



## Updating Your Employee Handbook For 2020

### **COVID-19, Civil Unrest & Beyond**

Employers and employees have had a lot to deal with in 2020 – from the COVID-19 pandemic and its sweeping effects at work and at home, to the national reckoning on racial injustice, to the everyday issues that arise in our workplaces from time to time. For much of this year, we’ve been in “damage control” mode. However, as current events continue to impact and shape workplaces across the country into a “new normal,” employers should begin proactively preparing for the future of their organizations. Many employers have made sweeping changes to their internal policies over the past few months – on everything from safety, hygiene, and cleaning protocols to leave of absence policies. **How many of those changes have you memorialized in writing?** Given the breadth of these changes for many employers, it may be time to update your employee handbook. Codifying your expectations for work and behavior provides employees with stability and knowledge during this time of unknowns, and creates both a new level of clarity and a new level of accountability for employees. Here are a few major updates to consider:

### **COVID-19**

Massachusetts and Rhode Island require businesses to develop and implement written control plans which outline how the business intends to prevent the spread of COVID-19, and businesses in Connecticut must self-certify compliance with the State’s sector-specific safety guidelines. In addition to social distancing, hygiene, and cleaning measures, many companies have also made changes to other policies regarding attendance, leaves of absence, and remote work. As such, it may be helpful to gather all of this information in one place, such as an employee handbook addendum specifically built around modifications created by COVID-19, which includes items such as:

- Policies regarding your safety protocols, including information on employee and visitor screening, face masks, handwashing, surface and workspace disinfecting, and social distancing.
- Policies regarding modifications to procedures and expectations in common areas, such as cafeterias, break rooms, and meeting spaces. Have you implemented a system of staggered breaks to allow for greater social distancing? Have you eliminated shared food/coffee in common areas? If so, consider creating a policy statement to that effect.
- Policies that modify attendance and leave of absence policies to encourage employees to stay home when sick and maintain compliance with the FMLA and Emergency Paid Sick Leave requirements under the Families First Coronavirus Response Act (FFCRA). Employers should also consider updating their vacation/paid time off policies to reflect any modifications that have been made to accruals, carryover of unused time, or the request review process in light of the various state travel quarantine orders.

### **Is Remote Work Here To Stay?**

Whether or not to reopen schools this fall and how that can be done safely has become a hot topic in the news, in workplaces, and in employees’ homes. Due to continued uncertainty, employers may be faced with extending work from home arrangements for working parents, or for employees who continue to be at high-risk for contracting and suffering complications from COVID-19. As such, it’s time to think about formalizing and putting more detail around your work from home policies. Your policies should provide employees with an understanding of:

- Who is eligible to work from home;
- How to request a work from home arrangement;
- The approximate length of time a work-from-home arrangement may be approved for;

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- Attendance, communication, time records, and overtime expectations; and
- Expectations for the use of company-owned devices and platforms from home, technology requirements, and data security.

### **Anti-Harassment, Discrimination, and Employee Expression at Work**

The cultural tension in our communities, sparked by recent headlines, has increased the focus on what employers can and should do to promote respect, diversity, equity, and inclusion in the workplace. As such, employers should consider the efficacy of their current policies, and whether adjustments need to be made. Some considerations include:

- Reviewing and your Equal Employment Opportunity policies, including your anti-harassment and anti-discrimination standards. Do they go far enough? In addition to prohibiting overt discriminatory actions, do they prohibit “gateway” conduct – conduct which by itself may not rise to the level of harassment, but erodes a culture of respect and could lead to discrimination and harassment? Is your complaint procedure utilized and effective in responding to allegations of harassment and discrimination in the workplace? If not, consider an update. Solicit input from your employees on ways processes can be improved.
- Reviewing and, if necessary, updating your Open Door policies. Do your employees have a way to address concerns or offer feedback on improvements to company policies and processes? Creating an environment in which employees feel able to have open dialogue and raise any issues they encounter is a step in the right direction to creating a respectful workplace.
- Current events regarding the wearing of political or cause-specific masks, shirts, and pins in the workplace have highlighted the difficulty of drafting Dress Code policies that allow for the expression of employees, while at the same time, making sure that employees are treated consistently and fairly, and that the workplace is free from discrimination and harassment. Employers should inform employees of their dress code policy in writing and should assure the policy is consistently and equitably enforced. How does yours measure up? Is it clear? Does it prohibit slogans, messages, logos or advertising that are not company-related? Does it prohibit wearing items with images or slogans that would go against your anti-harassment and anti-discrimination policies? Is your dress code policy consistently and equitably enforced? Consider getting more specific for the sake of clarity.

In making any of the changes discussed above, employers should be mindful not to draft policies too broadly, as doing so could result in a violation of the National Labor Relations Act, which protects employees’ right to engage in protected, concerted activities, including discussions related to wages, hours, or other terms and conditions of employment. For example, employees complaining about an employer not providing hazard pay for working during the pandemic or speaking out against racial discrimination in the workplace might be protected if they are doing so with or on behalf of a group of employees.

If you’re not sure where to begin, count on your partners at EANE. We can [review or develop parts or all of your Employee Handbook](#) to ensure legal compliance and language that promotes a respectful workplace. If you need less task management, but still want to leverage EANE’s customized guidance, these are great topics to explore in our new [HR Power Hours](#). You take care of your team, and we’ll take care of you.

**Contact Pam Thornton at [pthornton@EANE.org](mailto:pthornton@EANE.org) or 877.662.6444 for more information.**

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