

Plan Ahead with Employment Law Audits

What is an employment law audit?

An employment law audit is a checkup of your human resource operations. The goal of the audit is to ensure that in-place policies and procedures comply with current employment laws. The audit is customized, there is no “one-size-fits-all” program.

Why do I need it?

Each year employers spend hundreds of thousands of dollars and many work hours defending against lawsuits filed by disgruntled employees. There is no guarantee that any given employee will not file a lawsuit but, by having your policies and procedures current, you will be prepared for these problems before they happen.

How much time will the audit take? How much will it cost?

This is entirely dependent on the number of documents requiring review and the extent of the update. Audits are customized to your company and your policies and procedures. There is no cost for the initial consultation. Estimates of the audit’s cost can be provided so the project can be budgeted.

What is my company’s involvement in the process?

To ensure that the process of review moves consistently forward, we would appreciate the insight of a human resources contact to confirm/clarify various policies and procedures as well as provide background where necessary.

What is the advantage of having an attorney review HR-related policies and procedures?

First, attorneys are up to date on current state and federal laws and have the training to ensure your policies are current. Second, the attorney-client privilege protects communications between a client and their attorney and keeps those communications and attorney work product confidential. They are not subject to disclosure.



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Employment Law Audit Checklist

- Job application forms.
- Job applicant interview procedures and interview questions.
- Job application background screening procedures.
- Drug testing policies and forms.
- Pre-employment physical examination policies and procedures.
- Employee handbook/personnel policies.
- At-will employment disclaimers.
- Equal Employment Opportunity Commission/harassment policies and complaint procedures/forms.
- Wage and hour policies, form, and procedures.
- Internal compensation policies (e.g., bonuses, overtime pay, vacation, etc.).
- Employment benefit plans (ERISA, 401K, deferred compensation, etc.)
- Workers' compensation procedures and recordkeeping.
- Workers' compensation light duty policies.
- Americans with Disability Act (ADA) and reasonable accommodation policies and requirements.
- Job descriptions (ADA compliance).
- Family and Medical Leave Act policies and forms.
- Policies regarding recouping payments provided to employees (e.g., tuition, training, clothing).
- Affirmative Action Plans and requirements.
- Recordkeeping procedures and policies (records kept, time periods, policy regarding litigation hold, etc.).
- Employment law posters posted in the workplace.
- Employment agreements.
- Severance agreements.
- Employment law insurance policies and exclusions.
- Union issues.

For questions regarding this program, contact any of the attorneys within the Employment, Labor & Benefits practice group: Sara Ackermann, Dean Dietrich, Mary Ellen Schill, Bryan Symes, or Kevin Terry.

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