

# Creating or Updating Your Employee Handbook

**Greater Waterbury Chamber of Commerce**

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# Disclaimer

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*This information is for educational purposes only to provide general information and a general understanding of the law. It does not constitute legal advice and does not establish any attorney-client relationship*

# Some Advantages & Disadvantages of Having an Employee Handbook

# Advantages

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- Comply with statutes—i.e., some laws require employers to convey certain information to employees
- Documents and conveys the organization's policies and procedures
- Creates expectations of employees
- Helps ensures consistency
- Provides an opportunity to communicate positive image of the organization and management philosophy

# Advantages

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- Promote benefits and working conditions
- Provides guidance for supervisors about implementation and enforcement of the organization's policies
- Provides means to disseminate legally required policies
- Provides opportunity to have policies that protect the organization

# Disadvantages

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- If not carefully drafted, may:
  - Limit flexibility
  - Create contractual and other liability
- Outsiders can access policies
- Must be routinely updated
- Organization should/must live up to commitments
- Generally bound by procedures in the handbook

# General Considerations

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- Audience
- Format
- Distribution
- Updating the handbook

# Essential Policies



# Contract Disclaimer

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- Clear and conspicuous
- Simple language
- Placed at the beginning of the handbook
- Handbook is not a contract
- Handbook is not a final or complete statement of policies
- Reserve right to revise, add or eliminate policies
- Policies cannot be modified by oral statements
- Designate proper method for making contracts
- Current version cancels and supersedes previous handbook and policies

# Employment At-Will

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- Explain what employment at-will means:
  - Employment is terminable at the will of either party with or without cause, and with or without notice
- Cannot be changed unless in writing and duly executed by employer
- Make consistent with other employment at-will language

# Acknowledgement of Receipt

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- Require employees to sign a form acknowledging receipt of the handbook
- Restate at-will employment policy
- Include in personnel file

# Equal Employment Opportunity

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- Employer's commitment to providing equal employment opportunities
- Employer does not permit unlawful discrimination
- Report incidents of discrimination to management immediately
  - Update list of protected classes (e.g., domestic violence, Crown Act, gender identity/expression, erased criminal records, victims of sexual assault, human trafficking)
- Complaint process

# Anti-Discrimination and Harassment

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- Explanation of prohibited conduct
  - Include definition of sexual harassment
  - Prohibit all forms of harassment
  - Examples of possible harassment
- Clearly describe complaint process
- Confidentiality protected, to the extent possible
- Conduct prompt, thorough and impartial investigation
- Take immediate and appropriate corrective action
- Employee protected from retaliation
- Remedies available

# ADA & Pregnancy Accommodation Policies

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- Similar to EEO policy
- Employer does not discriminate against qualified individuals with disabilities, pregnancy, and pregnancy-related conditions
- Employer provides reasonable accommodations
  - Provide some examples of accommodations that are recognized as reasonable for pregnancy (e.g., breaks, lactation)
- Require employees to come forward with any requests for a reasonable accommodation

# FMLA

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- Policy required if employer has a handbook
- Should be detailed—for example:
  - Employee eligibility
  - Reasons for leave
  - Substitution of paid time off
  - FMLA “year”
  - Intermittent and reduced schedule leave
  - Paid FMLA
- Right to file complaint
- Include state and federal requirements (as applicable)
- Can be very tricky (involve legal counsel in drafting)

# Paid Sick Leave

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- Effective January 1, 2026, applies to all employers with 11 or more employees
- Covers nearly all employees except seasonal (work 120 days or less)
- Accrue 1 hour for every 30 hours worked capped at 40 hours per year
  - May frontload in lieu of accruing
- New employees can use accrued sick leave after 120 calendar days
- May be used in 1-hour increments
- No advance notice or medical documentation is required
- Carryover required unless frontloading: 40-hour annual cap still applies
- Broad reasons for leave including mental health wellness day

# Protection of Personal Information

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- Required under Connecticut law
- Greater concerns about identity theft
- Protects disclosure of social security numbers, but also consider other individually identifiable information
- Consider steps company will take to limit access and destroy confidential information

## Protections for Victims of Sexual Assault, Human Trafficking, Domestic and Family Violence

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- Must provide a “reasonable leave of absence” to allow victim of domestic violence, sexual assault, and/or human trafficking to seek treatment and various services
- Must provide up to 12 days of paid or unpaid leave for victims of family violence
- Must maintain confidentiality



# “Should Have” Policies



# Confidentiality

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- Define what is confidential
  - Trade secrets
  - Patient information (medical information, billing, personal information)
- Nondisclosure during and after employment
  - Take steps to preserve confidentiality
- Return information upon separation of employment
- Breach may result in termination of employment and legal action

# Employment Classifications

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- Employee benefits
- Exempt versus non-exempt
  - Salary basis policy
- Regular versus “permanent” employees
- Other classifications
- Introductory versus “probationary” period
  - Benefits during period
  - Reinforced employment at-will

# Punctuality & Attendance

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- Emphasize importance of reliable attendance and punctuality
- Hours of work
  - No “off the clock” work—must work assigned schedule
  - Overtime policy—emphasize prior approval necessary
- Report absence and tardiness in advance
- Meal break

# Timekeeping

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- Method of timekeeping
- Importance of accuracy
- Employee must record own hours of work
- Report any errors or omissions

# Personal, Vacation, Holiday, Bereavement, etc.

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- Eligibility
- Accrual schedule or frontloading
- Advance notice requirement
- Carry-over
- Pay-out upon termination
  - Deduction for non-accrued leave taken
- Paid time off policies versus separate policies

# Employee Benefits

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- General description
  - Insurance plans
  - Retirement benefits
- Do not tie your hands with information that is too detailed
- Refer back to plans

# Workplace Safety

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- Safety and health committees
- OSHA requirements
- Explain company's commitment to provide employees a safe workplace

# Workplace Security

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- Increased attention to workplace violence issues
- Identify steps that employees are expected to take to ensure workplace security (e.g., lock doors, require everyone to sign-in, know location of fire alarms and extinguishers)
- Prohibit employees from accessing the workplace outside regular work hours

# Military Leave

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- You must provide military leave so why not take credit for it?
- Simple statement is sufficient
- Request advance notice of need for leave

# Jury Duty

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- Ask for jury summons
- Full pay for the first five days for “full-time” employees (over 30 hours per week)
  - Less any jury fees received
- Report to work upon early discharge
  - Unless served eight hours that day
- No retaliation

# Electronic Monitoring

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- Connecticut law
  - Notice required of the types of monitoring that may occur
- All electronic communication systems
  - Business use only versus incidental use policy
- Employees should have no expectation of privacy

# Drug & Alcohol Policy

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- Zero tolerance approach?
- Treatment of marijuana
- Social events hosted or sponsored by the company
- Off duty conduct
- Connecticut drug testing statute
  - New hires
  - Reasonable

# No Smoking

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- Must prohibit smoking indoors
- Must prohibit smoking outdoors within 25 feet of any operable door, window or air intake
- Can prohibit smoking on entire property
- Smoking includes smoking any tobacco and marijuana products, and any electronic delivery system

# Solicitation

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- No solicitation during work time and in work areas
- Prohibit outsiders on employer property at all times
- Nondiscriminatory enforcement
  - Union issues

# Disciplinary Rules and Procedures

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- List examples of inappropriate conduct
- Progressive discipline
  - Employer not bound to follow
  - Right to skip, advance or repeat any level of discipline
  - Reiterate employment at-will
- Pros and cons of progressive discipline policies
- Develop good forms!

# Use of Cell Phones & Hand-Held Devices

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- If employer provides, policy is aimed at limiting exposure
- Can have a “no cell phone use” policy, but may not be workable
- Use cell phones in accordance with law
- Safe use of devices while driving, operating equipment, etc.
- What about phone cameras?

# Ethical Business Conduct & Conflict of Interest

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- Simple statement is sufficient—actual *and* perceived conflicts must be avoided
- Everyone expected to comply with applicable laws
- Policy on gifts
- Can have separate or combined policies

# Workplace Violence

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- Zero tolerance
- Acts or threats of violence are prohibited
- All employees are expected to comply
- Must report any and all incidents of workplace violence

# Workers' Compensation

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- Again, must provide pursuant to law so why not take credit for it?
- Advise employees to report injuries immediately
- A general statement is sufficient

# Social Media

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- Social media discussions among employees about terms/conditions of employment are protected under NLRA
- Policy must be carefully tailored to protect employer's legitimate business interests without infringing on employees' rights under the NLRA
- Common issues:
  - Expectation of privacy, use of company name and logo, harassment, dissemination of confidential information and trade secrets

# Other Commonly Included Policies

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- Introduction & Welcome
- About the Company
- Open Door
- Performance Evaluation
- Personnel Records
- Employment of Relatives
- Dating
- Direct Deposit
- Workplace Searches
- Bereavement Leave
- Physical Examinations
- Dress Code/Personal Appearance
- Use of Equipment and Supplies
- Personal Telephone Calls
- Educational Assistance
- Bulletin Boards
- Bonus and Compensation
- Mandatory Arbitration
- Severance
- Job Posting
- Travel & Expense Reimbursement
- Grievance Procedure
- Employee Reference Checks
- Change in Personal Status
- Immigration Law Compliance

# General Considerations

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- Maintain flexibility
- Easy to read
- Don't just adopt it "off the shelf"
- Group similar policies together
- Avoid certain terms
- Follow the policies
- Consider distribution
- Revise and update when necessary

Questions?

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