

2023 HUMAN RESOURCES CHECKLIST

Updated as of February 2023

- Create/update employee handbook:
 - Policies should be consistently enforced.
 - Employees should be trained on policies.
 - Employees should receive yearly discrimination/ harassment training.
 - There is an orientation plan for new employees.
 - Does your handbook contain all policies and procedures legally required for your industry?
- Ensure all requires policies and procedures are compliant with recent developments in NYS law.
- Create new employee packets to include current W-4, IT-2104, I-9, Wage Theft Prevention Act Forms, Sexual Harassment Prevention Policy, Employee Monitoring Policy (if applicable).
- Obtain all required employment insurance coverage, including workers' compensation, paid family leave, unemployment, and disability.
- Create I-9 Form files and be sure to have them for all employees, especially current employees.
 - Forms should be kept in a separate I-9 file and not the employees' personnel folders.
 - Confirm I-9 process legally compliant.
- Be familiar with OSHA requirements for your industry (*if applicable*).
- Post current labor posters.
- Ensure there are job descriptions for all jobs and update job descriptions when job duties change.
- Create policy/procedure to safeguard against unlawful disclosure of employee personal identifying information, including procedure to notify relevant employees of these provisions, pursuant to NYLL § 203-d (failure to do so creates presumption of labor law violation).
- Create hiring and onboarding procedures:**
 - Are references checked?
 - Is there a selection process and is it followed in a uniform fashion?
 - Create application forms.
 - Is the interview/screening process legally compliant (i.e., does interviewer refrain from requesting protected information; are you in compliance with the state's anti-discrimination laws?).
- Employment classifications**
 - Are salary/hourly employees properly classified?
 - Are independent contractors (if any) properly classified?
- Create and implement a pay structure.**
 - Are your pay practices compliant with NY wage laws?
 - Does your industry require you to pay workers the prevailing wage?
 - Are you properly compensating tipped workers?
- Is the compensation plan clearly communicated to employees?**

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- Wage Theft Prevention Act (“WTPA”) Notice
 - Commissions (earning, calculation, payment) in writing, signed by employer and employee.
- Are there pay inequities based on gender, race, national origin or other protected categories?
- Develop and execute a process to ensure working time is properly documented.
- Ensure all paycheck deductions are legally compliant.
- Create a legally compliant paid time off structure (including vacation/sick/holiday, etc.).
- Create a Sick Leave policy compliant with mandatory New York State requirements.
- Ensure overtime, meal breaks, on call and call-in time are properly compensated
 - Create and regularly monitor timesheets for hourly employees.
- Is your benefits administration running properly?
 - Ensure employees are provided summary plan descriptions and informed of benefits.
 - Are COBRA notices provided when applicable?
 - Is a letter mailed out within 5 days of termination providing notice of when benefits cease?
- Family Medical Leave Act (“FMLA”) (for businesses with 50 or more employees) and New York Paid Family Leave (“PFL”)
 - Are processes in place to administer this leave?
 - Is there a tracking system for intermittent leave?
 - Are supervisors / managers trained to identify and report FMLA and PFL eligible leave?
- New York COVID-19 Paid Sick Leave
 - Are processes in place to administer this leave?
 - Is there a tracking system for intermittent leave?
- Performance evaluations
 - Are the current evaluations effective?
 - Are supervisors/managers trained to give accurate performance evaluations?
 - How is performance tied to compensation?
- Disciplinary actions
 - Is discipline uniformly and consistently enforced?
 - Is discipline documented?
- Is there a process for employees to report complaints?
 - Are there designated individuals to whom employees may lodge complaints?
 - Are those individuals trained regarding responding to complaints?
 - Are complaints documented?
 - Are complaints investigated and are responses to complaints communicated?
 - Is there a whistleblower policy in effect?
- Is there a process for reporting safety hazards?
 - Are workplace accidents, injuries and illnesses reported and investigated?
 - Are security measures in place to keep unauthorized persons/intruders out of facilities?
- Occupational Health and Safety Act (“OSHA”) (*if applicable*)

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- Are employees properly trained on OSHA rules?
 - Is training documented?
 - Are employees encouraged to report and eliminate risks?
- **Is there a disaster / evacuation plan in effect?**
 - Are employees properly trained on a disaster/evacuation plan?
 - Is training documented?
- **Have you adopted an airborne infectious disease prevention plan (*if covered by the HERO Act*)**
- **Discrimination**
 - Is there a sexual harassment policy and complaint form in place that is compliant with recent developments in NYS law?
 - Are employees trained regarding anti-discrimination policies and complaint procedures?
 - Are employees receiving annual sexual harassment training that is compliant with NYS law?
 - Are supervisors/managers trained on avoiding and responding to discrimination/harassment issues?
 - Are effective policies in place to avoid retaliation against employees who lodge protected complaints?
 - Are discrimination complaints, investigations, and responses properly documented?
- **Americans with Disabilities Act (“ADA”) / NY Human Rights Law (“NYHRL”) compliance**
 - Is there a system in place for reviewing and responding to requests for reasonable accommodation?
 - Are supervisors/managers trained to identify and properly respond to reasonable accommodation issues?
 - Are reasonable accommodation matters properly documented?
 - Are measures in place to prevent retaliation for requesting accommodation?
- **Workers’ compensation compliance**
 - Are workplace injuries investigated and reported?
 - Are workers’ compensation files kept secure and separate from personnel files?
 - Is regular contact made with employees on workers compensation and medical providers as appropriate?
 - Is there a return to work system effective?
 - Are insurance premiums and competitive quotes reviewed periodically?
- **Termination processes**
 - System for executing termination
 - Notifying employees
 - Return of company property
 - Documentation of termination
 - Termination letter within 5 days of termination.
 - COBRA notification
 - Final paycheck