

Human Resource Audit For Connecticut Employers

Provided by the labor and employment law firm of
Kainen, Escalera & Mchale

How to use the tool

This audit tool is designed to help Connecticut employers identify and correct possible labor and employment law vulnerabilities before they become costly problems.

Read each item and circle "Y" if you have accomplished the task. If you chose "N" in response to any of these items, you should consider addressing the issue as soon as possible. If one of our attorneys can help, please don't hesitate to call for further assistance.

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General Matters

1. Are required state and federal employment law posters displayed where employees can review them? Such as, depending on the size and type of employer, posters pertaining to:

The Federal Fair Labor Standards Act Y/N
Federal Equal Employment Opportunity Y/N
Federal Occupational Safety and Health Act Y/N
Federal Family and Medical Leave Act Y/N
Federal Uniform Services Employment and Reemployment Rights Act Y/N
Federal Polygraph Protection Act Y/N
CT Sexual Harassment Y/N
CT "Discrimination is Illegal" Y/N
CT Workers' Compensation Y/N
CT Unemployment Compensation Y/N
CT "Notice of Electronic Monitoring" Y/N
CT "Notice of Privacy Protection" Y/N
CT Paid Sick Leave Y/N
CT "Pregnancy Discrimination and Accommodation in the Workplace Notice" Y/N
CT Wage and Workplace Standards Y/N

2. Is the Company registered in the unemployment compensation system and contributing to same through a system of payroll taxes? Y/N

3. Does the Company have appropriate workers' compensation insurance in place? Y/N

4. Does the Company have appropriate Director & Officers ("D&O") liability insurance and/or Employment Practices Liability Insurance ("EPLI") in place? Y/N

5. Is the Company a federal or state contractor which needs to comply with affirmative action obligations? Y/N

6. Does the Company file and maintain EEO-1 forms and VETS-100 forms annually (as applicable)? Y/N

Hiring Guidelines - Applications and Advertisements

7. Is an employment application being used that complies with federal and state laws? Y/N

8. Does the Company ensure that all information on the application has been completed and that the application has been signed and dated where required? Y/N

9. Does the Company ensure that all applications/resumes are reviewed to determine if each candidate meets minimum job qualifications? Y/N

10. Has the Company reviewed the criteria to be used in reviewing applications, making sure that the criteria are legitimate, business-related and non-discriminatory? Y/N

11. Are employment advertisements reviewed for accuracy and legality? Y/N

12. Has the Company properly classified the position before accepting applications? (i.e., employee vs. independent contractor; full-time vs. part-time; exempt (from overtime) vs. non-exempt)? Y/N

13. Does the Company have a job description that accurately reflects the qualifications for the position (i.e., education, experience, licenses) and essential and non-essential functions of the position for which the Company can demonstrate a business necessity? Y/N

Interviewing

14. Is the Company consistent in the personnel used to conduct interviews, the types of interviews conducted (i.e., phone screen vs. in-person) and the number of interviews conducted? Y/N

15. Are all interviewers appropriately instructed as to lawful inquiries and provided with an interview checklist and examples of both lawful inquiries and questions not to ask? Y/N

16. Does the Company ensure that interviewers are consistent in the subject areas explored and the types of questions asked during interviews by means of developing a standard set of questions to be asked of all applicants and keeping a record of the questions used? Y/N

17. Does the Company recommend that interviewers complete a written interview report following each interview? Y/N

Background Checks

18. Are applicants required to sign an appropriate written authorization allowing the Company to conduct reference and background checks in compliance with the requirements of the Fair Credit Reporting Act ("FCRA")? Y/N

19. Does the Company understand the circumstances when an applicant (or current employee) may be required to consent to a request for a "credit report" as a condition of employment and when credit scores may be used in making hiring or employment decisions? Y/N

20. Does the Company not require an applicant to disclose any information regarding his/her criminal background (or conduct a criminal background search) until after the applicant is interviewed? Y/N

21. Does the Company not require an employee or job applicant to disclose the existence of any arrest, criminal charge or conviction that has been "erased" under Connecticut law? Y/N

22. Does the Company make hiring (and employment decisions) based on criminal convictions (and, if so, only if a business necessity can be established and the connection between the convictions and the job is not too remote) and not based on arrest records? Y/N

23. Does the Company understand that only public information available on social networking sites may be obtained regarding applicants (or employees) and may be used when making employment decisions (in same lawful manner as background information is otherwise obtained and used), without requiring applicants or employees to provide social networking passwords as condition of employment? Y/N

24. Are references appropriately checked before an offer of employment is communicated to the applicant? Y/N

25. If an applicant (or employee) might be rejected based upon a report issued by background checking agency, does the Company provide notice to the applicant (or employee) prior to taking any adverse action based on the consumer report (except as a result of an investigation into misconduct) and provide a copy of the report and a summary of the FCRA to the applicant (or employee)? Y/N



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