

## HR Resolutions

ATTRACT, RETAIN AND MANAGE YOUR WORKFORCE



### Employee Handbooks: A Must for All Employers

**W**hen faced with a human resources policy question at your agency, can you say “See the handbook”?

There are no laws that require a company to maintain an employee handbook and certainly many businesses operate without one. For many reasons, however, employers who don't use one miss an excellent opportunity to help their business, better manage their employees and even improve their bottom line. A well-written handbook delineates critical company policies and expectations, reduces the chance that an employee will claim to have a contract of employment with the company and provides various defenses in the event company your agency is ever sued for wrongful termination or a similar claim. Conversely, a poorly written handbook, or one that is inconsistently or infrequently followed, can and often does backfire.

The most important aspects of a handbook are:

**1. Inclusion of four critical policies.** If nothing else, every handbook should include the following policies:

- At-will employment
- Anti-harassment policy
- Equal Employment Opportunity statement
- Open-door policy

Most states permit “at-will employment.” The statement of at-will employment makes it clear that both the company and the individual are free to terminate the employment at any time and for any reason.

Anti-harassment language is also essential, both because it makes sound business practice to maintain such a policy and because the U.S. Supreme Court law essentially mandates such policies in the event of a sexual harassment suit.

The EEO statement and the open-door policy are both equally important because they make clear that the company does not discriminate against individuals, and because they encourage employees to bring concerns to your attention before they turn into major issues.

There are a host of other policies that companies can and often do include in their handbooks. Additionally, a policy regarding the Family Medical Leave Act should be included if the company meets the statute's threshold for coverage (i.e., 50+ employees). No matter how large or small your agency is, maintaining a handbook with a minimum of least these policies will provide you with greater protection than having no written policies at all.

**2. Familiarize yourself with and follow the policies.** It is not enough to maintain a handbook. You must ensure that employees and managers are familiar with it and apply it consistently. Require all employees to sign an acknowledgement form confirming receipt, review and understanding of the handbook. Periodically train managers about policies through short meetings, memos or e-mails.

**3. Audit your handbook.** A handbook is something that often needs to be updated. Do not be afraid to update or revise your handbook annually.

**4. Final points.** A few final thoughts about handbooks:

- Brevity should be the norm, not the exception.
- It is not necessary to write out every company policy in a handbook. The agency can have policies that are not written in the handbook.
- Be sure the handbook disclaims creating a contract between the employee and employer.
- Do not include many (if any) directives or expectations of supervisors in an employee handbook. This type of guidance should be in a separate supervisor's handbook if you think it's necessary to have them in writing. There is no reason to notify employees as to what you expect of your supervisors.

Take the time now to consider and perhaps begin drafting a company handbook. As a result, you will be better equipped to manage your workforce and, in turn, improve the bottom line of your company. **IA**

**Andrew Gould (andrew.gould@wickphillips.com)**, a partner with Wick Phillip Gould & Martin, a leading full-service business law firm in Dallas, regularly writes and speaks on labor and employment law and litigation.

### 101 of Employee Handbooks

Employee handbooks are an essential tool in the workplace. They should be brief—they don't need to contain every policy applicable to your worksite. But they are an effective way to convey your expectations of what is and is not acceptable workplace behavior. There is no one-size-fits-all handbook, and every business's compilation of policies seems to be different.

Certain policies, however, are and/or should be in everyone's handbook. Those are policies making clear that the employment relationship is strictly “at-will,” that workplace harassment of any kind will not be tolerated and that you are an equal opportunity employer. It is also important to include a description of your open-door policy, making clear that you want people to bring concerns to you (always best to nip problems in the bud) and that you will take swift action if an employee is found to have violated policies such as anti-harassment.

Of course, it is important that you heed your policies as well. Be sure to regularly review and revisit (and, update as necessary) your policies, and discuss policies and procedures with your supervisors periodically. Also be sure your handbook disclaims creating a contract of any kind between the employee and employer.

—A.G.