

# HRWS TRENDING



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HR WORKPLACE SERVICES

## TAKING A LOOK AT HR SELF-HELP TOOLS & TEMPLATES

As we review employee handbooks from companies across the country, we find that many of these documents were constructed from self-help tools or templates downloaded from the internet. Our advisors explain that many of them share similar issues, such as:

- ▶ the exclusion of state or local regulations, for example, state-specific sick leave laws.
- ▶ the inadvertent creation of extra administrative work.
- ▶ the omission of required, industry-specific verbiage (i.e. DOT-specific requirements for drivers).
- ▶ the inclusion of policies that do not apply to the organization (i.e. incorporating an FMLA policy for a company not required to comply).

### How Prevalent is the Problem?

Using data obtained from our **HRWS** standard **Handbook Review** service, we clearly see how popular these self-help tools and template downloads have become, and how often they miss the mark:

- ▶ **65%** were at least partly generated from a **self-help tool**
- ▶ another **17%** came from downloaded templates
- ▶ **12%** of employee handbooks reviewed were originally assembled by an HR **expert** or **legal professional**

- ▶ among those **professionally** assembled, their average creation date was over **6 years ago**
- ▶ **96%** of all handbooks reviewed, contained policies that were either discriminatory, incomplete, or misaligned with the company's business model, SIC codes, state requirements, etc.

### High Stakes Documents Require Professional Input

The common issues that arise due to such missteps, may often cause ongoing problems. More telling is the realization that most of these circumstances could easily be averted if the document(s) were created, or simply reviewed, by an experienced professional.

### About HRWS

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## INTERESTING QUESTIONS

### RECENTLY ASKED OF HRWS ADVISORY STAFF

**Q:** How often should an employer update their employee handbook?

**A:** Employee handbooks should be reviewed and updated at least annually, and an employer may want to consider reviewing the handbook every six months. Employee handbook best-practices suggests that the HR department should frequently review new case rulings, regulations and workplace trends to ensure the employee handbook is up-to-date with current law. Additionally, if there have been any recent discrimination or harassment issues in the employer's workplace, the relevant section should be reviewed for clarity and even possibly updated to include new procedures or requirements.

**Q:** If the employee handbook indicated that employees will only be discharged for cause, does that negate the employee at-will relationship?

**A:** In most cases, yes. An employee handbook which provides solely for cause-based discharge can amount to an enforceable contract that the employment relationship *will only be terminated for cause*. This negates the at-will employment relationship and will protect the employee against termination without justifiable cause or for subjective reasons.

**Q:** What are the most important steps in a progressive discipline policy?

**A:** A progressive discipline policy provides a roadmap for supervisors and employees in disciplinary situations. Progressive discipline policies usually delineate the following steps:

- ▶ Counseling or verbal warning (documented)
- ▶ Written warning (documented)
- ▶ Suspension (documented)
- ▶ Termination (documented)

While such policies promote consistency in discipline across an organization, a well-written progressive discipline policy will have language that allows for deviations from the usual order for more serious offenses and an *at-will disclaimer*. With respect to instances of grave workplace misconduct, such as insubordination or violence, immediate termination may be warranted.

As with all disciplinary matters, the employee should be given an opportunity to respond to the level of discipline. In addition, *keeping adequate records of discipline should be the final step in any disciplinary procedure*.

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