

2012 Employee Handbook Updates: Don't be left out in the cold, exposed

Most employees and employers believe that having a handbook is the law; however in the State of California there are no mandatory requirements for an employee handbook. In fact, we always suggest that it's better to not have one at all than have one that is out of date and not being followed. Here are some of the key reasons why you should consider having one:

- One size company does not fit all laws. There are different specific laws based on the size of your company.
- Law requirements change every year and there are some laws that allow employees certain rights that cannot be denied and ignorance cannot be used as an excuse.
- Handbooks set policy and clearly communicate the company expectations for behaviors and interactions.
- A handbook acts as a communication tool in regards to legal compliance, company's cultural policies and employee interaction.
- A handbook allows the company's expectations to be delivered in a manner which both employee and employer start from the same place. Policies and procedures are applied equally and consistently through the business.

For 2012, there are nineteen new or changed employment regulations that affect both employers and employees. If your handbook has not been updated within the last year and in light of the level of new changes, you should definitely consider an update for early next year. While you don't need to have an attorney author your handbook, a legal review before publishing the updated edition is prudent. A well written and conceived handbook becomes the employer's best defense should an employee relations issue blossom into legal action. You should avoid simply "borrowing" another organization's handbook and branding it your own because employment regulations differ dependent upon employee headcount and industry specific regulations.

Another key strategy for your handbook is to incorporate its introduction during a new hire orientation. The employee handbook should be reviewed with all new employees and each employee signs a handbook acknowledgment receipt. This is a good practice to repeat when you have major changes to the handbook and distribute it to the employees.

Beginning in January 2012, companies have new employment regulations in the areas of Leaves, Privacy, Independent Contractors, Meal and Break Periods and Discrimination just to name a few.

A few specific regulations that merit consideration include:

- Pregnancy Disability Leave (PDL) will now require any company with 5 or more employees to continue to maintain and pay for health coverage under a group health plan for an eligible female employee PDL up to a maximum of 4 months in a 12-month period.
- Organ and Bone Marrow Donor Leave clarifies business days instead of calendar days and one year is measured from the date the employee's leave begins.
- Willful Misclassification of Independent Contractors will have new penalties between \$5000-\$25000.

Finally, develop a plan to update your handbook for 2012 regulations today. Leap Solutions Group specializes in helping organizations review, update and publish the employee handbook in a timely and economic manner. Contact us today for an overview of how we can make you ready for 2012.

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