

Locke Lord QuickStudy: Key Employer Updates for 2024/2025 – Part Two in This Series: Employee Handbooks

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As Q4 approaches, many employers are completing 2024 goals and setting 2025 goals, including updating their key employment policies and agreements to ensure they align with ever-evolving federal, state, and local laws and business needs. In Part One of this series, we focused on key updates to offer letters and job descriptions. This article focuses on employee handbooks. Updates to restrictive covenant agreements will be next in Part Three.

Employee Handbooks

Ripe for updating as year-end approaches is one of the most comprehensive and effective means of communicating the company's policies and procedures – the employee handbook. As dynamic, living documents, employee handbooks can evolve on a regular basis to reflect new or updated laws, trends relevant to recruiting and retaining key talent, and to address changes to business needs.

Handbook content can vary greatly from one company to the next, depending on business type and applicable laws, but some recent changes are below, which employers may choose to address for their 2024/2025 handbook updates. Handbooks not recently updated, or those serving businesses with additional changes or policies, or those under other applicable laws, may benefit from additional updating. While not every business change or new law or trend needs to be captured in the handbook, employers may want to evaluate what is new to determine appropriate content for their handbooks.

Employers may consider employee training on any new policies to ensure they are understood, or addressing the new policies in the updated handbook's acknowledgement page. Even without any handbook updates, employers may request regular acknowledgements from employees regarding their continued understanding and compliance with all handbook policies, and including acknowledgements regarding their knowledge of compliance by others as

well.

National/company-wide issues to consider for the main handbook include:

- Expanded duties and new guidance for employee accommodations (for disability, pregnancy, childbirth, or related medical conditions, (new pregnancy accommodation guidelines in 2024), and religious beliefs, as well as expanded lactation breaks (some of which will vary under state law as well)).
- Employee use of ChatGPT and other AI in the workplace, including protection for the company's confidential information and use of company systems.
- Restrictions on employee storage or use of company information on personal devices (thumb drives, external drives, phones, and more) or personal accounts (Gmail, OneDrive, Dropbox, and more), and procedures for the removal and return of company information when employment ends.
- Practices and restrictions in place for the protection of trade secrets and confidential information, particularly in light of the increased use of personal devices and accounts to store company information or communications, and the growing hostility towards non-competition and other restrictive covenants.
- In-person, remote, or hybrid work requirements and any changes to policies based on the work environment applicable to any given role.
- Proper timekeeping policies and procedures, especially in states such as California with additional precise rules on meal periods and rest breaks.
- Expansion of any ethics, conflicts of interest, fiduciary duty, or code of conduct policies to further clarify conduct expectations.
- Inclusion in the handbook or on the employer intranet, some or all required notices or physical workplace postings, as an additional location, or to address a remote or hybrid workforce (required by some state laws too).
- Updates to address the National Labor Relations Act requirements that policies not chill an employee's right to self-organize and engage in protected concerted activities, or to address whistleblower activity.

State specific issues to consider for state addenda to the main handbook:

- Additional state law addenda could be needed for employees hired in new states, if the legal requirements in those states differ from the main employee handbook.
- But even for employees in an employer's existing state footprint, state laws frequently change on a number of topics typically covered by employee handbooks, some of which are noted below.
- Protected classes have expanded in several states, for example, hair-based discrimination is covered by more than 20 states, recently in Texas (2023), New Hampshire (2024), and Vermont (2024); height and weight discrimination as protected classes is gaining coverage in cities and states, recently in New York City (2023) and New Jersey (2024); nearly half of the states have laws prohibiting discrimination based on marital status/relationships, recently in Colorado (2023); some states have laws prohibiting discrimination and harassment based on actual or perceived family responsibilities, for example Illinois (2025), and reproductive health decisions, see Illinois (2025).
- Unpaid and paid state leave laws change frequently, including recent changes in California (2024) and Colorado (2023), Illinois and Chicago (2024), and Connecticut (2025) and the first required paid prenatal personal leave is New York (2025), as well as pending legislation in some states, including New Jersey. Such policies should be drafted carefully to aid in the administration challenges, particularly how they these leaves may overlap or operate separately.
- Paid lactation breaks are in effect in several places, recently in New York (2024).

- Laws protecting activity outside of work, including lawful cannabis use, are more common now, including recent changes in California (2024), Minnesota (2023), and Washington (2024).
- Workplace violence policies and postings are now required in some states, including a workplace violence prevention plan in California (2024) and a poster in Texas (2024).
- Legislation addressing artificial intelligence in the workplace, including certain notices which could be included in a handbook or other disclosure documentation, is now law in New York City (2023), and pending in other states, including California and Illinois.
- Laws prohibiting discrimination and retaliation against employees who refuse to attend or participate in employer-sponsored meetings or communications where employers express views on political and religious matters have been enacted in some states, recently in Illinois (2025), Maine (2023), Minnesota (2023), New York (2023), and Vermont (2024), and similar legislation is pending in other states, including California.
- Lastly, as a note for those keeping abreast of potential state employment law legislation, and not for this round of updates, the New York proposal to end at-will employment remains in the labor committee.

Whether a company has expanded into new states, or in states with new laws, or just changing some employment practices, for any updates to employee handbooks or any other employment documentation, now is a good time to get started!

Stay tuned for Part Three of the series – Restrictive Covenant Agreements.

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