

Is Your Employee Handbook Up To Date?

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Is Your Employee Handbook Up To Date?

This presentation is intended solely
for informational purposes and
is not offered as legal advice.

Is Your Employee Handbook Up To Date?

Why It's Important

Is Your Employee Handbook Up To Date?

Liability

Policies Provide Protection

*Lack of Policies May Trigger
Liability*

*Bad Policies Are Worse Than
No Policies*

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Productivity

*Good Handbooks Increase
Productivity*

*Bad Handbooks Undermine
Productivity*

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Perception is Reality

Employee Perception

Gov't Agency Perception

Jury Perception

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Why It Keeps Changing

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New Statutes

ADAAA

GINA

Nat'l Def. Auth. Act (Military FMLA)

Affordable Health Care Act

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New Regulations

EEOC Regulations

DOL Regulations

Executive Orders

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New Court Decisions

US Supreme Court

Fourth Circuit

Virginia Supreme Court

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Nat'l Labor Relations Board



Is Your Employee Handbook Up To Date?

Crucial Policies

Is Your Employee Handbook Up To Date?

Disclaimer

Not Contract

Not Employee Benefit Plan

FYI

Employer Can Amend

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Employment At Will

All Employment At Will

Handbook Does Not Alter

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EEO

*Title VII, ADEA, ADA
Marital Status (VHRA)
Other Discrimination?*

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Disability Accommodation

ADA

Rehabilitation Act

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Harassment

Sexual

Other

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Retaliation

Prohibition

Whistleblower

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Affirmative Action

Government Contractors

Government Funding

Not the Same as Diversity

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Workplace Investigations

Circumstances

Procedures

Employee Must Cooperate

Confidentiality

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Hiring

Based on Qualifications

Hiring Process

EEO

Disability Accommodation

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Hiring

Reference Checks

Background Checks

Credit Checks

Drug / Alcohol Testing

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Standards of Conduct

Unacceptable Conduct Examples

Not Exhaustive

Consequences

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**Attendance and
Punctuality**

Essential Job Function

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Personal Appearance

Dress Code

Personal Appearance

**Employers Be Careful*

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Workplace Violence

Strictly Prohibited

Examples

Is Your Employee Handbook Up To Date?

Computers and E-Mail

Company Property

Acceptable Use

Monitoring

Privacy Disclaimer

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Social Media



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Solicitation

On Duty v. Off Duty

Where and When

Employer Bulletin Board

NLRB

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Confidentiality

Company Info

Customer Info

Patient Info / HIPAA

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Conflicts of Interest

Explain and Prohibit

*Important for Financial
Institutions and Publically
Traded Companies*

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Performance Evaluations

Probationary Period

Annual / Periodic

Role of Job Descriptions

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Employee Discipline

Progressive v. Flexible

Appeal / Grievance

Public Employer Due Process

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Termination

Employment At Will

Notice of Resignation

Job Abandonment

Payment of Wages and Leave

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Employee Suggestions

Encouraged

Procedures

Tool for Union Deterrence

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Grievance Procedures

Required for Va Public Sector

Desirable for Private Sector

Consider Size of Employer

Compare to Open Door

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Employee Grievances

Grievable Issues

Grievance Steps

Supervisor Bypass

Forms

Is Your Employee Handbook Up To Date?

Whistleblower Protection

Sarbanes-Oxley

Dodd-Frank

Other

Is Your Employee Handbook Up To Date?

Employee Privacy

Employee Desks and Lockers

Company Vehicles

Telephones

Computers and E-Mail

Is Your Employee Handbook Up To Date?

Safety and Health

General Policy

Industry-Specific

Safety Training

Safety Inspections

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Drug and Alcohol Testing

General Policy

Industry-Specific

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Workplace Violence

Prevention

Procedures for Responding

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Accidents and Injuries

Prevention

Report Immediately

First Aid

Investigation

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Employee Classifications

Full Time, Part Time, Temp

Hourly, Salaried

Exempt, Non-Exempt

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Wages and Hours

Payment of Wages

General FLSA Policy

Payroll Errors

FLSA Deduction Safe Harbor

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Reporting Hours Worked

Must Report All Hours Worked

Falsification of Time Records

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Overtime Compensation

Hourly Employees

Non-Exempt Salaried Employees

Piece Rate Employees

Unauthorized OT Prohibited

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Comp Time

Public Sector Employees Only!

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Work at Home

Non-Exempt Must Be Authorized

Must Be Recorded

Telecommuting

Is Your Employee Handbook Up To Date?

Rest and Meal Breaks

Rest Breaks 20 Minutes

Meal Breaks 30 Minutes

Must Be Recorded

Is Your Employee Handbook Up To Date?

Travel Time

Commuting Time

Travel Between Worksites

Out of Town Travel

Overnight Travel

Is Your Employee Handbook Up To Date?

On-Call Time

General Policies

Specific Jobs

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Bonuses

Payment of Bonuses

Effect On OT Compensation

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Other FLSA Issues

Waiting Time

Donning and Doffing

Training Time

Fluctuating Workweek

Public Sector Employees

Is Your Employee Handbook Up To Date?

Company Holidays

Holidays Observed

Work During Holiday

Is Your Employee Handbook Up To Date?

Employee Leave

Types of Leave

Eligibility and Accrual

Leave Year

Carry Over

Is Your Employee Handbook Up To Date?

Vacation

Scheduling Vacation

Is Your Employee Handbook Up To Date?

Sick Leave

Employee Illness / Injury

Medical Certification

Is Your Employee Handbook Up To Date?

Paid Time Off

Vacation + Sick Leave Alternative

Is Your Employee Handbook Up To Date?

Basic FMLA Leave

50 Employee Threshold

Eligibility

Procedures and Forms

Coordination with Paid Leave

Is Your Employee Handbook Up To Date?

Military FMLA Leave

(Nat'l Defense Authorization Act)

Eligibility

Procedures and Forms

Coordination with Paid Leave

Is Your Employee Handbook Up To Date?

Non-FMLA Family Leave

Not Required

Eligibility

Procedures and Forms

Coordination with Paid Leave

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Pregnancy Leave

= *Short Term Disability Leave*

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Maternity / Paternity Leave

Post-Pregnancy

Not Required (unless FMLA)

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Military Leave

USERRA

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Employee Benefits

Summary of Benefits

Eligibility

Plan Controls Over Handbook

Is Your Employee Handbook Up To Date?

Handbook Acknowledgement

Employee Will Read Handbook

Must Comply with Policies

Employment at Will

Contract Disclaimer

Signed by Employee

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**Top 10 Employee
Handbook Mistakes
to Avoid**

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Mistake # 10

*Adopt policies from the internet
without determining they are
right for you.*

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Mistake # 9

*Adopt policies that sound good
but do not reflect what you
actually do.*

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Mistake # 8

*Assign the employee handbook to
your secretary.*

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Mistake # 7

*Turn your employee handbook
into a contract.*

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Mistake # 6

Put your employee handbook in a file cabinet instead of publishing it to your employees.

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Mistake # 5

Tell your employees you have a new employee handbook instead of publishing it to them.

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Mistake # 4

Publish your employee handbook without having it reviewed by a qualified attorney or HR professional.

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Mistake # 3

Give your employee handbook to employees without obtaining a signed acknowledgment.

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Mistake # 2

*Assume your employee handbook
does not matter.*

Is Your Employee Handbook Up To Date?

Mistake # 1

*Assume your employee handbook
from 5 or 10 years ago
is up to date.*

Is Your Employee Handbook Up To Date?

For assistance in bringing your employee handbook up to date contact Hogge Law.

For additional resources visit VirginiaLaborLaw.com