



June, 2013

Vital Business Solutions Newsletter

Your Protection: Independent Policies

When employee issues arise, the first question we will ask a client is "What does your policy say about this issue?" Often the answer is "I don't have a written policy." There are many policies in an Employee Handbook, but independent policies provide clear guidelines for employees to follow and those guidelines will protect the company.

Companies develop policies to provide clear expectations for employees and is a great communication tool to inform new employees of the company's policies as well as refresh all employees as particular matters arise. Some employers compile the policies into one handbook or manual. However, in addition to a handbook, it is good to provide employees with individual policies because policies and expectations may vary among employees depending on the type and level of positions.

Below is a list of some of the policies employers should provide and have employees sign as part of their employee documentation:

- **Code of Ethics Policy** - outlines the expected behavior that should align with the company's values, culture, and ways of doing business.
- **Confidentiality Agreement Policy** - is ideal as an individual policy because the type of private information may vary based on the employee's job.
- **Conflict of Interest Policy** - helps keep the business operations lawful and prevent employees from engaging in activities on behalf of the company for their personal interest.
- **Anti-Discrimination Policies** - are good to have in place when employers may wish to use policies to prevent the possible ways that the different types of discrimination can appear in the workplace.
- **Compensation Policy** - is best used when higher-level managers may receive a compensation package that includes an incentive plan with certain criteria, for example, meeting quarterly or annual revenue goals to earn bonus. This policy can be tailored to the type of position or program in the company.
- **Safety Policy** - helps the employer comply with health and safety regulations in both a general and specific manner. All companies are subjected to certain guidelines regarding health and safety in the workplace, such as fire regulations. **Security Policy** - helps the employer identify how to protect the company's physical and information technology (IT) assets.
- **Computers and Technology Policy** - dictates the safe use of information technology and management of technological assets. Technology is heavily relied upon in the workplace and can also be very vulnerable. Therefore, it is important for employees to understand the type of access allowed for certain jobs and the personal use of computers and sharing information.
 - A **Social Media Policy** - is good to include whether or not employees' work entail utilization of social media.
- **Media Relations Policy** - not everyone can speak on behalf of the company and those who can need to have guidelines that take company image and business risks into consideration.
- **Internet Usage Policy** - provides employees with rules and guidelines about the appropriate use of company equipment, network and Internet access.
- **Whistle-blower Policy** - helps employers meet anti-retaliation guidelines by protecting persons who have reported unethical or illegal behavior. The policy must also include the steps to lodge a complaint.

Company policies are valuable tools to keep employers and employees on the same page, for reference, as needed, to remind employees of expectations, and to support disciplinary actions, including terminations. It is important to have these in place prior to incidents that can cause harm to employers or employees.

Company Policy in the News

In recent weeks the media has been buzzing with reports of a contracted employee violating the company's policy, causing the company to issue a public statement:

"June 11, 2013

(Updated Information Underlined)

Booz Allen can confirm that Edward Snowden, 29, was an employee of our firm for less than 3 months, assigned to a team in Hawaii. Snowden, who had a salary at the rate of \$122,000, was terminated June 10, 2013 for violations of the firm's code of ethics and firm policy. News reports that this individual has claimed to have leaked classified information are shocking, and if accurate, this action represents a grave violation of the code of conduct and core values of our firm. We will work closely with our clients and authorities in their investigation of this matter."

Booz Allen Statement on Reports of Leaked Information retrieved on 6/21/13 from <http://www.boozallen.com/media-center/press-releases/48399320/statement-reports-leaked-information-060913>

From the statement, it is clear that Booz Allen had a policy in place (we would not expect less), which they used to support the past employee's termination.

All companies, regardless of size, must ensure policies are clearly written and easily accessible by the employees. Further, employees must sign each new policy to show that they have read the policies and intend to follow them. Employers must also make sure the policies are fair to both employer and employees while keeping the employees' rights and the employer's legal obligations in mind. It is important to consult with an HR professional or legal counsel to ensure your policies can be upheld, if tested.

Additional Reading

Other employee policy issues in the news:

Abercrombie Struggling To Prove Fired Woman's Hijab Hurt Sales: Report
http://www.huffingtonpost.com/2013/06/19/abercrombie-headscarf-hani-khan-hijab-lawsuit_n_3466226.html

NOPD officer fired for violation of moral conduct policy
<http://www.nbc33tv.com/news/crimetracker/nopd-officer-fired-for-vi>

Whole Foods revises employee language policy <http://www.chron.com/news/texas/article/Whole-Foods-revises-employee-language-policy-4601571.php>

If you need assistance with creating and updating independent policies, please give us a call at 202-832-1388.

OFCCP Online Requirements

Have you taken your recruiting and hiring activities online? If not yet, it is worth considering for the efficiency, speed, and cost saving it provides. Other considerations include the equal employment laws regarding internet applicants enforced by the Office of Federal Contract Compliance Programs (OFCCP). In online recruitment, the employer uses the Internet or related electronic technologies to conduct the process.

The OFCCP describes an "Internet Applicant" is an individual who satisfies all four of the following criteria:

1. The individual submitted an expression of interest in employment through the Internet or related electronic data technologies;
2. The contractor considered the individual for employment in a particular position;
3. The individual's expression of interest indicated that the individual possesses the basic qualifications for the position; and
4. The individual, at no point in the contractor's selection process prior to receiving an offer of employment from the contractor, removed himself or herself from further consideration or otherwise indicated that he/she was no longer interested in the position.

All four criteria must be met.

Employers are still required to collect EEO data at some point after the applicant has been submitted and before an offer is made.

For additional information on meeting compliance with OFCCP guidelines for Internet recruiting, please contact VBS at 202-832-1388.

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The information provided in this newsletter is for awareness only and not intended as legal or tax advice. Please consult with your legal counsel and/or tax or payroll professional on legal and tax matters.

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Is your Employee Handbook updated for 2013?

We can help you with your Policies & Procedures Manuals!

VBS can update your Employee Handbook and HR forms. An Employee Handbook identifies management's objectives, outlines company rules and regulations, and identifies the company's expectations.

Let us know if you need the following documents:

- Employee Handbook
- Policies & Procedures Manual
- Human Resources Forms
- Job Descriptions
- HR Audit/Assessment
- Federal Compliance Review

Get everyone on the same page!