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Practice Tips and Pointers for Drafting or Revising Your Employee Handbooks and Personnel Policies

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INTRODUCTION

» A township's employee handbook should be designed to familiarize new and current employees with the rules and policies of the employer. The handbook is an important and convenient method of communicating essential information to employees of the township.

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RECOMMENDED PROVISIONS FOR YOUR TOWNSHIP'S EMPLOYEE HANDBOOK AND PERSONNEL POLICIES

- » One Size Does Not Fit All
- › Townships' employee handbooks will necessarily differ depending upon the size of the township. However, at minimum the following information should be communicated to township employees through the employee handbook and contained in the following policies:
 - Hiring Practices
 - Hours of Work
 - Performance Reviews
 - Personnel Files
 - Family and Medical Leave
 - Other Leaves of Absence
 - Discipline
 - Caution: "Just Cause" or "Progressive Discipline"
 - Termination
 - Other Benefits

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**RECOMMENDED PROVISIONS FOR YOUR TOWNSHIP'S
EMPLOYEE HANDBOOK AND PERSONNEL POLICIES**

» Equal Employment Opportunity Statement

- › The following is a sample EEO statement:
 - [Name of township] is an equal employment opportunity employer and does not discriminate against employees or job applicants on the basis of race, religion, color, sex, age, national origin, disability, veteran or family status, sexual orientation or any other status or condition protected by applicable state or federal laws, except where a bona fide occupational qualification applies.

 - [Township _____] will:
 - Recruit, hire, train, and promote persons in all job classifications without regard to race, religion, color, sex, age, national origin, handicap, family or veteran status, sexual orientation or any other status or condition protected by applicable state or federal laws, except where a bona fide occupational qualification applies.

 - If any employee has a suggestion, problem, or complaint with regard to equal employment, he or she should contact [name of township's contact person].

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» One Size Does Not Fit All

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 - Anti-Harassment Policies
 - Drug and Alcohol Free Workplace
 - New Employees Probationary Period
 - Ethics and Gift Ban
 - Travel Regulations and Expenses
 - Use of the Township's Network and Social Media Policies

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**RECOMMENDED PROVISIONS FOR YOUR TOWNSHIP'S
EMPLOYEE HANDBOOK AND PERSONNEL POLICIES**

» The Handbook Disclaimer Provision

- › Employment relationships are generally "at-will," meaning that either the employee or employer may terminate the employment relationship at any time, for any reason or for no reason at all.

- › The disclaimer should be:
 - Consistent with the language contained in the handbook;
 - Clear and easy to read;
 - Noticeable: Written in large and bold font in the front of the handbook.

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**RECOMMENDED PROVISIONS FOR YOUR TOWNSHIP'S
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» Below is a sample disclaimer provision commonly used in employee handbooks:

› The contents of this handbook are presented as a matter of information only. The plan, policies, and procedures described are not conditions of employment. [Employer] reserves the right to modify, revoke, suspend, terminate, or change any or all such plans, policies, or procedures, in whole or in part, at any time with or without notice. The language in this booklet is not intended to create, nor is it to be construed to constitute, a contract between [employer] and any one or all of its employees. That is, employment can be terminated at any time at the will of either the employer or the employee.

› Illinois courts have recognized an employee handbook as a contract, if the "traditional requirements" for the contract termination are present. *McHenry v. Charter Golf, Inc.*, 176 Ill. 2d 482 (1997).

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**RECOMMENDED PROVISIONS FOR YOUR TOWNSHIP'S
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» These Requirements Include:

- › The language of the handbook contains a clear offer;
- › The handbook is disseminated to the employee so that the employee is aware of the offer; and
- › The employee must accept the offer by starting or continuing to work. *Green v. Trinity Intern. University*, 344 Ill. App. 3d 1079 (2003).

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**DISSEMINATION AND ACKNOWLEDGMENT OF THE
EMPLOYEE HANDBOOK**

» An employment handbook only achieves the objectives of the township if it is properly distributed to all of its covered employees. In order to accomplish this task, we recommend the following distribution method:

- › Employees should be provided the handbook during an informational session, one-on-one, a small group or a township wide in-service.
- › Employees should be directed to read the handbook and provided with sufficient time to review before signing the acknowledgment of receipt.
- › All employees should be required to sign the acknowledgment or receipt of the handbook and the acknowledgment form maintained in their personnel file.

› Below is a sample acknowledgment form:

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DISSEMINATION AND ACKNOWLEDGMENT OF THE EMPLOYEE HANDBOOK

Employee's acknowledgment. I have received my copy of the employee handbook and I understand that it is my responsibility to read and comply with the policies contained in this handbook and any revisions to it. I also acknowledge that this handbook is not a contract of employment and that either the company or I may terminate my employment at any time with or without cause and with or without notice.

Date

Signature

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REVISIONS OR CHANGES TO THE EMPLOYEE HANDBOOK

- » A handbook revision, therefore, must satisfy three elements to be effective:
 - › Clarity
 - › Communication
 - › Consideration

- » Some courts have held the consideration can be simply continuing to work under the revised handbook while others have stated that something more is required

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SUMMARY

- » Employee handbooks should be drafted with care. The following tips will help to minimize any concerns or challenge raised with regard to your township's employee handbook:
 - › Draft the appropriate handbook for the targeted group of employees.
 - › Use clear and easy to understand language.
 - › Make sure that the policies set forth in the handbook are enforced uniformly and consistently by your township's administrators and supervisors.
 - › Review and eliminate any reference to an initial "probationary period" for new employees.
 - › Eliminate language which could be interpreted to require progressive discipline of employees in all situations.
 - › Ensure the proper distribution of the handbook to all covered employees.
 - › Ensure that the first page of your handbook contains a disclaimer.

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QUESTIONS?

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