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**Employee Handbooks:
Sword or Shield?**


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Sword or Shield?

Not having personnel policies




Sword

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Sword or Shield?

Borrowing personnel policies or employee handbooks from other organizations




Sword




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Sword or Shield?

“We promise to treat all employees fairly and with dignity.”
or
“We strive to prevent all harassment in the workplace.”




Sword




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Sword or Shield?

Visible disclaimer that employment is at-will and that nothing in the policies or practices constitutes an employment contract




Shield



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Sword or Shield?

Acknowledgement of receipt of policies




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Sword or Shield?

A probationary period
(for at-will employers)




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Sword or Shield?

EEO Policy



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Sword or Shield?

Anti-harassment policy with specific statements about prohibited behavior and reporting channels



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Sword or Shield?

Detailed disciplinary process
OR
Progressive discipline



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Sword or Shield?

General statement that violation of city policy may lead to discipline up to and including termination



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Sword or Shield?

Detailed process to address employee complaints in general (e.g., with specific steps and timelines)



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Sword or Shield?

Short statement indicating open door for problem resolution



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Sword or Shield?

FMLA Policy
and
Selection of method of calculation
of leave year for FMLA




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Sword or Shield?

Protocol for calling in late, sick, departing work early, etc.



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Sword or Shield?


NO-FAULT LEAVE POLICY

“Absences exceeding 12 months will result in termination of employee.”




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Sword or Shield?

Requirement to report work-related injury within specified time frame




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Sword or Shield?

Drug-Free Workplace Policy




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Sword or Shield?

Examples of reasonable suspicion to conduct a drug test on employee




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Sword or Shield?

"Notwithstanding anything in state law to the contrary, employees are advised that marijuana remains an illegal controlled substance under federal law and constitutes an illegal drug for purposes of these guidelines. Town employees are prohibited from using, possessing, or being impaired by or under the influence of marijuana while performing work for the Town. The Town also prohibits the possession, consumption, use, display, transfer, distribution, sale, transportation, and cultivation of marijuana on Town premises or in Town vehicles."




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Sword or Shield?

“Employees do not have any expectation of privacy in...(computer and files, emails, voicemails and texts on City equipment or equipment issued for City purposes).”



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Sword or Shield?

Social Media Policy



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Sword or Shield?

Provision on accepting gifts


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Sword or Shield?


WAGES

Requirement to obtain advance approval from supervisor before working overtime



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Sword or Shield?


WAGES

"Work week is subject to change, depending upon supervisory approval."



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Sword or Shield?


WAGES

Statement that employees agree to accept compensatory time in compensation for overtime actually worked when deemed appropriate by the employer




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Sword or Shield?

Procedure for employees to report discrepancies in pay promptly




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Sword or Shield?

CARE AND FEEDING OF EMPLOYEE HANDBOOKS
Revising handbook/policies in a piecemeal
or *ad hoc* fashion




Sword

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Sword or Shield?

CARE AND FEEDING OF EMPLOYEE HANDBOOKS
Changing handbook/policies without
notifying City Attorney




Sword

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Sword or Shield?

CARE AND FEEDING OF EMPLOYEE HANDBOOKS
Regular review of policies/handbook
with legal counsel



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Sword or Shield?

BONUS TIPS FOR PERSONNEL ADMINISTRATION
Abiding by policies



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Sword or Shield?

BONUS TIPS FOR PERSONNEL ADMINISTRATION
Accurate and honest performance reviews


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Sword or Shield?


BONUS TIPS FOR PERSONNEL ADMINISTRATION

Documentation




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Sword or Shield?

Training supervisors and managers



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Sword or Shield

Questions

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