

Test Your Knowledge of Employment Compliance

4-Minute Mini Quiz

Just answer **Yes** or **No** to these questions.
Your answers identify regulatory, compliance and personnel management risks within your practice.

1. Are all employees required to keep daily records of hours worked, such as time cards or electronic records, regardless of their method of compensation? Yes / No
2. Do you maintain three (3) types of personnel files—a separate I-9 file and one “Regular” file and one “Confidential” file for each employee? Yes / No
3. Do you know your state’s specific requirement and protocol to follow when an employee (or former employee or his/her attorney) asks to review his/her personnel file? Yes / No
4. Has your policy manual been updated within the last 12 months with pertinent policies and protocols related to newly implemented employment laws to ensure compliance and asset protection? Yes / No
5. As an “at-will” employer, is an updated version of the “at-will” prerogative correctly stated on your job application, in your employment agreement and in the recommended sections of your policy manual? Yes / No
6. Do each of your employees sign an “Employee Acknowledgment” form establishing your “at-will” rights (if applicable) and also committing them to established policies like professional conduct, HIPAA safeguards and records confidentiality? Yes / No
7. Are you correctly following the most current wage & hour requirements for paying employees’ wages while attending or traveling to and from seminars, lectures or workshops? Yes / No
8. Are you up-to-date on the requirements for each different type of leave of absence, i.e. pregnancy, personal, family, work-related injury, jury duty, military, etc.? Yes / No
9. Do you know the currently recommended procedure to follow if a pregnant employee says she cannot or will not take x-rays and/or work with nitrous oxide? Yes / No
10. Have your job descriptions been recently updated for each position to comply with the Americans with Disabilities Act (ADA) regulations? Yes / No

Assessment continued on next page



Bent Ericksen & Associates
EMPLOYMENT COMPLIANCE & HUMAN RESOURCES

(800) 679-2760

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| 11. Does your personnel policy manual/employee handbook include the most current breastfeeding rights and requirements pertinent to every employer? | Yes / No |
| 12. Has your personnel policy manual/employee handbook been updated to include policies pertaining to: body piercings, tattoos, social media, personal cell phone and cell phone camera use during work hours? | Yes / No |
| 13. Are you performing background checks, or having background checks performed, before hiring any new staff member? | Yes / No |
| 14. Have you reviewed your policy manual recently to confirm that it does not contain contradictory and/or undermining language related to progressive discipline policies, probation or permanent employee status? | Yes / No |
| 15. Are you aware of the three (3) key components to follow in order to minimize the risks of unemployment, workers' compensation, and wage & hour claims when utilizing a skills assessment (a.k.a. the "working interview") in the hiring process? | Yes / No |
| 16. Are you up-to-date on the guidelines and your documentation responsibilities to prevent "protected class" discrimination claims? | Yes / No |
| 17. When hiring, do you have a reference request form and do you obtain every candidate's authorization to check references, as well as consistently perform reference checks before you hire to help avoid allegations of "negligent hiring"? | Yes / No |
| 18. Are you up-to-date with an established and written protocol to prevent and/or correctly manage a "hostile work environment" harassment claim? | Yes / No |
| 19. Did you know that, regardless of your "at-will" employment status, you can no longer terminate an "at-will" employee if it is deemed a violation of the employee's civil rights, right against retaliation or the public interest? | Yes / No |
| 20. Do you properly pay overtime to all non-exempt employees, including office managers and hygienists, regardless of whether they are paid per hour or a salary, when they work more than 40 hours in a week (or more than the daily permitted hours if required by your state regulations)? | Yes / No |
| 21. Are you clear on your rights as an employer regarding "protected concerted activities" and disciplinary action as it relates to an employee's work-related posts on Facebook or other social media sites? | Yes / No |
| 22. (California only) If you have chosen to use an Alternate Workweek Schedule to prevent having to pay costly overtime, did you install it using the required 7-step process? | Yes / No |

How did you do?

The correct answer to each question is "Yes".

A "No" to any question indicates an area of risk or potential liability where the practice is not in compliance with state or federal requirements.

