



# Human Capital Management Services



## Handbooks – Deeper Dive

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Benefit Advisors  
NETWORK  
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# Handbooks - Deeper Dive Objectives

1. The Changing Face of the Employee Handbook
2. National Labor Relations Board vs. Employee Handbooks
3. Questions & Answers



# The Changing Face of the Employee Handbook

Employer of Choice

Culture Driven:

Mission

Technology - Digital





# The Changing Face of the Employee Handbook

Employer of Choice

Market Forces:

Declining unemployment

Bureau of Labor Statistics

<https://data.bls.gov/timeseries/LNS14000000>

Millennials

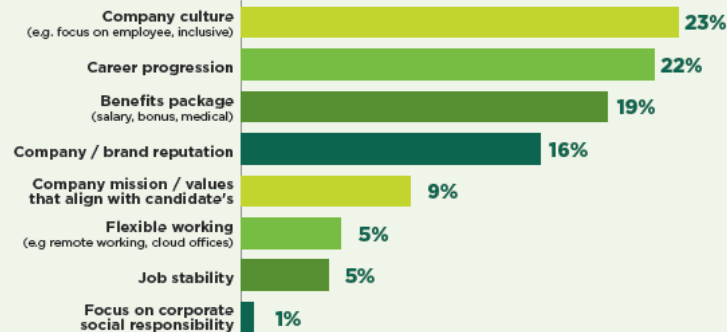
<http://www.gallup.com/businessjournal/191459/millennials-job-hopping-generation.aspx>



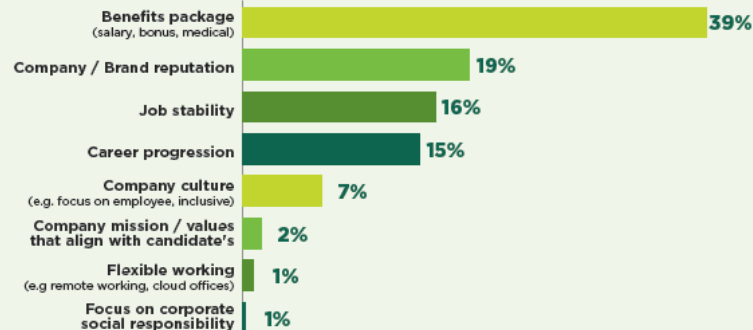


# The Changing Face of the Employee Handbook

What is the main reason you believe candidates are choosing organizations today?



Thinking back five years, what do you think was the main reason candidates were choosing organizations?





# The Changing Face of the Employee Handbook



1. Mission of the Company
2. Policies of Company
3. Roles of Management
4. Roles of the Employee

\*\*\*Culture of Company





# The Changing Face of the Employee Handbook

## II. WELCOMING STATEMENT

As you begin your employment with , we would like to welcome you and invite you to read and become familiar with this Employee Handbook. We hope you find it full of helpful and valuable information about the policies, benefits, procedures, and opportunities available to you. It is intended to guide and assist you in performing to the best of your abilities and in developing your potential as one of our valued employees.

Please read this handbook carefully and retain it for future use. Try to familiarize yourself with its contents as soon as possible because it must answer many of your initial and ongoing questions about your employment with us. We want you to be fully informed and understand our policies and procedures completely.

Sincerely,





# The Changing Face of the Employee Handbook

## EMPLOYEE HANDBOOK OVERVIEW

As you are probably aware, there are many state, federal, and insurance related regulations such as those concerning harassment, discrimination, and safety, which all employers, including \_\_\_\_\_, have to comply. The attached Employee Handbook has been updated to comply with those regulations.

To ensure \_\_\_\_\_ complies with these regulations, you are required to acknowledge certain policies and procedures.

Refusing to sign policy acknowledgements can lead to significant financial liability for \_\_\_\_\_, potential violations of state and Federal regulations, and negatively impact your health, safety, and ability to work in a non-discriminatory, harassment free work environment.

Employees refusing to sign policy acknowledgements will be disciplined for willful misconduct up to and including termination of employment.





# The Changing Face of the Employee Handbook

## III. EMPLOYMENT AT WILL

THE POLICIES AND PROCEDURES IN THIS HANDBOOK SERVE AS GUIDELINES FOR MANAGEMENT ACTION. THE POLICIES AND PROCEDURES DO NOT CREATE ANY CONTRACT OR BINDING AGREEMENT BETWEEN \_\_\_\_\_ HEREINAFTER REFERRED TO AS \_\_\_\_\_ AND ANY EMPLOYEE. EITHER THE EMPLOYEE OR \_\_\_\_\_ CAN TERMINATE THE EMPLOYEE'S EMPLOYMENT AT ANY TIME, WITH OR WITHOUT NOTICE AND WITH OR WITHOUT CAUSE. NO REPRESENTATIVE OR AGENT OF \_\_\_\_\_, OTHER THAN THE PRESIDENT, CAN AUTHORIZE OR SIGN AN EMPLOYMENT AGREEMENT CONTRARY TO THE ABOVE TERMS OR OTHERWISE MAKE ANY BINDING OFFER OF EMPLOYMENT FOR A SPECIFIC TERM.

ALL POLICIES AND PROCEDURES OUTLINED IN THIS HANDBOOK ARE SUBJECT TO CHANGE OR MODIFICATION AT \_\_\_\_\_ DISCRETION AT ANY TIME PARTICULAR CIRCUMSTANCES WARRANT. TO BE EFFECTIVE, ANY AGREEMENT ALTERING THE TERMS AND PROVISIONS OF THIS HANDBOOK MUST BE IN WRITING AND SIGNED BY THE PRESIDENT.

THIS HANDBOOK SUPERSEDES ALL PREVIOUS EMPLOYEE HANDBOOKS AND MEMOS ISSUED FROM TIME TO TIME ON SUBJECTS COVERED IN THIS HANDBOOK.

NOTHING IN THIS HANDBOOK IS INTENDED TO BE INCONSISTENT WITH OR CONTRARY TO ANY STATE OR FEDERAL REGULATIONS OR LAWS. WHERE THERE IS A CONFLICT, THE APPLICABLE STATE OR FEDERAL REGULATION OR LAW WILL PREVAIL.





# The Changing Face of the Employee Handbook

Characteristics of Millennials are driving a culture shift in handbooks

Mission oriented:

1. Why does this organization do what it does?

Communication is needed:

1. How does my role fit in to that mission?
2. How can I keep advancing to drive and further the mission?





# The Changing Face of the Employee Handbook

## Netflix Culture: Freedom & Responsibility





# The Changing Face of the Employee Handbook

Clip slide

## We Seek Excellence

Our culture focuses on helping us  
achieve excellence





# The Changing Face of the Employee Handbook

Clip slide

The *actual* company values,  
as opposed to the  
*nice-sounding* values,  
are shown by who gets  
rewarded, promoted, or let go





# The Changing Face of the Employee Handbook

Clip slide

Actual company values are the  
*behaviors and skills*  
that are *valued*  
in fellow employees





# The Changing Face of the Employee Handbook

The other people should get a generous severance now,  
so we can open a slot to try to find a star for that role

## The **Keeper Test** Managers Use:

Which of my people,  
if they told me they were leaving,  
for a similar job at a peer company,  
would I fight hard to keep at Netflix?





# The Changing Face of the Employee Handbook

Employer of Choice

Culture Driven:

Mission

Technology - Digital







# The Changing Face of the Employee Handbook

## Technology

- ✓ available on website
- ✓ available in intranet environment
- ✓ key word searchable, pages linked to table of content
- ✓ make it presentable, be creative: graphically appealing  
video, comic book





Handbook images:  
 Nordstrom  
 18 Zappo's  
 Motley Fool  
 Valve

## Your First Day



Fig. 1-1

So you've gone through the interview process, you've signed the contracts, and you're finally here at Valve. Congratulations, and welcome.

Valve has an incredibly unique way of doing things that will make this the greatest professional experience

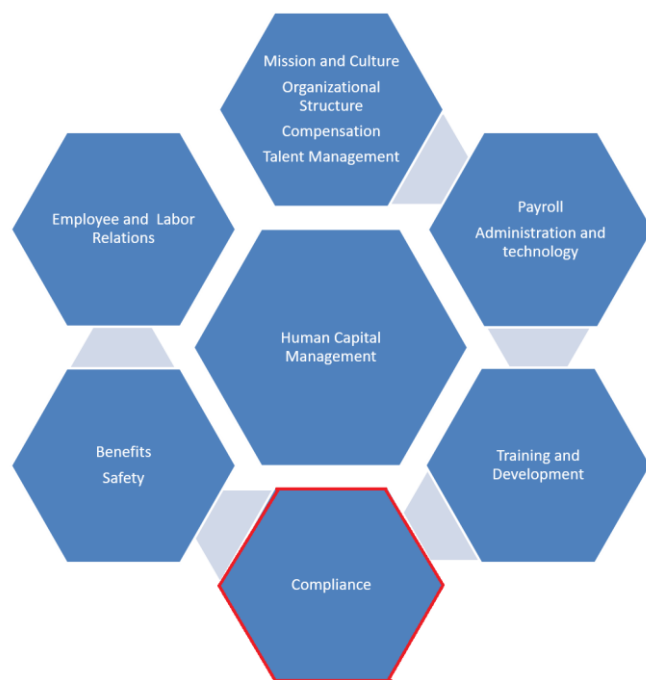


**THE FOOL RULES**





# The Changing Face of the Employee Handbook



National Labor Relations Act



# Handbooks – The NLRB

## National Labor Relations Act

- Federal law that guarantees workers the right to organize a union, to bargain collectively, and to engage in collective activities.
- It defines unfair labor practices, provides for secret ballots in union votes, and established the National Labor Relations Board (NLRB).
- The NLRB is responsible for ensuring compliance with the NLRA.



# Handbooks – The NLRB

**Section 7** provides employees with “the right to self-organization, to form, join or assist labor organizations, to bargain collectively through representatives of their own choosing, and to engage in other concerted activities for the purposes of collective bargaining or other mutual aid or protection . . . .” 29 U.S.C. § 157. It also provides employees with “the right to refrain from any or all such activities . . . .”

**Section 8** forbids an employer “to interfere with, restrain, or coerce employees in the exercise of the rights guaranteed in section 7.” Any prohibited interference by an employer with the rights of employees to organize, to form, join, or assist a labor organization, to bargain collectively, to engage in other concerted activities for mutual aid or protection, or to refrain from any or all of these activities, constitutes a violation of this section



# Handbooks – The NLRB

1. Basic Guide for Employers

<https://www.nlr.gov/sites/default/files/attachments/basic-page/node-3024/basicguide.pdf>

2. March 2015 – General Counsel Guidance for Employers

<http://apps.nlr.gov/link/document.aspx/09031d4581b37135>





# Handbooks – The NLRB

## NLRB Findings in Employee Handbooks

- x** Vague
- x** Overly broad
- x** Reasonably construed to prohibit union activities



# Handbooks – The NLRB

## NLRB Findings in Employee Handbooks

- ✓ Specific to situations
- ✓ Specifically relatable within policy
- ✓ Overly broad
- ✓ Reasonably construed to prohibit union activities





# Handbooks – The NLRB

## Recommended policies to review

- ? Social media
- ? Confidentiality and non-disclosure
- ? Employee conduct toward Company and Supervisors
- ? Conduct with fellow employees
- ? Third party interactions
- ? Use of company logos, copyrights, trademarks, etc.
- ? Photography and recordings and use of personal electronic devices
- ? Leaving worksite
- ? Conflict of Interest



# Handbooks – The NLRB

## Examples of non-compliant vs. compliant language

### **Social media – employee's have the right to criticize and employer's labor policies in public forum**

- ✗ Employees should practice caution and secretion when posting content on social media that could affect the Employer's business operations or reputation.
- ✓ Do not comment on trade secrets and propriety Company information
- ✓ Do not make negative comments about our customers in any social media





# Handbooks – The NLRB

## Examples of non-compliant vs compliant language

### **Confidential information – protecting employees rights to protest wages, benefits and working conditions**

- ✗ You must not discuss customer or “*employee information*” outside of work. Do not discuss your salary with another employee.
- ✗ Only share information with other employees who have a business reason to know.
- ✓ No unauthorized disclosure of business secrets or other confidential information
- ✓ Do not disclose confidential financial data, or other non-ulbic propriety company information. Do not share confidential information regarding business partners, vendors or customers.



# Handbooks – The NLRB

## Examples of non-compliant vs compliant language

### **Employee conduct toward Company & Supervisors – ability to criticize or protest treatment of employees by Supervisors and to do so publically**

- x** Be respectful *to the company* and other employees
- x** Disrespectful conduct or insubordination is grounds for disciplinary action
- ✓ Each employee is expected to work in a cooperative manner with management, supervisors, coworkers, customers and vendors.
- ✓ Each employee is expected to abide by Company policies and to cooperate fully in any investigation that the Company may take.





# Handbooks – The NLRB

## Examples of non-compliant vs compliant language

**Employee conduct toward other employees – ability to argue and debate with other employees about unions, management and terms and conditions of employment.**

- x** Do not pick fights online
- x** Do not make insulting, embarrassing, hurtful or abusive comments about other company employees.
- ✓ Do not make inappropriate gestures including visual staring
- ✓ Do not threaten, intimidate, coerce or otherwise interfere with the job performance of fellow employees.





# Handbooks – The NLRB

## Examples of non-compliant vs. compliant language

### **Employee conduct regarding Third Party Communications – the right to communicate with news media, government agencies, and other third parties about wages, benefits, and other terms and conditions of employment**

- x** Employees are not authorized to speak to any representatives of the print and/or electronic media about company matters.
- x** All inquiries from the media must be referred to the Director of Operations in the corporate office, no exceptions.
- ✓** The company strives to anticipate and manage crisis situation in order to reduce disruption to our employees and to maintain our reputation as a high quality company. To best serve these objectives the company will respond to news media in a timely and professional manner only through the designated spokespersons.





# Handbooks – The NLRB

## Examples of non-compliant vs. compliant language

**Employee conduct regarding rules restricting Use of company logos, copyrights and trademarks – Employees have the right to fair protected use of the property.**

- x** Do not use any company logos, trademarks, graphics or advertising materials in social media.
- x** Do not use other people's property such as trademarks without permission in social media.
- x** Use of the employer's name, address or other information in your personal file is banned.
- ✓** Respect all copyright and other intellectual property laws. Do not infringe on Employer logos brand names, taglines, slogans or other trademarks.





# Handbooks – The NLRB

## Examples of non-compliant vs. compliant language

**Employee conduct regarding rules restricting photography and recording – employees have right to photograph and make recordings in furtherance of their protected concerted activity.**

- x** Taking unauthorized pictures or video on company property is prohibited.
- x** No employee shall use any recording device including but not limited to audio, video or digital for purpose of recording any employer or employee operation.
- ✓** In order to protect the privacy of our patient, employees are restricted from photographing or recording in patient areas. An exception to this rule would be to engage in activity protected by the NLRA including for example taking pictures of health, safety and/or work conditions or other protected concerted activities.





# Handbooks – The NLRB

## Examples of non-compliant vs compliant language

**Employee conduct regarding rules restricting employees from leaving work – restricting right for employees to leave work for protected strike actions and walkouts.**

- ✗ Failure to report to your scheduled shift for more than three consecutive days without priority authorization or *walking off the job during a scheduled shift* is prohibited.
- ✓ Failing to report to work for a scheduled shift and leaving early without supervisor permission are grounds for disciplinary action.





# Handbooks – The NLRB

## Examples of non-compliant vs compliant language

**Employee conduct regarding conflict of interest– restricting right for employees to leave work for protected strike actions and walkouts.**

- x** Employees may not engage in any action that is not in the best interest of the employer.
- ✓** Employees must refrain from any activity or having any financial interest that is inconsistent with the Company's best interest including avoiding outside employment with a customer, supplier or competitor of the company.



# Handbooks – Deeper Dive

# Q & A



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