

CHECKLIST

CREATING, AUDITING AND UPDATING AN EMPLOYEE HANDBOOK

Presented by Horst Insurance



An employee handbook communicates valuable information to employees and provides written guidance and information related to an employer’s mission, values, policies and procedures. It also establishes an organization’s expectations and rules for its workforce. A well-drafted employee handbook can protect an employer against potential discrimination, disparate treatment and other claims or lawsuits brought by employees.

This checklist outlines key items for employers to consider when creating, auditing and updating an employee handbook. It’s intended to be used as a guide, so it doesn’t include every step or consideration, and not all of the following steps are necessary to create and maintain an employee handbook. Because this process may differ based on your organization’s size and other factors, steps in this checklist should be modified to meet your organization’s unique needs. Since creating an employee handbook requires employers to navigate complex legal, operational and other considerations, you are encouraged to seek local legal counsel to address specific issues and concerns.

Preparing to Draft an Employee Handbook	Complete	Not Applicable
Determine the number of employees. <i>An employer’s size, meaning the number of employees, is a key factor in determining which federal, state and local laws the organization must comply with.</i>	<input type="checkbox"/>	<input type="checkbox"/>
Identify the states and cities where employees work or where the employer recruits from or does business. <i>If employees work in various states and cities, an employer must determine which state and local laws apply to its workforce because many states and localities enforce additional legal requirements. Additionally, where an employer recruits from or does business could impact which state and local laws apply to the organization.</i>	<input type="checkbox"/>	<input type="checkbox"/>
Identify federal, state and local laws that apply to the employer based on the organization’s size and where its employees work.	<input type="checkbox"/>	<input type="checkbox"/>
Create a list of statements, policies, rules and other information to be included in the employee handbook (e.g., mission statement, company history, disclaimer, at-will employment statement, equal employment opportunity statement).	<input type="checkbox"/>	<input type="checkbox"/>
If an employer already has an employee handbook or established workplace policies and procedures, review them and identify any that need to be updated or are missing.		
Decide the method for distributing the employee handbook to employees and obtaining signed acknowledgments of receipt from employees.	<input type="checkbox"/>	<input type="checkbox"/>

This checklist is merely a guideline. It is neither meant to be exhaustive nor meant to be construed as legal advice. It does not address all potential compliance issues with federal, state or local standards. Consult your licensed representative at Horst Insurance or legal counsel to address possible compliance requirements. © 2023 Zywave, Inc. All rights reserved.

Establishing an Employee Handbook	Complete	Not Applicable
Create a clear statement of the organization’s mission and values to help new and existing employees better understand the employer’s culture and direction.	<input type="checkbox"/>	<input type="checkbox"/>
Draft policies that comply with applicable federal, state and local laws and requirements, such as wage and hour, anti-discrimination and employee leave policies.	<input type="checkbox"/>	<input type="checkbox"/>
<p>Verify that the handbook includes general policies. Examples of common general policies include the following:</p> <ul style="list-style-type: none"> • An equal employment opportunity statement • A dress code • An email usage policy • A standard of conduct policy • An anti-harassment policy • An anti-retaliation policy • A policy outlining the organization’s commitment to the interactive process • A policy stating the organization complies with the Immigration Reform and Control Act of 1986 • A statement that the employer’s handbook and policies are not intended to infringe on employees’ Section 7 rights under the National Labor Relation Act • A progressive discipline policy 	<input type="checkbox"/>	<input type="checkbox"/>
<p>Consider adding additional workplace policies, including the following:</p> <ul style="list-style-type: none"> • Flexible work arrangement policy • Gifts and favors policy • Moonlighting policy • Domestic partnership policy • Salary advance policy • Conflict of interest policy • Smoke-free environment policy • Cybersecurity policy • Attendance and standard working hours policy • Drug and alcohol testing policy • Orientation period policy • General computer usage policy • Employee discount policy • Jury duty policy • Children in the workplace • Service animal policy • Educational assistance program policy 	<input type="checkbox"/>	<input type="checkbox"/>

Make certain that the policies contained in the employee handbook identify protected classes (e.g., age, race, color, disability, national origin, religion, sex) under federal, state and local laws.	<input type="checkbox"/>	<input type="checkbox"/>
Define any employee classifications related to the employee handbook's policies (e.g., full-time, part-time, exempt, nonexempt, probationary, seasonal), if applicable.	<input type="checkbox"/>	<input type="checkbox"/>
Include important disclaimers, including one stating the fact that the employee handbook does not create an implied contract or promise specific actions, outcomes or rights.	<input type="checkbox"/>	<input type="checkbox"/>
Ensure the employee handbook contains an at-will employment statement, if applicable.	<input type="checkbox"/>	<input type="checkbox"/>
Confirm the employee handbook includes a statement regarding the employer's right to modify the handbook. <i>This statement can establish the employer's right to modify the employee handbook without notice, including revising, rescinding or modifying the handbook's policies, provisions and benefits.</i>	<input type="checkbox"/>	<input type="checkbox"/>
Include an acknowledgment form for employees to sign and return to the employer confirming that they have received, read, understood and agreed to the handbook's provisions. <i>The employee acknowledgment can also have employees affirm that they are employed on an at-will basis.</i>	<input type="checkbox"/>	<input type="checkbox"/>
If the employee handbook contains a progressive discipline policy, consider verifying that it does not change the at-will nature of the employment relationship. <i>This can include drafting the disciplinary procedures so they are discretionary, not overly detailed, and include a statement that they do not change the at-will nature of the employment relationship.</i>	<input type="checkbox"/>	<input type="checkbox"/>
Ensure any policies regarding employee benefits include a brief description of the organization's benefits programs (noting that specific details can be found in benefits plan documents) and do not trigger any compliance obligations, if applicable.	<input type="checkbox"/>	<input type="checkbox"/>
Decide whether the employee handbook or any specific policies should be translated into another language.	<input type="checkbox"/>	<input type="checkbox"/>
Consult with legal counsel to ensure that the handbook is complete and accurate and does not create any unintended contractual agreements.	<input type="checkbox"/>	<input type="checkbox"/>

Maintaining an Employee Handbook	Complete	Not Applicable
Regularly audit the employee handbook to ensure it's consistent with federal, state and local laws and up to date.	<input type="checkbox"/>	<input type="checkbox"/>
Confirm that the handbook's policies comply with federal, state and local laws.	<input type="checkbox"/>	<input type="checkbox"/>
Review the handbook to ensure it does not create unintended legal obligations for the organization.	<input type="checkbox"/>	<input type="checkbox"/>
Verify that the employee handbook's policies are not overly broad or vague.	<input type="checkbox"/>	<input type="checkbox"/>
Determine whether the handbook is easy to read and understand.	<input type="checkbox"/>	<input type="checkbox"/>
Make sure the employee handbook's policies are consistent with the employer's actual policies and procedures.	<input type="checkbox"/>	<input type="checkbox"/>
If the employee handbook must be updated, ensure that the handbook is redistributed to employees and that the employer obtains newly signed acknowledgments from all employees.	<input type="checkbox"/>	<input type="checkbox"/>

Use this checklist as a guide when creating, reviewing and maintaining an employee handbook. If you have any specific questions or concerns related to the creation or maintenance of an employee handbook, seek local legal counsel.

Contact Horst Insurance for more information on employee handbooks and workplace policies.