

10 Employee Handbook Resolutions for 2024

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The start of a new year is always a good time to reevaluate the employee handbook to ensure it covers all the relevant legal and practical topics in the modern workplace. The following are 10 “Handbook Resolutions” for employers and managers to consider this year.

1. **Pregnant and Lactating Employees.** With the passage of the Pregnant Workers Fairness Act (PWFA) and PUMP Act, employers are required to provide reasonable accommodations for pregnancy, pregnancy-related conditions, and lactation. A policy that covers those employees and addresses such accommodations is essential. Also, stay tuned for additional guidance from the U.S. Equal Employment Opportunity Commission. It is expected to release regulations expounding on the PWFA early in 2024. ([Read more](#) on this topic.)
2. **Employee Classifications.** In 2023, the Department of Labor (DOL) proposed a rule amending what “white collar” positions qualify as “exempt” under the Fair Labor Standards Act. It proposed raising the minimum salary level for such workers, as well as the salary minimum for “highly compensated” workers. Early 2024, the DOL also released guidance regarding who should be classified as independent contractors versus employees. Violation of these classification standards can subject an employer to liability for damages. Employee handbooks can address these changes to avoid lawsuits and regulatory penalties. ([Read more](#) on this topic.)
3. **Cannabis.** States are increasingly passing legislation legalizing the use of marijuana, either for medical or recreational use. With the Department of Health and Human Services considering rescheduling marijuana from Schedule I to Schedule III, the trend remains toward legalization. Employers may update the employee handbook to include policies related to cannabis use both on- and off-site and consider reviewing drug testing policies. These changes would address compliance with the Americans with Disabilities Act, Occupational Safety and Health Act, Omnibus Employee Transportation Act, and state laws and regulations. ([Read more](#) on this topic.)
4. **Non-Competition Agreements.** In 2023, the Federal Trade Commission (FTC) issued a proposed rule that would constitute a total ban on nearly all non-competition agreements that restrict an employee from “seeking or accepting employment with a person, or operating a business,” after the employment relationship ends. The rule would also invalidate existing non-competes, requiring rescission of such restrictive covenants currently in place. The FTC will not vote to formally implement the rule until April 2024. If and when the rule is approved, there will be a 180-day grace period, so carefully monitoring this proposed regulation will be critical to remain in compliance. ([Read more](#) on this topic.)
5. **Labor Relations.** Pro-union movements spread through Hollywood, Starbucks, and other industries nationwide in 2023. Check policies to ensure that none could be interpreted as restricting employees’

rights to unionize or engage in other protected concerted activities. Policies to look out for include surveillance in areas where employees congregate and monitoring of private communications. ([Read more](#) on this topic.)

6. **Leave.** Laws related to paid and unpaid leave have gone into effect in 2023, including major changes related to family and medical leave in states such as California. State-by-state leave provisions in the employee handbook may be updated to address these changes. ([Read more](#) on this topic.)
7. **Remote Work Policies.** Going into the fourth year since the COVID-19 pandemic reshaped the structure of the workplace, having a policy to address remote work has become standard. Adding or updating this policy is important, especially as it relates to moonlighting and the location of an employee's primary job site. Both can affect tax issues and determine which state's employment laws will apply. ([Read more](#) on this topic.)
8. **Artificial Intelligence.** Artificial Intelligence, or "AI," became a cultural touchstone in 2023. Its potential effects and implications extend to nearly every industry. Employers may consider including a policy to address AI *misuse* and clarify to employees when AI is appropriate and when it is prohibited.
9. **Diversity, Equity, and Inclusion.** Especially among younger workers, Diversity, Equity, and Inclusion (DEI) policies have become not only expected but required. However, the litigation surrounding affirmative action in 2023 has complicated DEI issues. Consideration can be given to policies and practices to meet both the expectations of employees and the requirements of the law as it exists. ([Read more](#) on this topic.)
10. **Pay Transparency.** Pay equity claims, primarily governed by the Equal Pay Act of 1963 (prohibiting discrimination in pay based on an employee's sex), have seen increased traction based on the evidenced disparity between minority workers performing the same type of work as other workers. Additionally, some states have implemented laws requiring transparency in salaries for all employees both publicly and upon request and prohibiting inquiries into the wage history of applicants. Before making pay information publicly available, employers may consider a pay equity audit to confirm they are in compliance and ensure that their employee handbooks are consistent. ([Read more](#) on this topic.)

As we begin this new year, the landscape of employment law and workplace practices continues to evolve. These 10 resolutions for updating employee handbooks, while not exhaustive, are crucial in ensuring legal compliance and enhancing organizational effectiveness. If you have any questions, need further guidance, or want to discuss revisions to your Employee Handbook, please contact the author or McGlinchey's [Labor and Employment team](#), who are always ready to provide experienced advice and support.

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