Sticking To the Plan
Effective Use of an Employee Handbook

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Let's start with the basics and assume most employers have adequate Employee Handbooks - containing all of the right verbiage and policies. The problem facing most employers is they fail to take advantage of those policies by forgetting about them, or more commonly, disregarding them in handling employee issues.

The key to effective use of the Employee Handbook is - use the Employee Handbook!

First, a record that each employee has received and reviewed the Handbook, and understands its content and agrees to abide by its rules should be maintained as a permanent part of each employee's personnel file.

Second, follow the rules, and document doing so. If the Handbook calls upon the employer to perform a thorough investigation of every complaint of discrimination, be sure to actually conduct a thorough investigation of each complaint. This will be invaluable evidence to the EEOC if it ever decides to investigate an employee's claim.

Third, apply the rules to each employee uniformly. Employers tend to bend the rules for favored employees and then apply them rigidly for troublemakers. Unfortunately, when the troublemaker breaks the rules and is disciplined, he is often able to create an argument that he was discriminated against for an illegal reason, calling into question the real reason for the discipline.

Finally, and most importantly, if you find that rigid application of the rules is creating a culture which is not conducive to the business environment your company strives for, change the rules - don't simply start disregarding them.

If employers uniformly follow the guidelines contained within their Employment Handbooks, a culture of fairness will permeate the company and will lead to fewer claims. In addition, proper application of the policies and appropriately maintained documentation will minimize the risk of any claim, both in terms of liability and attorney's fees.