

EMPLOYMENT PRACTICES CHECKLIST

HIRING

Yes No

1. Are you using an employment application that complies with the ADA, Title VII, ADEA and state law?
2. Does every new employee fill out and sign an employment application?
3. Does your employment application make it clear that employees are hired on an "at-will" basis?
4. Have you instructed your managers to personally call the applicant's previous supervisors for a reference (and are they doing this)?
5. Do you have an I-9 form for every employee hired since 1986? Do you have copies of supporting documents?
6. Do you make a MVR check on applicants who will be driving vehicles on company business?
7. Do you make a criminal records check on applicants for sensitive positions?
8. Are you drug-testing all applicants? If so, is your testing in accordance with state and DOT requirements?
9. Do you require your managers to make a written and oral evaluation with employees at least once a year?
10. Do you have training for your managers?
11. Do you have an employee handbook that spells out your benefits and policies. If so, have you reviewed it within the last year to ensure that it is up-to-date and complies with the employment law, and that it does not expose you to "implied contract" claims?

TERMINATION

Yes No

1. Do you require that all performance problems be documented in writing?
2. Do you have a policy that no employee may be terminated without approval or review by the responsible department manager and the President of the company?
3. Does a responsible senior manager and the President (with attorney review) review every employee discharge to insure that company policy has been followed and applied consistently?
4. Is every discharge case fully documented?
5. Do you contest all unemployment compensation claims when the discharge is "for cause."

WAGE AND HOUR COMPLIANCE

Yes No

1. Have you within the last twelve months reviewed the job duties of every employee who is not receiving overtime pay to be sure that each employee is, in fact, exempt from overtime?
2. Do you have accurate time records for each employee who is not a bona fide executive, administrative or professional employee?
3. If you make deductions from your employees' pay, are they in accordance with state restrictions?

HARASSMENT

Yes No

1. Do you have a no-harassment policy posted that addresses all forms of harassment? If so, does it contain a specific procedure to follow to report harassment problems?
2. Do you have your employees and managers sign a copy of this policy that contains a provisions that the signatory has read, understands and agrees to be bound by the policy?
3. Have you trained your managers concerning harassment and how to handle complaints and investigations? Do you conduct periodic "refresher" training for new managers?
4. Have you investigated every harassment claim? Have you documented the results of these investigations?

AMERICANS WITH DISABILITIES ACT COMPLIANCE

Yes No

1. Is your employment application in compliance with the ADA?
2. Do you managers know what types of questions can and cannot be asked of applicants concerning disabilities?
3. Have you made your facilities accessible to disabled employees and customers?
4. Have you trained your managers who do the hiring for the company about the ADA and what the law requires of them?
5. If you use pre-employment medical exams, does your physician know the actual physical and mental requirements of each job at the company? (Remember, you cannot require an exam until you make a conditional offer of employment).
6. Do you have a job description for each position which specifically states the "essential job function" for each job?

FAMILY AND MEDICAL LEAVE ACT COMPLIANCE

Yes No

1. Are you displaying the Family and Medical Leave Act poster? (only applies if you have 50 or more employees)
2. Have you developed a Family and Medical Leave policy?
3. Is your personnel department familiar with the requirements of the law with respect to insurance, reinstatement, medical reports, etc?
4. Does your employee handbook contain a FMLA provision?

COBRA

Yes No

1. Do you have a complete and up-to-date COBRA notice? If so, do you send it to the employee and spouse? Do you send it certified mail?

POSTERS

Yes No

1. Do you have the five required federal posters properly display (Title VII, Wage/Hour, OSHA, Polygraph and FMLA)?

SUPERVISORY TRAINING

Yes No

1. Have you conducted supervisory training programs to insure that your supervisors and managers are aware of the potential legal implication of their statements and actions with respect to employees?
2. Do managers/supervisors know that they can only make recommendations concerning promotions and terminations - - they may not fire without your final approval.

PROTECTION AGAINST VIOLENCE IN THE WORKPLACE

Yes No

1. Have you considered conducting background checks of your potential employees?
2. Do you ask an applicant if he/she has ever been convicted of a felony?
3. Do you ask an applicant if he/she has ever been accused of sexually harassing or assaulting an employee?
4. Do you ask an employee why he/she was fired from any previous employment?
5. Do you conduct reference checks on all applicants?