



The 3C's:

Keep Your Handbook
Compliant, Competitive
and Culturally Relevant
in 2022





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No one loves drafting or revising an employee handbook. It can be tedious and frustrating. And yet an employee handbook is one of the most important tools an employer has to foster positive employee relations.

An employee handbook is also one of an organization's most neglected documents. HR professionals understand updates are needed, however, the updates may get deprioritized while HR focuses on other concerns (e.g., the pandemic; employee turnover; diversity, equity, inclusion and belonging initiatives). This guide will help HR professionals take a fresh look at their handbook, consider critical changes, and reframe how handbooks are used.

Keep it Compliant

Compliance drives employee handbooks. In fact, compliance is the reason handbooks exist in the first place. New legal requirements often prompt additions or changes to existing handbook policies. This is particularly true of legal developments that create new protected classes or leaves. But before leaping to change your handbook after every new law, ask these questions:

Does the new law require a handbook addition or change?

Some laws actually require a handbook addition or change. For example, Minnesota has a wage disclosure law that requires employers that have an employee handbook to include a notice of employee rights and remedies under the law. Result: every organization with offices in Minnesota needed to update their handbook when this new law came into effect.

Some laws do not require a handbook change. For example, a number of temporary laws were passed in response to the COVID-19 pandemic, but it is generally not recommended that you include COVID-19 policies in your handbook because, if included, they could quickly make a handbook dated. However, if the COVID-19 pandemic prompted a permanent, general change to a company policy, then you may want to include the new or changed policy in the handbook. For instance, if your company recently decided to offer paid sick leave for any illness, it would be appropriate to include a paid sick leave policy in your handbook.

There is no real benefit to redistributing a new handbook or one with a lot of changes if you do not communicate what is new or changed.

When a new law or a change in the law takes place, look at the law and your handbook. Consider whether your current handbook would be inaccurate or noncompliant if it doesn't address the legal development. If it is not necessary to include, move on. Every new law does not automatically require a handbook addition or change.

Will employees need a handbook change to understand their rights?

To convey accurate, current and useful information to employees, make handbook changes when a law alters an employee's rights and when it is likely they will look to the handbook first. This means legal changes to leaves and harassment should probably be included.

Employees use handbooks to try to understand rules or procedures before they speak with HR or their manager. For example, when an employee finds out they're pregnant, before disclosing the pregnancy, they often will look to a handbook to determine what leave and accommodations they are entitled to and whether that leave will be paid. For them, reviewing the leave and accommodation sections of the handbook will help them understand how to seek an accommodation for a pregnancy-related condition and if their job is protected while on pregnancy-related leave. This information can provide comfort, so it should be in the handbook.

In another example, if an employee thinks they witnessed harassment of a coworker, but they are just not sure, they may look to the harassment policy to see if any examples are given. By providing examples, it will give an employee a better awareness of behaviors that can rise to harassment. Employees refer to the handbook because they do not know how the organization will respond and want some hints. Of course, they are going to have questions, but the handbook is often the first stop before reaching out to HR.

When updating or adding new handbook policies, think about your approach to communicating changes. There is no real benefit to redistributing a new

handbook or one with a lot of changes if you do not communicate what is new or changed. Employees may have “acknowledged” they read it when they were first onboarded, but chances are they did not spend time reviewing it in great detail and certainly will not review it again in its entirety in the future. Instead, provide the proper notification to employees when policies are added or updated and let them know what specific changes were made.

Stay Competitive

Include employee benefit policies that set your organization apart or at least make your organization more competitive. When selecting which policies to include to increase competitiveness in the market, consider the following:

Include In-Demand Perks

Remote work is a great example of a highly valued perk employees will certainly be seeking. When drafting the policy be sure to address these issues: Can anyone work remotely? What are the parameters of working remotely? What happens if the employee moves? Do employees ever have to appear in-person at the company's physical space? When implemented on a more permanent basis – not just temporarily during a pandemic – remote work should be outlined in the handbook.

Other perks should be included, too, like tuition reimbursement, student loan repayment, wellness perks, community service days, or floating holidays.

When implemented on a more permanent basis – not just temporarily during a pandemic – remote work is a perk that should be outlined in the handbook.

If your organization offers these, include them. These perks make an organization more competitive and can boost employee morale and lead to increased employee loyalty. When an employee hears of a friend getting a benefit at a different organization, they may look to the handbook to see if they're offered that benefit too.

Keep Certain Benefit Policies Brief and General

Do not include the traditional full benefit package descriptions in the handbook. Health, dental, vision, retirement or 401K, and stock options are all subject to change regularly. An organization can say in the handbook that it offers these, but unless it is committed to always providing the exact same benefits for years on end, it shouldn't include a lengthy description. This also holds true for unemployment or workers' compensation benefits. Organizations should consider informing employees that workers' compensation insurance is available and instruct them to promptly report any work-related injury or illness. Details beyond that do not belong in a handbook.

Similarly, an employee referral program may be included in your handbook, but steer clear of including the actual referral bonus amount. The dollar amount given may fluctuate each year due to financial considerations. Feel free to use language such as “Please contact Talent Acquisition or HR for referral amounts and additional information.” Keep in mind, even if the amount is not explicitly included, the policy should be applied consistently.

Handbooks last a long time and certain policies, particularly those that are not compliance-based, can go years between review and updates. As a result, do not include one-time or one-location perks in your handbook.

Be Culturally Relevant

Handbooks need to stay culturally appropriate and reflect the times we live in. A dress code that mentions

pantyhose or a timekeeping policy that describes punch cards are outdated policies that reflect poorly on the organization. Staying current with and adapting to workforce trends helps an organization demonstrate they care about employees and their wellbeing while setting positive expectations. Below are some tips:

Err on the Side of Trusting Employees

Trust is a key ingredient to a healthy and productive work environment. Handbooks set employee expectations and are important for establishing trust. A handbook that includes resignation policies that require a month's notice or clauses like "we get to inspect your purses" suggests a draconian work environment many employees will want to leave, especially in the current labor market. Craft or revise the handbook to demonstrate the organization trusts employees.

For example, discipline policies that state "employees should use good judgment at all times" instead of a 30-point list of possible misconduct warranting termination demonstrate the organization is more likely to trust the employee rather than be constantly on the lookout for their misdeeds. This "use good judgment" language also allows the organization to retain discretion in discipline.

Another example of a way employers demonstrate lack of trust is including in a discipline policy termination for false requests for leave. Employees want to know that their organization trusts them and does not jump to the possibility that they regularly lie or misrepresent their need for leave. Not including false requests for leave in the policy does not stop an organization

from disciplining or even terminating an employee who falsifies a leave request, it just does not set the expectation that the organization believes employees lie. What constitutes a false request or fraud under the Family and Medical Leave Act is also not a required provision in a policy.

Of course, if an employee steals a company car or falsifies their timecard, the organization can still take disciplinary action. There is just no need to include examples in the policy that set the wrong tone with employees.

Include DEIB Statements

If your organization has not developed statements about diversity, equity, inclusion and belonging (DEIB), start drafting now. It is critical that organizations have these statements in their handbook because it will help enhance employee morale and retention. These policy statements may need review and updates based on certain trends and retention statistics. Prominently place these policy statements in the beginning of the handbook, before the discrimination and harassment policies, so that employees understand the employer's commitment to DEIB at the outset.

Use the Singular They

Inclusion isn't just culturally relevant right now, it is also important for creating a healthy and productive work environment. One way to show your commitment to inclusion is to replace binary pronouns such as "he/she", "him/her" and "his/her" with non-binary pronouns such as "they", "them" and "their" in handbook policies because not everyone regards their gender identity as exclusively male or female. Reflect this wider trend in society in your policies so that transgender and non-binary workers do not feel excluded or marginalized. The handbook can be a place where inclusion is actually seen. Even some of the staunchest grammar gurus agree that the singular "they" is more inclusive and appropriate when referring to individual members of certain groups, like employees.

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Make the Policies Easy to Read

No one likes legalese – not even lawyers. Using accessible, easy-to-read language makes a handbook more understandable and more likely to be read. The policies should contain enough detail for employees without confusing them. Many tools exist to allow you to determine the reading level of a handbook. Use them! Write in clear and concise language. Remember that employees are the intended audience for the document so draft the handbook using words and expressions that employees will understand.

Conclusion

Creating and updating handbooks are no simple tasks. Employees do not usually crack open the handbook until they need it, but when it is necessary it is critical the handbook provide accurate and easy-to-understand policies. Keeping a handbook compliant, competitive and culturally relevant is hard work that pays off.

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