



# Williamstown, Massachusetts

## Human Resource Audit

### Final Report

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# 1 Introduction

Human Resources Services, Inc. (HRS) was retained by the Town of Williamstown, MA, as directed by the Select Board, to conduct a Human Resource Audit. HRS was charged with conducting a town-wide general assessment and audit of its Human Resources operations and to make necessary recommendations as to how it should strengthen its personnel systems to ensure overall compliance and best practices in HR management. The analysis included a review of the Human Resources operations and organization as it currently exists; recommendations for organizational enhancements; a checklist audit of core Human Resource functional areas. This assignment had a general town-wide scope (excluding schools), and was not intended to be an in-depth legal review.

The Town's charter sets the guidelines and legal framework for the Human Resources operations which fall under the direction of the Town Manager. According to the town charter, the Town Manager serves as and/or hires the Human Resources Director; and the Human Resources Director oversees the personnel administration for the Town on a day-to-day basis. For the most part, this HR function is primarily the Town Manager with the assistance of one staff position, and with additional support drawn from other departments. In light of the fact that this analysis is submitted to the Town after the submission of comprehensive policies and other professional/legal reviews, some of the recommendations and findings may have already been addressed by the Town and/or may need further review and perhaps update to ensure best practices and compliance with any recent laws.

The consultant team utilized a variety of data and information collection and interviewing approaches to obtain input. The analytical activities included the following:

- At the beginning of the study the consultant conducted orientation sessions with the Town Officials and Departments. The reason for the meeting was to orient the Town Officials, its employees and its citizens to the process, purpose of the study, and the importance of Human Resources in the Town of Williamstown as a strategic partner with the various departments.
- HRS distributed comprehensive checklists/surveys to key staff/department heads to solicit confidential input from leadership employees. HRS received a

representative example of responses needed for this analysis. The purpose of these checklists/surveys was to obtain a better understanding of how Williamstown's HR services the many departments in the Town. This information laid the initial ground work in our initial fact-finding tasks.

- Comprehensive interviews were conducted with a cross-section of key staff including department heads, employees, and also with the Town Manager and his staff. These interviews were focused on gathering information to gain a deeper understanding of HR operations at Williamstown and how they relate to departments, and to further understand overall key issues and problems, and with a particular strong emphasis on the hiring and employment process in the Town.
- The consultants gathered numerous documents including current policies, personnel documents, forms, job descriptions and wide variety of compliance materials and documents.
- In order to assess the operational strengths and improvement opportunities for the HR Operations, the consultant team utilized "best management practices" against which to evaluate current services, workloads, staffing, and service levels in human resources. The measures have been developed both through HRS' collective experience in working with municipal HR departments, and also through national industry standards such as the Economic Research Institute, the Society for Human Resource Management (SHRM), International Public Management Association (IPMA-HR), International City/County Management Association (ICMA), and Bloomberg/HR Services.
- HRS evaluated the management systems in place in HR.
- A comprehensive HR Audit was conducted by the HRS team. HRS received input from staff and reviewed numerous HR checklist items.
- Throughout this consulting engagement, the reviewed study progress with the Town Officials.
- The consultant team combined all of the above approaches and methods in developing this final HR Audit Report to the Town of Williamstown.

During the interview and audit checklist process, we learned a great deal about the HR operations in Williamstown. The recommendations contained in this report are wide-ranging. The consultant team found overall most HR practices to be in general compliance with best practices, but in some areas HR is operating at *minimum* requirement levels. In other words, there is room for improvement needed in a number of key HR functional areas. Our recommendations are designed to help the Town achieve their *maximum* potential in the areas of strategic human resource management. The recommendations in this report are an

enhancement to those many good systems and practices which are already in place and exist today.

The Town of Williamstown has a great opportunity to develop their vision and mission for the provision of human resource management in their organization. We believe our recommendations can help the Town's HR move forward to achieve greater levels of efficiency, compliance, communications, and advancements in equity, inclusion and diversity.

## 1.1 Initial Overall Impression

In general, the Town has a good grasp of the discipline of human resource management in local government, and should be commended for many of its outstanding personnel practices despite the fact they did not have a dedicated Human Resources Director/Department. The recommendations in this report are intended to enhance the Town's current personnel system. This report identifies procedures and practices which, if modified, would result in better compliance and management of personnel services in the Town. In reading this assessment and audit, it is important to understand that changes recommended are to improve upon the organization, procedures and systems used. They are not a critique of any individual or group performance.

Every organization needs leadership at the highest level to support human resource management.

## 1.2 General Implementation Strategy

Every organization needs leadership at the highest level to support human resource management. In order for any implementation plan to take place and be successful, policy boards, management, employees and stakeholders need to be in agreement. Together they must identify and understand the goals of provisions of HR management in the Town of Williamstown. In order for this to happen successfully, the Town must:

- Ensure that the Human Resource Audit recommendations are implemented successfully, monitored for effectiveness and updated where necessary.
- Identify, define, evaluate, and approve changes through to completion.

- Negotiate and communicate changes to all affected parties.
- Obtain adequate resources and funding to ensure that plans are executed effectively.
- Review Human Resource management activities with the policy Boards on a periodic basis.

## 2 Town Manager-Human Resource Department

### 2.1 Overview

The human resource administration in local government has become very complex, particularly in the last decade, primarily due to the many Federal and State mandates. What follows are recommendations in a variety of management areas to aid in the provision of human resources for the Town of Williamstown. These are the consultant's general observations, findings and recommendations with regard to HR management.

### 2.2 Findings and Recommendations

- a) ***There needs to be a clear vision and plan for a consolidated HR department in Williamstown.*** The provision of human resource services lacks a clear, concise mission and vision statement from the Town. Officials need to ask what is the purpose of this function and how will it service the Town in the most effect and efficient manner. A long-range plan for a properly staffed and fully integrated human resource department must be support by town government. The current model of the Town Manager serving as the HR Director with some staff support by his assistant is neither practical nor cost efficient. We recommend, one additional position with the sole responsibility of HR Director, and it is hoped that it may be filled within the next year. An additional HR Generalist to assist the HR Director should be added within two years. If the town is not able to financial support these positions; the Town may consider developing a consolidated HR department with the schools. There has been a steep increase in the number of complex Federal and State laws which impact local government personnel administration. Lack of appropriate operations in place will truly limit the Town's ability to defend itself if challenged by an aggrieved employee.

- b) ***Develop Human Resources in Williamstown as a Strategic Partner with all Departments.*** In today's municipal organizations, HR needs to think of themselves as strategic partners. In this role, an HR Director contributes to the development of and the accomplishment of the organization-wide goals and objectives. This is a full-time role. The HR Director would support the departments' overall strategic plans. The strategic partnership impacts HR services such as the development of job descriptions, hiring process, reward, recognition, pay, performance development, career and succession planning, compliance management, and employee development and training.
- c) ***Recruitment and Hiring.*** The hiring process for all employees should be handled through a Human Resource Office. Failure to do so could result in serious inequities and compensation unfairness throughout the organization.
- d) ***Enhanced Employee Relations.*** There is a need for enhanced employee relations throughout the town organization. This involves employer-employee relationships that contribute to productivity, motivation, and morale. The human resources department would be dedicated to individual and group employee relations in order to prevent and resolve problems which can arise out of work situations.

## 3 Human Resources Core Elements

### 3.1 Overview

All organizations have a responsibility to ensure that certain core human resource requirements are in compliance with federal, state, and local laws. Failing to do so can result in serious legal ramifications for the Town. The specific details of the HR Audit are provided in detail in the succeeding chapters of this report, however, there are some general initial observations:

### 3.2 Findings and Recommendations

- a) ***Personnel Policies exist and are being updated, but the on-going communication of policies is missing.*** Policies should be available to every employee in the town; each employee should sign a copy of the policies, and they should be available online. HR should conduct a communication campaign to ensure that all employees are informed about policies. This helps them “buy into” the HR policies and procedures that affect them. This can be done through bulletin boards, electronic mail and internet, newsletters, training meetings, intranet, periodic orientations, open-door policies. *(HRS is currently assisting the Town to develop a comprehensive personnel policy manual.)*
  
- b) ***HR Training is inadequate to ensure compliance.*** Employee training has become an essential component of human resource operations. Human Resource departments are the major source for providing training to the organization’s employees in such areas as Harassment, Diversity, Discrimination, Americans with Disabilities Act, Family Medical Leave Act, and many other employment related areas. Williamstown lacks a town-

wide training program which focuses on such areas. HRS recommends that the Town allocate additional funds for this type of training.

- c) ***Human Resources Information System (HRIS)***. The Town may wish to explore the possibility of developing an organization-wide Human Resource Information System (HRIS) to better manage employee information, cross-share information from one department to another, and provide a town-wide directory so everyone knows the status of employees, equipment needs, and more. The system could be populated with employee data and provide excellent HR management reporting to all departments. This would also provide better communication between the Human Resource Department, Town Departments, and the Finance Department. All paper employee forms should be computerized, including the paper “salmon sheet” which is used by all departments for communicating employee changes. Since the Town already has MUNIS, it makes good sense to expand with their HRIS module. Through our assessment, some staff suggested the need for better online workflow, and better integrated HRIS to manage and streamline employee data more efficiently.

## 4 Some Town-wide HR Needs

### 4.1 Human Resource Presence

There needs to be a better human resource presence in the town departments. The current Town Manager/HR Office at town hall needs to provide the following services:

- a) Provide a “service support function” and allow town department heads to rely on the HR Office for technical expertise in personnel matters.
- b) Ensure that state and federal laws and regulations are effectively complied with by all departments; and ensure that any new requirements are properly communicated to Senior Management personnel.
- c) Develop the communication mechanism whereby the town-wide departments are aware of all elements of personnel management, to provide better information to employees and support.
- d) HR needs to ensure that personnel policies are properly available to all town employees; particularly training areas are needed in FMLA, ADA, FLSA, Sexual Harassment, Computer Policies, Safety, Diversity, Equity and Inclusion.

## 5 The HR Audit

### 5.1 Compliance Review

The following chapters in this study assesses the degree to which Williamstown's HR is compliant with the relevant federal, state, and local laws. This HR Audit assesses whether the required human resource policies, practices, procedures, and compliance exist in the Town of Williamstown, and to what extent improvements are needed for a total and universal human resource management system which is effective. What follows are the HR Audit results to help the Town determine whether the HR strategy, policies, processes, compliance etc. are aligned with and support the achievement of the Town's mission and objectives; and are HR services and functions aligned and prioritized to organizational and customer needs.

## 6 Hiring/Diversity

### 6.1 Hiring Process

The hiring process in Williamstown is a multi-step process. In most situations, the hiring process generally extends from identification of the need to fill a new or existing position to the completion of the various hiring steps, including reviewing applicants' qualifications, interviewing and testing candidates, checking references, verifying employment eligibility, and the actual process of onboarding the new employee. All of these steps in Williamstown are in place to ensure that the hiring process results in selecting the best qualified candidate and integrating the new hire seamlessly into the workforce.

Hiring from within the Town is a priority for Williamstown, as we understand. We believe this is a poor practice and that Williamstown should consider changing this policy by working with the Department Heads, Town Officials and Union Leaders. This type of policy puts an unnecessary limit on the Town's ability to recruit top talent for hard to fill positions and to ensure diverse candidates for positions.

It appears that the Town Manager does spend a good portion of his time and involvement in the hiring process for each department. This hiring function should be delegated to an HR Director to free-up the time of the Town Manager. While the Town Manager is the ultimate hiring authority, he does not need to be the one overseeing and coordinating recruitment and placement activities; this would be better suited for the HR Director.

### 6.2 Conduct Exit Interviews

Currently the Town Manager/HR is not conducting exit interviews. We feel there is a great value to the Town by having exit interviews. An exit interview is an important tool as it identifies the reasons for turnover, and helps to develop methods to reduce turnover. The exit interview is an interview given to a departing employee. This is usually done for employees that voluntarily quit instead of those that are fired or laid off. Exit interviews offer an opportunity to find out information that otherwise might be more difficult or impossible to obtain. This could assist with

understanding better the employee relations and dynamics of the departments, that otherwise would be difficult to learn, unless the employee were leaving.

Human Resources should conduct exit interviews of each employee who voluntarily resigns or retires. The exit interviews should focus on the following issues:

- Interviews should be conducted face-to-face.
- Open-ended questions should be utilized that allow for plenty of expression.
- At some point in the interview ask “why are you leaving?”
- Try to find out if there were things the departing employee would suggest to improve, conditions or morale.
- Try to get a good feel for how they viewed their compensation and benefits package.
- Leave room at the end of the interview for general comments.

If there are not enough staff resources to conduct the exit interviews in person, consider doing them online. Below is a sampling of the questions you could have on a secure internal web-portal that the employee could complete:

Are you leaving Williamstown for another job?

☐ Yes ☐ No

If you are leaving for another job, does it pay more?

☐ Yes ☐ No

If you are leaving for another job, are the benefits better?

☐ Yes ☐ No

If you are leaving for another job, are the job duties different?

☐ Yes ☐ No

If you are leaving for another job, are the job duties more challenging?

☐ Yes ☐ No

If you are leaving for another job, does the new position offer more opportunities for advancement than your job with Williamstown?

☐ Yes ☐ No

Were you satisfied at Williamstown with:

Your pay?

☐ Yes ☐ No

Your benefits?

☐ Yes ☐ No

Your hours and working conditions?

☐ Yes ☐ No

Your job duties and responsibilities?

☐ Yes ☐ No

Your opportunities for advancement?

☐ Yes ☐ No

Did you receive proper training for your most recent job with Williamstown?

☐ Yes ☐ No

Did you have the necessary tools and equipment to do your job?

☐ Yes ☐ No

Overall, did you like working for Williamstown?

☐ Yes ☐ No

Please feel free to use the exit interview to expand on any of your responses to the questions listed above and to provide suggestions for improving work procedures or the work environment at the Town of Williamstown.

Also, it was not apparent to the consultant team that the Town has a formal off boarding process. When an employee separates from the Town, other off boarding check points need to take place, such as:

- Medical/Dental advance information
- COBRA rights issued
- COBRA form signed
- Deductions cancelled from payout
- Payout calculated and paid
- Removed from group life insurance online
- Removed from optional life insurance bills
- Medical/insurance files archived
- Name taken off website
- Email and computer disabled
- All Town equipment returned; keys, gas card, etc.
- Status updated in Payroll
- Inform Town HR of employee's separation

HRS recommends that a formal checklist be developed.

## 6.3 Diversity

Creating and maintaining a sustainable culture of diversity and inclusion remains a challenge for many organizations. Our findings discovered that the Town did make efforts to build a diverse

workforce but relied more heavily on the traditional recruitment process; and hiring from within. Of particular note and concern are the demographics of Williamstown and the surrounding area which make it substantially more difficult to recruit a diverse workforce. While we cannot change the demographics of Williamstown, the town can change its approach to recruitment; they need to work more resourcefully to reach a more diverse candidate pool. The Town is already doing a very job with outreach to colleges and universities in the area. They should continue this practice, but more aggressively. The colleges are a great network for Williamstown.

The Town needs to take personal responsibility for achieving the organization's diversity and inclusion goals and should act proactively and decisively to address behaviors and/or systems that disserve D&I goals, and communicate effectively with each other on matters related to ideas, perspectives, concerns, and disagreements. The Town should consider the following enhancements:

*Review job requirements:* The Town should examine job descriptions, applicant profiles and position requirements to ensure that no particular group of prospective candidates is intentionally or inadvertently screened out at any stage of the recruitment or hiring process. They should eliminate recruitment criteria that indicates any preference for applicants of a particular sex, age or race; and they should state physical requirements in terms of job activities.

*Examine Town advertisements:* Including a workforce diversity policy in Town advertisements and recruitment materials, as well as on the Town's website, is a good way to publicize a commitment to nondiscrimination. Adding a statement to all employment advertisements to indicate status as an equal opportunity employer is a standard best practice.

*Bind outside recruiters to diversity recruitment:* Contracts with employment agencies and other outside recruiters should contain language encouraging use of diversity recruitment media and best practices.

*Train internal recruiters, HR, supervisors and appointing authorities:* Everyone involved in recruitment, selection and hiring should be trained in effective—and legal—hiring practices. The Town should know how to interact positively with potential recruits and how to portray the Town

and their job requirements in a nondiscriminatory way. Williamstown should conduct diversity awareness and sensitivity training for managers who routinely interview candidates or make or contribute to selection and hiring decisions.

*Evaluate recruitment media:* The Town should identify the types of media that can attract different groups of applicants and use recruitment methods that reach the most diverse populations. The Town should also should take advantage of new technologies, including Web-based recruitment software, to attract qualified candidates.

*Use Resource Links:* The Town might consider adding resource links to their internal homepage, such as links to professional diversity websites, alumni groups, training providers and career coaches.

*Examine workplace culture:* If the Town's workplace culture promotes diversity and work/life issues that are important to candidates of all backgrounds, the town can find ways to inform candidates through avenues such as "brown bag" seminars and cultural events.

*Partner with appropriate outside groups:* The Town can promote internal diversity efforts by supporting similar efforts by industry partners, vendors, clients and community organizations.

- Advertise in minority publications and resources informing the public about job openings;
- Information on EEO/Affirmative Action Efforts should be publicized;
- Develop a formal list of recruiting sources that work with minority, female, disabled, veterans;
- Reach out to the community organizations, churches, ethnic and civic organizations; the non-traditional pathways as a feeder system;
- Consider employee referrals;
- Professional networking (e.g., associations);
- State employment and training offices;

- College recruiting outside immediate area;
- Special events, job fairs.

## 6.4 Succession Planning

The age of the municipal workforce and growing retirement eligibility is at a high level for most municipalities; Williamstown is seeing some of this as well. In general, it is hard to recruit for talent when a vacancy exists. Workforce planning will assist with filling positions more efficiently as the jobs turnover. Workforce and succession planning will allow Williamstown to identify and manage needed requirements in the new workforce. A formal succession plan and process will allow management to project retirement rates by each Department and prepare for replacement of lost competencies and skills. The Town should identify future workload and activities; analyze competencies and skill sets needed in the future workforce. This will assist with future recruitment, promotions, and transfers. Currently the Town is not proactively planning recruitments from a planning mode (i.e. projected workforce plan) and is more reactive to immediate replacements and new job openings.

A job analysis is not conducted for each new position. This is necessary to accurately identify the key objectives and responsibilities of the position. A job analysis will include the skills, abilities, knowledge, education, and experience that would be needed; as well as the leadership, interpersonal, supervisory, technical, and communication skills.

## 6.5 Postings/Advertisements

There are procedures and certain requirements for postings listed in the union contracts and also through personnel best practices. The Town's postings should include essential functions and there should be consistency from department to department. Departments should send all necessary information to the Town Manager/Human Resources Office and then HR should general all advertisements and positions in a consistent way. There should be a standardized system for all postings and advertisements which can be further detailed in the personnel policies and procedures.

## 6.6 Employment Application

There is one standardized town application form; however, it is outdated and needs updating. There should be added language addressing the Americans with Disabilities Act reasonable accommodation requirements. The application must be signed by the applicant. The Town should immediately generate an employment application that is in compliance with the federal and state laws. A standard employment application is critical and should be completed by all applicants. A resume can always be attached to the application, but all applicants should fill out the form. There has been recent “ban-the-box” movements throughout the country, and HRS recommends that no reference to criminal history be on the application form.

## 6.7 Screening Applicants, Interviews, and Offer Letters

There should be a standardized system for screening applications for all town positions. It is important that there be a standardized system used for all town positions to include having documentation, otherwise the Town may be exposed to liability if a future claim is made. In order to avoid possible liability and litigation, it is important that interviews for positions be standardized and documented. Training should also be done in the area of interviewing so anyone who conducts interviews is taught what can and cannot be asked in an interview. Sample questions should be provided by human resources. The town should regularly train its department heads on how to interview legally. Regardless of the department, interview questions should be standardized; only job-related questions may be asked, and records of all interviews must be maintained. Specific interview questions should be reviewed by the Town Manager/HR Office, if they are not included in standardized questions that are distributed to department heads that are already approved. The Town may also consider developing a Recruitment Flow Chart to provide an excellent checklist to ensure all steps have been addressed.

## 7 Training in HR for Department Heads

The Town of Williamstown does an excellent job with administrative, safety and insurance related trainings (MIIA). Employee training has become an essential component of human resource operations. We suggest that the Town add additional trainings for Department Heads in some human resource/employment law related areas including: sexual harassment, diversity, ADA, FLSA, FMLA, and many other employment related areas. Often specialized trainers or experts are brought in to assist in conducting the employee training under the guidance of the human resource department.

### 7.1 Offer HR Training Programs to Department Heads

The Department Heads would greatly benefit from regular training programs in a variety of areas. Due to the lack of funding and organization of a comprehensive program, training in HR is sometimes reactionary. In general, the current HR-town-wide training is inadequate. The Town needs a yearly training budget whereby they can hire onsite trainers and webinar services to provide these trainings on a regular basis. Managers need training in areas such as Interviewing Skills, Conducting Performance Evaluations/Reviews, how to avoid Sexual Harassment, Progressive Discipline, FLSA, FMLA, ADA, Hiring and Firing, HIPAA, HR Records and Retention, etc. The Town Manager/HR Office should develop an inventory of what training programs are needed.

### 7.2 State and Federal Law

Training for Department Heads in basic employment law is currently not taking place. This would be helpful to mitigate any risk from not following proper legal requirements. The Town should provide HR training to each department to ensure that State and Federal Laws and policies/regulations are effectively complied with; and ensure that any new requirements are properly communicated to the departments. For example, Massachusetts recently passed the Pregnancy Act Law and the MEPA Law.

## 7.3 Training for Policies

Personnel Policies exist and have now been updated, but the on-going communication of policies is missing. HRS recommends training for policies at the department level. This can be done through “in-person” training, bulletin boards, electronic mail and internet/intranet, newsletters, training meetings and workshops, webinars, periodic orientations, open-door policies, etc.

## 7.1 Additional Targeted Trainings

The Town should offer women and minorities targeted training and development opportunities, appoint women and minorities to Town task forces and identify members of underserved segments of the workforce who show leadership potential and could benefit from targeted coaching and mentoring. The Town also should educate employees about the issues facing co-workers such as minorities, women, veterans, older or younger workers and workers with disabilities. In addition, to attract women who are returning to the workforce after taking time off to raise children, the Town should offer “on-ramping” programs that provide flexible scheduling, training and mentoring to help ease the transition from home to workplace.

## 8 Pay and Classification System including Job Descriptions

A Pay and Classification system is a process for reviewing job duties, classifying positions based on uniform criteria, and allocating positions to salary grades that truly reflect their relative worth and market value. Such a system is a prerequisite for many other parts of a personnel system; determining rates of pay; establishing qualifications for recruitment, testing and selection; establishing lines of authority and areas of responsibility; and providing a basis for standards of work performed. A good pay and classification system will reduce inequities in pay or job status, and will attract, reward, and retain qualified personnel.

As we understand, the Town of Williamstown does not have a formal compensation and classification study for all positions throughout the Town. Also, many of the job descriptions appear to be outdated and in a variety of formats. The Town does conduct regular salary/wage surveys and comparisons. There is no apparent standard methodology in place for classifying and reclassifying positions for internal and external pay equity purposes. This could cause serious inequities in compensation for employees throughout the organization.

There needs to be one position within the Town accountable for overseeing and coordinating all compensation-related activities (job evaluation, job classifications, job descriptions, salary administration, performance appraisal and compliance with all governmental pay regulations, including FLSA, ADA, compensable time and EEO regulations).

### 8.1 MEPA

On July 2, 2018 Massachusetts implemented its new pay equity law. The Massachusetts Equal Pay Act (MEPA) generally provides that “No employer shall discriminate in any way on the basis of gender in the payment of wages, or pay any person in its employ a salary or wage rate less than the rates paid to its employees of a different gender for comparable work.” The law defines “comparable work” as work that requires substantially similar skill, effort, and responsibility, and is performed under similar working conditions. [M.G.L. c. 149, § 105A \(“MEPA”\)](#). As a result of

this new law, it is strongly recommended that the Town conduct a comprehensive compensation and classification study to conduct job analysis/job audits for all positions, ensure job descriptions are updated and compliant with FLSA, and to ensure that there is pay equity throughout the organization. The greatest benefit would be minimized pay inequities.

## 8.2 Compensation Policy

The Town Manager and the Select Board should adopt a compensation policy and philosophy and then use that policy as a guide when implementing a completed comprehensive compensation and classification study.

## 8.3 FLSA Classification

It's important that the Town properly classify employees as exempt and/or non-exempt according to the Fair Labor Standards Act (FLSA). It does not appear that this FLSA classification has been done recently according to our audit. This does not suggest that the Town is not in compliance, but rather that a recent classification of the FLSA has not been done. This should be done regularly as jobs and essential functions changes over time. Nonexempt employees should be paid at least 1.5 times their regular hourly rate for each hour, or fraction of an hour, when they work more than 40 hours in a workweek. Certain salaried workers do not have to receive overtime; these exempt employees include executives, professionals, and administrative staff whose work and salaries meet specific criteria. There are other municipal exemptions in certain cases. Further, the town must keep certain compensation, payroll, and employee records to document FLSA compliance.

## 8.4 Job Descriptions

The Town is inconsistent regarding having complete, detailed job descriptions. Some job descriptions have been updated; however, the majority are still dated and not in the newer compliant format. There should be a consistent format for the job descriptions for positions in all town departments that include all necessary components such as the essential functions, requirements, physical, and environmental sections. Having accurate job descriptions is a requirement of the Americans with Disabilities Act and needs to be a regular practice. When an employment opportunity becomes available, at a minimum, which is the time to update the job description to the new format that includes all necessary information.

## 9 Personnel Policies

### 9.1 Findings

The Town had an outdated set of personnel policies, and these have recently been updated and consolidated in a Personnel Policies and Procedures Manual. HRS recently updated these policies for the Town. It is important that the Town maintain them and have periodic legal review of the policies to ensure they continue to be updated and relevant. Sound employee policies and procedures are an essential part of a high-performance organization. Based on equity and in full compliance with all laws and regulations, these policies and procedures should address every major aspect of employment and risk-management within the organization. Major administrative policies were also developed in the areas of Social Media, Discrimination, Harassment, Computer Usage, and Investigations. COVID related policies have also been provided to the Town by HRS.

### 9.2 Recommendations

Personnel policies should be reviewed regularly, computerized, and provided on a web portal. Employees should sign off on policies, that they have received a copy and read them. Key policies needed are signed yearly, such as sexual harassment policy. The Town Manager/HR needs to conduct a communication campaign to ensure that all employees are informed about policies. Policy questions related to FMLA should be handled out of the HR Office.

The Town needs to become more knowledgeable and expert in all personnel policies and procedures in general. Training for employees related to various policies needs to take place.

## 10 Required Postings

There are a variety of required postings that should be posted in areas such as bulletin boards, public areas, and employee breakrooms for each department or unit. There was no written record of postings or locations, or who is responsible for the postings. A comprehensive listing of postings for Federal, State, and Local laws has been provided to the Town Manager's/HR Office by HRS as part of this consulting engagement, in a separate document.

### 10.1 Massachusetts Law

*Massachusetts "No Smoking" Poster*

*Massachusetts Earned Sick Time Notice of Employee Rights*

*Massachusetts Fair Employment Law Poster*

*Massachusetts Paid Family and Medical Leave Poster*

*Massachusetts Parental Leave Fact Sheet Poster*

*Massachusetts Unemployment Compensation Benefits Poster*

*Massachusetts Wage & Hour Laws Poster (Minimum Wage, Overtime, Wage Payment, Child Labor, Family Leave)*

*Massachusetts Workers' Compensation Insurance Poster*

### 10.2 Records Retention

The Town Clerk is the official custodian of town records. The Town is required to comply with State Laws regarding records retention. Each department is responsible for the maintenance and retention requirements as outlined in the law. This should be monitored by the Town Manager/Human Resources for compliance and strict adherence. The Town Manager/Human

Resources Office has a guideline provided by the Commonwealth of Massachusetts for such records. The Town Manager/Human Resources should review this and ensure that the retention periods prescribed are maintained by the departments.

# 11 Performance Evaluations

It is our understanding that the Town utilizes performance evaluation forms for certain positions. This is a good practice whether or not the evaluation is tied to pay. However, the Town should consider the following:

- Have you trained evaluators on performance evaluation procedures/time lines
- Have you trained evaluators on the performance evaluation instrument
- Have evaluators been trained on how to conduct an evaluation
- Are employees informed of their right to attach a rebuttal or statement to the evaluation
- Do you have the systems in place to ensure you are not discriminating in the evaluation in Race, Sex, ADA, and other areas
- Do you have a written user guide for department heads for the performance system
- If there a development plan to go with the performance system

## 12 Employee Treatment

Employees must be afforded a process where both sides of a complaint are heard and a decision is rendered fairly. There were some policies/documents that need updating to clearly communicate this to all parties.

- Disciplinary procedures and rules of conduct need to be clearly explained in an employee handbook/policies or other form of notice. The purpose of the discipline is to have people behave in an acceptable way.
- Progressive forms of discipline need to be expressly cited and documented.
- The discipline procedure needs to be consistently applied.
- Programs need to provide for management and employee participation in the discipline process.

## 13 Conclusion

Human Resources Services, Inc. (HRS) conducted this audit with the assistance of key department heads and the town manager's staff. While many excellent human resource systems are already in place, there needs to be more standardization, consistency, and accountability in order to limit unnecessary liability to the town. This document together with the personnel policies and procedures manual; and key administrative policies developed for harassment/discrimination; social media; and investigative procedures provides a blue print and action plan for the town to move forth and implement a very compliant program town-wide.

The Town has a very capable staff and they are to be commended for providing excellent service and guidance to all departments; however, the staff number responsible for the provision of HR services as a strategic partner to departments is woefully limited. The staffing levels need to be enhanced. In order to move forth with these plans, some assistance will be needed through additional staffing/re-allocation of staff, as well as outside resources may be required for some development and implementation.

The additional documents and guides provided by HRS to the Town will prove to also be helpful in this endeavor.

# HR AUDIT CHECKLIST

## EMPLOYMENT

- ☒ Formal Application Form
- ☐ Application Form reviewed and regularly updated
- ☒ Signature of applicant that indicates all information on the application form is true
- ☐ Pre-Employment Tests *(see below)*
- ☒ Pre-Employment Physicals
- ☒ Drug Testing
- ☒ I-9's
- ☒ Provide assistance to department heads, committees, officials with procedures followed when filling vacancies, including ads, postings, physicals, drug tests, wage scales, and new hire paperwork
- ☐ Formal list of recruiting sources
- ☐ Formal list of recruiting sources that work with minority, female, disabled, veterans; diversity
- ☐ ADA Accommodations for Testing *N/A*
- ☒ Standard established for items included in employment advertising
- ☐ Job vacancies are posted on the town bulletin boards and on town websites *if position not filled internally*
- ☒ Informs new employees about their position in unions
- ☐ On-boarding orientation with distribution of handbook *- available digitally*
- ☐ Signed, dated acknowledgement of receipt for the No Harassment policy for each employee
- ☐ Managers/supervisors trained to avoid making unlawful inquiries during interviews
- ☒ Job ads include EEO/AA statement
- ☐ Affirmative Action Plan is updated

## REFERENCE/BACKGROUND CHECKS – INCOMING VOLUNTEERS AND EMPLOYEES

- ☒ Standard reference check release form is used
- ☒ Criminal Offender and Sex Offender history check is conducted (CORI) and (SORI)
- ☐ Employment references are verified
- ☐ Educational background certifications verified
- ☒ Licensure verification for motor vehicle operation and professional designations provided
- ☒ All credit checks are authorized

## STATE POSTERS

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- ☒ Child Labor
- ☐ Employment eligibility verification
- ☒ Family medical leave
- ☐ Health Insurance
- ☒ Minimum wage
- ☒ Non-Smoking
- ☒ Nondiscrimination law
- ☒ Pregnancy/disability leave
- ☒ Right-to-know
- ☒ Sexual harassment prevention
- ☒ Small necessities leave act
- ☒ Whistle-blower protection
- ☒ Workers' compensation

## JUST-CAUSE TERMINATION

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- ☒ Progressive discipline policy consistently applied to all employees
- ☒ Performance Evaluations
- ☒ Progressive discipline attempts
- ☒ Corrective action plan
- ☒ Investigation report
- ☒ Complaints
- ☒ Termination notification letter
- ☒ Employer records of the termination
- ☒ Employee's personnel file records
- ☒ Warning letters
- ☒ Drug tests results
- ☒ Employment contract
- ☐ Employee given notice about the termination *via termination notice letter*
- ☒ Employee received any salary, wages, or severance package
- ☐ Exit interview
- ☒ Ensure termination does not violate the laws
- ☒ Town property (i.e. keys) have been received

## INCLUDE IN MAIN PERSONNEL FILE

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- ☒ Master data form with personal information
- ☒ Home Address
- ☒ Home and mobile telephone numbers
- ☒ Date of birth
- ☒ Social security number
- ☐ Emergency contacts
- ☒ Applications
- ☒ Resumes
- ☐ Academic transcripts
- ☒ Recommendation letters
- ☒ Job-related test results
- ☐ Pay advances and repayment agreements \*
- ☐ Time records \*
- ☐ Attendance/leave records \*
- ☒ Salary/pay agreements
- ☐ Authorization for payroll deductions/withholding \*
- ☐ Bank information \*
- ☒ Individual employment contract
- ☒ Job description
- ☒ Waiver/acknowledgement forms
- ☒ Apprenticeship/training classes and records
- ☒ Performance evaluations
- ☒ Awards and honors
- ☒ Disciplinary actions or complaints
- ☒ Records of promotion, demotion, transfer, layoff, or termination
- ☒ Termination letters

\* maintained in payroll dept.

## KEEP IN SEPARATE FILES

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- ☒ Medical records
- ☒ Physical examinations
- ☒ Drug and/or alcohol testing
- ☒ FMLA notices
- ☒ Accommodation requests
- ☒ Workers' compensation forms, reports, correspondence, and documents
- ☒ ADA medical records are kept in separate, locked, confidential files with limited access

- ☒ Supervisors and managers with need to know about an employee's medical restrictions
- ☐ First aid, safety personnel if the employee's conditions could require specific emergency procedures
- ☐ Government ADA compliance investigators
- ☐ State workers' compensation fund investigators
- ☐ Legitimate insurer needs
- ☐ Documents that identify employees by race, sex, color, and national origin
- ☐ Discrimination investigative files
- ☐ I-9 forms - *kept in personnel file*
- ☐ Veterans' status records
- ☐ Civil Service Records are kept separately

## SEXUAL HARASSMENT PREVENTION

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- ☒ Comprehensive policy on sexual harassment following State and Federal requirements
- ☐ Distribute policy and complaint procedures to every employee
- ☐ Require all employees to sign acknowledgement of receipt of sexual harassment policy at beginning of employment and then yearly
- ☒ Publicize policy and complaint procedures (e.g., posters)
- ☐ Keep procedures up-to-date and ensure redistribution of updated materials
- ☐ Prevent harassment of or by third parties, such as vendors, clients, visitors, or volunteers
- ☐ Monitor supervisors' enforcement and administration of policy
- ☒ Promptly investigate all complaints
- ☐ Mandate annual training for all employees
- ☐ Train management and non-management employees separately, with appropriately tailored curricula
- ☐ Conduct testing to ensure understanding of policy
- ☒ Complaint procedure does not present unreasonable obstacles to filing complaint

## BENEFITS

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- ☒ Health insurance policies provide coverage equally for all illnesses and disabilities without regard to sex, pregnancy, and provide equal coverage for spouses
- ☐ Allows for coverage of domestic partners
- ☒ Provides proper notices under HIPAA and COBRA at the inception and termination of health plan coverage
- ☒ Employee assistance program
- ☐ Follow ERISA requirements
- ☒ Open enrollment
- ☒ Assist employees with health insurance choices/problems
- ☒ Interface with insurance companies to resolve issues



- ☒ Basic life insurance
- ☒ Deferred Compensation Programs
- ☒ Retirement information

## TRAINING

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**Provide regular training for managers in areas of:**

- ☐ Basic Employment Law
- ☐ Interviewing Skills
- ☐ Conducting Performance Evaluations/Reviews
- ☐ How to Avoid Sexual Harassment
- ☐ Supervisory Skills
- ☐ Leadership
- ☐ Progressive Discipline

## GRIEVANCE, DISCIPLINE, AND TERMINATION

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- ☒ Procedure for complaints and resolution
- ☒ Progressive disciplinary procedure
- ☒ Written termination policy
- ☒ Final paychecks are administered appropriately

## COMPENSATION

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- ☐ Exempt and Non-Exempt employees are classified following FLSA requirements
- ☒ Comp time policies evaluated and in place
- ☐ Policy managing non-exempt employees working "off the clock" exists
- ☒ Work breaks correctly provided for non-exempt employees
- ☐ Written compensation administration program exists
- ☐ Compensation program coordinates with job descriptions and performance system
- ☐ Internal equity and pay equity system in place
- ☐ Formal pay and classification system conducted within the last 10 years
- ☐ Survey of market for compensation conducted regularly
- ☐ A formal method of communicating wages to employees exists
- ☐ Employees are given pay plan upon hire
- ☒ A process for handling requests for job reclassifications exists
- ☐ Re-evaluated the status of any individuals treated as nonemployees such as independent contractors, trainees, or volunteers

- ☒ Maintain accurate records of all hours worked by nonexempt employees (including things like breaks, lunch, training, meetings, travel, work before and after scheduled hours)
- ☐ Re-evaluated the status of executives and other employees treated as exempt

## **POLICIES**

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### **DATA MANAGEMENT**

- ☒ Records Management
- ☒ Social Media and Internet

### **HIRING**

- ☐ Child Labor
- ☒ Drug and Alcohol
- ☒ Employment Eligibility Verification
- ☒ Physical and Medical Examinations
- ☒ Recruitment and Selection
- ☒ Reference Checks

### **LEAVES**

- ☒ Court and Jury Duty Leave
- ☒ Military Leave
- ☒ Disability Leave
- ☒ Family and Medical Leave
- ☒ Paid Holidays
- ☒ Paid Sick Leave (MA Earned Sick Leave Law)
- ☒ Pregnancy Act
- ☒ Maternity/Paternity Leave
- ☒ Bereavement Leave
- ☒ Vacation and Personal

### **EQUAL EMPLOYMENT OPPORTUNITY**

- ☒ Equal Employment Opportunity
- ☒ Reasonable Accommodations for Disabilities
- ☒ Reasonable Accommodations for Religious Observances
- ☒ Reasonable Accommodations for Pregnancy (Pregnancy Act)
- ☒ Small Necessities Leave Act
- ☒ Harassment and Sexual Harassment
- ☒ Whistle-Blower

### **PAY ADMINISTRATION**

- ☒ Employee Pay Policy (Overtime Pay Provisions)



- ☒ Employee Benefits Policy
- ☒ Employee Classifications Policy
- ☒ Pay Procedures Policy
- ☒ Electronic Wage Payment
- ☐ Wage Garnishments and Wage Assignments
- ☒ Hours of Work and Overtime

#### **SAFETY, SECURITY, AND RISK MANAGEMENT**

- ☒ Distracted Driving Policy
- ☒ Drug Use Policy
- ☒ Smoking Policy
- ☒ Workplace Violence Policy
- ☒ Seatbelt Policy
- ☐ No Weapons Policy

#### **DISCIPLINE AND TERMINATION**

- ☒ Grievance
- ☒ Progressive Discipline
- ☒ Layoffs
- ☒ Termination
- ☒ Suspensions

#### **STANDARDS OF CONDUCT**

- ☒ Ethics
- ☒ Conflict of Interest
- ☒ Discrimination Prevention
- ☒ Anti-Fraud

#### **OTHER**

- ☒ Consolidated Omnibus Budget Reconciliation Act
- ☒ Telecommunications Use
- ☐ Dress Code
- ☐ Identification Cards
- ☐ Travel
- ☒ Vehicle Use
- ☐ Hours of Work and Meals/Breaks
- ☒ Massachusetts Pregnant Workers Fairness Act (new)

## HIRING PROCESS CHECKLIST

### What are the essential components of a job posting?

A job posting is a detailed overview of an open position. At a minimum, all postings should provide:

- ☒ a job description covering specific responsibilities and duties and complementary skill requirements;
- ☒ the level and kind of education, training, certifications required or desired for the position;
- ☒ the work experience required or desired; and
- ☒ contact information (the physical address, fax number, e-mail address, or telephone number to which candidates should respond).

### Resume/Reference/Job Application Collection

- ☒ Applicants receive notice of pre-employment checks and sign waiver/release/consent form(s).
- ☒ Waiver and release form agreeing not to sue references or former employers for truthful statements made during reference check
- ☐ Consent for release of educational records. ~~XXXXXX~~
- ☐ Notice of and consent for credit check or investigative consumer report, if applicable.
- ☒ Notice of release of criminal record check for CORI, SORI
- ☒ Notice and consent to undergo drug/alcohol testing.
- ☒ Consent for release of driver's records, if applicable.
- ☐ References are requested for all applicants and checked prior to employment.
- ☒ Request applicants to supply a list of names, telephone numbers, and street and e-mail addresses for references.
- ☐ Verify existence of organization/business where reference provider works to ensure former employer, not personal acquaintance, is providing information.
- ☐ Obtain written reference letters whenever possible; document oral interviews in written notes.
- ☒ Educational and professional credentials are verified prior to employment.
- ☐ Contact schools, academies and universities listed on resume to confirm attendance.
- ☐ Contact licensure boards and credentialing organizations to verify professional licenses and credentials.
- ☐ Contact any listed professional associations and other groups to confirm membership.

### Interview Process

- ☐ Applicants are asked about reasons for leaving prior positions.
- ☒ Applicants are asked about their knowledge and skill relevant to the position.

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- ☒ Applicants are asked if they have the specific skills to perform the essential functions of the job with or without accommodations.
- ☐ Applicants are asked to describe any events in which they were in conflict with their supervisor, co-worker, vendor, customers and how the conflict was resolved.
- ☒ Note: To prevent discrimination allegations, avoid questions that are prohibited, such as those regarding marital status, children, health status or medical history, religious affiliations, national origin; current and previous salary history, etc.
- ☐ References are contacted and interviewed to assess applicant's job qualifications and verify applicant-supplied information.
- ☐ Dates of employment (no salary history)
- ☐ Amount and frequency of interaction with job applicant
- ☐ Reason for leaving
- ☐ Whether applicant would be rehired

**Background Checks**

- ☒ Check federal, state and local laws for applicable background checks requirements, such as for criminal records, credit checks and drug and alcohol testing.
- ☐ Applicants receive notice and sign release/waiver forms before background checks conducted. *\* already noted in previous section*
- ☐ Criminal background checks are conducted where relevant.\*
- ☐ Check criminal records of applicants for positions where state law mandates criminal screening before employment and for positions requiring high level of trustworthiness, extensive public contact, or contact with vulnerable populations (e.g., children, nursing home residents, etc.); but, avoid discrimination in hiring process against applicants with criminal records history.\*
- ☐ Check all states where applicant worked.
- ☐ Consider nature of offense, time lapsed since offense, and relevance of offense to duties and type of job sought.
- ☐ Provide applicants with advance notice and obtain consent, particularly if investigation is being conducted by a third party.
- ☐ Disregard any report information that is prohibited basis for employment decisions—bankruptcy filing, medical/health data, child support garnishments, etc.
- ☐ Drug/alcohol testing may be conducted where required or appropriate.
- ☐ Provide advance notice of testing requirements to all applicants and obtain written consent.
- ☐ Comply with legal restrictions on testing.
- ☐ Follow accepted procedures for ensuring integrity of results throughout process.
- ☐ Specimen collection
- ☐ Specimen handling and chain-of-custody
- ☐ Specimen testing and confirmation of positive results
- ☐ Challenges by applicants, including independent retesting of split sample, submission of medical information that might explain positive results, etc.

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- ☐ Adhere to any applicable federal/state requirements on drug-testing procedures and applicant/employee rights.

**Offer Letters/Compensation**

- ☒ State compensation in terms of the organization and union contract
- ☒ State the position the individual was hired for and definite start date and shift
- ☒ State any certifications expected within a specific timeframe
- ☐ Do not discuss the timing of employee performance evaluations or future raises

**Factors critical to implementation of a successful diversity recruitment initiative.**

- ☐ Diversity Recruitment Policy and Objectives
- ☐ Achieving diversity through recruitment is acknowledged as critical to organizational success.
- ☐ Diversity recruitment policy is aligned clearly with strategic business objectives and integrated in the company's business plan.
- ☐ Diversity recruitment policy is communicated throughout the organization, in statements of core values and recruitment materials and on internal and external corporate websites.
- ☐ Senior leadership and the board support and promote diversity recruitment objectives. The Town is a visible and vocal proponent of diversity awareness.
- ☐ All employer branding efforts reflect the organization's commitment to creating an inclusive workplace.
- ☐ Employees from targeted schools or community groups are featured prominently in the Town's recruitment materials.
- ☐ The career portion of the organization's external website includes a section devoted to diversity recruitment.
- ☐ The organization's external website accommodates the needs of users with visual or other impairments.
- ☐ Recruiting relationships are maintained with recruiters' networks, nonprofit groups and local, regional and national professional associations that cater to prospective talent pools.
- ☒ The organization participates in internship and career development programs at high schools and universities that promote diversity awareness and serve highly diverse student populations.
- ☐ Diversity-oriented organizations, including professional organizations for minorities and local governments are enlisted in efforts to recruit increased numbers of diversity candidates.
- ☐ Do Internal benchmarks and metrics are used to track progress in meeting specific diversity recruitment objectives, and objectives are continually refined in light of changing strategic business goals.

**Ensuring a Non-Discrimination Hiring Process**

**Hiring**

**DO NOT ASK:**

- ☒ Do not ask about questions which reveal protected status, or have no strong business justification and will have a disparate impact:
- ☒ Health status/history
- ☒ Disability
- ☒ Workers' compensation claims

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- ☒ Age
- ☒ Race, sex, gender identity, sexual orientation, height/weight, color of eyes or hair, or skin complexion
- ☒ National origin, place of birth, citizenship
- ☒ Length of residence
- ☒ Salary history; current and prior
- ☒ Home ownership
- ☐ Arrest records or irrelevant convictions
- ☒ Nonessential personal questions such as past bonding or security clearance problems, credit problems, personal bankruptcy, method of transportation, relative to notify in case of emergency, sexual orientation, family plans, or living arrangements

**Be sure to ask about:**

- ☒ Identification
- ☒ Form I-9 compliance
- ☒ Can applicant meet attendance/start date requirements
- ☒ Does applicant have necessary background or certifications for job

**Specifics on Interview Questions**

**Permissible:**

- ☒ Are you at least 18 years of age?
- ☒ Are you legally eligible to work in the United States?
- ☐ Are you known by any other names?

**Avoid:**

- ☐ When were you born?
- ☒ Have you ever been arrested?
- ☐ What religious holidays do you celebrate?

**Maybe:**

- ☒ Have you ever been convicted of a misdemeanor or felony?
- ☐ Have you ever served in the military? (But, definitely no questions about the type of discharge from the military)

**EDUCATION**

**Permissible**

- ☒ What is your highest level of education?

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☒ What was your major in college?

☒ What degrees do you have?

**Avoid**

☐ When did you graduate [high school / college]?

☐ Did you receive any financial aid?

☐ Do you have any outstanding student loans?

**SKILLS, RELEVANT EXPERIENCE**

**Permissible**

☒ What skills do you possess that make you the best candidate for this position?

☐ Why would you like to work for this organization?

**Avoid**

☐ Have you ever sued a prior employer?

☐ Have you participated in union grievances in prior jobs?

☐ Do you have any disabilities?

**ABOUT THE POSITION**

**Permissible**

☒ This job requires x, y, and z. Please explain to me how you will perform those job functions.

☒ Are you available to work overtime?

☒ What are your salary expectations?

☐ Do you speak any other languages that would help you in this job?

**Avoid**

☐ Will you require a reasonable accommodation to perform the essential functions of the job?

☐ Do you have any child care issues that may prevent you from working a full-time schedule?

☐ Have you ever made a workers' compensation claim?

☐ What is your current salary? [This inquiry is expressly banned in Massachusetts.]

**DRUGS & ALCOHOL**

**Permissible**

☐ Will you be able to pass a drug screen?

## Human Resources Services, Inc.

### Avoid

- ☐ How often do you drink alcohol?
- ☐ Have you ever been addicted to drugs?
- ☐ Do you use any prescription drugs?

### FAMILY, PERSONAL, MISC.

### Permissible

- ☐ Do you have a reliable way of getting to work?
- ☐ Are you active on social media?

### Avoid

- ☐ What religious holidays do you celebrate?
- ☐ Do you intend to have children?
- ☐ When do you plan to retire?

☐ Red flags:

☐ Unexplained gaps

☐ Degrees from unknown institutions

☐ Unanswered questions

☐ No References

- ☒ If you use a trial/probationary period for new hires, make clear those requirements.

### Job Descriptions

- ☒ Job descriptions need to reflect actual duties of the job as currently performed within the company.
- ☐ Distinguish between essential and marginal tasks because the Americans with Disabilities Act (ADA) requires employees to be able to perform the essential duties of the job.
- ☐ Stated in terms of what must be accomplished, rather than how the job is to be done.

### Tests

- ☐ Ensure tests of ability are not arbitrary, but are valid and directly linked to job requirements.
- ☐ "Race-norming" is impermissible
- ☒ Do not require medical exam of applicants until a tentative job offer is made

- ☒ Drug and alcohol tests

**Physical Agility/Ability Test**

- ☐ Physical agility/ability tests usually are not considered medical examinations—okay to administer before job offer.
- ☐ Test must measure ability to perform physical task, not physiological/biological responses to performing task.
- ☐ Okay to require medical certification of fitness to undergo physical agility test.
- ☐ Cannot obtain complete medical records or unrelated medical information.
- ☐ Psychological/personality tests sometimes qualify as medical tests.
- ☐ Tests that can be used to diagnose mental disorder/impairment—as listed in American Psychiatric Association's Diagnostic and Statistical Manual of Mental Disorders—considered medical tests and prohibited before job offer extended.
- ☐ Polygraph tests are generally barred, but other honesty tests are permissible. Exceptions: Polygraph testing of applicants permitted in certain cases such as Public Safety

**Recordkeeping Systems**

- ☒ Personnel files
- ☒ Include original copy of initial job application
- ☒ Health and medical files separate from personnel files in locked drawer or
- ☐ Different password-protected database if files kept electronically
- ☒ Written disciplinary actions
- ☐ EEO Reports
- ☐ Affirmative action
- ☐ Veterans
- ☐ Equal Pay Act
- ☒ FMLA

**Include in Main Personnel File:**

- ☒ Master data form with personal information
- ☒ Address
- ☒ Home and mobile telephone numbers
- ☒ Date of birth
- ☒ Social security number
- ☐ Emergency contacts

## Human Resources Services, Inc.

- ☒ Spouse/Partner
- ☒ Daytime telephone number
- ☒ Number and names of dependents
- ☒ Applications
- ☒ Resumes
- ☒ Academic transcripts; copies of certifications, drivers licenses
- ☒ Recommendation letters
- ☒ Job-related test results
- ☒ Name and address of health/benefit plan election (but not health records)
- ☒ Benefit plan elections/claims/loans/distributions
- ☒ If employee's medical information is present in any of the aforementioned documents, it should be secured in a separate file
- ☐ Pay advances and repayment agreements
- ☐ Time records
- ☐ Attendance/leave records
- ☐ Salary/pay agreements
- ☐ Authorization for payroll deductions/withholding
- ☒ Bank information
- ☐ Process paychecks
- ☐ Administer benefits programs
- ☐ Involuntary payroll deductions
- ☐ Child support
- ☐ Garnishment
- ☒ Individual employment contract(s)
- ☒ Job description
- ☐ Waiver/acknowledgement forms
- ☒ Training classes and records
- ☒ Performance evaluations
- ☒ Awards and honors

## Human Resources Services, Inc.

- ☒ Disciplinary actions or complaints
- ☒ Records of promotion, demotion, transfer, layoff, or termination
- ☒ Termination letters
- ☒ Exit interview records

### **Keep in Separate File(s):**

- ☒ Medical records
- ☒ Physical examinations
- ☒ Drug and/or alcohol testing
- ☒ FMLA notices
- ☒ Accommodation requests
- ☒ Workers' compensation forms, reports, correspondence, and documents
- ☒ ADA requires medical records to be kept in separate, locked, confidential files with limited access
- ☒ Information about an employee's medical restrictions and specific emergency procedures
- ☒ Legitimate insurer needs
- ☐ Documents that identify employees by race, sex, color, and national origin
- ☐ Discrimination investigative files
- ☐ I-9 forms
- ☐ Veterans' status records

### **Employee Handbook**

- ☐ State clearly that the policies and conditions in the handbook do not create a contractual relationship.
- ☒ Obtain a signed Acknowledgement of Receipt stating that the employee received the handbook and obtain a new signed Acknowledgement of Receipt each time the handbook is updated. Ensure that the Acknowledgement of Receipt repeats the employment contract disclaimer included in the employee handbook.

### **First-day orientation should focus on making new employees feel welcome and comfortable in their new work environment. Activities that can help achieve this goal include the following:**

- ☒ After greeting new employees, meet privately with them to go over the first day's schedule and inform them of any prearranged meetings. Cover basic but essential information, such as their preferred name or nickname, work hours, lunch-hour and break policies (including timekeeping procedures), and how they can obtain keys, security passes, identification cards, and parking permits.
- ☒ Introduce new employees to their immediate co-workers and identify the designated co-worker who will serve as each new employee's contact person.
- ☒ Give new employees a tour of the department, station, pointing out the location of restrooms, break rooms, vending machines, etc.

**Other activities employers should complete on or soon after the first day of employment include the following:**

- ☒ Direct new employees, including internal candidates, to HR for onboarding activities. HR staff should conduct training sessions to review organization policies and procedures and have employees complete any new forms.
- ☒ Direct new employees to the appropriate locations to get security badges, parking permits, tools, or uniforms that are not available within the department.
- ☒ Provide new employees a general tour of facilities and apparatus.
- ☐ Provide new employees, including internal candidates, a copy of their job descriptions and review their specific duties. Discuss general expectations, performance standards, and management style. Identify key factors for passing introductory employment or performance reviews.
- ☒ Review the department's organization, structure, major responsibilities, goals, priorities, and relationship to other departments.
- ☒ Review the department's rules and procedures regarding issues such as timekeeping, absence reporting, vacation scheduling, overtime requirements, safety precautions, use of equipment and apparatus, etc.
- ☒ Review safety rules regarding issues such as hazard or accident reporting, fire prevention and control, and use of personal protective equipment.

**Additional activities that employers should schedule into new employees' first few weeks, months, or even first year on the job include the following:**

- ☒ Introduce new employees to selected first-line supervisors, and others as appropriate.
- ☒ Follow up with more site-specific tours if needed. Use the tours to introduce new hires to other departments' employees with whom they will be working.
- ☒ Provide information on opportunities for training, learning, and advancement.
- ☐ Check in regularly with new employees to see if any questions or concerns have arisen. Hold formal, private meetings with new employees weekly or biweekly during their first six weeks to go over their experiences and performance.

**Separation**

- ☐ Exit interview
- ☒ Appropriate federal notices, e.g., COBRA
- ☒ Vested rights, if any
- ☐ Type of reference or employment confirmation contact
- ☒ Final paycheck
- ☒ Return keys and other property (use an employee inventory sheet for electronic communications media and equipment)
- ☒ Permit employee to make statement
- ☐ Separation agreement and general release
- ☐ Limit persons who are authorized to release references or reason(s) for discharge/discipline
- ☒ Change passwords

Human Resources Services, Inc.

**Termination Checklist —**

Employee's name:

\_\_\_\_\_

Employee number:

\_\_\_\_\_

Termination date:

\_\_\_\_\_

COBRA notice sent (date):

**Yes**

\_\_\_\_\_

Pension plan notified (date):

**Yes**

\_\_\_\_\_

401 or 457 plan notified (date):

\_\_\_\_\_

Payroll notified (date):

**Yes**

\_\_\_\_\_

Accounting notified (date):

**Yes**

\_\_\_\_\_

Computer Department notified to disable password (date):

\_\_\_\_\_

Telephone voice mail disabled (date):

\_\_\_\_\_

Exit interview conducted (date):

\_\_\_\_\_

Human Resources Services, Inc.

EMPLOYER's property recovered:

Keys (office, desk, security cards) \_\_\_ Yes \_\_\_ No

Credit cards, long-distance telephone cards \_\_\_ Yes \_\_\_ No

Tools and Equipment \_\_\_ Yes \_\_\_ No

Uniforms \_\_\_ Yes \_\_\_ No

Laptop computer \_\_\_ Yes \_\_\_ No

Building access card \_\_\_ Yes \_\_\_ No

Other: \_\_\_\_\_

**State Posters**

- ☐ Child labor laws
- ☐ Constructive discharge
- ☐ Electronic monitoring
- ☐ Employment eligibility verification
- ☒ Family medical leave
- ☐ Health insurance
- ☒ Living wage
- ☒ Minimum wage
- ☒ No Smoking Poster
- ☒ Nondiscrimination law
- ☒ Overtime
- ☒ Paid Sick leave
- ☒ Pregnancy/disability Leave
- ☐ Payday notice
- ☒ Right-to-know

Human Resources Services, Inc.

- ☒ State occupational safety and health
- ☒ Sexual harassment prevention
- ☒ Unemployment insurance
- ☐ Victims' rights leave
- ☐ Voting rights and leave
- ☒ Wage-hour
- ☐ Sunday work
- ☐ Weapons in the workplace
- ☒ Whistle-blower protection
- ☒ Workers' compensation

**HIRING PROCESS CHECKLIST**

**What are the essential components of a job posting?**

A job posting is a detailed overview of an open position. At a minimum, all postings should provide:

- X a job description covering specific responsibilities and duties and complementary skill requirements;
- x the level and kind of education, training, certifications required or desired for the position;
- X the work experience required or desired; and
- X contact information (the physical address, fax number, e-mail address, or telephone number to which candidates should respond).

**Resume/Reference/Job Application Collection**

X Applicants receive notice of pre-employment checks and sign waiver/release/consent form(s).

☐ Waiver and release form agreeing not to sue references or former employers for truthful statements made during reference check

☐ Consent for release of educational records.

☐ Notice of and consent for credit check or investigative consumer report, if applicable.

X Notice of release of criminal record check for CORI, SORI

X Notice and consent to undergo drug/alcohol testing.

☐ Consent for release of driver's records, if applicable. **We will reimburse if one is needed**

X References are requested for all applicants and checked prior to employment.

x Request applicants to supply a list of names, telephone numbers, and street and e-mail addresses for references.

X Verify existence of organization/business where reference provider works to ensure former employer, not personal acquaintance, is providing information.

X. Obtain written reference letters whenever possible; document oral interviews in written notes.

☐ Educational and professional credentials are verified prior to employment.

☐ Contact schools, academies and universities listed on resume to confirm attendance.

☐ Contact licensure boards and credentialing organizations to verify professional licenses and credentials.

☐ Contact any listed professional associations and other groups to confirm membership.

**Interview Process**

☒ Applicants are asked about reasons for leaving prior positions.

☒ Applicants are asked about their knowledge and skill relevant to the position.

☒ Applicants are asked if they have the specific skills to perform the essential functions of the job with or without accommodations.

☐ Applicants are asked to describe any events in which they were in conflict with their supervisor, co-worker, vendor, customers and how the conflict was resolved.

Note: To prevent discrimination allegations, avoid questions that are prohibited, such as those regarding marital status, children, health status or medical history, religious affiliations, national origin; current and previous salary history, etc.

X References are contacted and interviewed to assess applicant's job qualifications and verify applicant-supplied information.

X Dates of employment (no salary history)

☐ Amount and frequency of interaction with job applicant

☒ Reason for leaving

☒ Whether applicant would be rehired

### **Background Checks**

☐ Check federal, state and local laws for applicable background checks requirements, such as for criminal records, credit checks and drug and alcohol testing. **Mass CORI required**

☒ Applicants receive notice and sign release/waiver forms before background checks conducted.

☒ Criminal background checks are conducted where relevant. **Required by EOEA rules**

☒ Check criminal records of applicants for positions where state law mandates criminal screening before employment and for positions requiring high level of trustworthiness, extensive public contact, or contact with vulnerable populations (e.g., children, nursing home residents, etc.); but, avoid discrimination in hiring process against applicants with criminal records history.

☐ Check all states where applicant worked. **CORI only covers Massachusetts**

☒ Consider nature of offense, time lapsed since offense, and relevance of offense to duties and type of job sought

☐ Provide applicants with advance notice and obtain consent, particularly if investigation is being conducted by a third party.

☒ Disregard any report information that is prohibited basis for employment decisions—bankruptcy filing, medical/health data, child support garnishments, etc.

☒ Drug/alcohol testing may be conducted where required or appropriate.

☒ Provide advance notice of testing requirements to all applicants and obtain written consent.

☒ Comply with legal restrictions on testing.

☐ Follow accepted procedures for ensuring integrity of results throughout process. **These are conducted by an outside agency if applicable. I have no hands on.**

☐ Specimen collection

☐ Specimen handling and chain-of-custody

☐ Specimen testing and confirmation of positive results

☐ Challenges by applicants, including independent retesting of split sample, submission of medical information that might explain positive results, etc.

☐ Adhere to any applicable federal/state requirements on drug-testing procedures and applicant/employee rights.

**Offer Letters/Compensation**

☐ State compensation in terms of the organization and union contract

☐ State the position the individual was hired for and definite start date and shift

☐ State any certifications expected within a specific timeframe

☐ Do not discuss the timing of employee performance evaluations or future raises

**Factors critical to implementation of a successful diversity recruitment initiative.**

☐ Diversity Recruitment Policy and Objectives

☐ Achieving diversity through recruitment is acknowledged as critical to organizational success.

☐ Diversity recruitment policy is aligned clearly with strategic business objectives and integrated in the company's business plan.

☐ Diversity recruitment policy is communicated throughout the organization, in statements of core values and recruitment materials and on internal and external corporate websites.

☒ Senior leadership and the board support and promote diversity recruitment objectives. The Town is a visible and vocal proponent of diversity awareness.

☐ All employer branding efforts reflect the organization's commitment to creating an inclusive workplace.

☐ Employees from targeted schools or community groups are featured prominently in the Town's recruitment materials.

☐ The career portion of the organization's external website includes a section devoted to diversity recruitment. ☐ The organization's external website accommodates the needs of users with visual or other impairments.

☐ Recruiting relationships are maintained with recruiters' networks, nonprofit groups and local, regional and national professional associations that cater to prospective talent pools.

☐ The organization participates in internship and career development programs at high schools and universities that promote diversity awareness and serve highly diverse student populations.

☐ Diversity-oriented organizations, including professional organizations for minorities and local governments are enlisted in efforts to recruit increased numbers of diversity candidates.

☐ Do Internal benchmarks and metrics are used to track progress in meeting specific diversity recruitment objectives, and objectives are continually refined in light of changing strategic business goals.

**Ensuring a Non-Discrimination Hiring Process**

**Hiring**

**DO NOT ASK:**

**I don't...**

☐ Do not ask about questions which reveal protected status, or have no strong business justification and will have a disparate impact:

☐ Health status/history

☐ Disability

☐ Workers' compensation claims

- ☐ Age
- ☐ Race, sex, gender identity, sexual orientation, height/weight, color of eyes or hair, or skin complexion
- ☐ National origin, place of birth, citizenship
- ☐ Length of residence
- ☐ Salary history; current and prior
- ☐ Home ownership
- ☐ Arrest records or irrelevant convictions
- ☐ Nonessential personal questions such as past bonding or security clearance problems, credit problems, personal bankruptcy, method of transportation, relative to notify in case of emergency, sexual orientation, family plans, or living arrangements

**Be sure to ask about:**

- ☒ Identification
- ☐ Form I-9 compliance
- ☒ Can applicant meet attendance/start date requirements
- ☒ Does applicant have necessary background or certifications for job

**Specifics on Interview Questions**

**Permissible:**

- ☐ Are you at least 18 years of age?
- ☐ Are you legally eligible to work in the United States?
- ☐ Are you known by any other names?

**Avoid:**

**I Do not ask about these**

- ☐ When were you born?
- ☐ Have you ever been arrested?
- ☐ What religious holidays do you celebrate?

**Maybe:**

- ☐ Have you ever been convicted of a misdemeanor or felony?
- ☐ Have you ever served in the military? (But, definitely no questions about the type of discharge from the military)

**EDUCATION**

**Permissible**

- ☐ What is your highest level of education?

☐ What was your major in college?

☐ What degrees do you have?

**Avoid**

☐ When did you graduate [high school / college]?

☐ Did you receive any financial aid?

☐ Do you have any outstanding student loans?

**SKILLS, RELEVANT EXPERIENCE**

**Permissible**

☒ What skills do you possess that make you the best candidate for this position?

☐ Why would you like to work for this organization?

**Avoid**

☐ Have you ever sued a prior employer?

☐ Have you participated in union grievances in prior jobs?

☐ Do you have any disabilities?

**ABOUT THE POSITION**

**Permissible**

☐ This job requires x, y, and z. Please explain to me how you will perform those job functions.

☐ Are you available to work overtime? **The question is “Are you flexible...?”**

☐ What are your salary expectations?

☐ Do you speak any other languages that would help you in this job?

**Avoid**

☐ Will you require a reasonable accommodation to perform the essential functions of the job?

☐ Do you have any child care issues that may prevent you from working a full-time schedule?

☐ Have you ever made a workers' compensation claim?

☐ What is your current salary? [This inquiry is expressly banned in Massachusetts.]

**DRUGS & ALCOHOL**

**Permissible**

☐ Will you be able to pass a drug screen?

## **Avoid**

### **Always do...**

- ☐ How often do you drink alcohol?
- ☐ Have you ever been addicted to drugs?
- ☐ Do you use any prescription drugs?

FAMILY, PERSONAL, MISC.

### **Permissible**

- ☒ Do you have a reliable way of getting to work?
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## **Avoid**

- ☐ What religious holidays do you celebrate?
- ☐ Do you intend to have children?
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- ☐ Red flags:
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- ☐ Ensure tests of ability are not arbitrary, but are valid and directly linked to job requirements.
- ☐ "Race-norming" is impermissible
- ☐ Do not require medical exam of applicants until a tentative job offer is made **Depends on the job. Van driver required DOT first...**

☒ Drug and alcohol tests

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- ☐ Exit interview
- ☐ Appropriate federal notices, e.g., COBRA
- ☐ Vested rights, if any
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- ☐ Separation agreement and general release
- ☐ Limit persons who are authorized to release references or reason(s) for discharge/discipline
- ☐ Change passwords

Termination Checklist —

Employee's name:

---

Employee number:

---

Termination date:

---

COBRA notice sent (date):

---

Pension plan notified (date):

---

401 or 457 plan notified (date):

---

Payroll notified (date):

---

Accounting notified (date):

---

Computer Department notified to disable password (date):

---

Telephone voice mail disabled (date):

---

Exit interview conducted (date):

---

EMPLOYER's property recovered:

Keys (office, desk, security cards) \_\_\_\_ Yes \_\_\_\_ No

Credit cards, long-distance telephone cards \_\_\_\_ Yes \_\_\_\_ No

Tools and Equipment \_\_\_\_ Yes \_\_\_\_ No

Uniforms \_\_\_\_ Yes \_\_\_\_ No

Laptop computer \_\_\_\_ Yes \_\_\_\_ No

Building access card \_\_\_\_ Yes \_\_\_\_ No

Other:

---

**State Posters**

- ☐ Child labor laws
- ☐ Constructive discharge
- ☐ Electronic monitoring
- ☐ Employment eligibility verification
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- ☐ Minimum wage
- ☐ No Smoking Poster
- ☐ Nondiscrimination law
- ☐ Overtime
- ☐ Paid Sick leave
- ☐ Pregnancy/disability Leave
- ☐ Payday notice
- ☐ Right-to-know

☐ Sexual harassment prevention

☐ Unemployment insurance

☐ Victims' rights leave

☐ Voting rights and leave

☐ Wage-hour

☐ Sunday work

☐ Weapons in the workplace

☐ Whistle-blower protection

☐ Workers' compensation

Chris L.

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Human Resources Services, Inc.

## HIRING PROCESS CHECKLIST

### What are the essential components of a job posting?

A job posting is a detailed overview of an open position. At a minimum, all postings should provide:

- ☒ a job description covering specific responsibilities and duties and complementary skill requirements;
- ☒ the level and kind of education, training, certifications required or desired for the position;
- ☒ the work experience required or desired; and
- ☒ contact information (the physical address, fax number, e-mail address, or telephone number to which candidates should respond).

### Resume/Reference/Job Application Collection

- ☐ Applicants receive notice of pre-employment checks and sign waiver/release/consent form(s).
- ☐ Waiver and release form agreeing not to sue references or former employers for truthful statements made during reference check
- ☐ Consent for release of educational records.
- ☐ Notice of and consent for credit check or investigative consumer report, if applicable.
- ☐ Notice of release of criminal record check for CORI, SORI
- ☒ Notice and consent to undergo drug/alcohol testing.
- ☐ Consent for release of driver's records, if applicable.
- ☐ References are requested for all applicants and checked prior to employment.
- ☒ Request applicants to supply a list of names, telephone numbers, and street and e-mail addresses for references.
- ☐ Verify existence of organization/business where reference provider works to ensure former employer, not personal acquaintance, is providing information.
- ☒ Obtain written reference letters whenever possible; document oral interviews in written notes.
- ☐ Educational and professional credentials are verified prior to employment.
- ☐ Contact schools, academies and universities listed on resume to confirm attendance.
- ☐ Contact licensure boards and credentialing organizations to verify professional licenses and credentials.
- ☐ Contact any listed professional associations and other groups to confirm membership.

### Interview Process

- ☒ Applicants are asked about reasons for leaving prior positions.
- ☒ Applicants are asked about their knowledge and skill relevant to the position.

## Human Resources Services, Inc.

- ☒ Applicants are asked if they have the specific skills to perform the essential functions of the job with or without accommodations.
- ☐ Applicants are asked to describe any events in which they were in conflict with their supervisor, co-worker, vendor, customers and how the conflict was resolved.
- ☐ Note: To prevent discrimination allegations, avoid questions that are prohibited, such as those regarding marital status, children, health status or medical history, religious affiliations, national origin; current and previous salary history, etc.
- ☒ References are contacted and interviewed to assess applicant's job qualifications and verify applicant-supplied information.
- ☒ Dates of employment (no salary history)
- ☐ Amount and frequency of interaction with job applicant
- ☒ Reason for leaving
- ☐ Whether applicant would be rehired

**Background Checks**

- ☐ Check federal, state and local laws for applicable background checks requirements, such as for criminal records, credit checks and drug and alcohol testing.
- ☐ Applicants receive notice and sign release/waiver forms before background checks conducted.
- ☐ Criminal background checks are conducted where relevant.
- ☐ Check criminal records of applicants for positions where state law mandates criminal screening before employment and for positions requiring high level of trustworthiness, extensive public contact, or contact with vulnerable populations (e.g., children, nursing home residents, etc.); but, avoid discrimination in hiring process against applicants with criminal records history.
- ☐ Check all states where applicant worked.
- ☒ Consider nature of offense, time lapsed since offense, and relevance of offense to duties and type of job sought.
- ☐ Provide applicants with advance notice and obtain consent, particularly if investigation is being conducted by a third party.
- ☐ Disregard any report information that is prohibited basis for employment decisions—bankruptcy filing, medical/health data, child support garnishments, etc.
- ☒ Drug/alcohol testing may be conducted where required or appropriate.
- ☒ Provide advance notice of testing requirements to all applicants and obtain written consent.
- ☒ Comply with legal restrictions on testing.
- ☐ Follow accepted procedures for ensuring integrity of results throughout process.
- ☐ Specimen collection
- ☐ Specimen handling and chain-of-custody
- ☐ Specimen testing and confirmation of positive results
- ☐ Challenges by applicants, including independent retesting of split sample, submission of medical information that might explain positive results, etc.

## Human Resources Services, Inc.

- ☐ Adhere to any applicable federal/state requirements on drug-testing procedures and applicant/employee rights.

### Offer Letters/Compensation

- ☒ State compensation in terms of the organization and union contract
- ☒ State the position the individual was hired for and definite start date and shift
- ☒ State any certifications expected within a specific timeframe
- ☐ Do not discuss the timing of employee performance evaluations or future raises

### Factors critical to implementation of a successful diversity recruitment initiative.

- ☐ Diversity Recruitment Policy and Objectives
- ☐ Achieving diversity through recruitment is acknowledged as critical to organizational success.
- ☐ Diversity recruitment policy is aligned clearly with strategic business objectives and integrated in the company's business plan.
- ☐ Diversity recruitment policy is communicated throughout the organization, in statements of core values and recruitment materials and on internal and external corporate websites.
- ☐ Senior leadership and the board support and promote diversity recruitment objectives. The Town is a visible and vocal proponent of diversity awareness.
- ☐ All employer branding efforts reflect the organization's commitment to creating an inclusive workplace.
- ☐ Employees from targeted schools or community groups are featured prominently in the Town's recruitment materials.
- ☐ The career portion of the organization's external website includes a section devoted to diversity recruitment.
- ☐ The organization's external website accommodates the needs of users with visual or other impairments.
- ☐ Recruiting relationships are maintained with recruiters' networks, nonprofit groups and local, regional and national professional associations that cater to prospective talent pools.
- ☐ The organization participates in internship and career development programs at high schools and universities that promote diversity awareness and serve highly diverse student populations.
- ☐ Diversity-oriented organizations, including professional organizations for minorities and local governments are enlisted in efforts to recruit increased numbers of diversity candidates.
- ☐ Do Internal benchmarks and metrics are used to track progress in meeting specific diversity recruitment objectives, and objectives are continually refined in light of changing strategic business goals.

### Ensuring a Non-Discrimination Hiring Process

#### Hiring

#### **DO NOT ASK:**

- ☒ Do not ask about questions which reveal protected status, or have no strong business justification and will have a disparate impact:
- ☒ Health status/history
- ☒ Disability
- ☒ Workers' compensation claims

Human Resources Services, Inc.

- ☒ Age
- ☒ Race, sex, gender identity, sexual orientation, height/weight, color of eyes or hair, or skin complexion
- ☒ National origin, place of birth, citizenship
- ☒ Length of residence
- ☒ Salary history; current and prior
- ☒ Home ownership
- ☐ Arrest records or irrelevant convictions
- ☐ Nonessential personal questions such as past bonding or security clearance problems, credit problems, personal bankruptcy, method of transportation, relative to notify in case of emergency, sexual orientation, family plans, or living arrangements

**Be sure to ask about:**

- ☒ Identification
- ☐ Form I-9 compliance
- ☒ Can applicant meet attendance/start date requirements
- ☒ Does applicant have necessary background or certifications for job

**Specifics on Interview Questions**

**Permissible:**

- ☒ Are you at least 18 years of age?
- ☒ Are you legally eligible to work in the United States?
- ☐ Are you known by any other names?

**Avoid:**

- ☒ When were you born?
- ☒ Have you ever been arrested?
- ☒ What religious holidays do you celebrate?

3 NOT PRACTICED

**Maybe:**

- ☐ Have you ever been convicted of a misdemeanor or felony?
- ☐ Have you ever served in the military? (But, definitely no questions about the type of discharge from the military)

**EDUCATION**

**Permissible**

- ☒ What is your highest level of education?

Human Resources Services, Inc.

☐ What was your major in college?

☐ What degrees do you have?

**Avoid**

☐ When did you graduate [high school / college]?

☐ Did you receive any financial aid?

☐ Do you have any outstanding student loans?

**SKILLS, RELEVANT EXPERIENCE**

**Permissible**

☒ What skills do you possess that make you the best candidate for this position?

☒ Why would you like to work for this organization?

**Avoid**

☒ Have you ever sued a prior employer?

☒ Have you participated in union grievances in prior jobs?

☒ Do you have any disabilities?

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**ABOUT THE POSITION**

**Permissible**

☒ This job requires x, y, and z. Please explain to me how you will perform those job functions.

☒ Are you available to work overtime?

☐ What are your salary expectations?

☐ Do you speak any other languages that would help you in this job?

**Avoid**

☒ Will you require a reasonable accommodation to perform the essential functions of the job?

☒ Do you have any child care issues that may prevent you from working a full-time schedule?

☒ Have you ever made a workers' compensation claim?

☒ What is your current salary? [This inquiry is expressly banned in Massachusetts.]

} NOT PRACTICED

**DRUGS & ALCOHOL**

**Permissible**

☒ Will you be able to pass a drug screen?

## Human Resources Services, Inc.

## Avoid

- ☒ How often do you drink alcohol?
- ☒ Have you ever been addicted to drugs?
- ☒ Do you use any prescription drugs?

} WE DO NOT ASK THESE QUESTIONS.

## FAMILY, PERSONAL, MISC.

## Permissible

- ☒ Do you have a reliable way of getting to work?
- ☐ Are you active on social media?

## Avoid

- ☒ What religious holidays do you celebrate?
- ☒ Do you intend to have children?
- ☒ When do you plan to retire?

} AVOIDED

- ☐ Red flags:
- ☐ Unexplained gaps
- ☐ Degrees from unknown institutions
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- ☒ If you use a trial/probationary period for new hires, make clear those requirements.

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Human Resources Services, Inc.

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☐ Polygraph tests are generally barred, but other honesty tests are permissible. Exceptions: Polygraph testing of applicants permitted in certain cases such as Public Safety

**Recordkeeping Systems**

☒ Personnel files

☒ Include original copy of initial job application

☐ Health and medical files separate from personnel files in locked drawer or

☐ Different password-protected database if files kept electronically

☒ Written disciplinary actions

☐ EEO Reports

☐ Affirmative action

☐ Veterans

☐ Equal Pay Act

☐ FMLA

**Include in Main Personnel File:**

☐ Master data form with personal information

☒ Address

☒ Home and mobile telephone numbers

☐ Date of birth

☐ Social security number

☒ Emergency contacts

## Human Resources Services, Inc.

- ☐ Spouse/Partner
- ☐ Daytime telephone number
- ☐ Number and names of dependents
- ☒ Applications
- ☒ Resumes
- ☐ Academic transcripts; copies of certifications, drivers licenses
- ☐ Recommendation letters
- ☐ Job-related test results
- ☐ Name and address of health/benefit plan election (but not health records)
- ☐ Benefit plan elections/claims/loans/distributions
- ☐ If employee's medical information is present in any of the aforementioned documents, it should be secured in a separate file
- ☐ Pay advances and repayment agreements
- ☒ Time records
- ☒ Attendance/leave records
- ☐ Salary/pay agreements
- ☐ Authorization for payroll deductions/withholding
- ☐ Bank information
- ☐ Process paychecks
- ☐ Administer benefits programs
- ☐ Involuntary payroll deductions
- ☐ Child support
- ☐ Garnishment
- ☐ Individual employment contract(s)
- ☒ Job description
- ☐ Waiver/acknowledgement forms
- ☒ Training classes and records
- ☐ Performance evaluations
- ☐ Awards and honors

## Human Resources Services, Inc.

- ☐ Disciplinary actions or complaints
- ☐ Records of promotion, demotion, transfer, layoff, or termination
- ☐ Termination letters
- ☐ Exit interview records

### Keep in Separate File(s):

- ☐ Medical records
- ☐ Physical examinations
- ☐ Drug and/or alcohol testing
- ☐ FMLA notices
- ☐ Accommodation requests
- ☐ Workers' compensation forms, reports, correspondence, and documents
- ☐ ADA requires medical records to be kept in separate, locked, confidential files with limited access
- ☐ Information about an employee's medical restrictions and specific emergency procedures
- ☐ Legitimate insurer needs
- ☐ Documents that identify employees by race, sex, color, and national origin
- ☐ Discrimination investigative files
- ☐ I-9 forms
- ☐ Veterans' status records

### Employee Handbook

- ☐ State clearly that the policies and conditions in the handbook do not create a contractual relationship.
- ☐ Obtain a signed Acknowledgement of Receipt stating that the employee received the handbook and obtain a new signed Acknowledgement of Receipt each time the handbook is updated. Ensure that the Acknowledgement of Receipt repeats the employment contract disclaimer included in the employee handbook.

### First-day orientation should focus on making new employees feel welcome and comfortable in their new work environment. Activities that can help achieve this goal include the following:

- ☐ After greeting new employees, meet privately with them to go over the first day's schedule and inform them of any prearranged meetings. Cover basic but essential information, such as their preferred name or nickname, work hours, lunch-hour and break policies (including timekeeping procedures), and how they can obtain keys, security passes, identification cards, and parking permits.
- ☒ Introduce new employees to their immediate co-workers and identify the designated co-worker who will serve as each new employee's contact person.
- ☒ Give new employees a tour of the department, station, pointing out the location of restrooms, break rooms, vending machines, etc.

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**Other activities employers should complete on or soon after the first day of employment include the following:**

- ☐ Direct new employees, including internal candidates, to HR for onboarding activities. HR staff should conduct training sessions to review organization policies and procedures and have employees complete any new forms.
- ☐ Direct new employees to the appropriate locations to get security badges, parking permits, tools, or uniforms that are not available within the department.
- ☒ Provide new employees a general tour of facilities and apparatus.
- ☐ Provide new employees, including internal candidates, a copy of their job descriptions and review their specific duties. Discuss general expectations, performance standards, and management style. Identify key factors for passing introductory employment or performance reviews.
- ☒ Review the department's organization, structure, major responsibilities, goals, priorities, and relationship to other departments.
- ☒ Review the department's rules and procedures regarding issues such as timekeeping, absence reporting, vacation scheduling, overtime requirements, safety precautions, use of equipment and apparatus, etc.
- ☒ Review safety rules regarding issues such as hazard or accident reporting, fire prevention and control, and use of personal protective equipment.

**Additional activities that employers should schedule into new employees' first few weeks, months, or even first year on the job include the following:**

- ☒ Introduce new employees to selected first-line supervisors, and others as appropriate.
- ☒ Follow up with more site-specific tours if needed. Use the tours to introduce new hires to other departments' employees with whom they will be working.
- ☐ Provide information on opportunities for training, learning, and advancement.
- ☐ Check in regularly with new employees to see if any questions or concerns have arisen. Hold formal, private meetings with new employees weekly or biweekly during their first six weeks to go over their experiences and performance.

**Separation**

- ☐ Exit interview
- ☐ Appropriate federal notices, e.g., COBRA
- ☐ Vested rights, if any
- ☐ Type of reference or employment confirmation contact
- ☐ Final paycheck
- ☐ Return keys and other property (use an employee inventory sheet for electronic communications media and equipment)
- ☐ Permit employee to make statement
- ☐ Separation agreement and general release
- ☐ Limit persons who are authorized to release references or reason(s) for discharge/discipline
- ☐ Change passwords

Human Resources Services, Inc.

**Termination Checklist —**

Employee's name:

\_\_\_\_\_

Employee number:

\_\_\_\_\_

Termination date:

\_\_\_\_\_

COBRA notice sent (date):

\_\_\_\_\_

Pension plan notified (date):

\_\_\_\_\_

401 or 457 plan notified (date):

\_\_\_\_\_

Payroll notified (date):

\_\_\_\_\_

Accounting notified (date):

\_\_\_\_\_

Computer Department notified to disable password (date):

\_\_\_\_\_

Telephone voice mail disabled (date):

\_\_\_\_\_

Exit interview conducted (date):

\_\_\_\_\_

Human Resources Services, Inc.

EMPLOYER's property recovered:

Keys (office, desk, security cards) \_\_\_\_ Yes \_\_\_\_ No

Credit cards, long-distance telephone cards \_\_\_\_ Yes \_\_\_\_ No

Tools and Equipment \_\_\_\_ Yes \_\_\_\_ No

Uniforms \_\_\_\_ Yes \_\_\_\_ No

Laptop computer \_\_\_\_ Yes \_\_\_\_ No

Building access card \_\_\_\_ Yes \_\_\_\_ No

Other:

---

**State Posters**

- ☐ Child labor laws
- ☐ Constructive discharge
- ☐ Electronic monitoring
- ☐ Employment eligibility verification
- ☒ Family medical leave
- ☐ Health insurance
- ☐ Living wage
- ☐ Minimum wage
- ☒ No Smoking Poster
- ☐ Nondiscrimination law
- ☒ Overtime
- ☐ Paid Sick leave
- ☐ Pregnancy/disability Leave
- ☐ Payday notice
- ☒ Right-to-know

Human Resources Services, Inc.

- ☐ State occupational safety and health
- ☐ Sexual harassment prevention
- ☐ Unemployment insurance
- ☐ Victims' rights leave
- ☐ Voting rights and leave
- ☐ Wage-hour
- ☐ Sunday work
- ☐ Weapons in the workplace
- ☐ Whistle-blower protection
- ☐ Workers' compensation

## HIRING PROCESS CHECKLIST

### What are the essential components of a job posting?

A job posting is a detailed overview of an open position. At a minimum, all postings should provide:

- ☐ a job description covering specific responsibilities and duties and complementary skill requirements;
- ☐ the level and kind of education, training, certifications required or desired for the position;
- ☐ the work experience required or desired; and
- ☐ contact information (the physical address, fax number, e-mail address, or telephone number to which candidates should respond).

### Resume/Reference/Job Application Collection

- ☐ Applicants receive notice of pre-employment checks and sign waiver/release/consent form(s).
- ☐ Waiver and release form agreeing not to sue references or former employers for truthful statements made during reference check
- ☐ Consent for release of educational records.
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Human Resources Services, Inc.

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Human Resources Services, Inc.

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- ☐ Diversity Recruitment Policy and Objectives
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Human Resources Services, Inc.

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Human Resources Services, Inc.

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## Human Resources Services, Inc.

- ☐ Spouse/Partner
- ☐ Daytime telephone number
- ☐ Number and names of dependents
- ☐ Applications
- ☐ Resumes
- ☐ Academic transcripts; copies of certifications, drivers licenses
- ☐ Recommendation letters
- ☐ Job-related test results
- ☐ Name and address of health/benefit plan election (but not health records)
- ☐ Benefit plan elections/claims/loans/distributions
- ☐ If employee's medical information is present in any of the aforementioned documents, it should be secured in a separate file
- ☐ Pay advances and repayment agreements
- ☐ Time records
- ☐ Attendance/leave records
- ☐ Salary/pay agreements
- ☐ Authorization for payroll deductions/withholding
- ☐ Bank information
- ☐ Process paychecks
- ☐ Administer benefits programs
- ☐ Involuntary payroll deductions
- ☐ Child support
- ☐ Garnishment
- ☐ Individual employment contract(s)
- ☐ Job description
- ☐ Waiver/acknowledgement forms
- ☒ Training classes and records
- ☐ Performance evaluations
- ☒ Awards and honors

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- ☒ Disciplinary actions or complaints
- ☒ Records of promotion, demotion, transfer, layoff, or termination
- ☐ Termination letters
- ☐ Exit interview records

## **Keep in Separate File(s):**

- ☐ Medical records
- ☐ Physical examinations
- ☐ Drug and/or alcohol testing
- ☐ FMLA notices
- ☐ Accommodation requests
- ☐ Workers' compensation forms, reports, correspondence, and documents
- ☐ ADA requires medical records to be kept in separate, locked, confidential files with limited access
- ☐ Information about an employee's medical restrictions and specific emergency procedures
- ☐ Legitimate insurer needs
- ☐ Documents that identify employees by race, sex, color, and national origin
- ☐ Discrimination investigative files
- ☐ I-9 forms
- ☐ Veterans' status records

## **Employee Handbook**

- ☐ State clearly that the policies and conditions in the handbook do not create a contractual relationship.
- ☒ Obtain a signed Acknowledgement of Receipt stating that the employee received the handbook and obtain a new signed Acknowledgement of Receipt each time the handbook is updated. Ensure that the Acknowledgement of Receipt repeats the employment contract disclaimer included in the employee handbook.

## **First-day orientation should focus on making new employees feel welcome and comfortable in their new work environment. Activities that can help achieve this goal include the following:**

- ☒ After greeting new employees, meet privately with them to go over the first day's schedule and inform them of any prearranged meetings. Cover basic but essential information, such as their preferred name or nickname, work hours, lunch-hour and break policies (including timekeeping procedures), and how they can obtain keys, security passes, identification cards, and parking permits.
- ☒ Introduce new employees to their immediate co-workers and identify the designated co-worker who will serve as each new employee's contact person.
- ☒ Give new employees a tour of the department, station, pointing out the location of restrooms, break rooms, vending machines, etc.

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### Other activities employers should complete on or soon after the first day of employment include the following:

- ☒ Direct new employees, including internal candidates, to HR for onboarding activities. HR staff should conduct training sessions to review organization policies and procedures and have employees complete any new forms.
- ☒ Direct new employees to the appropriate locations to get security badges, parking permits, tools, or uniforms that are not available within the department.
- ☒ Provide new employees a general tour of facilities and apparatus.
- ☐ Provide new employees, including internal candidates, a copy of their job descriptions and review their specific duties. Discuss general expectations, performance standards, and management style. Identify key factors for passing introductory employment or performance reviews.
- ☒ Review the department's organization, structure, major responsibilities, goals, priorities, and relationship to other departments.
- ☒ Review the department's rules and procedures regarding issues such as timekeeping, absence reporting, vacation scheduling, overtime requirements, safety precautions, use of equipment and apparatus, etc.
- ☐ Review safety rules regarding issues such as hazard or accident reporting, fire prevention and control, and use of personal protective equipment.

### Additional activities that employers should schedule into new employees' first few weeks, months, or even first year on the job include the following:

- ☒ Introduce new employees to selected first-line supervisors, and others as appropriate.
- ☒ Follow up with more site-specific tours if needed. Use the tours to introduce new hires to other departments' employees with whom they will be working.
- ☒ Provide information on opportunities for training, learning, and advancement.
- ☒ Check in regularly with new employees to see if any questions or concerns have arisen. Hold formal, private meetings with new employees weekly or biweekly during their first six weeks to go over their experiences and performance.

### Separation

- ☐ Exit interview
- ☐ Appropriate federal notices, e.g., COBRA
- ☐ Vested rights, if any
- ☐ Type of reference or employment confirmation contact
- ☒ Final paycheck
- ☒ Return keys and other property (use an employee inventory sheet for electronic communications media and equipment)
- ☐ Permit employee to make statement
- ☐ Separation agreement and general release
- ☒ Limit persons who are authorized to release references or reason(s) for discharge/discipline
- ☒ Change passwords

**Termination Checklist —**

Employee's name:

\_\_\_\_\_

Employee number:

\_\_\_\_\_

Termination date:

\_\_\_\_\_

COBRA notice sent (date):

\_\_\_\_\_

Pension plan notified (date):

\_\_\_\_\_

401 or 457 plan notified (date):

\_\_\_\_\_

Payroll notified (date):

\_\_\_\_\_

Accounting notified (date):

\_\_\_\_\_

Computer Department notified to disable password (date):

\_\_\_\_\_

Telephone voice mail disabled (date):

\_\_\_\_\_

Exit interview conducted (date):

\_\_\_\_\_

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EMPLOYER's property recovered:

Keys (office, desk, security cards) X Yes \_\_\_ No

Credit cards, long-distance telephone cards \_\_\_ Yes \_\_\_ No

Tools and Equipment X Yes \_\_\_ No

Uniforms X Yes \_\_\_ No

Laptop computer \_\_\_ Yes \_\_\_ No

Building access card X Yes \_\_\_ No

Other:

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**State Posters**

- ☐ Child labor laws
- ☐ Constructive discharge
- ☐ Electronic monitoring
- ☐ Employment eligibility verification
- ☐ Family medical leave
- ☐ Health insurance
- ☐ Living wage
- ☐ Minimum wage
- ☐ No Smoking Poster
- ☐ Nondiscrimination law
- ☐ Overtime
- ☐ Paid Sick leave
- ☐ Pregnancy/disability Leave
- ☐ Payday notice
- ☐ Right-to-know

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- ☐ State occupational safety and health
- ☐ Sexual harassment prevention
- ☐ Unemployment insurance
- ☐ Victims' rights leave
- ☐ Voting rights and leave
- ☐ Wage-hour
- ☐ Sunday work
- ☐ Weapons in the workplace
- ☐ Whistle-blower protection
- ☐ Workers' compensation