

## ABOUT THIS HANDBOOK

TA has produced this handbook as a general summary and teaching guide in order to help employers understand the basics of creating written policies and procedures for the workplace.

Among other things, a well-written set of policies and procedures provides employers with a powerful tool for effectively and efficiently communicating workplace expectations. A current and consistently applied policy can also help employers to avoid potential liability for violations of Oregon's civil rights and wage and hour laws.

Several sections of this handbook contain answers to commonly asked questions, best practice tips, updates, and, of course, sample policies in order to illustrate the application of policy writing guidelines. Please keep in mind, however, that this handbook is not intended as legal advice regarding any particular situation. Those seeking legal advice should contact an attorney. It is always prudent to have an attorney review draft policies and handbooks to ensure compliance within a particular workplace and industry.

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## **POLICY BASICS**

### ***THE SCENARIO***

Deborah Greenburg just came into your office, demanding that she get the last two weeks of August off for her vacation. You know that August is a busy time, and that it would be extremely difficult to spare her. You start to tell her no, when she fires back that Ed from her department has already approved the vacation, and she has started making her plans. Besides, she says, she knows that the “guys” in the department never have a problem getting their vacation requests approved.

There are countless such scenarios in which managers are confronted with questions to which there are no clear answers. Too often, the response is to “wing it” and make a spot decision -- a decision that could prove unwise or even harmful to the company. But a well-crafted written policy can provide everyone with a shared set of expectations and allow for fair, consistent (and hopefully more efficient) decision making on things like the vacation approval process.

### ***THE BENEFITS OF WRITTEN POLICIES***

A set of written guidelines provides a number of benefits to employers and employees alike. Consider the following.

#### **Clear communication of the company’s mission and goals**

Written policies are an excellent way to educate employees as to what the company is all about and where it hopes to go in the future.

#### **Shared sense of common purpose**

Just as written policies communicate the function and mission of a company, they can also set out the company’s commitment to a fair and respectful work environment. Written policies, combined with appropriate training and consistent application, demonstrate the company’s appreciation for the contributions made by each employee, and this in turn can lead to greater commitment among employees.

#### **Established standard for the “rules of the game”**

Everyone benefits in an environment where the established policies and procedures are clear and predictable. Although employers need flexibility (and should preserve that flexibility in their policies) the lack of any standards can lead to uncertainty and confusion.

#### **Clearer communication**

Many employment disputes result from miscommunication between management and staff. Distributing clearly written policies to all employees will help to prevent this.

## Time savings

The task of explaining company procedures to each employee can be very time-consuming. Distributing and referring employees to a set of written policies not only reduces the chance of miscommunication, but it also saves a great deal of time.

## Minimizing legal claims

Establishing and following written policies can dramatically reduce the chances of civil lawsuits or claims with enforcement agencies like the Bureau of Labor and Industries (BOLI). Ensuring those policies are up to date and consistently applied can help reduce the impact of the claims or complaints that do get filed.

**FREQUENTLY ASKED QUESTIONS**

## TRANSLATION OF POLICIES

SPANISH VERSION OF POLICIES ADVISABLE, BUT NOT GENERALLY  
REQUIRED

**QUESTION:** *If we create an employee handbook, are we liable in any way if the Spanish-speaking employees don't have a translated version so that they may not understand the policies?*

**ANSWER:** It is advisable, from a fairness perspective, to make your company policies and procedures known to all employees. And you will be in a better position to defend against potential discrimination claims if you can show all employees had advance notice of your company rules. While there is no Oregon law requiring you to translate your handbook into every language spoken by every employee, you might consider providing a brief notice to employees in their respective languages that indicates each employee is responsible for knowing the content of your policies and who to contact regarding any necessary clarifications.

If you have 50 or more employees in the U.S., you are covered by the federal Family and Medical Leave Act (FMLA). The FMLA not only requires employers to include basic family leave information in their employee handbooks, but also requires, where a significant portion of workers are not literate in English, that employers provide FMLA poster information in a language in which the employees are literate. Employers may purchase required state and federal posters as a composite, "8-in-1" poster in English or Spanish from BOLI's website [www.oregon.gov/boli/ta](http://www.oregon.gov/boli/ta).

## COMMON PITFALLS OF POLICIES

Oregon is an "employment at-will" state. In general, this means that an employer can terminate an employee at any time for any reason, and that the employee is similarly free to leave employment at any time and for any reason.