

New year, new rules

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By **Kristin Simpsen**

For many employers, the employee handbook sits up on a shelf gathering dust. Some may not even think about company policies until there is a problem, and then it may be too late. The upcoming new year is a perfect time to make a resolution to review and revise your employee handbook to take advantage of recent changes in the law and to protect against future litigation.



Some areas to consider in your revision include the following:

- Updating drug and alcohol policy. You should take advantage of the new, employer-friendly changes in Oklahoma law that went into effect on Nov. 1. A drug and alcohol policy is no longer required to list substances. Employers only need to give employees 10 days' advance notice before implementing new or changed drug testing policies. The act replaces the "reasonable suspicion" standard with a "reasonable belief" standard. The employer-sponsored employee assistance program requirement has been eliminated.
- Social media policy. Increasingly, your employees will use Facebook, Twitter, LinkedIn and other Internet social forums. Are your policies equipped to deal with issues that may arise?
- Updating anti-discrimination and harassment policies: Make sure your policy prohibits discrimination in health coverage and employment based on genetic information.
- Updating disability and accommodation policies: Recent amendments to the Americans with Disabilities Act substantially broaden the definition of disability. Make sure your policy emphasizes the accommodation process and lets employees know the company has procedures in place to discuss possible accommodations if a medical condition prevents them from performing their jobs.
- Updating Family and Medical Leave Act policy: Does your policy include the necessary language concerning coverage for military caregiver leave?
- Review of job descriptions and job statuses: The Department of Labor has stepped up enforcement efforts and now is the time to protect yourself. Make sure employees' job descriptions match their actual duties. If you are relying upon an exemption to the Fair Labor Standards Act, compare the job duties to the exemption to ensure you are still compliant.

Once you have made changes and revisions to your policy, train supervisors on them and distribute new handbooks to all employees. You should get a signed acknowledgment from your employees reflecting receipt of the changes.

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