

## Drafting Employee Handbooks: Minimizing Exposure Risks

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### Responding to Latest NLRB Enforcement, Preserving At-Will Employment, and Avoiding Inadvertent Employee Contract Rights

A live 90-minute CLE webinar with interactive Q&A

**Wednesday, November 19, 2014**

**1:00pm-2:30pm EST, 10:00am-11:30am PST**

Early Registration Discount Deadline, Friday, October 24, 2014

This CLE webinar will guide counsel in drafting employee handbooks that minimize liability risks for employers, preserve at-will employment, address recent National Labor Relations Board (NLRB) decisions, and avoid creating unintended contractual rights for employees.

#### Description

As the NLRB intensifies its focus on employee handbooks, employment counsel must take care to ensure that the manuals do not create unintended obligations for employers, run afoul of NLRB decisions, or increase the likelihood of wage and hour class certification.

Recently, high courts in many states have found that employee handbooks may confer unintended contractual rights upon employees. Further, the NLRB has recently challenged at-will disclaimers, ambiguous and misleading language, social media policies, and class action waivers in employee handbooks.

With a thorough understanding of recent case law and agency decisions along with careful and strategic drafting, employment counsel can ensure that employee manuals effectively address common workplace issues while preserving at-will employment and avoiding unintended employment contracts.

Listen as our authoritative panel of employment attorneys provides legal and practical guidance for employment counsel to structure employee handbooks—including multi-state and nationwide handbooks—that minimize liability risks for the employer, preserve at-will employment, address recent NLRB decisions, and do not inadvertently create unintended contractual rights for employees.

#### Outline

## I. Introduction

- A. Importance of carefully drafting handbooks
- B. Advantages and disadvantages of handbooks
- C. Format of handbooks
- D. Key provisions in employee handbooks and special issues for multi-state employers

## II. Legal considerations

## III. NLRB issues

- A. Wage and hour considerations
- B. Contractual rights and contractual liability

### **Benefits**

The panel will review these and other key issues:

- What are the essential components of an employee handbook?
- What are the most common handbook provisions that are being challenged by employees and the NLRB?
- What wage and hour handbook provisions are being targeted by wage and hour class counsel?
- How are courts ruling on whether or not employment manuals confer unintended contractual rights upon employees?
- How can employee handbook provisions be drafted to avoid or void unintended contractual liability?

### **Faculty**

Ellen Bronchetti, *Partner*  
Sheppard Mullin Richter & Hampton, San Francisco

Ms. Bronchetti advises employers on all aspects of the employer-employee relationship, including union avoidance, employee classification, wage and hour disputes, discrimination complaints, and employee terminations. She has represented corporations and small business in union negotiations, organizing campaigns, elections and matters before the NLRB. Her practice also involves compliance audits and the development of workplace policies and procedures.

***\*Sheppard Mullin affiliates receive 50% off registration. Email Cindy Vargas for details.***

Lindsey M. Hogan, Esq.  
Faegre Baker Daniels, Chicago

As a Member of the firm's Labor and Employment Group, Ms. Hogan advises employers across the country and focuses her practice on employment litigation and counseling clients regarding proper employment practices and risk management. She provides clients with a wide variety of services, including serving as litigation counsel, policy and procedure implementation to avoid discrimination litigation, employee handbook review, and retaliatory claim avoidance policies.

## Webinar

Strafford webinars/teleconferences offer several options for participation: online viewing of speaker-controlled PowerPoint presentations with audio via computer speakers or via phone; or audio only via telephone (download speaker handouts prior to the program). Please note that our webinars do not feature videos of the presenters.

## Practice Areas

Handbooks and Personnel Policies

Labor and Employment