Post-Conference Special Session

HANDBOOK HYGIENE WORKSHOP

DON’T PLAY HIGH STAKES WITH YOUR POLICIES

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Policies to Consider for an Employee Handbook

Most employers have employee handbooks because policies and procedures are needed in order for everyone to understand what is expected of them and what will happen if certain policies and procedures are not followed. However, an employee handbook is not designed to cover every possible scenario that may arise in the employment setting. There are some laws that require certain policies to be in an employee handbook if an employer issues an employee handbook to its employees. In addition to those legally required policies, there are also a number of policies that we consider “best practice” policies that should be included in most employee handbooks. There are also other “optional” policies that are often found in employee handbooks but the use of these policies will vary by employer.

We have attempted to set forth a list of the policies that we normally find in employee handbooks broken into three categories: 1) legally required policies; 2) strongly recommended policies; and, 3) optional policies. This summary of policies does not take state law requirements into consideration.

Legally Required Policies
- Disclaimer/Employment At-Will Statement
- Equal Employment Opportunity policy
- Anti-Discrimination and Anti-Harassment policy
- FMLA policy (if applicable to your business)
- Affirmative Action policy (if federal government contractor)
- Pay Transparency Non-Discrimination Provision policy (if federal government contractor)

Strongly Recommended Policies
- ADA Compliance/Reasonable Accommodation policy
- Lactation Leave policy (if applicable)
- Open Door policy
- No Solicitation policy
- Wage and Hour policy
  - Hours of Work policy
  - Time Recording Procedures and Time Records policy
  - Pay Practices policy
  - Overtime Pay policy
  - Prohibition of “Off-the-Clock” Work policy
  - Safe harbor language for exempt employees
- Attendance policy
- Vacation/PTO policy
- State-mandated Sick Leave policy
- Workplace Violence policy
- Employee Classification policy
  - Full-time
  - Part-time
  - Temporary
  - Exempt
  - Nonexempt
- Confidentiality policy
- Substance Abuse Testing policy
- Dating in the Workplace policy
- Employee Conduct and Discipline policy
- Code of Ethics policy (*especially for publicly traded companies*)
- Conflict of Interest policy
- Whistleblower policy (*especially for publicly traded companies*)
- Safety policy
  - Reporting On-the-Job Injuries policy
- Smoking policy
- Return of Company Property Upon Separation policy
- Outside Activity During Disability policy
- Computer Use policy

**Optional Policies**
- Introductory Period policy
- Union-Free Philosophy policy
- Social Media policy
- Dress Code policy
- Employee Orientation policy
- Job Posting and Promotions policy
- Visitors in the Plant policy
- Performance Evaluation policy
- Layoff and Recall policy
- HIPAA Privacy and Security Compliance policy
- Payroll Deductions policy
- Garnishments policy
- Meal and Rest Breaks policy
- Holidays policy
- Voting Leave policy
- Jury Duty Leave policy
- Bereavement Leave policy
- State Law Leaves of Absence policies
- Tuition Reimbursement policy
- Employee Assistance Program policy
- Employee Benefits policy
- Health Insurance policy
- STD policy
- LTD policy
- 401(k) policy
- COBRA policy
- Company Equipment and Vehicles policy
- Use of Cell Phones/Other Electronic Devices While Driving policy
- Inclement Weather policy
- Travel Time policy
- Expense Reimbursement policy
- Employment of Relatives / Romantic Relations policy
- Severance policy

Employers should update employee handbooks regularly (usually every year or every two years) to ensure compliance with any changes in federal or state law. If policies are no longer followed or in use by an employer, those policies should be removed from the employee handbook. Keeping out-of-date policies can create unnecessary legal risk for employers.
Handbook Hygiene Workshop: Don’t Play High Stakes With Your Policies

Presenters
Stacy M. Bunck (Kansas City), Donald D. Gamburg (Philadelphia), and Charles E. McDonald, III (Greenville)

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Is a handbook right for my business?

- To answer the question, you need to know the origin, purposes, advantages, and disadvantages to a handbook.
Disclaimer Language

- Handbook not a contract of employment
- Definition of at-will employment
- Prior handbooks, policies, etc., superseded by new handbook
- Policies may be changed by employer at any time, with or without notice
- Call attention to Handbook Disclaimer
- Handbook not intended to address every situation
- Employer reserves right to interpret and deviate from policies (except at-will and arbitration)
**IMPORTANT NOTICE**

- This Employee Handbook does not create a contract of employment between you and the company.
- Your employment with the company is “at will,” meaning that either you or the company may terminate your employment at any time with or without cause.
- This Employee Handbook supersedes any Employee Handbook(s) previously issued by the company, and thus any Employee Handbook(s) previously issued by the company are hereby revoked.
- The at-will status of your employment cannot be changed except through an express written agreement, stating it is a “contract of employment” signed by authorized representative of company.

Date

Employee Name (Print)

Employee Signature

WHAT ABOUT ON-LINE/ELECTRONIC EMPLOYEE HANDBOOKS/POLICY MANUALS?
Electronic Disclaimers

- Pop up screen
- Lock screen with disclaimer that must be signed to proceed to handbook or policies

Other Employment Documents

- THIS DOCUMENT DOES NOT CONSTITUTE A CONTRACT OF EMPLOYMENT OR ALTER YOUR AT WILL EMPLOYMENT STATUS.
Striking Mandatory/Promissory Language

Hot spots to look for:
- Welcome sections – by nature, they are “feel good” and filled with innuendo about future job assurances
- Progressive disciplinary policies
  - A disclaimer in the policy is sometimes not enough
  - All should be kept discretionary (including use of steps)
- Open door policies
- Grievance policies or procedures

Striking Mandatory/Promissory Language (cont.)

Hot spots to look for:
- Any policies that discuss termination
  - Many handbooks have sections describing the ways an employee can lose their job
- Probation periods (creates confusion if not drafted properly)
- Policies that are required by the law, but where the employer grants more than required by law
Problems with Eliminating All Mandatory Language

- Legally required sections of the handbook
  - EEO
  - Harassment
  - FMLA
  - USERRA
  - Etc.

- In these sections, some amount of mandatory language is required
  - Have the policy clearly refer to the law that requires it
  - Avoid broadening restrictions beyond the protections required by the law

Sample Disciplinary Language

- The type of disciplinary action that may be imposed may range from verbal warning, to written warning, to suspension and/or termination of employment. Management retains the right and absolute discretion to discipline employees based on the facts of each case. Management may skip certain disciplinary steps or repeat certain disciplinary steps depending on particular facts of each situation. This policy in no way implies any kind of contract or obligation to follow any particular disciplinary procedure. This policy does not alter the employment at-will relationship.
Sample Open Door Language

- ABC is committed to maintaining a safe, comfortable, and productive working relationship with its employees. However, in any work environment there may be occasions when problems and issues arise. It is important that these problems and issues be discussed so that a solution can be reached. An employee who has a suggestion, concern, or complaint is encouraged to discuss the matter with their Supervisor or a member of the Human Resources Department. When you use this Open Door Policy, you will receive a prompt response. While the Company may not be able to provide the resolution that you desire, we will listen to your concerns and have open communication with you regarding any issue you feel needs to be brought to our attention. ABC strictly prohibits retaliation against anyone for communicating a workplace suggestion, concern or complaint using this Open Door Policy. The Human Resources Department’s door is always open.

Sample Accommodating Employees With Disabilities Language

- The Company complies with the Americans with Disabilities Act (ADA) and applicable state and local laws in ensuring equal opportunity and employment for qualified persons with disabilities. All employment practices, terms, and conditions of employment and privileges of employment are conducted on a non-discriminatory basis.
Sample Accommodating Employees With Disabilities Language

- An employee needing a reasonable accommodation should inform his or her Manager. On receipt of an accommodation request, the Company will engage in an interactive process with the employee to view possible reasonable accommodation options consistent with the ADA.

Sample Accommodating Employees With Disabilities Language

- Reasonable accommodations which do not result in an undue hardship on the operation of the Company will be considered for all employees with physical or mental disabilities where their disabilities affect their ability to perform the essential functions of their job. All employment decisions are based on the merits of the situation in accordance with applicable job criteria, not the disability of any individual.
Sample Non-Harassment Language

- Any employee who feels that he or she has suffered any form of discrimination, harassment, or retaliation by anyone must immediately report the alleged conduct to his or her Manager and Human Resources so that an investigation of the complaint can be undertaken. If your complaint concerns your Manager, you should immediately report any concerns to Human Resources. Any employee who observes conduct by another employee which he or she believes to be harassing, retaliatory, or discriminatory must report such conduct as outlined above.

Sample Non-Harassment Language

- Reports will be treated as confidential to the extent possible, without impeding the ability of the Company to conduct a discrete and thorough investigation. A representative of Human Resources will notify the complaining party of the outcome of the investigation. Any person employed by the Company who is found to have violated this policy will be subject to appropriate disciplinary action, up to and including termination.
Sample Non-Harassment Language

- Any employee that knowingly makes a false report of harassment or discrimination will be subject to disciplinary action, up to and including termination. We trust that all employees will act in a responsible and professional manner to establish a pleasant working environment free of discrimination and harassment.

State Non-Harassment Policies

- California
- Illinois
- Massachusetts
- New York
- (Number of states have training obligations)
Sample EEO Policy

- The Company bases all employment decisions, including selection of employees and the job advancement of employees, on an individual’s qualifications, aptitude, and experience for the position, as well as satisfactory references. The Company does not discriminate with respect to terms and conditions of employment on the basis of a person’s race, creed, color, religion, age, gender, gender identity or expression, genetic information, national origin, sex, sexual orientation, uniformed service, veteran status, protected disability (including pregnancy), and any other category protected under federal, state, or local law. This policy of equal employment opportunity applies to all policies and procedures relating to recruitment and hiring, compensation, benefits, and all other terms and conditions of employment.

Sample Recording Time Worked

- Under no circumstances should an employee punch or record another employee’s time card. Such an offense will be grounds for immediate disciplinary action, up to and including termination. Non-exempt employees are required to accurately record all hours worked. Non-exempt employees are prohibited from working “off-the-clock.” Any non-exempt employee who is asked to work “off-the-clock” by a manager must report the incident to Human Resources so that a proper investigation can be conducted.
Things to Consider

- **Wages/Compensation policies**
  - Employment classification
    - Full-time/part-time/temporary
      - Create clear definitions/distinctions
      - Temporary means “finite duration” (as to time or project)
      - Make sure the classification is consistent with language in benefit plans
    - Exempt/non-exempt
      - Include language about non-exempt employees being paid overtime
      - Exempt Safe Harbor Language

Things to Consider (cont.)

- **Wages/Compensation policies (cont.)**
  - Work week, hours of work, and when paid
    - Setting work week for overtime calculation
    - Compliance with state/local predictive scheduling laws
    - Make actual schedule discretion of supervisor
      - Failure to work hours scheduled can lead to discipline
    - Establishing when pay day will be set
    - List deductions from pay that are known
      - Including any post-termination deductions you may anticipate could occur
    - Create complaint and reporting requirement for over payment or under payment
Things to Consider (cont.)

- Wages/Compensation policies (cont.)
  - Overtime
    - Again, tie it to employees whom the company classifies as non-exempt
    - Make overtime an essential function of every job
    - Must be approved by supervisor; working it without permission can be cause for discipline
    - Refusal to work it when asked can be cause for discipline
    - Explain how overtime will be awarded/allocated based on skills and job needs
    - How calculating it (fluctuating work week?)

- Timekeeping
  - Requirement that all non-exempt (or even exempt if you choose) keep an accurate record of time worked and submit to company
  - Disciplinary language for falsifying time records (over-reporting/under reporting)
  - “Off-the-clock” work prohibited
Things to Consider (cont.)

- Wages/Compensation policies (cont.)
  - Breaks
    - Lunch (must be 30 minutes to be unpaid)
    - Lesser breaks (must be paid)
      - Generally best to put in policy not to clock out for lesser breaks
        » Lawful to require timely return from breaks
        » Don’t forget about state laws that mandate breaks

Things to Consider (cont.)

- Termination issues concerning pay
  - Timing
  - What benefits will be paid on termination and what will be forfeited?
    - Sick leave
    - Vacation
    - Paid days off
    - Annual leave
  - Deductions from final check?
**Attendance Policy**

- General policy with discretionary language
- Points system
  - Use discretionary language and allow company to terminate if there is a pattern of attendance violations, even if there is not the requisite number of occurrences for termination

**Benefits Sections**

- 3 types
  - Those governed by a plan
  - Those governed by law
  - Those that are provided because an employer desires to provide them
- Those governed by a plan
  - Careful not to oversimplify the complexities of eligibility or benefits offered
  - Less is best in the handbook to avoid inconsistencies
Benefits Section Sample Language

– Disclaimer at the beginning of this section:
  - The Company currently intends to keep the benefit plans described in this handbook in force. However, the Company reserves the right to end, terminate, or modify these plans at any time, for any reason, with or without notice to associates. Many of the benefits described in this section are governed by a more elaborate summary plan description. The Company is not responsible or liable for any misstatements or inaccuracies found in the general description of these benefits below. If there is any conflict between information contained in this handbook and the summary plan documents, the summary description/plan document will control.

Benefits – Suggestions

- Those required by law
  - FMLA
    - General explanation of leave rights
    - How calculating 12 months?
    - Seniority tolled?
    - Paid or unpaid?
    - Concurrent with other leaves?
    - Moonlighting policy must tie in?
    - ADA reasonable accommodation
FMLA Policy

- Full FMLA Policy
- Shorter FMLA Policy
  - FMLA poster requirements covered
  - Attach copy of DOL FMLA poster

Sample State Leave Language

- In addition to the leaves described herein, ABC complies with all applicable state laws relating to various forms of protected absences. Depending on the particular state in which you are employed, employees may be legally entitled to time off under various state laws such as:
  - Domestic violence leave
  - Emergency response leave
  - Crime victim leave
  - School leave
  - Bone marrow transfer leave

- For additional information and to determine if you qualify for additional leaves of absence, please contact the Human Resources Department.
Paid Sick Leave

- **States**
  - AZ – MI
  - CA – NJ
  - CT – OR
  - DC – RI
  - MA – VT
  - MD – WA

- **Localities**
  - San Francisco
  - Oakland
  - Chicago/Cook County, IL
  - Minneapolis, MN
  - St Paul, MN
  - New York City
  - Philadelphia, PA
  - Seattle, WA
  - Others...

Options to Comply with Paid Sick Leave Laws

- Separate policies by location or all-inclusive policy
  - Accrual v. front loading
  - Incorporate in PTO policy
    - Remember part-time and seasonal
    - Unlimited or flexible PTO policies
Paid Family/Parental Leave

- CA
- NJ
- RI
- NY
- DC
- WA
- Others...?

- Bonding (birth, adoption, foster)
- Family member’s serious health condition
- Employee’s own serious health condition or disability
- “Qualifying exigency”

Lawful Parental Leave Policies

- Policies need to be clear and nondiscriminatory
- Are you providing medical leave or bonding leave or both
- Bonding time has to be provided to all employees regardless of gender
Federal Government Contractors

- New OFCCP regulations require federal government contractors to have the following in their employee handbooks
  - Affirmative Action Policy
  - Pay Transparency Discrimination Policy

Sample Affirmative Action Policy

- All employees have the right to work in an environment free from all forms of unlawful discrimination. ABC values and respects the rights and dignity of each employee and will not tolerate discrimination or harassment based on race, color, religion, sex, sexual orientation, gender identity, national origin, age, disability, genetic information, protected veteran status, or any other characteristic protected by applicable federal, state or local law. All employees should, therefore, be aware of the following:

  - Discrimination on the basis of race, color, religion, sex, sexual orientation, gender identity, national origin, age, disability, genetic information, protected veteran status, or any other characteristic protected by law is strictly prohibited. This includes, but is not limited to, the following: hiring, placement, promotion, transfer, demotion, treatment during employment, rates of pay or other forms of compensation, layoff or discharge, recruitment, or solicitation of employment.
Sample Affirmative Action Policy

- Any individual found to be guilty of engaging in unlawful discrimination is subject to disciplinary action for violation of this policy, up to and including termination of employment, even for a first offense. Any employee who believes that he or she has been the subject of any form of discrimination by anyone at the Company or by any person who does business with the Company or who has witnessed discrimination should immediately report the matter to the Human Resources Director.

- There will be no retaliation for using this complaint procedure. All investigations will be conducted promptly and kept as confidential as is reasonably possible. ABC also maintains affirmative action programs to implement our equal employment opportunity policy for protected veterans and individuals with disabilities. Employees or applicants who wish to review our affirmative action programs for protected veterans or the disabled may schedule an appointment to do so by contacting Human Resources during regular business hours.

Sample Pay Transparency Discrimination Policy

- The Company will not discharge or in any other manner discriminate against employees or applicants because they have inquired about, discussed, or disclosed their own pay or the pay of another employee or applicant. However, employees who have access to the compensation information of other employees or applicants as a part of their essential job functions cannot disclose the pay of other employees or applicants to individuals who do not otherwise have access to compensation information, unless the disclosure is (a) in response to a formal complaint or charge, (b) in furtherance of an investigation, proceeding, hearing, or action, including an investigation conducted by the employer, or (c) consistent with the Company’s legal duty to furnish information. 41 C.F.R. 60-1.35(c).
Remember the NLRB

- In almost every NLRB case we handle, the Board asks for a copy of the employer’s entire handbook
  - They will issue a complaint even for unenforced handbook provisions
  - When analyzing employee handbooks, they are taking a restrictive view

The Legal Standard

- If the rule does not explicitly restrict activity protected by Section 7, the violation is dependent upon a showing of one of the following:
  - Nature and extent of potential impact on NLRA rights; and
  - Legitimate justifications associated with the rules
GC Memorandum 18-04 (June 6, 2018)

- Provides further guidance regarding enforceability of rules under Boeing standard
- Types of rules addressed:
  - Civility
  - No photography/recording
  - Insubordination
  - Disruptive behavior
  - Confidentiality
  - Rules against defamation or misrepresentation
  - Conflicts of interest
  - Logos/employer name

The Consequences

- Employees file an unfair labor practice charge with the NLRB
- These standards apply to non-union employers, just as they apply to unionized employers
Types of Rules the NLRB Scrutinizes

- Solicitation and distribution
- Off-duty access
- Bulletin boards
- Confidentiality
- Rules of conduct
- Social media
- Technology use
- .... among others

Solicitation and Distribution

- The NLRB says:
  - Employees have the right to solicit support for a union, as long as neither the employee doing the soliciting or the employee being solicited is on working time
  - Employees have the right to distribute pro-union literature during non-working time, although employers can limit that distribution to non-working areas (such as break rooms)
No Access Rules/Loitering

- Employers can prohibit non-employees from entering onto company property
- Employers may want to limit access to company property by *off-duty* employees
  - BUT: off-duty employees cannot be completely banned from company property absent special circumstances – the NLRB says they still have the right to access parking lots and other external nonworking areas

No Access Rules/Loitering (cont.)

- Policies prohibiting off-duty employees from the interior of the building or other working areas are generally upheld if they are consistently enforced against employees seeking to enter the interior of the plant *for any purpose*
Confidentiality

- The NLRB’s position is that policies that tell employees to keep information about their employer confidential, but do not sufficiently define precisely what information is to be kept confidential, are overbroad

Confidentiality (cont.)

- What’s the solution?
  - Be as specific as possible
    - Trade secrets, research and development, confidential strategic business initiatives such as new product lines, business plans, attorney-client privileged information, confidential information about customers
    - Include reference to the Defend Trade Secrets Act of 2016 and limited rights to disclose trade secrets
Sample Trade Secrets Language

- The federal Defend Trade Secrets Act of 2016 provides immunity in certain circumstances to Company employees, contractors, and consultants for limited disclosures of Company Trade Secrets. Specifically, Company employees, contractors, and consultants may disclose Trade Secrets:
  1. in confidence, either directly or indirectly, to a Federal, State, or local government official, or to an attorney, “solely for the purpose of reporting or investigating a suspected violation of law,” or
  2. “in a complaint or other document filed in a lawsuit or other proceeding, if such filing is made under seal.”

Additionally, Company employees, contractors, and consultants who file retaliation lawsuits for reporting a suspected violation of law may also use and disclose related Trade Secrets in the following manner:
  1. the individual may disclose the Trade Secret to his/her attorney, and
  2. the individual may use the information in related court proceeding, as long as the individual files documents containing the Trade Secret under seal, and does not otherwise disclose the trade secret “except pursuant to court order.”

Bulletin Boards

- You can have a company-use only bulletin board on which employees are not allowed to post materials
- You can also have an employee bulletin board on which employees are allowed to post materials
Bulletin Boards – Sample Policies

- If you only have company bulletin boards:
  - Company bulletin boards are for postings by management only

- If you allow employee use:
  - The posting of printed material by an outside group on company premises is prohibited
  - The official company bulletin boards in [AREA] are for postings by management only. If employees have a message of interest to the workplace, they may post information on the designated employee bulletin boards located in the cafeteria. Posted information may not contain obscene, discriminatory, or maliciously false content.

Social Media Policies

- NLRA applies to social media posts
Social Media Policies (cont.)

- A few things to avoid:
  - Prohibitions on discussion of wages, benefits, and other terms and conditions of employment via social media
  - Prohibiting employees from sharing “confidential” information without definition
  - Non-disparagement/“negative impact”
  - Vague language about “inappropriate” conversations or “offensive/demeaning” remarks

Social Media – Speaking on Behalf of the Company

- You CAN prohibit employees from speaking ON BEHALF OF the company without prior authorization
  - Example: “No unauthorized postings: Users may not post anything on the Internet in the name of [Employer] or in a manner that could reasonably be attributed to [Employer] without prior written authorization from the President or the President’s designated agent.” LAWFUL (OM 12-59 at 15)
Social Media

- A few things you CAN prohibit:
  - Maliciously false statements about the company or its employees
  - Threats of violence
  - Unlawful discrimination
  - Unlawful harassment
  - Disclosing trade secrets
  - Disclosing confidential personal information about the company’s customers/patients
  - Testimonials/endorsements that do not disclose the employee works for the company

Use of Company Email

- *IF* the company provides employees access to use company email . . .

- *THEN* employees have a right to use company email during **non-working time** for non-work-related purposes

- NLRB – email is the modern-day water cooler
Workplace Violence Policy

- Zero tolerance policy against workplace violence
- Weapons prohibition language but account for state laws that allow concealed weapons in locked compartment in vehicle in parking lot
- Prohibit removal of weapon and prohibit weapons in company vehicles

Substance Abuse Testing Policy

- Does your company test?
- Heavily regulated by state law
- DOT testing regulations
- Privacy concerns
- Medical marijuana considerations
Recommended State Addenda

- California
- Illinois
- Massachusetts
- New Jersey
- New York
- (others for consideration)
No solicitation or distribution on company property

A. Legal
B. Illegal ❓

No solicitation or distribution by employees during working hours

A. Legal
B. Illegal ❓
No solicitation or distribution by employees of any kind during working time

A. Legal  
B. Illegal

Performing activities other than company work during working hours is prohibited

A. Legal
B. Illegal  

Employees must use company email for work-related purposes only

A. Legal
B. Illegal ✔

Rule Prohibits:

Solicitation by employees on company property when the person soliciting or the person being solicited is on working time. Working time is the time employees are expected to be working and does not include rest, meal, or other authorized breaks.

A. Legal ✔
B. Illegal
Rule Prohibits:

Distribution of literature by employees on company property in non-working areas during working time, as defined above.

A. Legal ✓
B. Illegal

Rule Prohibits:

Distribution of literature by employees on company property in working areas.

A. Legal ✓
B. Illegal
Legal or Illegal?

Employees are not permitted to be in the interior of the plant or other working areas unless they are reporting to work, on duty, or leaving work.

A. Legal  ✓
B. Illegal

Legal or Illegal?

Employee understands that the terms of his employment, including compensation, are confidential to employee and the company, and disclosure of these terms may constitute grounds for dismissal.

A. Legal
B. Illegal  ✓
Legal or Illegal?

Any information that an employee comes into possession of whether about the company, its customers, suppliers, or employees is strictly confidential. Any doubts about confidentiality of information should be resolved in favor of confidentiality.

A. Legal
B. Illegal  ✔

Legal or Illegal?

Causing, creating, or participating in a disruption of any kind during working hours on company premises.

A. Legal
B. Illegal  ✔
Legal or Illegal?

Company policy forbids making false, vicious, profane, or malicious statements toward or concerning the company or any of its employees.

A. Legal ✓
B. Illegal

Legal or Illegal?

Prohibition on any conduct which is “so disloyal, competitive or damaging to the company that it tends to bring discredit to or reflects adversely on yourself, fellow associates, or the company.”

A. Legal ✓
B. Illegal
Legal or Illegal?

Leaving your work area without authorization before the completion of your shift or walking off the job is prohibited.

A. Legal
B. Illegal ✅

Legal or Illegal?

Leaving department or the plant during a working shift without a supervisor’s permission, stopping work before shift ends, or taking unauthorized breaks is prohibited.

A. Legal ✅
B. Illegal
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