

HR EXPRESS

A PROGRAM OF THE GEORGIA MUNICIPAL ASSOCIATION



ELARBEE THOMPSON

Labor, Employment and Complex Litigation Specialists

Handbook Checklist



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Disclaimers

- **No Contract**
 - *Nothing in this Handbook creates or is intended to create a contract of employment or any other contractual right.*
- **At-will employment (if applicable)**
 - *Both the agency and its employees have the right to terminate their employment relationship at any time, with or without cause, and with or without advance notice.*





Disclaimers

- Retain right to change policies
 - *Agency retains the right to unilaterally modify, amend, add to, or eliminate policies at any time, at its sole discretion.*





Categories of Employment

- **Full-time, part-time, seasonal, temporary**
 - Eligibility to receive benefits
 - Unless required by law, part-time, seasonal and temporary employees are ineligible for group benefits.
 - Make other distinctions throughout Handbook where necessary (leave accruals, holiday pay, etc.)
- **Working test/probationary period**
 - Length
 - Appeal rights?
 - Distinguish between initial period upon hire v. working test upon promotion v. disciplinary probation (if necessary)



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Equal Employment Opportunity (EEO)

- **Identify legally protected categories**
 - No employment decisions will be based on any protected characteristic (i.e., no discrimination)
 - Race, color, creed or religion, sex (including pregnancy), marital or family status, sexual orientation, gender identity, national origin or ethnicity, citizenship (except to the extent citizenship constitutes mandatory qualification under federal or state law), age, disability, genetic information, political affiliation, military or veteran status, *or any other classification or status protected by applicable federal, state and/or local law.*
- **Reporting procedure**
 - 2 points of contact
 - Confidentiality will be maintained throughout investigatory process *to the extent practical and consistent with agency's obligations under Open Records act and other applicable law.*
- **Anti-retaliation language**
- **Consequences of policy violation**



Anti-Harassment

- All workplace harassment is strictly prohibited and will not be tolerated.
 - Include harassment based on *all* protected categories, not just sex
- Provide examples of harassment (jokes, threats, intimidation, abuse, etc.)
- Reporting procedure (2 points of contact)
- Management responsibility
 - Prompt investigation
- Anti-retaliation language
- Consequences of policy violation
 - Corrective action will be taken





Americans with Disabilities Act (ADA) and Reasonable Accommodations

- State intent to comply with all applicable provisions of ADA
- Define “disability”
 - Physical or mental impairment that substantially limits one or major life activities, or one who has a record of such impairment, or who is regarded as having such impairment.





Americans with Disabilities Act (ADA) and Reasonable Accommodations

- Agency will provide reasonable accommodations when available to qualified individuals with a disability, as defined under the ADA, who have made the agency aware of the disability and the need for accommodation.
- Define accommodation
 - Assists employee with performing the essential functions of the job.
- Provide a procedure for requesting an accommodation
- State expectation that employee will participate in interactive process





Leave Policies

- **Voting**
 - Up to 2 hours off (unpaid), unless work hrs begin two hours after polls open or two hours before polls close.
- **Jury/Witness Duty**
 - Notice Procedures
 - Paid leave for jury duty
 - Paid leave when appearing as a witness for City related business





Leave Policies

- **Military**
 - Ga. Law – 18 days of paid leave/federal fiscal year
 - USERRA
 - Paid or unpaid
 - Use of accrued vacation, annual or similar leave upon request (cannot mandate)
 - Notice Procedures
 - Require documentation
 - Return to Work procedures



Leave Policies

- **Accruals**
 - Types of leave (annual, sick, PTO)
 - Accrual rates
 - Eligibility (full-time, part-time, etc.)
 - Procedures for use
 - Caps
 - Roll-over? Accrual beyond cap? Use it or lose it? Pay out?
 - What happens upon separation?
 - Payout, forfeit, retirement, etc.?



Family and Medical Leave (FMLA)

- **Leave entitlements**
 - Reasons for leave
 - Length of leave
 - How leave calculated (calendar, rolling, etc.)
 - Compensation (mandatory or discretionary)
- **Benefits & Protections**
 - Continuance of benefits
 - Reinstatement to same/similar job
 - No interference with FMLA rights
 - No retaliation for exercise of FMLA rights or opposing FMLA violation or participating in FMLA proceeding





Family and Medical Leave (FMLA)

- **Eligibility**
 - 12 months/1250 hours/50+employees
- **Process for leave requests**
 - Notice requirements
 - Information required
 - Whether certification will be required
- **Employer responsibility**
 - Notice or Rights and Responsibilities
 - FMLA Designation Notice



Attendance

- Set expectations
- Call-in Procedures
 - Process for reporting late arrival/absences
 - Time to report
 - Who to contact
 - Consequence for failing to timely report absences, or obtain prior authorization





Timekeeping

- **Procedures**
 - Employees must record *all* time worked
 - Consequences for failing to do so
- **Define Work Period(s)**
 - 40-hr employees
 - Public safety employees – 7(k) exemption
- **Overtime procedures**
 - Prior approval required
 - How calculated?
 - 40 hr employees (1.5x regular rate over 40 hrs in workweek)
 - 7(k) exemption
 - Discipline for unauthorized overtime



Timekeeping

- **Compensatory time (in lieu of overtime)**
 - Procedures for accruing and using
 - Calculated at a rate of time and a half
 - Cap
 - 480 hrs (public safety) = 320 hours worked
 - 240 hrs (all other) = 160 hours worked
- **Breaks**
 - How many? Length?
 - Paid/unpaid
- **Meals**
 - Length of time?
 - Paid/unpaid



Timekeeping

- **Exempt/non-exempt**
 - Define
 - Delineate any differences in timekeeping practices
- **FLSA safe harbor**
 - State policy against improper docking of pay for exempt employees
 - Require employees to report any improper docking
 - Provide for prompt reimbursement of improper docking of pay





Privacy

- Provide notice of potential for particular type of intrusion or monitoring by employer
 - Retain right to monitor government issued equipment
 - Computers, phones, tablets
 - Vehicles
 - Retain right to search workspace
 - Desk, files, cabinets, lockers



Drug Testing

- Expectations
- Types of testing
- Who can be tested
- Testing procedures
- Consequences of refusal and or positive result





Standards of Conduct

- Sets expectations for employee conduct
- Use non-limiting language
 - *Examples of prohibited conduct that may lead to disciplinary action include, but are not limited to:*





Discipline & Appeals

- Types of disciplinary action
- Reasons for discipline (policy violation, poor performance)
 - If at-will, avoid “for cause” language
- Disciplinary authority
 - Who has authority to discipline?
- Process
 - Progressive discipline
 - Include non-limiting language

While the agency promotes progressive discipline when appropriate, nothing in this policy prohibits a supervisor from implementing the level of discipline the supervisor deems appropriate under the circumstances, regardless of whether the employee has received prior disciplinary action.





Discipline & Appeals

- Appeals
 - Eligibility
 - Types of actions that can be appealed
 - Time to appeal
 - Procedure
 - Identify person with “final” authority (e.g., The decision of the City Manager shall be final.)
- *If at-will, avoid due process language and mandatory results.
 - Policy is not intended to alter the employee’s at-will status.*
- *If property interest, ensure process complies with due process.





Acknowledgment Form

- Have employees sign upon receipt
I understand that I have received a copy of the Handbook. I further understand and agree that it is my responsibility to read and comply with the Handbook, including any subsequent amendments and revisions thereto.
- Include location of any other available copies



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Questions





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