

EMPLOYEE HANDBOOKS: FEDS' NEW HUNTING GROUNDS

News
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Tampa Partner Steve Bernstein was quoted in two related articles that appeared on *BenefitsPro.com* about the recent focus of the National Labor Relations Board (NLRB) on employee handbooks.

The article "[Reconstituted NLRB to Scrutinize Employee Handbooks](#)" noted that the NLRB is examining employee handbooks looking for such things as vague language, rules restricting discussions of wages and particularly any policies that infringe on a person's social media "rights."

Steve said: "Social media today is the water cooler of yesterday. It's where people gather to gossip, chat, complain. You weren't allowed to sanction people for what they said around the water cooler, and you can't sanction them for most of the content they post on social media. This will be an area of focus for the board."

The article "[Employee Handbooks: Feds' New Hunting Grounds](#)" noted that the NLRB is not the only government agency focusing on employee handbooks. Steve said: "Regardless of whether an employer is before the DOL, the NLRB, or the EEOC, the employee handbook is typically the second item requested (right after a copy of the employee's personnel file). These agencies do have the authority to issue investigative subpoenas, so one way or the other they may ultimately have access to the handbook."

He stressed how important it is that employers be proactive about their employee handbooks.

"To me this underscores the importance of regular handbook updates for strict legal compliance with the latest

Related People



Steven M. Bernstein

Regional Managing Partner
and Labor Relations Group
Co-Chair

813.769.7513

regulatory changes, which now seem to be coming monthly, if not weekly. Employers would be wise to ensure up-to-date compliance, as the days of doing business with 'canned,' outdated or off-the-shelf policies and procedures are quickly coming to an end."