

Why Have a Handbook?

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Maintaining an effective employee handbook is no easy task. Because handbooks often delve into a wide breadth of issues affecting the day-to-day lives of a staffing agency's employees, crafting an effective handbook requires buy-in from myriad agency stakeholders, including Human Resources, Legal, and Management. Furthermore, handbook policies are shaped by ever-changing federal, state, and local laws, so they must contain timely, precise, and unambiguous language. Consequently, it is no wonder that staffing agencies often balk at maintaining an employee handbook. The common question staffing agencies ask is "Why bother?" It is paramount that agencies understand why the benefits of having a handbook so often outweigh the detriments.

First and foremost, handbooks create clarity. They set expectations between an agency and its employees so those employees know what is expected of them and how they should perform their job responsibilities. To this end, handbooks can advise employees (administrative, staffing, or both) of their legal rights, as well as the privileges and benefits of their employment. At the same time, handbooks can minimize agencies' liability exposure by setting forth a structure to deal with issues as they arise and by ensuring that employees are not surprised by discipline they receive. As a consequence of having a defined process for dealing with issues in the workplace, handbooks ensure that all employees are treated fairly and consistently by giving managers clear guidelines. Finally, as a practical matter, handbooks can save managers time by avoiding the need to answer the same employee questions over and over again.

Laws requiring handbooks have any particular components are minimal. However, as a best practice, there are basic policies that no staffing agency's handbook should be without. Every handbook should contain a statement clarifying that employment with the agency is "at-will" and that the handbook does not create a contract of any sort. Moreover, handbooks should contain an Equal Employment Opportunity Policy setting forth the agency's commitment not to discriminate against applicants or employees on the basis of any applicable protected classification. Similarly, handbooks should contain an anti-harassment/discrimination policy that explains what these terms are, gives examples of unacceptable behavior, sets forth the complaint procedure for reporting sexual harassment as well as the investigation procedure, and guarantees employees that they will not be retaliated against for reporting harassment. If staffing agencies have fifty or more employees, their handbook should contain a policy advising eligible employee how to request leave pursuant to the Family and Medical Leave Act (FMLA). Finally, all handbooks should contain a "safe harbor" provision -- a statement that addresses Fair Labor Standard Act (FLSA) classifications of employees and how to report paycheck mistakes.

Best Practice Recommendation: Work with counsel to create and maintain an employee handbook. Does your handbook clearly set forth the terms, conditions, and privileges of employment at your agency? Does it contain at least the basic policies referenced above? Has counsel reviewed it recently to ensure it complies with current federal, state, and local laws? Reviewing your handbook now can reduce your exposure to liability later. If you have additional questions about handbooks or other workplace issues affecting staffing agencies, please feel free to contact us at 800-245-9653 or 631-390-0900.