

Do you need to update your employee handbook?

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It's hard to keep up with all of the recent changes in employment law and even harder to make sure your employee handbook is up to date. Plus, it's a real pain to have to make revisions to your handbook and much easier to just let it be. But, employers who choose the latter do so at their peril. Here are three examples of changes in Illinois law that may require you to update your handbook.

Pregnancy

The Illinois Human Rights Act has been amended to specifically require employers to include information in employee handbooks regarding the right to use a reasonable accommodation for pregnancy or childbirth. Failure to include this information in your handbook is a violation of the Illinois Human Rights Act. Unfortunately, the Act does not specify the language that should be included in your handbook. We can help you with this.

Note – you are also required to post a notice in the workplace regarding the employee's rights under this Act. These posters can be found online.

Criminal Background Checks

You also need to check your handbook to make sure it complies with the Job Opportunities for Qualified Applicants Act, which prohibits private employers from asking about a job applicant's criminal background until after the employer has determined that the applicant is qualified for the job and notified the applicant he or she has been selected for an interview. If the employer does not conduct interviews for the job, the employer cannot ask about criminal background until after making a conditional offer of employment.

Note – you should also check your job application to make sure it is compliant with this Act.

Guns

Now that Illinois permits concealed carry of guns, you will need to decide whether you will permit, or not permit, concealed carry in your workplace. Your handbook should be updated to include your policy regarding concealed carry.

Note - Concealed carry is prohibited on public transportation, at a bar or restaurant that gets more than half its revenue from the sale of alcohol, at a public gathering or special event that requires a permit (e.g. a street fair or festival), at a place where alcohol is sold for special events, and on private property where the owner has chosen not to allow it (and, unless the property is a private residence, has posted an appropriate sign). Concealed carry is also not allowed at any school, college or university, preschool or daycare facility, government building, courthouse, prison, jail, detention facility, hospital, playground, park, stadium or arena for college or professional sports, amusement park, riverboat casino, off-track betting facility, library, zoo, museum, airport, nuclear facility, or place where firearms are prohibited under federal law.

However, permit holders who are in the parking lot of a prohibited location (except a nuclear facility) are allowed to carry a concealed firearm when they are in their vehicle, and to store their gun locked in their vehicle and out of plain view.

These are just a few of the recent changes in the law that may require you to update your handbook. Our Employment Law Team is ready to assist you with making sure your employee handbook is up to date.