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manager's job description needs to be customized to best fit the needs of the practice, which is why you will not find a generic office manager job description on the McKenzie Management website along with all the other job descriptions.

Rather, we recommend professional training geared specifically for dental office managers. This training should teach the business of dentistry, including each practice system as well as other management specialty areas. From there, the job description is built from scratch with input from the dentist and the office manager so that it serves the needs of the specific practice.

Not every practice needs an office manager. Some dentists are comfortable managing the practice as well as doing the dentistry, while others do not want to be burdened with the management responsibilities. My advice is that you don't toss around the term office manager lightly. This is a position that carries significant responsibility and requires specific skills. If you do appoint an office manager, give her the tools to succeed via professional training. DT

About the author



Sally McKenzie is a nationally known lecturer and author. She is CEO of McKenzie Management, which provides highly successful and proven management services to dentistry and has since 1980. McKenzie Management offers a full line of educational and management products, which are available on its website, www.mckenziemgmt.com. In addition, the company offers a vast array of Business Operations Programs and team training. McKenzie is the editor of the e-Management newsletter and The Dentist's Network newsletter sent complimentary to practices nationwide. To subscribe visit www.mckenziemgmt.com and www.thedentistsnetwork.net. She is also the Publisher of the New Dentist™ magazine, www.thedentist.net. McKenzie welcomes specific practice questions and can be reached toll free at (877) 777-6151 or at sallymck@mckenziemgmt.com.

Does a dental practice need an employee handbook?

By Stuart J. Oberman, Esq.

For a practicing dentist who aims to always deliver high-quality patient care, staff retention is an important value. Staff retention aids the dental practice in providing stability and continuity and eliminates the high costs associated with employee turnover.

Obviously, staff members are more likely to continue working when they feel they are treated fairly and consistently. In this respect, an employee handbook is important to a dental practice as it documents the practice's policies and procedures, sets expectations and provides for a framework for uniformity.

An employee handbook can be a valuable communication and employee relations tool because it demands consistency among managers and clearly dictates employee policies. The employee handbook allows an employer to lay out what he or she expects from employees and what employees can expect from the employer.

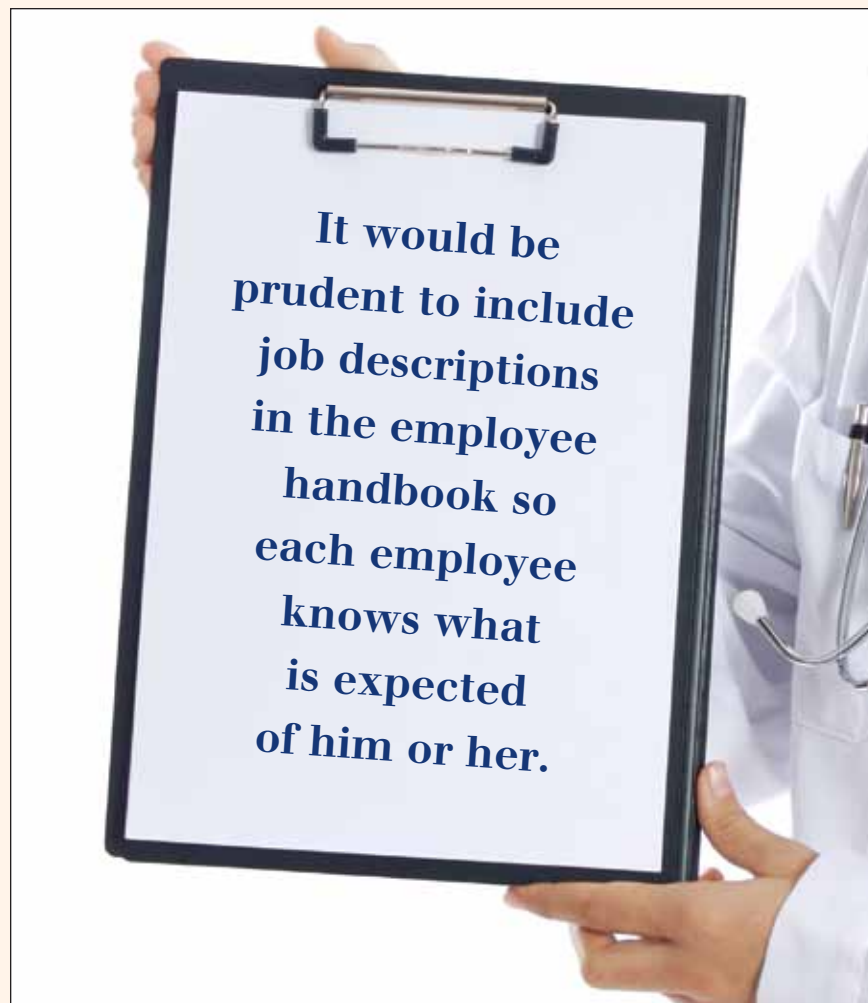
Clear office policies lend support to disciplinary procedures and reduce any likelihood of discrimination charges. In addition, handbooks often help new employees get acquainted with their new position and let them know what is expected of them.

For an employee handbook to be most effective, it should be written in a simple, clear, organized and concise manner to avoid confusion among employees. The employee handbook should be easy to use so that employees may refer back to it as often as they wish. The employee handbook should be distributed to every employee in the dental office.

When you distribute your employee handbook, allow all members of your dental practice an opportunity to read it. Each employee should then sign and date an acknowledgment form that states they understand and agree to be bound by the policies outlined in the employee handbook.

An electronic copy of the employee handbook should be stored on a computer that all employees can access, and a bound copy should be kept in the office for general reference. The handbook should also be updated as office policies change and each employee should sign an acknowledgment for each change.

Dentists should refrain from using terminology that may imply that the handbook is an employment contract, and from making statements such as "your employment will not be terminated as long as your job duties are satisfactorily performed," as this implies a long-term commitment.



It would be prudent to include job descriptions in the employee handbook so each employee knows what is expected of him or her.

While employee handbooks will vary among dental offices, there are guidelines for dentists to follow in creating their employee handbook. There are numerous laws that govern the relationship between employer and employee. Many of these laws apply to even the smallest dental practices.

Therefore, it is important for the employee handbook to reflect these laws. In addition, many provisions should be included in the employee handbook to promote uniformity, thus helping employees present a united front to patients and to reduce the risk of an employee initiating a lawsuit for unfair treatment.

Every employee handbook should begin with an introduction, which should welcome new employees and introduce your practice's goals, mission statement and history. There should also be a disclaimer stating that the employee handbook is not an employment contract and does not affect the employment-at-will doctrine. After this introduction, the employee handbook should briefly describe several subjects.

It would be prudent to include job descriptions in the employee handbook, so each employee knows what is expected of him or her. Performance reviews and grievance procedures should be discussed and work schedules and dress code should be outlined. The handbook should

identify the days and hours of the workweek as well as schedules for lunch and breaks.

Full-time employees' work schedules should be defined and differentiated from those of part-time employees. Compensation and benefits should be detailed and should inform employees of the payroll schedule, holidays, vacation, sick leave, bereavement, jury duty, military leave, leave of absence and health insurance.

If your dental office has 50 or more employees, you must comply with the Family and Medical Leave Act, and this should be included in the employee handbook. Personal use of the telephone and Internet, procedures for safety and hygiene of dental employees as well as policies on smoking and substance abuse should be included as well.

The employee handbook should contain an anti-harassment policy as well as an Equal Opportunity Employment provision stating that your dental practice will not discriminate in offering employment. These provisions are extremely important, as they make it clear that you will not tolerate harassment or illegal discrimination, describes the steps that can be taken to report violations of these policies, outlines the steps that the dentist will take in responding to these allegations and confirms that the dentist is an equal-

opportunity employer.

In addition, HIPAA privacy laws should be outlined in the employee handbook to ensure that each employee is informed about the law and understands how the dental office intends to comply with the law.

As noted above, it is important to preserve the “at will” employee relationship. Some courts have found that statements made in employee handbooks create a contract that limits the “at will” relationship. For this reason, a disclaimer should be included in the handbook that clearly states that nothing in the employee handbook shall be construed as a promise or a contract.

At-will employment means that either party may terminate the relationship with or without notice, for any reason or no reason. However, obvious reasons, such as age, race and gender, remain illegal grounds upon which to fire an employee.

Including these provisions in an employee handbook provides the dental employer an extra level of protection in the event an employee commences a lawsuit for harassment, discrimination or wrongful termination.

It is much simpler for the dentist to prove that a policy was in place when he can produce a signed acknowledgment from the employee.

While dentists should be sure to avoid creating an implied employment contract in drafting the employee handbook, without these written policies your daily conduct in managing the office will become “policy,” and will lead to more liability exposure when employees claim unfair or inconsistent treatment.

By developing and enforcing a comprehensive employee handbook, your employees will be more knowledgeable about applicable laws, know what to expect when commencing employment, and will be more likely to feel that they are treated fairly, which reduces the practice’s legal exposure, allowing you to do what you do best: practice dentistry. **DT**

About the author



Stuart J. Oberman, Esq., has extensive experience in representing dentists during dental partnership agreements, partnership buy-ins, dental MSOs, commercial leasing, entity formation (professional corporations, limited liability companies), real estate transactions, employment law, dental board defense, estate planning, and other business transactions that a dentist will face during his or her career.

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