

DICKENSON PEATMAN  FOGARTY

WORLD CLASS LAW FIRM - WINE COUNTRY LOCATIONS

Employee Handbook Workshop  
April 22, 2015

Malloy Imrie & Vasconi  
Insurance Services, LLC

# Agenda

- Why a Handbook?
- Sample Policies
- What Not to Include



# Questions? Fire away.



# Why Have a Handbook?

# Top Reasons to Have a Handbook

- ❑ So employees know your policies and procedures
- ❑ So you can provide legally required notifications
- ❑ So your managers have guidance in implementing policies and practices
- ❑ So you can use it to potentially defend a legal action
- ❑ **So you can be consistent**



# What Are Your Policies and Procedures?

## Creating a handbook:

- Forces employers to review its policies and procedures
- Refines the way you do business so that you get the most out of your employees
- Provides employees with a clear understanding of what you expect of them
- Provides you an opportunity to instill loyalty and improve morale

# What is a “Must”

While handbooks are not required, if you have one there are certain things that “must” be included:

1. Current handbook supersedes old
2. At-will employment policy
3. EEO policy – required
4. Anti-harassment policy – required
5. Leaves of absence policies – some required
6. Wage and hour policies (meal/rest, overtime)
7. Acknowledgement of receipt

# Map for Managers



A well written handbook can be a map your managers follow in order to implement your policies and practices.

- Informal complaints of harassment
- Wage and hour issues
- Reimbursement issues
- Leaves of absence (FMLA, CFRA, PDL)

# Defense in Legal Action

Employee handbooks will rarely win the day on their own, but well written ones will help (poorly written ones can hurt). For example:

- At-will employment defends against employment contract claims
- Meal and rest policy defends against claims never provided meal or rest
- No “off the clock work” policy defends against policy of allowing work off the clock
- Policy against working for anyone else while on leave of absence can support termination for same

# Most Important – Consistency



The most important reason to have a handbook is to be able to consistently enforce your policies and procedures.

# Sample Policies – Suggestions

# Must-Have and Strongly Suggested Policies

- ❑ Introduction to Company
- ❑ Right to Revise
- ❑ At-Will
- ❑ EEO
- ❑ Anti-Harassment
- ❑ Wage and Hour (Paydays, Meal/Rest, OT, Reimbursements)
- ❑ Time Off (Vacation, Sick, Holidays)
- ❑ Leaves of Absence (FMLA, CFRA, PDL, other)
- ❑ Workplace Safety (Violence, Drug and Alcohol, Driving for Business)
- ❑ Company Property (Confidential Information, Technology, Searches)
- ❑ Acknowledgement of Receipt

# Recommended Policies

- ❑ Employee Classifications
- ❑ Timekeeping
- ❑ Attendance and Tardiness
- ❑ Make-Up Time
- ❑ Personnel Records
- ❑ Rules of Conduct
- ❑ Outside Employment
- ❑ Off-Duty Conduct
- ❑ Employment of Relatives/Non-Fraternization
- ❑ Employee Benefits
- ❑ Solicitations/Bulletin Boards
- ❑ Open Door

# What Not to Include

# Do Not Put the Following Things in Your Handbook

- ❑ Progressive discipline
- ❑ Overly detailed standards of conduct
- ❑ Grooming/dress standards that infer discrimination
- ❑ Caps on medical leaves of absence
- ❑ Commitments to do reviews every year



# QUESTIONS?



## About Your Presenter

**JENNIFER D. PHILLIPS** is an attorney in the firm's Labor and Employment Group. She has been a lawyer for over 20 years. During this time she has worked for both large and small firms gaining valuable experience in both litigation and counseling. She has extensive experience in all manner of employment issues including wage and hour, discrimination, reasonable accommodation, leaves of absence, and implementing state and federal regulations. She often analyzes legal risks associated with hiring, disciplining and firing in order to counsel clients with these employment decisions. Although counseling is the key to the firm's employment practice, Jennifer is a trained and experienced litigator who protects her clients' interests when litigation becomes necessary.

Jennifer is an extensive world traveler and native Californian. She enjoys all that the wine country has to offer and resides in Santa Rosa with her two children.

e-mail Jennifer at [jphillips@dpf-law.com](mailto:jphillips@dpf-law.com)

DICKENSON PEATMAN  FOGARTY

WORLD CLASS LAW FIRM - WINE COUNTRY LOCATIONS

# About The Firm

Dickenson, Peatman & Fogarty provides a level of representation ordinarily associated with legal practices in major metropolitan centers. Our attorneys are routinely recognized in legal rankings and surveys as some of the best in their fields, and the firm is involved regularly with matters of local and national import. For over forty years DP&F lawyers have practiced law with the “get to know you” culture that has engendered significant client loyalty.

Rooted in the wine regions of Napa and Sonoma, DP&F provides full service legal representation to all manner of businesses and individuals throughout California, the United States and abroad. The Firm’s major practice areas include alcohol beverage law, business and corporate dealings, land use matters, labor and employment, civil litigation, intellectual property, real property transactions, as well as estate planning and probate. With offices in the major wine valleys of Napa and Sonoma, the firm is intimately familiar with, and has extensive experience, in both the wine and hospitality industries.

## NAPA COUNTY

1455 First Street  
Suite 301  
Napa, CA 94559  
T: (707) 252-7122  
F: (707) 255-6876

## SONOMA COUNTY

50 Old Courthouse Sq.  
Suite 200  
Santa Rosa, CA 95404  
T: (707) 524-7000  
F: (707) 546-6800

**DICKENSON PEATMAN & FOGARTY**

WORLD CLASS LAW FIRM - WINE COUNTRY LOCATIONS

DICKENSON PEATMAN  FOGARTY

WORLD CLASS LAW FIRM - WINE COUNTRY LOCATIONS

THANK YOU!

