

Employee Handbook Checklist

A well-drafted employee handbook/manual can be an invaluable tool in preventing and defending employment lawsuits. An effective manual sets clear expectations without unlawfully restricting the employee and without unnecessarily restricting the employer. It complies with federal and state laws and should be updated annually to ensure it remains in compliance. Here are a few of the most essential and/or common elements of an employee manual. Of course, there is no one-size fits all template for employee handbooks. If you have questions or need help drafting and updating your handbook, please contact a Swift Currie employment attorney.

- Welcome Statement From Leadership
- Opening Disclaimer Against Employment Contract
- Equal Opportunity Employer (EEO) Policy
- Anti-Harassment and Anti-Retaliation Policies With Reporting Information
- Disability Accommodations Policy
- Employee Classifications
- Paycheck Deductions/FLSA Safe Harbor Policies
- Employee Conduct and Work Rules Policy
- Social Media Policy
- Personal Device Policy
- Computers and Technology Policy
- Attendance Policy, Including Work Week/Business Hours
- Employee Break Policy
- Employee Benefits, Including Insurance Benefits, LTD, Retirement Plans, Leaves, Holidays, Vacation Policy, etc.
- Discretionary Bonus Policies
- Workers' Compensation Policy
- Drug and Alcohol/Drug Testing Policies
- Acknowledgment of Receipt of Handbook

10 Common Costly Employer Mistakes

1. Ignoring Discriminatory/Harassing Behavior

Even if an employer prohibits discriminatory behavior, an employer may be liable for not responding to reports of discrimination and harassment.

2. Allowing Retaliatory Behavior

Nearly every major employment law provides additional remedies if an employee is subjected to adverse actions after/because of an exercise of a protected right.

3. Misclassifying Workers

Whether it be exempt versus non-exempt or independent contractor versus employee, misclassifying workers can lead to some of the most difficult-to-defend litigation and significant fines.

4. Neglecting the Employee Handbook

An employee handbook should be tailored specifically for your state and company, and should be updated regularly to ensure ongoing compliance with both federal and state laws.

5. Misspeaking During Hiring and Firing

A simple poor word choice, in person or on paperwork, can create significant liability under employment discrimination law.

6. Disciplining Employees Inconsistently

Unclear disciplinary policies and improper disciplinary actions can lead to claims of discrimination.

7. Mishandling Leave Laws

Confusing or denying the rights afforded to employees under the ADA, FMLA and Workers' Compensation laws can be costly.

8. Discarding Records

The Georgia Department of Labor and U.S. Department of Labor (via OSHA, FLSA and Unemployment Insurance laws) require employers to keep many employment records for years even after an employee's separation.

9. Misusing and Overlooking Social Media

Discrimination and labor laws limit an employer's ability to consider social media in hiring processes and an employer's ability to restrict employees' use of social media after hiring.

10. Mismanaging Background Checks

Small missteps during employment background checks can open the door to class action lawsuits under the Fair Credit Reporting Act.



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