

## **New Year's Business Resolution for Employers: Annually Review Your Employment Policies and Procedures**

By Lisa Brown

With the ever-increasing number of employment-related lawsuits, a wise New Year's business resolution is to annually review your company's employment policies and procedures. As part of this annual audit, employers will want to review their employee handbook, job descriptions, trainings for managers, documentation and disciplinary action procedures, employment law postings, and wage and hour practices.

### Review and Update Handbook

January is a good time to review the employee handbook to be sure it is in compliance with new laws and any changes that may have occurred within the company during the last year. All employees should be required to read the handbook once a year. This is especially true for the managers whose job it is to enforce the policies and follow the procedures in the handbook. If any new policies are added to the handbook, employees should be asked to read and sign for receipt of the new policies.

### Pre-employment Procedures

Hiring procedures should be reviewed on an annual basis. Employers will want to review their job applications to ensure that only job-related questions are asked and that the applications are tailored to particular jobs. Annual trainings are recommended for those who interview prospective employees to be sure the interviewers know what questions they can legally ask, what questions to avoid and how to document the interviews. Creating a list of questions to ask all applicants provides uniformity to the interviewing process.

Job applications, job advertisements, job descriptions, and interview questions all should be reviewed for compliance with the Americans with Disabilities Act and all other discrimination laws. Private non-union employers will want to include a statement affirming the "at will" employment relationship in applications, job offer letters, acknowledgements for receipt of the employee handbook, and the employee handbook itself, confirming that the employment relationship is terminable without cause or notice.

Job descriptions should be reviewed to be sure they reflect employees' current job duties; this is especially important if job consolidations or restructurings occurred during the last year. Reviewing the job descriptions with employees at the time of their annual review provides useful information for the employer regarding what duties may need to be added or deleted from the job description if the job has evolved over the last twelve months. All essential job functions should be included so the employer is well prepared in the event the employee seeks reasonable accommodations for a disability.

### Training for Supervisors and Managers

Regular trainings are recommended for managers to protect employers from potential liability. Some of the trainings recommended for the workplace include the following: sexual harassment (what is harassment, what is the company's policy regarding harassment, when and how it should be reported, how complaints should be investigated, the importance of immediately investigating complaints); documentation (what, when and how to document); disciplinary action procedures; interview and investigation procedures; complying with leave and disability laws (how and when to designate leave as Family and Medical Leave/Oregon Family Leave; how to calculate leave times; what to do when leave runs out; how to engage in the interactive process; how to evaluate requests for accommodations); and, recordkeeping (how long and where to keep records; what belongs in the personnel file; what does not belong in the personnel file).

Having participants sign in for the trainings, and maintaining the sign-in sheets along with the training materials provides the employer with valuable protection in the event of future litigation.

### Evaluations and Disciplinary Procedures

An annual audit also should include a review of employee evaluation and disciplinary action procedures. Annual reviews should be conducted regularly and include constructive feedback, giving the employee objective measures for improving performance in the coming year. Corrective action forms should include detailed examples of the conduct needing to be changed, the policies or procedures that were violated (attaching them to the corrective action), and a clear statement of the employer's expectations for future performance.

### Postings

Employers should take the opportunity during the annual audit to ensure that all the required postings are in fact posted. An updated list of the required postings is on the Oregon Bureau of Labor website.

As a final consideration, employers might reflect on how employees can be motivated to learn something new about their jobs each day, to work together as a team to get the job done, and to leave the workplace each day better than they found it.

*Lisa Brown is an attorney at Bullard Law. Her practice focuses on advising employers and management personnel on how to avoid employment lawsuits, and on defending employers in court if they do get sued. She can be reached at 503-248-1134 or [lbrown@bullardlaw.com](mailto:lbrown@bullardlaw.com).*