

# 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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## Privacy, Monitoring & Information Technology Use Issues

1. 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
2. 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
3. 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
4. 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

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

5. 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

6. 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

7. 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

8. 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

9. 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

10. 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

11. 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

12. 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.)

13. 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

14. Does the Company have a policy restricting Internet access and e-mail use for business purposes only during working time (i.e., the time an employee is engaged or should be engaged in performing his/her duties for the Company)? Y/N

15. Does the Company have a policy allowing limited personal use of Internet and e-mail access during non-working time, to the extent that such use does not interfere with the Company's business operations or others who are working, does not cause the Company to incur any additional expenses, and does not otherwise violate any Company policies or procedures or applicable laws? Y/N

16. Does the Company have a policy prohibiting employees from taking, distributing or posting pictures, videos or audio recordings while on working time (see definition above), in order to ensure employee safety and safety of Company equipment, prevent unlawful harassment, maintain individual privacy, encourage open communication, avoid unnecessary distractions and protect confidential business-related information of the Company from being improperly disclosed. Y/N

17. Does the Company have a policy (for some of the same reasons identified above) requiring employees who seek to take, distribute or post pictures, videos or audio recordings of people at the Company (such as other employees, clients or others doing business with the Company) while on non-working time to notify and obtain permission from such other individuals first? Y/N

18. Does the Company have a policy prohibiting employees from taking, distributing or posting pictures, videos or audio recordings of any confidential business-related information of the Company at any time? Y/N

19. Does the Company have a policy prohibiting employees from taking pictures or making recordings of work areas at any time, except if the employee were engaging in any activity protected by the National Labor Relations Act including, for example, taking pictures of health, safety and/or working condition concerns and/or other protected concerted activities, as long as such pictures, videos or audio recordings do not disclose any confidential business-related information of the Company? Y/N

20. Does the Company have a policy prohibiting employees from attaching their personal electronic devices (such as cell phones, tablets, laptops, MP3 players, smartwatches, smartglasses, etc..) to or charging them on the Company's computers so as to minimize the risk of introducing malware/viruses onto the Company's computer systems?

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

21. Does the Company have a policy prohibiting employees from plugging in any storage devices, USB drives, media cards or any other personal storage device into the Company's network or Company owned hardware unless for business purposes only with approval by the Company so as to minimize the risk of employee theft of confidential business-related information? Y/N

22. Does the Company have a policy allowing employees to use their personal electronic devices (such as cell phones, tablets, laptops, MP3 players, smartwatches, smartglasses, etc..) during non-working time (and/or working time), so long as such use is not disruptive to others (including co-workers, clients, etc.), does not interfere with the Company's business operations, and does not otherwise violate any of the Company's policies (including standards of conduct; confidentiality; etc.) or applicable law? Y/N



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