Does your business need an employee handbook? For all but the smallest employers, the simple answer is “yes.”

Employee handbooks provide consistent information to employees, address frequently asked questions, set the workplace tone and help defend or prevent litigation. Crafting a thoughtful handbook can save employers a great deal of time, trouble and expense down the line. It also forces an employer to clarify its policies and provides concrete expectations and procedures for which the employer can hold employees accountable.

Some helpful items to include are:

- A disclaimer clearly stating that the handbook is not an employment contract and that the employer reserves the right to change it at any time
- An acknowledgment for the employee to sign and date (you should keep a signed copy in the employee’s personnel file)
- Instructions on who to contact and how to do so if an issue arises on the job
- Paid and unpaid employee leave policies, addressing common reasons (maternity, parental, illness, injury, military)
- Information regarding how an employee can initiate a request for a workplace accommodation (employers are expected to recognize accommodation requests for religious beliefs and disabilities)
- An explanation of disciplinary policies, harassment reporting procedures, behavioral expectations, benefits summaries and corporate missions, goals and values

There are also three emerging issues to consider whether you are preparing your first or your 50th employee handbook. These are:

**1. Gender identity**: Review personal appearance, anti-discrimination and anti-harassment policies to be certain that they comply with new protections for gender identity. In many states, courts have recently recognized that discrimination against an employee for being transgender is a form of gender-stereotyping discrimination.

**2. Monitoring movement**: In the age of GPS tracking, employers should inform employees if their movements are (or could be) subject to monitoring to remove any expectation of privacy, which is the foundation of most claims regarding invasion of privacy. Remind employees that their email, Internet searches and other forms of communication are also subject to monitoring.

**3. Social networking**: Social networking sites and other new media platforms increase the likelihood that the public, clients and competitors will see an individual’s comments. While it may be tempting to simply ban posting about work, the National Labor Relations Board believes that comments about the terms and conditions of employment are protected speech. Focus your policy on restricting speech critical of individuals, including defamatory comments or revealing trade secrets.

Well-drafted employee handbooks facilitate communication between employers and employees, and set the stage for a healthy work environment. They can also be incredibly helpful when defending workplace litigation. Like any corporate policy, however, the key to success is to keep it concise, current and consistent with applicable law.

The opinions expressed in this article are intended for general guidance only and are not intended as recommendations for specific situations. Readers should consult a qualified attorney for specific legal guidance.