

# Taking Care of Business:

Employee Handbooks

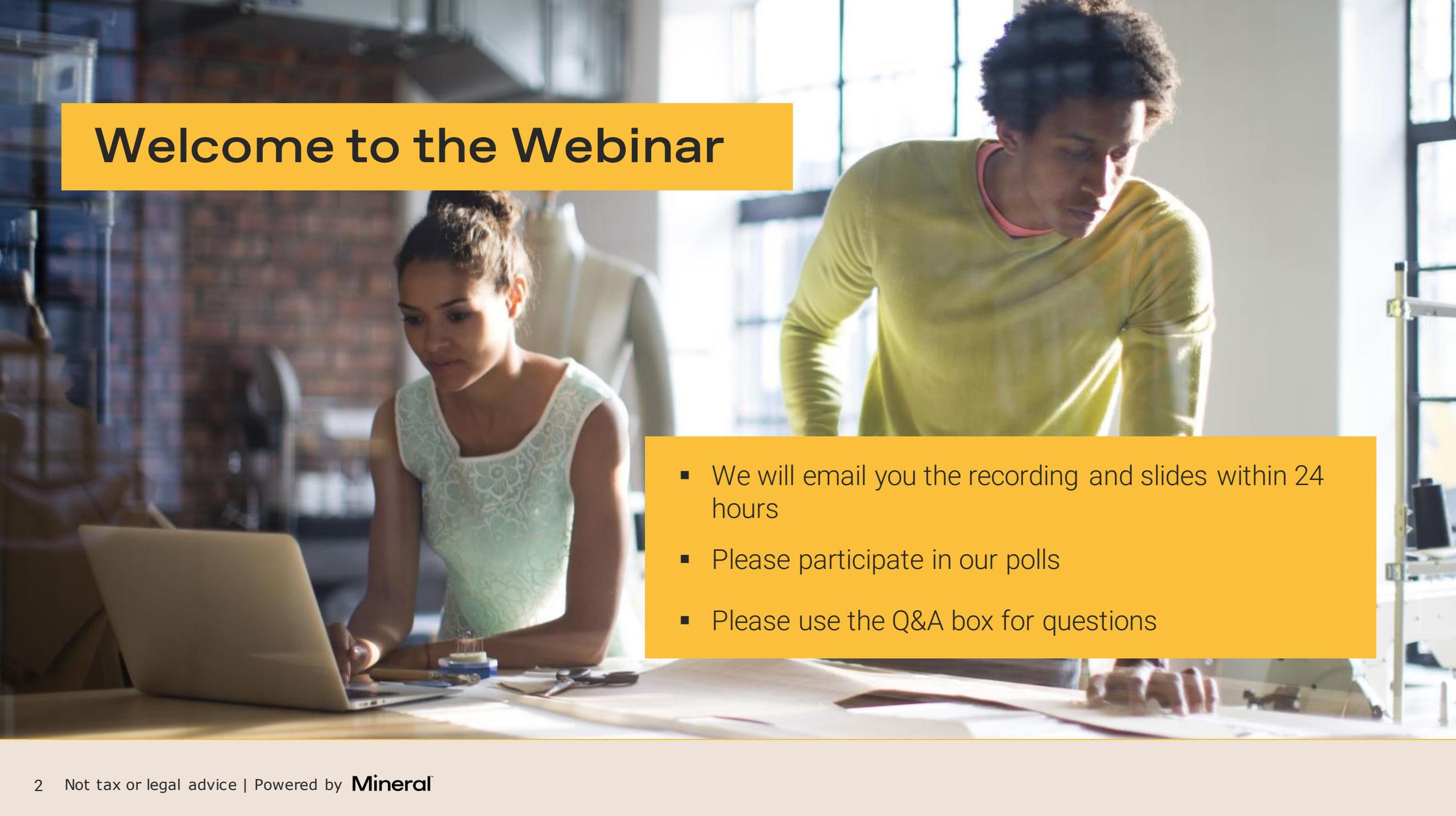
Presented by Megan L., JD

January 19<sup>th</sup>, 2023

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

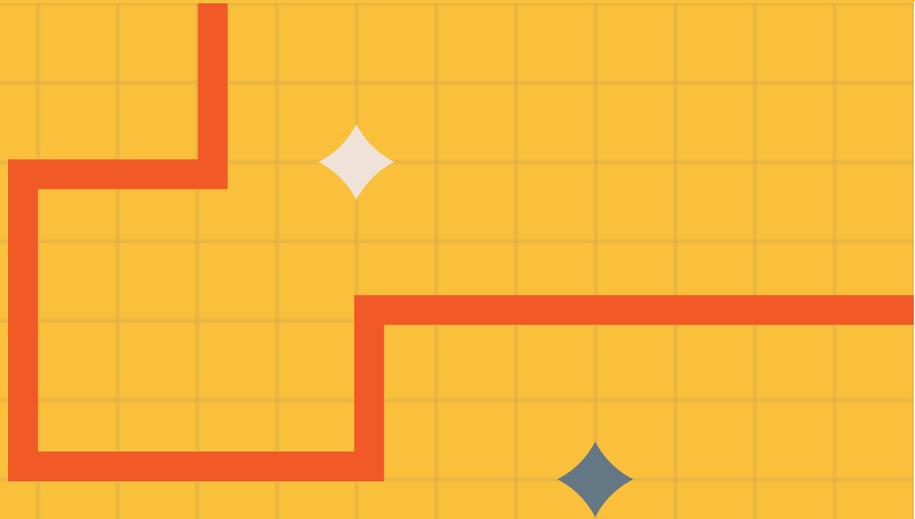


# Welcome to the Webinar



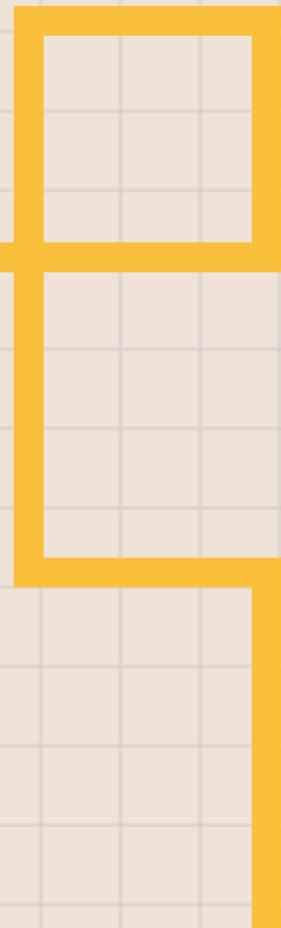
- We will email you the recording and slides within 24 hours
- Please participate in our polls
- Please use the Q&A box for questions

# Agenda



- Purpose
- Contents
- Administration
- Reviewing and Updating

# Purpose



# What does it do?

- Communicates expectations
- Clearly explains policies
- Showcases the benefits you offer
- Welcomes new hires
- Covers federal and state laws
- Reference for managers
- Tells employees where to turn for help
- Helps defend against employee claims\*



## Hostile Work Environment - Defense

- Policy
  - Prohibits harassment
  - Outlines reporting procedure
- Prompt action to address harassment

## What does it *not* do?

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



# Who is the audience?

- The handbook is for employees only—*not* independent contractors or volunteers
- Write in the policy if it only applies to certain types of employees
- Keep it simple: no legal jargon, fancy words, or marathon sentences





# Poll Question

**Which policy do  
you deal with most  
often?**

# Contents





## What's Inside, 1<sup>st</sup> Up

- Welcome Message
- At-Will Relationship
- Equal Employment
- Exempt vs. Nonexempt
- Full time vs. Part time





# The At-Will Relationship

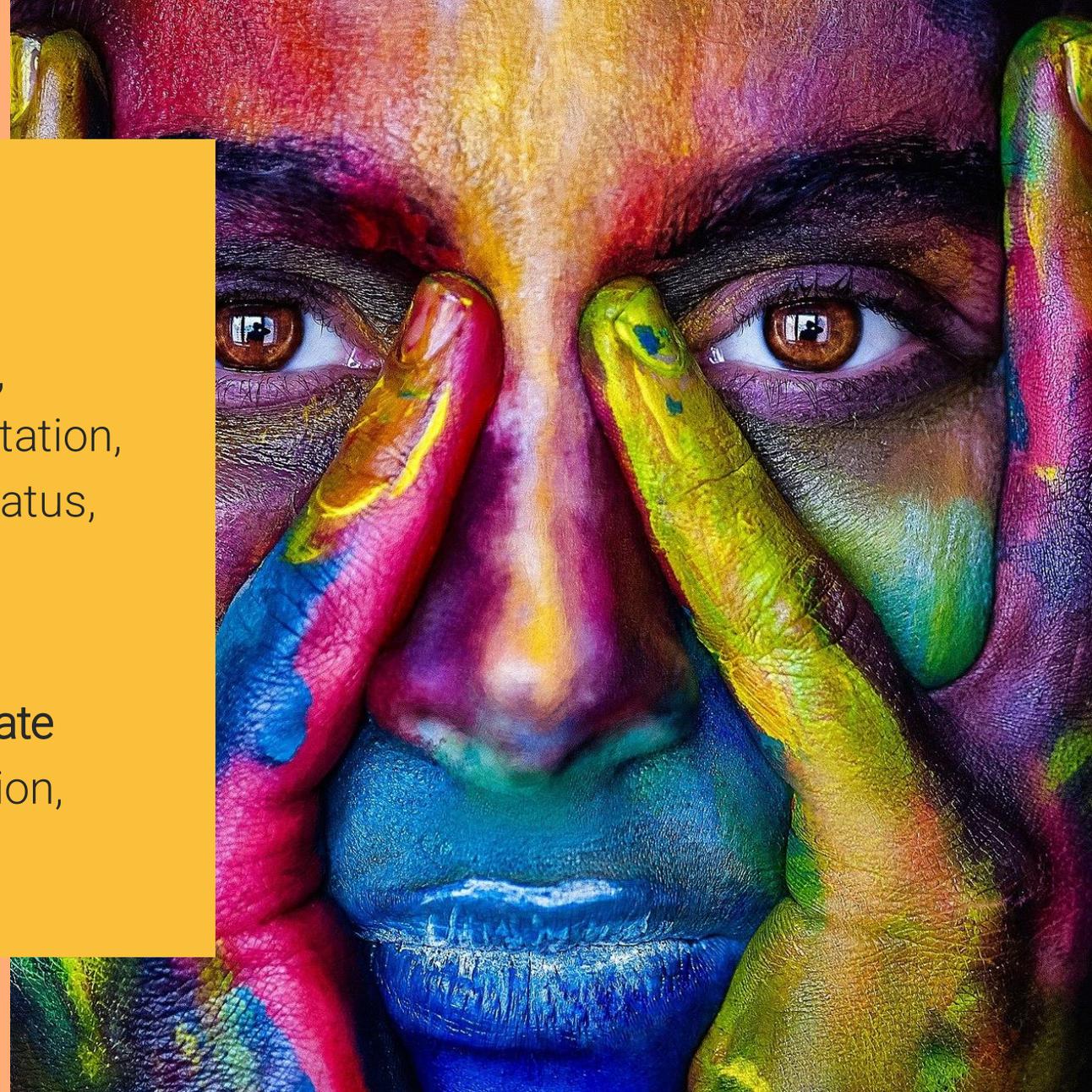
The employment relationship can be terminated...

- By either the employer or employee
- At any time
- With or without notice
- With or without cause
- For any reason as long as it's not illegal

# Equal Employment Opportunity (EEO)

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

Examples of Protected Characteristics under State Laws: Lawful Off-Duty Conduct, Political Affiliation, Marital Status, Familial Status, Arrest Records, Domestic Violence Victim Status



# Exempt vs. Nonexempt

## Exempt

- Exempt from overtime pay requirements
- Meets specific criteria
  - Salary threshold
  - Salary basis
  - Job duties

## Nonexempt

- Default: 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 nonexempt



# Full Time v. Part Time

- Employer's choice
  - Common FT examples: 40, 35, 30 hrs/week
- Some laws have specific definitions, e.g., the Affordable Care Act



# Conduct

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

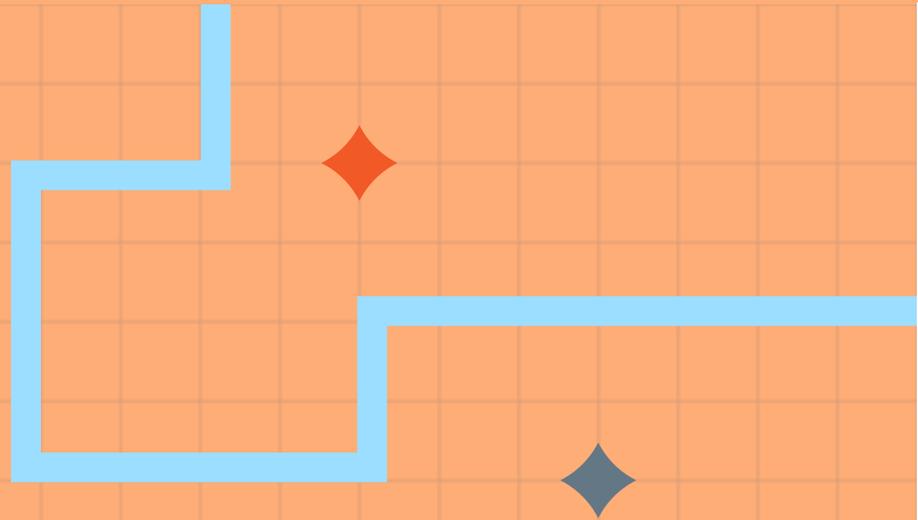


A close-up photograph of a man in a dark blue suit jacket and shirt, holding a brown leather wallet with a 20-dollar bill sticking out. The background is a light beige grid pattern with two diamond-shaped icons, one orange and one light blue.

# Compensation

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

# Benefits and Leaves



- Paid Time Off
- Family and Medical Leave
- Military Leave
- Disability Leave
- Health Insurance
- Accommodations

# State Specifics



- Leaves: sick, jury, voting, domestic violence, crime victim, disability, emergency responder, school-involvement, family and medical, etc.
- Accommodations: disability, pregnancy, lactation, domestic violence
- Mini COBRA
- Meal and rest breaks
- Vacation payout



## 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*



# Health and Safety

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



# Work Guidelines



Catchall, for example:

- Off-the-Clock Work
- Attendance and Tardiness
- Meal and Rest Periods
- Personal Appearance and Hygiene
- Reporting Irregularities
- 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





# National Labor Relations Act

Protected, concerted activity = two or more employees + interests as employees

- Wages
- Bad boss
- Social media



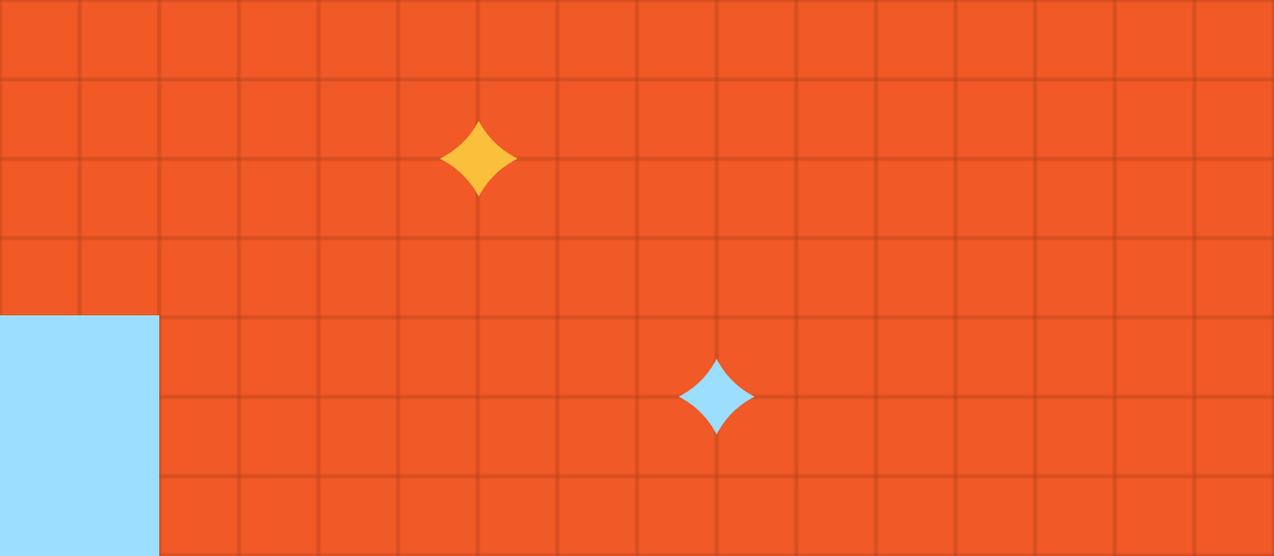
# Acknowledgment

- Collect upon hire and when the handbook is updated
- Says the employee received, has had the opportunity to review, or acknowledges receiving
- Says the employee understands that they are subject to the policies
- Reserves the right to make changes
- Signature and date line
- Store in employees' personnel files

# The Big Picture

## *What You Want*

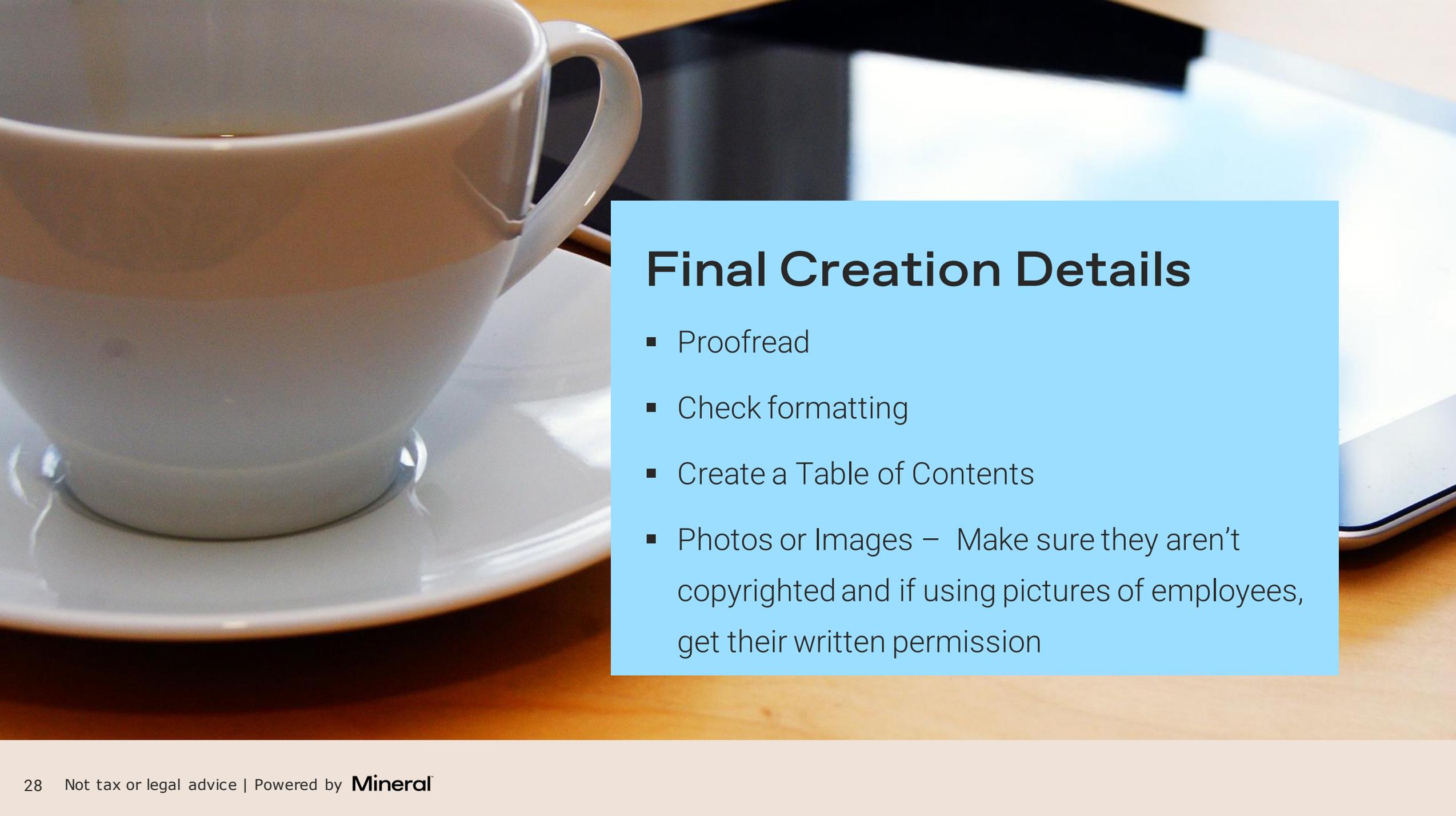
- Consistency in language and tone
- Policies applied consistently
- Words like *generally, from time to time, and as needed*
- Detailed but doesn't micromanage



# The Big Picture

## *What You Want to Avoid*

- The terms *probation* or *probationary*
- The term *permanent employee*
- Promises or implication of guaranteed employment
- Step discipline (in most cases)
- Policies that should be contracts

A white ceramic coffee cup filled with coffee sits on a matching saucer on a wooden desk. In the background, a laptop is open, and a pen lies on the desk. A light blue rectangular box is overlaid on the right side of the image, containing text.

## 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

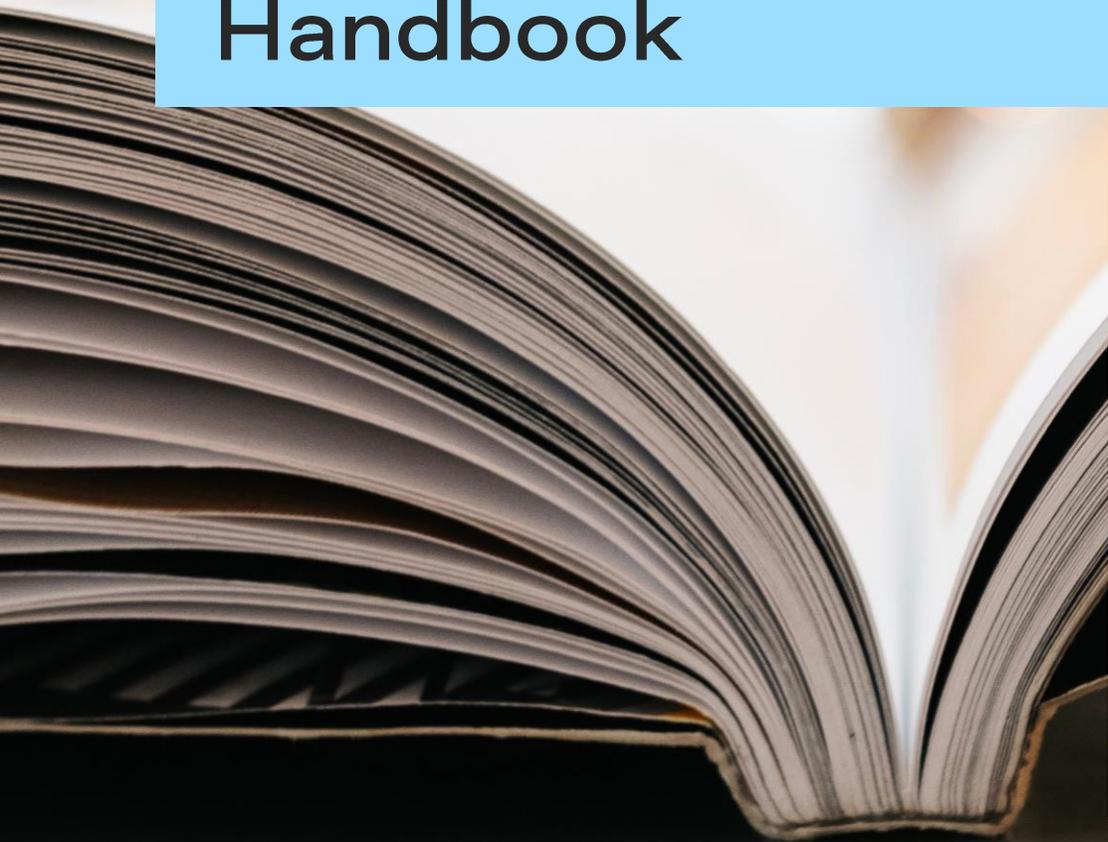


# Poll Question

How many people  
work on  
your company's  
employee  
handbook?

# 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

# Reviewing and Updating



# Reviewing and Updating

- Adopt a review schedule – annually is recommended
- Update more often as needed

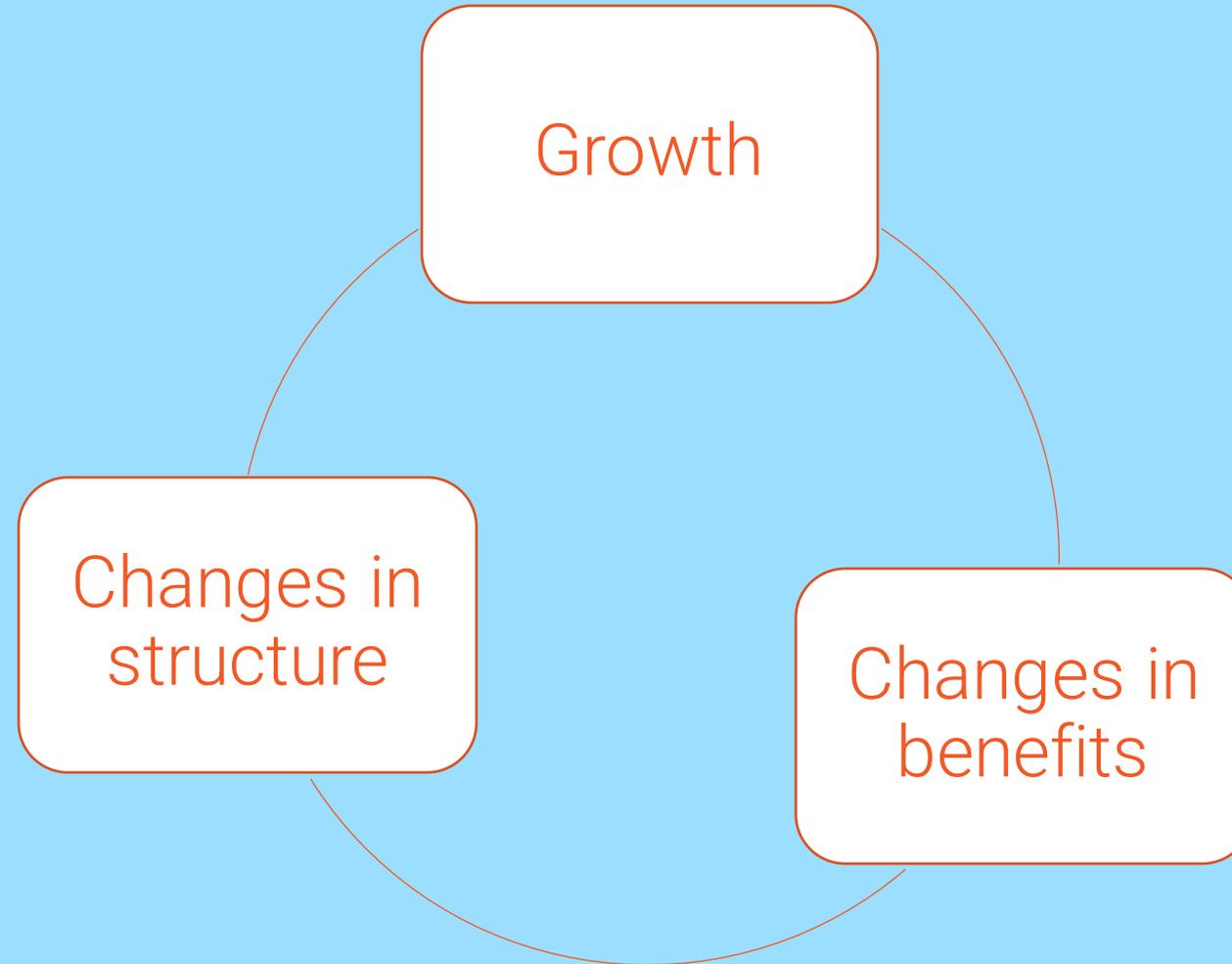


# Keeping Up With the Law

- Most new laws become effective in January or July
- Examples of recent changes:
  - State EEO protections: CROWN acts, off-duty cannabis use, reproductive health decisions
  - State pay transparency
  - State paid family and medical leave
  - State bereavement leave
  - Federal pregnancy accommodations (June 2023)



# Keeping Up with Changes in the Company



# Implementing New Policies



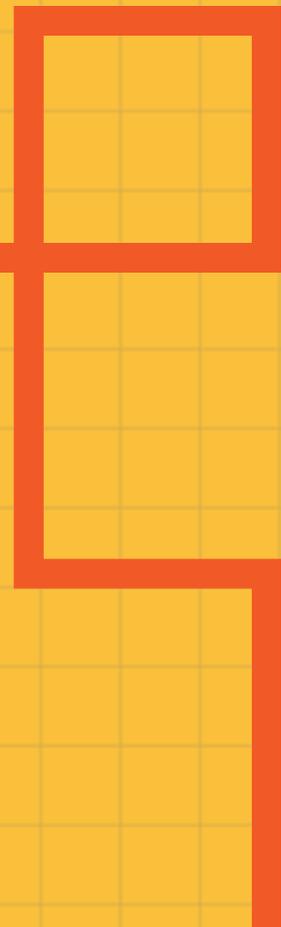
1. Obtain input from management
2. Draft the policy
  - Definitions if needed
  - Agreement with other policies
  - Effective date
3. Send to all employees and get their signed acknowledgment
4. Add to handbook during scheduled update



## Do As You Say

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

Q+A



Thank you!

