

**Drafting Employee Handbooks
for Virginia Employers**

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Drafting Employee Handbooks for Virginia Employers

The following is provided solely for informational purposes and is not offered as legal advice.

This presentation may be distributed freely for educational purposes.

This presentation may be downloaded at VirginiaLaborLaw.com.

For assistance in drafting employee handbooks please contact Ray Hogge at (757) 961-5400.

Drafting Employee Handbooks for Virginia Employers

Role of the Employee Handbook

- Policy Development
- Policy Communication
- Employment Risk Management
- Recruiting and Retention
- Union Deterrence

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General Provisions

- Introductory Statement
 - Handbook is FYI
 - All employees must comply with policies

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General Provisions

- Company History

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General Provisions

- Company Mission Statement

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General Provisions

- Contract Disclaimer
 - Handbook is not a contract

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General Provisions

- Employee Benefit Plans
 - Handbook not an employee benefit plan
 - Written employee benefit plans control

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General Provisions

- Employment At Will
 - All employment is at-will
 - No policy alters at-will employment

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General Provisions

- Company Right to Change Policies
 - Company has right to revise, add or rescind policies
 - Employees will be notified of changes

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Equal Employment Opportunity

- Non-Discrimination
 - Race, Color, Religion, Sex, National Origin
 - Title VII of Civil Rights Act of 1964 (15 employees)
 - Virginia Human Rights Act
 - Most government contracts and grants
 - Some Virginia local governments

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Equal Employment Opportunity

- Non-Discrimination
 - Pregnancy, Childbirth or Related Medical Conditions
 - Pregnancy Discrimination Act, in Title VII of Civil Rights Act of 1964 (15 employees)
 - Virginia Human Rights Act
 - Most government contracts and grants
 - Some Virginia local governments

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Equal Employment Opportunity

- Non-Discrimination
 - Marital Status
 - Virginia Human Rights Act

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Equal Employment Opportunity

- Non-Discrimination
 - Age (40)
 - Age Discrimination in Employment Act (20 employees)
 - Virginia Human Rights Act
 - Most government contracts and grants
 - Some Virginia local governments

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Equal Employment Opportunity

- Non-Discrimination
 - Disability
 - Americans with Disabilities Act (15 employees)
 - Virginia Human Rights Act
 - Most government contracts and grants
 - Some Virginia local governments

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Equal Employment Opportunity

- Non-Discrimination
 - Military / Veteran
 - USERRA
 - Most government contracts and grants

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Equal Employment Opportunity

- Non-Discrimination
 - Sexual Orientation
 - Not prohibited generally by federal law
 - Not prohibited generally by state law
 - Most government contracts and grants
 - Some Virginia local governments

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Equal Employment Opportunity

- Disability Accommodation

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Equal Employment Opportunity

- Religious Accommodation

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Equal Employment Opportunity

- Harassment
 - Sexual Harassment
 - Other Harassment

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Equal Employment Opportunity

- Retaliation

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Equal Employment Opportunity

- Reporting Discrimination, Harassment, and Retaliation
 - Victim
 - Observer

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Equal Employment Opportunity

- Investigating Reports of Discrimination, Harassment, and Retaliation

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Equal Employment Opportunity

- Affirmative Action
 - Affirmative action plan
 - Not required generally
 - Required for some government contractors
 - Specific actions required

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Equal Employment Opportunity

- Diversity
 - Not the same as affirmative action

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Equal Employment Opportunity

- Consequences of Violating EEO Policies

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Recruiting and Hiring

- General Statement of Policy
 - Hiring Based on Qualifications
 - EEO

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Recruiting and Hiring

- Job Announcements
 - Internal
 - External

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Recruiting and Hiring

- Qualification Standards
 - Written Job Descriptions

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Recruiting and Hiring

- Hiring Process (ADA)
 - Employment Application
 - Pre-Employment Inquiries
 - Conditional Offer of Employment
 - Medical Exams and Inquiries
 - Active Employment

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Recruiting and Hiring

- Employment Applications

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Recruiting and Hiring

- Pre-Employment Drug Testing

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Recruiting and Hiring

- Pre-Employment Medical Certifications

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Recruiting and Hiring

- Background Checks
 - Criminal
 - Credit

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Recruiting and Hiring

- Reference Checks

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Recruiting and Hiring

- Immigration Law Compliance / I-9

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Recruiting and Hiring

- Employment of Relatives

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Standards of Conduct

- General Standards of Employee Conduct
 - Examples of Prohibited Conduct

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Standards of Conduct

- Company Reputation

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Standards of Conduct

- Attendance and Punctuality

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Standards of Conduct

- Personal Appearance and Dress Code

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Standards of Conduct

- Workplace Appearance and Cleanliness

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Standards of Conduct

- Workplace Violence

Drafting Employee Handbooks for Virginia Employers

Standards of Conduct

- Food and Beverages

Drafting Employee Handbooks for Virginia Employers

Standards of Conduct

- Smoking

Drafting Employee Handbooks for Virginia Employers

Standards of Conduct

- Employee Break Room

Drafting Employee Handbooks for Virginia Employers

Standards of Conduct

- Employee Parking

Drafting Employee Handbooks for Virginia Employers

Standards of Conduct

- Use of Company Property

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Standards of Conduct

- Company Computers and E-Mail

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Standards of Conduct

- Social Media

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Standards of Conduct

- Dating Among Employees

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Standards of Conduct

- Solicitations and Distributions

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Standards of Conduct

- Confidentiality

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Standards of Conduct

- Conflicts of Interest

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Standards of Conduct

- Outside Employment

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Employee Relations

- New Employee Orientation

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Employee Relations

- Initial Probationary Period

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Employee Relations

- Performance Evaluations

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Employee Relations

- Performance Improvement Plans

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Employee Relations

- Bulletin Boards

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Employee Relations

- Disciplinary Actions
 - Progressive Discipline

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Employee Relations

- Termination of Employment

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Employee Relations

- Resignation

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Employee Relations

- Job Abandonment

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Employee Relations

- Layoff and Recall

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Employee Relations

- Reductions in Force (WARN Act)

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Employee Relations

- Employee Suggestions

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Employee Relations

- Employee Complaints

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Employee Relations

- Grievance Procedure

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Employee Relations

- Open Door Policy

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Employee Relations

- Whistleblower Protection

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Employee Relations

- Employee Recognition

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Employee Relations

- Workplace Privacy

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Employee Relations

- Employment Records
 - Personnel Files
 - Medical Files
 - I-9 Files
 - Employee Inspection of Employment Records

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Workplace Safety and Health

- General Policy of Workplace Safety and Health

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Workplace Safety and Health

- OSHA Compliance

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Workplace Safety and Health

- Safety and Health Program

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Workplace Safety and Health

- Safety Inspections

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Workplace Safety and Health

- Workplace Searches

Drafting Employee Handbooks for Virginia Employers

Workplace Safety and Health

- Workplace Violence

Drafting Employee Handbooks for Virginia Employers

Workplace Safety and Health

- Drug and Alcohol Testing

Drafting Employee Handbooks for Virginia Employers

Workplace Safety and Health

- Substance Abuse

Drafting Employee Handbooks for Virginia Employers

Workplace Safety and Health

- Fire Safety

Drafting Employee Handbooks for Virginia Employers

Workplace Safety and Health

- Smoke-Free Workplace

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Workplace Safety and Health

- Motor Vehicles

Drafting Employee Handbooks for Virginia Employers

Workplace Safety and Health

- Bad Weather

Drafting Employee Handbooks for Virginia Employers

Workplace Safety and Health

- Workplace Accidents and Injuries

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Workplace Safety and Health

- Employee Assistance Program

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Workplace Safety and Health

- {INDUSTRY-SPECIFIC POLICIES}

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Workplace Safety and Health

- {Hazard Communication}

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Workplace Safety and Health

- {Bloodborne Pathogens}

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Workplace Safety and Health

- {Communicable Diseases}

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Workplace Safety and Health

- {Eye Protection}

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Workplace Safety and Health

- {Fall Protection}

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Workplace Safety and Health

- {Lock-Out / Tag-Out}

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Workplace Safety and Health

- {Ergonomics}

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Wages and Hours

- General Policy on Wages and Hours
 - Comply with Fair Labor Standards Act and all other applicable laws

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Wages and Hours

- Employee Classifications
 - Full Time, Part Time, Temporary
 - Hourly, Salaried
 - FLSA Exempt, FLSA Non-Exempt

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Wages and Hours

- Work Schedules

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Wages and Hours

- Recording and Reporting Hours Worked

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Wages and Hours

- Overtime

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Wages and Hours

- Rest and Meal Breaks

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Wages and Hours

- Travel Time

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Wages and Hours

- On-Call Time

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Wages and Hours

- Training and Education Time

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Wages and Hours

- Shift Differentials

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Wages and Hours

- Flex Time

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Wages and Hours

- Compensatory Time (Public Sector Only)

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Wages and Hours

- Correction of Wage Payments

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Wages and Hours

- Correction of Deductions from Exempt Employee Salary (FLSA Safe Harbor)

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Wages and Hours

- Payment of Wages

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Wages and Hours

- Payroll Deductions

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Wages and Hours

- Bonuses

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Wages and Hours

- Wage Advances

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Wages and Hours

- Business Expenses

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Employee Leave

- General Policy on Employee Leave
 - Types of Leave
 - Eligibility for Leave
 - Leave Year
 - Carry-Over
 - Termination of Employment

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Employee Leave

- Holidays

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Employee Leave

- Paid Time Off

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Employee Leave

- Vacation

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Employee Leave

- Sick Leave

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Employee Leave

- Family and Medical Leave Act (FMLA) Leave (50 employees)

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Employee Leave

- Non-FMLA Family Leave

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Employee Leave

- Pregnancy Leave
 - Not less generous than leave for short-term disability

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Employee Leave

- Maternity / Paternity Leave

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Employee Leave

- Short-Term Disability Leave

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Employee Leave

- Military Leave (USERRA)

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Employee Leave

- Bereavement Leave

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Employee Leave

- Jury Duty and Appearance as Witness

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Employee Benefits

- General Policy on Employee Benefits
 - Overview of Employee Benefits
 - Handbook Not a Plan
 - Plan Controls Over Handbook

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Employee Benefits

- Group Health Insurance

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Employee Benefits

- Dental Insurance

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Employee Benefits

- Flexible Spending Accounts

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Employee Benefits

- Workers' Compensation

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Employee Benefits

- Disability Insurance
 - Short-Term
 - Long-Term

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Employee Benefits

- 401(k) Plan

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Employee Benefits

- Tuition Reimbursement

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Employee Benefits

- COBRA Compliance

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Employee Benefits

- HIPPA Compliance

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Employee Handbook Acknowledgment

- Received, will read
- Required to comply with policies
- Not a contract
- Employment at will
- Will ask if have questions
