Note: This template was created by Orion HR Group. It’s meant to be a starting point for companies, not to be copied verbatim. This template should be adapted and approved by your company’s legal and HR teams before being implemented.

**Employee Handbook Language Changes
Updated October 2023**

Any changes to employee handbooks should be reviewed by legal counsel and provided to employees with the new effective date. The following are only a partial representation of key changes based on state and federal law changes and court decisions. Different states and municipalities may have additional requirements.

## AT-WILL EMPLOYMENT

XYZ Organization does not offer tenured or guaranteed employment. Either the XYZ Organization or the employee can terminate the employment relationship at any time, with or without cause, with or without notice provided it does not violate local, state or federal law. This is called employment at-will.

Employees may also be demoted or disciplined, and the terms of their employment may be altered at any time, with or without cause, at the discretion of XYZ Organization. No one other than an officer of XYZ Organization has the authority to alter this arrangement, to enter into an agreement for employment for a specified period of time, or to make any agreement contrary to this at-will status. Any such agreement must be in writing, must be signed by an authorized representative of XYZ Organization and by the affected employee, and must express a clear and unambiguous intent to alter the at-will nature of the employment relationship.

The organization further reserves the right to change any employee compensation and benefit programs at any time and without advance notice.

## EQUAL EMPLOYMENT OPPORTUNITY

XXX Organization is committed to utilizing the full range of talent and perspectives of our employees, respecting all individuals and maintaining an environment in which everyone is treated with dignity. In support of this commitment, we reaffirm our long-standing policy of providing equal opportunity in employment to all qualified persons without regard to race, color, religion, age, national origin, gender, gender identity, sexual orientation, marital status, pregnancy or nursing status, hair color/style, disability, receipt of public assistance, familial status, citizenship status, veteran status, union affiliation, genetic information, or any other characteristic protected by applicable law.

Our equal employment opportunity commitment applies to the personnel practices of recruiting, hiring, training, and promotion. Equal employee opportunity also includes compensation, benefits, performance appraisal, transfer, layoff, recall from layoff, company-sponsored training and education, and social or recreation programs. These practices will be fairly administered and available to employees in strict accordance with all federal and state laws.

## PREGNANCY AND NURSING ACCOMMODATION

XYZ organization will provide reasonable accommodations to employees for health conditions related to pregnancy or childbirth unless providing an accommodation would impose an undue hardship on the operation of XYZ Organization.

Employees may request an accommodation pursuant to this policy which may include advice of the employee’s licensed health care provider or certified doula. Reasonable accommodations including more frequent restroom, nursing, food, and water breaks; seating consistent with the employee’s essential job duties; or limits on lifting over 20 pounds may be requested without medical advice. XYZ Organization will engage in an interactive process with the employee in order to determine what reasonable accommodations may be granted.

A private area with an electrical outlet (not a rest room) and additional time off will be provided for a nursing mother for a period of one year following the birth of the child unless it presents an undue hardship for the organization.

### **Procedure for Requesting an Accommodation**

To request a pregnancy-related accommodation, employees should contact human resources or xxxxx. It is not sufficient to contact anyone other than those designated individuals.

Upon receipt of an accommodation request, human resources or company representative will meet with the requesting employee to discuss and identify the potential accommodation that the Company might make to help with the health condition related to pregnancy or childbirth. Also, when appropriate, the Company may need permission from the employee to obtain additional information from the employee’s physician and/or other medical rehabilitation professionals about the type of accommodation needed.

As appropriate, management and/or appropriate management representatives identified as having a need to know will determine the feasibility of the requested accommodation. HR or a designated representative will inform the employee of the decision on the accommodation request and/or on how to make the accommodation.

**Rest Periods**

Employers must allow employees adequate time within each four consecutive hours of work to use the restroom. Employees who are pregnant may request additional rest periods. See Pregnancy and Nursing Accommodation section.

### **Drug Testing and State Medical Marijuana Registry regulations – Non-DOT employees**

The testing procedure, which applies to job applicants will begin with an initial drug and/or alcohol screen paid forby the XYZ Organization. We reserve the right to test body components including, but not limited to urine, blood, breath, and saliva in accordance with state and federal law.

For applicants, if the sample is positive in the initial screen, that sample will be reviewed by a Medical Review Officer and used to conduct a second (confirmatory) test, paid for by XYZ Organization to verify theresults of the first screen. A negative result on either the initial screen or the confirmatory retest will be considered a successful completion of the drug and/or alcohol screen and no additional testing will be required at that time.

All XYZ employees are expected to maintain a professional image and limit alcoholic consumption at all company and client sponsored events. Employees are not required to consume alcohol at XYZ Organization sponsored social events and may not consume alcohol drugs to the point of intoxication. Employees are prohibited from possessing, using, selling, manufacturing and/or distributing drugs (including THC Gummies, Cannabis/Marijuana) or alcohol on XYZ Organization property during work hours. We need your cooperation to ensure a safe and productive workplace.

Applicants and employees who are actively covered under a state Medical Marijuana Registry List must report this to human resources. Employees on the Registry may not automatically be denied employment but may be reassigned based on ADAAA reasonable accommodation and safety sensitive positions in accordance with state and federal law. Employees testing positive for THC may be refused certain assignments or positions based on state or federal law.

### **Reasonable suspicion testing**

Employees are subject to testing based on (but not limited to) observations by at least two members of management of apparent workplace use, possession, or impairment. Contact HR or XXX individual to be consulted before sending an employee for testing. Management must use the Reasonable Suspicion Observation Checklist **<NOTE: provide a sample checklist but also conduct manager training>** to document specific observations and behaviors that create a reasonable suspicion that an employee is under the influence of illegal drugs or alcohol. Examples include:

* Odors (smell of alcohol, body odor or urine).
* Movements (unsteady, fidgety, dizzy).
* Eyes (dilated, constricted or watery eyes, or involuntary eye movements).
* Face (flushed, sweating, confused or blank look).
* Speech (slurred, slow, distracted mid-thought, inability to verbalize thoughts).
* Emotions (argumentative, agitated, irritable, drowsy).
* Actions (yawning, twitching).
* Inactions (sleeping, unconscious, no reaction to questions).

When reasonable suspicion testing is warranted, both management and HR (if available) will meet with the employee to explain the observations and the requirement to undergo a drug and/or alcohol test within two hours. Refusal by an employee will be treated as a positive drug test result and will result in further chemical dependency evaluation (by a certified chemical dependency evaluator) or immediate termination of employment.

*Under no circumstances will the employee be allowed to drive himself or herself to the testing facility. A member of management must transport the employee or arrange for an Uber/Lyft or cab and arrange for the employee to be transported home.*

### **Post-accident testing**

Employees may be subject to testing when they cause or contribute to accidents that seriously damage a vehicle, machinery, equipment or property or that result in an injury to themselves or another employee requiring offsite medical attention and alcohol or drug use may have contributed to the accident. A circumstance that constitutes probable belief will be presumed to arise in any instance involving a work-related accident or injury in which an employee who was operating a motorized vehicle is found to be responsible for causing the accident. In any of these instances, the investigation and subsequent testing must take place within two hours following the accident, if not sooner.

*Under no circumstances will the employee be allowed to drive himself or herself to the testing facility. A member of management must transport the employee or arrange for a cab and arrange for the employee to be transported home.*

**List specific drug testing facility information here.**

Violations of this Policy will result in disciplinary action up to and including termination of employment.

**Minnesota Employee Sick and Safe Leave Policy (ESSL)**

*Note PTO, sick leave and vacation policies may also require editing for compliance.*

XYZ Organization provides eligible employee with paid sick and safe time pursuant to the local, State and Federal Law and Ordinances. This may be taken for personal or family illness, preventative care, mental health appointments, school and daycare closure, domestic abuse, stalking, legal meeting including providing witness statements and stalking or protective orders.

Employees may use earned sick and safe time for the following reasons and situations for care of:

1. their child, including foster child, adult child, legal ward, child for whom the employee is legal guardian or child to whom the employee stands or stood in loco parentis (in place of a parent);
2. their spouse or registered domestic partner;
3. their sibling, stepsibling or foster sibling;
4. their biological, adoptive or foster parent, stepparent or a person who stood in loco parentis (in place of a parent) when the employee was a minor child;
5. their grandchild, foster grandchild or step-grandchild;
6. their grandparent or step-grandparent;
7. a child of a sibling of the employee;
8. a sibling of the parents of the employee;
9. a child-in-law or sibling-in-law;
10. any of the family members listed in 1 through 9 above of an employee’s spouse or registered domestic partner;
11. any other individual related by blood or whose close association with the employee is the equivalent of a family relationship; and
12. up to one individual annually designated by the employee.

If need for ESSL is foreseeable, employers may require up to seven days' advance notice. If the need is unforeseeable, employers may require notice of need for ESSL as soon as practicable.

Employers may require reasonable documentation regarding the need for ESSL when an employee uses ESSL for more than three days in a row.

The total number of earned sick and safe time hours accrued and available for use, as well as the total number of earned sick and safe time hours used will appear on earnings statements provided to employees at the end of each pay period. The maximum carry-over of earned sick and safe leave for an employee can be limited to 80 hours.

### **FMLA Leave and State Parental Leave / Birthing and Child Bonding requirements**

*Note- additional FMLA information is required under a separate policy*

FMLA and Parental leave, under this policy, is generally unpaid leave. If, however, the employee is eligible for any paid leave under any other benefit programs such as PTO, Short Term Disability and State Parental Leave or similar laws, the employee will be required to exhaust the paid leave upon the commencement of, and concurrently with, FMLA leave (unless the employee is receiving workers’ compensation benefits). However, an employee on FMLA leave due to the birth of a child or placement of a child is not required to substitute PTO for the unpaid leave. Paid leave will run concurrently with and be counted toward the employee’s total 12-week or 26-week period of FMLA leave. Employees on unpaid leave will not accrue additional PTO.

The Parental Leave may begin at a time designated by the employee but must start within 12 months of the date of the birth, adoption, or placement of the child. Accrued time off may not be used to extend a Parental Leave beyond 12 weeks. The Parental Leave will be taken concurrent with the FMLA. That is, the employee is entitled to a maximum of 12 weeks unpaid in a 12-month period with both FMLA and Parental Leave.

Parental Leave may be taken on an intermittent basis within 12 months following birth, adoption or placement in foster care but ONLY with advance management approval.

Parental Leave may not be extended by use of other forms of paid leave. In the event this conflicts with other local or state laws; whichever law if most generous to the employee will be followed. In the event a newborn child remains hospitalized following the birth, the employee may delay the leave until the child is released.

### **Intermittent or Reduced Scheduled Leave**

FMLA leave may be taken intermittently or on a reduced work schedule basis. If FMLA leave is taken intermittently or on a reduced schedule basis, then XYZ Organizationmay require the employee to transfer temporarily to an available alternative position with an equivalent pay rate and benefits, including a part-time position, to better accommodate recurring periods of leave due to foreseeable medical treatment.

Every employee is obligated to make a reasonable effort to schedule medical treatment so as not to unduly interrupt XYZ Organizationoperations. Any employee who needs an intermittent or reduced schedule leave shall apply for such leave on a form supplied by XYZ Organizationat the time described above.

### **Employee Notice Requirement**

Employees are required to provide XYZ Organizationwith sufficient information to make it aware that the employee needs FMLA-qualifying leave, and the anticipated timing and duration of the leave.

If the need for leave is foreseeable, the employee is required to provide such notice to XXX individual at least 30 days before the commencement of the leave, unless impracticable to do so under the circumstances, in which case notice must be given as soon as possible, generally the same or the next business day.

XYZ Organization requires that the employee’s health care provider complete a fitness-for-duty certification that specifically addresses whether the employee is able to perform the essential functions of their job before the employee can return to work. XYZ Organization may also require periodic medical re-certifications on a reasonable basis.

### **Continuation of Group Health Benefits**

XYZ Organization will continue to make group insurance coverage available to eligible employees during an approved Medical Leave of Absence. The employee is still responsible for the usual co-payment, if any. If a Medical Leave extends beyond the approved period, the employee becomes responsible for the full amount of their insurance premiums with no co-payment from XYZ Organization. In the event an employee elects not to return to work upon completion of an approved unpaid leave of absence, XYZ Organization may recover from the employee the cost of any payments made to maintain the employee's insurance coverage.