**EMPLOYEE HANDBOOK CHECKLIST**

**1. Understand the Risks Associated with an Employee Handbook**

An employee handbook is an essential tool for your company. However, certain risks can be associated with an employee handbook. For example, inclusion of certain provisions could create an unwanted employment contract with employees. Best practice is to understand the risks and draft carefully:

* Include terms that preserve at-will employment
* An employee handbook should be viewed as a potential exhibit in an employment-related proceeding—craft provisions with that thought in mind
* Comply with all applicable laws
* Be sure the handbook reflects your actual practices

**2. Gather Information About Your Company and Workforce**

In addition to federal employment statutes, employers are also subject to an increasing number of state and even local employment laws. An employer should gather information needed to ensure compliance with applicable federal, state, and local laws:

* Number of employees
* Where employees are located (cities, counties, one state, several states, other countries)
* Makeup of workforce – union, non-union, or both
* Public or private company
* Industry requirements

**3. Include Essential Disclaimers**

Disclaimers included in an employee handbook can help limit an employer’s risk:

* Right to modify handbook and policies
* At-will employment
* Handbook acknowledgment

**4. Review the Employee Handbook’s Policies and Procedures:**

General Policies:

Inclusion of certain policies can show employees your commitment to compliance with important federal, state, and local laws regarding:

* Equal Employment Opportunity
* Anti-harassment
* Anti-retaliation
* Immigration compliance
* Disability accommodation
* Protected employee speech

Wage and Hour Policies:

* Payroll practices
* Payroll deductions
* Minimum wage
* Overtime
* Meal periods
* Rest breaks
* Exempt or Nonexempt
* Employee status (full-time, part-time, temporary, seasonal, etc.)

Employee Expression and Conduct Policies:

Policies need to balance your right to prohibit certain conduct while avoiding limiting employees’ rights to engage in protected, concerted activity. Polices should address:

* Confidentiality
* Social media use
* Use of employer-provided communication systems and devices
* Standards of conduct
* Solicitation in the workplace

Also include a discipline policy that is not too detailed or inflexible

Leave Policies:

* Federal leave laws
  + FMLA
  + Military service leave
* State and local leave laws
  + Paid sick time
  + Voting leave
  + Jury duty leave
  + State military leave
  + State pregnancy leave
  + State family and medical leave
  + School activities leave
  + Donor leave
  + Crime victims and domestic abuse leave
  + Civil Air Patrol leave

Employee Benefits:

* Handbook policies should not be overly-detailed
* Include an ERISA disclaimer

**5. Review the Employee Handbook for Consistency, Clarity, and Accuracy**

* Handbook should be easy for employees to read and understand
* Make sure the handbook reflects your actual practices
* Review to make sure policies are consistent and don’t conflict

**6. Additional Considerations**

* How handbooks will be delivered to employees
* How updated versions of the handbook or updated handbook policies will be re-acknowledged by employees
* How policy changes will affect your unionized employees
* Translation requirements