



Bryan Benard

Partner
801.799.5833
Salt Lake City
bbenard@hollandhart.com

COVID-19: Retaining Employer Discretion to Modify Workplace Policies

Insight — March 15, 2020

Last updated 3.15.2020

With any emergency or new policy revisions or changes, it is important to retain employer discretion to modify policies going forward. Most employers have a written acknowledgment at the end of their current handbook or policies that indicates the policies do not create a contract and that retains employer discretion to modify all such policies. This is critical to retain as employers are updating or modifying policies during the Coronavirus outbreak and related circumstances.

Employers may use or update their current acknowledgment form to address this. However, it is good practice to further update this form under the present circumstances where governmental emergency legislation, programs and guidelines are certain to continue. Employers should indicate that any interim or emergency policies are subject to change at any time based on company discretion and business needs and considerations, as well as based on any government-led issues, legislation, programs and guidance. Specifically, employers may want to suggest that any new employer benefits or policies provided specifically in response to the Coronavirus will be revised or offset by any potential government mandated or available plans and benefits.

This publication is designed to provide general information on pertinent legal topics. The statements made are provided for educational purposes only. They do not constitute legal or financial advice nor do they necessarily reflect the views of Holland & Hart LLP or any of its attorneys other than the author(s). This publication is not intended to create an attorney-client relationship between you and Holland & Hart LLP. Substantive changes in the law subsequent to the date of this publication might affect the analysis or commentary. Similarly, the analysis may differ depending on the jurisdiction or circumstances. If you have specific questions as to the application of the law to your activities, you should seek the advice of your legal counsel.