

Meeting Minutes

Meeting Minutes: Model Employee Handbook for Small Business

Date: [Date of Review - Not specified in document]

Attendees: [Attendees - Not specified in document]

Subject: Review and Customization of NFIB Legal Foundation's Model Employee Handbook

Introduction:

The NFIB Legal Foundation has provided a Model Employee Handbook for Small Business to assist in creating custom handbooks.

The handbook is intentionally broad and should be modified and supplemented to accurately reflect the individual company's needs.

The handbook is not legal advice, and employment laws vary by state. Consulting with an employment attorney is highly recommended.

The NFIB Legal Foundation is a non-profit law firm dedicated to justice and equity for small businesses.

Key Discussion Points:

Purpose of an Employee Handbook:

- Orient new employees with the company.

- Provide answers to frequently asked employee questions.

- Emphasize the at-will nature of employment.

- Declare the employer's disciplinary and termination rights and expectations.

Handbook Preparation:

Review existing company policies.

Decide which policies are fundamental, which need adjustment, and which should be removed.

The model handbook may include policies that are not applicable to the company (e.g., health insurance if not offered).

Minimum Required Sections:

Employment at-will disclaimer (section 1.3).

Statement regarding equal employment opportunity (section 2.1).

Policy prohibiting unlawful discrimination and harassment (section 2.2).

Section describing the policy for use of company property and privacy rules (section 3).

Section on employment classification and overtime rules (section 4).

Policy on Family and Medical Leave if the company has 50 or more employees (section 6.3).

Section on Safety (section 9).

Consideration for Inclusion:

Disciplinary guideline (section 8).

Handbook Structure and Updates:

Use a table of contents with section indicators.

Begin new sections on a new page, leaving room for future adjustments.

Welcome Section (Section 1):

Welcome new employees and introduce them to the company's character.

Briefly describe the company's history, goals, philosophy, and core principles.

Avoid describing the company like a family.

At-Will Employment (Section 1.3):

Essential item for a handbook.

Employees should agree to these terms on the "Acknowledgment of Receipt" form.

Some states limit the terms of at-will employment; consult with an employment attorney.

Equal Opportunity Employment (Section 2.1):

Include an equal opportunity statement and a disability statement.

Be aware of state and/or local laws that provide greater protection than federal discrimination laws.

Non-Harassment/Non-Discrimination Policy (Section 2.2):

Implement non-harassment policies, including reporting procedures.

Ensure the policy is carried out, including prompt investigation of claims.

Company Property (Section 3.4):

Companies may institute a policy of "business use only."

Develop a policy specific to computer systems that protects against employee misuse and computer viruses.

Privacy (Section 3.5):

If enforcing a privacy policy, be very explicit about what the company expects.

Privacy laws are relatively new and vary from state to state; consult with an employment attorney.

Personnel Files (Section 3.6):

Employers should consult state and local law regarding employee access to personnel files.

Exempt vs. Non-Exempt Employees (Sections 4.1 & 4.2):

Consult the Department of Labor's website for information on exempt employee status.

Consult state and local law regarding broader overtime coverage.

Attendance Policies (Section 5):

Outline normal working hours and expectations for attendance and punctuality.

Leave Policies (Section 6):

Vacations: If you have a set vacation accrual for your company, insert it into this section.

Replace this section if your company provides paid time off instead of vacation and sick leave.

Sick Leave: Clarify if sick days are paid or unpaid.

Family and Medical Leave Act (FMLA): If the company has 50 or more employees, include an FMLA section.

Holidays: Consult state and local law to determine if there are any mandated holidays.

Jury Duty/Voting Time Off: Some states require paid jury/voting time off; provide as much detail as possible about leave provisions.

Military Leave: Every company must comply with the Uniformed Services Employment and Reemployment Rights Act.

Work Performance (Section 7):

Companies that adhere to a performance review policy can avoid problems handling "poor performance" terminations.

Discipline Policy (Section 8):

Do not over-explain the policy or include steps that might not be taken every time.

If including a progressive discipline policy, have an employment attorney review the submission.

Health and Safety (Section 9):

Expand this section to include any industry-specific safety guidelines.

Include the name of the accident contact person and the location of safety posters.

If in a highly regulated industry, consider providing a separate employee safety manual.

If you have company vehicles, include a section on accident reporting.

Employee Benefits (Section 10):

Conform the benefit plans described in the handbook with the company's formal plan documents.

Provide general information on the types of benefits provided and where employees can find more detailed information.

Termination (Section 11):

Most states require that a terminated employee receive their paycheck within a certain number of days after termination; consult with an employment attorney.

Acknowledgement of Receipt (Section 12):

Include an acknowledgement of receipt form for employees to sign and return.

Additional Policies to Consider:

Confidentiality, Conflict of Interest, Intellectual Property Ownership, Outside Employment,

Additional Benefits, Expense Reporting, Use of Company Vehicles.

Decisions Made:

The company will use the NFIB Legal Foundation's Model Employee Handbook as a template.

The handbook will be customized to reflect the specific policies and procedures of the company.

An employment attorney will be consulted to ensure compliance with all applicable laws.

Action Items:

[Name]: Review existing company policies and identify areas for adjustment.

[Name]: Research state and local employment laws.

[Name]: Draft specific sections of the handbook (e.g., dress code, vacation policy).

[Name]: Consult with an employment attorney to review the draft handbook.

[Name]: Finalize the handbook and distribute it to employees.