

Editor’s Introduction to Corporate Counsel’s Guide to Legal Aspects of Employee Handbooks and Policies, 2025-2026 edition

Corporate Counsel’s Guide to Legal Aspects of Employee Handbooks and Policies provides a full collection of sample provisions for employee handbooks and policies, plus a discussion of their legal implications. Some of the topics covered include effectiveness of disclaimers in employee handbooks, the Family and Medical Leave Act, confidential information, moonlighting, employee attire, substance abuse, jury duty, severance policies, arbitration and ADR, “no solicitation” policies, email and the Internet, workplace harassment, the Americans with Disabilities Act, EEO, veterans/military leave, privacy, references, and off-duty behavior. The text also features:

- A wide variety of issues that may be considered in creating employee handbooks
- Sample provisions that can serve as the beginning point in the drafting process, or as an added resource

Highlights of the 2025-2026 edition include:

Section 1:35

Supreme Court holds that a preponderance-of-the-evidence standard applies when an employer seeks to prove that an employee is exempt from the minimum-wage and overtime-pay provisions of the FLSA. *E.M.D. Sales, Inc. v. Carrera*, 604 U.S. 45, 145 S. Ct. 34, 220 L. Ed. 2d 309 (2025)

Section 1:37

State of Washington enacts its own version of the WARN Act. WA ST 49.003.0001 to WA ST 49.003.0008

Section 4:2

Supreme Court holds that a plaintiff must plead and prove that she held or desired a job, and could perform its essential functions with or without reasonable accommodation, at the time of an employer’s alleged act of disability-based discrimination. *Stanley v. City of Sanford, Florida*, 145 S. Ct. 2058 (2025)

Section 5:24

Maine passes a Paid Family and Medical Leave law that goes into effect in 2025. ME ST T. 26 § 850-A to ME ST T. 26 § 850-R

Section 6:8

Supreme Court holds that majority-group plaintiffs are not required to meet the heightened evidentiary standard of showing “background circumstances” to establish a prima facie case of “reverse” employment discrimination. *Ames v. Ohio Department of Youth Services*, 605 U.S. 303, 145 S. Ct. 1540, 221 L. Ed. 2d 929 (2025)

Section 6:13

EEOC issues document called “What You Should Know About DEI-Related Discrimination at Work”

Section 17:3

District court strikes down FTC non-compete rule, and it remains unclear how the agency under the Trump administration will approach this issue. *Ryan, LLC v. Federal Trade Commission*, 746 F. Supp. 3d 369 (N.D. Tex. 2024)

Section 19:18

U.S. Citizenship and Immigration Services (USCIS) Validation Instrument for Business Enterprises (VIBE) Q&A

Section 23:10

Seventh Circuit upholds termination of school district employee who made profanity laced public statements denouncing gender ideology and “transgenderism.” *Darling v. Maddaleni*, 142 F.4th 558 (7th Cir. 2025)

Section 24:8

Sixth Circuit holds that severing an unenforceable cost-shifting arbitration provision but still enforcing arbitration in a Fair Labor Standards Act case was not an impermissible reformation of the original arbitration agreement. *Gavin v. Lady Jane’s Haircuts for Men Holding Company, LLC*, 135 F.4th 461 (6th Cir. 2025)

Section 31:2

Sixth Circuit holds in age discrimination case that a failure of the defendant employer to follow its progressive-discipline policy, while not enough on its own to establish pretext, can be considered as part of the “constellation of evidence” of potential discrimination. *Kean v. Brinker International, Inc.*, 140 F.4th 759 (6th Cir. 2025)