

Editor's Introduction to Corporate Counsel's Guide to Legal Aspects of Employee Handbooks and Policies, 2026–2027 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 2026-2027 edition include:

Section 1:34

Discussion of the state of wrongful termination in violation of public policy claims in Ohio after state Supreme Court's decision in *House v. Iacovelli*, 159 Ohio St.3d 466 (2020)

Section 1:35

Third Circuit rules that overtime gap time is not compensable under the FLSA. *Secretary United States Department of Labor v. Comprehensive Healthcare Management Services LLC*, 177 F.4th 427 (3rd Cir. 2026)

Section 1:35; Appendix 1-G

DOL issues Opinion Letter addressing the exemption status of an exempt employee taking on another role that may be non-exempt. FLSA2026-5

Section 1:40

Connecticut passes law requiring disclosure to an employee or job applicant when AI is used to make an employment decision.

Section 3:7

Sixth Circuit breaks from other circuits and adopts intentional standard when considering employer li-

ability for sexual harassment committed by a customer or client. *Bivens v. Zep, Inc.*, 147 F.4th 635 (6th Cir. 2025)

Section 5:13

DOL issues opinion letter suggesting that FMLA leave may be used for time spent traveling to or from medical appointments that are covered by the FMLA.

Section 6:14

Texas Attorney General issues opinion addressing “Diversity, Equity, and Inclusion” in Texas.

Appendix 6-O

EEOC Chair pens letter to 500 largest employers in the United States – “Reminder of Title VII Obligations Related to DEI Initiatives”

Appendix 6-P

EEOC issues Guidance: “Discrimination Against American Workers Is Against the Law”

Section 24:12

Sixth Circuit holds that, under the EFAA, an arbitration agreement is unenforceable as to the entire case (including non-sexual assault or sexual harassment claims) if the filed case also includes any claim relating to a “sexual assault dispute” or a “sexual harassment dispute.” *Bruce v. Adams and Reese, LLP*, 168 F.4th 367 (6th Cir. 2026)

Section 29:6

Fifth Circuit holds that the plaintiff’s inability to work in the office amounted to an inability to perform essential functions of his job, thereby barring his disability discrimination claim (regardless of whether he was able to successfully work from home during COVID-19). *Hayes v. GStek, Incorporated*, 175 F.4th 603 (5th Cir. 2026)

Section 35:11

DOL issues guidance stating that Trump Accounts are not considered “employee pension benefit plans” under Section 3(2) of ERISA, and neither are employer contributions to Trump Accounts. Technical Release 2026-02