



# EMPLOYEE HANDBOOKS: TOP 10 ITEMS THAT SHOULD BE INCLUDED

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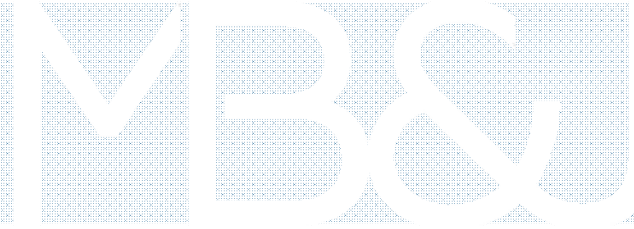
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# MBBS

EMPLOYEE HANDBOOKS:  
OVERVIEW

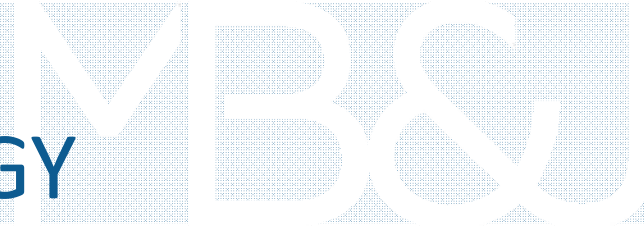
# OVERVIEW



- How organizations can maintain lawfully compliant handbooks that are useful tools for management and staff but do not create avoidable problems
  - Strategies for deciding what else should be in the handbook
  - How to address remote employees in other states
  - Top ten items that should be in an employee handbook



# HANDBOOK STRATEGY

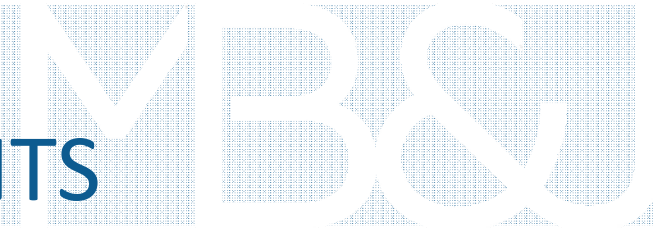


- Should think strategically about employee handbooks:
  - Can create legal exposure
  - No policies the organization will not follow; no wishful thinking
  - No using handbooks from your last job or online!
  - Handbooks are not operations manuals or vision statements
- Consider from the outset:
  - Remote workers
  - Represented workers
  - Employment agreements

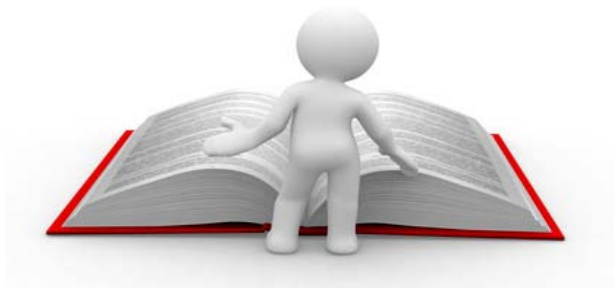




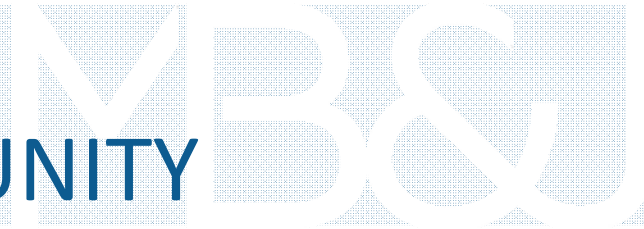
# HANDBOOK CONTENTS



- So what should be in there?
  - Legally required policies
  - Necessary disclaimers
  - Policies that serve the interests of your employees and management; what do they really need and want to know?
  - Policies that are unique to your business



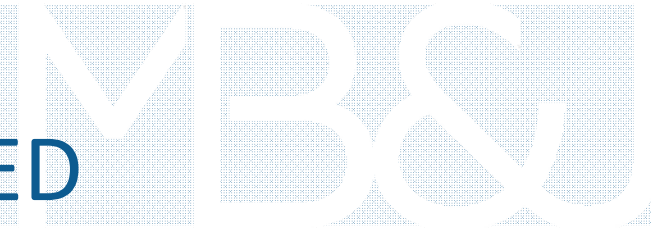
# HANDBOOK = OPPORTUNITY



- View handbook review or drafting as an opportunity
  - Reconsider policies that might just exist because they have always been there
  - Think about issues specific to your workplace that we can address in the handbook as a jumping off point for change
  - Consider how the business has changed since the prior version



# HOW TO GET STARTED



- Determine when your most recent version was last drafted or reviewed by a lawyer
- Discuss with counsel whether best to revise or start from scratch
- Ask counsel for a sample table of contents
- Solicit input from your managers

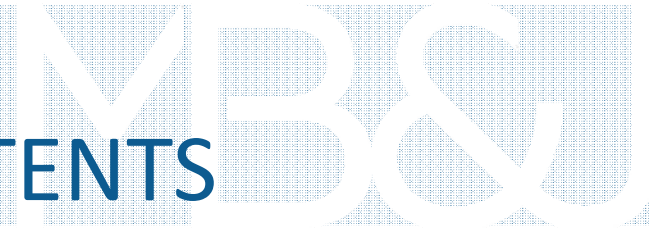


# PROTECTED CHARACTERISTICS

- Race/color
- Gender/sex
- Pregnancy/pregnancy-related conditions
- Transgender (gender identity or expression)
- Sexual Orientation
- National Origin/ancestry
- Religion
- Age
- Military status
- Physical/mental disability
- Genetic Information

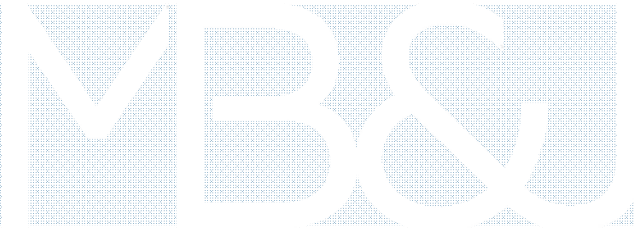


# SAMPLE TABLE OF CONTENTS

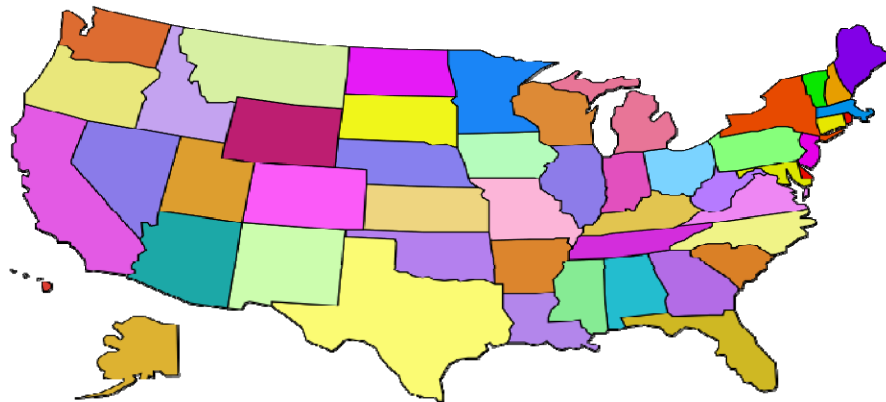


- WELCOME / OUR VALUES
- INFORMATION ABOUT THE HANDBOOK
- YOUR RESPONSIBILITY REGARDING THIS HANDBOOK
- AT-WILL EMPLOYMENT
- EQUAL EMPLOYMENT OPPORTUNITY
- AMERICANS WITH DISABILITIES ACT
- IMMIGRATION REFORM AND CONTROL ACT
- SEXUAL AND OTHER UNLAWFUL HARASSMENT
- CATEGORIES OF EMPLOYMENT
- WORK SCHEDULES AND REPORTING YOUR HOURS WORKED
- OVERTIME
- BREAK AND MEAL PERIODS
- PAYDAY POLICY & PAYROLL DEDUCTIONS
- HOLIDAYS
- PAID SICK TIME
- VACATION
- BEREAVEMENT
- JURY DUTY
- MILITARY LEAVE
- FAMILY AND MEDICAL LEAVE ACT (50+)
- MA SMALL NECESSITIES LEAVE ACT (50+)
- MA PARENTAL LEAVE
- MA DOMESTIC VIOLENCE LEAVE (50+)
- MA VETERANS AND MEMORIAL DAY LEAVE
- MA PREGNANT WORKERS FAIRNESS ACT
- INSURANCE PROGRAMS
- STANDARDS OF CONDUCT
- SAFETY AND SECURITY PROCEDURES
- ATTENDANCE STANDARDS
- SMOKING
- NON-FRATERNIZATION
- NO SOLICITATION
- TELEPHONE AND CELL PHONE USE
- CONFIDENTIALITY
- PERSONAL APPEARANCE AND HYGIENE
- WORKPLACE SAFETY AND ANTI-VIOLENCE
- ELECTRONIC COMMUNICATIONS AND INFORMATION TECHNOLOGY
- SOCIAL MEDIA POLICY
- TALKING TO THE MEDIA
- SUBSTANCE ABUSE
- PERFORMANCE APPRAISALS
- WORKER'S COMPENSATION INSURANCE BENEFITS
- IF YOU MUST LEAVE US
- ACKNOWLEDGEMENT

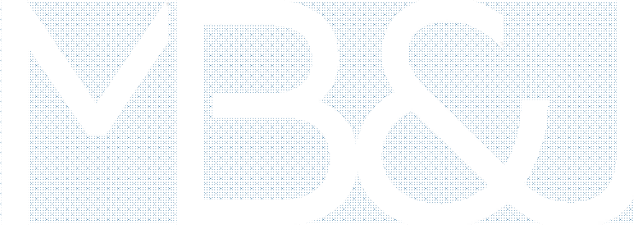
# REMOTE WORKERS



- What to do about employees working in other states?
  - Consider state-specific addenda to handbook
  - Focus on leave laws
- Where useful, consider “remote worker manual” for benefit of Human Resources personnel



# THE PROCESS

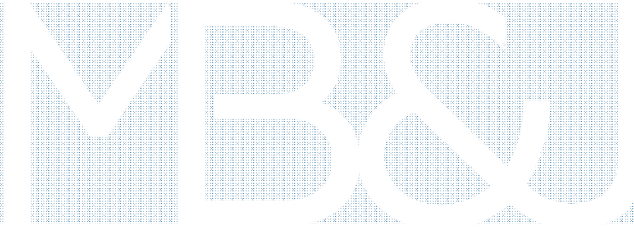


- Strongly recommend employers announce rollout of new handbook and obtain acknowledgments
  - Electronic acknowledgments are fine; be sure to maintain in personnel records
  - Make available electronically whenever possible
- Staff or departmental meetings to discuss key changes are a great idea
- Review handbooks and addenda annually



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# TOP 10

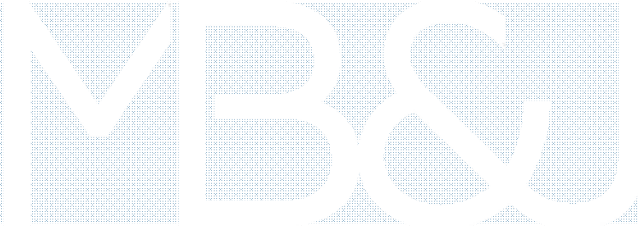


- 1. Equal Employment Opportunity Policy**
- 2. Employee Classifications**
- 3. Hours of Work**
- 4. Time Off Work**
- 5. State Specific Laws**
- 6. Payroll Practices**
- 7. Employee Conduct**
- 8. Employee Benefits**
- 9. Technology and Privacy**
- 10. Termination of Employment**

# 1. EQUAL EMPLOYMENT OPPORTUNITY POLICY

- What is it?
  - A statement that the company is committed to equal opportunity and is anti-harassment
  - Applies to all aspects of employment: application and interviewing process, promotions, compensation, performance evaluation, discipline, and termination
- Consider zero tolerance language and samples of prohibited behaviors
  - Behaviors you choose to prohibit may not necessarily be illegal behaviors, but may be inappropriate in the workplace, joke-telling or unprofessional attire
- This policy must include a complaint procedure with several avenues for reporting issues





## 2. EMPLOYEE CLASSIFICATIONS

- Do you employ regular full-time, regular part-time, seasonal, or per diem types of folks?
- Is there an introductory period for new employees?
- Be sure to include an at-will disclaimer, both prominently in introductory and concluding sections of the handbook, as well as in the specific sections summarizing employee classifications.

## 3. HOURS OF WORK

- Includes provisions relating to:
  - Schedules
  - Business/office hours
  - Attendance and punctuality expectations
- How inclement weather will be addressed
- Should also include accommodations you may be willing to make for disability, religion, sabbatical, or any other circumstance

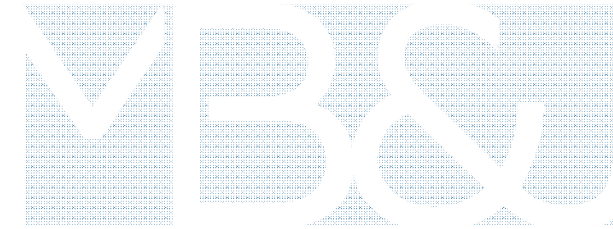
## 4. TIME OFF WORK

- Address:
  - Vacation
  - Personal days
  - Sick Days and/or Paid Time Off (PTO)
  - Employee leaves of absence
- Explain how any time off is accrued, calculated, and tracked
- Explain policies and processes for requesting and taking leave



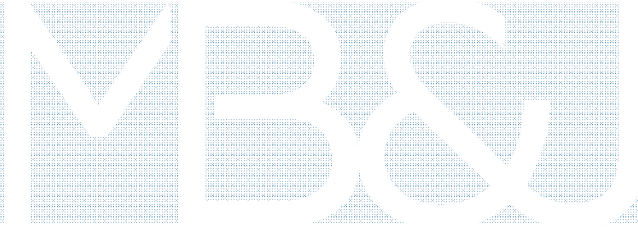
## 5. STATE-SPECIFIC LAWS

- MA Paid Family and Medical Leave
- MA Pregnancy Fairness Act and MA Parental Leave
- MA Earned Sick Time
- MA Domestic Violence Leave
- MA Small Necessities Leave



## 6. PAYROLL PRACTICES

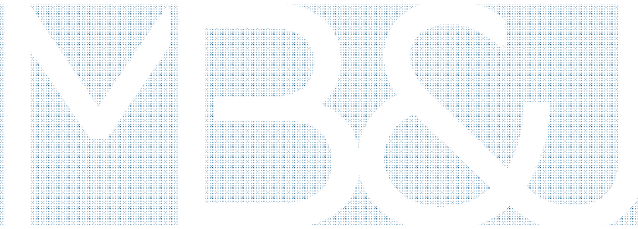
- Address how employee track, record, and report time
- What pay periods and workweeks does the company use?
- Distinguish between exempt and non-exempt employees
- When are bonuses and commissions paid out?



## 7. EMPLOYEE CONDUCT

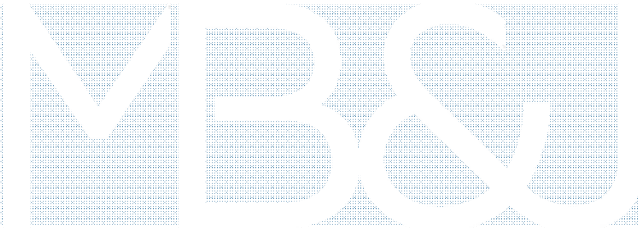
- Workplace Violence Prevention
- Employee Dress Code
- Discipline Policy
- Confidentiality Expectations
- Drugs, Alcohol, and Other Substance Use





## 8. EMPLOYEE BENEFITS

- Consider a general overview of your company's:
  - Health, dental, life insurance, AD&D insurance policies, as applicable
  - Short- and long-term disability
  - Wellness programs and benefits, if applicable
  - Any parking and/or transportation benefits
- Refer employees to summary plan documents (and tell them how they can access those documents) for the specifics.



## 9. TECHNOLOGY AND PRIVACY

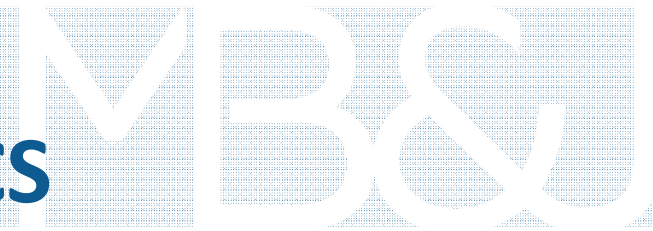
- Email and electronic privacy policy
- Rule surrounding employee social media use
- Expectations regarding care and safeguarding of company equipment (cell-phones, laptops, tablets, etc.)

## 10. TERMINATION OF EMPLOYMENT

- How final pay is handled
- Whether company performs exit interviews
- Procedures for returning company property
- How COBRA and other follow-up information may be conveyed to the employee
- Any notice period the company may wish to request



# RECAP OF LOGISTICS



- Have an employment attorney review the handbook
- Roll out the current iteration to employees and have them sign and acknowledge receipt
- Be sure to train management on what the policies mean and how they are implemented and enforced
  - Consider a meeting specifically dedicated to reviewing key items in the handbook.
- Commit to enforcing the handbook!
- Review regularly to make sure its up-to-date and compliant with evolving federal and state laws, as well as company practices

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QUESTIONS





THANK YOU!

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