



Recruitment

- **Job Descriptions**
 - One for each position
 - Accurately reflect essential functions of position
 - List valid job-related qualifications
 - Define the physical requirements for the job
 - Signed by the employee
- **Employment Application**
 - Asks for information relevant to the position only
 - Does not ask about citizenship only the ability to work in the US
 - Use care when asking for arrest records see state law
 - Education does not ask for the date of graduation
 - Candidates to sign off on an agreement
 - including:
 - All information provided is true
 - Employment will be offered on an at-will basis
 - Agree to comply with policies including drug testing
 - Authorization to check background and references
 - Application only valid for 30 days
- **Job Posting**
 - Discriminatory language is not used
 - Qualifications are appropriate for the position
- **Reference Checks**
 - Is there a formal practice in place
 - Candidates sign authorization
 - FCRA documents provided
- **Offer Letter**
 - Salary should be stated in "per pay period" amount
 - No promise of future benefits
 - Employment at will language
 - Date must be returned, or the offer will be rescinded
 - Consider if confidentiality or non-compete agreements should supplement the offer letter
 - Signature of candidate



New Hire Employee Paperwork

- I-9 Completion, if E verify is used check compliance
- Employee's Withholding Allowance Certificate (W 4) for year of hire; state and federal
- Direct deposit authorization
- New Hire Reporting requirements for state
- Employee Handbook evidence of receipt
- Utilization of new hire checklist
- Signature of arbitration and waiver of class action
- Receipt of company property with value
- Confidentiality and non-disclosure agreements
- Review any other forms provided for completion and non-discrimination

Employee Handbook

- Provided to all employees; describe online access
- Overall language provides flexibility for management
- Contains essential policies including:
 - At-will employment
 - Pay practices
 - Equal opportunities
 - Anti-harassment and discrimination
 - Internet and email policies
 - Confidentiality
- FMLA if you have over 50 employees within 75 miles



Compensation

- Evaluation of compensation for those in similar positions
- Recordkeeping of work hours
 - Complete
 - True reflection of work
 - Signed by the employee
- Paid time off categories tracked and enforced
- All appropriate withholdings occur
 - FICA
 - State and federal taxes
 - Imputed income as appropriate
 - Overtime paid on 40 hours each week
- Classification of exempt and non-exempt employees is accurate
- Overtime law properly followed
- Independent contractors are properly classified

I-9 Audit

- I-9 in an active file for all current employees
- Retained in a location other than the employee file
- All employees completed within 72 hours of hire
- Utilizing proper form for date of hire
- Section 2 properly completed
- Section 3 signed by a company representative
- Retain only those required for terminated employees
 - The later of 3 years from the date of hire or 1 year following the date of termination

Benefits

- All ERISA, HIPAA, and COBRA communication provided
- Employees enrolled or signed a waiver of benefits
- COBRA provided if applicable; under 20 employees review state law
- FMLA documents provided properly if over 50 employees
- 5500 completed for insurance plans and submitted annually
- Imputed income properly calculated



Employee Files

- One official file for each employee
- Files kept in locked cabinet/office
- Virtual files password password-protected
- Medical information is retained in separate files
- Performance reviews exist and are signed/dated by both the employee and manager
- All new hire paperwork is complete and signed
- A policy established on employees viewing/copying files per state law
- Retention policy established for terminated employees
- Ensure that unnecessary documents are not filed
- Recordkeeping/Documentation
- Federal and state employment posters
 - If more than 20% of the workforce speaks another language, posters in that language
- Employees sign performance documentation
- EEO-1 is filed annually if over 100 employees
- Document retention and destruction policy

Safety

- OSHA 300 log retained for 5 years
- OSHA 301 posted annually
- Hazardous material training provided
- Lockout/tag-out training provided



Training & Development

- Are managers trained on compliance issues relating to HR:
 - Overtime Law
 - Proper interview techniques
 - Process for termination
 - ADA/FMLA/Work Comp
 - Reporting of absence more than 3 days
 - Harassment and discrimination
 - Internet/computer policies
 - Retaliation compliance
- Anti-harassment training conducted annually for all employees
- Hazardous materials training as appropriate
- Retain attendance sheets for all training

Employee Discipline & Termination

- Discipline policy established and maintained
- Procedure for investigation of employee incidents and complaints
- Approval for references in the future
- Process for termination established
 - Who approves the termination
 - Notification to others as appropriate
 - Retrieval of company property
 - Eliminate access to all company resources
 - Final pay
 - Benefit termination and notification