



VETERINARY BUSINESS ADVISORS, INC.  
*Counsel for the Veterinary Profession*

## EMPLOYEE MANUALS – FRIEND OR FOE ©

**By Charlotte A. Lacroix DVM, Esq.**

An employee manual (or handbook) contains the veterinary practice's policies and procedures. It provides employees with information on practice rules, policies, scheduling, working conditions, expectations, employee benefits, ethics and philosophy regarding its employees, clients, patients, as well as the profession and community.

### **WHY BOTHER WITH AN EMPLOYEE MANUAL?**

• **For Self Defense.** The EEOC, DOL, NLRB, IRS, INS, OSHA, DEA and EPA, among others, as well as their local counterparts have all issued detailed rules and regulations applicable to employees and/or the workplace. A considerable number of these rules require the institution of compliance or disclosure policies. The employee manual is the best place to show compliance with such requirements. Violations are likely to be judged less harshly when the owner can show that the alleged conduct was contrary to the practice's policies as stated in the employee manual (i.e., an isolated incident vs. a pattern of violations).

• **Manage Employees More Efficiently.**

1. Employers with more than one employee quickly learn that failure to establish clear and consistent policies applicable to all employees results in considerable time wasted resolving disputes. Employees are less likely to challenge reasonable rules and policies laid out in advance to which they have agreed when they were employed. Sloppy, inconsistent or discriminatory decision-making regarding employees quickly creates a climate of distrust.

2. Employee manuals lay out what is expected of employees and details the employee benefits they may receive, thus cutting down on orientation "hand-holding" time.

3. While most employment contracts are negotiated, often heavily so, employees rarely challenge the employee manual. The manual is therefore a good vehicle to address a myriad of issues in a favorable way. (Within reason of course!)

• **A Good Investment.** The employer must spend time, effort and money up-front in consultation with the practice's counsel establishing the policies to be incorporated in the manual. This is one of the best investments that the employer could make, however, because the return in lower regulatory risk and better employee relations far outstrips the initial outlay. Moreover, thinking about employees in a disciplined way will surely reveal ideas on how to improve practice efficiency.

### **KEY EMPLOYEE MANUAL PROVISIONS**

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Employee manuals vary greatly depending upon the type and size of the veterinary practice, but here is an outline of the key provisions to be considered:

1. Disclaimer.
  - a. Manual does not modify employee's at-will employment contract (if applicable).
  - b. Manual can be modified by the employer without notice. (Recommend binder form to facilitate updates. Each page of the manual should be clearly dated so that in case of claims, the employer can tell which version is at issue.)
2. Acknowledgment that employee has received and agrees with manual's provisions. (Separate page to be signed by employee and returned to employer).
3. Confidentiality Agreement (if not in employment contract). (Separate page to be signed by employee and returned to employer).
4. Preface. (Welcome, practice philosophy, practice mission statement (client & patient satisfaction), practice history (try not to be too corny).)
5. No Discrimination Policy and Sexual Harassment Policy. (With person(s) to contact in lieu of supervisor at employee's option.)
6. Work Schedule. (Breaks, lunch, overtime, flex time, attendance, punctuality, jury duty, voting on election day, holidays, snow days)
7. Leave. (Vacation, sick leave, maternity leave, continuing education leave, personal days.)
8. Employee Benefits. Qualified employee benefit plans often require employer to provide employees with "plan documents" complying with ERISA. Since these documents are subject to frequent updates, recommend that they be kept separate from manual and include employee acknowledgment forms similar to the one described in Section 2 above.
  - a. Insurance. (Health, malpractice, disability, workers' compensation, unemployment, life.)
  - b. Retirement/Profit Sharing Plans.
  - c. Continuing education expenses (and perhaps approved community service expenses?). (Fair to provide maximum deadline for reimbursement after employee submission of receipts).
  - d. Veterinary license fees and professional association membership dues. (e.g, AAHA). (If many employees, consider having them pay a portion of such fees.)



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9. Performance Evaluations (if not in employment contract). (The best way to get employee feedback.)
10. Other Practice Policies.
  - a. Workplace safety (with contact persons). (For the benefit of OSHA.)
  - b. Hazardous waste disposal rules. (For the benefit of the EPA.)
  - c. Controlled substance handling policy. (For the benefit of the DEA.)
  - d. No hiring of illegal immigrants policy. (For the benefit of the INS.)
  - e. Animal treatment policy. What constitutes “abuse” should be in employer’s sole discretion be cause for immediate dismissal. This section should also address employee’s right to refuse to perform acts he or she deems unethical (e.g., tail cropping).
  - f. Personnel records. (Kept confidential, employee may review his or hers on request.)
  - g. Code of conduct. (E.g., dress code (do not dress your technicians like parking valets!), no offensive language, cleaning up, no solicitation, no gum chewing in public areas, statements to the media.)
  - h. Injuries. (Provide contact person.)
  - i. Keys, locks security. (Last person out must lock-up, turn on security alarm and turn off lights; persons working after hours must lock doors.)
  - j. Employees’ friends and family on premises.
  - k. Personal phone calls. (Discourage but do not prohibit outright.)
  - l. Personal use of computer. (Beware of employees engaging in actionable behavior on the practice’s computers.)
  - m. Employee grievance procedure. (With contact person in lieu of supervisor at employee’s option.)
  - n. Drugs and alcohol while on the job.
  - o. Smoking while on the job.
  - p. In case of fire...
  - q. Use of practice automobiles and parking rules.
  - r. Causes of Termination (must be consistent with employment contract).
  - s. Return of property upon employee termination.<sup>1</sup>

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<sup>1</sup> Dr. Charlotte Lacroix is a owner and CEO of Veterinary Business Advisors, Inc., based in Whitehouse Station, New Jersey (908) 534-2065. Dr. Lacroix assists veterinarians nationwide with their business related legal matters.

<sup>2</sup> Is some of these are alphabet soup to you, consult the practice’s attorney.

<sup>3</sup> Employee manuals must be carefully drafted to avoid establishing unintended employee expectations or rights, increasing the practice’s potential liability, or creating an unintended contract. But these are all implementation issues which should be resolved by the practice’s counsel.