provisions on use.

Second, the National Labor Relations Board has become increasingly critical of policies commonly found in many handbooks. The Board has aggressively policed workplace rules that may interfere with employee rights to engage in "concerted activity" regarding wages, hours and working conditions, which are protected by section 7 of the National Labor Relations Act. Even commonplace employer policies such as confidentiality, standards of conduct, professionalism, anti-harassment and others may now be unlawful or have an improper "chilling effect" on employee rights whether or not the company is unionized.

A thorough and careful review of handbook provisions with experienced counsel can avoid many legal problems in the future. For more information, contact Eric C. Sohlgren, Partner, ecs@paynefears.com, Matthew J. Cute, mjc@paynefears.com, or your Payne & Fears LLP employment attorney.

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