

Top 10 Policies Every Handbook Should Have

Presented by Treaver K. Hodson



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Agenda

1. Employment Relationship
2. Compensation
3. Time Records
4. Leaves of Absence
5. Equal Employment Opportunities
6. Prohibited Harassment
7. Discipline and Conduct
8. Arbitration
9. Privacy
10. Remote Work

TOP 10 POLICIES EVERY HANDBOOK SHOULD HAVE



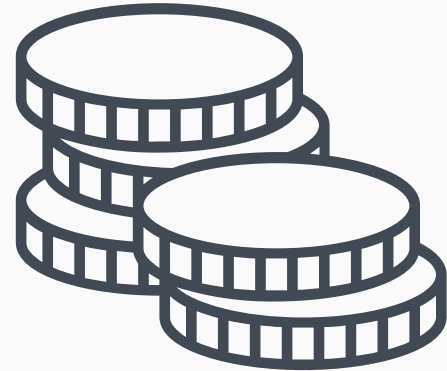
Employment Relationship

- Workers are presumed to be at-will employees.
 - At-will employment means employer or employee may terminate employment relationship at any time, with or without cause.
 - Labor Code § 2922
- Proper Classification as exempt or non-exempt.
- Lines between at-will employees and independent contractor sometimes blurry.
- Labor Code § 2775 - ABC Test
 - Free from control and direction of hiring entity, both on paper and in fact
 - Person does work that is normally outside of the hiring entity's usual course of business
 - Person is engaged in independently established trade that is the same nature as that involved in the work performed.



Compensation

- 2024 CA min. wage – \$16.00/hour
- 2024 CA min. salary for exempt – \$66,560/year
- Difference between exempt and non-exempt employees.
 - Overtime Calculation
 - Meal period requirement
- Employee Benefits
 - Vacation and “use it or lose it” policies
 - Unlimited PTO
- Reimbursement for Reasonably Necessary Business Expenses



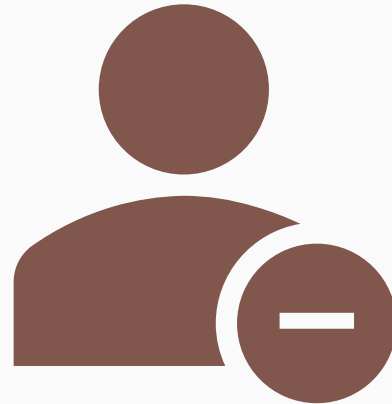
Time Records

- Non-Exempt Employees must accurately record all hours worked
- Meal periods – Non-exempt employees working longer than 5 hours must have meal break before end of 5th hour. Must be free of work duties.
- Rest periods – Non-exempt employees entitled to a paid 10-minute rest break for each 4 hours of works.
- Meal Period Waivers and On-duty Meal Periods.



Leaves of Absence

- Protected Statutory Leaves of Absence:
 - FMLA
 - CFRA
 - Workers' Compensation
 - ADA Accommodation Leave
 - Other Statutory Leaves
- Administrative leave.
 - Employees may be placed on administrative leaves in certain circumstances, such as when an investigation is being conducted.
- Sick leave (updates in 2024).
 - Must provide 24 hours of paid sick leave by the 120th calendar day, and 40 hours by the 200th day.
 - Employee can start taking sick leave after 90th day of employment.
- Bereavement leave.
 - Employer must provide 5 days unpaid bereavement leave following the death of certain family members.
 - Can request documentation, but not before bereavement leave begins



Equal Employment Opportunities

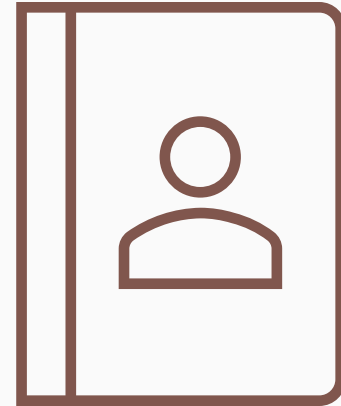
- No discrimination in employment practices based upon protected classifications: race, religious creed, color, national origin, ancestry, physical disability, mental disability, reproductive health decision-making, medical condition, genetic information, marital status, sex, gender, gender identity, gender expression, age, sexual orientation, or veteran or military status
 - Gov. Code § 12940
- Does not apply to medical conditions or physical or mental disabilities when the disabilities prevent duties from being carried out, even with reasonable accommodations.
- No retaliation—detrimental employment action—based upon complaint or participation in another’s complaint of harassment or discrimination.

Prohibited Harassment

- Applies to all persons involved in the operations of Company; extends to protect employees from prohibited harassment by third-parties
- Hostile acts towards an employee because of his or her gender can amount to sexual harassment.
- Prohibited Harassment is not just sexual harassment, but harassment based on any protected category.
- Duty to Investigate.
- Sexual Harassment Training
- Conflicts of interest.

Discipline, Conduct, and Security

- Employee handbook should avoid promising progressive discipline policies.
- Prohibited conduct provisions should be included in the Handbook.
- Safety and security provisions should also be included in the Handbook: Injury and Illness Prevention Program



Arbitration

- Arbitration is the process where a neutral arbiter hears the issue and reviews evidence brought by the parties before making a binding decision. Analogous to court.
- Mediation is a separate, but also effective process of resolving disputes.
- Important for employee to be aware of arbitration agreement and acknowledge it. Helps enforceability if employee tries to litigate in court.
- Important that employee voluntarily agrees to arbitration. Include acknowledgement provision.
- Employer must pay the cost of arbitration.
- Class and representative action waivers may now be part of employment contract.



Privacy

- Current and former employees have the right to inspect and copy their employee records.
- Employers must keep employee records for no less than 3 years after termination (recommend 4 years).
Lab. Code § 1198.5
- Drug and alcohol testing may be a condition for employment if it is part of a lawful preemployment medical exam and required of each job applicant.
- Right to search company property.
- Use of Computers and Electronic Equipment while at work and reducing reasonable expectation of privacy.



Remote Work

- Employees must be compensated for all necessary expenses needed to carry on work duties, including home internet and phone services. Labor Code § 2802
- Employees working remotely are entitled to use sick days.
- Written handbook policy for remote work.
- Individual Custom Agreements
 - Equipment and technology
 - Securing company property
 - Worksite safety
 - Hours worked





Q & A

Thank you for
joining us!

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