

Employee Handbooks: A Prescription For a Healthy Workplace

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Any physician with a busy medical practice knows how challenging it can be to balance your focus on patient care with all of the day-to-day issues that confront you as an employer. Although no law specifically required employee handbooks, they can be an invaluable tool in the management of your employees and the protection of your practice. As an employer, preparing a handbook gives you the unique opportunity to create a set of policies which are specifically tailored to your workplace practices, goals and needs.

An employee handbook generally covers an extensive array of topics ranging from sick leave and discipline to safety rules and the prohibition of harassment. While a good employee handbook covers all of these topics, three primary goals should guide your handbook preparation: (1) legal compliance, (2) reduction of liability, and (3) communication of operational policies. Achieving these three goals will go a long way toward protecting your interests.

1. Legal Compliance –Preparing an employee handbook provides you, the employer, the opportunity to ensure that you complying with all federal and state employment laws and to document your commitment to continued compliance. Achieving this goal provides two major benefits.

First, there are a number of complex employment laws, including the Family & Medical Leave Act, the American's with Disabilities Act, and the Fair Labor Standards Act, to name just a few. Failure to comply with these complex laws can be costly, whether the violation is found by a government agency or through employee litigation. Your employee handbook can serve as a road map to achieving compliance. Given the frequency and impact of changes in these laws, maintaining compliance requires that you monitor such changes and update your handbook accordingly.

Secondly, documenting your knowledge of equal-employment laws and your proactive intention to follow these laws, can improve employer-employee relationships. It is refreshing for an employee to know that his or her employer practices fairness within the workplace. That satisfaction can lead to continued loyalty and a increased productivity.

2. Reducing Liability – For any employer, there is always the fear of potential litigation and liability. An effective employee handbook can reduce those fears by resolving workplace conflict and disputes. It can also help you defend claims of wrongful discharge, sexual harassment, or discrimination.

For example, to prevent liability in wrongful termination lawsuits, an employee handbook should unequivocally state that employment is “at-will” and can be terminated at anytime and for any reason. Discharged employees typically allege that they were discharged in violation of an implied contract of employment. A handbook which clearly documents an “at-will” relationship and consistently disclaims the formation of an implied contract can be a formidable defense to a claim of wrongful discharge.

Well drafted policies prohibiting harassment and discrimination can also reduce potential claims. These policies should expressly document your commitment to a workplace free of discrimination and harassment, as well as provide examples of prohibited conduct. It should also include a user-friendly complaint procedure which encourages employees to report all acts of inappropriate conduct. If your employees utilizes such a process, you will have an enhanced ability to promptly address complaints, fix problems and resolve conflicts before they result in lawsuits. Moreover, compliance with your own policies is a strong defense if the matter does proceed to a civil rights charge or lawsuit.

3. Communication of Operational Policies – Each employee should receive a handbook at the time of hire, and the receipt of the handbook should be documented. This gives you the opportunity to ensure that all of your employees have read and understand your workplace policies. The employee handbook should serve as a positive introduction to new employees, including descriptions of workplace conduct, both prohibited and expected. This uniform distribution of your rules puts the entire workforce on the same page and serves as a continuous reference for your employees, helping to resolve problems and provide quick answers to questions as they arise.

If you do not have an employee handbook or have not updated it recently, it's a good time for an employment practices check-up. While a well drafted handbook can be a valuable risk-management tool, a poorly drafted handbook can create a host of legal problems and be worse than none at all. As such, you should consult with an experienced employment law attorney before preparing a new employee handbook or revising an existing one.

A well-drafted, up-to-date employee handbook can help your practice run smoothly and protect you from liability. That's the kind of reassurance that allows you to focus on practicing medicine.

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