

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 signing-up for the NESMA Employment Law Answer Hotline Service and contacting one of our attorneys for further assistance.

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Employee Leave

1. Does the Company provide and comply with state and federal military leave requirements? Y/N
2. Does the Company provide and comply with state jury duty leave requirements? Y/N
3. Does the Company provide and comply with state witness and crime victim leave requirements? Y/N
4. Does the Company provide and comply with state family violence victim leave requirements? Y/N
5. Does the Company provide and comply with state emergency responder leave requirements? Y/N
6. Does the Company provide and comply with state legislative leave requirements? Y/N
7. Does the Company provide and comply with state paid sick leave for service workers (as applicable)? Y/N
8. Does either the federal (50 or more employees) or state (CT: 75 or more employees) family and medical leave act ("FMLA") apply? Y/N
9. If either the state or federal FMLA applies, does the Company have the proper policies, designation forms and certification forms in place? Y/N

Employee Leave (Cont.)

10. If an employee requests medical leave or goes out on workers' compensation or short-term disability, does the Company simultaneously determine if the condition satisfies the criteria to commence FMLA leave? Y/N

11. If the employee is about to exhaust his FMLA entitlement, does the Company advise the employee that the leave period is about to be exhausted and request a medical update on the employee's condition and/or return to work status report? Y/N

12. Does the Company have policies which specify whether employees are eligible for wage advances, vacation time advances and/or loans, and if so, also have proper forms (as approved by the CT Department of Labor, as necessary) to obtain reimbursement of such advances and/or security for such loans? Y/N

Privacy, Monitoring and Information Technology Use Issues

13. Does the Company (under Connecticut law) provide current and former employees the right to inspect their personnel files (or to obtain copies of the personnel file with or without a charge for copies by the Company) (within seven (7) days and ten (10) days, respectively) after submitting a written request to do so (up to a maximum of two times per year)? Y/N

14. Does the Company allow employees to submit an explanatory statement to be retained as part of the personnel file if upon inspection there is no agreement on removal or correction of information? Y/N

Privacy, Monitoring and Information Technology Use Issues (Cont.)

15. Does the Company (under Connecticut law) have a policy of not releasing information contained in a personnel file to anyone other than the employee, except to one who performs employment-related services for the Company, or in response to a lawfully issued administrative summons or judicial order (including a subpoena), or in response to a request by a law enforcement agency, or to comply with federal, state, or local laws or regulations? Y/N

16. Does the Company (under Connecticut law) have a policy of not releasing information contained in a medical file to anyone (including the employee) other than to the employee's doctor (pursuant to a written authorization from the employee to do so) or to one who performs employment-related services for the Company, or in response to a lawfully issued administrative summons or judicial order, including a subpoena, or in response to a request by a law enforcement agency, or to comply with federal, state, or local laws or regulations? Y/N

17. Does the Company have policies and procedures in place to guard against and impose penalties for employee misuse or misappropriation of privileged or confidential business-related information and trade secrets? Y/N

18. Does the Company conduct internal investigations of employee misconduct, particularly allegations of sexual harassment, in a manner to protect employee privacy interests (such as an employee's reputation) by only involving employees with a "need to know"? Y/N

19. Has the Company implemented disciplinary procedures and other policies (e.g., substance abuse and alcohol policies) which state that employees cannot engage in off-duty conduct which interferes with their ability to perform their jobs or otherwise discredits the Company's reputation in the community or harms the Company's business operations? Y/N

Privacy, Monitoring and Information Technology Use Issues (Cont.)

20. Has the Company posted a notice of privacy protection for personally identifiable information (such as driver's license numbers, credit or debit card numbers, bank account numbers, identification card numbers, passport numbers, alien registration numbers, and health insurance identification numbers) and adopted and implemented a policy with procedures in place to demonstrate how it will, in fact, accomplish the safeguarding (and proper destruction) of such personal information? Y/N

21. If the Company conducts any type of electronic monitoring in the workplace (i.e., monitoring of e-mail, voice-mail, computers etc.), has the Company issued prior written notice of monitoring to employees who may be affected by monitoring, stating the type of monitoring that may occur, and posted such notice where employees can readily view it (and included a monitoring policy in a handbook)? Y/N

22. Has the Company implemented a written policy stating that it retains the right to conduct property searches in the workplace at any time without advance notice, including searches of employee work areas, desks, lockers, file cabinets, mail, briefcases, handbags and cars (if parked in Company parking lots)? Y/N

23. Does the Company conduct property searches that are "justified at inception" (i.e., based on reasonable suspicion) and "permissible in scope" (i.e., the measures used are reasonably related to the objectives of the search and are not excessively intrusive)? Y/N

24. If the Company seeks to monitor telephone calls to and from the workplace, has the Company obtained the consent of all parties to the call (pursuant to Connecticut law) either verbally, as a result of a recorded message at the beginning of the call, or by a recorded tone warning the parties every 15 seconds that they are being recorded? Y/N

Privacy, Monitoring and Information Technology Use Issues (Cont.)

25. If the Company conducts video surveillance of employees and/or the worksite, does the Company prohibit such surveillance activities (under Connecticut law) in areas designated for health or professional comfort or for the safeguarding of employee possessions, such as restrooms, locker rooms, or lounges? Y/N