



Writing An Employee Handbook Your Employees Will Read – And Heed, Part 1

Insights

3.01.11

Not complying with current law can be expensive in today's legal climate. Employers should review their employee handbooks and employment-related policies to make sure they are up to date. More importantly, employers should draft their handbooks so their employees actually read them and follow their policies.

In this article we'll provide advice on how employers should write their handbooks to get employees to actually read and understand them. In the next issue we'll identify 10 important policies that every employer should have in place to minimize the risks of employment-related litigation.

View A Handbook As A Communication Tool

First and foremost, consider your employee handbook as a management communication tool – not as merely a document for strict legal compliance. That means the handbook should positively reflect the values of upper management and create an employee friendly environment.

Use The Handbook To Set Internally-Directed Standards

In the world of handbook drafting, some handbooks are "integrity-based" and others are "compliance-based." Integrity-based handbooks are proactive, morally oriented, management directed, positive, and encouraging. The policies in an integrity-based handbook reflect internal values, not external obligations.

On the other hand, compliance-based handbooks are defensive, legalistic, lawyer driven, punitive, and based on externally-imposed rules. Where possible, you should adopt the integrity-based model for your handbooks and hold employees to higher standards than those minimally required by applicable laws. Companies that set this positive tone in today's world are more likely to attract the next generation of workers and to succeed in the future.

Tailor The Handbook To Your Situation

Although many of the policies in a handbook will be common across industries, every employer should endeavor to tailor its handbook to its own unique situation. Tailoring the handbook should take into account the size of your company, its geographic location or scope of operations, its operating culture, employee expectations, and other relevant factors. Tailor your handbook to set the proper "tone" and to comply with the many laws that may apply.

Write The Handbook In Easily Understood, General Terms

A handbook is just a summary of benefits and an employer's most important policies. It is not intended to be a comprehensive personnel procedures manual. Nor does it need to address every possible contingency that can be expected.

By way of example, the military leave policy does not need to go into every detail about what you will do for service members while they are out on leave or when they return. The handbook can simply state that employees should provide advance notice of military leave and the company will comply with all applicable laws covering service members.

Similarly, sub-sections describing insurance or retirement benefits do not need to include deductible amounts or other coverage details that are likely to change from time to time. Instead, insurance-related sections should simply state that the employer provides such benefits, that benefit levels and costs are subject to change from time to time and that the employer pays the majority of the cost for such benefits. Employees with specific questions should be referred to either the Human Resources department or to the current Summary Plan Description document.

By using such general language, the handbook will be more readable and more dynamic in that it will not have to be revised and re-published every time specific benefits change. Generalities may also serve to allow management more discretion with specific situations that may arise.

Begin The Handbook With A Tailored Personalized Message

The handbook should begin with a letter from the company's founder or president welcoming the employee to the organization. Following that personalized message, add a positive description of the "History of the Company." This section should inform the new employee about significant facts in the company's history or about its plans for the future. You may want to highlight some of the signature projects that have been completed by your employees. The idea here is to portray the company in the most positive light and to make new employees feel that they are proud of their new employer's standing in the industry or community.

Cover Employee Benefits In The First Main Section

When employees read a handbook, they naturally want to know what the employer is going to "give" them for working for the employer. To meet this expectation – and to make a positive first impression on the handbook reader – the first major section of the handbook should list all of the benefits and other things of value that the employer provides employees in addition to just their pay. Obviously, this part of the handbook should list all of the insurance and retirement benefits, preferably with a one paragraph or so description of each. Listing each such benefit in a separate paragraph allows the table of contents to include a heading for each benefit and makes the list of benefits have more impact on employees.

This first major section of the handbook should also include sub-sections on the employees' pay, paid holidays, vacations, and other paid time off from work, such as sick or medical leave,

bereavement leave, civic duty leave. Leave that is not paid should also be listed here, including extended medical or family leave, military leave or personal leave.

Other benefits, such as tuition reimbursement programs, relocation benefits or employee discounts should also be listed here. Even government required benefits should be included here as subsections, including social security, workers' compensation, COBRA, modified duty or reasonable accommodation policies and other benefits which the employer provides should be addressed in this major section of the handbook.

Emphasize Safety And Security Issues

Your handbook should stress your concern for safety in the workplace in the most employee-oriented way possible. No employer wants its employees to be injured at work and this message should come through loud and clear in the handbook. Employees that get this message will be positively influenced by the handbook.

Your safety programs, references to a safety committee and training, and to policies covering drugs and alcohol, workplace security, weapons, driving and criminal records, workplace chemicals, and related matters will all reinforce your overarching concern for safety on the job.

Communicate Your Expectations

Although employees do not necessarily like to read all of the ways they can be terminated, it's much worse not to inform them of your legitimate expectations *before* issues arise. Use the handbook to outline major work rules, such as rules of conduct, and policies relating to harassment or discrimination, drugs and alcohol, electronic communications, workplace violence, conflicts of interest, confidential information, driving or criminal records, and other significant policies.

Organize The Handbook With Many Headings

To make a handbook more readable by employees, use numerous headings and sub-headings as guides. Headings break up long stretches of text and help employees to understand the handbook's content. They also make it easier to find topics and for employees to actually use the handbook. A table of contents is essential and can also be used as an outline for the orientation process.

Update The Handbook Periodically

Circumstances and laws are constantly changing. Although the handbook may be drafted to adapt to changes over time, you will inevitably need to review and update your handbook regularly. When making updates, reflect on past situations and incorporate changes into the handbook to address such situations in the future. Before publishing and distributing a new employee handbook, have your employment lawyer review any changes, just to make sure that the handbook remains in compliance with all the applicable laws at the time.

These are a few ways to make an employee handbook more likely to be read by employees. In next month's issue we'll summarize 10 important policies that every employer should have in their employee handbook.

For more information, contact the author at DABrannen@fisherphillips.com or 404.231.1400.

Related People



D. Albert Brannen

Partner

404.240.4235

Email