

LEGAL ISSUES



By Christina Harris Schwinn

An Employee Handbook Is a Valuable Business Resource

When used properly, employee handbooks can be a very useful management and employee relations tool. An employee handbook should provide the basic underpinnings of a business's policies and procedures. Typically, an employee handbook will contain policies governing equal employment opportunity, paid and unpaid leaves, hours of work, safety, sexual harassment, promotions and transfers. A well written handbook will also contain information about the business and describe the business's mission.

In the world of employee handbooks, one size does not fit all. A business's employee handbook takes into account the unique aspects of the business and will evolve over time. An employee handbook should be reviewed and updated periodically for the purpose of determining whether the policies and procedures contained in the employee handbook are still relevant and compliant with changes in the law. Over the past several years, there have been significant changes in the law, for example, in January 2008, President Bush signed into law significant amendments to the Family Medical Leave Act. In 2007, the Florida Legislature passed a leave law which imposes obligations upon certain employers to allow an employee who is a victim of domestic violence unpaid time under certain circumstances.

At a minimum, an employee handbook should provide employees and management with a useful tool that fosters fairness and consistency when dealing with employee issues. The employee handbook should describe what conduct is acceptable at work as well as what conduct is unacceptable, and it should contain a policy that clearly describes the consequences that may result when an employee violates a policy. Employee

handbooks should provide employees with information about their benefits, pay increases, vacation time, holiday time, overtime, sexual harassment, safety, grooming and appearance, employee rights, managing conflict in the workplace, and work schedules.

In addition to the laws mentioned above, many other federal and state laws that impact and affect a company's employee handbook exist and should be taken into account and reviewed periodically for the purposes of determining compliance. When was the last time your business's employee handbook was reviewed? If it has been more than two years since your business last reviewed its employee handbook, it would be a good idea to review and update it to comply with these recent changes in the law. During the review process it is important to consider the following: 1) Do the written policies accurately reflect actual business practices? 2) How many employees does the business employ? 3) When was the last time the employee handbook was reviewed by legal counsel? 4) Tone and tenor of the language contained in the employee handbook? and 5) The business's overall objectives.

A note to the reader: This article is intended to provide general information and is not intended to be a substitute for competent legal advice.

Questions regarding the content of this column or past columns may be e-mailed to Christina Harris Schwinn at christinaschwinn@paveselaw.com. Readers are also welcome to send their ideas regarding topics for future columns.

To view past columns written by Ms. Schwinn please visit the firm's website at www.paveselaw.com. Ms. Schwinn is an experienced employment law attorney with the Paveselaw Law Firm, 1833 Hendry Street, Fort Myers, FL 33901; Telephone: (239) 336-6228; Telecopier: (239) 332-2243.

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