

**AUGUST 2024**

**UT LAW | CLE**

 **TEXAS Law**  
The University of Texas at Austin  
School of Law

# **HANDBOOKS AND EMPLOYMENT POLICIES**

---

Run Things Smoothly, Keep Good Employees, and Minimize the Risk of  
Employment Claims and Lawsuits

**WILLIAM T. (TOMMY) SIMMONS**

Legal Counsel to the Commissioner Representing Employers, Texas Workforce Commission

1

**UT LAW | CLE**

 **TEXAS Law**

## **Employment Policy Essentials**

- All significant policies and procedures should be included in the handbook.
- Every aspect of the employment relationship should be addressed:
  - Employer expectations - Attendance, leave, job requirements, workplace conduct, and drug / alcohol policy
  - Employee expectations - Compensation, benefits, grievance procedures, equal employment opportunity, sexual harassment, and right to privacy
  - Administrative issues - Changes to the handbook, representations, and disclaimers

2

## Every employment policy should:

- Begin with a brief statement of the purpose and explain why it is needed
- Define the important terms
- Clearly state the company's policy and expectations
- Indicate how the company will respond if an employee violates the policy

3

## Employer Policies - Golden Rules

- Treat employees according to known rules and standards
- Treat employees consistently
- No exceptions except for a compelling reason
- Employees should not feel surprised by an action
- “Shock and disappointment factor” leads to majority of claims and lawsuits

4

## Policy Limitations Imposed by the Law

Do not provide for:

- Holding of paychecks
- Minimum wage and overtime violations
- Prohibition of pay / benefit discussions between employees
- Limitations on employees' rights to discuss their working conditions
- Non-competition agreements
- Policies against the filing of unemployment claims
- Reduction in the rate of pay for the final pay period

5

## No Holding of Paychecks

- An employee's receipt of their basic pay should never be conditioned on whether they have returned company property or documents
- Conditions can be placed on bonuses and commissions, but the primary place to cover those is in a separate, signed compensation agreement, rather than a policy handbook

6

Find the full text of this and thousands of other resources from leading experts in dozens of legal practice areas in the [UT Law CLE eLibrary \(utcle.org/elibrary\)](https://utcle.org/elibrary)

Title search: Handbooks and Employment Policies

Also available as part of the eCourse

[2024 Essential Employment Law eConference](#)

First appeared as part of the conference materials for the  
2024 Essential Employment Law: A Practical Course in the Basics session  
"Handbooks/Employment Policies"