

EMPLOYMENT PRACTICES

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NOTE

The following checklist items are intended to assist you in considering the employment practices used by your entity. Any “no” responses, may require further analysis and/or an action plan for correction.





EMPLOYMENT STATUS

- Do you have a person responsible for HR issues?
- Do At-Will disclaimers appear on the application form and in employment manuals/handbooks?



HEY GIRL

YOU HIRING??

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Can you hire
and fire
whoever you
want?

- Race
- Color
- National origin
- Religion
- Sex
- Pregnancy
- Disability: physical or mental, blindness
- Age (40 and older)
- AIDS/HIV
- Off-duty tobacco use
- Genetic Information
- Public Policy
- Whistleblower
- FMLA
- Workers' Compensation

RECRUITMENT & APPLICATION

- Do recruitment sources represent the available labor market?
- Has an HR expert reviewed your application in the last two years to insure it meets current legal standards?
- Does application form contain necessary language for truthfulness and signature/acknowledgement line?



INTERVIEWING & SELECTION

- Does a central individual oversee hiring actions/decisions?
- Do interviewers receive training?
- Do interviewers use standardized questions?
- Do you follow consistent procedures for each interview?
- Does the interviewer take notes during the interview?
- Are the notes objective and job-related?
- Do you document the reason to hire or not hire?
- Do you authorize the decision to hire by an additional person(s) of authority?
- Has an attorney reviewed the job offer letter?

THE INTERVIEW

- Stick to questions about the job
- Have a job description and use it to ask questions during the interview
- Ask only open ended questions
- Don't make empty promises
- Don't give the impression that applicant is getting the job
- Let the applicant know when they will hear back from you

PRE-JOB OFFER SCREENING

- Do you verify personal references?
- Do you verify prior work references?
- If relevant to the job, do you conduct criminal background checks?
- If relevant to the job, do you check driving records?
- Do you verify required licenses and education?
- Do you conduct drug tests?
- When filling positions with significant financial responsibility, do you perform credit checks?

POST JOB OFFER

- Do you require medical exams?
- Do you conduct medical exams after the job offer?
- Do you provide the medical facility with the physical requirements of the job?
- Do you consistently require medical exams?
- Do you provide formal orientation at the time of hire?
- Do you document orientations?
- Do all new employees receive and review copies of all policies and procedures?

PERFORMANCE EVALUATIONS

- Do all departments conduct performance evaluations?
- Do all departments conduct performance evaluations on all employees?
- How often?
 - Twice Yearly; Yearly; Every Two Years; Other
- Are procedures for performance evaluations consistent?
- Who developed the evaluation form?
 - HR or other internal department; Attorney; Other
- Do evaluators receive training?
- Is documentation job related?
- Do you allow employees to respond?



DISCIPLINE AND DISCHARGE

- Do you have written disciplinary rules in place?
- Are employees aware of the rules?
- Are employees terminated at-will?
- Do you require disciplinary action to be documented?
- Do you consult an attorney on major discipline issues?
- Do you conduct exit interviews for all employees who leave?
- Do you document and keep all exit interviews?

I'm not asking you
for a favor...

I'm telling you to do
your job.



somee cards



JOB FUNCTIONS

- Do you have current job descriptions in place?
- Are descriptions available for all positions?
- Have you reviewed them in the last five years?
- Do the descriptions identify physical requirements for the job?
- Do descriptions identify essential functions?
- Are they available to employees and applicants?

EMPLOYMENT/PERSONNEL MANUALS

- Are employments/personnel manuals in use?
- Has an HR expert or an attorney reviewed it in the last two years to insure it meets current legal standards?
- Do you provide it to all employees?
- Does it include an at-will employment statement?
- Are employees required to sign for receipt of the manual?

PERSONNEL FILES

- Are files secure and confidential?
- Do you organize files in a consistent manner?
- Do you file medical information separately?
- Do you comply with Freedom of Information Act?





HARASSMENT and DISCRIMINATION

- Is there a written harassment policy?
 - Do you have an anti retaliation policy?
- Have there been documented complaints of harassment?
- Is there an open door complaint policy?
- Are there at least two complaint routes?
- Do you have and follow an investigation procedure?
- Do you investigate and resolve all harassment claims?
- Do you keep complaint file separate from personnel files?

DISCRIMINATION/EEO/ADA

- Have there been documented complaints of discrimination?
- Is there a written policy prohibiting discrimination?
 - Do you have an anti discrimination policy?
- Do you post/display policy?
- Is there an affirmative action plan?



SO YOU'RE TELLING ME

**I GET THE REST OF THE WEEK
OFF?**

FAMILY AND MEDICAL LEAVE ACT (FMLA)

- Do you have a written policy statement?
 - Does it address whether FMLA runs concurrently with annual leave, workers' comp?
- Are the employees' rights communicated?
 - Forms at <https://www.dol.gov/whd/fmla/forms.htm>
- Do you keep medical information in a separate personnel file?

VIOLENCE IN THE WORKPLACE

- Do you have a written zero tolerance policy statement?
- Do you have a weapons policy?
- Do you train employees to take appropriate action?
- Do you have an emergency response plan?
- Is documentation kept of prior incidents?

TRAINING AND EDUCATION Supervisors & Managers

- At-Will & Just Cause Employment Relationships
- Discrimination & Harassment In The Workplace
- Interviewing & Selection Procedures
- Violence In The Workplace
- Recognizing & Handling Substance Abuse
- Conducting Performance Evaluations
- Discipline And Discharge Procedures
- FMLA,ADA,HCRA,HIPPA
- Title IV
- Personnel Policy Administration

TRAINING AND EDUCATION Employees

- Harassment Policy
- Discipline And Discharge
- Violence In The Workplace
- Substance Abuse
- FMLA Benefits
- Receiving Performance Evaluations
- Personnel Policy Provisions

ANNUAL REVIEW OF POLICIES AND PROCEDURES

• HOW OFTEN DO YOU REVIEW
THE FOLLOWING?

- Employment Application
- Personnel Manuals
- Sexual Harassment Policy
- Performance Evaluations Form
and Instructions
- Policy on Violence in the
Workplace

- Annually
- Semi-Annually
- Bi-Annually
- Other_____

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