

SMITH ANDERSON

MULTISTATE HANDBOOKS: QUESTIONS TO ASK

Kimberly J. Korando
Smith, Anderson, Blount, Dorsett, Mitchell & Jernigan, L.L.P.
Raleigh, North Carolina
919.821.6671
kkorando@smithlaw.com

DISCLAIMERS, ETC.

- Does the state have specific requirements for the disclaimer to be enforceable?
- Does the state require that employees be given actual notice of revisions?
- Does the state require that additional consideration be given to employees for certain changes to be enforceable (e.g., at-will, arbitration, etc.)?
- Does the state contractually bind employers to the handbook provisions?

EMPLOYMENT PRACTICES

- Does the state law protect certain classes that are not protected by federal law (e.g., sexual orientation)?
- Does state law require specific provisions in the EEO/harassment policies?
- Does the state require that employees be given access to their personnel records?
- Is there a state plant closing law that may require certain notice or other contingencies before group terminations?
- Does the state have requirements for medical testing?
- Does the state have job reference laws?

SMITH ANDERSON

CONDUCT

- Does the state impose certain requirements or limitations on monitoring of employee telephones, voicemail, email, computer usage or searches?
- Does the state impose requirements or limitations on drug testing?
- Does the state prohibit adverse action based on lawful activities outside work hours?

HOURS AND PAY

- Does state law impose requirements on number of work hours, breaks, etc.?
- Does state law have more generous provisions for overtime pay (e.g., O.T. for certain number of hours worked on particular day, higher O.T. rates for work on certain days, etc.)?
- Does state law impose requirements on when or methods of how employees must be paid or on the final paycheck?
- Does state law have prohibitions or restrictions on whether deductions can be made from employee pay, the amount of such deductions or form of deduction authorization?
- Does state law require that employees be given certain notice of payroll practices?
- Does state law impose requirements of pay, work hours, or recordkeeping?

BENEFITS

- Does the state have a family/medical leave law?
- Does the state permit paid time off to be used for certain purposes (e.g., sick time for family illness)?
- Does state law require certain jury duty benefits? Time off for other court appearances?
- Does state law have a military service law?

SMITH ANDERSON

- Does state law have a disability pay law?
- Does state law impose requirements on what information must be addressed in the vacation policy? Whether accrued but untaken vacation time must be paid on termination?
- Does the state require time off to vote? Paid time off?