

# FISHER & PHILLIPS LLP

*Solutions at Work*<sup>SM</sup>

ATLANTA CHICAGO FORT LAUDERDALE IRVINE  
NEW ORLEANS SAN DIEGO SAN FRANCISCO

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For a better understanding of your company's overall exposure to employment related risk, please complete the "Employment Practices Audit" below. If you would like additional information, regarding your company's specific risk factors and ways to minimize your exposure, please contact James F. Hendricks Jr. at (312) 346-8061, for a complete review, including costs. If you prefer to have this form transmitted to you electronically please send an email to [Jhendricks@laborlawyers.com](mailto:Jhendricks@laborlawyers.com).

## EMPLOYMENT PRACTICES AUDIT

INFORMATION REQUESTED	YES	NO	COMMENTS (Please use additional paper, if required, to complete responses.)
<b>GENERAL</b>			
<b>Have you developed statistics on the composition of your work force?</b>			
- <i>If yes, what are they?</i>			
<b>Have you conducted an employee attitude survey in the last two years?</b>			
- <i>If yes, attach a copy of survey and results</i>			
<b>How would employees rate their chances for career development? (1 is excellent 5 is terrible)</b>			
<b>How would employees rate their job security?</b>			
<b>What is your turnover rate?</b>			
- <i>In what groups is it highest?</i>			
- <i>Where is it the lowest?</i>			

INFORMATION REQUESTED	YES	NO	COMMENTS (Please use additional paper, if required, to complete responses.)
<b>RECRUITING/HIRING</b>			
<b>Are employment applications completed before interviews occur?</b>			
<b>Do you require more than one supervisor to interview every applicant?</b>			
<b>Is a record kept of the information obtained during interviews?</b>			
<i>- If so, how is that information recorded and retained?</i>			
<b>Are personal references checked?</b>			
<i>- If so, who makes the telephone calls and how is the information obtained recorded?</i>			
<b>Are background checks run (e.g., criminal, civil, etc.)?</b>			
<i>- If so, what company is used to obtain the information and what is the cost?</i>			
<b>Are applicants drug tested?</b>			
<i>- If so, are results obtained prior to putting the applicant to work; and</i>			
<i>- Is the clinic used for the testing NITA certified.</i>			
<b>Are applicants given personality or other written tests?</b>			
<i>- If so, what tests are used?</i>			
<b>Are credit references checked?</b>			
<i>- If an applicant is denied employment based on a credit report, are they given a copy of the report?</i>			

INFORMATION REQUESTED	YES	NO	COMMENTS (Please use additional paper, if required, to complete responses.)
<b>Are applicants required to undergo pre-employment physicals?</b>			
<i>- If so, is a conditional offer of employment given prior to the physical;</i>			
<i>- Are doctors given a written description of the job before conducting their exam; and</i>			
<i>- Who reviews the medical reports?</i>			
<b>Who is responsible for gathering I-9 information? (specify names and titles)</b>			
<i>- Are I-9 forms completed before employees are put to work?</i>			
<i>- Where are the I-9's stored (e.g., personnel files, separate files, binder, etc.)?</i>			
<i>- Are the identification documents presented with I-9 forms copied?</i>			
<i>- Are old I-9's purged from files at the appropriate time after employees terminate? If so, what is the timing of this?</i>			
<b>Are the first 90 days of employment regarded as “probationary” or “introductory”?</b>			
<i>- How is that status communicated to the new employee?</i>			
<i>- After 90 days of employment are employees classified as “permanent” or “regular”?</i>			
<b>Where and for how long are the applications stored for those who are not hired?</b>			
<b>How long are applications considered active?</b>			

INFORMATION REQUESTED	YES	NO	COMMENTS (Please use additional paper, if required, to complete responses.)
<p><b>Please provide a copy of, (1) your new hire package, (2) including employment application, (3) I-9 form, employment agreement, (4) employee handbook, (5) payroll deductive authorization, (6) no harassment policy, at-will agreement, (7) arbitration agreement, and (8) other forms given to new employees</b></p>			
<b>WAGES AND HOURS OF WORK</b>			
See Attached Supplement			
<b>DISCRIMINATION/HARASSMENT</b>			
<p><b>Does the company have contracts with any state, county, city or federal agencies?</b></p>			
<p><i>- If so, please specify the agencies with which you have contracts and state the annual amount of business contracted with each agency during the years 1996, 1997 and 1998.</i></p>			
<p><b>Is there a written EEO policy?</b></p>			
<p><i>- If so, how and how often is it communicated?</i></p>			
<p><b>Does an Affirmative Action Plan exist?</b></p>			
<p><i>- If so, please provide a copy.</i></p>			
<p><b>Is an applicant flow log maintained that tracks each applicant by name, race, sex, apparent handicap and date of application?</b></p>			
<p><i>- If so, please provide a copy of the 1998 log.</i></p>			
<p><b>Does the company submit EEO-1 reports to the EEOC?</b></p>			

INFORMATION REQUESTED	YES	NO	COMMENTS (Please use additional paper, if required, to complete responses.)
<i>- If so, please provide copies of the EEO-1 reports for the last three years.</i>			
<b>Is there a written “no-harassment” policy?</b>			
<i>- If so, do all of the employees sign the policy or sign a receipt that they received the policy?</i>			
<b>Has “no-harassment” training been conducted?</b>			
<i>- If so, when? By whom?</i>			
<b>Is there an established procedure for investigation of complaints of harassment for managers/supervisors and employers?</b>			
<i>- If so, what is it?</i>			
<b>Is there a pregnancy leave policy?</b>			
<i>- If so, what is the maximum time allowed for leave?</i>			
<i>- If the policy is written, please provide a copy.</i>			
<b>Is unpaid medical leave available to employees?</b>			
<i>- If so, what is the maximum time allowed for leave;</i>			
<i>- Who decides whether to grant leave requests? and</i>			
<i>- If the policy is in writing, please provide a copy.</i>			
<b>Are employees who go on medical leave given FMLA notices (where appropriate)?</b>			
<i>- If yes, please provide copies of the paperwork you use for FMLA leaves.</i>			

<b>INFORMATION REQUESTED</b>	<b>YES</b>	<b>NO</b>	<b>COMMENTS</b> (Please use additional paper, if required, to complete responses.)		
<b>Are medical records maintained for employees?</b>					
- If so, are they kept in separate files apart from the regular personnel files? - who has access to files?					
<b>Is your company accessible to disabled applicants and customers?</b>					
- Specifically, are there wheel chair accessible restrooms available for customers?					
<b>HUMAN RESOURCES POLICIES</b>					
<b>Do written policies exist for the following: (please provide copies):</b>	<b>YES</b>	<b>NO</b>		<b>YES</b>	<b>NO</b>
- Attendance			-Immigration?		
- Job Posting			-Equal Opportunity		
- Leaves of Absence			-At-Will Employment		
- Smoking			- Affirmative Action		
- Job References			- Personnel Records		
- Workplace Violence			- Serious Illnesses		
- Safety			- Termination		
- Dispute Resolution			- Corrective Action/Discipline		
- Personal Computer/E-Mail Use			- Layoffs		
- Severance Pay			- Garnishments		
- Employment Verification			- Employee References		
- Conflict of Interest			- Confidentiality		
<b>Is there an Employee Handbook communicating major HR policies?</b>					
- If so, when was it updated last; and					
- Please provide a copy.					

INFORMATION REQUESTED	YES	NO	COMMENTS (Please use additional paper, if required, to complete responses.)
<b>Is there a Supervisor's Handbook covering implementation of major HR policies?</b>			
<i>- If so, when was it updated last; and please provide a copy.</i>			
<b>Do you have displayed the five federally required posters (Title VII, wage and hour, OSHA, polygraph, and FMLA), as well as state required labor posters?</b>			
<b>Are current employees ever drug tested?</b>			
<i>- If so, is there "reasonable suspicion" drug testing; and</i>			
<i>- Are random or periodic drug tests ever conducted?</i>			
<i>- Do you have a policy covering drug/alcohol use?</i>			
<b>Is there an alcohol and drug rehabilitation program made available to employees?</b>			
<b>Do you have a grievance procedure?</b>			
<i>- If so what is it?</i>			
<b>Is there a policy regarding employee access to their personnel files?</b>			
<i>- If so, what is it?</i>			
<b>For how long are personnel files retained after any employee leaves the company?</b>			
<b>Is there a policy regarding the employment of relatives?</b>			
<b>Is there a policy on fraternization (dating) between employees?</b>			
<b>Do employees sign confidentiality and/or non-compete agreements?</b>			
<i>- If so, please provide copies</i>			
<b>Do employees sign arbitration agreements?</b>			

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<i>- If so, please provide a copy.</i>			
<b>Do you have written job descriptions?</b>			
<i>- If so, please provide copies.</i>			
<b>Do you have procedures which prevent employees with poor driving records from driving company vehicles?</b>			
<b>What is the policy for providing new employees with summary plan descriptions for medical/pension benefit plans?</b>			
<b>Does the company use employees from a temporary or leased employee agency?</b>			
<i>- If so, please provide a copy of any written agreements you have with the agencies.</i>			
<b>DISCIPLINE AND TERMINATION PRACTICES</b>			
<b>Do you require at least one written warning before firing any employee for performance problems?</b>			
<b>Are all discharge decisions required to be documented?</b>			
<b>Are discharge decisions reviewed?</b>			
<i>- If so, by whom?</i>			
<b>Are exit interviews conducted with all terminating employees?</b>			
<i>- If so, what are the questions asked?</i>			
<i>- Who reviews the information gathered?</i>			
<b>When are final paychecks delivered to terminated employees (include voluntary and involuntary)?</b>			

INFORMATION REQUESTED	YES	NO	COMMENTS (Please use additional paper, if required, to complete responses.)
Who informs eligible terminating employees of their COBRA rights?			
Please provide a copy of the notification documents.			
<b><u>SAFETY</u></b>			
Are MSDS documents maintained for all chemicals used on premises, including cleaning solvents? How many?			
Are OSHA 200 logs maintained?			
<i>- Are injuries regularly recorded on the log?</i>			
<i>- Are the logs kept for five years prior to the current year?</i>			
<i>- Is the annual summary section of the log posted every February 1 to March 1, and if so, where is it posted? Copies of the last five years posting.</i>			
Has OSHA (or the state equivalent) performed an inspection within the past three years?			
Has the company ever been cited by OSHA (or the state equivalent)?			
<i>- If so, what was the nature and amount of the citation?</i>			
Do you have a written Hazard Communication Program?			
<i>- If so, please provide a copy</i>			
Who decides whether to send an employee for medical treatment following an injury?			

INFORMATION REQUESTED	YES	NO	COMMENTS (Please use additional paper, if required, to complete responses.)
<b>EMPLOYMENT-RELATED CLAIMS, CHARGES, COMPLAINTS AND GRIEVANCE HANDLING</b>			
<b>Who monitors the Unemployment Insurance tax rate and reserve account (if applicable in your state).</b>			
<i>- Who is responsible for processing UI claims?</i>			
<i>- Are claims contested?</i>			
<i>- Who is responsible for gathering and submitting the documentation needed to defeat non-meritous such claims?</i>			
<b>Who is responsible for processing Workers' Compensation claims?</b>			
<i>- Are fraudulent claims contested?</i>			
<i>- Who is responsible for gathering and submitting the documentation needed to defeat such claims?</i>			
<b>Have any Wage/Hour or IRS audits taken place?</b>			
<b>Have any Charges of Discrimination been made through the EEOC or equivalent state agency? Current status?</b>			
<b>Have any Wrongful Termination, Negligent Hiring, Negligent Retention, Retaliatory Discharge or other employment-related lawsuits been filed in federal or state courts?</b>			
<i>- What is the status of each?</i>			

Please include the name, address, phone number, fax number and email address for the company and then fax this entire document to James F. Hendricks Jr. at (312) 346-3179 or send it by email to [Jhendricks@laborlawyers.com](mailto:Jhendricks@laborlawyers.com). Thank you.