HR Basics



The following questions, while not all inclusive, address the most basic issues you should be aware of relative to the administration of Human Resources; they are a combination of legally required and best practice methodologies. If the answer to any of these questions is no, you should utilize the Enquiron Resources to gain an understanding of what you should do in order to correct the deficiency.

- Do your employment application and your employee handbook contain a “disclaimer” statement of any promise of job security?
- Do you know what drug-testing laws apply to your company?
- Do you accommodate employees with AIDS?
- Do you check your contracts with Independent Contractors against the tests used by the IRS to determine employment status?
- Do you report to your designated state agency all “new hires” within 20 days after employment?
- Does your dress code potentially interfere with an employee’s religious practices?
- Do you have an employee handbook? If so, is it regularly updated and do you include a clear statement that continued employment is not guaranteed?
- Do you know what questions you can’t ask job applicants and which ones you should?
- Do you give medical examinations to applicants only after the employment offer and are they given to all applicants in the job category?
- Do you check all job and personal references before hiring?
- Do you have a discipline policy, and do your supervisors understand it and apply it consistently?
- Do you know when a company can be sued for negligent retention or supervision of an employee?
- Do you not pay employees while they serve jury duty?
- Do you pay required overtime compensation to non-exempt employees, which can include salaried employees?
- Do you have a system for sending out COBRA notices within the required time limits?
- Do you have a system for sending out HIPPA notices within the required time limits?
- Do you have a written sexual harassment policy, and are your employees aware of it?
- Do you have a procedure for investigating employee complaints about

harassment?
- Do you know what the exceptions are to the ADEA's prohibition of age discrimination?
- Do you know what the definitions for disability are under the ADA?
- Do you know if drug and alcohol abuse are considered disabilities under the ADA?
- Do you know what "quid pro quo" sexual harassment is?
- Do you know under what limited circumstances lie detector tests are permissible?
- Do you know what employers are covered by the FMLA (Family and Medical Leave Act)?
- Do you know what constitutes a serious health condition under the FMLA?
- Do you know what an I-9 form is? Do you know what the employer's responsibilities regarding this form are?
- Do you know what form of documentation is required by the I-9?
- Do you know what the record-keeping requirements are concerning the I-9?
- Do you know whether it is safe to ask, "Have you ever been arrested?" in an interview or on an application?"
- Do you know if it is unsafe to ask, "Are you a U.S. citizen?" in an interview or on an application?
- Do you know if it is unsafe to ask, "What is your maiden name?" in an interview or on an application?
- Do you know if it is unsafe to ask, "What is your age?" in an interview or on an application?
- Do you know if it is unsafe to ask, "Do you have a physical or mental condition/disability which may affect your ability to perform the job applied for?" in an interview or on an application?
- Do you know whether an employer must continue to provide health insurance coverage to employees on military leave of absence?
- Do you know what "hostile environment" sexual harassment is?
- Do you know if an employer can or cannot require job applicants to be screened for drugs?
- Do you place help wanted advertisements in minority newspapers, minority magazines, on minority radio stations, at minority community special events and in other media that reach minority communities?
- Do you use gender-neutral job titles when advertising position openings?
- Do you know if minorities are represented in recruitment advertising, orientation videos and brochures, and other company documents / advertisements / publications?
- Do you know if there is a separate file for I-9s on all new hires?
- Do you know if all employee facilities are accessible to employees with disabilities?
- Do you know if your hiring supervisors and managers have been trained in EEO principles and fair employment practices?
- Do you know if the organization has a policy clearly denouncing discrimination, sometimes called an EEO policy statement?
- Do you know if your company documents / memos are gender neutral?
- Do you know if salary adjustments are made on a timely basis?
- Do you know if employee progress reviews are completed on at least an annual basis for each employee?
- Do you know if adequate training has been given to supervisors on how to plan, organize and carry out effective progress reviews?
- Do you know if you have a written job description for all positions, and

are the areas covered on each employee's performance appraisal related to it?
- Do you know if there is proper documentation and a uniform system for determining increases?
- Do you know if the impact of increases and other salary adjustments is reviewed to ensure that implementation of the salary program is free of racial or sexual bias?
- Do you know your state's child labor, minimum wage, overtime and equal pay laws?
- Do you know if all applicants are completing company application forms?
- Do you know if reference checks with former employers are completed before the job offer?
- Do you know if all position openings are posted in your organization, and are the postings retained?
- Do you know if references and educational credits are checked before employment?
- Do you know if all tests used in the selection process are validated (have studies been undertaken to ensure tests do not have a disparate impact on minorities and that the tests are necessary)?
- Do you know if records are kept of all employment advertising placed, including costs and dates?
- Do you know if I-9 forms are completed within three days of start date?
- Do you know if an I-9 audit is conducted annually?
- Do you know if test scores are kept confidential and are separate from applications or personnel files?
- Do you know if all interviews with applicants are conducted in a structured format?
- Do you know if all interviewers are properly trained in interviewing techniques and various legal considerations?
- Do you know if new employees are provided with copies of appropriate handbooks and benefits booklets, and are they required to sign handbook / booklet receipts?
- Do you know if new hires are informed of the "probationary period," if there is one?
- Do you know if eligible full-time new hires have been properly enrolled in all company group benefit plans?
- Do you know federal/state laws concerning the rights of employees/applicants who are veterans or members of the National Guard / Reserve?
- Do you know federal / state laws concerning employees who serve jury duty?
- Do you know that the Employee Polygraph Protection Act prohibits private employers from using lie detector tests either for pre-employment screening or during the course of employment?
- Do you know if exit interviews are conducted with employees leaving the company, and are the results given to management?
- Do you know if COBRA notifications are mailed to the employee via certified mail?
- Do you know if the employee's signature is obtained on the COBRA notification form before the employee's last day of work, if possible?
- Do you know if the company's recruitment sources reach a cross-section of the local labor pool, including minorities and women?
- Do you know if the company keeps records of all applicants, including walk-ins, during the normal course of business or if the company keeps records

of applicants who are not hired?
- Do you know if the company reviews hiring data frequently to identify the possible discriminatory impact of interviewing, screening and selection practices?
- Do you know if the company trains all employment interviewers in the impact of the employment discrimination laws and in interviewing techniques?
- Do you know if all objective guidelines are in place for evaluating all job applicants?
- Do you know if job applicants are required to provide information concerning criminal conviction records, when there is a direct demonstrable relationship between those records and suitability for employment in the position sought, such as the need for bonding, or being in a child-care position?
- Do you know if all questions concerning education and training are job related?
- Do you know if the company can show a direct relationship between each pre-employment test used and subsequent performance on the specific job?
- Do you know if all pre-employment tests and their results are kept on file for a reasonable time?
- Do you know if the company informs rejected applicants of the reason for their rejection and whether this reason is reflected in company records?
- Does the company conduct regular meetings with employees, managers and supervisors?
- Does the company regularly conduct training for supervisors and managers?
- Does the company maintain employee records, personnel files and payroll information? Does the company post all applicable federal and state posters and notices regarding employment laws?
- Does the company conduct yearly employment audits?
- Does the company have a written sexual-harassment policy that has been distributed to all employees?
- Does the company have a written family and medical leave policy?
- Does the company have a non-discriminatory job application and interview process?
- Does the company regularly analyze its recruiting and hiring methods to determine whether there is any adverse impact?
- Does the company require applicants to prove they are legally authorized to work in the United States?
- Does the company have written job descriptions?
- Does the company have written procedures which explain how an employee can apply for an open job or be promoted? Are all open jobs posted for the benefit of all employees?
- Are the employees given regular evaluations? Are supervisors and managers trained regarding properly evaluating employee performance?
- Does the company regularly audit its compensation policies and practices to ensure they are in compliance with state and federal wage and hour laws?
- Does the company maintain written rules of conduct and written disciplinary policies and procedures?
- Does the employer have a written procedure that covers work-force reductions, layoffs, termination of hours, or company reductions?
- Does the company follow progressive discipline?
- Does the company have a procedure whereby employees who are subjected to discipline or termination can file a complaint or grievance and appeal the disciplinary action to a higher management official or panel of officials?

- Are terminated employees asked to sign a standard release or separation agreement?
- Does the company conduct periodic surveys to determine if there are any health or safety problems in its facilities?