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## Time to Update Employee Handbooks

by Robert Gerard, Shareholder, and Sally Costanzo, Senior Counsel, Friedman Stroffe & Gerard, P.C.



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We are approaching a new year in which new employment laws will go into effect. In California, there continues to be a literal Tsunami of cases in which specific legal requirements relating to meal and rest periods, work hours, leaves of absence, equal employment opportunity, and other employment requirements are at issue. This can make it difficult even for those employers whose employee policies are well-updated to operate with minimal legal issues, and a potential litigation nightmare for the employer that neglects to stay on top of changes in laws and documenting key company employment issues and policies. Action Sports employees may often enjoy a “laid-back” employment environment, which can in turn lead to lackadaisical employment practices. This can become a major detriment when an employee decides to file a lawsuit. Thus, year-end is a good time for all Action Sports employers to be reminded of the importance of having an Employee Handbook that is up-to-date and in compliance with changes in the law.

Employee Handbooks are often critical evidence in employment cases, whether single-employee plaintiff cases or class actions. The determination as to whether the Employee Handbook serves as evidence for, or against, the employer depends upon if it is in full compliance with current employment laws. Moreover, Employee Handbooks are not “one-size-fits-all” in that different requirements apply to different employers depending on their industry, size, and other factors. This is a common mistake, especially when employers think they are saving money by purchasing off-the-shelf Employee Handbooks instead of getting legal counsel involved, which not only provides risk prevention, but also helps in dealing with day-to-day employment issues. Further, having the “wrong fit” can interfere with an employer’s compliance obligations.

As with other company preparations for 2014, employers are reminded to review their Employee Handbook every year to assess whether it is up-to-date, tailored to the requirements of their particular businesses, and accurately reflects the company’s day-to-day policies and practices. A key aspect of this process is to work closely with competent employment counsel. This step can prove to be critical in litigation prevention, and if a case does ensue, then to be well-prepared to minimize the damages.

*Robert is a Shareholder and Sally is Senior Counsel at Friedman Stroffe & Gerard, P.C. Both Robert and Sally specialize in representing action sports manufacturers and retailers in all aspects of employment law, including counseling/advice, compliance, litigation prevention, single plaintiff litigation, and class actions.*

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