

HR Brief

Human Resources tips brought to you by
Brown & Brown Benefit Advisors

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Employee Handbook Spring Cleaning

Now that benefits open enrollment is finished, you may want to consider dusting off your employee handbooks for an annual review. Regularly reviewing employment policies and procedures is becoming increasingly important as workplace legislation and regulations continue to change.

Here are some things to consider when reviewing your employee handbook:

- Make sure that internal company policies and procedures are in line with actual practice. A policy that is not consistently enforced as it is written can become problematic if your organization is ever faced with litigation.
- Ensure that policies on harassment, discrimination, leave, drugs and alcohol, sexual harassment and background checks are updated to reflect the most current federal and state laws.
- Review the language in the handbook to ensure that your organization maintains

flexibility in interpreting and applying policies. Wherever possible, use general language (such as “may,” “typically,” etc.) in place of more limiting language.

- Make sure that the handbook includes a clear statement that the employment relationship is not a contract but “at will” and may be terminated at any time with or without cause.
- Determine if there are any local or state-specific policies that must be added or updated, such as paid sick leave.
- Consider updating the format and tone of the handbook to be consistent with desired company culture.

The above are suggested starting points and not an all-inclusive list of things that you should consider. It is important for the handbook review to be a collaborative process that includes not only your human resources department, but also the managers and supervisors who are enforcing and interpreting the policies on a daily basis.

Lastly, it is highly recommended that you have legal counsel review your organization’s employee handbook. The National Labor Relations Board (NLRB) has recently claimed that many employer policies relating to employee conduct and social media are unlawful, which can result in terminated employees being reinstated and given back pay. Having an employment lawyer review the handbook can help your organization avoid costly litigation.

DID YOU KNOW?

Recent surveys show that employees are feeling more confident about their ability to make job changes, due to the improving economy. To help retain and attract top talent, now may be a good time for you to determine if your organization is offering a benefits package that is competitive. Conducting an employee benefits survey can help you discover what your employees really value.

When conducting a survey, participation is key. Make sure the purpose of the survey is clear, and create a strong communication strategy. Always share survey results with employees and follow up on how the feedback will be implemented. Contact Brown & Brown Benefit Advisors for assistance.

Final Rule—FMLA Protections for Same-sex Spouses

On Feb. 25, 2015, the Department of Labor (DOL) issued a final rule that expands protections under the federal Family and Medical Leave Act (FMLA) for same-sex spouses. This final rule, effective March 27, 2015, revises the definition of “spouse” under the FMLA to:

- Adopt a “place of celebration” rule, which is based on where the marriage was entered into, in place of the “state of residence” rule that applied under prior DOL guidance; and
- Expressly include same-sex marriages in addition to common-law marriages and encompasses same-sex marriages entered into abroad that could have been entered into in at least one U.S. state.

Under the final rule, eligible employees in legal same-sex marriages will be able to take FMLA leave to care for their spouses, regardless of where they live.

Employers should review and update their FMLA policies and procedures as necessary, and they should train employees who are involved in the leave management process on the expanded rules for same-sex spouses under the FMLA.