

Employee Handbook Do's and Don'ts



Presented by: Heffernan Consulting



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Disclaimer

- The information presented is general in nature and is intended to present an overview of employment practices. The written and verbal contents of the presentation are not intended to constitute consulting and/or advice and no client relationship is established between the presenter and attendees.



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Presenter: C.J. Westrick, SPHR

- National Certification through the Human Resources Certification Institute (HRCI) as a Senior Professional in Human Resources (SPHR) since 2002
- HR consultant since 2006
- 20+ years in HR management
- Former President of National Human Resources Association (NHRA) – San Diego Chapter



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Today's Objectives

- Various Handbook policies
- Location of employees
- Documentation and training



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In The News

- TX - [Oncor Electric Delivery Company, LLC](#) sued by EEOC for an ADA violation. They had a policy requiring employees to list all medications that “could” affect her job performance. When she refused, she was sent home and ultimately received a termination letter in the mail. Plus, employees can only take the medication if the supervisor “clears” it first.
- MS - [Koch Foods](#), one of the largest poultry suppliers in the world, settled a class employment lawsuit filed by the EEOC regarding sexual harassment, national origin and race discrimination. They must pay \$3,750,000 and implement new policies and practices designed to prevent discrimination based on race, sex or national origin; etc.



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What's in Your Handbook?

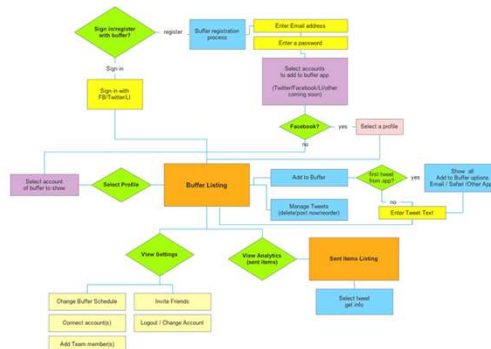
- Employee Handbooks are a reference for employment laws and your general policies
- DON'T add operational details
 - Step by step process for expense reimbursement
 - Details on travel policy
 - What a supervisor does with a time off request



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Detailed How-To's

- Operations Manuals give day-to-day processes and procedures
- Supervisor Manuals provide guidance for their role
- DO reference either in the handbook



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Harassment Policy

- DO explain what constitutes harassment
 - Your bar should be higher than the legal definition (so the employee breaks your policy and you can react before law is broken)
- DON'T promise an "immediate" investigation vs. "timely"



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Harassment Policy *cont.*

- DO train your managers on what to do and say
- DO inform the employee about making a claim
 - Multiple choices for contacts
 - Written or verbal options



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Drug and Alcohol Policy

- Zero-tolerance, truly?
- Rx as safety issue
- Address marijuana
- Testing
 - Reasons
 - Result if test positive



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Electronic Communications Policy

- DON'T have rules about online activity that are too rigid
 - Posting on social media
- DO add an NLRB clause to avoid to avoid "concerted activity"
- DO add "no expectation of privacy" clause



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Electronic Communications *cont.*

- Use of personal vs. company cell phones
- DO consider personal privacy vs. company concerns
 - GPS on vehicles or phones or time-keeping apps
- DO include rules for telecommuter security and use



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Disciplinary Policy

- DON'T add overly detailed disciplinary procedures
 - Consider whether progressive or discretionary is best for your company
- DO use "include, but not limited to"
- DO use "violation may lead to disciplinary action, up to and including termination"



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Time Off Policies

- DON'T have FMLA policy if under 50 employees
- DO describe your various time off policies
 - Paid vs. unpaid sick leave – watch for city/state protections
 - Vacation – earning it vs. using it; advance notice
 - Personal holidays – legal in your state?



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Probationary Period

- DO understand what this does and doesn't do for you
- DO include that the time may be extended
- DON'T say you'll follow up at the end of the period if you don't



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Employee Pay



- DON'T provide paychecks any other day than what you've stated
- DO define workday and workweek
- DO define when overtime begins
 - Only time worked counts
 - Be clear about OT pre-approval, if required



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Minutes Count

- DO add and explain, if using either
 - Grace periods
 - Allow employees to clock in 10 minutes before starting work or 10 minutes after stopping work
 - Include they are not to work
 - Rounding
 - Time is rounded up/down to nearest 10th of an hour
 - Include that you do not expect time to lost by the employee
- Off the clock work
 - Create policy
 - De minimus time (Federal vs CA)



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Meal and Rest Breaks



- DO know your state laws
- DON'T allow employees to break any time they want
 - If required by law, be very specific with timing



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Free Speech

- DON'T ban employees from discussing:
 - Employee complaints
 - Wage and salary
 - Unions
 - Terms and conditions of employment
- DO provide a way for employees to bring you their concerns



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Leaves of Absence

- Know the leaves that fit your company size
 - Family leaves
- Consider adding a section “About Your Leave”
 - Insurance
 - Communication with company
 - Company property
 - Return to work



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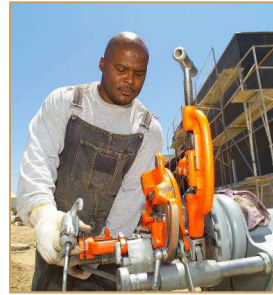


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Field Employees

- DON'T forget field employees need access to required postings
- DO add a poster addendum to their handbook or provide in some other manner



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Disclaimer

- DO include a disclaimer stating the handbook:
 - Is intended to be a guideline
 - Is not an employment contract
 - May be revised at the company's discretion



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Review Your Handbook

- DON'T assume an old handbook is fine
 - No handbook vs. a bad handbook
- DO review it regularly... annual is preferred
 - Professional and/or legal review
 - New or upcoming laws or policies
 - Clarification based on employee questions
- DO make sure it's readable ... not just full of legalese



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Training

- DON'T just distribute the handbook and assume employees will read it
- DO at least highlight policies you want to stand out



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Translations

- DO translate at least the critical policies
 - 10% or more who speak another language at work
- Recognize value vs cost of translated policies



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Signing Off on Receipt

- DON'T have additional initials within the handbook
- DON'T have policies signed individually
- DO have one receipt form for the whole handbook
- DO have an receipt form for each Addendum



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Thank You *Mahalo*
Tack **Kiitos**
Grazie **Toda**
Obrigado **Thanks**
Takk **Merci**
Gracias



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