


**Is Your Personnel Manual  
Up-to-Date?**

Presented to:  
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**Bottom Line on  
Reviewing Policies**

- ▶ Look for:
  - Internal Consistency
  - Legal updates
  - Practice changes
  - Clarity/Plain English
    - Communicate don't impress
    - 5<sup>th</sup> Grade level

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**Drafting & revising considerations**

- ▶ Pay attention to:
  - Grammar, Spelling, Consistent formatting
- ▶ No Legalese or complex syntax
- ▶ Automated table of contents – easier to update
- ▶ Brief and relevant to most
  - Civil Service/DOT regs keep separate/Appendix
  - Supervisory procedures
  - Save long operating procedures for another manual
- ▶ Remove things that change a lot
  - no names or \$\$

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## Speaking of new stuff . . .

- ▶ Don't let changes in law catch you by surprise



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## Define Full-Time vs. Part-Time

- ▶ 2010 Affordable Care Act says 30 hours per week full time for health insurance coverage
- ▶ Review:
  - benefits policies
  - employee classification descriptions

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## Speaking of Affordable Care Act

- ▶ Add break time for nursing mothers:
  - Reasonable break time to express milk
  - A private, comfortable, separate place to do it (not a bathroom)
  - Refrigerator available to store expressed milk

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## Random/Blanket Drug Testing

- ▶ Only for safety-sensitive, high security, or other special needs positions
- ▶ EVEN FOR APPLICANTS!!
  - Courts now holding 4<sup>th</sup> Amendment violation for other positions

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## Weapons policies

- ▶ Texas 2011 “parking lot” law
  - Employers can’t prohibit legal firearms and ammo secured in employee’s own vehicle
  - Even if using personal vehicle during work



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## Absences

- ▶ Update manner of requesting leave or reporting absences
- ▶ Parenting leave - gender neutral for baby bonding (non-disability) portion?
  - EEOC’s caretaker discrimination focus

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## Update Dress Codes



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## Dress Codes

- ▶ *Reasonable* relationship to legitimate business needs
- ▶ Dress can be different based on duties
- ▶ Reasonably accommodate religious needs
- ▶ Reasonably accommodate disabilities
- ▶ Avoid unnecessary gender differences

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## Social Media, Internet, E-mail & Computer Usage

- ▶ Get IT to help you update
- ▶ Make sure current devices are covered
- ▶ Prohibitions on using work equipment/work time?
  - Look at whether practical to enforce
  - Time spent –similar to personal calls?
- ▶ Off duty social media
  - Be aware of 1<sup>st</sup> Amendment limitations
  - Speaking on behalf of City
  - Violating harassment policies

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## Personal Mobile Devices at Work

- ▶ Update personal calls policy to include personal phones/texts
- ▶ Public Information & Record Retention Acts
  - County business on personal phones
    - Texts, Photos, Calendars
- ▶ Cell phone use while driving
  - Talking
  - Texting
  - Emails and mapping



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## Neutral Absence Control Policies

- ▶ Update for EEOC's enforcement on ADA
  - Flexibility to limitations on leave policies (no-fault attendance) as accommodation
- ▶ Add to Leave Limits policy:
  - We will comply with the ADA when additional, limited time off
    - is necessary to accommodate an employee's disability,
    - such leave is for a specified time period,
    - the leave can be granted without undue hardship to the Company, and
    - the employee is otherwise qualified for the position.

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## FMLA changes

- ▶ Most recent changes concern Military Family Leave
  - Be sure 2008 military family leave
- ▶ 2010 veterans
- ▶ 2013 15 days R&R
  - Up from 5 days
- ▶ Spouses – DOMA

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## Drug-Free Workplace

- ▶ Update to reflect EEOC's new position on mandatory reporting of all prescription drugs
- ▶ Change "may have an effect" to "has an effect"



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## Questions?

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