

Chapter 1

Snapshot

The following list of questions will provide a snapshot for you to use in determining whether or not you are complying with fundamental employment laws and regulations. You should know the answer to every one of these questions. Although a “No” answer does not necessarily mean you are in violation of any laws or regulations, you should understand why the answer is “No.” The page reference is provided for quick reference.

Yes	No		Page reference
<input type="checkbox"/>	<input type="checkbox"/>	Do you know what oral statements by an employer must be in writing to be enforceable against the employer?	11, 63, 211
<input type="checkbox"/>	<input type="checkbox"/>	Do you have an employee handbook? If so, is it regularly updated, and do you include a clear statement that continue employment is not guaranteed?	11-13, 209-212
<input type="checkbox"/>	<input type="checkbox"/>	Is there any problem with relying on “word of mouth” to fill job vacancies?	23
<input type="checkbox"/>	<input type="checkbox"/>	Do you know what questions you can’t ask job applicants and which ones you should?	24-29
<input type="checkbox"/>	<input type="checkbox"/>	Do you give medical examinations to applicants only after the employment offer, and are they given to all applicants in the job category?	333
<input type="checkbox"/>	<input type="checkbox"/>	Do you check job and personal references before hiring?	36
<input type="checkbox"/>	<input type="checkbox"/>	Do you know when it is useful to extend a new employee’s probationary period?	80
<input type="checkbox"/>	<input type="checkbox"/>	Do you document the attitude, behavior and performance inadequacies of problem employees?	87-98
<input type="checkbox"/>	<input type="checkbox"/>	Do you have a discipline policy, and do your supervisors understand it and apply it consistently?	99
<input type="checkbox"/>	<input type="checkbox"/>	Should you have job descriptions?	59
<input type="checkbox"/>	<input type="checkbox"/>	Do you know when a company can be sued for negligent retention or supervision of an employee?	155

<input type="checkbox"/>	<input type="checkbox"/>	Do you have to pay employees while they serve jury duty?	201
<input type="checkbox"/>	<input type="checkbox"/>	Do you know what topics should be covered when training supervisors?.....	83
<input type="checkbox"/>	<input type="checkbox"/>	Are whistleblowers protected under Arizona laws if they contact the news media about their employer?	131
<input type="checkbox"/>	<input type="checkbox"/>	Can employers secretly tape record conversations with coworkers or managers?	393
<input type="checkbox"/>	<input type="checkbox"/>	Is it usually preferable to terminate an employee for misconduct rather than for performance?	116
<input type="checkbox"/>	<input type="checkbox"/>	Are all your termination decisions reviewed and approved by your company’s human resources department?.....	117
<input type="checkbox"/>	<input type="checkbox"/>	If you want to prevent employees from suing you after their termination, do you use a legally-enforceable release agreement?	126
<input type="checkbox"/>	<input type="checkbox"/>	Can you tell a company that a former employee was terminated based on inappropriate conduct?	557
<input type="checkbox"/>	<input type="checkbox"/>	Are you required to pay employees for meal and break time?.....	182
<input type="checkbox"/>	<input type="checkbox"/>	Do you treat on-call time as hours worked?	182
<input type="checkbox"/>	<input type="checkbox"/>	Do you know the rules regarding employment of 15, 16, and 17-year-olds?.....	203
<input type="checkbox"/>	<input type="checkbox"/>	Can a 16-year-old operate a lawn mower at a landscape company?.....	204
<input type="checkbox"/>	<input type="checkbox"/>	Do you pay required overtime compensation to non-exempt employees, which can include salaried employees?.....	77, 181-183
<input type="checkbox"/>	<input type="checkbox"/>	Have you followed the proper steps to enable you to withhold a portion of your employees’ wages?.....	193
<input type="checkbox"/>	<input type="checkbox"/>	Do you have a system for sending out COBRA notices within the required time limits?	240
<input type="checkbox"/>	<input type="checkbox"/>	May you test employees for AIDS?.....	367

<input type="checkbox"/>	<input type="checkbox"/>	Does your health insurance plan or insurer have a system for sending out HIPAA notices of creditable coverage when coverage ends?.....	231
<input type="checkbox"/>	<input type="checkbox"/>	Do you have to give Family and Medical Leave Act leave to every employee?.....	245-247
<input type="checkbox"/>	<input type="checkbox"/>	Do you require an employee on FMLA to exhaust vacation and sick pay benefits?	251, 264
<input type="checkbox"/>	<input type="checkbox"/>	Can an employee take Family and Medical Leave Act leave a little bit at a time?	256
<input type="checkbox"/>	<input type="checkbox"/>	Do you retain FMLA records for as long as you should?	259, 588
<input type="checkbox"/>	<input type="checkbox"/>	Does the employee have the right to select a reasonable accommodation under the ADA?	316
<input type="checkbox"/>	<input type="checkbox"/>	Do you have to “bump” an existing employee from a position to accommodate a disabled employee under the ADA?.....	317
<input type="checkbox"/>	<input type="checkbox"/>	Can you be found to have discriminated against women or minorities even if you have no intent to treat anyone unfairly?	136, 267, 343
<input type="checkbox"/>	<input type="checkbox"/>	Do you have a written sexual harassment policy, and are your employees aware of it?	297
<input type="checkbox"/>	<input type="checkbox"/>	Do you have a procedure for investigating employee complaints about harassment?	304
<input type="checkbox"/>	<input type="checkbox"/>	Can a person bring a sexual harassment claim if he/she previously had a voluntary romantic relationship with a co-worker?	301
<input type="checkbox"/>	<input type="checkbox"/>	Do you have to investigate inappropriate conduct against your employee by a third party?	301
<input type="checkbox"/>	<input type="checkbox"/>	Can you require an employee to take a lie detector test?.....	351, 381-384
<input type="checkbox"/>	<input type="checkbox"/>	Do you keep all medical records separate from other personnel files?	234-237, 585
<input type="checkbox"/>	<input type="checkbox"/>	Do you test for drugs or alcohol in compliance with both Arizona and federal law?.....	391
<input type="checkbox"/>	<input type="checkbox"/>	Have you restricted employees’ expectations of privacy so that certain searches can be conducted legally?.....	325, 425, 545
<input type="checkbox"/>	<input type="checkbox"/>	Does your company have a smoking policy that complies with the Arizona and federal regulations?	181, 407

<input type="checkbox"/>	<input type="checkbox"/>	Do you perform any pre-employment screening to try to identify applicants who are capable of committing workplace violence?	420
<input type="checkbox"/>	<input type="checkbox"/>	Do you keep a log of workplace injuries and post an annual summary of the log in February and March of each calendar year?.....	428
<input type="checkbox"/>	<input type="checkbox"/>	Does your company have a procedure to follow if an OSHA inspector knocks on your door?.....	430
<input type="checkbox"/>	<input type="checkbox"/>	Do you know the legal consequences if your business fails to carry workers' compensation insurance?	449
<input type="checkbox"/>	<input type="checkbox"/>	Do you know what worker behavior will serve to disqualify the worker for unemployment compensation?	455-458
<input type="checkbox"/>	<input type="checkbox"/>	Do you know how to determine if a worker is an employee or an independent contractor?.....	15-22
<input type="checkbox"/>	<input type="checkbox"/>	Are leased employees covered by workers' compensation?	411, 464
<input type="checkbox"/>	<input type="checkbox"/>	Do you have a written agreement with the company that furnishes the temporary and leased employees?.....	462
<input type="checkbox"/>	<input type="checkbox"/>	Can you patent and do you own inventions by your employees?	399
<input type="checkbox"/>	<input type="checkbox"/>	Are you checking the right documents to verify employees' eligibility to work in the United States?	41
<input type="checkbox"/>	<input type="checkbox"/>	Do you have enough employees to be covered by the WARN Act and if so, do you realize that a "plant closing" could cover the shut down of just a single "operating" unit within a plant if it involves 50 or more full-time employees?	145
<input type="checkbox"/>	<input type="checkbox"/>	Does your company need an affirmative action plan?.....	490-495
<input type="checkbox"/>	<input type="checkbox"/>	Can you violate the National Labor Relations Act even if you do not have a union?	