

## One of the Most Important Documents that Most Estate Planners Don't Have

By Kristina Schneider, Executive Assistant

If you're an estate planning attorney with your own law practice, there's a good chance that you don't have one of the most important manuals in your practice: an Employee Handbook. In fact, this may also be the case for other estate planning professionals as well, such as CPAs, financial advisors, or life insurance agents.

The fact is, if you have your own business and you have employees working for you, an employee handbook is a must-have necessity as part of your business for all of the reasons laid out below.

### What Kinds of Things Are Included in an Employee Handbook?

An employee handbook is a manual with a number of federal and state-compliant rules, regulations and policies that are established for your practice. This might include your firm's policies on the following matters:

- Overview of how your firm works
- Compensation, including information on paydays, paycheck deductions, garnishment/child support, and options for direct deposit
- Performance reviews and opportunities for promotion and advancement
- Resting and meal breaks
- Overtime hours
- Time Off, including:
  - Holidays
  - Vacation
  - Sick and/or personal time
  - Jury duty and voting leave
  - Military leave
  - Witness leave
  - Bereavement leave
  - Maternity leave
  - Disability leave
- Medical, dental and other health and insurance benefits



- Confidentiality of client matters
- Attendance and punctuality
- Policies about the use of computer equipment, internet, e-mail, and telephones
- Dress policy
- Workplace safety, including policies about workplace violence, sexual harassment, housekeeping, smoking, concealed weapons and substance abuse
- And much more, particularly depending on what the federal and state laws may require of you, as a business owner and employer

These are all of those types of things that you might not think about having to put into place when you initially begin to hire staff to work for you, but all of these types of things are the kinds of policies that should be laid out in an employee handbook. However, you may be sitting there still wondering...

### Why is it So Important that I Have an Employee Handbook?

If we lived in a perfect world, everyone would simply work hard, work well together in a harmonious work environment, and not abuse their place of employment. Unfortunately, we do not live in a perfect world. Trying to go back and enforce

rules upon employees when rules, boundaries, policies and procedures were never set up or laid out in the first place is very difficult. Unless you have some kind of business management or human resources background, as an attorney, these are the kinds of things that are simply not taught in law school about what it takes to set up a law practice. However, as an attorney, you should be even more aware about the kind of litigious culture we now live in.

An employee handbook that lays out the formal procedures and policies your firm has with respect to its employees will not only help you in any kind of employment dispute that may arise, but it also helps to set up expectations, the legitimacy of enforcing such policies, and the ability to practice consistency among enforcing such policies.

### **Don't Have a Handbook?**

Better late than never!

First, you can download a free sample employee handbook online from a number of resources to get an idea of what types of things you might wish to cover and include in the one you will develop for your company. Or, your payroll company, may provide a model handbook at little or no cost.

Once you've downloaded a sample, put together your thoughts and ideas of the specific policies, procedures, and benefits that are fitting for your company. Make sure that these are in line with the kind of company culture you wish to develop and maintain. Once you have an idea about what you want, the important step is to consult a local labor law attorney about assisting you with reviewing and finalizing your company's employee handbook. This will ensure that your employee handbook is compliant with federal, state, and local laws. It is also wise so that you make sure your company's employee handbook does not include (or omit) any potential policies that may be problematic for you in the future.

### **Implementation of the Employee Handbook with Employees**

If you're in need of implementing a new employee handbook, you should make sure that every single employee is given a copy of the employee handbook and use designated work time to go through and read the employee handbook. They should sign an acknowledgement that he or she has received the employee handbook, has read the policies laid out in the handbook, and understand that they are expected to abide by these policies. Any new employees that you would hire in the future should be given the employee handbook on his or her first day of employment and be asked to do the same. Employees should then be allowed to each retain a copy of the employee handbook at their desk.

This signed employee acknowledgement of receipt and agreement to abide by the rules will also assist you should any employment dispute were to arise in the future. You can have the best employee handbook in the world, but it will be useless if you are unable to prove that an employee received the handbook and had easy access to it during his or her employment with your company.

### **Conclusion**

While the idea of an employee manual may seem a bit onerous, it is not that difficult to set up. Yet it is an issue that I know that several (if not many) solo or small practitioners have overlooked and not given much thought about. It, much like estate planning, is often one of those things in life that people only think about when it's too late.

And, similar to what you probably advise your own clients when it comes to getting their estate planning done, it is important that you not be pennywise and pound foolish about implementing your firm's employee handbook. Copying another company's employee handbook, not customizing the handbook to you and your firm's culture and practices, and failing to get outside qualified legal counsel to review your firm's employee handbook to make sure that it's compliant with federal, state and local law may end up costing you a lot more money in the long run.

Hopefully with the help of this article, you now understand the importance and urgency of getting this done and will immediately take the steps needed to get an employee handbook in place for your company.

### **ABOUT THE AUTHOR:**

**Kristina Schneider** is the current Executive Director of The Ultimate Estate Planner, Inc. She graduated with a Bachelor's Degree in Business Administration from Pepperdine University in 2004 and was hired right out of college to work for the Law Firm of Kavesh, Minor & Otis, coordinating and facilitating Philip Kavesh's "Missing Link" Boot Camps while also providing administrative support to Mr. Kavesh as his Executive Assistant for over 7 years. With a combined almost fifteen years of administrative experience and her direct experience working at Mr. Kavesh's law firm, Kristina has been able to assist numerous estate planning professionals through The Ultimate Estate Planner, Inc. And, equally as important, she has assisted the executive assistants and staff members of many of these estate planning professionals to provide better service and support. You can reach Kristina at by e-mail at [kristina@ultimateestateplanner.com](mailto:kristina@ultimateestateplanner.com).



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