

Social Media, NLRB and EEO Trends Impact Employee Handbooks

XpertHR Identifies Need-To-Know Trends Impacting Employer Policies and Compliance

New Providence, NJ (November 19, 2014) – Google Glass, LGBT protection, medical marijuana and no-fault attendance policies are just a few of the trends that employers need to consider when developing or updating their employee handbooks, says a new [XpertHR report](#). It's crucial that employers be aware of recent changes in the law, society and technology or they could face government sanctions.

One of the most prevalent workplace trends is “Bring Your Own Device” (BYOD) and emerging technologies such as Google Glass and biometrics. Because there are significant risks in permitting employees to use such technology, it is imperative for employers to create strong policies to shield themselves from liability and give employees a clear idea of what is permissible and what is not. Further, a growing number of employers are putting employees on notice that they may be monitored and have a diminished expectation of privacy in the workplace.

Employers should ensure compliance with EEO policies prohibiting discrimination, harassment and retaliation, and provide reasonable accommodations when needed. They should frequently revisit and update their policies as states and municipalities are increasingly providing employment protections to new and emerging protected classes such as lesbians, gays bisexuals and transgender individuals, pregnant women, domestic violence victims, the homeless and unemployed.

“It is also important to be aware of local laws that address medical marijuana, e-cigarettes in the workplace, paid sick leave, same sex marriage, LGBT rights, and the use of cell phones while driving,” says Beth Zoller, JD, Legal Editor, XpertHR. “Prudent employers should integrate state and municipal laws into their workplace policies.”

The National Labor Relations Board (NLRB) has been proactive in pursuing employers for handbook policies that can be interpreted as infringing upon the right of employees to engage in protected conduct. The NLRB has found policies such as those dealing with social media, contact with the press, confidentiality, investigations and employee communications to violate employee rights. As a result, employers should be extremely careful when drafting such policy provisions and avoid overly broad and ambiguous language and blanket rules that can be interpreted as interfering with the right of employees to engage in protected concerted activity.

“The employee handbook is a living document that should evolve as laws and your business change,” says Zoller. “Updating and amending an employee handbook to comply with the current law and to reflect the most up to date protections should be done on an annual or semi-annual basis, or better yet, as the law changes.”

For a free whitepaper on how to create and maintain employee handbooks, visit [XpertHR](#).

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Editor's Note:

Beth Zoller, JD, XpertHR Legal Editor is available for interview.

In your coverage, please include a link to [Employee Handbooks 101: Dos and Don'ts For Every Employer.](#)

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