

Small Employer Essential HR List

people methods tools

HR Professional Services

For WorkforceTactix Employers with 20 or Fewer Employees

Employers are required to comply with a myriad of federal, state and local laws that govern many areas of employment practices, including hiring, administering benefits and compensation, appraising performance, and more. This checklist, intended as a self-audit, will help jump-start your efforts toward employment practice compliance. If you can assuredly check "YES" to each question, you may have a compliant foundation.

recruiting

yes no

Do you have a recruiting policy?

Are your job advertisements free of discriminatory language?

Do you recruit from sources that provide a diverse applicant pool?

Do you have written job descriptions for every position?

Does the job description include all essential functions of the job?

Do you keep copies of completed employment applications?

Does your application have an employment at-will disclaimer?

hiring

Do you perform and request authorization for routine background checks before you hire an applicant?

During an interview or application process, do you avoid questions regarding an applicant's age, race, national origin, disability, religious affiliation, and the like?

Do you verify employment eligibility with I-9 documents or E-Verify?

interviewing

Have you developed standardized interviewing questions and procedures?

Have managers, supervisors and other interviewers been trained on legal responsibilities?

workplace practices

Do you have a written employee handbook containing comprehensive workplace policies and procedures?

Do you include a state-compliant employment at-will disclaimer within the handbook?

Do you have a policies and procedural manual?

Do you display all posters that are required under Federal and State employment laws?

documentation and retention

yes no

- Do you separate personnel, benefits, medical and performance records?
- Do you have a policy on who may access and/or copy records from a personnel record?
- Do you have a written record retention policy?
- Are your record retention policies based on the following applicable laws:
 - Title VII of the Civil Rights Act (employers with 15 or more employees)
 - Americans with Disabilities Act (employers with 15 or more employees)
 - Age Discrimination in Employment Act (employers with 20 or more employees)
 - Fair Labor Standards Act (governmental employers, for-profit private businesses with \$500,000 in sales/receipts, hospitals or medical/mental health care institutions, nursing homes, schools, and most workers who engage in interstate commerce)
 - Family and Medical Leave Act (employers with 50 or more employees within 75 miles of worksite)
 - Applicable state laws

compensation and payment practices

- Do you have a procedure for determining and documenting minimum wage and overtime requirements per employee?
- If you employ youth under the age of 18, are you paying them at least the youth minimum wage under Maryland’s wage laws?
- Do you include all of the following in your calculation of an employee’s hours worked:
 - Breaks less than 30 minutes in duration
 - Non-commuting travel time
 - Time spent preparing for work (e.g., putting on required equipment)
- Do you have a policy that prohibits employees from working during unpaid breaks otherwise working “off the clock”?

termination of employment practices

- Do you investigate the reason for termination, including a voluntary termination?
- Do you document the reasons for termination of employment?
- Do you have a formal policy for severance pay?
- Do you ensure that your state’s unemployment separation notice is filed timely and accurately?
- Do you have a procedure for determining whether to contest an employee’s unemployment claim?

performance

- Do you provide training to supervisors and managers on conducting performance evaluations?
- Are employees permitted to review performance evaluations and comment on them?
- Are goals and timetables established?
- Do you have a written progressive discipline policy?
- Are managers trained on how to administer the progressive discipline policy?