

TIPS FOR DRAFTING EMPLOYEE HANDBOOKS – TIP #1: DETERMINING THE APPROPRIATE SCOPE AND LENGTH

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While an employee handbook serves many functions, its primary purpose from a legal standpoint is to reduce potential liability with respect to claims brought by current and former employees. Unfortunately, many employers are unwilling to commit the time and bear the expense of implementing an employee handbook (or updating an existing handbook) until after they have been sued and the absence (or poor draftsmanship) of a particular written policy has crippled their defense to an employment claim.

This article is part one of a six-part series. The purpose of this series is to provide tips and identify potential pitfalls associated with the drafting of an employee handbook. Tip #1 examines factors an employer should consider when determining the appropriate scope and length for an employee handbook.

Tip #1: Determining the Appropriate Scope and Length

There are different schools of thought when it comes to deciding what policies to include in employee handbooks. Some employers prefer to have a comprehensive employee handbook containing written policies governing virtually all aspects of the employment relationship, while others take the “less is more” approach. There are pros and cons to each. A more comprehensive employee handbook helps to ensure consistency in the administration of employment policies throughout an organization, especially if the employer has multiple locations that may utilize different employment practices at the local level in the absence of a written policy. Thus, a more comprehensive employee handbook often makes sense for larger employers.

On the other hand, small to mid-size employers typically have fewer locations and a small human resources department that can more easily monitor policy administration. Under these circumstances, the employer likely would benefit from a less comprehensive handbook which would permit greater flexibility in addressing employment issues as they arise without being restricted by a written policy.

Bryan Cave LLP has a team of knowledgeable lawyers and other professionals prepared to help employers draft and update their employee handbooks. If you or your organization would like more

information on employee handbooks or employment laws, please contact an attorney in the Labor and Employment practice group.

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