



# Archdiocese of Agaña

CHANCERY OFFICE

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## **EMPLOYMENT AUDIT CHECKLIST**

### **I. Classification of Staff**

**Employee**

**Exempt** (from minimum wage and overtime)

1. Must be Salaried (Same rate of pay each pay period regardless of the number of hours worked); *and*

2. Must meet one of the following exemptions:

— Executive

1. The employee must be compensated at a rate of not less than \$455/week (salary);
2. The employee's primary duty must be managing;
3. The employee must customarily and regularly direct the work of at least two or more other full-time employees or their equivalent; *and*
4. The employee must have the authority to hire or fire other employees, or the employee's suggestions and recommendations as to the hiring, firing, advancement, promotion, or any other change of status of other employees must be given particular weight.

— Administrative

1. The employee must be compensated at a rate of not less than \$455/week (salary);
2. The employee's primary duty must be the performance of office or non-manual work directly related to the management or general business operations of the parish or its parishioners; *and*
3. The employee's primary duty includes the exercise of discretion and independent judgment with respect to matters significance.

— Professional

1. The employee must be compensated at a rate of not less than \$455/week (salary);
2. The employee's primary duty must be the performance of work requiring advanced knowledge, defined as work which is predominantly intellectual in character and which includes work requiring the consistent exercise of discretion and judgment;
3. The advanced knowledge must be in a field of science or learning; *and*
4. The advanced knowledge must be customarily acquired by a prolonged course of specialized intellectual instruction.

\_\_\_ Highly Compensated

1. Employee must perform office or non-manual work and paid total annual compensation of \$100,000 or more; *and*
2. Employee must customarily and regularly perform at least one of the duties of an exempt executive, administrative, or professional employee (above).

**Non-exempt** (from minimum wage and overtime) *All employees who do not meet the tests above:*

1. Must be paid overtime over 40 hours in a work week; and
2. Must be paid the prevailing minimum wage.

**Volunteer**

1. Must have no expectation or promise of pay; and
2. Must not be employed by the same entity, performing the same duties.

**Independent Contractor**

Among other requirements,

1. Individual must possess a federal employer identification number or social security number, or in the alternative, must have agreed in writing to carry out the responsibilities imposed on employers;
2. Individual must have control and discretion over the means, manner, and time of performance of the work;
3. Individual must hold himself or herself out to be in business for himself or herself.
4. Individual must supply the principal tools and instrumentalities used in the work, (except that the employer may furnish tools or instrumentalities that are unique to the employer's special requirements or are located on the employer's premises);
5. Individual is not required to work exclusively for the employer; and
6. Individual cannot be employed to perform the same duties by the same employer.

**Youth Employment (GU)**

**Youth under the Age of 16**

1. Complete "Employer's Request for Child Labor" form
2. Obtain Youth Employment Certificate from Youth and maintain on file.
3. Verify youth's age and maintain documentation of the record.
4. Post youth's daily work schedule and maintain a list (by name) of the youth's work schedules (note that certain time and hour restrictions apply).
5. Youth must not engage in work involving power driven machinery (with limited exceptions), construction, and certain other duties.

**Youth Ages 16 and 17**

1. Obtain completed Parental Permission form;
2. Verify youth's age and maintain documentation of the record.

3. Post youth's daily work schedule and maintain a list (by name) of the youth's work schedules (note that certain time and hour restrictions apply).

4. Youth must not engage in certain "hazardous" work, including, for example, motor vehicle driving and use of power driven saws and woodworking machines.

## **II. Payment of Wages and Time Records**

- Pay within 8 days after expiration of workweek (weekly, bi-weekly)
- Minimum Pay is 2 hours (unless hired to work less than 2 hours and employee notified in writing in advance)
- Time Records for Employees (employer's obligation to maintain)
  - Must be signed by employee (including any changes)
  - Must show time work began and ended, including meal periods
  - Signed waiver of lunch/eating period if applicable
- Non-exempt employees must be paid overtime for hours worked in excess of 40 hours in a work week (if employed in both parish and school, may need to combine hours to determine hours worked)
- Overtime rate is 1 ½ times regular rate of pay (may change if employee is salaried or paid 2 different rates)
- No deductions from paycheck unless permitted by state or federal law
- Written documentation about employee status when on leave of absence
- If employee resigns, employee must be paid all wages due (including, for example, accrued, unused vacation if this is the policy) on the next regular pay day.
- If employee is discharged, employee must be paid all wages due (including, for example, accrued, unused vacation if this is the policy) within 72 hours.

## **III. New Hire Paperwork**

- Employment Application
- Offer letter that includes rate of pay, whether weekly or bi-weekly, and work hours
- Reference Checks (documentation)
- Completed receipt of Code of Conduct and Policy for Protection of Children and Young People
- Completed receipt of Employee Handbook (or written policies regarding vacations, holidays, sick leave, severance, personal days, payment of expenses, and deductions from pay allowed).
- Criminal Background Check Paperwork
- W-4
- I-9 (copies of proper documentation within 3 days)
- Benefits Enrollments/Declination forms

- Direct deposit form (if applicable)
- New Hire Reporting Form (sent to state; maintain copy in personnel file unless payroll provider does this)
- Emergency Contact form

#### **IV. Mandatory Posters**

- Criteria to establish Independent Contractor (NH)
- GU Minimum Wage
- Right to Know (NH)
- Whistleblower Protections (NH)
- Employee Polygraph Protection (Federal)
- Equal Employment Opportunity (Federal)
- Family and Medical Leave Act (Federal)
- Minimum Wage (Federal)
- Uniformed Service Employment (Federal)

#### **V. Personnel Files**

- W-4 Form
- Employment Application
- Resume
- Eligibility verification form (I-9) (with copies of verification documents)
- Offer letter or other written confirmation of rate of pay, hours worked.
- Benefits documentation/Declination forms
- Other New Hire paperwork
- Performance evaluations
- Receipt of Employee Handbook
- Receipt of Code of Conduct and Policy
- Disciplinary information
- Medical information (*Note: Although it is considered part of the personnel file, medical information should be maintained in a file that is physically separate from the personnel file and under lock and key.*)
- Safe environment records
- Any other documents created by employer, pertaining to employee, except for recommendations, peer evaluations, or notes not generated or created by employer

## **VI. Other Basic Human Resource (HR) Audit Checklist**

*Instruction: Indicate your answer below the questions. If it does not apply to your organization please write in N/A for not applicable.*

### **Organization**

- Is there a mission and vision statement?
- Are the HR goals aligned with the organizational goals and strategies?
- How many managers and supervisors does the company have?
- How many full-time employees? Part-time employees?
- How many hours per week define full-time? Part-time?
- Are employees aware of their status?
- How long can an employee be temporary?
- How many locations does the company have?
- EEO-1 compliance, if applicable, do you file annually?
- What are the company hours? Are shifts defined?
- How does HR communicate with management and employees?

### **Hiring**

- What procedures are used for hiring in your organization?
- What recruitment sources are used, i.e., advertisements, job boards, referrals, social media, etc.?
- Do job descriptions exist and are they up-to-date? Are the job descriptions ADA compliant?
- Are I-9 forms and acceptable documentation reviewed annually?
- Is e-verify being used for new hires?

- Are I-9s and medical information kept separately from personnel files?
- Are job openings posted? Are job openings offered to current employees?
- Are current employees given appropriate consideration for promotion or lateral position changes? Who makes those decisions and are they properly documented?
- Who does the preliminary screening of candidates?
- Who selects candidates for interviews?
- Is training provided for those who conduct interviews?
- How are the recruitment, screening, and selection processes documented?
- Are applicant backgrounds checked? Are references checked? How is reference checking documented?
- Do employment applications refrain from requesting protecting information?
- Does application form ask if applicant needs accommodation (ADA)?
- Who has the final authority to hire?
- Who makes the offer of employment?
- Is there a standard offer letter?
- Are selection processes used with reference to the Uniform Guidelines?
- Is the hiring staff asking legal interview questions?
- Are applicants asked to voluntarily identify their affirmative action information?
- Are turnover rates monitored?
- Are independent contractors accurately identified?
- Is the 20+ point test for independent contractors being used for classification?
- Have issues related to classification of employees been raised?
- Are exempt employees accurately classified?
- Are all new hires reported to the state and IRS timely?

- Do new employees complete W-4 forms?
- Are workplace policies in place, i.e., EEO, harassment, safety, attendance, etc.?
- Are policies communicated and enforced?
- Is there an employee handbook?
- Is the employee handbook aligned to the workplace and up-to-date?
- Are employees required to attend orientation?
- How long is the new hire “orientation” period?
- Are all employees trained on discrimination and harassment issues?

### **Compensation and Benefits**

- Who negotiates compensation packages?
- Are compensation levels/plans monitored and reviewed annually?
- Are employees correctly designated as exempt or non-exempt per FLSA?
- Are independent contractors correctly identified?
- Is there a formal pay structure? Is performance tied to compensation?
- Is work time documented? How?
- Are paid time off (vacation, holidays, etc.) structures developed?
- Are non-exempt employees compensated at least one and one-half times their hourly wage for any hours worked beyond 40 (including bonuses)?
- Is the compensation plan communicated to all employees?
- Are benefit plans reviewed annually?
- Are employees informed/oriented regarding their benefits?
- Are Summary Plan Descriptions provided to plan participants?
- Are general COBRA notices provided to plan participants?
- Are employees allowed the appropriate leave time under the FMLA?

- Are plan documents in compliance with ERISA?
- Are supervisors and managers trained to report employee absences of more than three days to management for FMLA purposes?
- Are total compensation letters provided?
- Are open enrollment meetings held?
- Are minors prohibited from working more than their hours allowed by the Fair Labor Standards Act?
- Are final paychecks provided on time?
- Are paid time off (vacation, holidays, etc.) structures developed and equally enforced?
- Are the appropriate payroll withholdings performed and forwarded?
- Is a payroll service used, and if so, which service?

### **Employee Relations**

- Is there a system for performance evaluation? Are you aware of the different types of evaluations?
- Does the system check for effectiveness of the evaluation?
- Is quality and quantity of work evaluated?
- Are disciplinary actions for violating workplace policies flexible? Does documentation exist for each incident?
- Is there a process for employees to lodge complaints?
- Are effective policies in place that prohibits retaliation against employees who exercise their rights?
- Are there a variety of individuals to whom employees may lodge complaints (supervisor, manager, HR representative, etc.)
- Are employment practices in line with the various anti-discrimination laws?
- Are supervisors and managers trained in anti-discrimination practices?
- Do exit interviews take place?



Does a member of management evaluate each termination before it takes place?

Is there a whistleblower policy in effect?

### **Safety, Security, and Worker's Compensation**

Are safety hazards reported to the appropriate personnel?

Has a safety committee been established? Do you have an Emergency Response Plan?

Are workplace accidents, near-misses, injuries, and illnesses reported and investigated?

Is bright, effective lighting installed indoors and outdoors?

Is there a reliable response system in place in the event an alarm is triggered?

Are employees encouraged to promptly report incidents, and suggest ways to reduce or eliminate risks?

Are structures readily accessible to disabled employees?

Are minors prohibited from performing hazardous work?

Are MSDS sheets available for every chemical in the building (including cleaning supplies)?

Is the proper OSHA and workers compensation information posted and distributed to new hires?

Are ALL injuries/incidents investigated?

Is follow-up remediation performed where appropriate?

Are return-to-work programs checked for effectiveness?

Are insurance premiums and competitive quotes reviewed on a periodic basis?

Is the workplace environment maintained with safety in mind?

Are state (new and existing) requirements monitored?

### **Record Keeping and Other Documentation**

Are personnel files current?

What documents are held in personnel files?

- How long are files held and where are they stored after employees leave?
- Are items with medical protected information kept in a separate, locked location?
- Is there training of managers and employees about personnel files?
- Are all federal and state labor posters displayed in a conspicuous place?
- Are documents regarding employees kept for their required duration (application, personnel files, payroll, I-9s, etc.
- How are Paid Time Off, FMLA, and Worker's Compensation documented?

**Complete By:** \_\_\_\_\_  
Signature Over Printed Name

**Date:** \_\_\_\_\_

**Reviewed By:** \_\_\_\_\_  
Signature Over Printed Name

**Date:** \_\_\_\_\_