

MONTHLY UPDATE and SUPPLEMENT PERSONNEL POLICY MANUAL

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HIGHLIGHTS — Executive Summary of Important Changes

- (1) EMPLOYMENT-AT-WILL, Chapter 106: *Management Rationale* note 1 has been revised to include a new section explaining how an at-will statement can protect an employer's ability to implement its policies. It also includes seven tips for drafting an enforceable at-will statement. *References for Legal Counsel* note 8 has been updated with five new cases challenging at-will employment. Two discuss when employment documents can create contracts (a handbook was found to create a contract, while an offer letter did not), one addresses when oral statements can create contracts, one involves whistleblower protections, and the last case discusses defamation. Note 10 includes a new case suggesting that an at-will disclaimer does not have to contain a specific reference to at-will employment to be effective. The note also explains that most experts still suggest including the statement to make sure employees are clear about their status. In addition, the Legal Editors have verified over 90 statutory, regulatory, and court citations.
- (2) SECURITY, Chapter 606: Security policies generally address the physical safety of the employer's workers, products, and property. New *Management Rationale* note 3 has been added to discuss steps employers can take to prevent workplace violence and includes six tips for evaluating and responding to violence risks. Note 5 has been revised to include four steps employers should take when investigating workplace problems. *References for Legal Counsel* note 19 has been updated to discuss two new court cases interpreting the Employee Polygraph Protection Act ("EPPA"). One addresses the exemption for political subdivisions and the other discusses when the use of a tape recorder could be regulated by the EPPA. In addition, the Legal Editors have verified approximately 30 statutory, regulatory, and court citations.
- (3) REST BREAKS, Chapter 704: *Management Rationale* note 2 has been updated to address breaks for smokers, and new note 3 has been added to discuss breaks and other accommodations for breastfeeding mothers to allow them to express and store milk in the workplace. A new note 9 also has been added to the *References for Legal Counsel* to summarize the four state laws that require employers to give new mothers who are breastfeeding breaks to allow them to express milk. Federal law does not require these breaks. In addition, the Legal Editors have verified over 15 statutory, regulatory, and court citations in the *References for Legal Counsel*.
- (4) MEAL BREAKS, Chapter 705: *Management Rationale* note 5 has been revised to discuss the problems an organization may have if it allows employees to work through their lunch, including unintended overtime costs and employee relation issues. *References for Legal Counsel* note 11 includes two new court cases addressing when employers must pay for meal breaks. In addition, the Legal Editors have verified approximately 20 statutory, regulatory, and court citations in the *References for Legal Counsel*.
- (5) If you have any questions, please call the Editors on the HR AnswerlineSM at 1-800-437-3735.

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