



Daily Dash

Is Your Employee Handbook Up to Date?

An employee handbook can be a legal time bomb if it's gathering dust on your company shelf and doesn't account for new laws, regulations, workplace trends, or technological advances. In fact, some experts say an outdated handbook can be just as dangerous as not having one at all.

With rapid-fire changes in the workplace and technology these days, it's impossible to create an employee handbook that will stand the test of time without regular reviews. So if your company has one, a closer read and some needed revisions could save you and your company from making some costly legal mistakes.

"It should be reviewed once a year because things are changing so fast these days," said Antoinette S. Gilbert, an associate labor and employment law attorney with [Karen Smith Kienbaum & Associates](#) in Detroit. "It almost needs to be a living document."

An employee handbook also is a good way to introduce new employees to your company and communicate key information to your existing workforce, she said.

"A well-written handbook can become an employer's best defense. And it's your baseline for fair and consistent treatment of all employees," Gilbert said. "We believe that fair and consistent treatment of all employees is the best business practice an employer can have."

With some best practices and wise updates, Gilbert said employee handbooks can go a long way toward providing legal protection to a company and its employees. Here are a few suggestions:

- **Hire an attorney.** It's a good idea to have an attorney who is familiar with labor and employment law review any changes to your company's employee handbook, Gilbert said. And don't be afraid to ask for a flat rate instead of an hourly charge for this kind of review.
- **Make a copy for everyone.** "Every employee should have their own copy of the handbook," Gilbert said. But you don't necessarily have to redistribute copies every time you make a revision to the handbook. In some cases, printing out a copy of the changes and simply letting employees know about them in a regularly held meeting is sufficient. If you don't have regular staff meetings, you might want to hold a special meeting to review all the changes with employees. Just make sure everyone signs in if you have an informational meeting, she said.
- **Include electronic communications.** Advances in communications require special attention in your employee handbook, and you'll want to make sure your policies cover items such as email, text messaging, and cell phones, Gilbert said. "Electronic communication is causing a lot of problems in the workforce that people probably wouldn't have thought about 10 to 15 years ago," Gilbert said. Companies also should make it clear to employees that electronic communications are for business use only and that they should have no expectation of privacy when it comes to email and other workplace communications. And depending on the nature of your business, you also might want to have a policy prohibiting use of cell phones during work hours, Gilbert said. And don't forget that many cell phones now function as cameras. Companies are wise to prohibit unauthorized photos and videos in the workplace.
- **Don't forget confidentiality.** There were significant changes to the Fair Credit Reporting Act in 2006, and all employee handbooks should reflect these changes, Gilbert said. In a nutshell, companies are required to keep records confidential and make sure that they are properly disposed of when no longer needed (e.g. shredding or burning). Remember that the Fair Credit Reporting Act also is the regulation that allows employers to check someone's driving record and license information, she said. Make sure these records are properly protected and that people understand that off-the-job conduct can have on-the-job consequences. If your company requires some employees to drive as part of their job, make sure they understand that any driving offenses can mean that they are personally liable -- especially if the company's insurance policy won't insure

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them after the offense. And prior to checking employees' driving records, make sure you have obtained a signed release allowing you to pull the information.

- **Account for wage and hour changes.** Recent changes in the minimum wage, as well as categories for exemptions, need to be reviewed, Gilbert said. Employers now are permitted to take wage deductions from salaried workers for certain types of absences. However, despite recent changes in the law, it's not necessary to state exact minimum wage rates in the handbook. But employers are required by law to post minimum wage information in the workplace.
- **Employment at will.** Make sure that your handbook has an employment-at-will disclaimer in it. Otherwise, employees can use the handbook as an implied contract, making it difficult for employers to fire for good cause, she said.

For more information, [click here](#).

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