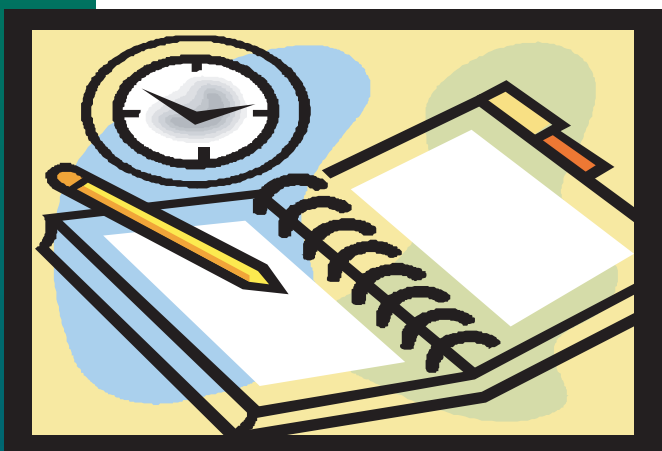


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Employment Practices UPDATE

Updating Your Personnel Policy Manual: *Isn't it about time?*

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The typical emergency services organization (ESO) policy and procedure manual is as thick as Webster's dictionary, so the idea of updating or revising policies is not a pleasurable one. This is why the project of updating personnel policies and procedures always seems to be on the back burner. It is perceived that there are always more pressing ESO concerns or projects, which means important personnel policies are often inconsistent with current personnel-related legislation and court decisions.

This article provides tips for simplifying the seemingly monumental task of drafting and/or revising personnel policies. ESOs face the constant threat of personnel or employment practices litigation such as harassment, discrimination, and wrongful discharge allegations. Succinct, yet comprehensive personnel policies are the foundation for an ESO defending itself in a lawsuit. Thus, leaving the policy updating project on the back burner can result in liability for an ESO.

There is no legal requirement that your organization's personnel manual be reviewed within a certain time frame, such as annually.

Nevertheless, consider the following questions to determine whether your ESO's personnel policies are due for an update or revision.

Has a personnel manual been implemented?

Many ESOs present their members with a random collection of individual personnel policies, but no organized manual. This is usually a sign the personnel policies were drafted on an as-needed basis, but the ESO didn't take the time to establish a comprehensive and consistent manual. Offering stand-alone personnel policies (often in no particular order or structure) typically leads to inconsistencies in written guidelines and administration of personnel matters.

How long since the personnel policies and procedures were last revised?

Federal, state, and local laws, ordinances and court cases frequently alter the applicability of your ESO's personnel rules. Ask your locally retained labor and employment attorney to continually monitor legal changes that may affect your ESO. Additionally, a formal review of your ESO's personnel manual is advisable at a minimum of every two to three years.

Who developed your ESO's existing personnel manual?

You should feel more confident in the comprehensiveness of your current manual if a labor and employment attorney and/or a human resources specialist played a significant role in the drafting or revising of the document. If your manual is simply a copy of a neighboring ESO's manual or a canned handbook (e.g., computer program), it is advisable that your ESO spend more time reviewing and customizing your manual.

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Continued

UPDATING YOUR PERSONNEL POLICY MANUAL: ISN'T IT ABOUT TIME?

(Continued)

Have there been changes in business operations?

Has there been a restructuring or reorganization of your agency? Shifting of responsibilities and changing reporting channels may necessitate policy updates.

If your ESO has consolidated with another agency, it is pertinent that the personnel policies reflect the changes. Mergers lead to increased stress and anxiety in personnel relations. The merging organizations likely maintain very different cultures and ways of doing business. ESO members have expectations as to “how things have always been done,” which will be turned upside down by consolidation. It is important to write policies that clarify new expectations.

A Daunting Task

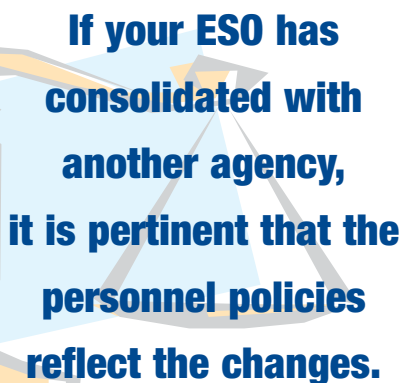
A common quote from ESO leaders is, “We started our personnel manual review last year, but we can’t seem to finish the project.” Because of the multitude of policies that must be reviewed and also because of unfamiliarity with employment law changes, updating personnel manuals seems to be a never-ending task. Consider the following tips to expedite the manual updating process.

Involve Labor and Employment

Attorneys — Too often ESOs spend months with inhouse staff reviewing the current policy manual, before first asking for feedback from outside professionals. Labor and employment attorneys are not paramedics or experts in fire suppression. Likewise, most ESO professionals are not experts in harassment and discrimination law, family and medical leave, disability accommodations, or other human resources matters. It makes sense to involve attorneys and/or human resources professionals who focus on labor and employment issues

early in the process. Then, allow ESO staff members to review suggested policy amendments once the attorneys and/or human resources professionals provide their initial advice.

Keep It Simple — Many organizations make the mistake of thinking more is better in terms of the length of their personnel policies. The goal isn’t to produce a new version of the Encyclopedia Britannica. ESO leaders may try to cover all bases for compliance by drafting lengthy policies. Often ESOs make unintended promises in a manual by establishing policies that go into too much detail. Another risk with expansive language is unintentionally establishing contradictions from one policy to the next. It is true that policies must address key language for compliance purposes, but outside professionals can help keep policies succinct and consistent.



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Spend More Time on Liability Risks

— All personnel matters covered in a manual are important in their own right, but your ESO should allot more time to review and assess those issues that present the greatest threat of harm to your members. Focus on issues like equal employment opportunity, harassment, discrimination, family and medical leave, disability accommodations, discipline, terminations, workplace violence, and performance management. Lawsuits involving these high-risk issues can cost your ESO thousands of dollars as well as lost productivity. Therefore, it is

recommended that time and resources be dedicated to appropriately addressing these issues in policy.

Promises, Promises — Pay attention to policy language in your manual stating your ESO will take specific action in resolving a personnel matter. For example, review your internal grievance procedure. What does the policy set forth as your ESO’s responsibilities in hearing and administering a member grievance? Remember, the more complex the policy, the more difficult it may be to follow and administer.

What does your manual state the ESO will do in investigating an allegation of harassment or discrimination? Include information in the manual to encourage internal reporting and increase member confidence in the ESO’s ability to fairly respond to allegations of work-related harassment or discrimination. Also ensure the ESO’s designated professionals are prepared to follow through with the investigation procedures as written.

Last, carefully scrutinize the ESO’s personnel policy and procedure relating to discipline. Must the ESO follow a strict progressive disciplinary procedure or does the policy language allow for reasonable discretion in determining appropriate discipline? Be careful of policy language that reduces the amount of ESO discretion in deciding discipline on a case-by-case basis.

Conclusion

Periodically review personnel policies and procedures, involve outside professionals early in the process, and dedicate extra time for high-risk issues. It is clear that a well-developed personnel manual is a valuable communication tool, which can also help reduce exposure to litigation. Maintaining poorly written and inconsistent personnel policies can backfire on ESOs.

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