

ASK A LAWYER

Make sure you get it in writing

What are the most important written employment policies my company needs?

Employers are required to post certain written policies covering topics such as the wage and hour laws and unemployment compensation. A recent change in the law now also requires a written whistle-blower policy. In addition, the law in New Jersey is clear that all employers, regardless of size, must have a written anti-harassment policy. This policy must contain information such as a description of what constitutes harassment, what an employee should do if the employee

believes he or she is being harassed, and a statement from the employer that there will be no retaliation taken against an employee who lodges a complaint in good faith. Employers with 50 or more employees also must have a written family and medical leave policy.

Other written policies that we recommend having relate to equal employment opportunity, workplace violence, computer usage, trade secrets and confidentiality, and time off. All of these policies can be maintained in an employee manual. However, employers must take great care

in developing an employee manual. If it is not done correctly, an employer may give at-will employees (those not governed by an individual contract or a collective bargaining agreement) contractual claims in the event the employer breaches the promises contained in the manual.

Finally, companies should seriously consider having salesmen and other key people sign restrictive covenant (non-compete) and non-solicitation agreements. Otherwise, they risk valuable employees leaving, taking other employees with them and soliciting

their customers and potential customers whom the employer spent time and money pursuing.

Steven I. Adler is chairman of the employment law department at Cole, Schotz, Meisel, Forman & Leonard, PA, the largest law firm in Bergen County. This is not intended to be legal advice, which can only be given after the attorney understands the facts of a particular matter and the goals of a client.

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