

**An Assessment of Employee Handbooks of Large, Mid-sized, and Small
Texas State Agencies**

By

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For Griselda and Javier Andrés

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CHAPTER 1

INTRODUCTION

What are Employee Handbooks?

Employee handbooks are management tools for explaining to employees the advantages as well as responsibilities of working for an organization. Handbooks are also compensation and benefits publications. The general purpose of the handbook is to provide employees and their families with information on what they can expect from their employer and what the employer expects from them (Lawson, 1998:2).

The role of employee handbooks in the workplace has undergone significant change since they became a part of business communications. In the early 1950s, employer-employee communications became one of the most popular subjects among management leaders (Sovereign, 1994:190). In most cases, employers used an employee handbook to solve communication problems stemming from compensation and benefits.

Today, the use of employee handbooks has grown with the increase in the workforce and complexity of employment law. Recently employers have reevaluated the use of employee handbooks and have reintroduced them as an important part of the communication process (Sovereign, 1994:190).

According to Sovereign (1994), employee handbooks address three important issues: (1) exposure to lawsuits; (2) efficiency in operation; and (3) solutions to “people” problems (p. 9). More specifically, as the number of legal actions grows in the field of employment law, administrators need to increase their knowledge of employment policy in order to minimize the exposure to litigation (p.9).

The literature suggests several reasons for using an employee handbook in the workplace. Generally, these reasons can be categorized as advantages to either employer or employee (see **Table 1.1 and 1.2**).¹

Table 1.1
Advantages of Employee Handbooks to Employers

Provides Understanding of Workplace Expectations
Promotes Policy Consistency
Promotes Time Savings
Provides an Employee Orientation Tool
Provides a Management Tool
Documents Fair Employment Practices
Provides Information on Federal and State Employment Law
Provides Legal Defense
Defines Harassment Information

Table 1.2
Advantages of Employee Handbooks to Employees

Provides Employee Education
Promotes Policy Understanding
Establishes Self-Esteem
Aids in Recruitment of Good Employees

Abstract

This study is an assessment that is based on a research study completed by Rebecca E. Short titled “A Content Analysis of State Employee Handbooks” (Southwest Texas State Applied Research Project, 1997). Like the Short (1997) study, there are three purposes to this research. The first purpose is to survey the available literature and establish an “ideal type” for the information that should be contained in an employee handbook. The second purpose is to assess both quantitatively and qualitatively the information contained in a sample of Texas state agency employee handbooks. Third, is to make recommendations on how to improve state agency employee handbooks.

¹ A complete list of advantages and disadvantages can be found in Lawson, J.W.R (1998), pages 2 –7. It is the most exhaustive list found in the literature.

Like the Short (1997) study, the conceptual framework for this research is the practical ideal type. According to Shields (1998), practical ideal types can be used as a standard or reference and provide a direction for policy recommendations (p.70 -71). The ideal types are categorized by the employee handbooks' descriptive sections and specific subtopics within each category. There are ten ideal categories identified for this research. Through a content analysis of the employee handbooks, the research will show if the employee handbooks meet the ideal type for employee handbook.

The research method used in this study is content analysis. Babbie (2001) states that content analysis effectively answers the questions of "who does what, to whom, why, how, and with what effect" (p.304). For the purpose of this study, the most applicable definition of content analysis is provided by Stemler (2001), "content analysis has been defined as a systematic, replicable technique for compressing many works into fewer content categories based on explicit rules of coding" (p.1). Using Short's (1997) methodology, a content analysis of 20 Texas state agency handbooks was conducted between June 11, 2002 and July 17, 2002.

The study found that the sample of Texas state agency handbooks has more policy content than the Short (sample) but its written or design qualities are comparable to the Short (1997) research. Compared to the Short sample (1997) the agencies included in this study better communicated personnel policies in the areas of Equal Employment Opportunity, Insurance Benefits, Sexual Harassment, Grievance Procedures, and Performance Appraisals. A majority of the handbooks were rated either 'Poor' or 'Fair'

in their qualitative properties (format design, writing style) which is consistent with Short's sample.

These findings, although based on a small sample, provides a "snapshot" on how agencies are communicating personnel policy. The findings suggest that Texas state agencies are placing value in their employees work environment by emphasizing written policies. While this is commendable, the poor quality of how those policies are communicated leaves much room for improvement.

Rebecca Short's (1997) Research

Completed in 1997, Short's study was a content analysis of 25 state agency handbooks. The study sample represented fifty percent (50%) of Texas' state agency workforce of 78,077 Full Time Equivalent employees (FTEs). Short's employee handbook sample was from "Large" (agencies with 1000 FTEs or greater) and "Mid-sized" (agencies with 100 to 1000 FTEs) (p.95).

Short (1997) developed an ideal type employee handbook based on nine ideal categories derived from the literature (see **Table 1.3**).

Table 1.3
Short's (1997) Ideal Categories for Employee Handbook Contents

Absenteeism
Compensation
<i>Direct Payments</i>
<i>Benefits</i>
Handbook Disclaimers
Discipline
Equal Employment Opportunity
Sexual Harassment
Grievance Procedure
Performance Appraisal
Miscellaneous

Short's Findings

Using a content analysis of the twenty-five agencies, Short (1997) compared her ideal categories to the categories found in Texas state agency handbooks. Based on Short's (1997) ideal type, she made several notable findings. Short (1997) found that absenteeism policies were virtually non-existent in Texas state agency employee handbooks (p.76). While one-third included an organizational expectation with regard to absenteeism, few included an enforcement policy (p.76).

Employee compensation benefits were discussed in all handbooks with the most attention given to holidays; leave policies, and overtime/compensatory time. Short (1997) found that state agencies failed to give adequate explanation of the legal basis for compensation with no discussion of the Equal Pay Act of 1963 and the Age Discrimination Act of 1967 (p.77).

Handbook disclaimers such as employee-at-will statements, acknowledgment statements, and right to revise clauses were found to be inconsistently used in Texas state agency employee handbooks.

Short (1997) included a lengthy discussion of the disciplinary process. She found that the majority of state agencies included disciplinary actions in their handbooks but did not define the ways by which misconduct is to be investigated. Furthermore, the study found that agencies lacked procedures to investigate, document, and follow up on disciplinary problems (p.79).

Federally required Equal Employment Opportunity statements were found in almost the entire Short (1997) sample. However, Short (1997) found that almost all (90%) did not place emphasis on nondiscrimination in promotion and training and most

lacked any reference to the Equal Opportunity Act of 1972 or Title VII of the Civil Rights Act of 1972 (p.80).

Short (1997) found that half (50%) of the study sample included preventative measures of sexual harassment that included a clear denouncement statement and disciplinary actions (p.81). However, the handbooks lacked any process of preventative education or a definition of rights to complain under Title VII of the Civil Rights Act of 1964 (p.81).

In a majority of Short's (1997) sample, an employee grievance process was defined (p.82). The process includes the procedural steps taken to make complaints, how they are investigated, and how they are to be rectified. However, Short (1997) found that many of the handbooks did not define corrective measures or any follow-up monitoring of behavior (p.82). In conjunction with employee's performance, Short's (1997) study found that performance appraisal was included in seventy-two percent (72%) of the handbooks studied (p.83).

The study measured the inclusion of a Table of Contents, agency history statements, employment welcoming statements, codes of ethics and goodwill statements. Short (1997) found that there was little consistency among the agencies. The exceptions were codes of ethics. These were included in all (100%) of the handbooks (p.84).

Short (1997) also included an assessment of the physical attributes of the handbooks measuring both the aesthetic and written styles. She found that the writing style of the handbooks to be "Fair" (clearly written, short paragraphs and avoiding legal terminology) and the format and design to be "Good" (use of subheadings, varying fonts, and graphics) (p.87)

Assessment vs. Follow-up

This study is an assessment of Texas state employee handbooks based on Short's methodology. It is not a direct follow up study of Short's "A Content Analysis of State Employee Handbooks." This study differs from the Short (1997) study in two ways. First, the conceptual framework which Short defined is both reorganized and expanded to include more variables in the areas of salary/job classification, leave, and conditions of employment. Fewer variables in the areas of discipline and absenteeism are used. Second, the sample population is different. This study's sample is smaller, but includes Texas state employee handbooks from "Small" agencies (less than one hundred employees.) Small agencies were not included in the Short study. Additionally, this research measures fifty-nine variables and the Short' study measure fifty-five variables.

Chapter Descriptions

Chapter 2 includes a brief overview of the federal employment statutes and their applicability to employee rights. In Chapter 3, eleven components considered essential for the development an ideal type are defined. These components are supported by the literature. Chapter 4 discusses the study's population and how the research sample was selected. In addition, the study's methodology, content analysis, is discussed and operationalization of data is explained. In Chapter 5, the study's results are explained. In the concluding Chapter 6, the overall results are revealed, and recommendations are made for further study.

CHAPTER 2

LEGAL COMPONENTS

The purpose of this chapter is to describe the legal components of employee handbooks. The descriptions included in this chapter are not complete explanations of the federal statutes. They are snapshots of the major rights guaranteed by the statutes. The statutes and doctrines identified in this chapter include the doctrine of Employee-At-Will, Title VII of the Civil Rights Act of 1964, Rehabilitation Act of 1973, Pregnancy Discrimination Act (PDA), Age Discrimination in Employment Act (ADEA), Americans with Disabilities Act (ADA), Family Medical Leave Act (FMLA), and the Fair Labor Standards Act (FLSA).

Employee-At-Will Doctrine

According to Player (1992) since the late 19th Century, common law in the United States has defined employment as an “At-Will” relationship (p.1). The presumption is that if no contract exists between the employer and the employee, the employee works At-Will. Additionally, employers can freely discharge an employee and that employee could not challenge the discharge (Gregg, 2001: 5).² Employee handbooks can have legally binding effects on the employer and can be used against the employer (Gregg, 2001:2). Over the past two decades, employers have learned that employees can use an employee handbook in a contract claim (Murray, 2001: 1). Courts in the United States have changed the concept of At-Will employment because of employee handbooks. In these cases fired employees argued that employee handbooks formed legally binding contracts between the employee and employer and under a contract-handbook, employees

² This assumes the discharge was not in violation of the law.

discharged without “just cause” had a right to sue their employers. In most cases, the courts sided with the employees (Gregg, 2001:2-4). In Texas, where employees are employed on an indefinite basis, the general rule is that employment is At-Will and may be terminated by either party at any time with or without notice.³

Civil Rights Act of 1964: Title VII

The most sweeping federal anti-discrimination statute is Title VII of the 1964 Civil Rights Act. It is considered the first major anti-discrimination legislation that dramatically affected the employer-employee relationship (Sovereign, 1994: 26). The Act prohibits discrimination with respect to compensation, term, and conditions of employment due to the individual’s race, color, religion, sex, disability, or national origin (Sutton, 1994; Sovereign, 1994). In Texas, The Texas Commission on Human Rights Act passed in 1983, prohibiting employment discrimination in all personnel actions (public and private) because of race, sex, color, national origin, religion, age and mental or physical disability (State Auditor’s Office, 1999:90).

Rehabilitation Act of 1973

The Rehabilitation Act of 1973 requires federal contractors to take affirmative action to hire or promote qualified handicapped individuals (Sovereign, 1994: 64). Several sections of the Act prohibit the federal government, organizations receiving federal assistance, and federal contractors from discrimination against the disabled and require the government to institute affirmative action on behalf of the disabled (Kellough,

³ See *Claus v. Gyorkey*, 674 F.2d. 427 (Fifth Cir.1982). for a further discussion of the applicability of Texas “at-will” doctrine.

1998: 212). The relevance of the Act to state government is that all states are recipients of federal assistance and therefore are subject to the Act.

Pregnancy Discrimination Amendment of 1978 (PDA)

The PDA amends Title VII of the Civil Rights Act of 1964 by extending the prohibition of discrimination because of pregnancy, childbirth, and related medical conditions. The basic principle is that women affected by pregnancy, and pregnancy related conditions, must be treated in the same manner as other employees (Blair, 2001:2). It prohibits disparate treatment of pregnant women for all employment-related purposes. In addition, it prohibits termination, refusal to hire or promote women due to pregnancy. It bars mandatory leaves during pregnancy and protects the right to accrue benefits, seniority, and leave. In short, it prohibits employers from treating pregnancy and childbirth less favorably than other causes of disability (Lawson, 1998: 383).

Age Discrimination in Employment Act of 1967 (ADEA)

The ADEA prohibits organizations with 20 or more employees from discriminating against job applicants or workers who are 40 years old or older (Koesnadi, Funderburk & Kliener 2002:2).

Americans with Disabilities Act (ADA)

“The ADA is a fundamental and comprehensive civil rights legislation designed to protect disabled individuals from discrimination by public and private employers and to ensure that public facilities, services, and accommodations are accessible to the disabled” (Kellough, 2000: 211).

A disabled person is defined as an individual “ who with or without reasonable accommodation can perform the essential functions of the employment position that such individual holds or desires.” A disability is defined as any physical or mental impairment that ‘substantially limits one or more of the major life activities,’ including walking, seeing, hearing, speaking, learning, caring for ones self, and doing manual labor. (Kellough, 1998: 212).

In addition to banning discrimination by private employers, Title I of the ADA prohibits discrimination by state and local governments against qualified disabled persons in all stages of the employment process including application procedures, selection, training, promotion, compensation and dismissal. Title II prohibits discrimination in the provision of public services, and for the purposes of enforcement - public employment.

Family Medical leave Act of 1993 (FMLA)

On August 5, 1993, the Family and Medical Leave Act became effective for certain employers. According to Stern (2001), the Act “signaled a desire to balance the demands of the workplace with the needs of families, to promote the stability and economic security of families, and to promote national interests in preserving family integrity” (p.2).

In general, the FMLA only applies to two classes of employers: (1) public agencies, including all state, local and federal employers and educational agencies and; (2) to private sector employers who employ 50 or more employees. The FMLA requires that employers grant eligible employees up to 12 work weeks of unpaid leave in a 12-month period for any of the following reasons: (1) birth of a child, or to care for a newborn; (2) placement of a child for adoption or foster care; (3) to care for an immediate

family member (spouse, child or parent); and (4) when the employee is unable to work because of serious health problems (Jenero and Ketay, 2002; Stern, 2001).

To be eligible for FMLA an employee must: (1) work for a covered employer; (2) have worked for his current employer or its predecessor for a minimum of 12 months; (3) have worked for at least 1,250 hours over the twelve-month period; and (4) work at a location in the United States or a U.S. territory. An employee is not required to take all 12 weeks of leave at once. The FLMA also requires that an employee post an FLMA notice.

Fair Labor Standards Act (FLSA)

Until the passage of the FLSA, employers and employees decided between themselves the rate of compensation for employee work. The FLSA requires that employees be paid at least minimum wage and be paid time and one-half for hours worked over forty in a week (Lawson, 1998:373).

Conclusion

With the enactment these federal statutes dealing with employee relations, the personnel functions of an agency continue to develop in a way that necessitates that the law be considered in nearly every personnel decision.

In the next chapter, the components of employee handbooks are discussed. Many of these components reflect the requirements of federal and state employment law.

CHAPTER 3

COMPONENTS OF EMPLOYEE HANDBOOKS

The purpose of this chapter is to explore the relevant literature on employee benefit packages and to develop a conceptual framework to study the ideal contents of an employee handbook.

Conceptual Framework

Like the Short (1997) study, the conceptual framework for this research is the practical ideal type. According to Shields (1998), practical ideal types can be used as a standard or reference and provide a direction for policy recommendations (p.70 -71). The ideal types are categorized by the employee handbooks' descriptive sections and specific subtopics within each category. There are ten ideal categories identified for this research. Through a content analysis of the employee handbooks, the research will show if the employee handbooks meet the ideal type for employee handbook. **Table 3.1** illustrates the ideal type contents of an employee handbook.

Each component of the ideal category contains subcategories that define specific benefits or employee rights. The following section includes a discussion of the individual categories and subcategories. This discussion will include the importance of the policy and the need for the policy to be placed in a handbook.

Table 3.1
Ideal Type of State Employee Handbooks with Literature Reference

Ideal Categories	Literature Reference
Introductory and Preface Materials <ul style="list-style-type: none"> • Table of Contents • Welcome Statements • Mission Statement • Historical Information 	Aaron (1996) Adler and Borys (1996) Baron et al. (1986) Prucino and Rice (2000) Carol (2002) Flynn (2000) Gregg (2001) Lawson (1998) Short (1997) Sovereign (1998)
Compensation: Salary Classifications and Administration <ul style="list-style-type: none"> • Descriptions of Position Classifications <ul style="list-style-type: none"> ○ Acknowledgment of Equal Pay Act (EPA) ○ Pay Plans and Periods • Probationary Periods • Hiring/Promotion/Demotion Policies • Overtime <ul style="list-style-type: none"> ○ Requirements under Fair Labor Standards Act (FLSA) • Compensatory Time 	Baron et al. (1986) Flynn (2000) Gregg (2001) Grote (1998) Khojasteh (1993) Smith (1991)
Leave Policies <ul style="list-style-type: none"> • Leave Time <ul style="list-style-type: none"> ○ Annual ○ Sick ○ Requirements of Family Medical Leave Act (FMLA) ○ Parental/Foster Care ○ Funeral/Military/Jury Duty • Holidays for Agencies 	Baron et al. (1986) Bergmann et al. (1994) Day (1996) Dorman (2001) Flynn (2000) Gregg (2001) Kilberg (2002) Jenero and Ketay (2002)

Insurance and Retirement <ul style="list-style-type: none"> • Health Insurance • Life Insurance • Workers Compensation • Retirement Eligibility and Membership • Disability 	Baron et al. (1986) Bergmann, Bergmann and Grahn (1994) Day (1996) Dorman (2001) Flynn (2000) Gregg (2001) Kilberg (2002) Jenero and Ketay (2002)
EEO and Discrimination <ul style="list-style-type: none"> • Statement of Nondiscrimination • Equal Employment Opportunity (EEO) Compliance • Rights under the Equal Employment Act of 1972 (EEA) • Rights under Civil Rights Act and Title VII • Rights under Americans with Disabilities Act (ADA) • Rights under Age Discrimination Act (AEDA) 	Aaron (1996) Adler and Borys (1996) Baron et al. (1986) Prucino and Rice (2000) Eberhardt et al. (1999) Kilberg (2002) Strickland (1995)
Sexual Harassment <ul style="list-style-type: none"> • Statement Denouncing Sexual Harassment • Sexual Harassment Defined • Complaint Procedure and Investigative process • Disciplinary Actions 	Eberhardt, Moser and McFadden et al. (1999) Kilberg (2002) Strickland (1995)

Conditions of Employment: Employment Practices <ul style="list-style-type: none"> • Working Hours and Absenteeism • Public Employee Unions • Conflict of Interest Prohibition • Alternative Dispute Resolution (ADR) Policy • Appearance and Conduct • Political Activities • Outside Employment • Substance Abuse • Use of Electronic Media 	Flynn (2000) Gregg (2001) Kilberg (2002) Jenero and Ketay (2002) Stern (2001) Dorman (2001)
Conditions of Employment: Grievance Procedure <ul style="list-style-type: none"> • A statement defining the investigating process • A statement of due process • The notification process • Corrective Actions and Monitoring 	
Conditions of Employment: Performance Appraisals <ul style="list-style-type: none"> • Time of Appraisals • Components • Employee/Management Acceptance • Accessibility of Performance Appraisals 	
Miscellaneous <ul style="list-style-type: none"> • Employee at will Statement • Handbook Right to revise <ul style="list-style-type: none"> ○ Signed Acknowledgment • Code of Ethics Statement 	Grote (1998) Khojasteh (1993) Smith (1991)

Importance of Employee Compensation Packages

In Texas, employee compensation is divided into two basic categories: “direct” compensation and “indirect” compensation. Direct compensation referred to as the *compensation* portion of an employee total compensation package includes all forms of direct and indirect payment to the employee. Indirect compensation is more commonly

called “benefits” which is all other forms of compensation beyond salaries such as vacation leave and insurance (Texas Human Resources Management [THRM], 2002)

The THRM (2002) states, “ a total compensation strategy establishes the foundation for the design and administration of compensation and benefits programs within an organization. In order to be successful, organizations must ensure that their total compensation programs accommodate their evolving goals, needs, and cultures” (p.1). Additionally, Bergmann, Bergmann and Grahn (1994) maintains that employee benefit packages not only satisfy the employees by providing good value but they also serve the employer by attracting, retaining, and motivating valuable employees (p. 397). The costs of replacing an employee may run 100% of the first year’s salary, and if employee benefits are to help in retaining employees it is not enough for the benefits to be good, they must be perceived as being good (Bergmann et al., 1994: 397).

Employee benefits are now a common part of the workplace. In 1929, benefits were strictly fringe, making up only 3% of the total compensation package (Bergmann et al., 1994:397). Over the past sixty years, they have grown with the cost of labor. According to Bergmann et al., (1994) they are a result of societal pressures, favorable tax benefit on the part of employers, employer self interest, employer paternalism, desire for leisure time, economic pressure and union pressure (p.398). By 1990, benefit costs had risen to over 28% of compensation in the private sector. As a part of employee benefits, health care costs have risen from 4.4% of total compensation in 1980 to just over six percent (6.4%) in 1990, and are expected to increase to 16.4% by the year 2005 (Bergmann et al., 1994:397).

Another factor in the growth of benefits in the workplace may be a function of the growing numbers of women in the workforce. Dorman (2001) reports that the number of women in the workforce doubled from 30 million in 1970 to 60 million by 1997 and of those 60 million 74% worked full time and 26% part-time (p. 1).

Salary Classification and Administration

Before September 1, 1961, there was no uniform approach to classification, compensation, and salary administration in Texas state government (State Auditor's Office 1999: 1). With the enactment of the Position Classification Plan of 1961, the 57th Legislature established a more equitable plan for the system of classification, salary, and compensation. Over time, this system became inconsistent and the legislature again addressed the problem in the 75th and 76th Legislatures. The revised plan eliminated most exempt positions and created three salary schedules "A", "B" and "C" covering paraprofessionals, professionals, and law enforcement respectively.

The Position Classification Plan established by the Position Classification Act provides that all employees including hourly, part-time, temporary, and regular employees in state agencies specified in the General Appropriations Act must be within the plan and within the salaries provided in the Appropriations Act (State Auditor's Office, 1999: 1). In general, the state statutes follow the requirements dictated by the Equal Pay Act.

Probationary or Trial Periods

Currently there is no state statute requiring or prohibiting the use of an employee probationary period as a condition of employment in a Texas state agency. A number of

agencies however have established internal policies requiring a probationary or trial period (State Auditor's Office 1999: 120).

A review of the literature suggests that there is no agreement on the inclusion of probationary periods in an employee handbook. Gregg (2001) suggests that all references to a "trial period" or a "probationary" period be removed from an employee handbook (p.3). He argues that because an employer can terminate employees at any time, the suggestion that an employee will have a job at the end of the trial period places the employer in legal jeopardy. The use of probationary periods suggests to employees that after they pass their probationary period that they will have rights to a job that is contradictory to the employment at-will doctrine.

Hiring, Promotion and Termination

The avoidance of wrongful termination is the primary reason for defining the procedures for hiring, promoting, and firing. According to Sovereign (1994), a proper discharge policy in an employee handbook contains several elements. The first is that the discharge responsibility be centralized in one or two persons. The second is that the policy should be firm and fair. The third is that the reasons for discharge be logical from an employee's point of view and fourth that a discharge process includes a determination of facts.

Buacus and Dworkin (1998) suggests that organizations can avoid general types of wrongful firings by training managers in hiring, firing and performance appraisals; establishing due process so that employees get a fair hearing before being fired; and educate managers to communicate performance expectations to employees. The greatest drawbacks in discharge are provocation of employees. The policy should avoid the

causes of provocation by not being indecisive, causing humiliation, be misrepresented, or rejecting the feelings of the employee (Sovereign, 1994).

In summary, the following items (**Table 3.2**) are identified with the ideal components of Salary Classification and should be included in an employee handbook.

Table 3.2
Compensation: Salary Classification and Administration Policy

Descriptions of Position Classifications
Acknowledgment of Equal Pay Act (EPA)
Pay Plans and Periods
Probationary Periods
Hiring/Promotion/Demotion Policies

Overtime and Compensatory Policy

The Fair Labor Standards Act of 1938 (FLSA) requires that non-exempt employees who work over 40 hours a week be compensated one and half times (1.5) their rate of pay. The exceptions to FLSA include elected officials, their staff, and legal advisors. The act also provides that state employers may choose to compensate their employees for overtime with compensatory time off in lieu of cash payment. **Table 3.3** illustrates the components needed in an employee handbook to make employees aware of their rights under FLSA.

Table 3.3
Overtime and Compensatory Time Policy

Overtime
Requirements under Fair Labor Standards Act (FLSA)
Compensatory Time

Annual Leave

According to the Texas State Auditor's Texas Human Resources Management Statutes Inventory (2000), all state employees are entitled to a paid vacation calculated by

their length of service to the state (p.21). With certain exceptions, employees on an hourly wage receive the same proportional benefit as employees on a salaried wage.

Sick Leave

State agency employees begin to accrue sick leave on their first day of employment. Texas state employees are entitled to sick leave subject to a number of different requirements including attainment of leave based on length of service, usage and rollover between agencies. Employees are able to use sick leave to care of an ill family member and for parent teacher conferences (State Auditor's Office, 1997:47)

Jury/Military/Funeral Leave

The state of Texas guarantees that employees be granted leave for jury service, military service and deaths in ones family. According to the State Auditor's Office (1997), there is great flexibility in the granting of leave for bereavement purposes.

Holidays

The Texas Government Code identifies three types of holidays for state employees: national, state, and optional. The Texas legislature identifies those holidays for which eligible employees are to have a paid day off from work (State Auditor's Office, 1999: 58). However, the state requires that agencies have enough employees on duty during state holidays to conduct business. A summary of leave policies is included in **Table 3.4**.

Table 3.4
Benefits: Leave Policy

Annual
Sick
Requirements of Family Medical Leave Act (FMLA)
Holidays
Funeral/Military/Jury Duty

Insurance

In 1975, the Texas legislature passed the Texas Employees Uniform Group Insurance Act (UGIP) that established a comprehensive insurance program. The purpose of the Act was to provide state employees and their families uniformity in life, accident, and health insurance (State Auditor's Office, 1999: 28). With very few exceptions, no state employee may be denied basic coverage offered by the UPIG. Employees who retire with minimum longevity are also eligible to maintain membership in the UGIP.

Table 3.5 shows the ideal category of insurance benefits that should be incorporated into the employee handbook.

Table 3.5
Insurance Policy

Health Insurance
Life Insurance
Workers Compensation
Retirement Eligibility and Membership

Equal Employment Opportunity (EEO) and Anti-discrimination Policies

EEO and anti-discrimination laws generally originated with Title VII of the Civil Rights Act of 1964 and protect certain classes of employees from discrimination. The employee handbook should define what constitutes discrimination and harassment. In summary, the following reference to employment discrimination and EEO should be included in an employee handbook (see **Table 3.6**).

Table 3.6
EEO and Discrimination Policy

Statement of Nondiscrimination
Equal Employment Opportunity (EEO) Compliance
Rights under the Equal Employment Act of 1972 (EEA)
Rights under Civil Rights Act and Title VII
Rights under Americans with Disabilities Act (ADA)
Rights under Age Discrimination Act (AEDA)

Sexual Harassment

In 1980, the Equal Employment Opportunity Commission (EEOC) issued guidelines that defined unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature. Eberhardt, Moser and McFadden (1999) suggests that a comprehensive sexual harassment policy should include the definitions of sexually harassing behaviors; training for managers and employees; a clear complaint procedure that outlines the process with sanctions and confidentiality procedures and final reporting mechanisms. According to Sovereign (1994), an ideal policy should contain the following:

1. The policy should prohibit both quid pro quo and environmental harassment.
2. As to knowledge, the policy should require that the employee report an unwelcome event. Failure to report can indicate a welcome relationship.
3. A hostile work environment should define sexual advances, innuendos, or vulgar statements.
4. The policy should warn employees that once a violation has been proved, quick and severe action would be taken. If facts cannot be established, the situation will be monitored

Table 3.7 demonstrates the components of a sexual harassment policy that should be included in an employee handbook.

Table 3.7
Sexual Harassment Policy

Statement Denouncing Sexual Harassment
Sexual Harassment Defined
Complaint Procedure and Investigative Process
Disciplinary Actions

Additional components that facilitate employer-employee communication and that should be included in an employee handbook include the following.

Absenteeism

Absenteeism is a failure to be where someone is expected to be.⁴ Absenteeism does not include employee leave for vacation holidays, bereavement, jury duty or family leave. Buschak, Craven & Ledman (1996) suggests that unauthorized or unscheduled absenteeism is a problem for organizations and businesses. It creates problems in productivity and places a burden on other employees. He also argues that there are many reasons for absenteeism in the workplace (Buschak et al., 1996). Organizational factors like poor employee morale, personnel conflicts, unsatisfactory compensation, unrealistic job expectations, stressful job conditions, and an unsafe work environment all contribute to absenteeism.

Political and Union Activities

In Texas, the legislature granted all persons engaged in any kind of work the right to form trade unions and other organizations. It further legislated that a person could not be denied public employment because of membership or non-membership in a union (State Auditor's Office, 1999:109). At the federal level the passage of the Norris –LaGuardia Act (1932), the National Industrial Recovery Act (NICRA; 1933), the

⁴ Black's Law Dictionary, 1999

Wagner Act (1935) and other pro union legislation greatly increased unions' impact on the workplace.

Substance Abuse and Testing

According to Carol (2002), an organization's policy regarding drugs and alcohol should be specifically addressed in the handbook to avoid any misunderstanding.

Detailed policies addressing alcohol on the work site and use of alcohol when entertaining for work purposes should also be included.

Electronic Media

It is now common for employees to have the use of Email, the Internet, cell phones, and pagers, as part of their employment (Flynn, 2000). It is suggested in order to address the use of electronic media in the workforce there are several policies to consider. First, acknowledge that electronic media and services are provided by the company and are company property with the purpose of facilitating the employers business. Second is to limit the use of media to exclude anything that may be discriminatory or harassing in nature. Third, acknowledge that incidental use of media is permissible similar to using the company phone for a personal call. Fourth is to state that the employer has a right to review electronic files and messages. Fifth is to declare that use of electronic media may not interfere with the work of any other employee. In summary, the components needed in an employee handbook addressing employment conditions should include the following (see **Table 3.8**).

Table 3.8
Conditions of Employment Policies

Working Hours and Absenteeism
Public Employee Unions
Appearance and Conduct
Political Activities
Outside Employment
Substance Abuse
Use of Electronic Media

Employee Grievances

Grievances are defined as “a request by an employee or by a group of employees acting as individuals, for personal relief in a matter of concern or dissatisfaction relating to the employment of the employees in question” (Garner, 1999: 164). In Texas, the methods by which state agencies process grievances are left to the discretion of each agency. Davidovich (2002) argues that one advantage to a well-drafted employee handbook is the inclusion of an employee grievance process. A grievance process according to Davidovich “can lessen the likelihood of a discharged employee suing for wrongful termination in breach of contract provisions” (p.1).

Alternative Dispute Resolution (ADR)

According to Sovereign (1994), an alternative to litigation resulting from employee grievance is Alternative Dispute Resolution (ADR) (p.145). ADR is used to resolve disputes between parties without going to court. Sovereign (1994) argues that ADR gives an employee and employer a forum without going to court and can be less expensive and less time consuming than litigation (p. 145). **Table 3.9** describes those components that should be discussed in an employee handbook.

Table 3.9
Grievance Policy

Statement Defining the Investigating Process
Statement of Due Process
A Notification Process
Corrective Actions and Monitoring
Alternative Dispute Resolution (ADR) Policy

Performance Appraisals

A performance appraisal is an assessment of an employee's work performance (Gabris and Ihrke, 2001). According to Grote (1998), "no other managerial tool has the same power as the performance appraisal to marshal in organizational energy toward the achievement of meaningful goals" (p.2).

Grote (1998) argues that performance appraisals begin at the beginning of each year with goal setting by the employee. Sovereign (1994) suggests that employers use a management by objective or MBO system. Overall, success in performance appraisals focuses on the results and the way they are produced. The performance appraisal process can start by an employee performing a self-appraisal. This type of performance appraisal can allow the employer to have warning of employee dissatisfaction. The appraisal should then follow a defined procedure with the opportunity for follow-up and review. A formal appraisal process should be completed yearly and become a permanent part of an employee's work file.

Performance appraisals provide several benefits to an organization: (1) they provide clear goals so employees know exactly what is expected from their job performance; (2) they allow for information on how employees are performing their jobs; (3) they provide a mechanism for pay for performance mechanisms and (4) they allow

management to know what the employees have contributed (see **Table 3.10**) (Grote, 1998:1).

Table 3.10
Performance Appraisals Policies

Time of Appraisals
Components
Employee/Management Acceptance
Accessibility of Performance Appraisals.

Employee Handbook Disclaimer

In order to avoid having manuals or handbooks construed by courts to be binding contracts, most employers are now using disclaimers. “It is possible to create an employee handbook that will not create a contract with the use of a disclaimer in the introduction of the handbook stating that employment is ‘at-will’ and the handbook does not constitute a contract” (Gregg, 2001:2-3). Baucus and Dworkin (1998) suggests that altering employee handbooks and company literature to delete phrases that include language that implies contractual obligation on the part of employers will help in avoiding lawsuits.⁵

Right to Revise

The literature is consistent in suggesting that employers retain the right to revise an employee handbook. The only exception is that employers may not unilaterally revise without notice to the employees. However, what is more common is that employers fail to revise employee handbooks as laws and regulations change (Carol, 2002). Common

⁵ Examples cited by Gregg: “Our objective is to provide continuous employment without layoff” or “We wish to welcome you to a successful career with our organization” or “Upon passing probation, you become a permanent, regular employee”

problems include outdated sex discrimination or sexual harassment policies, EEO clauses, omissions of leave policies, updates, and flawed alcohol and drug policies.

Signed Acknowledgments

Koesnadi et al. (2002) argue that a signed acknowledgment that the employee has read and understood the handbook is the best way to avoid a lawsuit. He argues that in order to avoid lawsuits, employee handbooks must have signed acknowledgments for every employee (p.2).

Codes of Ethics

Baucus and Dworkin (1998) suggest that employers adopt a code of ethics. They suggest that a code of ethics should clearly state how a firm expects managers and employees are to conduct themselves.

Conflicts of Interest

Conflicts of Interest are defined as a real or seeming incompatibility between one's private interest and one's public duties (Whitehead, 1999:295). According to the State Auditors' Office (1999) the Texas Government Code Chapter 572 establishes conduct and disclosure requirement for persons owing a responsibility to the people and government of Texas (p.120). "Generally, state employees may not have any interest in, or engage in, any business or professional activity or incur any obligation which is in substantial conflict with the proper discharge of duties in the public interest" (see **Table 3.11**) (State Auditor's Office, 1999: 120).

Table 3.11
Miscellaneous Policies

Employee at will Statement
Handbook Disclaimer
Signed Acknowledgement
Code of Ethics Statement
Conflict of Interest Prohibition

Introductory and Preface Materials

Introductory and preface material include a table of contents and a welcome statement. A welcome statement aids in reflecting the culture and primary message the employer wants to convey (Sosin, 2001: 1). According to Sosin (2001), employees have an inherent pride in their workplace and often want more historical information about their employer. In **Table 3.12** are listed those subjects that should be included in an ideal introduction to an employee handbook.

Table 3.12
Introductory Materials

Welcome Statements
Mission Statement
Historical Information

Physical Attributes

When written correctly, and kept up to date, the employee handbook is the basic management communications tool for explaining to employees the advantages and benefits of working for an organization. An effective employee handbook is well structured, written in plain language, and reflective of the organization's culture (Sosin, 2001).

The format and structure of the handbook should reflect the organization's culture and the outward messages that the organization wants to convey (Pruchino and Rice,

2002: 114-115). The literature suggests that employee handbooks should be brief, 25 to 40 pages, and written in an easy to understand language. Because there are frequent changes in law regarding benefits and compensation, employee handbooks should be in loose-leaf form or unbound. A recent trend in employee handbooks is to place the handbooks on the Internet (Prucino and Rice, 2002: 115).

The writing style of a handbook is also very important. It is suggested that the handbook be written in a conversational tone rather than legalese. Sentences should be constructed with short words, in readable segments avoiding buzzwords or jargon. The uses of numbering and bullet points are also encouraged.

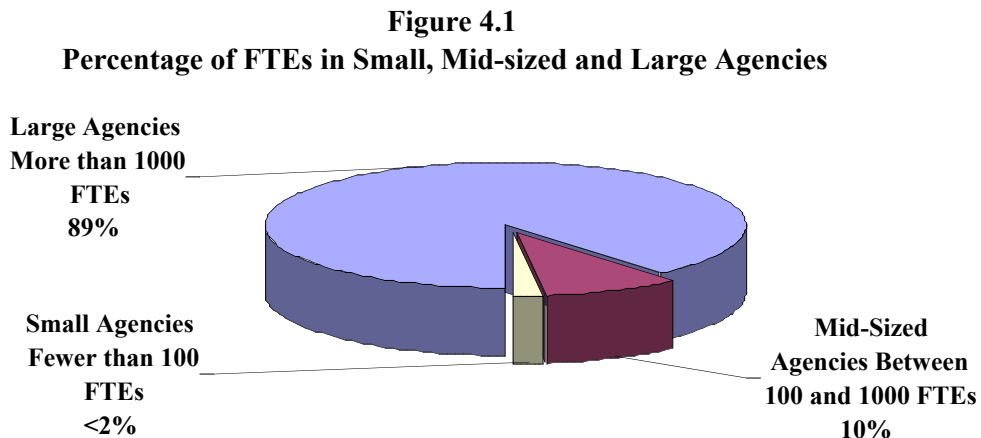
CHAPTER 4

METHODOLOGY

Population

At the end of 2001, Texas had 151,904 full-time equivalent (FTE) state employees in state agencies (State Auditors Office, 2002:1).⁶ According to the state auditor (2002), non- higher education state agencies employ fifty-six percent (56%) of all state employees. The remaining forty-four percent (44%) work in institutions of higher education. A majority of state agency employees work in public safety/criminal justice, and health and human services.

Fifteen agencies are considered “Large” agencies with over 1000 FTEs. These agencies employ eighty-nine percent (89%) of state employees. Thirty-seven “Mid-sized” agencies (with between 100 FTEs and 1000 FTEs) employ less than ten percent (10%) of all state employees. Ninety-three “Small” agencies (with FTEs under 100) employ less than two percent (2%) of all state employees. (See **Figure 4.1**)



⁶ For fiscal year 2001, the average number of full-time equivalent state employees was 271,258 based on reports from 212 state agencies and institutions of higher education. It should be noted that this study does not include institutions of higher education.

Sample Population

Twenty-five state agencies received open record requests for copies of their employee handbooks via U.S. Mail between May 12 and June 2, 2002. The twenty-five were selected based on two criteria; their inclusion on the original Short (1997) study and their total number of FTEs. From the twenty-three responses, twenty state agencies were selected for the study. Of the twenty selected fourteen were included in the Short (1997) study. The sample consists of four “Large” agencies, thirteen “Mid-sized” and three “Small” agencies were selected representing 20,303 FTEs or 13% of the total FTEs in the state. Of the sample, 14,976 FTEs or seventy-four percent (74%) are from large agencies, 5164 from mid-sized agencies or twenty-four percent (24%), and 133 or two percent (2%) from small sized agencies (see **Table 4.2**).

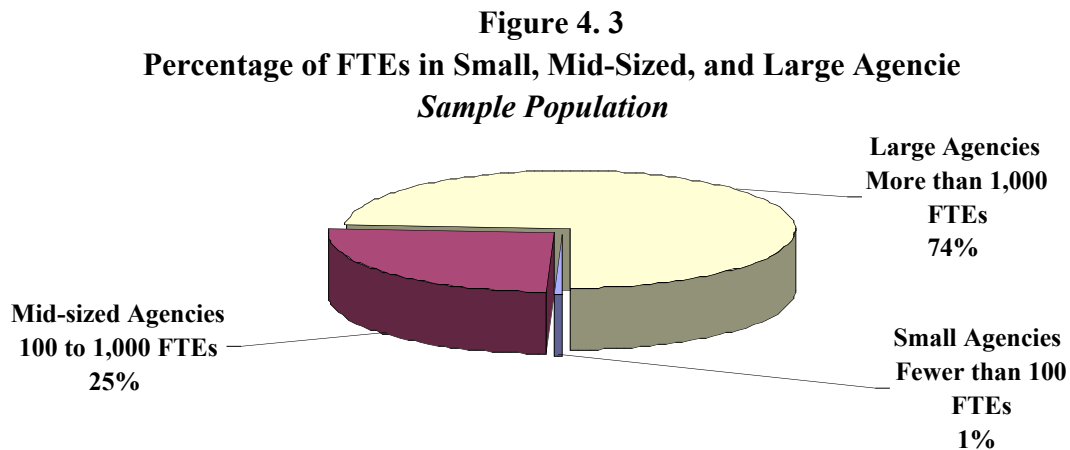
Table 4.2
Population Sample List with number of FTEs as of August 31, 2001

Texas State Agency	FTEs	Size
Texas Incentive and Productivity Commission	5	Small
<i>Texas Commission of Fire Protection*</i>	33	Small
Texas Historical Commission	95	Small
<i>Texas Department of Licensing and Regulation</i>	140	Mid-sized
<i>Library and Archives Commission</i>	198	Mid-sized
<i>Animal Health Commission</i>	206	Mid-sized
Public Utility Commission of Texas	224	Mid-sized
<i>Secretary of State</i>	233	Mid-sized
State Auditors Office	249	Mid-sized
<i>Higher Education Coordinating Board</i>	260	Mid-sized
<i>Texas Water Development Board</i>	307	Mid-sized
Texas Department of Agriculture	471	Mid-sized
<i>Alcoholic Beverage Commission</i>	514	Mid-sized
<i>General Land Office</i>	580	Mid-sized
<i>Texas Building and Procurement Commission</i>	815	Mid-sized

(Formerly the General Services Commission)		
<i>Department of Insurance</i>	997	Mid-sized
<i>State Comptroller of Public Accounts</i>	2,734	Large
<i>Texas Parks and Wildlife Department</i>	3,102	Large
<i>Office of the Attorney General</i>	3,774	Large
Texas Department of Health	5,366	Large
Total FTE	20,303	

*Agencies in italics were included in the Short Study (1997).

The sample population was selected to represent the distribution of employees for all three sizes of agency. The largest employer in the sample is the Texas Department of Health (5,366 FTEs) and the smallest is the Texas Incentive and Productivity Commission (5 FTEs). (See **Figure 4.3**)



Research Method

The research method used in this study is content analysis. Content analysis is the study of recorded human communications including laws, books, magazines, web pages, and speeches (Babbie, 2001: 304). Babbie states that content analysis effectively answers the questions of “who does what, to whom, why, how, and with what effect” (p.304).

For the purpose of this study, the most applicable definition of content analysis is

provided by Stemler (2001) “content analysis has been defined as a systematic, replicable technique for compressing many works into fewer content categories based on explicit rules of coding” (p.1). According to Babbie (2001), the process of content analysis has both strengths and weaknesses (see **Table 4.4**).

Table 4.4
Advantages to Content Analysis

• Economy terms of time and money
• No large staff is required
• No special equipment is needed
• It is unobtrusive

Following the Short (1997) research, a content analysis of twenty state agency employee handbooks was completed. Because an employee handbook is the common method by which agencies communicate their employment policies, it is the most logical method to compare the organizations and to measure the extent of how policies and procedures are communicated to the employees.

Operationalization

According to Babbie (2001), content analysis is essentially a coding operation (p. 309). Babbie writes, “ In content analysis, communications – oral, written, or other – are coded or classified according to some conceptual framework” (p.309). For this study, two coding procedures were developed to collect data from the employee handbooks. Following the Short (1997) method, the first coding procedure incorporates the policies identified in the literature and demonstrates the manifest content or the “visible, surface content” of the employee handbooks (Babbie, 2001: 310).

The second coding procedure addresses the qualitative content of the handbooks. This process identifies the written form, format, and design of the employee handbooks.

This measurement is based on the literature regarding the physical attributes of handbooks identified in Chapter 3.

The analysis of the employee handbooks took place between June 10, 2002 and July 15, 2002. The process of coding the manifest content of one handbook took approximately 3.5 hours. The measurement of the aesthetic content took approximately 30 minutes per handbook. Two raters were used to assure reliability in the data and differences in interpretation of contents.

Each handbook was coded to first determine if the policy existed in the handbook and to assess if the policy compares to the ideal type established in Chapter 3. The second part of coding process measured the physical attributes of the handbooks such as their written style and design format.

Coding Procedure I

To measure the manifest content of each handbook the rater was given a measurement tool with two columns. The raters were instructed to recognize the variables measured and make indications on the coding sheet (see **Table 4.5 and Appendix A**). The first column provides a space to indicate if the ideal category is present in the handbook. An indication of “Yes” or “No” (1 or 0) respectfully was indicated on the sheet. The second column is the record the degree or the number of words in that specific section.

Table 4.5
Content Coding Procedure I

Ideal Categories (Handbook Section)	Variables To Be Measured
Introductory and Preface Materials <ul style="list-style-type: none"> • Table of Contents • Welcome Statements • Mission Statement • Historical Information 	<p>P1: a table of contents specifying topic and corresponding page numbers</p> <p>P2: a welcome statement for employees written by the Executive Director or Chief Administrator</p> <p>P3: a clearly written mission or vision statement</p> <p>P4: a brief statement of the history of the organization</p>
Compensation: Salary Classifications and Administration <ul style="list-style-type: none"> • Descriptions of Position Classifications <ul style="list-style-type: none"> ○ Acknowledgment of Equal Pay Act (EPA) ○ Pay Plans and Periods • Probationary Periods • Hiring/Promotion/Demotion Policies • Overtime <ul style="list-style-type: none"> ○ Requirements under Fair Labor Standards Act (FLSA) • Compensatory Time 	<p>S1: a description of salaried positions within the organization</p> <p>S2: an Acknowledgment of the EPA in the pay policies</p> <p>S3: a description of pay plans and periods</p> <p>S4: a statement of employee probationary period or a statement of a trial period before full employment or benefits</p> <p>S5: a defined policy of hiring, promotion and demotion</p> <p>O1: a description of overtime work and its compensation</p> <p>O2: a statement of rights under FLSA for overtime work</p> <p>O3: a description of and compensatory time and corresponding pay schedules</p>

<p>Leave Policies</p> <ul style="list-style-type: none"> • Leave Time <ul style="list-style-type: none"> ○ Annual ○ Sick ○ Requirements of Family Medical Leave Act (FMLA) ○ Parental/Foster Care ○ Funeral/Military/Jury Duty • Holidays for Agencies 	<p>L1: an overview of leave policies L2: the annual leave policy defined L3: a description of sick leave policies L4: a description of employers requirement under FMLA L5: an explanation of leave for foster or nonprimary caregiver leave L6: a statement of leave policies regarding military, jury and funeral leave</p> <p>H1: explanation of state and agency holidays</p>
<p>Insurance and Retirement</p> <ul style="list-style-type: none"> • Health Insurance • Life Insurance • Workers Compensation • Retirement Eligibility and Membership • Disability 	<p>I1: an overview of health insurance eligibility and health plans available I2: a description of Life Insurance policies I3: a stated process of worker compensation rules and procedures</p> <p>R1: explanation of Retirement Plans eligibility and Membership R2: an explanation of Disability Retirement</p>
<p>EEO and Discrimination</p> <ul style="list-style-type: none"> • Statement of Nondiscrimination • Equal Employment Opportunity (EEO) Regulations/Compliance • Rights under the Equal Employment Act of 1972 (EEA) • Rights under Civil Rights Act and Title VII • Rights under Americans with Disabilities Act (ADA) • Rights under Age Discrimination Act (AEDA) 	<p>D1: a statement that the organization will not discriminate D2: an explanation of Federal and State EEO regulations D3: a reference to EEA of 1972 D4: acknowledgment of rules under the Civil Rights Act and Title VII D5: a description of the policies under the ADA D6: a reference to AEDA</p>

Sexual Harassment <ul style="list-style-type: none"> • Statement Denouncing Sexual Harassment • Sexual harassment Defined • Complaint Procedure and Investigative process • Disciplinary Actions 	SH1: a statement that the employer will not tolerate sexual harassment SH2: a definition of sexual harassment and harassing behavior SH3: a description of how complaints are taken, reported to investigators, investigated, and reported. SH4: a statement of disciplinary actions for harassment
Conditions of Employment: Employment Practices <ul style="list-style-type: none"> • Working Hours and Absenteeism • Public Employee Unions • Conflict of Interest Prohibition • Alternative Dispute Resolution (ADR) Policy • Appearance and Conduct • Political Activities • Outside Employment • Substance Abuse • Use of Electronic Media 	EP1: a statement of the organization's absenteeism and tardiness policy EP2: a statement of regarding unionization C1: a statement defining conflict of interest C2: a defined system of ADR C3: a clear definition of appearance and behavior expectations C4: a statement of prohibited political activity C5: a statement of outside work policies C6: a statement of drug and alcohol abuse policy and options available for treatment C7: a statement of use of electronic media (email policy, cell phone policy)
Conditions of Employment: Grievance Procedure <ul style="list-style-type: none"> • A statement defining the investigating process • A statement of due process • The notification process • Corrective Actions and Monitoring 	G1: a statement defining the process of investigating employee grievances G2: a statement guaranteeing due process G3: a statement on the process of notification G4: a description of how corrective actions are taken and monitored
Conditions of Employment: Performance Appraisals <ul style="list-style-type: none"> • Time of Appraisals • Components • Employee/Management Acceptance • Accessibility of Performance Appraisals 	PA1: a description of performance appraisals by the organization PA2: a description of components of the PA PA3: a statement of employer/employee acceptance PA PA4: a statement of accessibility of PA to employees
Miscellaneous	

<ul style="list-style-type: none"> • Employee at will Statement • Handbook Right to revise <ul style="list-style-type: none"> ○ Signed Acknowledgment • Code of Ethics Statement 	<p>M1: an employee at-will statement</p> <p>M2: disclaimer describing that the handbook may be changed at any time</p> <p>M3: a signed statement that the handbook has been read and understood</p> <p>M4: a written code of ethics</p>
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Coding Procedure Part II

A secondary assessment is used to qualitatively evaluate the employee handbooks. This method requires a subjective assessment as to the physical aspects of the employee handbook. Each employee handbook is randomly assigned an identification number. As discussed in earlier chapters, employee handbooks should be revised annually. The first column indicates if the employee handbook contains dated pages. Dated pages are an indication that the agency updates the handbook as regulations change. The “dated page” column is assigned Zero or One indicating “No” or “Yes” respectively. Inclusion of a Table of Contents is indicated on the second column. A Table of Contents makes the handbook easier to read and quicker to reference.

Like dated pages, another indication that an agency makes frequent revisions is a publication date. For purposes of this study, a handbook dated 2001 or 2002 is an indication of a current publication. In the third column, labeled “date” identifies if the handbook is current. A value of Zero or One is assigned indicating “No” or “Yes.”

The fourth column labeled “acknowledgment sheet” is assigned a value of Zero or One corresponding to “No” or “Yes.” This column indicates if the handbook contains a detachable Acknowledgment. It also indicates whether the handbook has been disseminated and a space for the employee’s signature.

The fifth and sixth columns titled “format and design” and “writing style” are measured on a Likert scale. This scale is used to measure the “relative intensity of different items” (Babbie, 2002: 167). Each handbook was measured on a scale from 1 to 4 indicating “Poor,” “Fair,” “Good,” and “Excellent” respectfully in both categories. Format and design were rated based on the presentation of the content. Higher ranked employee handbooks utilized graphics, varying fonts, colors, headings, and subheadings. They also included the use of white space and ease of portability through the use of notebooks or bound pages. Writing style was measured based on use of easy to understand language, short sentences, and use of active verbs. (See **Appendices C – J**) Higher ranked handbooks included little legal jargon, were conversational in tone and short paragraphs. **Table 4.6** shows the coding sheet for physical attributes. Each rater’s numeric score was averaged to give an average score for the entire population.

Table 4.6
Coding Procedure II: Physical Attributes Coding

Dated Pages (0 or 1)	Table (0 or 1)	Date (0 or 1)	Ack. Sheet (0 or 1)	Format and Design (1 - 4)	Writing Style (1 –4)	Score (Max. 12)
Procedure II Coding Key						
Dated Pages	0 = not included		1 = included			
Table	0 = not included		1 = included			
Date	0 = not included		1 = included			
Acknowledgment	0 = not included		1 = included			
Format and Design	1 = Poor	2 = Fair	3 = Good	4 = Excellent		
Writing Style	1 = Poor	2 = Fair	3 = Good	4 = Excellent		
Overall Score	2 = lowest possible score			12 = highest possible score		

Research Weakness

There are several research weaknesses with this study that must be addressed when considering the findings. First, the sample of employee handbooks is very small.

The sample of twenty state agencies represents only 13.3% of the total number of employees in Texas state agencies. Because the sample is so small, the findings are not conclusive but rather a “snapshot” of how Texas State agencies are communicating their personnel policies to their employees.

This study also required that the coders rate handbooks in terms of their qualitative properties. It requires a subjective analysis on the part of the coder and does affect the study’s reliability.

The other factor to consider when reviewing the findings is that within the sample one agency (State Auditor’s Office) did not include several sections common to all the handbooks. Approximately three fourths (75%) of the variables tested were not included in the State Auditors Handbook. This deficiency, reflected in missing data, can account to a difference of +/- 5% in the results.

CHAPTER 5

FINDINGS

The purpose of Chapter 5 is to report the results of the data. The data are organized into tables with a brief summary of the findings. The table at the end of Chapter 5 presents the results of the second coding procedure. This coding procedure analyzed the written and design qualities of the employee handbooks. The results are based on an analysis of 20 state agency employee handbooks as they compare to the ideal type established in the previous chapter.

Table 5.1
Introductory and Preface Materials Results

Elements N=20	%	Avg. Words
Welcome Statement	35	187
Mission or Vision Statement	55	174
History of the Organization	30	220

Introductory and Preface Materials

Introductory and preface material that include, a Table of Contents, a welcome statement, and an Employee-At-Will clause are necessary parts of an employee handbook. The introduction describes the employers overall human resource philosophy and the basis of employer-employee respect for legal rights. The data show that approximately thirty-five percent (35 %) of the handbooks included a welcome statement and a history of the organization (see **Table 5.1**). This indicates that this kind of information has a low priority. A little over half (55%) of the agency employee handbooks included a mission or a vision statement. Short (1997) made similar findings. In Short's sample 28% included a welcome statement and 40% included some narrative on the history of the organization.

Table 5.2
Salary Classifications and Administration Results

Elements (N=20)	%	Avg. Words
Classification and Pay Policies	90	568
Section on Equal Pay Act	10	92
Probationary Period or Trail Period	30	330
Process of Hiring, Promotion and Demotion	85	1611

Classification and Administration

The findings reveal that ninety percent (90%) of the employee handbooks included sections on classification of salaried positions and their corresponding pay policies. Approximately eighty-five percent (85%) included sections on hiring, promotion, and demotion. As demonstrated in **Table 5.2**, the combination of a section on position classification and a section on hiring, promotion and demotion comprises over eighty percent (80%) of the entire component addressing Classification and Administration. Short (1997) made similar observations (see **Table 6.1** in Chapter 6).

Table 5.3
Overtime and Compensatory Time Results

Elements (N=20)	%	Avg. Words
Overtime Work and Pay	85	762
Rights under Fair Labor Standards Act	90	293
Compensatory Time and Pay	90	856

Overtime and Compensatory Time

Almost all the employee handbooks studied contained a description of overtime and compensatory time. The data indicate that overtime and compensatory time are discussed in equal amounts, suggesting that both FLSA eligible employees and FLSA exempt employees receive similar explanations of their pay policies (see **Table 5.3**). These results are remarkably similar to the Short (1997) study. In the Short sample,

almost all (92%) included a section on overtime, 84% included a section on FLSA, and 92% included a section on compensatory time.

Table 5.4
Leave Policies

Elements (N=20)	%	Avg. Words
Leave Policies Overview	60	392
Annual Leave Policy	95	610
Sick Leave Policies	100	1360
Requirement under FMLA	95	1118
Foster or Non-primary Caregiver Leave	85	156
Policies Regarding Military, Jury and Funeral Leave	100	483

Leave Policies

The data in **Table 5.4** indicate that almost all of the employee handbooks contain detailed leave policies. Employee sick leave benefits and rights under the Family Medical Leave Act are described in detail and comprise sixty percent (60%) of entire discussion on leave policies. Once again, these results are very similar to the Short (1997). Over 95% of the Short sample included a section on Leave policies.

Table 5.5
Holidays

Elements (N=20)	%	Avg. Words
State and Agency Holidays	95	312

Holidays

In almost every case, holidays are discussed at length. Many employee handbooks include easy to read lists of holidays and discussions regarding holiday substitutions for religious holidays (See **Table 5.5**). Short (1997) found that almost one hundred percent (96%) of the study sample included a section Holidays.

Table 5.6
Insurance Results

Elements (N=20)	%	Avg. Words
Overview of Health Insurance Eligibility	80	278
Life Insurance Policies	50	221
Worker Compensation Rules and Procedures	80	678

Insurance

As discussed in the previous chapter, health care costs have risen from nearly four and a half percent (4.4%) of total compensation in 1980 to nearly six and a half percent (6.4%) in 1990. It is expected to increase to nearly 16.4% by the year 2005 (Bergmann, et. al.1994: 397-399). Of the employee handbooks studied, eighty percent (80%) discussed health insurance eligibility and benefits. The same percentage discussed compensation for on-the-job injuries. Only one-half of the handbooks discussed life insurance benefits for their employees (see **Table 5.6**). These results differ from the Short (1997) where only one-third (32%) discussed health insurance policy.

Table 5.7
Retirement

Elements (N=20)	%	Avg. Words
Retirement Plans Eligibility	85	355
Disability Retirement	20	228

Retirement

Almost all of the handbooks include a section on retirement. As demonstrated in **Table 5.7** sections on disability retirement however were not extensively discussed.

Table 5.8
EEO and Discrimination Results

Elements (N=20)	%	Avg. Words
Statement of Nondiscrimination	90	107
Federal and State EEO regulations	70	154
Reference to EEA of 1972	5	24
Rules under the Civil Rights Act and Title VII	25	71
Policies under the ADA	85	755
Reference to ADEA of 1967	10	25

Discrimination

A clear statement of nondiscrimination was included in ninety percent (90%) of the employee handbooks studied (See **Table 5.8**). The discussions of federal and state equal opportunity regulations were inadequate in length. Almost none of the handbooks directly discussed employee rights under the Equal Employment Act, the Civil Rights Act, or Age Discrimination in Employment Act. The Short (1997) research sample had similar results with 88% including a statement of nondiscrimination. However, only 4% discussed EEA, 12% discussed rights under the Civil Rights Act, and 44% discussed a policy under ADA.

Table 5.9
Sexual Harassment Results

Elements (N=20)	%	Avg. Words
Denouncement Statement	95	65
Definition of Sexual Harassment	95	171
Complaint Procedure	90	433
Disciplinary Actions for Harassment	85	106

Sexual Harassment

This study shows that almost all (95%) of the Texas state employee handbooks include a sexual harassment denouncement statement and definition of sexual harassment. As seen in **Table 5.9**, 90% of the employee handbooks include procedures

for filing a complaint and a process by which those complaints are investigated.

Disciplinary actions for harassment complaints are contained in 85% of the employee handbooks included in this study. These results are higher than the Short (1997) sample where over half (60%) of Texas state employee handbooks included a discussion of sexual harassment.

Table 5.10
Employment Practices Results

Elements (N=20)	%	Avg. Words
Absenteeism and Tardiness Policy	85	136
Unionization Statement	5	182

Employment Practices

A discussion of absenteeism and tardiness is found in almost all of the handbooks in the study. Most statements are short as indicated by the average length of the sections. According to the literature the passage of the Norris –LaGuardia Act (1932), the National Industrial Recovery Act (NICRA; 1933), the Wagner Act (1935), and other pro union legislation greatly increased unions’ impact on the organization of work. However, statements about an employee’s right to join a union are minimally addressed in nearly all (99.5%) of the employee handbooks studied. This indicates that state agencies place very little emphasis on informing an employee of their rights to join a state employee union (see **Table 5.10**).

Table 5.11
Conditions of Employment Results

Elements (N=20)	%	Avg. Words
Appearance and Behavior Expectations	75	307
Prohibited Political Activity	70	338
Outside Work Policies	75	325
Drug and Alcohol Abuse Policy	90	497
Use of Electronic Media	90	943

Conditions of Employment

Conditions of employment are thoroughly discussed in almost all of the reviewed handbooks. Appearance/behavior expectations and outside work policies are discussed in three-fourths (75%) of the employee handbooks. Prohibitions on political activity are addressed in seventy percent (70%) of the employee handbooks. A great emphasis is placed on the employers drug and alcohol abuse policy with an average section of 497 words in length (see **Table 5.11**).

The use of computers, e-mail, and other communications devices are discussed at great length. The use of electronic media has grown in the past few years. It is now common for employees to have the use of e-mail, the Internet, cell phones, and pagers as part of their employment. As discussed in the previous chapter the growth of e-mail in the work place has resulted in increasing litigation concerning the use of e-mail. Many of these cases cover topics such as employee privacy rights, confidential information, union rights, and right of third parties in e-mail.

Table 5.12
Grievance Procedure Results

Elements (N=20)	%	Avg. Words
Process of Investigating Employee Grievances	90	390
Statement of Due Process	65	328
Statement on the Process of Notification	85	187
Corrective Actions and Monitoring	80	617
System of ADR	35	339

Grievance Procedures

Grievance procedures are well established in almost all the employee handbooks surveyed. Ninety percent (90%) of Texas state employee handbooks addressed an

employee grievance process. We can deduce from the results (see **Table 5.12**) that a well-established grievance procedure is a priority for state agencies. These results are higher than the Short (1997) study. In the Short (1997) sample, over two-thirds (68%) of employee handbooks discussed employee grievances.

Table 5.13
Performance Appraisals

Elements (N=20)	%	Avg. Words
Description of Performance Appraisals	90	362
Timelines and Components of the PA	90	299
Employer/employee Acceptance of PA	75	156
Accessibility of PA	50	109

Performance Appraisals

Reliable performance appraisals provide several benefits to an organization including providing clear goals for job performance and a mechanism for pay increases. . No other managerial tool has the same power as the performance appraisal to marshal an organization's energy toward the achievement of meaningful goals. In ninety percent (90%) of the employee handbooks, performance appraisals are discussed at length. This is a large increase from the Short (1997) findings. In the 1997 study, almost three-fourths (72%) of Texas state employee handbooks contained some discussion of performance appraisals.

This suggests that state agencies studied in this research are placing a great emphasis on employee performance and improvement. As suggested in **Table 5.13**, the only deficiency shown by the data is mention of employee's accessibility to appraisal reports/findings.

Miscellaneous

In Texas, employees are employed on an indefinite basis. The state follows the general rule that employment is “at-will.” Of the employee handbooks studied 85% included a clearly written “at-will” statement. In order to avoid having manuals or employee handbooks construed by courts to be binding contracts, most employers are now using disclaimers. The disclaimers make clear that employment is at-will and the handbook does not constitute a contract.

In the sample population, about two-thirds (65%) of the employee handbooks stated that the employer had a right to revise the handbook at any time (see **Table 5.14**). This is a larger percentage than the Short (1997) study that showed only 48% of employee handbooks containing a right to revise statement

The literature suggests that employers use a Code of Ethics in the work place. An ideal code of conduct states how an employer expects managers and employees to conduct themselves. Seventy percent (70%) of the sample employee handbooks contained a written code of ethics. In Short’s (1997) sample all (100%) of employee handbooks contained code of ethics.

Table 5.14
Miscellaneous Content Results

Elements (N=20)	%	Avg. Words
Employee At-Will Statement	85	130
Right to Revise	65	69
Code of Ethics	70	1805
Conflict of Interest	45	447

Physical Attributes

A great majority of the employee handbooks (75%) included a publication date on each page. This suggests that these agencies are cognizant of the need to keep their employee handbooks current. Of the employee handbooks studied, 85% indicated that

publications dates within the last two years. Both these results are a solid indication that the employers are providing employees with the most up-to-date information regarding employment benefits. According to the literature, a signed acknowledgment that the employee has read and has understood the handbook is the best way to avoid lawsuits. However only one-quarter (25 %) of the employee handbooks included a signed acknowledgement sheet (see **Table 5.15**).

Table 5.15
Physical Attributes Results

Physical Attributes	Overall Results	Observations
Dated Pages	75%	75% of the employee handbooks studied included dated pages.
Tables	85%	85% of the employee handbooks included tables for ease of reading a quick reference.
Date on Handbook	85%	85% of the employee handbooks were published within the last two years and indicated so by including a publication date.
Acknowledgment Sheet	25%	Only one quarter of the employee handbooks included a signed acknowledgment sheet.

Table 5.16
Results of Format, Design, and Writing Ratings

Texas State Agency Sample	Agency Size	Format and Design Average Rating	Writing Style Average Rating
Texas Incentive and Productivity Commission	Small	Poor	Poor
<i>Texas Commission of Fire Protection*</i>	Small	Fair	Fair
Texas Historical Commission	Small	Fair	Good
<i>Texas Department of Licensing and Regulation</i>	Mid-sized	Fair	Fair
<i>Library and Archives Commission</i>	Mid-sized	Fair	Poor
<i>Animal Health Commission</i>	Mid-sized	Excellent	Excellent
Public Utility Commission of Texas	Mid-sized	Excellent	Excellent
<i>Secretary of State</i>	Mid-sized	Fair	Poor
State Auditors Office	Mid-sized	Poor	Poor
<i>Higher Education Coordinating Board</i>	Mid-sized	Excellent	Excellent
<i>Texas Water Development Board</i>	Mid-sized	Poor	Fair
Texas Department of Agriculture	Mid-sized	Good	Fair

<i>Alcoholic Beverage Commission</i>	Mid-sized	Good	Good
<i>General Land Office</i>	Mid-sized	Fair	Fair
<i>Texas Building and Procurement Commission</i> (Formerly the General Services Commission)	Mid-sized	Good	Good
<i>Department of Insurance</i>	Mid-sized	Good	Fair
<i>State Comptroller of Public Accounts</i>	Large	Good	Good
<i>Texas Parks and Wildlife Department</i>	Large	Fair	Fair
<i>Office of the Attorney General</i>	Large	Excellent	Excellent
Texas Department of Health	Large	Poor	Good

Format and Design

The ability to easily read and update an employee handbook is a key component of effective communication. Each handbook was measured on a scale from 1 to 4 indicating “Poor,” “Fair,” “Good,” and “Excellent” respectfully. Format and design were rated based on the presentation of the content. Higher ranked employee handbooks utilized graphics, headings, and subheadings. They also included the use of white space and ease of portability through the use of notebooks or bound pages. The results show that 20% of the handbooks were rated as “Poor,” 35% as “Fair,” 25% as “Good,” and 20% as “Excellent”. Further analysis shows that over half (60%) are rated as either “Poor” or “Fair”. This is an indication that employee handbooks still need improvement in their design and format (see **Table 5.16**).

Writing Style

An employee handbook that is clearly written raises the expectation that employees will understand their benefits and responsibilities. The use of active verbs, short sentences and the avoidance of legalese all contribute to better readability. Of the handbooks studied 20% were rated as “Poor,” 35% as “Fair,” 25% as “Good,” and 20%

as “Excellent” (See **Table 5.16**). The most common deficiency is the excessive use of legal terminology and long meandering sentences.

Conclusion

The findings suggest that there is little consistency among agency employee handbooks. There is a wide spectrum of results indicating that while employees have the same benefits regardless of where they work, they may not know or understand those benefits depending on for whom they work.

In the 20 Texas state agency employee handbooks studied, 60% were rated either “Poor” or “Fair” in both the format and design of the handbook and the written style. This suggests that while handbooks contain personnel policies those policies are not communicated in an easy to read or understandable fashion.

Chapter 6

CONCLUSIONS AND RECOMMENDATIONS

This chapter presents the conclusions of this study and assesses whether the handbooks need further improvements. Suggestions are also made on how to improve Texas state employee handbooks.

Comparing Results: Short (1997) and Garcia (2002)

Upon review of the following **Table 6.1**, the sample included in this study shows that Texas state agency handbooks satisfactorily communicate policy content but most suffer from poor written style and design quality. A majority of the handbooks are either ‘Poor’ or ‘Fair’ in their qualitative properties (format design, writing style). This is consistent with Short’s findings.

Compared to the Short (1997) sample, the agencies sampled do a better job in communicating personnel policies in the areas of Equal Employment Opportunity, Sexual Harassment, Grievance Procedures, and Performance Appraisals.

Table 6.1
Comparison of Short (1997) Findings to Garcia (2002) Findings
Sections Included in Employee Handbook

Ideal Categories	Short (1997) Sample Section Included in Handbook (%)	Garcia (2002) Sample Section Included In Handbook (%)
Introductory and Preface Materials		
• Table of Contents	100	85
• Welcome Statements	28	35
• Mission Statement	Not measured	55
• Historical Information	44	30
Compensation: Salary Classifications and Administration		
• Descriptions of Position Classifications	Not measured	90

○ Acknowledgment of Equal Pay Act (EPA)	4	10
• Probationary Periods	Not measured	30
• Hiring/Promotion/Demotion Policies	Not measured	85
• Overtime	92	85
○ Requirements under Fair Labor Standards Act (FLSA)	84	90
• Compensatory Time	92	90
Leave Policies		
• Leave Time Overview	Not measured	60
○ Annual	100	95
○ Sick	100	100
○ Requirements of Family Medical Leave Act (FMLA)	84	95
○ Parental/Foster Care	Not measured	85
○ Funeral/Military/Jury Duty	Not measured	100
• Holidays for Agencies	96	95
Insurance and Retirement		
• Health Insurance	32	80
• Life Insurance	Not measured	50
• Workers Compensation	92	80
• Retirement Eligibility and Membership	76	85
• Disability	Not measured	20
EEO and Discrimination		
• Statement of Nondiscrimination	88	90
• Equal Employment Opportunity (EEO) Compliance	8	70
• Rights under the Equal Employment Act of 1972 (EEA)	4	5
• Rights under Civil Rights Act and Title VII	12	25
• Rights under Americans with Disabilities Act (ADA)	44	85
• Rights under Age Discrimination Act (AEDA)	4	10
Sexual Harassment		
• Statement Denouncing Sexual Harassment	56	95
• Sexual Harassment Defined	60	95

• Complaint Procedure and Investigative process	56	90
• Disciplinary Actions	44	85
Conditions of Employment: Employment Practices		
• Working Hours and Absenteeism	36	75
• Public Employee Unions	Not measured	5
• Conflict of Interest Prohibition	Not measured	45
• Appearance and Conduct	Not measured	75
• Political Activities	Not measured	70
• Outside Employment	Not measured	75
• Substance Abuse	Not measured	90
• Use of Electronic Media	Not measured	90
Conditions of Employment: Grievance Procedure		
• A statement defining the investigating process	40	90
• A statement of due process	48	65
• The notification process	68	85
• Corrective Actions and Monitoring	32	80
• Alternative Dispute Resolution (ADR) Policy	Not Measured	35
Conditions of Employment: Performance Appraisals		
• Time of Appraisals	72	90
• Components	44	90
• Employee/Management Acceptance	56	75
• Accessibility of Performance Appraisals	Not Measured	50
Miscellaneous		
• Employee at will Statement	64	85
• Handbook Right to revise	48	65
○ Signed Acknowledgment	32	25
• Code of Ethics Statement	100	70

Average Word Count Per Section

The following **Table 6.2** compares the average word count per section of both the Short (1997) sample and the Garcia (2002) sample. While there are similarities, there are a few notable exceptions. In Insurance/Retirement, Employee Grievance, and Performance Appraisals sections of the Garcia sample, there are significantly more words dedicated to the narrative, suggesting that agencies are now placing more emphasis on those policies.

Table 6.2
Comparison of Short (1997) Findings to Garcia (2002) Findings
Average Word per Section

Ideal Categories	Short (1997) Sample Average Word per Section	Garcia (2002) Sample Average Word per Section
Introductory and Preface Materials		
• Table of Contents	466	Not measured
• Welcome Statements	145	187
• Mission Statement	Not measured	174
• Historical Information	343	220
Compensation: Salary Classifications and Administration		
• Descriptions of Position Classifications	Not measured	568
○ Acknowledgment of Equal Pay Act (EPA)	25	92
• Probationary Periods	Not measured	330
• Hiring/Promotion/Demotion Policies	Not measured	1611
• Overtime	549	762
○ Requirements under Fair Labor Standards Act (FLSA)	303	293
• Compensatory Time	549	856
Leave Policies		
• Leave Time Overview	3200 ⁷	392
○ Annual	Not measured	610
○ Sick	Not measured	1360

⁷ Short (1997) combined all leave policies into one category.

○ Requirements of Family Medical Leave Act (FMLA)	84	118
○ Parental/Foster Care	Not measured	156
○ Funeral/Military/Jury Duty	Not measured	483
• Holidays for Agencies	188	312
Insurance and Retirement		
• Health Insurance	179	278
• Life Insurance	Not measured	221
• Workers Compensation	185	678
• Retirement Eligibility and Membership	230	355
• Disability	Not measured	228
EEO and Discrimination		
• Statement of Nondiscrimination	110	107
• Equal Employment Opportunity (EEO) Compliance	Not measured	154
• Rights under the Equal Employment Act of 1972 (EEA)	17	24
• Rights under Civil Rights Act and Title VII	17	71
• Rights under Americans with Disabilities Act (ADA)	320	755
• Rights under Age Discrimination Act (AEDA)	475	25
Sexual Harassment		
• Statement Denouncing Sexual Harassment	53	65
• Sexual Harassment Defined	63	171
• Complaint Procedure and Investigative process	115	433
• Disciplinary Actions	37	106
Conditions of Employment: Employment Practices		
• Working Hours and Absenteeism	78	136
• Public Employee Unions	Not measured	182
• Conflict of Interest Prohibition	Not measured	447
• Appearance and Conduct	Not measured	307
• Political Activities	Not measured	338
• Outside Employment	Not measured	325

• Substance Abuse	Not measured	497
• Use of Electronic Media	Not measured	943
Conditions of Employment: Grievance Procedure		
• A statement defining the investigating process	253	390
• A statement of due process	61	328
• The notification process	199	187
• Corrective Actions and Monitoring	93	617
• Alternative Dispute Resolution (ADR) Policy	Not Measured	339
Conditions of Employment: Performance Appraisals		
• Time of Appraisals	114	362
• Components	144	299
• Employee/Management Acceptance	94	156
• Accessibility of Performance Appraisals	Not measured	109
Miscellaneous		
• Employee at will Statement	108	130
• Handbook Right to revise	43	69
◦ Signed Acknowledgment	115	25
• Code of Ethics Statement	1469	1805

Recommendations

Based on this research the following recommendations are suggested in order to improve the quality of Texas state employee handbooks. These recommendations are based on how the handbooks compared to the “ideal type” set forth in earlier chapters. While this study is a “snapshot” of current Texas state employee handbooks, modest recommendations can be made to enhance their overall improvement. Recommendations are made in conjunction with the framework outlined in Chapter 3 (see **Table 6.3**).

Table 6.3
Recommendations for Improving Texas State Employee Handbooks

Component	Recommendations
Introductory and Preface Materials <ul style="list-style-type: none"> • Welcome Statements • Mission Statement • Historical Information 	<ol style="list-style-type: none"> 1. Agencies should include a welcome statement to establish goodwill on their part. A welcome statement can also assist in team building and employee esprit-de corps. 2. Employers should establish a written mission statement to increase an employees’ understanding of the employer’s values and purpose. 3. Historical information should be included to inform employees of the originating purpose and evolving responsibilities of the agency.
Salary Classifications and Administration <ul style="list-style-type: none"> • Descriptions of Position Classifications <ul style="list-style-type: none"> ○ Acknowledgment of Equal Pay Act (EPA) ○ Pay Plans and Periods • Probationary Periods • Hiring/Promotion/Demotion Policies 	<ol style="list-style-type: none"> 1. Employers need to place emphasis on giving employees information of the legal issues regarding equal pay. 2. If probationary periods are used as a condition of employment, the policy should be well defined. 3. More explanation of hiring, promotion, and demotion is needed. 4. More emphasis is needed on the process of “moving up” within the organization.
Overtime and Compensatory Time <ul style="list-style-type: none"> • Overtime <ul style="list-style-type: none"> ○ Requirements under Fair Labor Standards Act (FLSA) • Compensatory Time 	<ol style="list-style-type: none"> 1. Further explanation of FLSA exempt and non-exempt status is needed.
Leave Policies <ul style="list-style-type: none"> • Types of Leave <ul style="list-style-type: none"> ○ Annual ○ Sick ○ Requirements of Family Medical Leave Act (FMLA) 	<ol style="list-style-type: none"> 1. Employers should include an overview of the entire leave policy including examples. The employee handbook should discuss <i>all</i> the federal laws regarding benefits and rights.

<ul style="list-style-type: none"> ○ Parental/Foster Care ○ Funeral/Military/Jury Duty 	
Holidays <ul style="list-style-type: none"> • Holidays for Agencies 	1. Employers should include easy reading tables that employees can reference.
Insurance <ul style="list-style-type: none"> • Health Insurance <ul style="list-style-type: none"> ○ Health • Life Insurance • Workers Compensation 	1. A more comprehensive explanation of insurance policies is needed in the areas of life insurance eligibility.
Retirement <ul style="list-style-type: none"> • Eligibility and Membership • Disability 	1. A comprehensive explanation of disability retirement should be included in the employee handbooks.
Discrimination <ul style="list-style-type: none"> • Statement of Nondiscrimination • Equal Employment Opportunity (EEO) Compliance • Rights under the Equal Employment Act of 1972 (EEA) • Rights under Civil Rights Act (CRA) • Rights under Americans with Disabilities Acts (ADA) • Rights under Age Discrimination Act (AEDA) 	1. The policy should include a complete explanation of both federal and state EEO guidelines. 2. Employee's rights under EEA, AEDA, ADA, and CRA should be fully explained to the employee. 3. Employers should go beyond the mandated notice requirement.
Sexual Harassment <ul style="list-style-type: none"> • Statement denouncing Sexual Harassment • Sexual harassment Defined • Complaint Procedure and Investigative process • Corrective and Disciplinary Actions 	1. A more comprehensive explanation of corrective measures for sexual harassment should be included in the employee handbook. 2. Examples of prohibited behaviors should be included in the policies.
Employment Practices <ul style="list-style-type: none"> • Working Hours and Absenteeism • Public Employee Unions 	1. Employers should make employees aware of their rights to join a union.
Conditions of Employment <ul style="list-style-type: none"> • Appearance and Conduct 	1. Policies should include a comprehensive explanation of prohibited behaviors.

<ul style="list-style-type: none"> • Political Activities • Outside Employment • Substance Abuse • Use of Electronic Media 	
Grievance Procedure <ul style="list-style-type: none"> • A statement defining the investigating process • A statement of due process • The notification process • Corrective Actions and Monitoring • Alternative Dispute Resolution (ADR) Policy 	<ol style="list-style-type: none"> 1. Employers should emphasize an employee's right to due process during a grievance investigation. 2. The policy should include a well-defined process of appealing the outcome of a grievance procedure. 3. Employers should implement a system of ADR for employees.
Performance Appraisals <ul style="list-style-type: none"> • Time of Appraisals • Components • Employee/Management Acceptance • Accessibility of Performance Appraisals. 	<ol style="list-style-type: none"> 1. A better-defined policy of record keeping is needed to assure employees rights to access their personnel files.
Miscellaneous <ul style="list-style-type: none"> • Employee at-will Statement • Handbook Right to Revise <ul style="list-style-type: none"> ○ Signed Acknowledgment • Code of Ethics Statement • Conflict of Interest Prohibition 	<ol style="list-style-type: none"> 1. Employers need to include a right to revise statement in the handbooks. 2. A signed acknowledgment is needed to protect employers from possible lawsuits. Employers should include both a code of ethics and standards of conduct statements in the employee handbooks.

Opportunities for Further Study

Baron (1986) identifies three major changes in the area of employee management over the last century. First, in the 1880s, employers began experimenting with offering employees “welfare packages” as philanthropic components to an employee’s compensation package. The second change concerns the growing specialization and codification of jobs. This has resulted in the need for more highly trained employees with rigid job descriptions. The last change was the adoption of formal personnel

practices to promote long-term employment including the centralization of hiring, performance rating systems, promotion ladders, and salary classifications. The research suggests that the next trend in employee management should be the prioritization of employee-employer communications. Improvements in communications can improve several facets of the employee-employer relationship including morale, attendance, and productivity.

In Texas, as demonstrated in the study, there is great disparity in the content and quality of employee handbooks among agencies. Texas state agencies should strive to close that disparity and improve communication with their employees by reviewing their employee handbooks from a stakeholder point of view. Any improvement will have a great impact on worker morale, productivity, and longevity.

Appendix A
Coding Sheet Procedure I

Agency ID:		
Categories	Included (yes or no)	Number of Words in Section
Introductory and Preface Materials		
P1: Welcome Statement		
P2: Mission or Vision Statement		
P3: History of the Organization		
Classifications and Administration		
S1: Classification and Pay Policies		
S2: Section on Equal Pay Act		
S3: Probationary Period or Trial Period		
S4: Process of Hiring, Promotion and Demotion		
Overtime and Compensatory Time		
O1: Overtime Work and Pay		
O2: Rights under FLSA		
O3: Compensatory Time and Pay		
Leave Policies		
L1: Leave Policies Overview		
L2: Annual Leave Policy		
L3: Sick Leave Policies		
L4: Requirement under FMLA		
L5: Foster or Non-primary Caregiver Leave		
L6: Policies Regarding Military, Jury and Funeral Leave		
Holidays		
H1: State and Agency Holidays		
Insurance		
I1: Overview of Health Insurance Eligibility		
I2: Life Insurance Policies		
I3: Worker Compensation Rules and Procedures		
Retirement		
R1: Retirement Plans Eligibility		
R2: Disability Retirement		
Discrimination		
D1: Statement of nondiscrimination		

D2: Federal and State EEO regulations		
D3: Reference to EEA of 1972		
D4: Rules under the Civil Rights Act and Title VII		
D5: Policies under the ADA		
D6: Reference to ADEA of 1967		
Sexual Harassment		
SH1: Denouncement Statement		
SH2: Definition of Sexual Harassment		
SH3: Complaint Procedure		
SH4: Disciplinary Actions for harassment		
Employment Practices		
EP1: Absenteeism and Tardiness Policy		
EP2: Unionization Statement		
Conditions of Employment		
C1: Conflict of Interest		
C2: System of ADR		
C3: Appearance and Behavior Expectations		
C4: Prohibited Political Activity		
C5: Outside Work Policies		
C6: Drug and Alcohol Abuse Policy		
C7: Use of Electronic Media		
Grievance Procedure		
G1: Process of Investigating Employee Grievances		
G2: Statement of Due Process		
G3: Statement on the Process of Notification		
G4: Corrective Actions and Monitoring		
Performance Appraisals		
PA1: Description of Performance Appraisals		
PA2: Timelines and Components of the PA		
PA3: Employer/employee Acceptance of PA		
PA4: Accessibility of PA		
Miscellaneous		
M1: Employee At-Will Statement		
M2: Right to Revise		
M3: Signed Acknowledgment		
M4: Code of Ethics		

Appendix B
Coding Sheet Procedure II: Physical Attributes Coding

Dated Pages (0 or 1)	Table (0 or 1)	Date (0 or 1)	Ack. Sheet (0 or 1)	Format and Design (1 - 4)	Writing Style (1 –4)	Score (Max. 12) Σ
Procedure II Coding Key						
Dated Pages	0 = not included		1 = included			
Table	0 = not included		1 = included			
Date	0 = not included		1 = included			
Acknowledgment	0 = not included		1 = included			
Format and Design	1 = Poor	2 = Fair	3 = Good	4 = Excellent		
Writing Style	1 = Poor	2 = Fair	3 = Good	4 = Excellent		
Overall Score	2 = lowest possible score		12 = highest possible score			

Appendix C

Example of a Poor Format and Design

Appendix D
Example of a Fair Format and Design

Appendix E
Example of a Good Format and Design

Appendix F
Example of an Excellent Format and Design

Appendix G
Example of a Poor Writing Style

Appendix H
Example of a Fair Writing Style

Appendix I
Example of a Good Writing Style

Appendix J
Example of a Excellent Writing Style

Appendix K

Federal Regulations Affecting Personnel Policies and Procedure⁸

Federal Statute	Summary
Age Discrimination in Employment Act of 1967 29 U.S.C. § 621-634	<p>Employers with twenty or more employees in commerce related industry are prohibited from discrimination because of age in hiring or discharge decisions or with respect to compensation, term, conditions, or privileges of employment.</p> <p>The act protects employees who are at least forty years of age. There is no upper age limit.</p>
Americans with Disabilities Act of 1990 42 U.S.C. § 12101	<p>Prohibits employment discrimination against a qualified individual with a physical or mental disability in application, hiring, advancing, training, compensation, and other terms and conditions of employment.</p> <p>Also prohibits discrimination on the basis of disability in the enjoyment of goods, services, facilities, transportation, privileges, advantages, and accommodations provided by a place of business intended for the nonresidential use and that affects commerce</p>
Bankruptcy Act (As amended by the Bankruptcy Act Amendments of 1984) (11 U.S.C. § 525)	Any private employer or federal government may not terminate the employment of, or discriminate in terms and conditions of employment against an individual who has been a debtor under the Bankruptcy Act.
Civil Rights Act of 1964 Title VII – Nondiscrimination in Federally Assisted Programs 42 U.S.C. § 2000(d)	Programs and activities that receive federal assistance are prohibited from excluding persons because of race, color, or national origin.

⁸ Adapted from Lawson (1998), 370 – 374, and Matthies Law Firm, P.C. (2002). Summary of Employment Laws of the U.S. Federal Government. Retrieved April 23, 2002 from <http://members.aol.com/mattlawfrm/fedlaw.html> Partial citations are included when found. Citations may not conform to uniform systems of citation.

Civil Rights Act of 1964 Title VII Equal Employment Opportunity 42 U.S.C. § 2000 (e) et seq.	Employers with fifteen or more employees are prohibited from discriminating against any individual with respect to compensation, term, conditions, or privileges of employment because of that individual's race color, religion, sex, or national origin.
Consolidated Omnibus Budget Reconciliation Act of 1986 (COBRA)	All employers in the U.S., excluding church groups and federal employers, with 20 or more employees must offer employees and their dependents the right to continue group health and dental plan coverage up to thirty-six months beyond the date it would otherwise end.
Employee Polygraph Protection Act of 1988	Prohibits most employers from using lie detector tests for applicants and employees.
Equal Pay Act of 1963 29 U.S.C. § 2006(d)	<p>The EPA as an amendment to the FLSA covers executive, administrative, or professional employees not covered by FLSA.</p> <p>Also prohibits employers from discrimination based on sex by paying persons of one sex less than the wage paid to persons of the opposite sex.</p>
Fair Labor Standards Act of 1938 29 U.S.C. § 201-219	The FLSA covers most employees. It requires that employees be paid at least minimum wage; second, be paid time and one-half for hours worked over forty hours in a week; third, that hazardous work be done by someone over eighteen years of age and fourth, that minors employed in other occupations be more than fourteen or sixteen years of age, depending on the type of work and employer.
Family and Medical Leave Act of 1993 29 USC § 2601 et seq.	The act provides for a total of up to twelve weeks unpaid, job-protected leave in any twelve-month period to care for a child, for the placement of a child with an employee for adoption or foster care, to care for a spouse, parent, or child who has serious health conditions.
Immigration Reform and Control Act – 1986 29 U.S.C. § 1324 (a) & (b)	All employers, including state and local government employees either must verify that employees hired on or after November 7, 1986, are U.S. citizens or authorized to

	<p>work in the U.S.</p> <p>Requires the use of an I-9. It also makes it unlawful for employers to discriminate by hiring, recruiting, referring or discharging on the basis of national origin, citizenship status, or intention to obtain citizen, to the extent that such discrimination is not covered by Title VII of the CRA of 1964.</p>
<p>Jurors' Protection Act 28 U.S.C. §1363, 1875</p>	<p>Prohibits all employers from disciplining any regular employee for participation in jury service.</p>
<p>National Labor Relations Act of 1935 29 U.S.C. §151-169</p>	<p>The NLRA give employees the right to form, join, and assist labor organizations or to refrain from such activities and to collectively bargain with employers.</p>
<p>Occupational Safety and Health Act of 1970 29 U.S.C. §651-678</p>	<p>Employers are required to maintain a workplace that is free from recognized hazards likely to cause death or serious injury and to comply with standards promulgated by the Occupational Safety and Health Administration.</p>
<p>Pregnancy Discrimination Act of 1978 42 U.S.C. § 2000</p>	<p>Prohibits disparate treatment of pregnant women for all employment-related purposes. The act prohibits termination or refusal to hire or promote women solely because they are pregnant.</p> <p>In addition, bars mandatory leaves arbitrarily set at a certain time during pregnancy. Protects rights to accrued benefits, seniority, and leave. Prohibits employers from treating pregnancy and childbirth less favorably than other causes of disability.</p>

Appendix L

State Regulations Affecting Personnel Policies and Procedure⁹

State Statute	Summary
Minimum Wage TEX. LAB. CODE, § 62.051 (Vernon 1996)	Employees must be paid minimum wage. For employers that are not covered by FLSA there may be coverage under Texas law. Employees may sue for underpayment and liquidated damages.
Payment of Wages TEX. LAB. CODE ANN., Section 61.011, 61.012, 61.019, 61.014 (Vernon 1996)	<p>Employees must be paid at least semi-monthly if non-exempt. Unless a payday is designated, pay must happen on the first and fifteenth of the month. Failure to pay may amount to a felony.</p> <p>Where an employee has been discharged, wages must be paid in full no later than six days after discharge. Employees that quit must be paid on the next regular payday.</p>
Child Support Enforcement TEX. ADMIN. CODE ANN. § 141.6-7, 601.2, 711.2; Title 25, 313.3, 313.19 TEX. TRANSP. CODE ANN. § 521.0445	<p>Authorizes maximum withholding to receive payment of arrearages.¹⁰ It allows attachment of monies in IRAs, which exceed the deductible amounts.</p> <p>In addition, both driver licenses and certain paraprofessional licenses may be suspended for failure to pay child support. Parents may be required to provide health insurance for child (including children born out of wedlock).</p>

⁹ Adapted from Lawson (1998), 370 – 374 and Adapted from Matthies Law Firm, P.C. (2002). Summary of Texas Employment Laws. Retrieved April 23, 2002 from <http://members.aol.com/mattlawfrm/texlaw>. Partial citations are included when found. Citations may not conform to uniform systems of citation.

¹⁰ The state of being behind in payment of debt.

Anti-Discrimination Act TEX. LAB. CODE ANN. § 21.001 et seq. (Vernon 1996)	Prohibits discrimination by companies with fifteen or more employees because of race, color, religion, sex, national origin, age, or handicap.
Breast Feeding Rights TEX. HEALTH & SAFETY CODE ANN. § 81.101 (Vernon 1992)	<p>A mother is entitled to breast feed her baby in any location in which the mother is authorized to be.</p> <p>A business is encouraged, but not required to have policies that allow mothers who want to breast feed a private location to so and a location to store milk.</p>
HIV Testing TEX. HEALTH & SAFETY CODE ANN. § 165.001 (Vernon 1992)	An employer may not require an employee to undergo AIDS testing, unless absence of AIDS/HIV is a bona fide occupational qualification ¹¹ or unless other circumstances make testing necessary.
Extension of Insurance Benefits TEX. INS. CODE ANN. various sections (Vernon 1996)	<p>At termination, the employee must be given the option of continuing health insurance coverage under the group plan if covered for at least three months under the plan.</p> <p>Rules are essentially the same as federal COBRA for group plans.</p>
Witness and Jury Duty TEX. LAB. CODE ANN. § 52.051; TEX. CIV. PRAC. & REM CODE ANN § 122.003	An employer cannot penalize or discharge an employee complied with a subpoena to appear in court or to serve as a juror.
Retaliation due to Workers Compensation Claims TEX. LAB. CODE ANN. § 451.001	It is unlawful to discriminate against an employee who participates in a workers compensation proceeding.

¹¹ A bona fide occupational qualification (BFOQ) is a statutory term defined in Title VII.

Bibliography

- Aaron, K. (1996). Creating Employee Handbooks [Electronic Version]. *Credit Union Executive*, 26, 38-41.
- Adler, P.S. & Borys, B. (1996). Two Types of Bureaucracy: Enabling and Coercive [Electronic Version]. *Administrative Science Quarterly*, 41, 1. 61-89.
- Babbie, E.R. (2001). The Practice of Social Research, 9th Edition. Belmont, California. Waldsworth Publishing Company. Inc.
- Baron J.N., Dobin F.R., & Jennings P.D. (1986). War and Peace: The Evolution of Modern Personnel Administration in U.S. Industry [Electronic Version]. *American Journal of Sociology*, 92. 350-383.
- Bergmann, T.J., Bergmann, M.A. and Grahn, J.L. (1994). How Important are Employee Benefits to Public Sector Employees? *Public Personnel Management*, 23, (3). 397- 406.
- Blair, J.R. (2001). Pregnancy Discrimination [Electronic Version]. *Georgetown Journal of Gender & the Law*, 2,(2). 595-618. Retrieved April 18, 2002 from EBSCO database.
- Buacus, M.S. and Dworkin, T.M. (1998). Wrongful firing in violation of public policy [Electronic Version]. *Group and Organization Management*, 23, (4). 347-389. Retrieved April 18, 2002 from ProQuest database.
- Buschak, A., Craven, C., and Ledman, R. (1996). Managing absenteeism for greater productivity [Electronic Version]. *S.A.M. Advanced Management Journal*, 61, (1). 25 - 29. Retrieved April 18, 2002 from ProQuest database.
- Carol, B. (2002). Up-to-Date employee handbook can avoid misunderstandings [Electronic Version]. *Western Farm Press*, 24, (4). 26-28. Retrieved April 18, 2002 from Infotrac database.
- Conti, A.J. (1999). Electronic Media and Services: Scope of Use. Retrieved April 19, 2002 from <http://contilaw.com/EmailNo2.html>
- Day, N. (1996). Compensation Managers' Beliefs about Strategies that affect compensation program goals. *Journal of Business Strategies*, 13, (1). 65-88. Retrieved April 17, 2002 from <http://coba.shsu.edu/jbs/vol13/no1/13-1-4.htm>
- Davidovich, N. (2001). Employers: Can You Reduce The Risk Of Lawsuits For Wrongful Termination By Inclusion of Internal Grievance Procedures In Employee Handbooks? Retrieved on June 24, 2002 from www.talk-law.com.

Dorman, P. (2001). Maternity and Family Leave Policies: A Comparative Analysis [Electronic Version]. *Social Science Journal*, 38, (2). 189-202. Retrieved April 18, 2002 from EBSCOhost database.

Eberhardt, B.J., Moser S.B., & McFadden, B.J. (1999). Sexual Harassment in Small Government Units: An Investigation of Policies and Attitudes. *Public Personnel Management*, 28, (3). 351-364.

Flynn, G. (2000). Take Another Look at the Employee Handbook [Electronic Version]. *Workforce*, 79, (3). 132.

Gabris, G.T. and Ihrke, D. M. (2001). Does Performance Appraisal Contribute to Heightened Levels of Employee Burnout? [Electronic Version]. Retrieved April 18, 2002 from EBSCOhost database.

Garner, B.A. (Ed.) (1999) Black's Law Dictionary. Seventh Edition. Minnesota: West Group.

Gibbons, K.P. (2001). E-Mail Communications in the Workplace. *W-P Virtual Library*. October 22, 2001. Retrieved from <http://w-p.com/wessels/libEmail>.

Green, M. (2000). Beware and Prepare: The Government Workforce of the Future [Electronic Version]. *Public Personnel Management*, 29, (4). 435-444. Retrieved April 18, 2002 from EBSCOhost database.

Gregg, B. (2001). Employee Handbook: Friend or Foe? *When writing an employee manual, choose your words carefully to avoid appearance of a contract* [Electronic Version]. *Credit Union Executive Journal*, 41, (5). 32-35.

Grote, D., (1998). Painless performance appraisals focus on results, behaviors [Electronic Version]. *HR Magazine*, 43, (11). 52-55. Retrieved April 18, 2002 from ProQuest database.

Jenero, K.A. and Ketay, S.L. (2002). The evolving FMLA: Guidance from recent court decisions [Electronic Version]. *Employee Relations Law Journal*, 27, (4). 51-67. Retrieved April 18, 2002 from ProQuest database

Kellough J.E. (2000). The Americans with Disabilities Act: A Note on Personnel Policy Impacts in State Government. *Public Personnel Management*, 29, (2). 211-224.

Khojasteh, M. (1993). Motivating the Private vs. Public Sector Managers. *Public Personnel Management*, 22, (3). 391-401.

Kilberg, W.J. (2002). The Americans with Disabilities Act: Who is covered? [Electronic Version]. *Employee Relations Journal*, 27, (4). 1-5. Retrieved April 18, 2002 from EBSCO host database.

Koesnadi, G., Funderburk M., Kliener, B. (2002). Is your organization lawsuit – proof? [electronic version]. *Nonprofit World*, 20, (1). 32-35. Retrieved April 18, 2002 from ProQuest database.

Krueger, A.B. (1991). The Evolution of Unjust Dismissal Legislation in the United States [Electronic Version]. *Industrial and Labor Relations Review*, 44, (4). 644-660

Lawson, J.W.R. (1998). How to Develop an Employee Handbook. New York: AMACOM.

McDonald, Jr., J.J. (2002). Lex Mentis: Sticks and Stones [Electronic Version]. *Employee Relations Law Journal*, 27, (4). 101-112. Retrieved April 18, 2002 from ProQuest database.

Murray III, H.F. (2001). It is Time to recheck your Employee Handbooks: Recent Cases Highlight the Importance of Careful Drafting [Electronic Version]. *The Metropolitan Corporate Counsel*. Retrieved April 18, 2002 from <http://lexis-nexis.com/universe.htm>

Prucino, D.L., Rice, C.M (2002). Point-and-Click Personnel Policies: State Laws May Affect Electronic Employee Handbooks. *Employee Relations Today*, Winter 2000. 111-118.

Shields, P.M. (1998). Pragmatism as Philosophy of Science A Tool for Public Administration. *Political Science 5403b Course Packet Materials*, Spring 1998. 41- 78.

Short, R.E. (1997). A Content Analysis of Texas State Agency Employee Handbooks. *Applied Research Project*, Southwest Texas State University Department of Political Science, Fall 1997.

Simon, J. (2002). Electronic Mail In The Workplace: Employers Should Implement Comprehensive E-Mail Policies. Retrieved April 19, 2002 from <http://soslaw.com/Pubs/LAW/email.html>

Smith, T. (1991). Wrongful discharge reexamined: the crisis matures, Ohio responds [Electronic Version]. *Case Western Law Review*, 41, (2). 1209-1270. Retrieved April 18, 2002 from EBSCOhost database.

Sosin, B. (2001). Packaging your Policies. *HR Magazine*, 46, (7). 66-72. Retrieved April 18, 2002 from EBSCOhost database.

Sovereign, K.L. (1994). Personnel Law. New Jersey: Prentice-Hall.

State Auditor's Office. (1999). Texas Human Resources Management Statutes Inventory 2000-2001 Biennium. *Report No. 99-708*. Austin, Texas.

State Auditor's Office. (2002). A Quarterly Report on Full-Time Equivalent State Employees For the Quarter Ending August 31, 2001. *Report No. 02-702*. Austin, Texas.

Stemler, S. (2001). An Overview of Content Analysis [Electronic Version]. *Practical Assessment, Research & Evaluation*, 7 (17). Retrieved April 24, 2002 from <http://ericae.net/pare>

Stern, N.S. (2001). Family and Medical Leave [Electronic Version]. *Georgetown Journal of Gender and Law*, 2, (2). 663-679. Retrieved April 18, 2002 from EBSCOhost database.

Strickland, R.A. (1995). Sexual Harassment: a legal perspective for public administrators. *Public Personnel Management*, 24 (Winter 1995), (4). 493-509.

Sutton, J.R., Dobbin, F., Meyer, J.W. and Scott, W.R. (1994). The Legalization of the Workplace [Electronic Version]. *American Journal of Sociology*, 99, (4). 944-971.

Texas Human Resource Management (2002). Home Page and Resource Guide. *Texas Human Resource Management Office*. Retrieved on June 23, 2002 from <http://www.hr.state.tx.us>.

Whitehead, K.D. (Ed.) 1997 Federal Personnel Guide. Washington, D.C.: Key Communications Group Inc.