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No gobbledygook; company handbook is in plain English

By Molly Selvin
The Los Angeles Times

How much should a company's culture reflect its chief executive, especially one who prides himself on being blunt and innovative — and, some might say, abrasive?

If you're new Tribune Co. CEO Sam Zell, the answer seems to be: a lot. At least that was the feeling workers got with distribution of a new employee handbook, a document that's nothing like the lawyer-filled gobbledygook in most corporate manuals. Consider the opening:

"Rule 1: Use your best judgment."

"Rule 2: See Rule 1."

In an e-mail to employees, Zell (who took over last month after helping to take the company private) described the new handbook as shorter and more direct than its turgid predecessor, reflecting trust "in your judgment, and in each other."

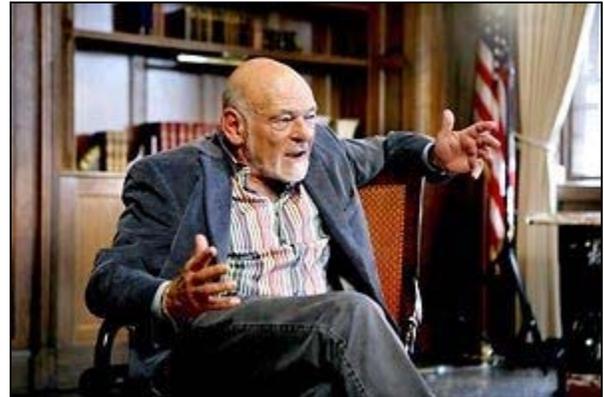
"I don't think a lawyer got their hands on it, and that's fantastic," said Mark Mehler, co-founder of CareerXroads, a New Jersey recruiting and consulting company.

Is that a good thing?

As companies compete for talent and customers, executives say they seek more open communication with their employees, hoping to encourage innovation.

But the plain language and direct, almost jocular, tone of the new handbook — unusual in the corporate world — might make it a legal minefield, some employment lawyers said.

At 3,663 words, the new Tribune manual is about a third as long as the 11,519-word edition it replaced.



Sam Zell talks during an interview at the Chicago Tribune on Tuesday, April 3, 2007 in Chicago, Illinois. (Jose More/Chicago Tribune/MCT) 1042424

And in place of words like "pursuant to," "required minimums," and "appropriate documentation," the Zell model uses plain language — and jokes:

- "2.5. Discrimination based on gender, age, race, religion, national origin, marital status, sexual orientation, disability, or any other characteristic not related to performance, ability or attitude, protected by federal or state law, or not protected (such as the inability to tell a joke, the occasional poor wardrobe choice or bad hair day), is strictly prohibited."
- "4.5. Making the building too hot, banging on trash can lids or loud bagpipe music are annoyances you can complain about" but such actions don't constitute harassment on the basis of protected characteristics.
- "7.1. If you use or abuse alcohol or drugs and fail to perform the duties required by your job acceptably, you are likely to be terminated. See Rule 1. Coming to work drunk is bad judgment."
- "7.2. If you do not use or abuse alcohol or drugs and fail to perform the duties required by your job acceptably, you are likely to be terminated."

The manual is a departure from traditional employee handbooks, Mehler said, which "since the Stone Age have either been written by the summer intern or the newest employee in the company."

Then they're turned over to company lawyers. They're guidelines, no more, no less, he said, typically pulled out by "the supervisor on the third shift when there's no manager around."

The new version "reminds us not to take ourselves too seriously, and to have fun," Zell wrote employees. It also outlines "our company's new core values," which he described as "a performance-oriented culture."

The guy at the top definitely can change the corporate culture, Mehler said. He recalled working with a biotech company that, under a new owner eager to improve sales, began to require senior managers to turn in a checkoff sheet before their weekly staff meeting.

Completing the sheet required them to visit with staff in every location in the building — including the maintenance shed, where beer for the Friday afternoon happy hour was stored.

The policy generated higher sales, Mehler believes, because "employees felt they were part of a team."

San Francisco lawyer Mark Schickman applauded the Tribune handbook for eliminating legalese. "But in an effort to be brief and funny, they've made a lot of mistakes," he said.

Among its nine "core values," the manual encourages employees to "Question authority and push back if you do not like the answer. You will earn respect, and not get into trouble for asking tough questions."

To Schickman, who represents employers, that means if you try to terminate someone for being argumentative and insubordinate, the employee could argue that they were questioning authority and pushing back.

The new Tribune handbook is the handiwork of Randy Michaels, Tribune CEO for Interactive & Broadcasting, who believes it will reduce liability.

He acknowledged that terms such as "intelligent risk" and "good judgment" were subjective, but insisted, "The more policies you have, the more opportunities there are for someone who is very unhappy to sue."

"I'm amazed and amused at what lawyers get businesspeople to do," he said. "I think we'll have fewer legal problems with plain English and common sense than with pages and pages of rules."

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