



Important Employment Policies Your Company May Be Missing

Fees and Burgess, P.C., Emphasizes:

Employment manuals require constant updates. Often, employee handbooks must change in response to new laws or regulations, and often they must change due to new technologies or other trends. The following are a list of commonly forgotten or under-developed policies that should be in your current employee manual:

General Civil Litigation

Commercial Law & Litigation

Municipal Law & Litigation

Police Civil Liability Defense

Employment Law & Litigation

Construction Litigation

Corporate Law & Government Contracting

Insurance Defense

Railroad Law

Corporate Counsel Services

1. Updated Intellectual Property policies. Many companies have basic policies regarding use of company computers and other equipment. However, companies often fail to draft policies with sufficient detail to cover the myriad issues related to intellectual property and use of technology in the workplace. It is important for employers to address situations not only related to basic maintenance of the equipment, but to also discuss privacy issues and potential liability to the company stemming from abuse of the system. Such liability can be significant. Consider an employee who searches pornography using the company’s internet provider and IP address – there can be criminal ramifications to these situations, in addition to the basic disciplinary issues that must follow. Without specific policies regarding the various types of misuse of technology, companies leave themselves open to exposure both internally (through allegations of disparate treatment regarding discipline and potential discrimination) and externally (through potential liability related to an employee’s actions). Accordingly, employers should evaluate its technology components and address any and all related issues, specifically paying attention to: appropriate uses and limits on use of all technology; storage and maintenance of data created with the company’s technology; downloading rules; video and tape recording rules; and company ownership of all systems and data stemming from those systems.

2. Updated EEO and FMLA policies. Recent changes in employment laws have created the need to update basic company policies including those related to Equal Employment Opportunity (EEO) and the Family and Medical Leave Act (FMLA). Employees are now protected from discrimination based on use of the employee’s genetic information. Accordingly, any EEO policy should include genetic information in its laundry list of protected characteristics. Similarly, changes to FMLA law have added protections for employees with family members involved in the military. As such, FMLA policies should be updated to include the new 26-week entitlement for certain military leave allowances (versus the standard 12-week leave entitlement for basic FMLA leave).



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In addition, companies should create specific procedural policies regarding an employee's use of the new military leave, including appropriate notice requirements and potential certification requirements.

3. Employee acknowledgment page. Not only must a company draft the appropriate policies relative to its workplace, but companies must ensure effective communication of these policies to its employees. We generally recommend annual review of company policies, along with annual employee acknowledgment forms indicating employee's review of the revised (or refresher) manual. In employment litigation, such acknowledgment may be significant in evidencing a company's good faith efforts to comply with the law and its attempts to properly protect its workforce.

While these topics represent some of the more common "mistakes" in employment policies, there are many others which should be included in any basic handbook. Unfortunately, no singular employee manual will properly protect all companies. As such, each company must analyze its own workplace needs in light of existing laws and regulations. Regular review of these handbooks, both by management and thorough communication with all employees, will best enable a company to maintain a useful, protective, and efficient policy document.

Fees & Burgess, P.C. - Calendar of Events

Fees and Burgess, P.C., is proud to present, or participate in the presentation of, the following upcoming seminars/webinars. Click on the title name for details:

**February 17, 2010 ~ March 17, 2010 ~ April 21, 2010 ~ May 12, 2010—Huntsville, Alabama;
11:30 AM - 1:00 PM**

International Commercial Contracting: Identifying, Avoiding, and Managing Risk Areas

This four-part course provides a practical introduction to international contracting, focusing particularly on risk identification and avoidance. Attendees will gain an understanding of the laws and provisions governing international agreements, and how international contractual relationships differ from domestic counterparts.

The course will provide a solid grasp of the concepts, theories, and practical considerations necessary for drafting, interpreting, and negotiating international contracts. This course will be held at the Holiday Inn, Research Park, and can be used toward ISM and NCMA recertification credit.

Session 1: Introduction to International Contracting ~ February 17, 2010 ~ [Click here for details](#).

Session 2: Drafting 101 ~ March 17, 2010 ~ [Click here for details](#).

Session 3: Drafting 101 ~ Continued ~ April 21, 2010 ~ [Click here for details](#).

Session 4: Special Considerations in International Contracting ~ May 12, 2010 ~ [Click here for details](#).

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April 20, 2010—Birmingham, Alabama; 8:30 AM – 4:30 PM

2010 FMLA Master Class for Alabama Employers: Overcoming Compliance and Employee Leave Challenges - This program, presented for and sponsored by M. Lee Smith, will help you become even more proficient in FMLA administration and handle top management's and your employees' questions with even greater confidence.

If you would like more information on these and other seminars, please go to www.feesburgess.com, or contact seminars@feesburgess.com

April 28, 2010—San Diego, California;

2010 Institute for Supply Management 95th Annual Conference—This program, presented at the ISM annual conference, will focus on the use of delivery terms and will help you use delivery terms to better allocate supply chain risks.

May 13, 2010—Muscle Shoals, Alabama; 11:30 AM - 1:00 PM

Human Resources/Labor Law Update— Allen Anderson and Leah Green will be presenting at the Shoals SHRM monthly meeting held in Muscle Shoals, Alabama. We will discuss:

- Health Care Reform Act;
- Equal Employment Opportunity Commission Recess Appointments;
- National Labor Relations Board Recess Appointments; and
- Other recent changes to labor and human resources laws.

May 19, 2010; 11:00 AM - 12:30 PM—Webinar

Human Resources/Labor Law Update— Attendees of this program will learn about recent changes to labor and human resources laws affecting employers. We will discuss:

- Health Care Reform Act;
- Equal Employment Opportunity Commission Recess Appointments;
- National Labor Relations Board Recess Appointments; and
- Other recent changes to labor and human resources laws.

If you would like more information on these and other seminars, please go to www.feesburgess.com.

Watch for Other Upcoming Seminars and Webinars





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SPEAKERS

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NEWSLETTERS

Fees & Burgess, P.C., also publishes *F&B Quarterly Bytes*, focusing on multiple practice areas; and *F&B SCM Memo*, focusing on the supply chain management industry. To receive any of these newsletters, please e-mail newsletters@feesburgess.com with your contact information.

To remove your name from our mailing list, please e-mail newsletters@feesburgess.com.

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