

Self-Assessment of HR Policies and Practices

Use the following items to conduct a limited self-assessment of the HR policies and practices at any organization.

1. Notices & Posters

The following posters are prominently displayed where employees and applicants can easily find and read them:

- federal Civil Rights Act
- AZ Civil Rights Act
- AZ Minimum Wage Act
- No Smoking signage
- federal OSHA and/or the one required by AZ OSHA
- Minimum Wage and Overtime Payment (Wage & Hour)
- Notice RE: Unemployment Insurance
- Notice RE: Worker's Compensation
- "Work Exposure to Bodily Fluids"
- Notice: Employee Polygraph Protection Act
- E-Verify Notice
- Right To Work Notice (E-Verify)
- Family and Medical Leave Act (FMLA), if your business/organization has 50+ employees
- USERRA ("Your Rights Under USERRA")

Notices/Posters are located in each building/facility (for employees who work at multiple, separate buildings/facilities).

Notices/Posters are located on each floor (for employees who work in multiple-story buildings/ facilities).

2. HR Policies and Practices + Your Organization's Employee Handbook/Manual

Each employee has a copy of the handbook/manual and has signed a receipt stating that he/she understands that he/she is to read the handbook and abide by the current policies.

The handbook/manual includes statements such as: "this handbook/manual is not a contract of employment", "this handbook/manual is subject to change at the discretion of the employer, with or without notice", "employment is at-will (for no specific duration)", and, "this list of actions for which you can be disciplined or terminated is not all inclusive".

3. Personnel Files and Recordkeeping

All records for an employee (except I-9 forms, requests for FMLA leave, requests for reasonable accommodation (ADA) or FMLA leave) are kept in his/her personnel file.

There is a policy regarding employee access to their personnel files, making copies of file documents for employees, and how your organization will respond to court orders or subpoenas for documents.

4. Employment Practices, including EEO/AA

All applicants must complete and sign an Employment Application prior to being interviewed.

The Application for Employment form is reviewed periodically to ensure that it does not ask for or collect any potentially discriminatory information.

An EEO-1 Report (organizations with 100+ employees) is completed and submitted annually.

_____ All managers and supervisors receive periodic training regarding legal/non-discriminatory interviewing techniques and questions and use structured interviews and use a list of prepared, job-related questions to interview applicants.

_____ Offers of employment are made contingent upon the applicant: completing a form I-9 and providing acceptable documents to establish identify and employment eligibility; signing a Confidential/Proprietary Information Agreement form; providing copies of degrees/diplomas/certificates, as appropriate; being accepted for bonding; taking a physical examination and being recommended for employment; and other such contingencies.

5. Reference Checking + Fair Credit Reporting Act (FCRA)

_____ Managers and supervisors have been trained regarding "negligent hiring".

_____ References are sought from prior employers/supervisors before an offer of employment is made; a reference checklist form is used to document references.

_____ Applicants are provided with a written disclosure statement, separate from the Employment Application form, and must sign the statement before a "consumer report" is conducted.

_____ If, as a result of a "consumer report", an applicant is not hired, the applicant is provided with an adverse-action notice and a copy of the "consumer report" and a copy of "A Summary of Your Rights Under the Fair Credit Reporting Act" (rev. 01/2005).

6. New Hires, including: New Hire Reporting Requirements, New Hire Orientation, the Immigration Reform and Control Act (forms I-9); and, the Arizona Legal Arizona Workers Act

_____ All new hires receive a "disclosure" form that includes the name, address, and telephone number of the business, as required by the Arizona Minimum Wage Act.

_____ All new hires are reported to the AZ New Hire Reporting Center within 20 days of the hire date.

_____ A New Employee Orientation Checklist is completed during orientation and signed by the employee and the supervisor when orientation is completed.

_____ Each employee completes Section 1 (Employee's Certification) of a form I-9 on his/her first (1st) day of employment.

_____ A Handbook for Employers (M-274; Rev. 11-21-91) is available at all sites where I-9's are completed.

_____ The documents used to prove identity and employment eligibility are NOT copied or attached to the I-9 form.

_____ The employee's employment eligibility is confirmed using E-Verify and a copy of the E-Verify certification is printed and attached to the form I-9.

7. The Americans With Disabilities Act (ADA)

_____ All managers and supervisors have been trained regarding how the ADA affects employment practices, particularly interviewing.

_____ The Employment Application has been reviewed to ensure it does not inquire regarding a person's health or disability status or about whether the person has received worker's compensation or other disability benefits.

_____ The results of any post-offer, pre-employment medical/physical exam are kept in a separate, confidential medical file.

8. Family and Medical Leave Act (FMLA) > applies ONLY to employers with 50+ employees

_____ Employees request FMLA leave on a form which must be completed, signed, and submitted before a decision to grant or deny FMLA leave is made.

_____ A "Notice of Eligibility and Rights & Responsibilities" form (WH-381, rev. January 2009) is given to each employee who requests FMLA leave.

_____ A "Designation Notice" (WH-382, rev. January 2009) is given to each employee who requests FMLA leave once a decision is made whether the employee is or is not eligible.

_____ A completed and signed "Certification of Health Care Provider" form (form WH-380-E, rev. January 2009 OR WH-380-F, rev. January 2009) must be received before a decision to grant or deny the request for FMLA leave is made.

_____ Employees who return to work from FMLA leave that was for their own serious illness are required to provide a "Release To Return To Work Certification" form (or similar document) signed by their Health Care Provider or treating physician.

_____ Employees are required to integrate vacation time, or sick leave time, or other paid-time-off with unpaid FMLA leave, except when receiving disability or worker's compensation lost wages benefits.

9. Harassment: Sex/Gender, Race, Age, Religion, and/or other protected factors

_____ A policy stating that harassment (on the basis of sex/gender, race, color, age, religion, and/or other protected factors), including the creation of a hostile work environment, is unwelcome and prohibited in the workplace has been created; it is included in the employee handbook/manual.

_____ All managers and supervisors have been trained and receive periodic re-training regarding how to prevent unlawful harassment in the workplace.

_____ Employees are trained regarding how to make a complaint of harassment; the employee handbook/manual also contains this information.

_____ There are several persons to whom a complaint can be made other than the employee's supervisor/manager; at least one of them is a female supervisor/manager.

_____ Periodically, management-by-walking-around is conducted to ensure there are no improper posters, signs, or cartoons in work areas and to allow employees to discuss any improper behaviors.

10. Performance Management

_____ A current job description, including the Essential Functions of the job, has been provided to each employee for his/her job.

_____ Managers and supervisors have been trained regarding how to provide performance evaluation feedback on an on-going basis and how to conduct a periodic performance evaluation interview.

_____ When performance is not meeting expectations, the manager/supervisor meets with the employee to discuss performance and obtains a written performance/behavior improvement plan from the employee regarding how he/she will improve his/her performance and/or behavior.

11. Discipline and Terminations

_____ Standards of conduct and/or work rules are listed in the employee handbook/manual.

_____ All disciplinary actions are documented; the employee signs the discipline form; and, the employee receives a copy of the form.

_____ All involuntary terminations (dismissals or firings) are reviewed by HR and/or upper management before being acted upon.

_____ For terminated employees who do not receive their final paychecks at the time of termination, the final paycheck is mailed within 3 work days of the date of termination.

_____ If an employee has not returned tools, equipment, or other company property, we deduct the value of the property from his/her final paycheck or hold the paycheck until the property is returned.

12. Fair Labor Standards Act (FLSA)

_____ All job positions have been reviewed to determine whether the position is Exempt, or Non-Exempt, from the overtime provisions of the FLSA (as revised August 2004).

_____ A 168 consecutive hour workweek (7 consecutive periods of 24 hours each) has been established for Non-Exempt employees.

_____ All Non-Exempt jobs are paid either the federal or the AZ minimum wage, whichever is greater.

_____ All Exempt jobs are paid a minimum of \$455/week, regardless of the number of hours scheduled to work or actually worked in a work week.

___ All employees in Non-Exempt job positions submit a signed record of hours worked (a time card/time sheet) in each workweek.

___ Employees in Exempt jobs are "docked" for partial day absences when they do not have accrued vacation or sick leave time.

13. COBRA & HIPAA

___ Each new employee (and spouse or dependents, if enrolled) receives an Initial COBRA Notice at the time of enrolling for medical benefits or when the benefits become effective.

___ The Initial COBRA Notice and COBRA Election Notice have been revised to meet the new standards set by ERISA (effective for plan years that have begun or will begin after Nov. 2004).

___ The Election portion of the COBRA Election Notice has a space for the spouse to sign if COBRA is not elected (when spouse or family or dependent coverage was in effect).

___ A HIPAA Certificate of Coverage is automatically provided when a COBRA "qualifying event" has occurred.

___ As new hires enroll for group health insurance, a HIPAA Certificate of Coverage from the last employer is requested.

14. Drugs/Substances Testing

___ A written drugs/substances testing policy (that contains all of the required elements identified in A.R.S. Title 23) has been created and has been distributed to employees.

Protocols have been established for:

- ___ collecting a urine specimen
- ___ maintaining chain-of-custody to the drug lab
- ___ the screening panel and methodology to be used for initial testing
- ___ the confirmatory methodology if the initial test is positive
- ___ reporting the results of the drugs/substances test
- ___ maintaining chain-of-custody for specimens that test positive twice
- ___ obtaining expert testimony from the drug lab, as needed

___ All positive test results are forwarded to a Medical Review Officer (MRO) who then contacts the applicant/employee to discuss whether the use of prescription drug/medicine can explain the positive test result.

___ Employees who use prescription medicines/drugs that are issued with a warning notice/label that the medicine/drug may cause drowsiness or that the employee should not operate equipment/machinery are referred to the MRO for consultation.

___ Procedures for maintaining the confidentiality of an employee's drugs/substances test, request for treatment, or related confidential information have been implemented.

15. OSHA, including Claims of On-The-Job Injury/Illness

___ An OSHA Form 301 is completed whenever an employee experiences and on-the-job illness, injury, or accident.

___ All on-the-job accidents, injuries, and illnesses are investigated to obtain complete data and to identify ways to prevent future such incidents.

___ All recordable injuries and illnesses are recorded on an OSHA Form 300 Log; the summary data from the previous year's Form 300 is transferred to an OSHA form 300A and is displayed in conspicuous locations from February 1 to April 1 of each year.

___ There are employees in all areas/departments and on all shifts who have been trained in first aid and CPR.

16. Hazard Communication Standard (HCS)

_____ All hazardous chemicals used or stored in the workplace have been identified and are properly labeled.

_____ A Written Hazard Communication Program has been created, has been communicated to employees, and is reviewed, at least annually, and updated, as necessary.

_____ Material Safety Data Sheets (MSDS's) are available for each hazardous chemical and are located in each area in which the hazardous chemical is used or stored.

_____ All new employees are trained regarding the hazardous chemicals they work with and all employees who transfer are trained regarding the hazardous chemicals used in their new department/area.

_____ As employees are trained, they sign a document verifying the training; the originals of the training certification documents are kept in each employee's personnel file and copies are kept in a master HCS training file.

17. Smoke-Free Arizona Act

_____ All entrances to each building have the required signage..

_____ All employees have been trained about the Act, as required by the Act.

_____ No ashtrays are available in any building.

_____ Any designated smoking area outside a building is at least 20 feet away from an entrance.