

### **Employment Audit Checklist**

1. Protecting the Audit with the attorney client privilege
2. Employee application, ensure no improper questions
3. Offer letters - ensure no contractual promises, include at-will language
4. Pre-employment testing, compliance with the ADA
5. Pre-employment and post-employment drug testing, compliance with Iowa law
6. Background checks, compliance with applicable laws including the Fair Credit Reporting Act
7. Interview Questions, ensure appropriate and individuals interviewing are trained
8. Employee Agreements, non-compete, confidentiality
9. Job Descriptions
  - Accurate and up to date
  - Include essential functions
10. I-9 Requirements
11. Employees Properly Classified (exempt, non-exempt, independent contractor or employee)
12. Employee Handbook, up to date and circulated to all employees with employee signed acknowledgment
13. Is there a policy and process to report discrimination and harassment, with effective steps to respond to, investigate, and document such a report and any action take in response to the report
14. Training - Supervisors are trained on non-discrimination policy, harassment/retaliation, and accommodating employees with disabilities
15. Non-supervisory employees are trained on company policy and how to report violations of company policies including discrimination, harassment, and accommodation of disabilities
16. Personnel Records
  - Proper information in the personnel record
  - Confidential medical information is kept separate from the personnel records in a locked cabinet with access only by those who have a business reason to know the information

17. Compliance with required postings (EEO postings)
18. Review of wages/Equal Pay Act/FLSA and potential violations re wages and overtime
19. Management of Employee Leave
  - FMLA leave
  - STD
  - LTD
  - Other forms of leave consistently applied
20. Managing Employees with Disabilities
  - Process for employees to request a reasonable accommodation
  - When the need for an accommodation is obvious
  - HR or others involved in determining whether the company can accommodate
  - Document the accommodation process
  - Follow-up communications with the employee and supervisor regarding accommodation
21. Managing Religious Accommodations
  - Process for employees to request an accommodation (dress code included)
  - Maintaining standards while accommodating
22. Performance Reviews
  - Whether conducted and frequency
  - Any improper references in the reviews (example, reference to an employee's disability, FMLA leave, or other improper references)
  - Giving appropriate feedback that is constructive (not just glowing reviews or meeting all expectations for everyone)
  - Is there adequate documentation of performance issues
23. Termination of Employees
  - Is there a process where HR is involved before a supervisor yells "You're Fired"
  - Analysis of risk factors/protected characteristics prior to decision to terminate
  - Proper processing of termination documents and COBRA if applicable
  - Pay all wages and vacation pay due to employee
  - Do you conduct an exit interview and process for recording information obtained
24. Document Retention - compliance with applicable laws
25. Proper Steps Taken Upon Receipt of a Claim or Lawsuit
  - Notify insurer, if applicable (upon initial receipt of claim or threatened claim depending on definition of "claim" in your policy)
  - Legal hold
  - Investigation
  - Defense of claim