



How to Implement & Maintain Effective Handbooks & Human Resources Policies

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Overview

- The benefits of having a handbook.
- Common pitfalls of employer handbooks and how to avoid them.
- Policies and how to implement them.



Why Implement A Handbook?

Top 5 Reasons Employers Should Have Handbooks

- To introduce employees to your company's culture, mission and values.
- To inform your employees about your policies and potential consequences for failing to comply with your policies and procedures.
- To use as a resource to ensure that policies are being implemented consistently and uniformly.
- To ensure that the company is adhering to all federal, state, and local laws.
- To help your company defend itself against employee lawsuits.



What are Some of the Most Common Pitfalls of Handbooks?

Common Pitfalls & How To Avoid Them

1. Having a confusing handbook.

- Review your handbook to make sure that it is easy to read and understand.
- Questions to think about when reviewing your handbook:
 - Does it have too much legalese?
 - Do you understand the policies and how to implement them?
 - Does the handbook have contradicting policies and terms?
 - Review your handbook to make sure that defined words are being used in a consistent manner throughout the handbook.
 - For example, a full-time employee should be defined the same under the employee classification section and the benefits section

Common Pitfalls & How To Avoid Them

2. Having old policies or policies that do not apply to your company.
 - Create a process to update your handbook.
 - Make sure to track federal, state and local laws to ensure your policies are up to date.
 - Do not rely on a template.
 - Ask yourself:
 - Do these policies apply to my company?
 - Do different policies apply to different job classifications? For example, does everyone get PTO or vacation time?
 - Which states and cities will your employees work, and do those locations have specific rules?
 - Are these policies implemented? For example, dress code, confidentiality, returning company property.
 - Make sure the handbook states which policies apply to which employees.
 - Consider providing a separate handbook or a handbook supplement to certain job classifications to avoid confusion.

Common Pitfalls & How To Avoid Them

3. Assuming everyone will read it.
 - Have a method to communicate important policies and procedures.
 - Think about creating one in a language that your employees primarily speak.
4. Only discussing policies during orientation.
 - Have meetings with managers to discuss policies and your organizations best practice.
 - Ensure that managers are communicating policies to their subordinates.
5. Not having a process to maintain acknowledgements.
 - Create a process to track and maintain acknowledgments.
6. Not listing the proper contact people in your policies.
 - Ask yourself who is the best person, people or department to handle this policy.



What To Include In Your Handbook

Recommended Disclaimers

- At-will employment
 - This section should advise employees that their employment follows the statutory presumption that employment is for an indefinite period, and therefore at will rather than for a specific term.
- Future modifications/ additional policies
 - Reserve the employer's right to revise any policy, except the at-will provision, with or without notice.
 - Explain that any new policies or changes to existing policies must be in writing and can only be made by specific authorized management personnel and will be incorporated into the handbook.
- Handbook acknowledgment form
 - A form that states the employee read it, received it, and understood it.
 - You should maintain signed copies of the acknowledgment forms.

Equal Employment Opportunity Policy

- Equal employment opportunity (EEO) (required)
 - This policy should prohibit discrimination based on all protected classes under federal and California state and local law.
 - Note, California law is more expansive than Federal law.
- Harassment, discrimination, and retaliation prevention policy (required)
 - List all current protected categories covered under federal and state law.
 - State that the law prohibits coworkers and third parties, as well as supervisors and managers, from engaging in unlawful conduct.
 - Create an impartial and timely complaint process.
 - Provide a complaint mechanism that does not require an employee to complain directly to his or her immediate supervisor.
 - Instruct supervisors to report complaints.
 - Indicate that the employer will conduct a fair, timely, and thorough investigation of complaints.
 - State that confidentiality will be kept to the extent possible.
 - Indicate that appropriate remedial measures will be taken if misconduct is found.
 - Make it clear that employees will not be retaliated against for making a complaint or participating in a workplace investigation.

Sexual Harassment Prevention Policy

- Employers are required to distribute the California Department of Fair Employment and Housing's fact sheet on sexual harassment, or the equivalent information, to its employees.
- The equivalent includes:
 - The illegality of sexual harassment.
 - The definition of sexual harassment under applicable state and federal law.
 - A description of sexual harassment, utilizing examples.
 - The internal complaint process of the employer available to the employee.
 - The legal remedies and complaint process available through the DFEH.
 - Directions on how to contact the department.
 - The protection against retaliation for opposing the practices prohibited by California law, or for filing a complaint with, or otherwise participating in an investigation, proceeding, or hearing conducted by, the DFEH.
 - A link to, or the internet website address for, the sexual harassment online training courses developed pursuant to Cal. Gov't Code § 12950.1 and located on the website of the DFEH.
- The handbook policy should expressly prohibit sexual harassment as well as all characteristics protected by FEHA and other applicable discrimination law

Hot Seat

You can't be everywhere, so what are some steps that you take to ensure that your discrimination, harassment and retaliation prevention policies are implemented?



Disability & Reasonable Accommodation

- Disability and reasonable accommodation
 - Prohibit discrimination based on an actual or perceived disability and require compliance with the Americans with Disabilities Act (ADA) and the FEHA.
 - State that the employer will engage in an interactive process with employees with known disabilities to provide accommodations they need to perform the essential functions of their jobs and that do not cause an undue hardship.
 - Explain that the employer will not retaliate.

Other Equal Opportunity Policies

- Religious accommodation
 - Prohibit discrimination based on an employee's religion.
 - Explain that the employer will reasonably accommodate a sincerely held religious belief that does not impose an undue burden on the employer, and the accommodation request process.
- Genetic information non-discrimination policy
 - State that the employer will not request or require, as a condition of employment, the employee's or his or her family's genetic information under the federal Genetic Information Nondiscrimination Act (GINA) and its California equivalent (CalGINA).

Hot Seat

- What are some steps that you have implemented to prevent disability discrimination?
- What are some steps that you have implemented to ensure that the company is engaging in the interactive process?



Wage & Hour Policies

Minimum wage and overtime

Meal and rest periods (include heat illness recover periods)

Lactation Accommodation

Timekeeping practices (no off the clock work)

Workday and workweek notice

Reimbursement policy

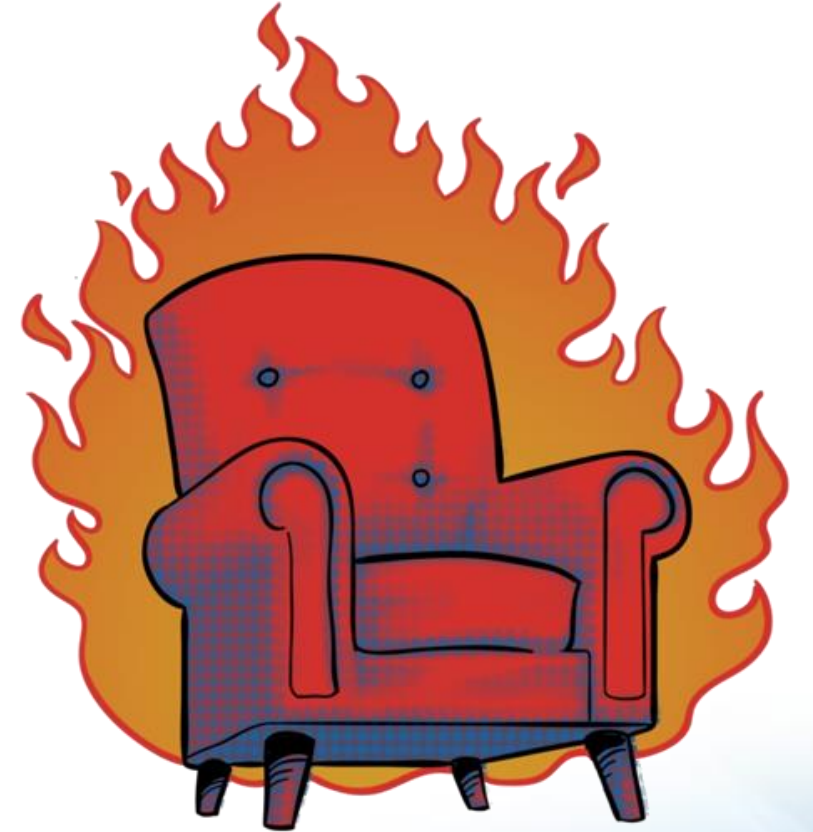
Work hours and attendance policy

Employee classifications (fulltime, part-time, probationary, temporary, exempt, non-exempt)

Pay practices (pay frequency, timing, and method of pay)

Hot Seat

- What do you look for when reviewing wage and hour policies?
- Are there any common issues that you see when reviewing policies?
- How do you encourage your employees to follow your companies wage and hour policies?



Leave Laws

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| Family Medical Leave Act | 50+ employees | Up to 12 weeks of unpaid family and medical leave to eligible employees during any 12-month period for medical reasons and for the care of a child, spouse, or parent who has a serious health condition. |
| California Family Rights Act | 5+ employees | Up to 12 weeks of leave to eligible employees for their own or a family member's serious health condition. |
| Pregnancy Disability Leave | 5+ employees | Up to four months of leave for a pregnancy-related disability. |
| Bone Marrow Donation Leave | 15+ employees | Employees who donate bone marrow are entitled to five business days of paid leave in a 12-month period. |
| Organ Donation Leave | 15+ employees | Employees who donate an organ are entitled to 30 business days of paid leave in a 12-month period, and an additional 30 days of unpaid leave for organ donation in a 12-month period. |
| Paid Sick Leave | 1+ employees | Check to see if local rules apply to your business. |
| Bereavement Leave | 5+ employees | Beginning on January 1, 2023 employers are required to provide employees who worked for them for at least 30 days prior to the commencement of the leave with 5 days of bereavement leave for the death of a family member. |

Leave Laws

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| Jury Duty Leave | 1+ employees | Leave to serve on a jury. |
| Witness Duty Leave | | Employers are required to provide leave to employees who receive subpoenas or other court orders to appear as witnesses in judicial proceedings. |
| Victim Of Crime | 1+ employees | Employers are required to provide crime victim leave to employees who are crime victims, or family members of crime victims, who are attending judicial proceedings related to the crime. |
| Domestic Violence Victim Leave | 25+ employees | Employers are required to provide crime victim leave to employees who are crime victims, or family members of crime victims, who are attending judicial proceedings related to the crime. |
| Voting Time | 1+ employees | Up to two hours of paid leave to vote. |
| Child Suspension Leave | 1+ employees | Applies to parents or guardians required to appear in school after his or her pupil's suspension. |
| School Related Leave (based on emergency, discipline, enrollment & activity) | 25+ employees | Up to 40 hours each year, not exceeding 8 hours in any calendar month of the year to participate in their children's school or child care activities. |

Leave Laws

| | | |
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| Military Leave (Eligible employees are entitled to up to 5 years of (cumulative) protected leave with rights of reinstatement) | Uniformed Services Employment and Reemployment Rights Act of 1994 (USERRA) provides protected leave, benefit continuation, reinstatement rights, and accommodation rights to military personnel who are absent from their civilian job due to service in the uniformed services. | |
| Military Spouse Leave | 25+ employees | Allows eligible employees to take up to (10) days of leave to spend time with leave to spend with their spouse who is home on leave from military duty. Must be taken at the same time the employee's military family member is home on leave from deployment. |
| Civil Air Patrol Leave | 15+ employees | Up to 10 days of leave to an employee who is a volunteer member of Civil Air Patrol and who has been directed by the United States Air Force, the California Emergency Management Agency, or other agency of the State of California, to respond to an emergency. |
| Volunteer Firefighter/Law Enforcement Training Leave | 50+ employees | Up to 14 days per calendar year of leave for the purpose of engaging in fire or law enforcement training. |
| Disaster Relief Volunteer Leave | 50+ employees | Leave to an employee who needs time off from work to perform emergency duty as a volunteer firefighter, a reserve peace officer, or emergency rescue personnel |

Hot Seat

- Do you incorporate all of these leave laws in your handbook?
- If not, how do you pick which ones will be in your handbook?
- How do you ensure your supervisors and managers are providing required leave?



Workplace Safety Policies

- Maintain a written Injury and Illness Prevention Program (this is an independent document)
- Workplace violence – prohibit violence and establish a reporting procedure, and encourage employees to report
- Drug and alcohol consumption and testing.
- No smoking

Hot Seat

- How do you communicate your safety protocols?
- Do you have any tips to ensure your safety protocols are being enforced?



Other Policies

**Standards of
Conduct**

Confidentiality

**Use of employer-
provided email,
telephones,
laptops, & other
equipment**

**Solicitation &
distribution**

PTO or Vacation

Termination

**Probationary
Period**

**Arbitration
Agreement (stand
alone policy?)**



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