How or what can a public entity do to avoid the pitfalls inherent in public employment?

- Clearly and concisely document your entity’s policies and procedures in an Employee Handbook. Avoid slang and ambiguous jargon.
- Include specific policies that address sexual harassment and discrimination in the Employee Handbook.
- Include a documented termination and grievance procedure.
- Require employees to sign a receipt of acknowledgement when they are given their copy of the Employee Handbook.

**Why is this last bullet SO important?**

One of the more effective risk management tools available to management in this area is to secure an acknowledgement of receipt from their employees when disseminating employee handbooks and/or departmental operating policies and procedures.

The simplest method of acknowledgement and most difficult for an employee to challenge is still to require a signed piece of paper. *Remember*, regardless of how information regarding employment and departmental policies and procedures is released to employees, employers must implement a tracking mechanism to confirm that every employee has been notified and received the information.

**Five Things That Should Never Appear in an Employee Handbook**

1. **“Permanent”:** This word is sometimes used to distinguish employees who have completed a work review or probationary period. However, this word should never be used to describe any employee. It severely weakens the doctrine of “at-will employment” and the idea that the employment relationship may be terminated at any time for any legal reason.

2. **“We do not pay overtime”:** If a non-exempt employee works overtime, he or she MUST be paid premium pay, regardless of the nonprofit's budgetary situation.

3. **The name of (or reference to) another organization:** The practice of copying another organization’s policies and procedures is quite common and is not a bad idea – *As long as* you are committed to a thorough review of every line and word and adjust them to meet the needs of your organization.

4. **“And after the third violation...”:** The best handbooks afford management maximum discretion in determining the discipline that should be applied in a given instance. Better wording might be, "violation of this policy could result in discipline, up to and including termination."

5. **“Confidentiality is assured”:** It is never appropriate to provide outright assurances of confidentiality when the nature of the matter may require that persons within the organization be informed of allegations or status of an investigation.