

HR Examiner

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and managers encounter every day*

Now's The Time To Update Your Employee Handbook

Arlene Vernon

Really! I know that's what I always say. But there have been so many changes in the past year that affect our handbooks, if you've not had or taken the time to review your policies to see what still is defensible, compliant or even practical, now is the time.

Of course, if you haven't updated your handbook in a few years, which is a common but not the ideal practice, an update now is even more important because our laws just keep on changing.

Here's a mini-list of some of the **State of Minnesota** legislative changes **effective August 1, 2013** that may affect your policies. Remember, these are only for Minnesota and don't necessarily apply to employees in other states.

1. Employers can no longer ask an applicant about their **criminal history** on their employment application unless there are other applicable laws that require this information (for example, certain health care jobs, residential access jobs, etc.).

You can ask an employee for criminal history information after an interview has been scheduled as well as during the interview. Or if no pre-employment interviews are planned, you can ask about

criminal history after a contingent offer of employment. Of course, hiring employees without an interview isn't the best way to hire candidates and I can't think of any employers who actually do this.

2. Employers with 21 or more employees at one site must now allow employees to use their **sick leave** to take care of “absences due to an illness of or injury to the employee’s child, adult child, spouse, sibling, parent, grandparent, or stepparent, for reasonable periods of time as the employee’s attendance may be necessary, on the same terms upon which the employee is able to use sick leave for the employee’s own illness or injury.”

Using sick leave to care for a sick minor child was already required, but now the requirement is considerably broader. Note: if your policies grant more than 4 weeks of vacation, sick or PTO that can be used for sick time, you can cap the use policy for non-employee illnesses and injuries at 4 weeks.

3. The **same-sex marriage** legalization reminds us that in accordance with MN State Law our EEO policies must include “sexual orientation” as a protected class. That should already be in your handbooks in your EEO policy.

Now it's time to review your FMLA (50+ employees), Minnesota Leave (21+ employees), retirement/pension and benefits policies and practices to make sure you're in full compliance.

4. The MN laws surrounding **paying wages at termination** (not resignation) have been updated. These are more intricate than I can explain here, but it's important to remember that when employees who have been terminated demand their wages, they are due to the employee within 24 hours of the demand. In this demand, employees do not have to specify the amount of wages due to them; the employer must pay whatever wages are due in full. There are a few rare exceptions, so check out the details of law if your employees earn more than regular wages.

I don't recommend including in your employee handbook an employee's rights regarding

demanding their wages at termination. This is one of those times when the law specifies your legal obligation to pay, but not to inform. It's up to the terminated employee to discover their post-employment rights.

Impact on Employee Handbook: These are just highlights of the changes in Minnesota that occurred this summer that should be updated in your handbook. And don't forget, your managers should also be trained on these changes so they understand how the new laws impact their handling of interviews, leaves and wages.

Since creating and updating employee handbooks is what I do regularly for clients, I also incorporate a multitude of other updates to help protect your organization related to areas including: social media, driving, e-cigarettes, rules of conduct, time off policy clarification, harassment, personal and corporate cell phones, leaves of absence and more.

Let me know if I can help with your update.

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About Arlene Vernon

Arlene has provided HR consulting and management training services to over 300 organizations since starting HRx, Inc. in 1992.

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HRx, Inc., Eden Prairie, MN 55344, 952.996.0975

www.HRxcellence.com. Arlene@ArleneVernon.com

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