

TIPS & BEST PRACTICES
FROM THE EXPERTS

My**HR**Help™

Employee Handbooks: Best Practices for Effective Policies

Presented by: GORDON&REES
SCULLY MANSUKHANI

Best Practices for Employee Handbooks and Policies

This webinar is presented for illustrative purposes
and does not constitute legal advice.

You should consult an attorney when drafting and
revising your employee handbook and policies.

An employee handbook:

Should be:

- Tailored to the individual needs of the employer and employer's management style
- Used as a guideline and should never be interpreted as form of employment contract
- Reviewed every 1-2 years

Advantages:

- Standardization of policies and procedures
- Legal compliance with relevant laws
- Brief and clear guidelines for employees

Handbook Basics:

- Be clear and concise
- Remember that not all states (or cities for that matter) follow the same laws or regulations
- Incorporate the necessary degree of flexibility
- Train employees on policies within the employee handbook
- Refer to, use, and enforce the policies uniformly

Should be:

- Tailored to the individual needs of the employer and employer's management style
- Used as a guideline and should never be interpreted as form of employment contract
- Reviewed every 1-2 years

Advantages:

- Standardization of policies and procedures
- Legal compliance with relevant laws
- Brief and clear guidelines for employees

Handbook Basics:

- Be clear and concise
- Remember that not all states (or cities for that matter) follow the same laws or regulations
- Incorporate the necessary degree of flexibility
- Train employees on policies within the employee handbook
- Refer to, use, and enforce the policies uniformly



Key Policies in an Employee Handbook

Workplace Policies

Anti-Discrimination, Harassment & Reporting

- Prohibits discrimination based on race, gender, age, religion, national origin, disability, marital status, pregnancy, sexual orientation, and genetic information.
- Establishes a clear reporting process for harassment and discrimination.
- Defines prohibited behaviors and provides consequences for violations.

Privacy Rights

- Defines the scope of the employer's right to monitor and control the use of company resources.
- Outlines the process for handling employee privacy concerns.
- Provides information on how employees can protect their privacy.

Emergency & Safety Procedures

- Establishes the process for handling emergencies and safety incidents.
- Defines the roles and responsibilities of employees during emergencies.
- Provides information on how to report safety concerns.

ADA and Reasonable Accommodations

- Defines the process for requesting and providing reasonable accommodations.
- Outlines the types of accommodations that may be available.
- Provides information on how to report discrimination based on disability.

Compensation Policies

Payroll Practices

- Defines the process for calculating and paying wages.
- Outlines the rules for timekeeping and overtime pay.
- Provides information on how to report payroll errors.

Classification of Employees

- Defines the criteria for classifying employees as exempt or non-exempt.
- Outlines the rules for part-time and full-time employees.
- Provides information on how to report misclassification.

Breaks

- Defines the rules for meal breaks and rest breaks.
- Outlines the process for reporting break violations.
- Provides information on how to request accommodations for breaks.

Time-Off & Leave Policies

Time Off

- Defines the rules for vacation and PTO.
- Outlines the process for requesting and approving time off.
- Provides information on how to report time off violations.

Medical Leave

- Defines the rules for family and medical leave.
- Outlines the process for requesting and approving medical leave.
- Provides information on how to report medical leave violations.

Non-Medical Leave

- Defines the rules for military leave, jury and witness duty, voting, domestic violence or sexual assault, and victims of serious crimes.
- Outlines the process for requesting and approving non-medical leave.
- Provides information on how to report non-medical leave violations.

Personal Leave

- Defines the rules for bereavement, child care, and school activities/appearances.
- Outlines the process for requesting and approving personal leave.
- Provides information on how to report personal leave violations.

Employee Conduct

General Guidelines

- Defines the rules for acceptable use of company resources.
- Outlines the process for reporting and investigating conduct violations.
- Provides information on how to report conduct violations.

Employee Conduct Policies

- Defines the rules for alcohol and drug use, harassment, and discrimination.
- Outlines the process for reporting and investigating conduct violations.
- Provides information on how to report conduct violations.

Social Media Policies

- Defines the rules for acceptable use of social media.
- Outlines the process for reporting and investigating social media violations.
- Provides information on how to report social media violations.

Workplace Policies

Anti-Discrimination, Harassment & Reporting

Establish an Anti-Discrimination and Harassment Policy

1. Anti-Discrimination
2. Harassment/Retaliation
3. No Retaliation
4. No Retaliation
5. No Retaliation
6. No Retaliation
7. No Retaliation
8. No Retaliation
9. No Retaliation
10. No Retaliation

Establish Clear Reporting Procedures

1. Identify types of incidents to which employees should report complaints
2. Identify processes for responding to and investigating complaints

Privacy Rights

- Employees must be notified that information cannot be expected to be kept private if it is transmitted from, received by, or stored on the employee's work computer.
- The Company may reserve the right to access information on an employee's computer, to monitor internet use and emails, as well as the use of computers and internet.

Emergency & Safety Procedures

- Depending on the industry of your business, specific safety procedures should be followed
- Investigation and handling of accidents

ADA and Reasonable Accommodations

- Laws may vary by state
- Reasonable accommodations
- Interactive process

Anti-Discrimination, Harassment & Reporting

Establish an Anti-Discrimination and Harassment Policy

1. Anti-Discrimination
 - a. Prohibit discrimination
 - b. No decisions made on the employee's protected characteristics
2. Anti-Harassment
 - a. Zero Tolerance
 - b. Description of Harassment Behavior
 - c. Disciplinary Action for Harassment
 - d. Reporting Process
3. Signed acknowledgments from every employee
4. Supervisor Training

Establish Clear Reporting Procedures

1. Identify titles of individuals to whom employees should report complaints
2. Identify procedure for responding to and investigating complaints

Establish an Anti-Discrimination and Harassment Policy

1. Anti-Discrimination
 - a. Prohibit discrimination
 - b. No decisions made on the employee's protected characteristics

2. Anti-Harassment
 - a. Zero Tolerance
 - b. Description of Harassment Behavior
 - c. Disciplinary Action for Harassment
 - d. Reporting Process

3. Signed acknowledgments from every employee

4. Supervisor Training

Establish Clear Reporting Procedures

1. Identify titles of individuals to whom employees should report complaints
2. Identify procedure for responding to and investigating complaints

Privacy Rights

- Employees must be notified that information cannot be expected to be kept private if it is transmitted from, received by, or stored on the employee's work computer.
- The Company may reserve the right to access information on an employee's computer, to monitor internet use and emails, as well as the use of computers and internet.

Emergency & Safety Procedures

- Depending on the industry of your business, specific safety procedures should be followed
- Investigation and handling of accidents

ADA and Reasonable Accommodations

- Laws may vary by state
- Reasonable accommodations
- Interactive process

Compensation Policies

Payroll Practices

- Paydays
- Timekeeping

Classification of Employees

- Exempt vs. Non-Exempt
- Part-Time vs. Full-Time
- Temporary Employees

Breaks

- Meal Breaks
- Rest Breaks
- Cooling off periods

Payroll Practices

- Paydays
- Timekeeping

Classification of Employees

- Exempt vs. Non-Exempt
- Part-Time vs. Full-Time
- Temporary Employees

Breaks

- Meal Breaks
- Rest Breaks
- Cooling off periods

Time-Off & Leave Policies

Time Off

- Vacation or PTO
- Sick Leave

Medical Leave

- Family & Medical Leave
- Pregnancy Leave
- Work Related Disability Leave

Non-Medical Leave

- Military leave
- Jury and Witness Duty
- Voting
- Domestic Violence or Sexual Assault
- Victims of Serious Crimes

Personal Leave

- Bereavement
- Child care
- School activities/appearances

Time Off

- Vacation or PTO
- Sick Leave

Medical Leave

- Family & Medical Leave
- Pregnancy Leave
- Work Related Disability Leave

Non-Medical Leave

- Military leave
- Jury and Witness Duty
- Voting
- Domestic Violence or Sexual Assault
- Victims of Serious Crimes

Personal Leave

- Bereavement
- Child care
- School activities/appearances

Employee Conduct

General Guidelines

- Rules governing employee conduct towards the company and supervisors/manager
- Rules governing employee conduct toward fellow employees

Employee Conduct Policies

- Personal Appearance
- Absenteeism and Tardiness
- Outside Employment
- Solicitation
- Employment References
- Drug-Free Workplace

Social Media Policies

Social Media Policies

- Employees have the right to discuss wages, hours and other terms or conditions of employment on social media
- Policies must balance the employer's goals while still permitting protective activities.
- Avoid overly broad or vague policies

Drafting Social Media Policies

1. Use specific and clear language
2. Define key concepts and terms (e.g., "trade secrets," "confidential data")
3. Provide examples of prohibited conduct
4. Avoid ambiguity
5. Don't prohibit employees from identifying with the company
6. Take the policy to the company

General Guidelines

- Rules governing employee conduct towards the company and supervisors/manager
- Rules governing employee conduct toward fellow employees

Employee Conduct Policies

- Personal Appearance
- Absenteeism and Tardiness
- Outside Employment
- Solicitation
- Employment References
- Drug-Free Workplace

Social Media Policies

Social Media Policies

- Employees have the right to discuss wages, hours and other terms or conditions of employment on social media
- Policies must balance the employer's goals while still permitting protective activities
- Avoid overly broad or vague policies

Drafting Social Media Policies

1. Use specific and clear language
2. Define key concepts and terms (i.e. - "trade secrets," "confidential data")
3. Provide examples of prohibited conduct
4. Restrict Appropriately
5. Don't prohibit employees from identifying with the company
6. Tailor the policy to the company

Social Media Policies

- Employees have the right to discuss wages, hours and other terms or conditions of employment on social media
- Policies must balance the employer's goals while still permitting protective activities
- Avoid overly broad or vague policies

Drafting Social Media Policies

1. Use specific and clear language
2. Define key concepts and terms (i.e. - “trade secrets,” “confidential data”)
3. Provide examples of prohibited conduct
4. Restrict Appropriately
5. Don't prohibit employees from identifying with the company
6. Tailor the policy to the company



Common Pitfalls and How to Avoid Them

Implementation and Enforcement of Policies:

- Identify applicable federal, state, and local laws
- Consistently follow your policies
- Include and use acknowledgment forms
- Include a "right to revise" provision

Disclaimers:

- At-Will Disclaimers
- Contract Disclaimers
- Benefit Disclaimers

Implementation and Enforcement of Policies:

- Identify applicable federal, state, and local laws
- Consistently follow your policies
- Include and use acknowledgment forms
- Include a "right to revise" provision

Disclaimers:

- At-Will Disclaimers
- Contract Disclaimers
- Benefit Disclaimers