



Employee Handbooks

When was the last time you looked at your Employee Handbook? Does your company have an Employee Handbook?

Generally it's a good idea for businesses with more than one employee to have an Employee Handbook. However, too many businesses fail to regularly update their Employee Handbook, fail to have an attorney review their Employee Handbook, by using a form from the internet or from a human resource outsourcing company, or simply don't have one at all. Employee Handbooks, without regular legal review, can open your business up to liabilities that you never see coming.

Laws change all the time. Employers are liable to follow both federal law and state law regarding their employees. Recently a number of new employment laws went into effect in Minnesota, some of which were discussed briefly in this space. It's imperative for your business' Employee Handbook to up to date as to these changes in the law, as failing to do so can create liability under these new laws.

Additionally, there is no "one size fits all" Employee Handbook. Each business is unique. While there are many provisions that lawyers would agree should be in any Employee Handbook, failing to account for the particulars of your business in your handbook can lead you exposed to liability. For example, an Employee Handbook borrowed from the internet or from a non-lawyer HR consultant may not have a brief drug policy, or may have one that is not compliant with Minnesota's Drug and Alcohol Testing in the Workplace Act, a provision that is very pro-employee. This is especially complicated with the increase of prescription drug abuse. Many Employee Handbooks have no policies regarding social media, including Facebook, Twitter, and the rest.

Further, failing to have an Employee Handbook at all can open your business to liability. An Employee Handbook is the easiest and most formal way for employers to communicate company policies and expectations to their employees. When companies do not have a handbook, employees can contend that they were unaware of company policies and rules, or that what they were told by their supervisor conflicts with what the company contends its rules actually are, especially in the case of discipline and termination. Issues such as vacation and paid time off can become problematic as well without clear company policies that comply with both federal and state law.

So what should you do? Dust off that Employee Handbook, and figure out when the last time it was reviewed by a lawyer. If the last review was before May of 2014 and your business has employees in Minnesota, you certainly should have it reviewed. If you are an LLC in Minnesota, and you have employees who are also owners, you certainly should have it reviewed. At Libby Law Office, we would be happy to sit down with you and help advise and protect your business, review your current Employee Handbook, make recommendations for updates, or write a new Employee Handbook, so that your business is up to date and compliant with the law.