

New Year Is Best Time to Review Employee Policies

by Christina M. Michelson on January 9, 2013

At the beginning of every New Year, New York and New Jersey employers should take the opportunity to review and update their employee policies and procedures. This is particularly true given the number of new issues and concerns that surfaced in 2012.

Below are several key issues that should be on every employer's radar:

Social media: Employers' policies governing Twitter, Facebook, and other sites continue to receive scrutiny from the National Labor Review Board (NLRB), the Equal Employment Opportunity Commission as well as state and federal lawmakers. Most notably, the NLRB has taken the position that broad social media policies that restrict the rights of employees to engage in protected, concerted activity violate federal labor laws. Lawsuits also surfaced in 2012 regarding the ownership of social media accounts after an employee leaves the company. New Jersey is also poised to enact some of the country's toughest restrictions on the use of social media during the hiring process.

Workplace flexibility: Employers are increasingly allowing employees to work flexible hours and/or telecommute from home. While these arrangements are often popular with employees, they can also lead to significant liability if employers fail to adopt proper policies and procedures. Among other provisions, a written workplace flexibility policy should spell out how the telecommuting program will work, including the job functions and positions that are eligible for telecommuting, the provision of office equipment and technology, and the criteria against which telecommuting employees will be measured and held accountable. To avoid a wage and hour claim under the Fair Labor Standards Act, employers must also be sure to keep accurate time records, particularly for nonexempt employees who must be paid on an hourly basis.

Bullying: Harassment and bullying are becoming a growing problem in the workplace. According to a Workplace Bullying Institute survey, 35 percent of American adults say they have been bullied at work. Another 15 percent reported witnessing others being bullied. While bullying a member of a non-protected class may not be unlawful, it can still cause significant problems for employers. For instance, bullying is shown to reduce employee productivity and morale, cause higher turnover and absenteeism rates, and increase medical and workers' compensation claims. With this in mind, employers may want to consider adding anti-bullying provisions to their employee handbooks.

If you have any questions about the above issues or would like assistance updating your employee policies, please contact me, Christina Michelson, or the Scarinci Hollenbeck attorney with whom you work.

