

## **CHECKLIST OF NECESSARY OR RECOMMENDED EMPLOYEE HANDBOOK POLICIES**

The following is a checklist of common policies appearing in employee handbooks. Please note that the checklist is overly inclusive and that not every policy listed below should necessarily be contained in a particular employee handbook. (That being said, the checklist also does not include every possible policy that could potentially be included in an employee handbook.) Policies included in an employee handbook vary by the employer's preferences, size, workforce, states (and municipalities) of employment, and type of industry or business.

\* Policies that should typically be included in almost every handbook are *italicized*.

### **I. Introductory Statements**

       *Welcome message*

       *Contract disclaimer*

           Emphasize at-will relationship and clearly state that no contractual relationship exists

           Should not contain any mandatory or obligatory language which may indicate a contractual or other type of employment relationship aside from an at-will relationship

           Bold, capitalized, on separate page

           Place at beginning and end of handbook

           Space immediately underneath where employee can sign acknowledgment

       *Statement of employer's right to amend handbook and benefits*

       (i.e., "Policies and procedures are not conditions of employment and employer can change, modify, amend, terminate ... in whole or in part, at any time and without notice.")

       *Employees covered by handbook*<sup>1</sup>

       *Information about employer's background history, corporate philosophy, etc.*

       Employer's position regarding union and third party intervention (if necessary)

### **II. Recruiting and Hiring**

       *Equal employment opportunity commitment*

       Affirmative action commitment (ONLY where applicable; i.e. should not discuss affirmative action unless a bona fide AAP is in place and employer is covered by OFCCP)

       *Prohibition against discrimination*

       *ADA compliance/reasonable accommodation*

       Hiring and employment of relatives/persons with relationships with employees

       Job posting policies

<sup>1</sup> Independent contractors should be excluded from handbook.

Promotions, transfers, reassignments

Rehire policy

### **III. Training and Orientation**

Introductory period<sup>2</sup>

Pre-employment/post offer drug and/or alcohol screening

Job Description

Verification of status under immigration rules

*Permanent employees*

*Regular employees*

*Full-time employees*

*Part-time employees*

*Temporary employees*

*Seasonal employees*

*Per diem employee*

*On-call (standby) employees*

*Exempt employees (including safe harbor language)*

*Nonexempt employees*

*Employment of Minors*

### **IV. Compensation, Meal Periods, and Rest Periods**

*Wages and salaries*

*Paydays*

*Place of wage payments*

*Pay period*

*Definition of workweek*

*Work schedules (reserve the right to alter work schedules as needed)*

*Overtime*

*Flex time*

*Meal periods*

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<sup>2</sup> Include language stating that successful completion of the introductory period does not guarantee employment for a specific duration or change at-will employment status.

*Rest periods*

Bonuses (discretionary and/or based on production, efficiency, and performance)

Commissioned employees

Benefit plan contributions (thrift, savings, profit sharing, pension, tax sheltered annuities, retirement, stock)

Wage garnishments, attachments, and assignments

Wage advances

Loans

Setoffs and deductions

## **V. Timekeeping**

*Use of time clocks or other timekeeping methods*

*Timecard/punch-in practices and procedures*

*Correction of mistakes in notations or punches*

*Time records are employer's property*

*Unauthorized destruction, use or removal of time records*

*Falsification of information on time records*

Repeatedly failing to punch in

*Punching or recording time for another employee*

*Prohibit working off-the-clock*

*Recording meal period or other breaks*

Shifts

## **VI. Benefits**

*Introduction to benefits section*

*Disclaimer addressing conflicts between brief handbook summaries and official plan documents*

*General description of benefits for eligible full-time, part-time, temporary, and other employees*

*Insurance coverage eligibility (health, dental, life, and accident)  
(include disclaimer statement that to extent any conflict between policies in handbook and benefit plan documents the benefit plan documents control)*

*Health benefits*

*Dental benefits*

Life insurance benefits

Accident and disability benefits (long and short term)

COBRA continuance description

*Vacation benefits (including employee eligibility, notice requirements, and unused vacation time)*

*Holiday benefits*

*Sick benefits*

*Paid time off benefits (also called paid leave or combined leave benefits)*

Pension, profit sharing, Section 401(k), ESOP, and other retirement plans

Stock option plan

Stock purchase plan

Cafeteria plan benefits under Internal Revenue Code § 125

*Child care benefits, services or facilities*

Employee assistance plans for employees with drug, alcohol, and /or other personal problems

Athletic/recreational facilities

*Credit cards*

Employee health services

*Education assistance*

Relocation assistance and reimbursements

*Travel allowances*

## **VII. Leaves of Absence/Other Time Off**

*Leave of absence policy (paid and/or unpaid)*

Effect on existing benefits (e.g. vacation, holiday, sick pay, insurance, etc.)

Effect on failure to pay costs of benefits (e.g. insurance premiums)

Benefit accrual during leave

Manner of requesting/advance notice

*Medical*

*FMLA (if applicable)*

Pregnancy related disabilities

*Work related disabilities*

Drug and alcohol rehabilitation

*Personal (if client requests)*

Educational

*Military (USERRA)*

*Family Military Leave*

*Bereavement*

*Jury duty*

*Voting*

Volunteer firefighter

Child's school

*Witness appearance*

*Lactation Leave (if 50 or more employees total)*

Domestic violence victims

Sexual assault/serious crime victims

## **VIII. Anti-Harassment Policy**

*Policy against unlawful harassment (sexual, racial, religious, age, ethnic, disability, etc.)*

*Reporting procedure (provide bypass reporting mechanism, i.e. an alternative to reporting to direct supervisor/manager, who may be alleged harasser)*

*Investigation procedure*

*No retaliation for reporting*

*Should not guarantee absolute confidentiality*

## **IX. Standards of Performance**

*Performance expectations*

*Examples of unacceptable conduct or behavior (characterize as illustrative, not exhaustive)*

*Examples of types of discipline*

*Progressive discipline (if applicable); (remember to articulate employer's right to bypass steps at its discretion, and reiterate at-will employment status)*

*Always retain discretion to deviate*

*Absenteeism*

*Dress or appearance requirements*

*Solicitation and distribution*<sup>3</sup>

*Firearms and weapons*

Smoking

*Abusive language*<sup>4</sup>

Outside employment

*Conflicts of interest*

Accepting/giving gifts

*Confidential information/trade secrets (ensure not overbroad)*

Fraternization

Guests

Performance reviews (periodic, e.g. semi-annual)

Personnel files (contents, inspections, revisions, and copying)

Telecommuting

## **X. Use of Premises, Business Equipment, and Electronics**

*Telephone use*

*Cell phone policy*

*Business tools, equipment, and supplies*

*Computer, email, and internet use policy*

Blogging (ensure compliance with the latest NLRB decisions issued in this area)

*Social media policy (ensure compliance with the latest NLRB decisions issued in this area)*

Video surveillance and physical searches

*Expectation of privacy*

## **XI. Dispute Resolution**

*Open door policy*

Grievance procedure (problem-solving procedure)

<sup>3</sup> Cannot be overbroad; make careful distinction between working and non-working time and working and non-working areas.

<sup>4</sup> If abusive language rule implemented, define abusive language and make clear that rule is not intended to bar lawful union organizing propaganda, otherwise could be unlawful.

## **XII. Termination Procedures**

Advance notice of resignation

Notice of involuntary termination

Severance or other exit benefits

Exit interviews

Return of company property

COBRA continuation coverage<sup>5</sup>

*Final paycheck*

Letter of reference or recommendations<sup>6</sup>

## **XIII. Safety Issues**

*Commitment to safety statement*

*Injury and illness prevention*

*Workplace security and violence prevention*

Proper use of equipment

Fire prevention and fire safety

Disaster plan

Fighting and horseplay

*Reporting accidents*

*Reporting unsafe conditions*

*Injuries on the job*

*Drug Free Workplace* (prohibition against use, possession, or being under the influence of drugs and/or alcohol)

Locking doors and safeguarding security of premises

## **XIV. Personnel Records**

Contents

Notifications of changes of information (e.g. name, address, marital status, dependents, or beneficiaries)

Property of the employer

<sup>5</sup> Note, if this is already covered in the Benefits handbook section, there is no need to include it again here.

<sup>6</sup> Probably should not be included in a handbook; better for such a procedure to be maintained as a separate human resources policy

Confidentiality of medical records

Inspection of personnel files

Copying of materials in personnel files

Inspection of payroll records

## **XV. Drug and Alcohol Policies**

### *Prohibitions*<sup>7</sup>

Use

Possession

Transfer

Distribution

Sale

Manufacture

On duty

On employer-owned or managed premises

While operating vehicles

Possible exceptions (alcohol) for employer-sponsored functions and/or client development and business activities

### *Testing*

## **XVI. Employee Communications**<sup>8</sup>

### *Communications with the press or media*

Blogging (ensure compliance with the latest NLRB decisions issued in this area)

*Social media (ensure compliance with the latest NLRB decisions issued in this area)*

### *Cannot prohibit:*

employees from discussing pay rates with others

employees from discussing performance appraisals with others

employees from discussing employee discipline or disciplinary investigations with others

<sup>7</sup> Note, if this is already covered in the Safety handbook section, there is no need to include it again here.

<sup>8</sup> Note, if Blogging and Social Media are already covered in the Use of Electronics handbook section, there is no need to include it again here.

Also be wary of prohibiting employees from disclosing certain information to government representative without prior corporate approval, as such a restriction may restrict employees' rights under the NLRA

## **XVII. Employee Acknowledgment**

*Employee acknowledgment of receipt of handbook*

*Employee has read handbook*

*Employee is responsible to understand and adhere to handbook provisions*

*Acknowledgment that employer has unilateral right to modify*

*Exception and/or limitation on right to modify nature of at-will employment relationship*

*Termination at-will statement*

*Acknowledgment of receipt of anti-harassment policy*

*Reference to arbitration provision and jury trial waiver*

## **XVIII. State-Specific or Municipality-Specific Policies**

Any state-required language or policy (recommend conferring with attorney from states in question if client has asked for an all-inclusive state specific handbook review)

Any local-required or municipal-required policy (recommend conferring with attorney from states in question where applicable)