

TEN THRIFTY EMPLOYMENT TIPS IN THIRTY MINUTES

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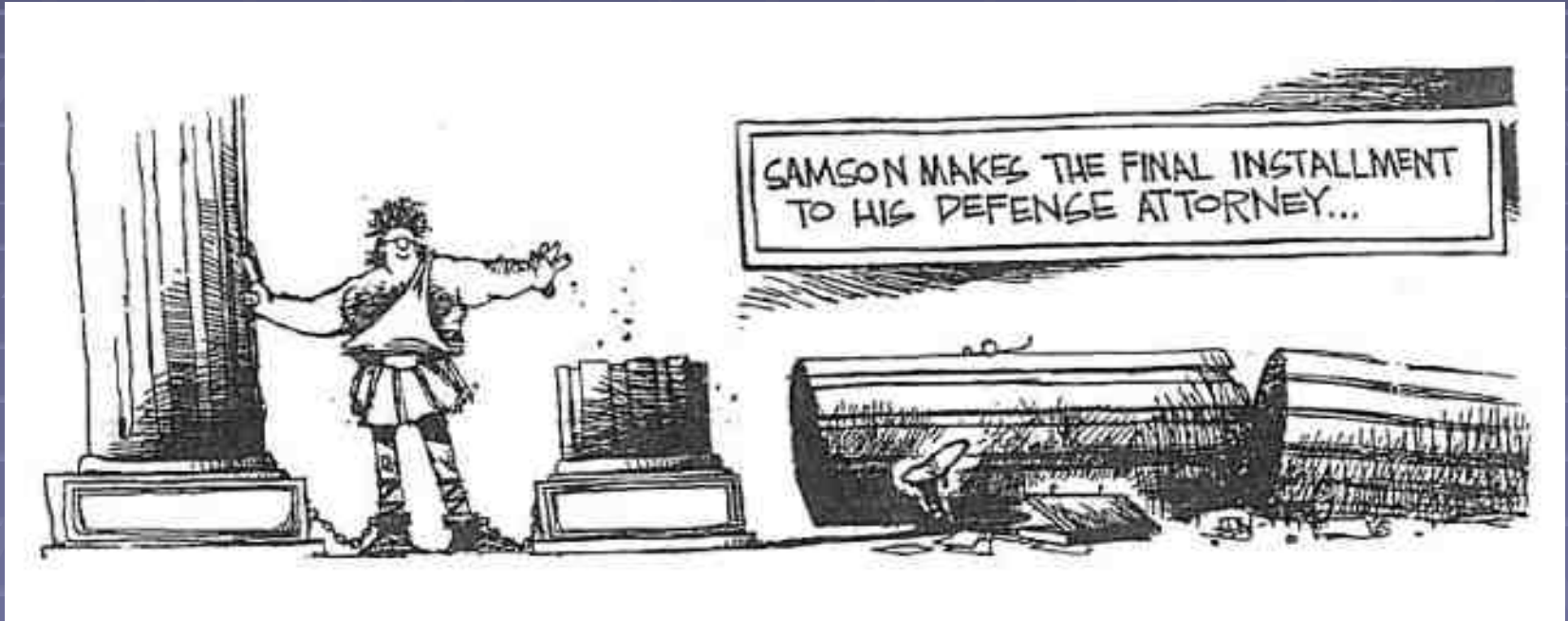
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Tip No. 1: Have a Comprehensive Employee Handbook

- Cover all the necessary topics that apply to a company your size:

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- Cover all the necessary topics that apply to a company your size (continued):

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- Cover all the necessary topics that apply to a company your size (continued):

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Have an exhaustive list of violations – this is especially useful for showing a “willful” violation with the VEC, helpful for any termination or disciplinary action and helpful for any challenge to the termination.

For example:

*“It is not possible to list all the forms of behavior considered unacceptable in the workplace or any place where employees are conducting Company business. The following are **examples** of infractions of rules of conduct that will result in disciplinary action, up to and including immediate termination of employment:”*



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Sample violations (continued):

1. *Fighting (striking, manhandling, etc.) or horseplay on Company property or on a route during working hours.*
2. *Using abusive, profane, vulgar, or indecent language to another employee, supervisor, retailer, or consumer.*
3. *Insubordination, including refusing to obey or follow the instructions or orders of a supervisor.*
4. *Wasting time, sleeping on the job, or loitering during work hours.*
5. *Intimidating, threatening, coercing, or interfering with fellow workers at any time.*
6. *There shall be no circulation, posting, or distribution of literature of any kind during working time except as may be permitted or directed by the President.*
7. *Gambling, soliciting, selling tickets, raffles, or collections, unless authorized by management.*
8. *Abuse of, careless use of, damage or destruction of Company products or any other company property, tools or equipment.*
9. *Removal of equipment from Company property without permission, or the theft of company goods, materials, or products is prohibited. An employee shall be responsible for all company tools, equipment, and property assigned to or requisitioned by him/her or in his/her custody or care.*
10. *Removal of notices, signs, or writings in any form at any time without specific authority of management is prohibited.*



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Sample violations (continued):

11. *No employee shall circulate, distribute or post material within the facilities that: (1) is deliberately or maliciously false or defamatory; or (2) disparages the company's products or services or the integrity of its owners, managers, supervisors or employees, with respect to their sale or distribution of quality products; or (3) is maliciously or viciously insulting to and disrespectful of the Company's owners, managers, supervisors or employees so as to undermine discipline.*
12. *Failing to notify the Human Resources Director immediately of any changes in your personal data. This includes current residence, telephone number, or additions to and deletions from medical service coverage.*
13. *The willful destruction of or neglect of Company or employee property, including excess breakage due to carelessness.*
14. *The completed original and duplicate invoices must always be identical. Employees cannot falsify or alter any records including but not limited to company personnel records, including statements or emissions on applications that directly affect the hiring decisions.*
15. *There shall be no unauthorized release, removal, or improper use of confidential company information or records.*
16. *Falsification of, or withholding from the company any reports or records, including absences, sickness, production, and personnel information, fuel tickets, route books, time card or any information, oral or written, given to the company.*
17. *Engaging in any kind of personal business for profit during work hours or with company equipment and supplies.*
18. *Failing to make sales calls or deliveries without satisfactory and justifiable reasons, or failing to report missed calls or deliveries.*
19. *Being discourteous to a retailer, failing to maintain good customer relations, or otherwise failing to act in a businesslike manner at all times.*



Tip No. 1: Have a Comprehensive Employee Handbook

Sample violations (continued):

20. *Drinking (or being under the effects of) any alcoholic beverages or using (or being under the effects of) illegal drugs on company property or anywhere during the employee's working hours. No such use shall occur during any breaks or lunch.*
21. *Failing to perform proper placement and/or rotation of product.*
22. *Failing to keep retailer information, invoices, load sheets or any other appropriate record or document in an up-to-date, complete and accurate condition and manner.*
23. *Selling, providing or otherwise arranging the sale or provision of alcoholic beverages to unlicensed persons, businesses, or to underage persons.*
24. *Being convicted of a felony or misdemeanor.*
25. *Failing to follow and observe safety rules and regulations, or engaging in any conduct which tends to create a safety hazard.*
26. *Failing to adhere to and/or observe company policy, rule, or practice.*
27. *Working in any way for a competitor or licensed retailer.*
28. *Bringing firearms or a weapon of any kind onto the premises, company vehicle, or while making deliveries.*
29. *Failing to observe any applicable Motor Carrier requirements or other law or regulation.*
30. *Failing to report as soon as possible to your supervisor any problem with a retailer that may adversely affect the business relationship or the sale or delivery of any product.*
31. *Unsatisfactory work performance.*



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Sample violations (continued):

32. *There shall be no unlawful or improper conduct off the Company premises or during non-working hours, that affects the employee's relationship to fellow employees, supervisors, or the company's product, property, reputation or goodwill in the community.*
33. *There shall be no originating of, perpetuating of, or publicizing of malicious gossip, slander, or libel pertaining to the company, a customer of the company, or any employees of the company, which causes morale or operational problems for Company.*
34. *An employee shall not use telephones for extensive personal calls nor conduct personal business during working time or while on the premises.*
35. *Verbal or physical abuse or improper treatment of a fellow employee, supervisor, retailer, supplier, customer, or member of the public shall not be permitted.*
36. *An employee shall not neglect his or her job, duties, or responsibilities, nor refuse to perform work assigned.*
37. *Taking food, drinks or other merchandise from an account without payment or express permission from the owner or proprietor is strictly prohibited.*
38. *Violation of any of the policies or procedures set forth in this Employee Handbook*
39. *Insubordination*
40. *Use of foul or inappropriate language*
41. *Absenteeism or tardiness*
42. *Horseplay*
43. *Poor customer service*
44. *Harassment, discrimination or retaliation*
45. *Breach of confidentiality*



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Sample violations (continued):

46. *Use or possession of drugs*
47. *Failure to treat co-workers with respect*
48. *Threatening to or endangering others*
49. *Breach of security*
50. *Refusal to submit to a drug or alcohol screen*
51. *Dishonesty*
52. *Positive drug or alcohol test*
53. *More than one garnishment*
54. *Failure to receive training*
55. *Failure to adhere to product care or rotation policies*
56. *Abuse of leave policies*
57. *Inappropriate attire*
58. *Inappropriate personal appearance*
59. *Failure to submit requested documentation*
60. *Leaving a company vehicle running and unattended*
61. *Failure to notify management of speeding tickets, loss or suspension of license or other traffic or moving violations*
62. *Driving while talking on cell phone without a hands-free device*



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Tip No. 1: Have a Comprehensive Employee Handbook.

- Statement of employment at will – VERY IMPORTANT!
- and state that the handbook is not a contract and can be modified by the Employer at any time
- Have an EEOC policy for discrimination claims
- Have the Handbook reviewed every two years for changes in the law and for changes in company size.



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Tip No. 2: Have a Drug Testing Policy

- Even if you don't normally do any drug testing
- Provisions for pre-employment, random, upon suspicion, upon accident
- Keeps employees on their toes
- If you then need to drug test – be sure to use a qualified facility and medical review officer or company which will offer a second confirmed test



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Tip No. 3: Do a Reputable and Thorough Background Check

- What you don't know about your employees before you hire them can hurt you (e.g., maintenance worker case)
- Do NOT solely rely on internet criminal background checks
- State police check is only \$15
- Find out what other states the employee lived in and obtain those checks as well



Tip No. 3: Do a Reputable and Thorough Background Check

- Employees can pay for the check prior to hire and then be reimbursed if hired
- Get the DMV record as well if driving any company vehicle or on company time
- Get a credit check for anyone who will be handling company funds



Tip No. 4: Have a No Weapons Policy



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Tip No. 4: Have a No Weapons Policy

- Statistics show that companies with such policies have less incidents of violence
- Statistics show that often the weapon gets used against the owner
- Expand the policy to no weapons in vehicles on the company premises



Tip No. 5: Have a No Dating or No Fraternization Policy

- Allowing employees to date can be the biggest source of litigation and headache that most employers face – especially small employers
- Trying to “move” employees out of the line of supervision once dating starts is more problematic for smaller companies (e.g., golf club, sales company)



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Tip No. 6: Know What is Going on in Your Company

- Have an Open Door Policy
- Do an Annual “Check up” or “Audit” whereby Employees are **REQUIRED** to sign an annual statement indicating that they are aware of the no discrimination or harassment or retaliation policy **AND** that they are or are not aware of any such behavior going on in the workplace – including “quid pro quo” activity!



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Tip No. 7: Watch Out for Company Sponsored Events Involving Alcohol

- If the employee is under the influence and causes an accident – liability can be sought after the employer
- If the employee is driving a company vehicle – the liability is clear
- If the employer takes proactive steps to ensure the service of alcohol is controlled and/or provides other means of transportation, liability can be curtailed



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Tip No. 8: Understand the Fair Labor Standards Act

- Especially understand exempt vs not exempt (labeling an employee as exempt when they are not can result in huge liabilities)
- Prohibit overtime by non-exempt employees unless expressly authorized in writing and signed off on after incurred – make it grounds for termination if approval is not obtained in advance!!



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Tip No. 9: Be Careful About Deductions from Paychecks or Requiring Employees to Pay for Company Required Items

- If the expense (e.g., uniform, cell phone, tools, etc.) is for the benefit of the employer – it generally is not lawful to require the employee to pay for it!
- Any deductions (other than state and federal mandated deductions like taxes, social security and Medicare) must be approved in writing by the employee – even if they steal from you!



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Tip No. 10: Watch out for accrued benefits

- If the employee can opt to be paid out personal leave or take personal leave – that is an accrued benefit and the policy cannot be changed without allowing for the accrual
- If the employee is entitled to a certain amount of vacation or sick leave per year – watch out for changing the policy without providing the full or pro rata benefit for that year!



Bonus Tip: Watch Out for the ADA Scam Artists

- If your facility is open to the public – you could be a target
- The disabled claimant visits your facility and then he and his attorney send a demand letter and/or file suit
- If you are open to the public, then make sure your company's facilities are compliant with the Americans with Disabilities Act



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And Be on the Lookout for:

- New and more liberal Americans with Disabilities Act (ADA) Guidelines and Regulations!



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"Criminy! Talk about overstaying your welcome! ... John, open the door and turn the porchlight on — see if that gets rid of them."