

QUESTIONS AND ANSWERS ABOUT EMPLOYEE HANDBOOKS

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I. SHOULD AN EMPLOYER HAVE AN EMPLOYEE HANDBOOK?

1. Advantages of Employee Handbook

- Facilitates orientation process for new employees.
- Communicates policies and procedures to employees.
- Reduces confusion/misunderstanding about practices/expectations.
- Provides guidance for supervisors.
- Contributes to uniform application, interpretation and enforcement of company practices and procedures.
- Fulfills legal requirements of notifying employees about required policies (e.g. sexual harassment, paid sick leave, benefits, etc.).

2. Disadvantages of Employee Handbook

- May lock employer into unintended express or implied contract.
- Making exceptions may be problematic and, when allowed, could expose company to discrimination claims if not uniformly applied.
- May be difficult to change the terms of a handbook, even with reservation of rights to change language, since mere continuation of employment may not be sufficient consideration. (Connecticut Supreme Court: consideration is needed for amendments to a company's employee handbook that change "the rights afforded to an employee in a way that materially interferes with that employee's legitimate expectations about the terms of his/her employment").
- May limit actions which an employer can take in circumstances not specifically contemplated by handbook.
- Comprehensive set of personnel policies can provide easy access to valuable information concerning your company to unintended users of such information. (i.e., competitors, labor unions).
- Failure to keep handbook/policies up-to-date.

II. WHAT ARE THE BASIC ELEMENTS OF A THOROUGH HANDBOOK?

1. Introduction

- Present company goals and mission

2. Contract Disclaimer

- Establish the at-will nature of the employment relationship and employer's rights to change policies at any time without notice (see attached sample contract disclaimer below).
- Acknowledgement of Receipt of Handbook (see attached sample below).
 - a. Employee received, reviewed and understands.
 - b. Current handbook policies supersede prior handbooks.
 - c. If employee refuses to sign, attempt to alleviate concerns. Ultimately, do not coerce. Make notation on the acknowledgment form setting forth the date and time when the employee was given the handbook and that he/she refused to sign acknowledgment.

NOTE: The NLRB takes the position that provisions prohibiting any change in the terms and conditions of employment except in a written document with a company executive violate Section 7 of the National Labor Relations Act ("NLRA") by potentially discouraging or preventing employees from trying to alter their terms of employment by unionizing and signing a collective bargaining agreement.

3. Equal Employment Opportunity

- Non-discrimination against protected categories (race, color, religion, gender, national origin, age, disability, marital status, veteran status, pregnancy, sexual orientation, gender identity/expression, genetic information, intern status).
- Employment of Qualified Individual with Disabilities/Reasonable Accommodation.
- Affirmative Action Statement (if applicable).

4. Wage and Salary Policies

- Categories of Employees (exempt, part-time, etc.)
- Salary Review/Raises
- Time Records
- Overtime
- Shift Premiums
- Payroll Deductions/Automatic Deposit of Paychecks
- Paydays/Pay Advances
- Administrative Pay Corrections
- Travel Expenses/Reimbursements
- Break/M meal Periods

5. Employee Benefits/Insurance

- Health/Dental
- Life/AD&D
- STD/LTD
- Retirement/401(k)
- Tuition Reimbursement
- Employee Assistance Programs

6. Time Off/Leaves of Absence

- Vacation time
- Holidays
- Personal Time
- Sick Leave/Connecticut Paid Sick Leave (if applicable)
- Family and Medical Leave (if applicable)
- Military Leave
- Jury Duty
- Bereavement
- Personal Leave

- Witness and Crime Victim Leave
 - Emergency Services Personnel Leave
 - Pregnancy Disability Leave
 - Family Violence Victim Leave
7. Employee Records
- Personnel Files
 - Confidentiality of Medical Information
 - Confidentiality and Security of Personally Identifiable Records
8. Employee Development
- Job Descriptions/Duties
 - Performance Evaluations
 - Employee Communications/Bulletin Boards
 - Suggestions/Complaints/“Open Door”
 - Job Posting
 - Promotion/Transfer/Demotions
 - Employee Incentive Awards and Plans
 - Employee Referral Bonuses
 - Employment Inquiries/References
9. Facilities/Equipment
- Cafeteria or lunch area
 - Parking
 - Employee Lounge
 - Lockers
 - Return/Use of Company Property

10. Employee Safety and Health

- Emergency Instructions/Closings
- Safety Procedures
- Worker's Compensation
- Alcohol and Drugs
- Smoking Policy
- Emergency/Weather-Related Closings

11. Employee Standards

- Attendance and Punctuality
- Rules of Conduct/Disciplinary Procedures -- RETAIN DISCRETION!
- Workplace (incl. Sexual) Harassment & Discrimination Policy
- Solicitation and Distribution/Union Activities
- Confidentiality of Company Business Information

NOTE: Cannot have handbook provisions which prevent employees from speaking to each other about the terms and conditions of their employment, including their pay and benefits.

- Corporate Accountability/Whistleblower
- Ethics/Conflicts of Interest
- Dress Code
- Use of Personal Electronic Devices
- Information Technology Use
- Electronic Monitoring/Privacy/Recording
- Social Media
- Workplace Searches
- Employment of Relatives/Nepotism
- Workplace Relationships
- Moonlighting/Other jobs
- Workplace Violence
- Visitors/Employees At Work During Non-Working Hours

12. Termination

- Resignation Procedures
- Exit Interviews
- Severance
- Payment of accrued benefits (vacation, sick, etc.)
- COBRA

CONTRACT DISCLAIMER
NOTICE: PLEASE READ CAREFULLY

This handbook is intended to serve as a practical guide to [COMPANY'S] current personnel policies and practices and to serve as your personal reference in answering questions that you may have about your job. Since this handbook is only a summary compiled for the convenience of our employees and supervisors, it is not intended to cover all topics or circumstances. In addition, the policies and procedures in this handbook are guidelines only and are not to be construed as an expressed or implied contract of employment, a promise of employment for any specified time, or a guarantee of benefits or working conditions between any employee and Acme Company.

[COMPANY] may change, delete, suspend, or discontinue any part or parts of this handbook at any time without prior notice and any such action shall apply to existing as well as future employees. Continuation of employment after any such action constitutes consent to such action. Additionally, [COMPANY] reserves the right to respond to specific situations in whatever manner it believes best suits the needs of the company. Consequently, [COMPANY'S] actions, from time to time, may vary from the attached policies and procedures, or any subsequent policies and procedures implemented. Furthermore, [COMPANY'S] actions may from time to time be guided by policies and procedures which are not contained in this handbook.

[COMPANY] follows an "employment-at-will" policy in that either the employee or the company may terminate the employment relationship at any time, with or without cause, with or without notice, for any lawful reason or for no reason at all. No manager, supervisor, or other agent of the [COMPANY] has the authority to make a commitment of guaranteed or continued employment to an employee, and no company document including this handbook should be understood to make any such guarantee. The [COMPANY] does not recognize any contract of employment unless it is reduced to writing and signed by the employee and the President of the company. Employees shall not accrue eligibility for benefits, rights, or privileges beyond the last day worked.

Should any provision in this handbook be found to be unenforceable and invalid, such finding does not invalidate the entire handbook, but only the subject provision. This handbook supersedes any and all previous oral or written communications, discussions and agreements between the employees and [COMPANY] with respect to the terms and conditions of employment at [COMPANY]

THIS EMPLOYEE HANDBOOK TAKES EFFECT ON _____, 20____.

ACKNOWLEDGEMENT OF RECEIPT
AND REVIEW OF EMPLOYEE HANDBOOK

I acknowledge that I have received and reviewed a copy of [COMPANY’S] Employee Handbook. I understand that it is my obligation to familiarize myself with and abide by and comply with all of the policies and procedures set forth therein. I further understand that I am an “at will” employee subject to termination with or without notice or cause. I certify that I have had an opportunity to ask questions about these policies, and that all my questions have been satisfactorily answered by [COMPANY]. I further understand that [COMPANY] has the right to change, delete, add to, suspend, or discontinue any of its policies and procedures at any time without prior notice, and that if [COMPANY] so exercises this right and I remain employed thereafter, I will abide by, and comply with, all of [COMPANY’S] policies and procedures which are then in effect.

Employee Name: _____

(please print)

Signature: _____ Date: _____

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