

## **Avoiding Employee Handbook Headaches**

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Having effective, up-to-date policies in your employee handbook can make all the difference in protecting your practice. Properly done, they can help educate managers and employees, ensure consistent treatment, and safeguard against employee claims and plaintiff's lawyers. Poorly-worded or out-of-date policies, however, often cause more harm than good by creating contractual obligations, documenting a lack of legal compliance, and more.

What are some of the essentials to watch for in your employee handbook? Virtually every practice's handbook needs to:

- confirm that the employment relationship is “at-will,” and identify the top-level manager(s) who has authority to change that;
- confirm that the handbook does not create a contract (watchout for promises throughout the handbook, too!);
- prohibit unlawful discrimination, harassment and retaliation, and provide multiple channels through which employees can report such concerns (“tell your supervisor” isn't enough—what if the supervisor is the harasser?);
- provide a signature page or acknowledgment form, and confirm that the handbook supersedes previous versions; and
- protect company property and patient privacy, prohibit workplace violence, address internet use, and much more.

It's critical to make sure your handbook is up-to-date—we recommend scheduling a regular review, such as every year or two. In case you missed the results of the recent Oregon legislative session, there were a host of employment law changes that effect handbooks and employee practices. For example, a new law (HB 3482, which will be effective upon the Governor's signature) expanded the Oregon leave laws. Employers with six or more employees already had a legal obligation to provide leave and reasonable safety accommodations for victims of domestic violence, stalking or sexual assault (you had that covered in your handbook, right?). The new law expands that legally-required leave and protection to victims of harassment, too.

Your practice may not require a 150-page handbook with every policy under the sun. But don't put off legal review. Physicians are regularly thought of as litigation targets—take the time to make sure your handbook is helping (not hurting) your chances of avoiding liability.

Need more information about employee handbooks and other ways to protect your practice? Feel free to contact Kurt Barker at 541-382-3011 or [keb@karnopp.com](mailto:keb@karnopp.com). And watch for an upcoming seminar for COIPA members where we'll cover more employee handbook essentials.