

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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Employment Guidelines - Wages and Benefits

1. Is the Company in compliance with state and federal wage-hour laws, including those pertaining to minimum wage, overtime pay and exemptions, time record-keeping, meal breaks, not working more than six consecutive days in a calendar week, wage deductions, wage garnishments, payment for training time, travel time and "on call" time, retention of wage records, weekly or bi-weekly payment of wages, payment by direct deposit or paycards and pay stub information? Y/N
2. Are men and women receiving equal pay for performing the same job (unless other legitimate reasons such as seniority justify differences in pay)? Y/N
3. Are wage increases given in a consistent manner, based upon as objective criteria as possible? Y/N
4. Is there a continuing program in place to gather necessary data to ensure that the wages and benefits remain comparable to the competitive area? Y/N
5. Does the Company properly issue COBRA notices to employees at time of insurance enrollment and at time of qualifying events during employment (such as divorce from an employed spouse; reduction in hours)? Y/N

Wages and Benefits (Cont.)

6. Does the Company not maintain any policies that prohibit employees or applicants from inquiring about, discussing or disclosing information about the terms or conditions (such as pay and benefits) of their own employment or of any other applicant or employee in a lawful manner (including when exercising any rights to engage in protected concerted activity)? Y/N

7. Does the Company have a policy which states that employees may treat information about the terms or conditions (such as pay and benefits) of their own employment as confidential to the extent that they prefer not to share such information with others and that employees may not share information about another's terms and conditions of employment (including information about another's pay) when others do not wish them to do so? Y/N

8. Does the Company have a policy which states that employees remain subject to discipline if they have access to compensation/benefit information of other employees or applicants as part of the essential functions of their job and they disclose that information to others who do not otherwise have access to such information without their consent (unless the disclosure was made in response to a formal complaint or charge, in furtherance of an investigation by the Company or any outside party, or as part of any legal or administrative proceeding or hearing or consistent with the Company's legal duty to furnish such information)? Y/N

9. 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

Health and Safety and Accommodations

10. Does the Company (with 50 or more employees in CT) provide two hours worth on training on sexual harassment in the workplace to new supervisors? Y/N
11. Does the Company comply with federal OSHA requirements (including by providing its employees with a place of employment free from recognized hazards that are causing or are likely to cause death or serious physical harm; furnishing employees (upon request) with a written statement listing the substances which such employee uses or with which such employee comes into contact that have been identified as toxic and hazardous by OSHA; complying with various OSHA safety and health standards that have been promulgated; and by compiling a log of workplace injuries and reporting the same)? Y/N
12. Does the Company (with 20 or more employees) maintain at least one work area as “nonsmoking”? Y/N
13. If applicable, is the Company HIPAA compliant? Y/N
14. For employees with workers’ compensation injuries, does the Company provide light duty assignments as may be available? Y/N
15. Does the Company conduct drug (and alcohol) testing in accordance with required reasonable suspicion during employment (or in accordance with federal regulations for employees with commercial driver’s licenses or state regulations for employees who operate forklifts or who are in safety-sensitive positions as designated by the Connecticut Department of Labor)? Y/N
16. Does the Company have a policy which provides that it shall not deny employment to an applicant or otherwise discipline an employee for the lawful use of medical marijuana, if such use is: authorized by a health care provider and the applicant/employee submits proof of such authorization to the Company as required; not otherwise prohibited by any federal law applicable to the work the employee performs for the Company; does not restrict the Company’s ability to obtain federal funding; and is strictly confined to lawful use outside of the workplace and working hours that does not cause the employee to be under the influence in the workplace or during work hours? Y/N

Health and Safety and Accommodations (Cont.)

17. Does the Company have a policy which requires, among other things, the Company to provide reasonable accommodations to a qualified individual with a disability, as defined under applicable law, who has made the Company aware of his or her disability, provided that such accommodation would enable the individual to perform the essential functions of the job and does not constitute an undue hardship on the Company? Y/N

18. Does the Company have a policy which requires, among other things, the Company to provide reasonable accommodations to an applicant, intern or employee due to her pregnancy, childbirth or need to breastfeed or express milk at work, unless doing so would pose an undue hardship (e.g., the accommodation would require a significant difficulty or expense in light of the circumstances), and which identifies possible reasonable accommodations (depending on the circumstances) as: being permitted to sit while working; providing more frequent or longer breaks; periodic rest; assistance with manual labor; job restructuring; light duty assignments; modified work schedules; temporary transfers to less strenuous or hazardous work; time off to recover from childbirth; and break time and appropriate facilities for expressing milk? Y/N

19. Does the Company provide the required CT “Pregnancy Discrimination and Accommodation in the Workplace Notice” to all new hires upon hire and to any existing employee within 10 days after she notifies the Company of her pregnancy or conditions related to her pregnancy (or the Company otherwise becomes aware of pregnancy)? Y/N