

TIPS FOR DRAFTING EMPLOYEE HANDBOOKS – TIP #6: REQUIRING ACKNOWLEDGEMENT FORMS

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This article is the last part of a six-part series. The purpose of this series is to provide tips and identify potential pitfalls associated with the drafting of an employee handbook.

While an employee handbook serves many functions, its primary purpose from a legal standpoint is to reduce potential liability with respect to claims brought by current and former employees. Unfortunately, many employers are unwilling to commit the time and bear the expense of implementing an employee handbook (or updating an existing handbook) until after they have been sued and the absence (or poor draftsmanship) of a particular written policy has crippled their defense to an employment claim. The purpose of this series is to provide tips and identify potential pitfalls associated with the drafting of an employee handbook. Tip #6 discusses why it is helpful for an employer to require its employees to sign employee handbook acknowledgement forms.

Tip #6: Acknowledgment Forms

In addition to disseminating the employee handbook to all employees, employers should require each employee to sign a form acknowledging receipt of the employee handbook and the responsibility to review the same. Signed acknowledgment forms should be maintained in employee personnel files. Once this has been done, employees cannot credibly disclaim having received notice of all policies in the employee handbook. It also is a good idea to specifically reference important policies (e.g., a harassment policy with a complaint reporting procedure) in the acknowledgment form so that an employee cannot later claim that he/she did not realize that the employee handbook contained the policy at issue.^[1]

Bryan Cave LLP has a team of knowledgeable lawyers and other professionals prepared to help employers draft and update their employee handbooks. If you or your organization would like more information on employee handbooks or employment laws, please contact an attorney in the Labor and Employment practice group.

[1] *Anderson v. Wintco Inc.*, 2009 WL 449169 (10th Cir. Feb. 24, 2009) (signed form acknowledging receipt of employee handbook overcame plaintiff's testimony concerning her lack of recollection as to whether her signature was intended to acknowledge her receipt of the employee handbook or something else).

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