



LAWYER AS EMPLOYER

WELL-DRAFTED HANDBOOK CAN MAKE OFFICE MORE EFFICIENT

Express expectations for employees while keeping a friendly tone

Editor's Note: This is the fifth in a six-part series examining how employment law issues specifically affect law firms. Next week's article will focus on how keeping proper paperwork is crucial to demonstrating legal compliance and minimizing litigation.

By **ROBERT G. BRODY**
and **SAMI ASAAD**

The previous article focused on avoiding workplace discrimination and harassment at law firms. One of the suggestions made was to include in your employee handbook a policy expressing the firm's anti-discrimination/harassment position and generally providing real solutions to employees. This article expands on the value of an employee handbook and focuses on some specific policies no law firm should be without.

Value Of Handbook

Employee handbooks can simultaneously serve many valuable purposes. A well-written handbook can express the firm's expectations of employees; manage employee expectations of the firm; and streamline the firm's administration of its personnel policies (and improve consistency), all of which will reduce the risk of employee discontent and litigation against the firm. At the same time, if written properly, it maintains the firm's right to change policies and keep the flexibility you want as an employer.

Setting Right Tone

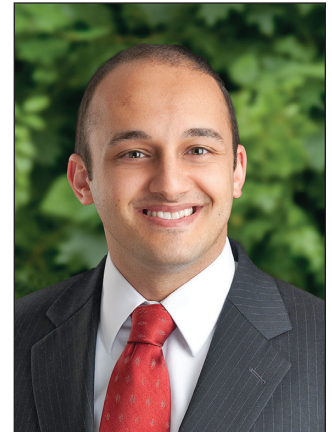
Drafting an employee handbook with a friendly, positive tone can help foster good employee relations. It also makes them more readable. If, for example, you based a discharge on an employee's disregard of a stated policy, you do not want him or her arguing your 100-page handbook reads like a software license (no offense to IP lawyers).

Express Expectations

A good handbook should cover the basics of working at your firm: hours, attendance, performance and conduct standards, dress code, etc. For many associates, who have been full-time students prior to finishing law school, this may be their first *real* job. Telling them what you expect may help avoid many performance problems.

Manage Employee Expectations

Do you allow personal e-mail use while at work – is there a limit? Can associates' friends come hang out at their snazzy new office? Will they get bonuses for business development and extra hours worked? Are



these benefits guaranteed or totally discretionary? Who decides this?

Your handbook should cover such issues. Again, a friendly tone can convey your position as “just making sure we're on the same page” rather than “we regulate every aspect of your work life.” Junior lawyers will pick up on this distinction.

Computers And Privacy

Electronic data is the lifeblood of today's law firm. You cannot afford to have your computers and Internet access compromised. A thorough computer use policy can help protect these assets. For example, the policy should prohibit unauthorized installation of new software. Additionally,

Robert G. Brody is the founder of Brody and Associates LLC, and Sami Asaad is an associate with the firm. Brody and Associates represents management in employment and labor law matters and has offices in Westport and New York City.

the policy should preserve your right to see everything accessed or produced on firm computers and eliminate any expectation of privacy. Consider a computer log-in screen requiring employees to acknowledge (by clicking "OK"), before gaining access to firm computers, that all data accessed is firm property and that nothing should be considered private.

Social Media

You probably had enough of "Facebook firing" stories, so we'll spare you. By now, most employers know that to protect your firm's online image, you should give employees some guidance on firm-related social media use. Can they post their office e-mail address on Facebook next to photos of their wild New Year's Eve party? Your policy should cover everything from prohibiting the disclosure of confidential or defamatory information to the acceptable ways in which social media may be used to promote the firm.

Given the growing scrutiny applied by

the National Labor Relations Board to such policies, you need to carefully craft your policy and consult with labor and employment counsel.

Cell Phone Use

As an employer, you are responsible for all injuries inflicted by employees acting in the scope of their employment. If you issue cell phones or expect attorneys to be available by cell phone, be sure your handbook includes a policy on safe cell phone practices while driving.

Texting while driving should be expressly prohibited. While ideally all cell phone use should be prohibited while driving, if this is not feasible, mandate (if possible, provide) hands-free headsets. Finally, expressly state that at no time should anyone use a cell phone if such use could create a danger to the employee or anyone else.

Streamline Administration

Most of us would rather do billable work than administrative work. By spending a

little time up front documenting administrative procedures, such as expense reimbursement or filing procedures, you can streamline administrative tasks and spend more time on billable projects. If a good handbook saves partners just one hour per week, imagine the yearly cost savings, not to mention the increase to your office morale.

Conclusion

While drafting an employee handbook may seem like a chore, if well drafted, it can help make your workplace more efficient and legally compliant in the long run. You can often buy a handbook for a flat fee and add customization as you need it. The above suggestions are not an exhaustive list, and you should consider the circumstances unique to your workplace when reviewing a handbook.

Finally, if you have a handbook, but have not updated it in two years, take some time to review it to ensure it is not out-of-date. A handbook is a great workplace tool, but only if you keep it current and relevant to your practice and use it consistently. ■