PAYDATA
WORKFORCE SOLUTIONS
Insight

Taking Care of Business: Employee Handbooks

Presented by
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Agenda

- Purpose
- Contents
- Administration
- Reviewing and Updating
- Q & A

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Purpose
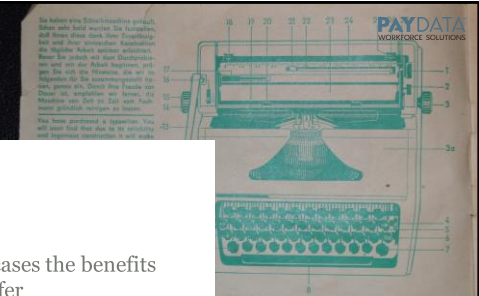
Just One Practical Application

- 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
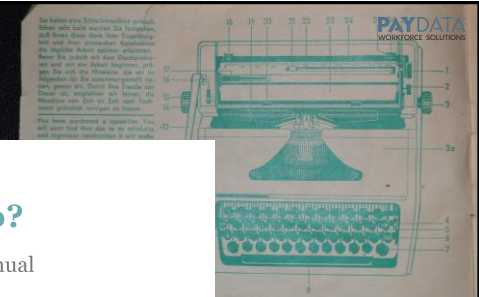
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What does it do?

- 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
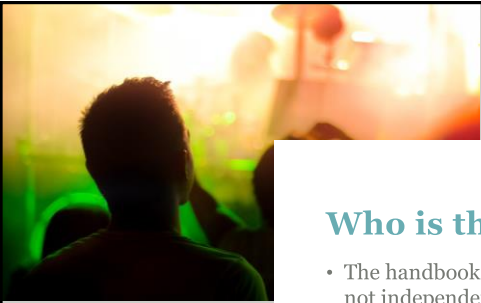- Tells employees where to turn for help

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What does it *not* do?

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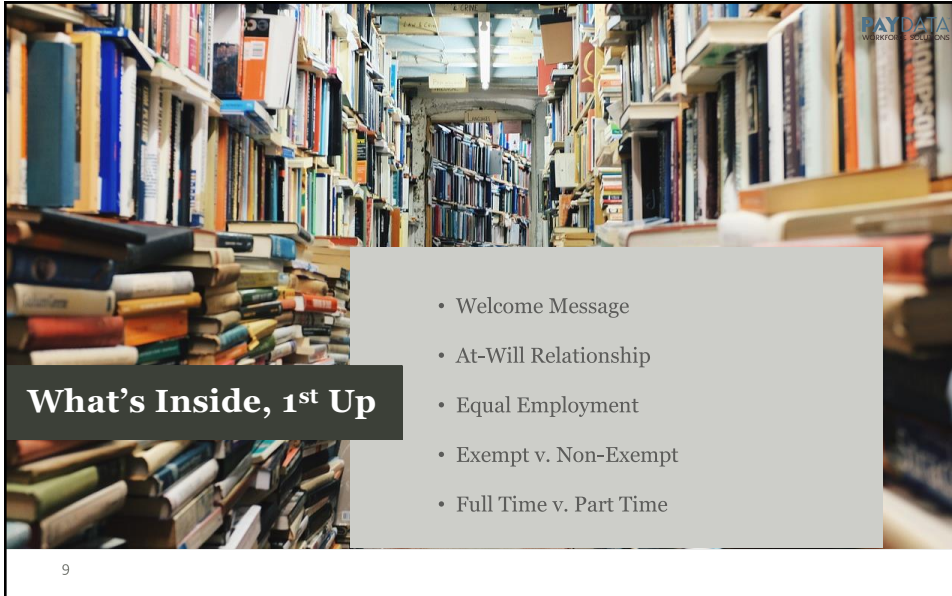- Should not promise continued employment

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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)

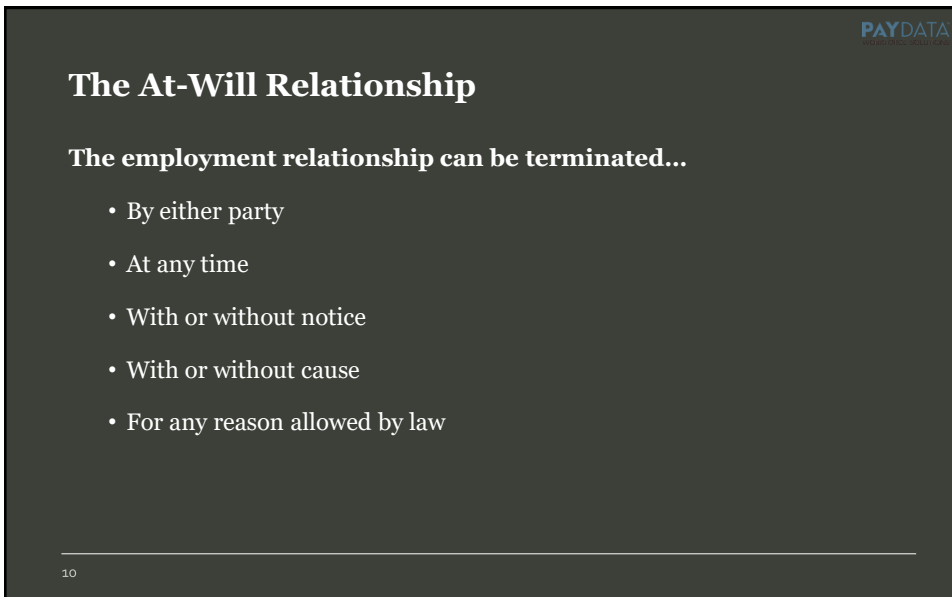- Minimize legal jargon and words that might be lost on your readers

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What's Inside, 1st Up

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

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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

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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

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Exempt vs. Non-Exempt

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

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Conduct

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

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Compensation

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

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Benefits and Leaves

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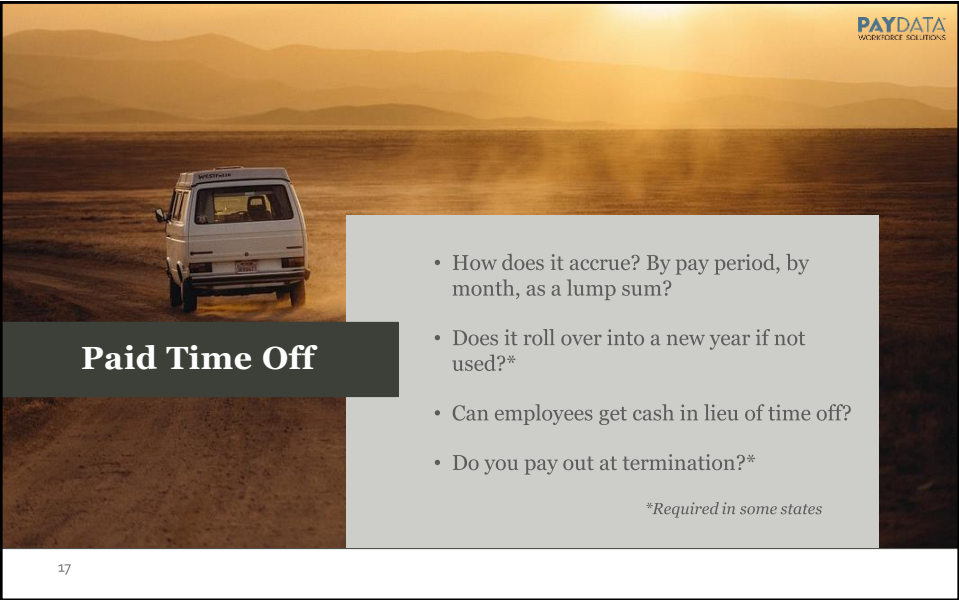- Bereavement Leave
- COBRA

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State-Specifics

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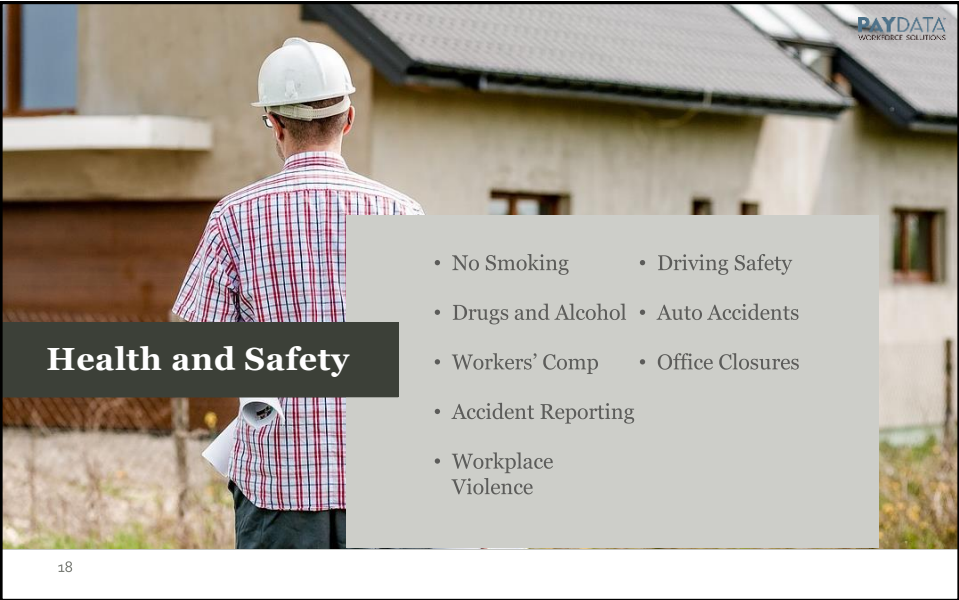- Mini COBRA
- Meal and Rest Periods

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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?
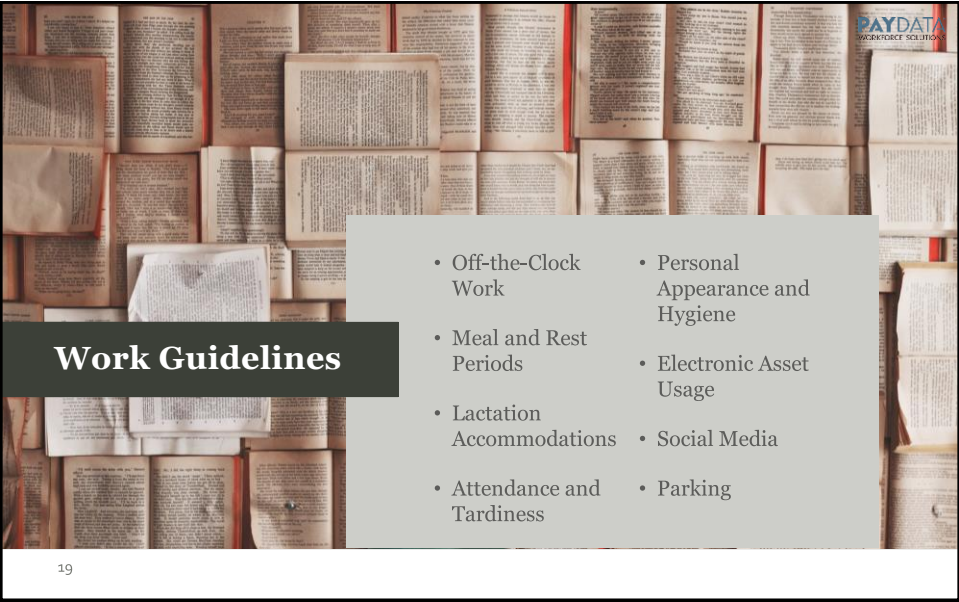- Do you pay out at termination?*

Required in some states

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Health and Safety

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

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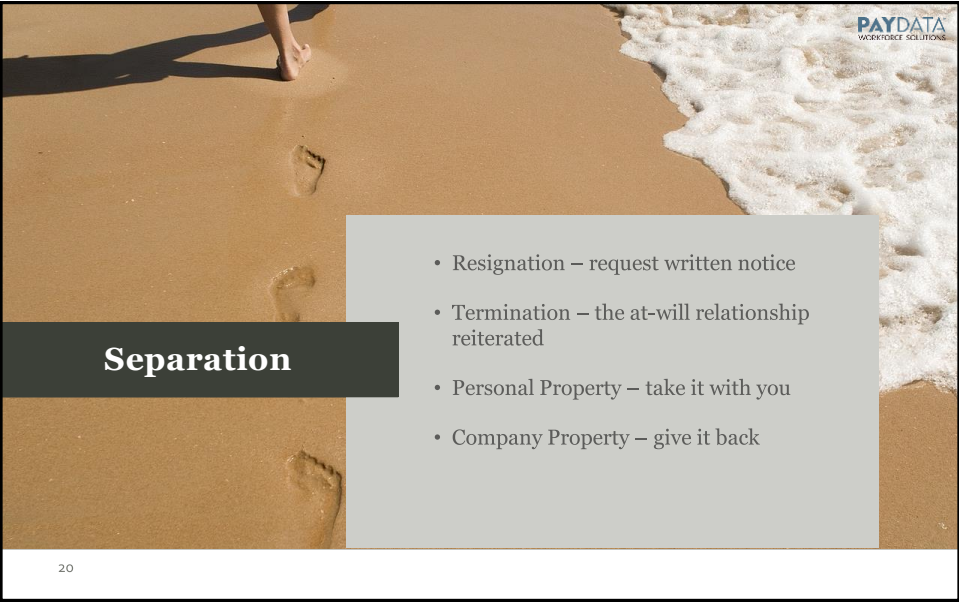**Work Guidelines**

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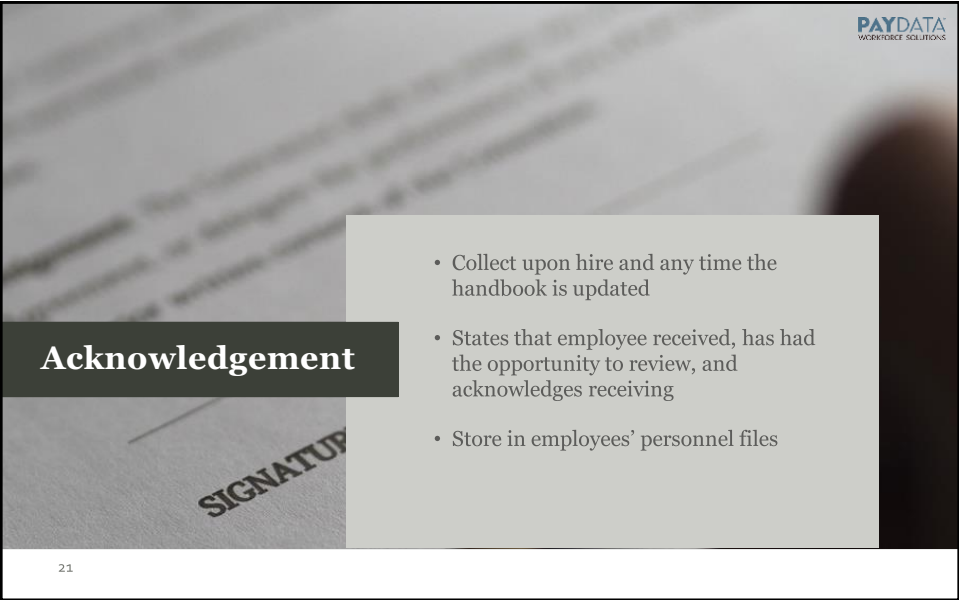- Electronic Asset Usage
- Social Media
- Parking

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Separation

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

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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

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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

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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

- Inclusion of policies that should be separate contracts

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National Labor Relations Act

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

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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."

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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
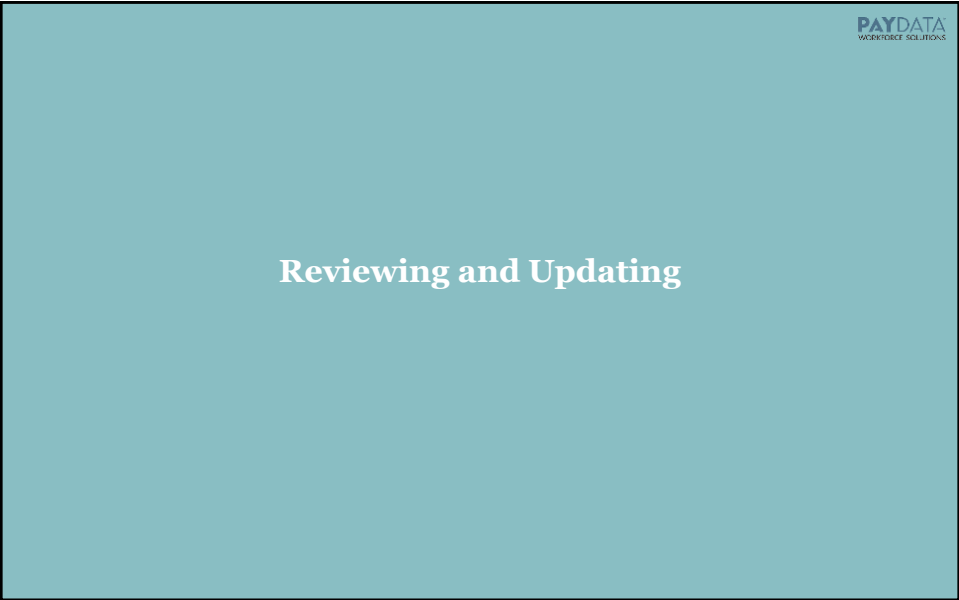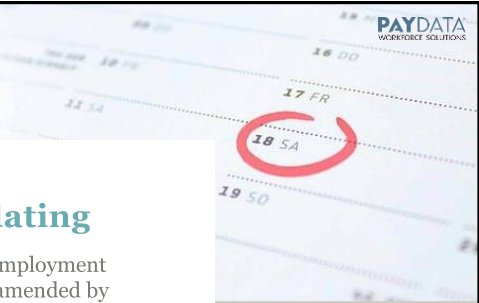
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Administration

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
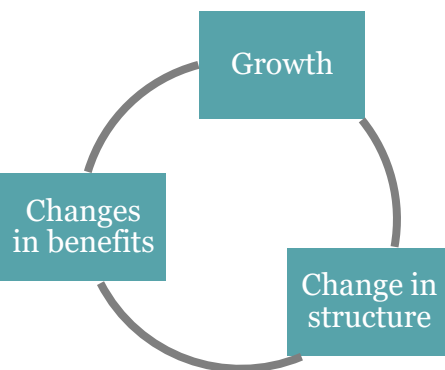
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Reviewing and Updating

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

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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
- Marijuana – recreational and medical

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Keeping Up with Changes in the Company

Growth

Changes in benefits

Change in structure

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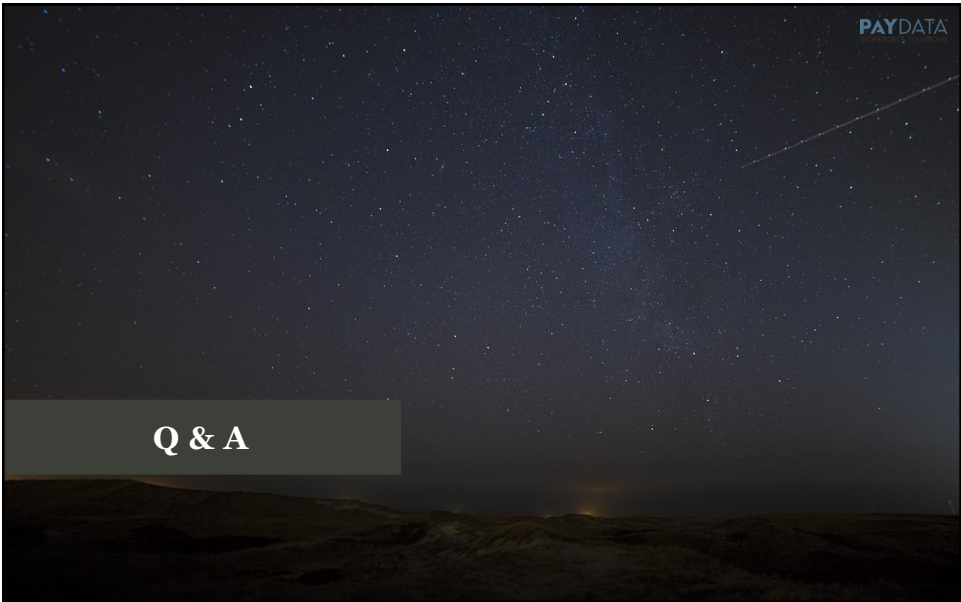
Implementing New Policies

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

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Do as You Say

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

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Q & A

Kara Govro

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Kara practiced employment and bankruptcy law for five years before joining us, and was a Human Resources Generalist at an architecture and engineering firm for several years prior to that. As an attorney she worked on many wage and hour and discrimination claims in both state and federal court. She holds a Bachelor of Arts degree from Oregon State University and earned her law degree from Lewis and Clark Law School.

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