

Xpert HR

Update Your Employee Handbook for 2021

Checklist





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When to Use

An employer should strive to keep its employee handbook current with legal developments on the federal, state and local level. However, this can be a difficult task since changes often happen at a rapid pace. This checklist includes significant new or changed compliance requirements that impact employee-facing policies, based on laws and regulations that came into effect between January 1, 2020, and August 31, 2020, as well as corresponding model employee handbook statements. An updated version of this checklist covering laws going into effect September 1, 2020, through December 31, 2020, will be published in January 2021 to provide a full listing for calendar year 2020.

Employers should refer to the jurisdictions listed in the checklist below and complete the updates to their employee handbook(s) based on where they have operations and whether the laws are applicable to their workplace.

This checklist does not include COVID-19-related laws that are temporary in nature (e.g., in effect for a defined period or for the duration of the public health emergency). Those policy templates can be located in the [Coronavirus \(COVID-19\): Temporary Handbook Statements](#) resource.

Federal

- EEO:** reflects the [US Supreme Court decision](#) that terminating an employee merely for being gay or transgender is discrimination based on sex in violation of Title VII (06/15/20)
 - [EEO Handbook Statement \[15-19 Employees\]: Federal](#)
 - [EEO Handbook Statement \[20+ Employees\]: Federal](#)
- Overtime:** reflects the [final overtime rule](#) updating and revising the Fair Labor Standards Act (FLSA) overtime exemption requirements (01/01/20)
 - [Employee Classifications Handbook Statement: Federal](#)
 - [Overtime Handbook Statement](#)
 - [Timekeeping Handbook Statement](#)
- Sexual harassment:** reflects the [US Supreme Court decision](#) ruling that terminating an employee merely for being gay or transgender is discrimination based on sex in violation of Title VII (06/15/20)
 - [Sexual and Other Unlawful Harassment Handbook Statement \[15-19 Employees\]](#)
 - [Sexual and Other Unlawful Harassment Handbook Statement \[20+ Employees\]](#)

California

- Discrimination, harassment and retaliation prevention:** prohibits [discrimination based on hairstyle](#) under the California Fair Employment and Housing Act (01/01/20)
 - [Discrimination, Harassment and Retaliation Prevention Handbook Statement \[5+ Employees\]: California](#)
- Family and medical leave:** amends the eligibility requirements for airline flight deck or cabin crew employees to take [leave](#) under the California Family Rights Act (01/01/20)
 - [Family and Medical Leave Handbook Statement: California](#)
- Family leave insurance:** increases the duration of [paid family leave insurance benefits](#) (07/01/20)
 - [Family Leave Insurance Handbook Statement: California](#)
- Lactation accommodation:** expands [lactation accommodation law](#) to address lactation break time requirements, facility requirements, legal violations and lactation policy requirements (01/01/20)
 - [Lactation Accommodation Handbook Statement: California](#)
- Organ donor leave:** expands law to require covered employers to provide an employee with an additional [unpaid leave of absence](#) for the purpose of organ donation (01/01/20)
 - [Organ Donor Leave Handbook Statement: California](#)

- Time off to vote:** prohibits employers from requiring or requesting that employees bring their [vote-by-mail ballots](#) to work or vote by mail-in ballot while at work, instead of taking time off to vote (01/01/20)
 - [Time Off to Vote Handbook Statement: California](#)
- San Francisco employer updates**
 - Supplemental compensation for new child bonding:** increases the duration of [paid family leave insurance benefits](#) (07/01/20)
 - [Supplemental Compensation for New Child Bonding Handbook Statement \[20+ Employees\]: San Francisco, California](#)

Colorado

- Overtime and minimum pay standards:** makes several changes to state wage and hour laws under the Colorado Overtime and Minimum Pay Standards (COMPS) Order (03/16/20)
 - [Acknowledgement of Receipt of Colorado Overtime and Minimum Pay Standards Order \(COMPS Order #36\) Poster Handbook Statement: Colorado](#)
 - [Meal and Rest Breaks Handbook Statement: Colorado](#)
 - [Overtime Handbook Statement: Colorado](#)

District of Columbia

- Paid family leave:** gives employees access to the leave and benefits available under the District of Columbia's [Universal Paid Leave Amendment Act](#) (07/01/20)
 - [Paid Family Leave Handbook Statement: District of Columbia](#)

Idaho

- Cell phone use/texting while driving:** prohibits a person from [operating a motor vehicle while using a mobile electronic device](#) (07/01/20)
 - [Cell Phone Use/Texting While Driving Handbook Statement: Idaho](#)

Illinois

- Cell phone use/texting while driving:** expands law prohibiting the [use of an electronic communication device while driving](#) to include the use of an electronic device to watch or stream video (01/01/20)
 - [Cell Phone Use/Texting While Driving Handbook Statement: Illinois](#)

- Domestic, sexual or gender violence victim leave:** makes amendments to the [Victims' Economic Security and Safety Act](#) (VESSA) (01/01/20)
 - [Accommodation for Victims of Domestic, Sexual or Gender Violence Handbook Statement: Illinois](#)
 - [Domestic, Sexual or Gender Violence Victim Leave Handbook Statement \[1-14 Employees\]: Illinois](#)
 - [Domestic, Sexual or Gender Violence Victim Leave Handbook Statement \[15-49 Employees\]: Illinois](#)
 - [Domestic, Sexual or Gender Violence Victim Leave Handbook Statement \[50+ Employees\]: Illinois](#)
- EEO:** strengthens protections against unlawful discrimination and harassment under the [Illinois Workplace Transparency Act](#) (01/01/20); requires [gender neutral restrooms](#) (01/01/20); clarifies [arrest record restrictions](#) (01/01/20); expands and clarifies the [Illinois Human Rights Act](#) (07/01/20)
 - [EEO Handbook Statement: Illinois](#)
- School visitation leave:** amends the [School Visitation Rights Act \(SVRA\)](#) to cover "behavioral meetings or academic meetings" and prohibit termination because of an absence that is due solely to a reason protected by the SVRA (08/01/20)
 - [School Visitation Leave Handbook Statement: Illinois](#)
- Sexual and other unlawful harassment:** strengthens protections against unlawful discrimination and harassment under the [Illinois Workplace Transparency Act](#) (01/01/20)
 - [Sexual and Other Unlawful Harassment Handbook Statement: Illinois](#)
- Chicago employer updates**
 - Paid sick leave:** reflects amendments to [Chicago's paid sick leave law](#) regarding employer coverage, employee eligibility, notice and recordkeeping requirements (07/01/20)
 - [Paid Sick Leave Handbook Statement \[Accrual Method\]: Chicago, Illinois](#)
 - Schedules and hours:** requires covered employers to provide advance notice of [work schedules](#) to their covered employees, pay additional wages if posted schedules are changed within a certain time period, and offer additional hours to existing employees before hiring new employees (07/01/20)
 - [Schedules and Hours Handbook Statement: Chicago, Illinois](#)

Indiana

- Cell phone use/texting while driving:** prohibits a person from holding or [using a telecommunications device](#) while operating a mobile vehicle (07/01/20)
 - [Cell Phone Use/Texting While Driving Handbook Statement: Indiana](#)

Massachusetts

- Cell phone use/texting while driving:** prohibits use of [handheld mobile phones](#) while driving (02/23/20)
 - [Cell Phone Use/Texting While Driving Handbook Statement: Massachusetts](#)
- Holiday work – retail employees:** adds Juneteenth Independence Day (June 19) to the list of [holidays covered](#) under the overtime law (07/24/20)
 - [Holiday Work - Retail Employees Handbook Statement \[1-7 Employees\]: Massachusetts](#)
 - [Holiday Work - Retail Employees Handbook Statement \[8+ Employees\]: Massachusetts](#)
- Overtime:** decreases the overtime rate for [retail employees who work on Sundays and certain holidays](#) (01/01/20)
 - [Holiday Work - Retail Employees Handbook Statement \[1-7 Employees\]: Massachusetts](#)
 - [Holiday Work - Retail Employees Handbook Statement \[8+ Employees\]: Massachusetts](#)

Minnesota

- Duluth employer updates**
 - Paid sick and safe time:** requires an employer with five or more employees (regardless of their location) to provide [paid sick and safe leave](#) to eligible employees (01/01/20)
 - [Paid Sick and Safe Time Handbook Statement \[Accrual Method\]: Duluth, Minnesota](#)
- St. Paul employer updates**
 - Minimum wage rights:** requires employers that provide an employee handbook to their employees to include a notice of employees' rights and remedies under the [St. Paul Minimum Wage Ordinance](#) (01/01/20)
 - [Minimum Wage Rights Handbook Statement: St. Paul, Minnesota](#)

Nevada

- Paid leave:** requires employers with 50 or more employees in the state to provide [paid leave](#) that employees may use for any reason (01/01/20)
 - [Paid Leave Handbook Statement: Nevada](#)
- Smoke-free workplace:** expands the prohibition of [smoking in indoor places of employment](#) to include the use of an electronic smoking device (01/01/20)
 - [Smoke-Free Workplace Handbook Statement: Nevada](#)

New Jersey

- EEO:** restricts an employer from making [salary history inquiries](#) (01/01/20)
 - [EEO Handbook Statement: New Jersey](#)
- Family leave:** amends leave benefits under the [New Jersey Family Leave Act](#) regarding absences related to communicable diseases (03/25/20)
 - [Family Leave Handbook Statement: New Jersey](#)
- Family leave insurance:** amends [paid family leave benefits](#) regarding absences related to communicable diseases (03/25/20); increases the amount of [paid family leave benefits](#) (07/01/20)
 - [Family Leave Insurance Handbook Statement: New Jersey](#)
- Military leave:** reflects expansion of [military protections](#) (01/09/20)
 - [Military Leave Handbook Statement: New Jersey](#)
- Paid sick and safe leave:** reflects final rules implementing the [Earned Sick Leave Law](#) (01/06/20); amends [paid sick leave benefits](#) regarding absences related to communicable diseases (03/25/20)
 - [Paid Sick and Safe Leave Handbook Statement \[Accrual Method\]: New Jersey](#)
- Temporary disability benefits:** amends [temporary disability benefits](#) regarding absences related to communicable diseases (03/25/20); expands Temporary Disability Benefits Law to provide job-protected leave to individuals who are unable to work because they are [donating an organ or bone marrow](#) (05/20/20); allows payment of [partial temporary disability benefits](#) (06/17/20); increases the amount of [temporary disability benefits](#) (07/01/20)
 - [Temporary Disability Benefits Handbook Statement: New Jersey](#)
 - [Reinstatement Following Bone Marrow and Organ Donation Handbook Statement: New Jersey](#)

New Mexico

- Pregnancy accommodation:** requires covered employers under the New Mexico Human Rights Act to provide a [reasonable accommodation](#) for an employee or job applicant arising from pregnancy, childbirth or a condition related to pregnancy or childbirth (05/20/20)
 - [Pregnancy Accommodation Handbook Statement: New Mexico](#)

New York

- Domestic violence victim leave:** expands the applicability of the New York State Human Rights Law to all [private employers](#), regardless of size (02/08/20)
 - [Domestic Violence Victim Leave Handbook Statement: New York](#)
- EEO:** restricts [salary history inquiries](#) (01/06/20); expands the applicability of the New York State Human Rights Law (NYSHRL) to all [private employers](#), regardless of size (02/08/20); amends NYSHRL regulations on [gender identity or expression](#) (06/24/20)
 - [EEO Handbook Statement: New York](#)
- Paid family leave benefits:** increases [paid family leave benefits](#) rate (01/01/20)
 - [Paid Family Leave Benefits Handbook Statement: New York](#)
- Pregnancy accommodation:** expands the applicability of New York State Human Rights Law to all [private employers](#), regardless of size (02/08/20)
 - [Pregnancy Accommodation Handbook Statement: New York](#)
- Reproductive health decisions:** requires an employer that provides an employee handbook to include notice of the law regarding [reproductive health decisions](#) and related employee rights and remedies (01/07/20)
 - [Reproductive Health Decisions Handbook Statement: New York](#)
- Time off to vote:** amends the [voting leave law](#) (04/03/20)
 - [Time Off to Vote Handbook Statement: New York](#)
- New York City employer updates**
 - Accommodation for victims of domestic violence, sex offenses or stalking:** expands coverage of the [New York City Human Rights Law](#) (01/11/20)
 - [Accommodation for Victims of Domestic Violence, Sex Offenses or Stalking Handbook Statement: New York City, New York](#)
 - Cooperative dialogue about accommodation needs:** expands coverage of the [New York City Human Rights Law](#) (01/11/20)
 - [Cooperative Dialogue about Accommodation Needs Handbook Statement: New York City, New York](#)
 - Discrimination on the basis of gender, gender identity or transgender status:** expands coverage of the [New York City Human Rights Law](#) (01/11/20)
 - [Discrimination on the Basis of Gender, Gender Identity or Transgender Status Handbook Statement: New York City, New York](#)
 - Pregnancy accommodation:** expands coverage of the [New York City Human Rights Law](#) (01/11/20)
 - [Pregnancy Accommodation Handbook Statement: New York City, New York](#)

Oregon

- Family and medical leave:** amends the definition of serious health condition under the [Oregon Family Leave Act](#) to cover organ and tissue donation (01/01/20)
 - [Family and Medical Leave Handbook Statement \(25-49 Employees\): Oregon](#)
 - [Family and Medical Leave Handbook Statement \[50+ Employees\]: Oregon](#)
- Pregnancy accommodation:** requires employers with six or more employees to provide [reasonable accommodations](#) for an employee's limitations related to pregnancy, childbirth or related medical conditions (including lactation) (01/01/20)
 - [Pregnancy Accommodation Handbook Statement: Oregon](#)
 - [Lactation Accommodation Handbook Statement: Oregon](#)
- Scheduling for retail, hospitality and food services:** requires covered employers to post [a written work schedule](#) at least 14 calendar days before the first day of the work schedule (07/01/20)
 - [Scheduling for Retail, Hospitality and Food Services Handbook Statement: Oregon](#)

Pennsylvania

- Philadelphia employer updates**
 - Schedules and hours:** establishes [predictable work schedule requirements](#) for certain employees (04/01/20)
 - [Schedules and Hours Handbook Statement: Philadelphia, Pennsylvania](#)
- Pittsburgh employer updates**
 - Paid sick time:** requires certain Pittsburgh employers to provide [paid sick leave](#) to their employees (03/15/20)
 - [Sick Time Handbook Statement \[1-14 Employees; Accrual Method\]: Pittsburgh, Pennsylvania](#)
 - [Paid Sick Time Handbook Statement \[15+ Employees; Accrual Method\]: Pittsburgh, Pennsylvania](#)

Rhode Island

- Sick and safe leave:** increases [sick and safe leave](#) accrual and use caps (01/01/20)
 - [Sick and Safe Leave Handbook Statement \[1-17 Employees; Accrual Method\]: Rhode Island](#)
 - [Paid Sick and Safe Leave Handbook Statement \[18+ Employees; Accrual Method\]: Rhode Island](#)

South Carolina

- Lactation accommodation:** requires employers to provide employees with certain [lactation accommodations](#) (07/25/20)
 - [Lactation Accommodation Handbook Statement: South Carolina](#)
 - [Pregnancy Accommodation Handbook Statement: South Carolina](#)

South Dakota

- Cell phone use/texting while driving:** prohibits the [use of a mobile electronic device](#) while operating a motor vehicle (07/01/20)
 - [Cell Phone Use/Texting While Driving Handbook Statement: South Dakota](#)
- EEO:** extends [discrimination protections](#) under the South Dakota Human Rights Act to interns (07/01/20)
 - [EEO Handbook Statement: South Dakota](#)

Utah

- Time off to vote:** amends [voter protections](#) (05/12/20)
 - [Time Off to Vote Handbook Statement: Utah](#)

Virginia

- Discussion of wages:** prohibits employers from limiting employees' [discussion of wage information](#), and imposes a civil penalty for any violations (07/01/20)
 - [Discussion of Wages Handbook Statement: Virginia](#)
- EEO:** expands [pregnancy and lactation protections](#) (07/01/20); prohibits discrimination [based on hairstyle](#) (07/01/20); expands [discrimination protections](#) under the Virginia Human Rights Act (e.g., extending discrimination protections to employees and applicants based on sexual orientation, gender identity and veteran status) and creates new enforcement procedures (07/01/20)
 - [EEO Handbook Statement: Virginia](#)
- Election official leave:** amends [election official leave law](#) (07/01/20)
 - [Election Official Leave Handbook Statement: Virginia](#)
- Pregnancy accommodation:** expands [pregnancy and lactation protections](#) (07/01/20)
 - [Pregnancy Accommodation Handbook Statement: Virginia](#)

Washington

- EEO:** prohibits discrimination based on [citizenship and immigration status](#) and [hairstyle](#) (06/11/20)
 - [EEO Handbook Statement: Washington](#)
- Paid family and medical leave:** provides for [paid family and medical leave \(PFML\) benefits](#) (01/01/20); expands definitions under the PFML law (03/25/20); amends PFML law regarding waiting periods, supplemental benefit payments; disqualification from benefits, conditional waivers, voluntary plan premiums and enforcement and penalties (06/11/20)
 - [Paid Family and Medical Leave Handbook Statement \[50+ Employees\]: Washington](#)
 - [Pregnancy Disability Leave Handbook Statement: Washington](#)
- Pregnancy and lactation accommodation:** amends [pregnancy accommodation](#) certification requirement (06/11/20)
 - [Pregnancy and Lactation Accommodation Handbook Statement: Washington](#)
- Seattle employer updates**
 - Paid sick and safe time:** amends [Seattle's Paid Sick and Safe Time \(PSST\)](#) ordinance to allow employees to use their PSST when a family member's school or place of care has been closed and to require an employer with 250 or more full-time equivalent employees to allow their employees to take PSST when their place of business has been closed for any health or safety reason (03/18/20)
 - [Paid Sick and Safe Time Handbook Statement \[Accrual Method\]: Seattle, Washington](#)

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