

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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Hiring Guidelines - Pre-Employment Testing

1. Does the Company conduct pre-employment drug testing in accordance with required notice and testing procedures? Y/N
2. Does the Company prohibit the use of lie detector tests for pre-employment screening (and during the course of employment)? Y/N
3. Does the Company prohibit medical examinations or inquiries about medical conditions before a job offer has been made? Y/N
4. If the Company requires an applicant to perform a physical agility test or a job skills test as a condition of employment, can the Company demonstrate that the test is job-related and justified by business necessity? Y/N
5. If the Company requires an applicant to perform a written test as a condition of employment (such as an honesty test), can the Company demonstrate that there is a rational relationship between test scores and job performance and that the test does not have a disparate impact on minority job applicants? Y/N

Making the Offer

6. Has the Company carefully reviewed all of the information that has been compiled concerning the applicant during the pre-employment process, looking at the information as critically and objectively as possible? Y/N

7. Is the Company prepared to articulate and demonstrate, with specific information, why a particular applicant has been chosen over others, making sure that the reasons for choosing a particular candidate are legitimate and non-discriminatory? Y/N

8. Does the Company wait to make offers until all steps in the pre-employment process have been completed? Y/N

9. Does the Company provide written offers of employment containing information pertaining to position, hours of work, salary, starting date and benefits and any contingencies upon which the offer is based (i.e., results of criminal record checks; drug testing; completion of I-9 Form; post-job offer medical examinations)? Y/N

10. Does the written job offer state that it sets forth the complete terms of the offer and supersedes any prior oral or written representations to the contrary? Y/N

11. Has the Company decided whether to provide an employment agreement to certain new hires containing non-compete, non-solicitation and/or non-disclosure provisions (as applicable)? Y/N

Orientation

12. Is orientation standardized for all departments and is an appropriate orientation checklist followed? Y/N

13. Does the Company have a handbook/personnel policies to provide to a new hire, containing policies pertaining to, among other things: "at-will" employment (non-unionized employers); workplace harassment or discrimination; reasonably accommodating qualified disabled individuals; equal employment opportunities/affirmative action statement (as applicable); disciplinary rules/rules of conduct; employee complaint procedures; employee leave (FMLA, vacation leave, sick leave, etc.) and employee benefits (insurance, 401(k), etc.)? Y/N

14. Do new hires sign an appropriate handbook receipt/"at-will" disclaimer (non-unionized employers) and receipt for other orientation materials and equipment? Y/N

15. Are all new hires asked to complete the I-9 Forms with appropriate documentation? Y/N

16. Does the Company report each new hire to the state labor department? Y/N

Wages and Benefits

17. Are employee benefits programs communicated to employees during orientation, in the handbook and when changes/improvements are made? Y/N

18. Has the employee been properly classified as exempt vs. non-exempt under state and federal wage and hour laws? Y/N

19. Has the new hire completed all necessary tax withholding and wage deduction authorization forms? Y/N

Employment Documents

20. Has the Company established a separate personnel file for each employee, containing any documents which are used or have been used by an employer to determine such employee's eligibility for employment, promotion, additional compensation, transfer, termination, disciplinary or other adverse personnel action? Y/N

21. Does the Company keep the employee's personnel file should in a locked file cabinet or otherwise in a secure, private location with access limited to those with a "need to know"? Y/N

22. Has the Company established a separate medical file for each employee containing any and all records in the employer's possession pertaining to medical exams, workers' compensation claims, reasonable accommodation issues under the Americans With Disabilities Act ("ADA") or family and medical leave act ("FMLA") requests? Y/N

23. Does the Company keep the employee's medical file in a locked file cabinet or otherwise in a secure, private location with the most restricted access possible? Y/N

24. Does the Company maintain I-9 forms in separate files for their employees, without retaining copies of the documents presented by the employee to satisfy the requirements of the I-9 forms? Y/N

25. Does the Company know how long to maintain personnel files, medical files, I-9 forms, wage and hour records, OSHA records and employment policies/handbooks? Y/N