

Tailoring an Internet Template Employee Manual to your Montana Small Business

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Internet templates for employee manuals and other documents are cheap and easy – but they may need some adjustments to work for your business. There are three major reasons an employee manual template needs to be tweaked:

1. It is written for other states, which mostly allow at-will employment. Montana is not an at-will state.
2. Many of the templates are written for large companies. If you have 15 employees, you don't need references to five layers of management or FMLA.
3. Many of them are written badly. The legal issues are probably covered, with the caveats above, but that doesn't mean they are easy for employees to read and use.

First of all, actually read the document. There may be reasons for just having an employee manual, but having one you don't follow can be brutal if you are ever sued for wrongful discharge. You also pass up a chance to have a document that can be helpful in managing your company. (See Magpie Library: How to Use Your Employee Manual)

To clean up the manual, take the following steps:

1. Remove all at-will language – Montana is not an at-will state, so you can't fire someone without a good reason once they are past their probationary period. This language will show up in the "not a contract" language, but also watch for mentions in discussions of payroll and exempt/nonexempt status.
2. Probation period is assumed to be 6 months in Montana. Don't make it any shorter or you forfeit some protection under the laws as well as a chance to make sure that there is a good fit between the employee and the company. "Introductory period" should become "probationary period".
3. Don't keep anything you don't actually do. If you don't do background checks, take out any mention of them.
4. Remove references to departments and positions you don't have. If you don't have an HR department, don't refer employees there.
5. Take out all the layers that you don't have. If you have six workers under one boss, take out references to immediate supervisor and general manager.
6. Delete sections that have nothing to do with what you are doing. Production floor policies have nothing to do with a professional office, nor do policies about dealing with young children. Personal Protective Equipment is seldom needed in an office.
7. Make sure you can live up to any requirements the manual puts on your company. Can you always perform performance reviews when you say you will? Can you always respond within 5 working days to a request for information? If not, make it realistic.
8. FMLA only applies to companies with 50+ employees. If you have 10 employees, leave it out. If you are at 45 and growing, start learning about FMLA.
9. Remove union/open shop language unless you are in a field that is prone to unionizing small companies.



10. If you have a mom and pop shop, or a parent-child one, or both, remove all references to anti-nepotism policies. Having one looks hypocritical.
11. Replace “the Company” with a short version of your company name; it’s friendlier. So Acme Widgets and Wozzles, Inc. would be Acme or AWW.
12. Make sure that all references to the employer use your company name or a neutral noun – make sure that no ghosts show up in references to “the college” or “the plant”.
13. Add your mission statement and/or goals at the beginning, so that your employees know what you stand for. Add your logo on the cover page.
14. Add any policies that you have lying around on miscellaneous pieces of paper, so all the information is in one place. In particular, look for your safety and customer service policies.
15. Don’t have a social-media policy unless you are prepared to hash it out with a good employment-law attorney on a regular basis. The rules are changing fast and there are more ways to get it wrong than right. Most serious violations of a social media policy can be handled under other policies that are easier to get right.
16. Clean up the formatting and margins so the manual is easy to read.
17. Make sure the table of contents is accurate.
18. Add a footer with the effective date and page numbers.

At this point, you will have something that looks like it fits your company, something that can actually be useful for you. Now you can have it reviewed by an employment lawyer to make sure that it addresses all the issues you need without extraneous policies. Giving an attorney a clean draft is an effective way to save money on legal fees!

Please note that this is editing advice and accurate as of 3/2013; it is not legal advice. If you have any questions about your policies, consult an employment lawyer.

