

Taking Care of Business:

Employee Handbooks

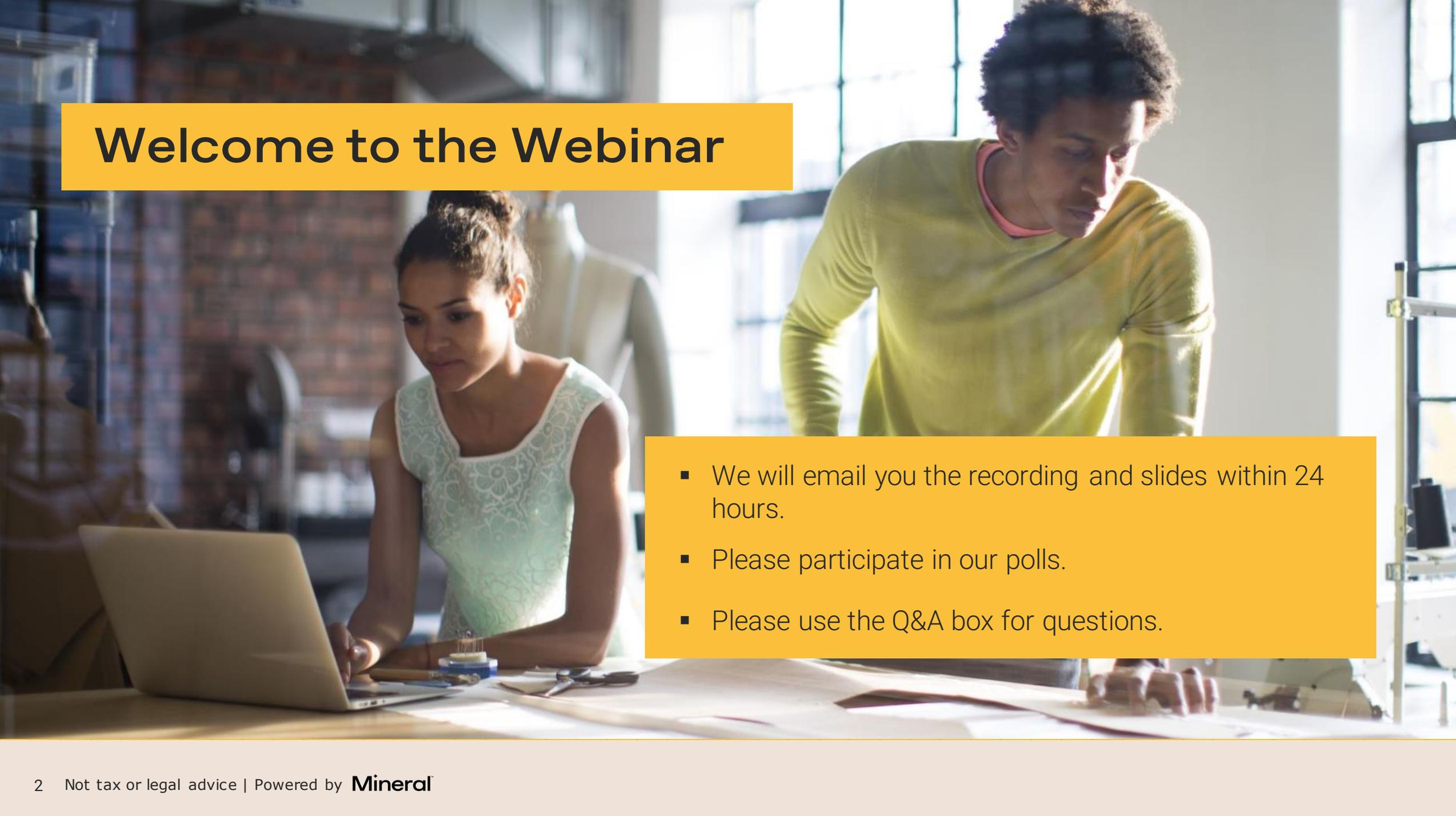
Presented by Marisa S., SPHR

February 17, 2022

Not tax or legal advice | Powered by **Mineral**



Welcome to the Webinar

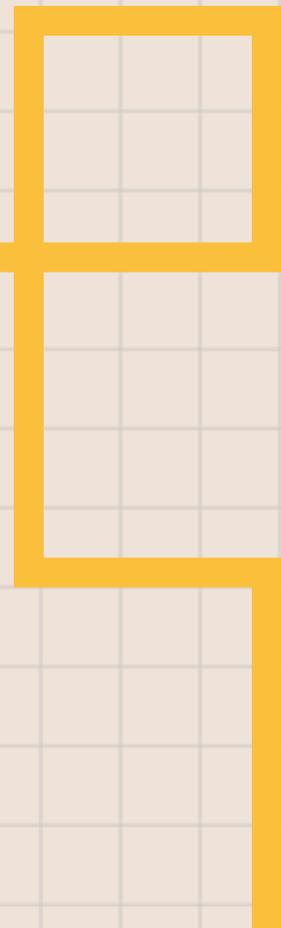


- We will email you the recording and slides within 24 hours.
- Please participate in our polls.
- Please use the Q&A box for questions.

Agenda

- Purpose
- Contents
- Administration
- Reviewing and Updating

Purpose





Just One Practical Application

- Difficult to enforce policies if employees don't know they exist
- Even if employees do know, or should know, we want proof that they were aware of our policies

What does it do?

- Outlines mission and values
- Communicates expectations
- Outlines manager responsibilities
- Clearly explains policies
- Showcases the benefits you offer
- Covers federal and state laws
- Helps defend against employee claims
- Tells employees where to turn for help



What does it *not* do?

- Should not be an operations manual
- Should not function as an employment contract
- Should not promise continued employment



Contents



Who is the audience?



- The handbook is for employees only – not independent contractors or volunteers
- Be clear if a policy or benefit only applies to certain types of employees (e.g. full-time or part-time)
- Minimize legal jargon and words that might be lost on your readers



What's Inside, 1st Up

- Welcome Message
- At-Will Relationship
- Equal Employment
- Exempt v. Non-Exempt
- Full-Time v. Part-Time

The At-Will Relationship



The employment relationship can be terminated...

- By either party
- At any time
- With or without notice
- With or without cause
- For any reason allowed by law

Equal Employment Opportunity (EEO)

Federally Protected Classes: Race, Color, National Origin, Age, Religion, Sex, Sexual Orientation, Gender Identity, Disability, Military or Veteran status, Genetic Information, Child or Spousal Support Withholding

Classes Protected by Some State Laws: Lawful Off-Duty Conduct, Political Affiliation, Marital Status, Familial Status, Credit Report or Credit Information, Arrest Records, AIDS/HIV, Domestic Violence Victim Status



Exempt vs. Non-Exempt

Exempt

- Position passes specific tests established by the FLSA and applicable state laws
- Exempt from overtime pay requirements

Non-Exempt

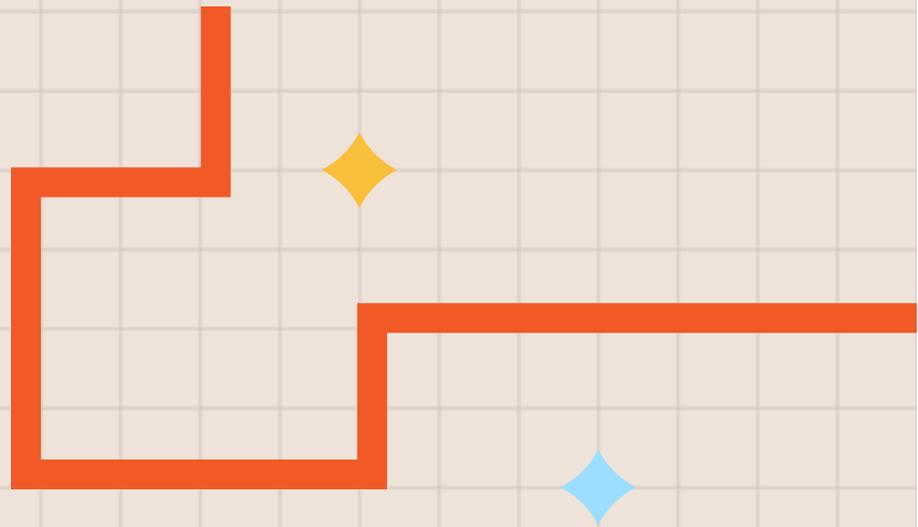
- Position does not pass specific tests, or employer chooses to pay hourly
- Must be paid overtime pay
- Unless notified in writing by management, all employees are non-exempt



Conduct

- General Conduct Guidelines
- Sexual and Other Unlawful Harassment
- Complaint Procedure
- Corrective Action

Compensation



- Defined Workweek
- Pay Periods
- Paydays
- Timekeeping
- Overtime
- Performance Evaluations



Benefits and Leaves

- Paid Time Off
- Sick Leave
- Health Insurance
- Disability Leave(s)
- Bereavement Leave
- COBRA

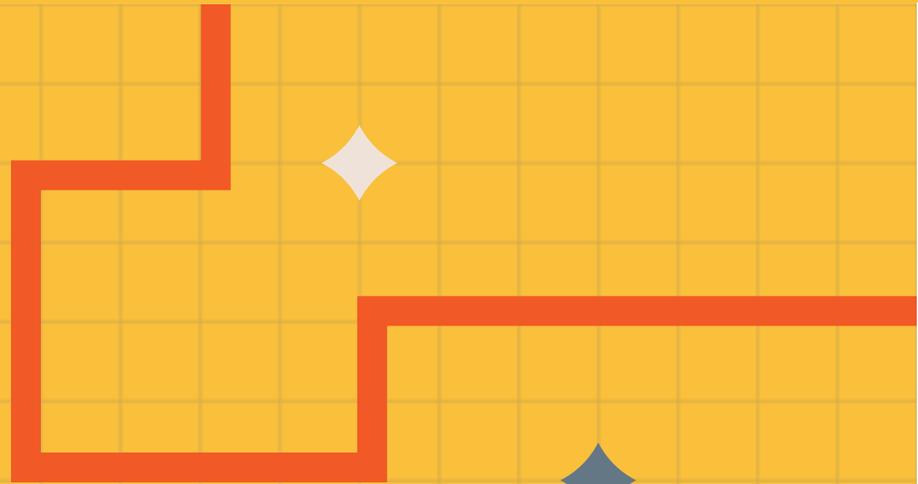


State-Specifics

- Leaves: Jury, Voting, Domestic Violence
- Sick Time
- Mini COBRA
- Meal and Rest Periods



Paid Time Off



- How does it accrue? By pay period, by month, as a lump sum?
- Does it roll over into a new year if not used?*
- Can employees get cash in lieu of time off?
- Do you pay out at termination?*

**Required in some states*



Poll Question

How often do you review your handbook for updates?

Health and Safety

- No Smoking
- Drugs and Alcohol
- Workers' Comp
- Accident Reporting
- Workplace Violence
- Driving Safety
- Auto Accidents
- Office Closures



Work Guidelines

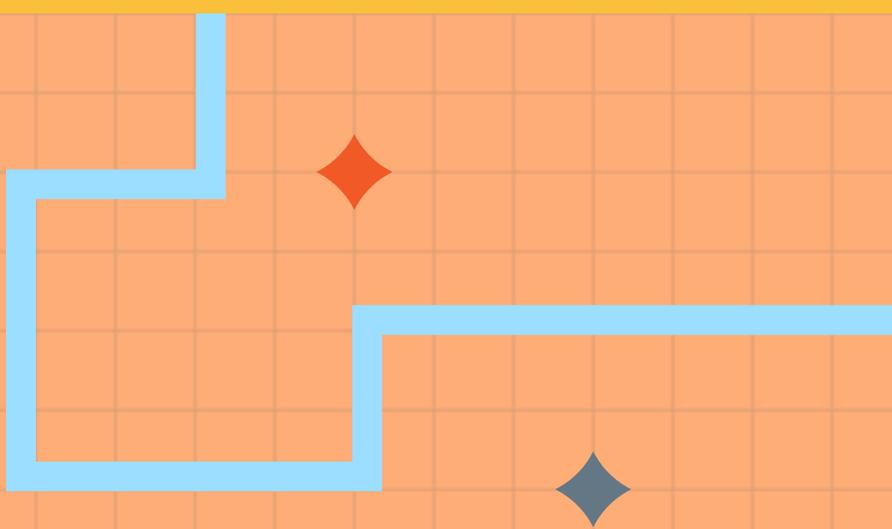


- Off-the-Clock Work
- Attendance and Tardiness
- Meal and Rest Periods
- Personal Appearance and Hygiene
- Lactation Accommodations
- Electronic Asset Usage
- Social Media
- Parking

Separation

- Resignation – request written notice of resignation
- Termination – the at-will relationship reiterated
- Personal Property – take it with you
- Company Property – give it back

Acknowledgement



- Collect upon hire and any time the handbook is updated
- States that employee received, has had the opportunity to review, and acknowledges receiving
- Store in employees' personnel files



The Big Picture

What You Want

- Consistency in language and tone
- Policies applied based on circumstances or severity
- Words like *generally, from time to time, and as needed*
- Detailed but doesn't micromanage





The Big Picture

What You Want to Avoid

- Use of the terms *probation* or *probationary*
- Promises or implication of guaranteed employment
- Step discipline, in most industries
- Policies that should be separate contracts



National Labor Relations Act

- Cannot prohibit discussion of wages
- Limited control over employees on social media
- Scope of confidential information is limited

A Few Legalities:

Policies in Conflict With the Law

- Include a provision stating that laws or ordinances will govern if the employee handbook contains a provision that is conflicting with them
- Include a savings clause: “Should any provision in this Employee Handbook be found to be unenforceable or invalid, such a finding does not invalidate the entire Employee Handbook, but only the subject provision.”

Final Creation Details



- Proofread
- Check formatting
- Create a Table of Contents
- Photos or Images – make sure they aren't copyrighted and if using pictures of employees, get their written permission

Administration



Administering the Handbook

- Provide to all new hires and to current employees when updated
- Allow time to read it during the workday
- Collect acknowledgements from all employees
- Supervisors and managers should be prepared to answer questions
- Have hard copies available in a central location



Poll Question

How long is your
company's
employee
handbook?

Reviewing and Updating

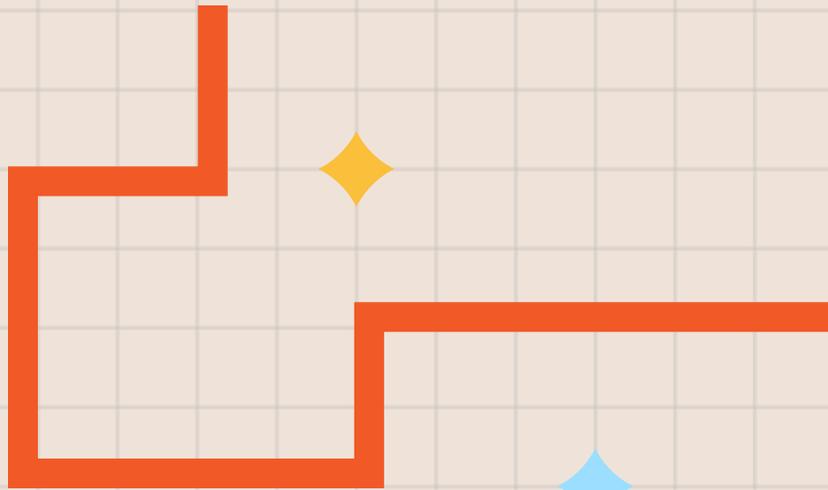


A top-down view of a desk. In the upper left, a woven basket contains cinnamon sticks and a white cloth. In the upper right, a white cup of coffee sits on a saucer. The background is a calendar with a grid of dates. The word 'THURSDAY' is visible on a red header. Dates 1 through 30 are printed in a grid. Some dates have handwritten numbers in red ink. There are also some holiday labels like 'EARLY MAY BANK HOLIDAY (UK)' and 'ARMED FORCES DAY'.

Reviewing and Updating

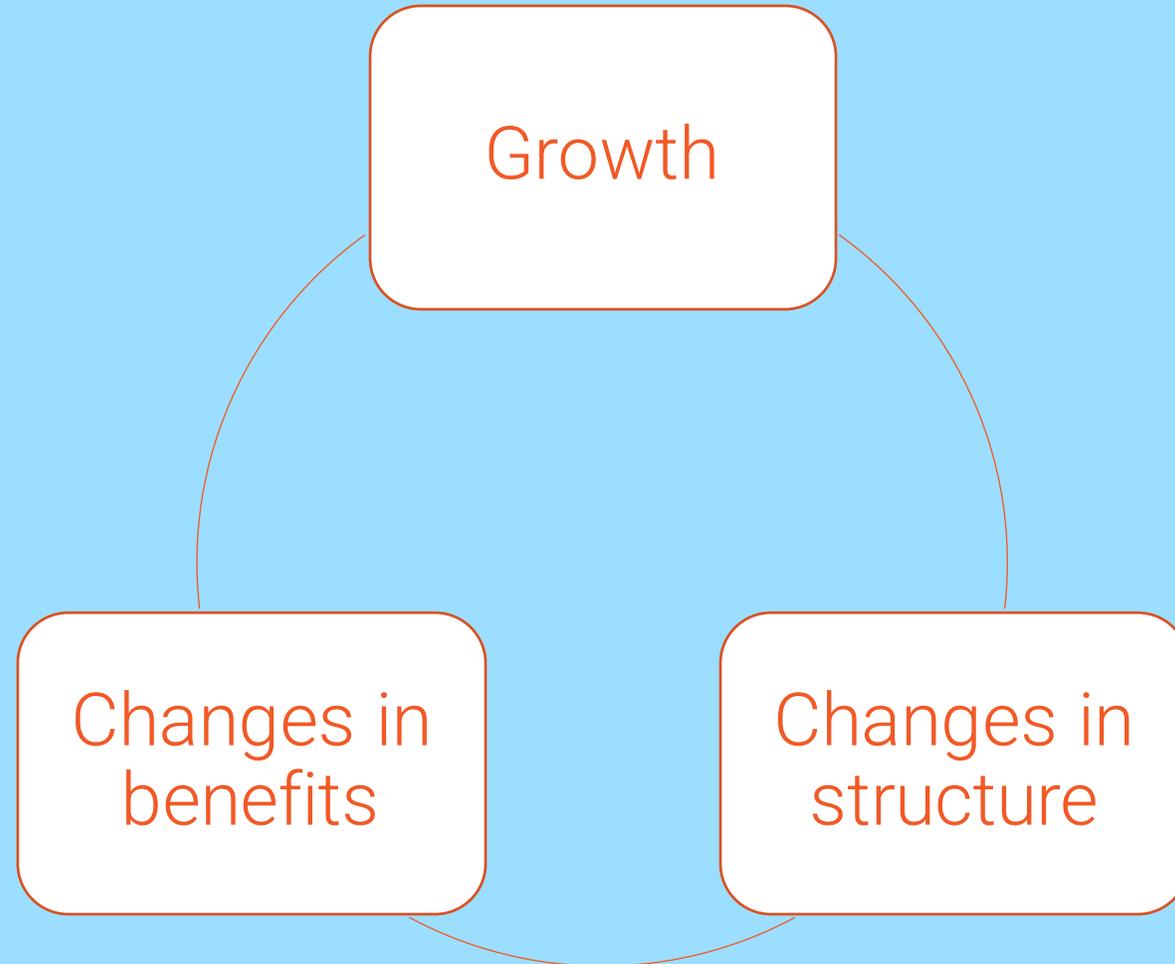
- State that except for the at-will employment provision, the handbook can be amended by management at any time
- Adopt a review schedule – annually is recommended

Keeping Up With The Law



- Most new laws become effective in January or July
- Some areas with recent changes to keep an eye on:
 - NLRB rulings
 - Additions to protected classes
 - State insurance programs (family leave, disability, etc.)

Keeping Up with Changes in the Company



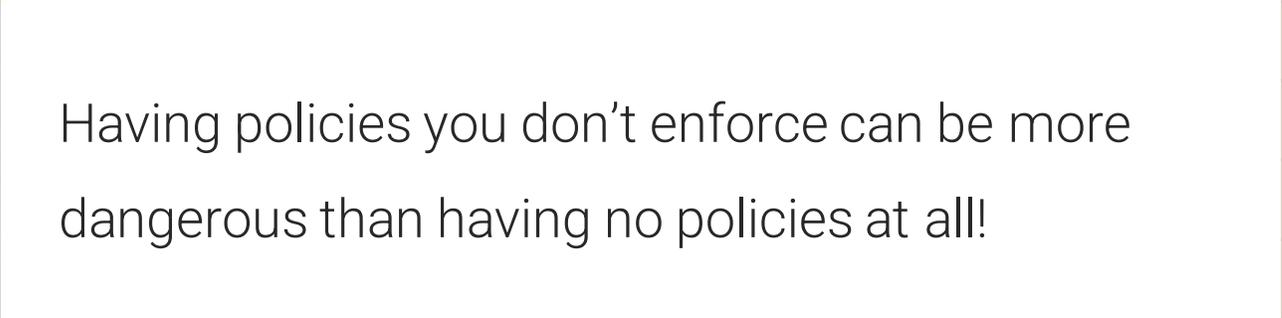
Implementing New Policies

1. Obtain input from management
2. Draft the policy
 - Definitions if needed
 - Agreement with other policies
 - Effective date
3. Communicate to all employees and request a signed acknowledgement
4. Add to handbook during scheduled update



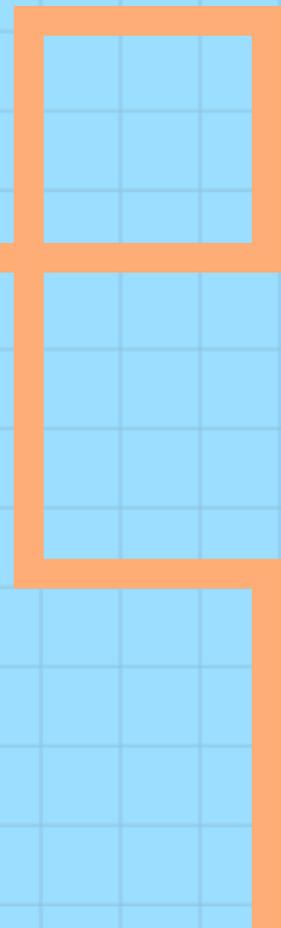


Do as You Say



Having policies you don't enforce can be more dangerous than having no policies at all!

Q+A



Thank you!

