

# Employee Handbooks and Company Policies:

## What You Need to Know



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A lifelong fascination with learning has taken Andrea Zavakos to faraway places and diverse work experiences. From a small town in Ohio, her travels have led her to a U.S. Naval base in Honolulu, Hawaii to Europe to Queens, New York and back again to the Dayton region. They've also given her a wealth of broad-based industry experience and exposure to different cultures and viewpoints which serve her well in her role as Director of Brower Human Resources Consulting.

Andrea's expertise in HR has developed through years of hands-on work in a wide range of manufacturing, distribution, sales and service industries. She takes pride in providing her clients with a competitive edge through such HR initiatives as employee relations, organizational and leadership development, executive coaching, talent management, recruiting and retention, compensation and career path programs, employee training, HR auditing and developing employee handbooks and job descriptions.

Driven by a strong work ethic, Andrea earned her BA in Psychology from Chaminade University in Honolulu, Hawaii while serving full-time in the U.S. Navy. Following her honorable discharge from the service, Andrea earned an MBA from Dowling College on Long Island, New York, commuting from her full-time HR job in Queens with Swingline Staplers. She returned to the Dayton region in 1992 and served in leadership positions for both small and large corporations before joining Brower Insurance in 2002.

Andrea holds a PhD from Antioch University in Leadership Psychometrics, and is certified by the Human Resource Certification Institute as both a Global Professional and Senior Professional in HR.



# Disclaimer

Brower HR Consulting does not practice law.

While we are happy to assist you with human resources issues, we are not a substitute for the advice of competent legal counsel.



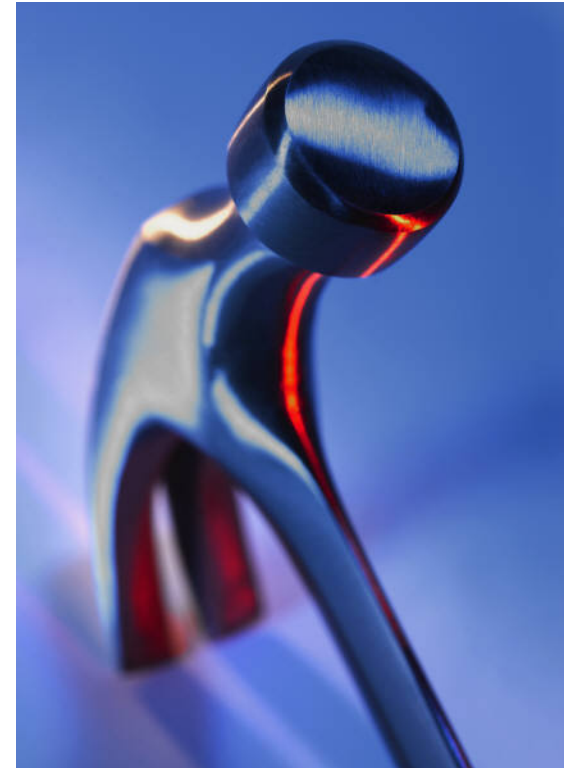
# Why Are Written Policies Important?

- Framework for employee relations
- Guides managers & employees
- Can prevent misunderstandings
- Supervisors are more likely to consistently apply policies
- First line of establishing an affirmative defense strategy



# Hitting You with Your Own Hammer?

- Written policies, like any record, can be used against you in a lawsuit.
- Poorly drafted policies = evidence against you
- Policies that are carefully written should protect against claims and not be a problem.
- Carefully written policies can be used to illustrate your commitment to a positive work environment and to nondiscriminatory employment practices.



# The Bottom Line

- Federal and state laws and the growing number of cases of employee related litigation against management strongly suggest that a written statement of company policy is a business necessity for firms of any size.



# Top Handbook Mistakes



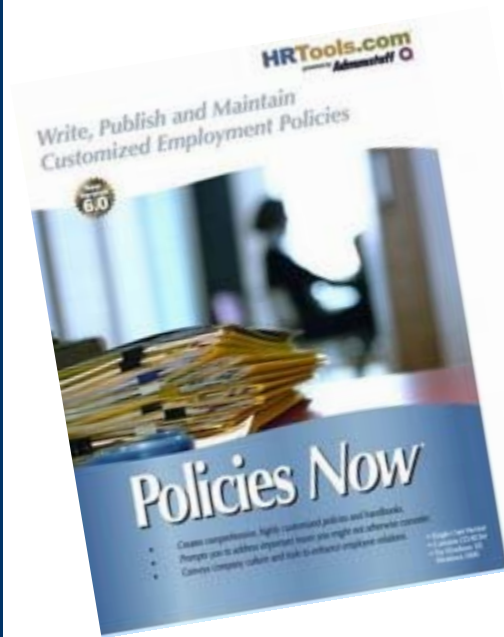
- Not taking into account federal and state laws (example NLRA).
- Creating the utopian version.
- Not enforcing your policies – having policies you don't intend to enforce.
- Not having the handbook reviewed by a professional.
- Failing to update your handbook.

# Handbook Mistakes (cont'd)

- Not having a disclaimer.
- Not using straightforward language (who's the audience?).
- Not tactfully introducing the handbook to current employees.
- Failing to make sure all employees have a handbook.
- Using 'legalese' and jargon
- Being ambiguous



# OK, I'm convinced. Now What?



*Industry Samples*



[www.shrm.org](http://www.shrm.org)



# Free Samples

- SHRM
- Zywave
- Google it...
- Email me (but I can't warrant what I send you, of course)



**Have a professional review  
your handbook before finalizing!**

# Things You Shouldn't Say

- Some things can get you into trouble when drafting your handbook. Here are some topics to avoid:
  - **Just cause.** You don't need cause to terminate or discipline an employee in an at-will state. Why create confusion?
  - **Permanent position.** Never ever refer to "regular" employment positions as "permanent." It tends to create an expectation that employment is guaranteed. It's not; it's at will.
  - **Due process.** Never promise "due process" or anything similar for disciplinary actions or grievances.
  - **Probationary period.** Use the term "orientation" or "introductory" period instead. "Probationary" creates an expectation that the employee's status will change after s/he completes the period. It doesn't. The employee is still employed at will.



# Mistakes Employers Make with Handbooks



- Failing to Distribute It
- Not requiring signed receipt from every employee
- Winging it
- Putting it on the shelf
- Not seeking expert help

# Recent Legislation

- Genetic Information
- “Military/Veteran” Status
- USERRA for the Military
- FMLA/Military FMLA
- Dayton City: Sexual Orientation and Gender Identity
- Do Not Call
- HIPAA



# More Legal Motivation

- Document Retention and Destruction
- FLSA Safe Harbor
- Sexual Harassment Safe Harbor
- Leaves of Absence:
  - Benefits
  - Termination of Employment



# More Legal Motivation

- ADAAA
- Lilly Ledbetter Fair Pay Act



# Union Considerations

- Opting in vs. opting out union members
- Confidentiality issues/restricting rights
- Legal compliance vs. morale issues
- What to do NOW



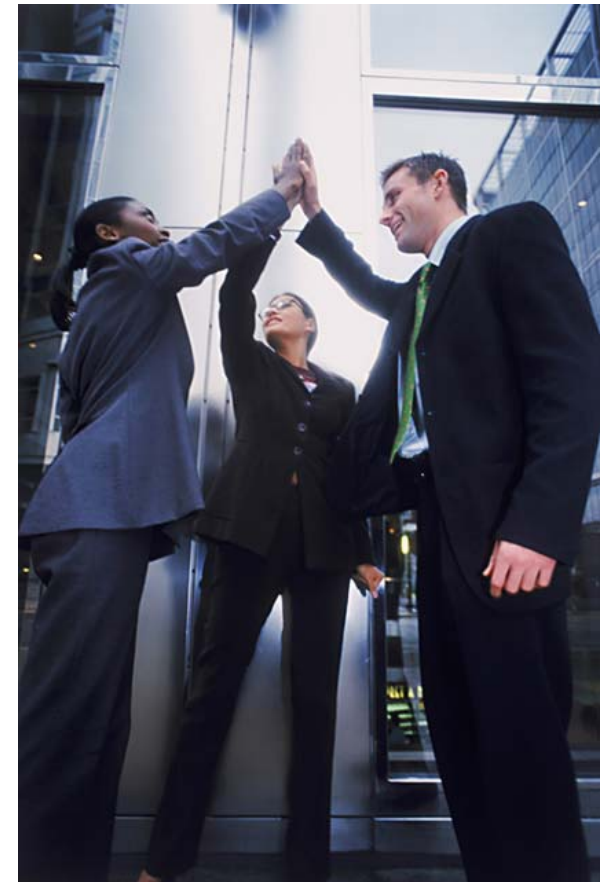
# Important Policies to Consider

- At-will employment/disclaimer/interpretive rights
- Injury reporting
- Equal employment opportunity
- Harassment/discrimination
- Hours of work/meal breaks (myth of reqd breaks)
- FMLA (if you have 50 or more employees)
- Internet/e-mail/blogging/personal expression
- Reasonable accommodation
- Attendance and tardiness
- Rules of conduct/discipline
- Recording conversations
- Personal conduct
- About Unions



# Management Issues

- Manager Guide
- Management Training
  - Employee handbook and employment policies
  - Interviewing/Selection
  - Performance issues
  - Terminations
  - Harassment and Discrimination
  - HR 101 Training



# Questions/Discussion



# Contact Information

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