Employee Handbook Do's and Don'ts

Presented by: Diana Cano, Owner, DC Human Resources Consulting

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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- Founder / DC Human Resources Consulting, a human resources consulting firm in 2022
- Graduate, Bachelor's Degree, California State University Fresno, 1991
- 25+ years in HR management

Today's Objectives

- Review What is an Employee Handbook.
- Key Employee Handbook policies.
- Location of employees.
- Documentation and training.

Did you know

- Did you know according to the U.S. Bureau of Labor Statistics, the average absence rate of full-time wage and salaried workers is roughly three absences per year and does not include vacation or personal time.
  - Employee absenteeism can hurt your organization, so it is essential to resolve it as soon as it occurs.
  - An Employee Handbook will provide employees expectations and clarify what course of action the employer will take.

Did you know

- Did you know bad behaviors in the workplace decrease productivity, hurt morale and may cost the company business.
  - Whether you're dealing with a minor problem, such as chronic lateness, or something major, like falsifying financial reports, prompt attention to the issue is key.
  - An Employee Handbook shall establish a standard for behavior and sets the expectations for employees to follow. When someone ignores the standards, the employer is able to follow a course of action of following a strict discipline procedure to help correct the situation.

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What's in Your Handbook?

- DO Employee Handbooks are helpful to reference for company policies and legal requirements.
- DO will include state and federal labor laws.
- DON'T add operational details
  - Step by step process for expense reimbursement
  - What a supervisor does with a time off request

- DO help you establish your company culture and communicate company values.

Detailed How-To's

- Operation Manuals give day-to-day processes and procedures.
- Supervisor Manuals provide guidance for their role.
- DO reference what employees can expect in the handbook.
  - Code of conduct
  - Hours of work
  - Attendance
  - Dress code
  - Breaks and meals
  - Technology use
  - Drug use and smoking

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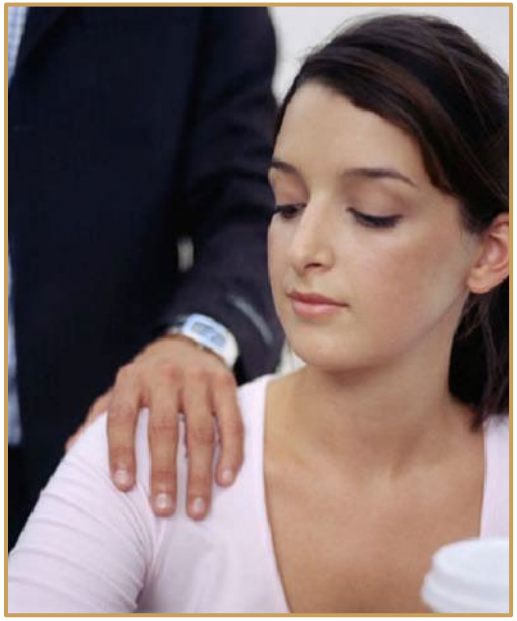
Harassment Policy

- DO explain what constitutes harassment and quid pro quo.
- DO confirm policy is circulated and understood.
- DO train your managers on what to do and say.
- DON'T promise an "immediate" investigation vs. "timely".
- DO provide examples.
- DON'T make employee feel unsafe about discussing harassment or bullying claim.

Harassment Policy *cont.*

- DO outline procedure for reporting and addressing.
- DO inform the employee:
  - Who will manage the claim
  - Multiple choices for contacts
  - Written or verbal options
  - Outside resources
- DO discuss disciplinary consequences.



Drug and Alcohol Policy

- Zero-tolerance
  - Commitment to provide a safe, quality-oriented and productive work environment.
- Rx as safety issue.
  - Must have ability to work safely
- Address marijuana
  - CBD
- Testing
  - Reasons
  - Result if test positive

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Electronic Communications Policy

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

Electronic Communications *cont.*

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

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Disciplinary Policy

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

Time Off Policies

- 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?
- DO describe various LOA's and when/if FMLA/CFRA applies

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

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

Minutes Count

- DO add and explain, if using either
  - Grace periods
    - Allow employees to clock in 10 minutes before/after work
    - Include they are not to work
  - Rounding
    - Rounded up/down to nearest X 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)

Meal and Rest Breaks

- DO know your state laws
- DO provide timing or expectation
  - When
  - How long
  - Scheduled

Free Speech

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

Leaves of Absence

- DO know the leaves that fit your company size
  - Family leaves
- DO add “About Your Leave”
  - Insurance
  - Accruals
  - Communication with company
  - Company property
  - Return to work

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Field Employees

- DO add any needed information
  - How to submit timecards
  - Special commute rules
- DON’T forget field employees need access to required postings

Employees Working Remotely

- DO add information on:
  - Eligibility
  - Hours of work and time tracking
  - Remote access procedures
  - Communication expectations
  - What is company-provided
  - Home office approval
    - Safety and ergonomics
  - Ability to rescind approval
- DON'T forget state/local laws based on their home

Health and Safety

- DO include
  - Heat illness
  - Ergonomics
  - Smoking
  - Employees who must drive
  - Pandemic
- DO reference any full protocols

Dress Code

- Beware of
  - Hair bias laws (CA, NY)
  - Sexual discrimination
  - Religious clothing / grooming
- Consider
  - Tattoos
  - Piercing
  - “Uniforms”

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
- DO include notice if translated
  - English version controls

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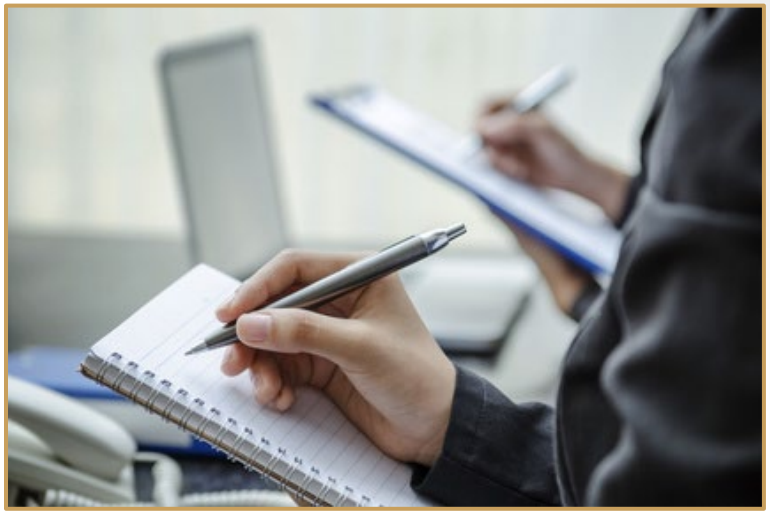
Translations

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

Signing Off on Receipt

- DO have receipts
  - One for the whole handbook
  - One for each Addendum
- DON’T have employee's sign
  - Within the handbook
  - Individual policies that were included in the handbook

Training



- DO provide highlights
  - When new
  - When updated
- DO get a signed receipt from each employee for every version issued
- DON’T just distribute the handbook and assume employees will read it

Recommendations

- 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
- DO keep all prior versions
- DON'T assume an old handbook is fine
  - No handbook vs. a bad handbook

Questions?