

YOUR HR FILES

July, 2010



What an Employee Handbook Needs to Include

Prologue:

This month's article will discuss the Employee Handbook. For non-union workers, the employee handbook is an essential component of effective employee relations and legal compliance. The information that follows is not meant to be all inclusive, but it is meant to provide you with the basics to include when developing and maintaining this valuable communication tool.

The article will also touch on a "bullying" law making the rounds through the NY State Legislature.

The Employee Handbook:

The Process:

The purpose of the Employee Handbook is threefold:

- It communicates the benefits of working for the Company
- It communicates the policies and expectations of working for the Company
- It provides legally required documentation related to employee related decisions.

Consequently, the handbook should be provided to every employee upon hire.

The Introduction:

- A letter from the President (owner) welcoming the employee to the Company and explaining the purposes and value of the handbook.
- A Policy Statement (for legal purposes) which reiterates the purpose of the handbook but also includes clauses stating that:
 - Management has the right to change policies, activities and/or benefits at any time for any reason.
 - All employees are considered to be employed "at will" where both the company and the employee have the right to terminate employment at any time for any reason.
 - The Handbook does not constitute a contract with the employee.
 - It is the employee's responsibility to read and understand the policies.
- The Company's history
- Legal Compliance *including*:
 - Equal Employment Opportunity
 - Americans with Disabilities Act
- General Employment Policies *including*:
 - Pre-Employment Contingencies
 - Responsibilities of All Employees
 - Non-Solicitation
 - Full Time/Part Time Employee Classification

The Benefits: *Include Information related to and/or any other offered benefit:*

Pay Policies

- a) Pay Period
- b) Pay Practices
- c) Overtime Pay
- d) Performance Reviews/Merit Pay
- e) Etc...

Benefits: Time Away from Work

- Vacation
- Holidays
- Paid Sick/Personal Absence Time
- Workers' Compensation
- Family Medical Leave (including Military Caregiver Leave)
- Military Leave (USERRA)
- Bereavement Policy
- Jury Duty
- Etc...

Paid Benefits:

- Group Health Insurance
- 401(k) Plan
- Disability (short and/or long term)
- Etc...

The Rules of Conduct: *Any policy communicated and enforced by the Company:*

- a) Work Rule Policy (*with discipline process (progressive) specifically outlined*)
 - Major Conduct Infractions
 - Misconduct Infractions
 - Performance Issues
- b) Harassment Free Workplace
 - Sexual Harassment
 - Discrimination
 - Workplace Violence
 - Reporting of Harassment/Discrimination/Workplace Violence
- c) Attendance Policy
- d) Substance Abuse Policy
- e) Confidentiality Policy
- f) Safety Policy
- g) Work/Disability Injury Reporting Policy
 - Technology Policy
 - Telephones (including Cell Phones)
 - Computers
 - The Internet
 - Personal Electronic Devices
- h) Smoking Policy
- i) Etc...

Conclusion

- Welcome the employee to the Company (again)
- Remind the employee that management is available to answer any questions he/she has with any provision of the handbook.

Legal Updates:

Health Workplace Bill S1843 - [Passed Senate Floor on May 12, 2010](#) –but did not get out of Committee in the Assembly - Will now be held until next session in 2010-2011.

Currently Harassment law in NY State is limited to Civil Rights Law – 40-C. Under its discrimination clause, it states:

“No person shall, because of race, creed, color, national origin, sex, marital status, sexual orientation or disability ... be subjected to any discrimination in his or her civil rights, or to any harassment ... in the exercise thereof, by any other person or by any firm, corporation or institution, or by the state or any agency or subdivision of the state.”

If eventually passed, The Healthy Workplace Bill would extend protection to all employees, working for either public or private employers, regardless of protected group status, who seek redress for being subjected to an abusive work environment.

Michael Lenzner

Michael Lenzner is the Managing Partner of The Lenzner Solution, a Management and HR Consulting firm which specializes in providing companies with proven effective solutions for management problems. Contact him at (607) 259-9751 or e-mail: thelenznersolution@yahoo.com