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Important tips for writing your organization's employee handbook

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In today's workplace, handbooks serve a number of valuable purposes. They are an integral part of everyday communications between employees and management at all levels of the organization. Employees use them as a reference in understanding what the employer expects as well as what they can expect from the employer. Management uses them as a guide in day-to-day decision making, complying with applicable laws, and ensuring consistent treatment of employees.

Handbooks are a critical component of the communication process and play a role in defining the organizational culture. Therefore, it is important to be intentional in planning and implementing a handbook to ensure that the message it conveys is in keeping with the overall communication strategy and culture of the organization.

Since handbooks contain policy statements, they can, and often do, become evidence in employment matters, including charges and court cases. Although they are a key in preventing and responding to discrimination, harassment, retaliation, and other claims, they also can be a double-edged sword for the employer. Whereas they can serve in any given case as the organization's best friend, they can also become its worst nightmare, depending on the way that they are written, interpreted and applied.

Recognizing their use and widespread distribution within the organization, handbooks should be written deliberately with attention paid to the communication strategy, organizational culture and potential liabilities that can be incurred. The following are general tips to accomplish these objectives:

1. Reflect on questions, such as the following, during the planning period to ensure that the handbook is an effective communications tool and reinforces the organizational culture. Will the level of the content be understood by the employee population? Should the handbook be written in a more formal or informal style or in a manner that combines these choices? Will the wording create a more or less authoritarian tone, recognizing that there is

a need to clearly inform employees of required expectations (e.g. procedures, rules, standards) regardless of the option selected?

2. Give consideration to the selection of the person(s) responsible for writing the handbook. Whether written by an individual or committee, it is preferable to have a person with experience in human resources directly involved. This standard can be met by an internal human resource professional, external consultant, or employment attorney. If the first choices are selected, it is recommended that an attorney review the handbook upon completion. Including an experienced professional during the writing process will facilitate the project and decrease both time and costs at the point of review.

3. Determine the types of policies that you want to include. A handbook typically contains categories of information such as employment, compensation, benefits, leaves of absence, record keeping and conduct.

4. Implement policies that confirm the organization's intent to comply with applicable employment laws. Examples include equal employment opportunities, harassment-free workplace, immigration law compliance, military leave, workers compensation and overtime. Also, include policies if legislation (e.g. Tennessee's Non-Smoker Protection Act) stipulates that the employer is responsible for communicating information to all employees.

5. When determining the applicability of federal, state and local laws, pay attention to the specific requirements for coverage. For example, the Family and Medical Leave Act does not apply if an employer has less than 50 employees. Recognize that state laws frequently vary from one state to another and that further research will be required if employers have multiple locations. In addition, examine the organization's status as a public- or private-sector employer, since laws may not be applicable to both.

6. Think through "what if" scenarios in developing the content of policies. By considering the application of policies to situations that occur in the workplace, you will be able to decide if the expectations are realistic.

7. Include language that is designed to protect the employer from liability. For example, the handbook should reinforce employment-at-will protection, as allowed by state law, and clearly affirm that it is not intended to be a contract. Employment-at-will statements should be drafted in a manner that allows an employee or employer to end the employment relationship at any time and for any or no reason.

8. Recognize that the handbook will need to be revised as changes occur. Decide who will be responsible for monitoring policies to ensure that changes, including deletions, are identified.

9. Communicate policies at the time the handbook is developed and when changes are made. Obtain each employee's signature in order to confirm receipt of the handbook or revisions, and to document attendance at meetings or training sessions. Prepare an

acknowledgment form that each employee will sign and date after receipt and review of the handbook. The wording of the acknowledgment should be specifically drafted for this purpose to ensure that it contains appropriate protections for the organization and clearly communicates the intent to employees.

10. Prior to implementing any policies, ensure that management agrees to apply them consistently based on the circumstances involved. Management should be willing to abide by and enforce policies, even if violations involve one of the organization's top performers or executives.

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