



LUNCH WITH A LAWYER

**LEGAL BASICS:
EMPLOYEE HANDBOOKS**

APRIL 2025

Dawn J. Lanouette, Esq.
Hinman, Howard & Kattell, LLP
80 Exchange Street | Binghamton, NY 13901
📧 dlanouette@hhk.com | 📞 (607) 231- 6917

Attorney Advertising

1

DISCLAIMER




- This presentation is not intended to be legal advice. It is for information only.
- This may be considered attorney advertising. You should not rely on it as legal advice.
- Attendance at and participation in this event does not create an attorney-client relationship.
- Please contact an attorney to discuss your specific situation.



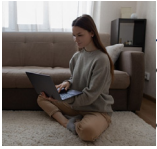
HH&K
Hinman, Howard & Kattell, LLP
ATTORNEYS

2



WHO IS YOUR AUDIENCE?

3




FACTORS TO CONSIDER

- Education Level
- Medium of Communication
- Needs of Employees
- Protection for Supervisors

HH&K
Hinman, Howard & Kattell LLP
ATTORNEYS

4



WHAT'S THE PURPOSE OF THE HANDBOOK?

HH&K
Hinman, Howard & Kattell LLP
ATTORNEYS

5

PURPOSE

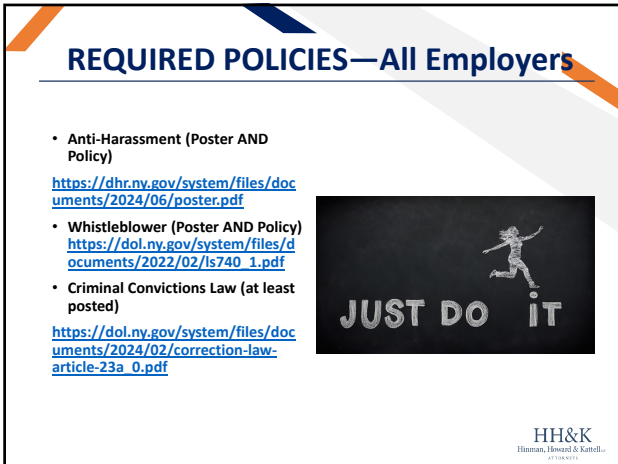
- Convey Information
- Protection from Legal Liability
- Corral Required Policies
- Give Supervisors Direction
- Set Expectations

HH&K
Hinman, Howard & Kattell LLP
ATTORNEYS

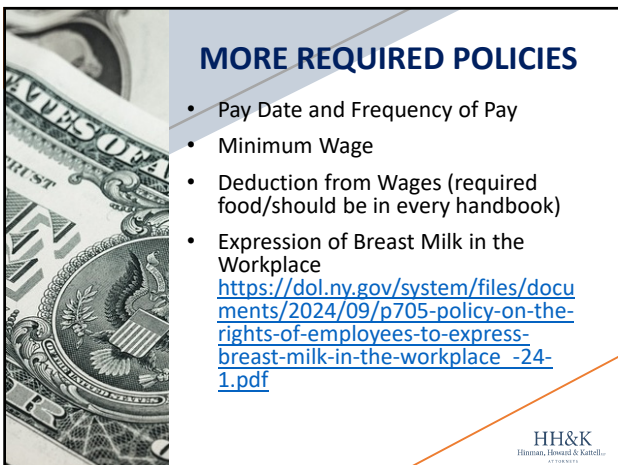
6



7



8



9



TIME OFF POLICIES MUST BE IN WRITING

- Benefits—“Sick leave, vacation, personal leave, holiday and hours”
 - Hours means standard hours in a day and work-week and any deviation (i.e. part-time)

<https://dol.ny.gov/system/files/documents/2023/10/ls606.pdf>

HH&K
Hinman, Howard & Kattell LLP
ATTORNEYS

10



WHAT SHOULD BE IN THE TIME OFF POLICY

- How Earned
- How Used
- Carryover
- Termination
- Exceptions
- For accrual, does leave accrue during leave?

HH&K
Hinman, Howard & Kattell LLP
ATTORNEYS

11



STATUTORY PAID LEAVE POLICIES

- New York Paid Sick Leave
- New York Paid Family Leave
- Voting Leave


HH&K
Hinman, Howard & Kattell LLP
ATTORNEYS

12

EQUAL PAY POLICY

- <https://dol.ny.gov/system/files/documents/2024/03/l603.pdf>
- **Contains requirements for policies that relate to the discussion of wages in the workplace**

Note: Be VERY careful with such policies. Can run afoul of both state and federal laws



HH&K
 Hinman, Howard & Kattell LLP
 ATTORNEYS

13

EMPLOYEE MONITORING

https://www.nysenate.gov/legislation/laws/CVR/52-C*2



HH&K
 Hinman, Howard & Kattell LLP
 ATTORNEYS

14

Another One . . .

- **Reproductive Choices Policy (NY Labor Law 203-e)**
 - **Reinstated this January**


Company complies with New York Labor Law 203-e which prohibits discrimination on the basis of an employee's reproductive health decision making. In particular, the Company will not:

- (a) discriminate nor take any retaliatory personnel action against an employee with respect to compensation, terms, conditions, or privileges of employment because of or on the basis of the employee's or dependent's reproductive health decision making, including, but not limited to, a decision to use or access a particular drug, device or medical service; or
- (b) require an employee to sign a waiver or other document which purports to deny an employee the right to make their own reproductive health care decisions, including use of a particular drug, device, or medical service.

Any employee who believes he/she has been discriminated against on the basis of reproductive health decision making should contact Human Resources to make a complaint. An employee may also bring a court action and may be entitled to back pay, benefits and reasonable attorneys' fees and costs, and/or reinstatement or other injunctive relief and liquidated damages.

HH&K
 Hinman, Howard & Kattell LLP
 ATTORNEYS

15



EMPLOYERS WITH 50 OR MORE EMPLOYEES

- Family and Medical Leave Act
- Veterans Benefits
<https://dol.ny.gov/system/files/documents/2024/02/p37-vets-benefits-and-services-2-22-24.pdf>

HH&K
Hinman, Howard & Kattell LLP
ATTORNEYS

16



PARTICULAR INDUSTRIES

- Construction-Fair Play Act
https://dol.ny.gov/system/files/documents/2021/02/ia999_construction_industry_fair_play_act_poster.pdf
Also: Must Post Prevailing Wage Schedule
- Food Service
 - Deduction from Wages
 - Tip Appropriations
- Healthcare-Nurse Coverage Plan

HH&K
Hinman, Howard & Kattell LLP
ATTORNEYS

17



PUBLIC EMPLOYERS HAVE OTHER OBLIGATIONS

HH&K
Hinman, Howard & Kattell LLP
ATTORNEYS

18



19




20



21

TIME AND ATTENDANCE POLICIES

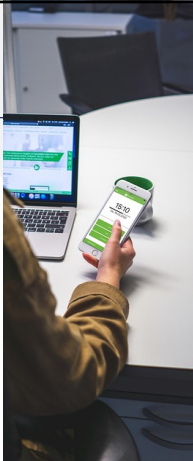
- Time Entry Policies
- Exempt Employee Safe Harbor Policy
- Lunch Periods
- Breaks
- Off the Clock Work



22

TIME AND ATTENDANCE


- Absences
- Tardiness
- Procedure for Call-Out
- Emergency Closing



23

LEAVE POLICIES

- Military Leave
- NY Military Spouses Leave
- Blood Donor Leave
- Bone Marrow Donor Leave
- Jury Duty/Witness Leave



24

Drug and Alcohol


- Testing
- Marijuana Use During Work
<https://dol.ny.gov/system/files/documents/2021/10/p420-cannabisfaq-10-08-21.pdf#:~:text=Yes%2C%20employers%20may%20prohibit%20cannabis,is%20actually%20engaged%20in%20work>
- Possession and Storage at Work
- Compassionate Care Act



25

Cyber Security Policies



- Comply with the NY Shield Act
- May Have Other Obligations
- Other Privacy Policies
 - Social Security Numbers
 - Personal Employee Information



26

EQUIPMENT USE POLICIES


- Phones
- Copiers/Fax Machines/Printers
- Email
What About Privacy
- Computers
- Company Cell Phones
- Supplies



27

PERSONAL MOBILE DEVICES

- During Work Time
- Using Work Resources
- Social Media (May Want a Separate Social Media Policy-But Be Careful)



28

REMOTE WORK

- Remote Work
- Remote Access
- Flexible Work
- Remote Security



HH&K
Hinman, Howard & Kattell LLP
ATTORNEYS

29

Vehicle Policies

- Use
- Insurance
- Calls/Texting



30

EMPLOYEE BEHAVIOR POLICIES

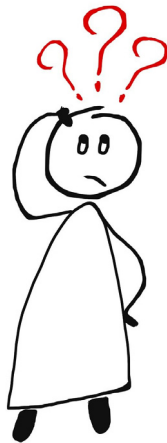
- Tailored to Your Workplace
 - Gambling
 - Drinking
 - Insubordination
- These Often Form the Basis for Unemployment Contest



31

SHOULD YOU HAVE PROGRESSIVE DISCIPLINE?

- Maybe—Not a One Size Fits All
- Make Sure It Has Ability to Skip Steps or Accelerate



32

OTHER POLICIES

- Non-Solicitation/Distribution Policy
- Visitors at Work
- Confidentiality/NDA
- Personal Leave of Absence?



33

OTHER POLICIES

- Outside Employment
- Employment of Relatives or Friends
- Referral Programs
- Dating Co-Workers
- Searches

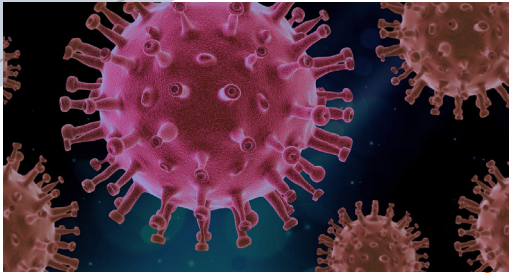


HH&K
Hinman, Howard & Kattell LLP
ATTORNEYS

34

AIRBORNE INFECTIOUS DISEASE EXPOSURE PREVENTION PLAN

<https://dol.ny.gov/aidepp>



HH&K
Hinman, Howard & Kattell LLP
ATTORNEYS

35

BENEFITS POLICIES

- Need a Disclaimer Because They May Change Year to Year
- Worker's Comp
- Unemployment
- Disability
- Health Insurance
- 401K or Other Retirement

HH&K
Hinman, Howard & Kattell LLP
ATTORNEYS

36

Safety Policies

- Dependent on the Workplace
- At a minimum-notice of accident policy
- Workplace Violence Policies— Increasingly Necessary
 - Retail Workers
- Emergency Policies




HH&K
Hinman, Howard & Kattell LLP
ATTORNEYS

37

SEPARATION FROM EMPLOYMENT

- Can't require notice for at-will employment, BUT can tie notice to pay out of vacation (also good for getting return of equipment)
- Job Abandonment Provision
- References if Appropriate




HH&K
Hinman, Howard & Kattell LLP
ATTORNEYS

38

WHAT ELSE?

- Plan for Updating the Handbook
- Responsibility for the Handbook
- Where Is Handbook Located?
- How Is Handbook and Updates Communicated to Employees?
- Document receipt and promise to read and abide



HH&K
Hinman, Howard & Kattell LLP
ATTORNEYS

39

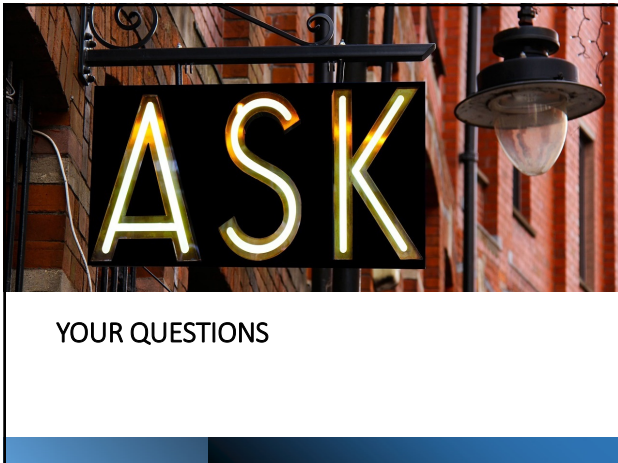


UPCOMING EVENTS

- April 16—Greater Binghamton Chamber Labor Update
- May-What's in the NY Budget Bill

HH&K
Hinman, Howard & Kattell LLP
ATTORNEYS

40



ASK

YOUR QUESTIONS

41
