



PROMOTING SUCCESS BY NURTURING HUMAN POTENTIAL

TOWN OF BOOTHBAY

HR Audit

December 2014

The following is the list of the Human Resources Audit items that were discussed on Friday, December 19th, with the required follow up:

Personnel Policies Manual

- The Personnel Policies Manual was reviewed for compliance. Many sections were updated with legally-approved language, and some new sections were added. In addition, the entire Manual was reformatted into sections, with hyperlinks in the Table of Contents for easy of electronic navigation.

I-9s (Employment Eligibility Verification - Required by the Federal Government)

- The I-9s on file for current employees were reviewed; all were out of compliance, either due to accepting the wrong form(s) of identification, missing signatures, incomplete, etc.
- The form being used currently had expired.
- Recommended that I-9 forms be maintained in a separate file, not in each employee's personnel file (so that if the Department of Homeland Security asks to see them, we do not have to give them access to the personnel files, and also for easier maintenance when employees leave).
- Covered the procedures for retaining I-9s on employees who have terminated employment.
- Provided the correct form, a written I-9 procedure, and a draft of an email to all employees hired since 11/6/86 so that the I-9s forms can be re-done by 1/5/15.
- The Town Manager will ensure the use of the correct form and procedures going forward

Recruitment

- Application for Employment: Reviewed the current Application for Employment, and determined a number of areas for improvement; a new suggested application was provided.
- Background Checks: Should be a separate form, which is completed by an applicant ONLY after a conditional offer of employment has been made. Two Background Check release forms were provided - one regular and one for checking Credit History (can only check Credit for Town Manager and Business Office positions. Provided the information for Corporate Intelligence in Lewiston as a source/vendor for doing background checks. Provided a link to the Maine Sex Offender Registry.
- Employment Advertisement: Reviewed the most recent employment advertisement, which says that applicants have to be US Citizens; this should be removed due to Equal Employment Opportunity.
- Interviewing - Sent guidelines for what to ask, and what not to ask, in Employment interviews.

Performance Management

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- Disciplinary Action Form: Provided a simple, one page form "Notice of Correction Action and Performance Improvement Plan."
- Provided a simpler, alternative performance evaluation form- two versions, one for managers/supervisors and one for all other employees.

Job Descriptions

- Job Descriptions need to be updated to comply with requirements under the Americans with Disabilities Act.
- Provided one sample, and the Town Manager will determine a means of getting the rest updated.

Personnel Files

- Reviewed two personnel files. They appear to be in compliance. There were old attendance records in the files - recommended that they be destroyed. The payroll records suffice for record retention.
- Generally, it is recommended that the personnel file be in two sections - one for all health related information, and one for everything else. This is due to HIPAA regulations that prohibits supervisors from accessing an employee's private health information unless they have a need to know. However, the Town Manager maintains the files and does not provide any file to a supervisor. As long as this continues to be the practice, the Town is in compliance.
- Personnel files must be locked up. The Town Manager keeps the files in the office, and locks the door whenever not there. As long as no one has access to the office (cleaning crew, other employees etc.), then this would be in compliance. However, a separate, locking filing cabinet is strongly recommended.

Family Medical Leave Act (FMLA)

- Reviewed FMLA forms of two recent employee leaves.
- The "Notice of Rights and Responsibilities Form" needs to be provided as soon as the employer receives notice of requested leave (this was not done in one case).
- Discussed when to trigger FMLA - after three days of absence due to a potentially qualifying reason.
- Ensured that the Town Manager has all of the current forms.
- FMLA should be triggered for Workers' Compensation absences if the absence from work exceeds three days.
- Provided all of the current FMLA forms, under both Federal and State laws.
- Discussed qualifying reasons under both laws.
- On an earlier visit, provided completed samples of the most common forms.
- Discussed when to trigger FMLA (after the 3 day of absence if due to a serious health condition, or if another qualifying reason such as family illness).
- Stressed using the FMLA policy in the Employee Handbook as the detailed guidelines for FMLA - and call me if in doubt!

ITEMS REMAINING TO BE AUDITED

Training Requirements

- Sexual Harassment & Retaliation Prevention training - all new employees are required to be trained in the first 12 months, and all supervisors have to have a separate training session in the first 12 months of employment or from the date of promotion to a supervisor. Also, the Harassment and Retaliation Prevention Policy must be distributed to all employees every year, except during years when the Personnel Policy Manual is updated (where it contains the policy).
- VDT (Video Display Terminal) Training - This is required annual training.
- Global Harmonization Training - a state mandated training which was to be completed by all employees of all organizations by December 1, 2013.

OSHA Reporting Requirements

- Forms 300, 300A, 301, posting requirements, etc.

Compensation

- Fair pay practices - hourly rates of pay, pay scales, etc.
- Fair Labor Standards Act (FLSA) exemption tests - when job descriptions are updated, positions should be reviewed for proper exemption status.

Bulletin Board Posting Requirements

- Provided the state link to federal and state posters required. These are required in all locations where employees report to work. They can be placed in a binder instead of on a bulletin board as long as they are prominently displayed and employees have easy access to them.

Smoking Regulations

- Discussed requirements - no smoking within 20 feet of any exit, etc. All employees need to be provided the opportunity to work in a smoke-free environment, including while driving or riding in any vehicle while on Town business.

Independent Contractors

- Need to ensure that any independent contractors meet the definition under State law.
- Discussed firefighters, who are paid via the Town's payroll. Need to determine if they are employees, need I-9s, covered by Workers' Compensation, etc.

Record Retention

- Employment, wage and personnel file information all have different retention requirements.
- Need to verify if the Town needs to maintain a record of employment for each employee (dates of employment, full and part time status, and rates of pay) for 60 years, due to being government employees.