

*Name:

*Phone:

Company:

*E-mail:

HR COMPLIANCE QUESTIONNAIRE

Complete the questionnaire and contact Virtual Outsourcing Solutions immediately to reduce the risk of penalties, lawsuits, criminal charges, and even closure should you answer "No" or "Don't Know" to any of the questions. This is a basic compliance form and does not list all areas or items identified by the California and federal labor laws.

WAGE & HOUR

YES NO DON'T
KNOW

- Do you know which California Industrial Wage Order you must comply with?
- Do you have the proper employment posters in place and are they up-to-date?

EQUAL EMPLOYMENT OPPORTUNITY

- Do you understand the EEO requirements you must comply with?

POLICIES & PROCEDURES

- Do you have documented policies and procedures?
- Do you have a harassment policy and program?

NEW HIRE

- Do you have signed employment-at-will statements?
- Are you documenting and reporting your new hires properly?
- Do you know the difference between an employee and an independent contractor?
- Are your employees classified properly?

PERSONNEL FILES

- Are your personnel files compiled and maintained appropriately?
- Do you understand the laws pertaining to meal and rest periods?
- Do you have the proper payroll documentation and recordkeeping policies in place?
- Do you understand CA overtime requirements?

SAFETY

- Do you have a safety program?

JOB DESCRIPTIONS

- Do you have job descriptions? If yes, do they include reasonable accommodations?

PERFORMANCE

- Do you evaluate performance?
- Do you have high turnover?



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* Required Field

Your H/R Consultant, Increasing Productivity One Employee At A Time

Estimated Examples of Penalties

POSTERS & NOTICES	Fine for not posting required notices	Up to \$17,000
DISCRIMINATION OR HARASSMENT – STATE PENALTIES	If found guilty employer can be required to : <ul style="list-style-type: none"> ▪ Hire applicant ▪ Reinstatement an employee ▪ Promote an employee ▪ Conduct training ▪ Pay Damages 	Up to \$50,000 per person up to \$150,000 If court ordered employer may have to pay for: <ul style="list-style-type: none"> ▪ Compensatory Damages ▪ Attorney Fees ▪ Expert witness fees If complainant files FEHA complaint unable to reinstate employee court may order employer to pay: <ul style="list-style-type: none"> ▪ Unlimited damages for actual loss of back pay, ▪ Front pay ▪ Punitive & compensatory damages, attorney fees, and ▪ Court costs
DISCRIMINATION & HARASSMENT – FEDERAL PENALTIES UNDER TITLE VII	Damages determined based on size of workforce:	Based on size of workforce employer may have to pay for punitive and compensatory damages: <ul style="list-style-type: none"> ▪ 15-100 employees- \$50,000 ▪ 101-200 employees - \$100,000 ▪ 201-500 employees - \$200,000 ▪ 500+ - \$300,000
DISCRIMINATION – FEDERAL PENALTIES - DISPARATE TREATMENT UNDER TITLE VII		Employer may have to pay: Compensatory and Punitive Damages – see limits above
DISCRIMINATION – FEDERAL PENALTIES -FRONT PAY AWARD UNDER TITLE VII VIOLATIONS		Unlimited limits on front pay for money that would have been earned if not illegally terminated
HATE CRIMES	Fair Employment & Housing Commission	FEHC fines up to \$150,000 & \$25,000 against the perpetrators
OSHA	Citation with civil penalties	<ul style="list-style-type: none"> ▪ Non-serious or minor violations up to \$7,000 ▪ For repeat or willful violations from \$5,000 to \$70,000 ▪ For serious violations: up to \$25,000 ▪ Failure to correct violations: up to \$15,000 ▪ Failure to report fatal or serious incident: \$5,000 – Mgmt may be individually liable for up to one year in jail and/or \$15,000 fine, Corporations up to \$150,000 fines.
PRIVACY PENALTIES	Failure to follow the law	Employer to pay back employee actual damages incurred due to identity theft in addition to <ul style="list-style-type: none"> ▪ \$1,000 per employee ▪ \$2,500 for each violation – federal ▪ \$1,000 for each violation - state
IMMIGRATION REFORM AND CONTROL ACT (I-9)	Monetary penalties and cease and desist orders for any person who knowingly hires and recruits unauthorized aliens.	<ul style="list-style-type: none"> ▪ Fines \$250-\$2,000 first offense for each alien ▪ Up to \$10,000 for each after third offense ▪ Repeat offense – jail for each
MEAL & REST VIOLATIONS	Failure to provide meal/rest period:	Three Statute of Limitation for not paying additional hour
MINIMUM WAGE VIOLATIONS	Failure to pay minimum wage: Employer and person acting as employer can be liable for civil penalties	\$100 for each underpaid employee for each pay period If charges filed with DOL: can be charged with a misdemeanor: <ul style="list-style-type: none"> ▪ Fines >\$100 or imprisonment ▪ Will have to pay difference in pay to make up for lost wages ▪ Can also be liable for 25% penalty of wages that were underpayment