

**HR COMPLIANCE AUDIT CHECKLIST  
For California Employers**

Organization: \_\_\_\_\_

Organization representatives: \_\_\_\_\_

Attorneys assigned: \_\_\_\_\_

Date of review: \_\_\_\_\_

**I. HIRING**

**A. Selection and Screening**

- Job descriptions
- Advertising
- Job postings
  - Pay scale disclosures
- Employment application
- Pre-employment drug/alcohol testing
  - Consent form
  - Sampling procedures
- Other pre-employment tests
- Interviewing procedures
- Salary history bans
- Background checks
  - Notice to employees
  - Disclosure and authorization forms
- Reference checks
- Inquiries regarding arrests and convictions
  - "Ban the Box" laws
  - San Francisco Fair Chance Ordinance

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**B. Onboarding**

- Employment Offer
- Employment agreement
- Non-disclosure agreement
- Confidentiality agreement
- Probationary period
- Employee orientation
- New hire notices
  - Labor Code 2810.5 New Hire Notice
  - Required pamphlets (*see Employment Law Toolkit*)
- Arbitration Agreements

**NOTES:**

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**II. TERMS AND CONDITIONS OF EMPLOYMENT**

- Collective bargaining agreements
- Employee handbook
  - At-will policy
  - Equal employment opportunity (EEO) policy
    - Updated to include latest protected classes (i.e. hair texture/styles)?
  - Anti-harassment
    - Updated to comply with recent FEHA regulations?
    - Complaint and investigation procedures
    - Other harassment/respect policies
    - Bullying policy
  - Lactation accommodation
  - Reasonable accommodation policy
  - Retaliation protections
  - Acknowledgement of handbook form
- Posters (*see Employment Law Toolkit*)
- Harassment training

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**III. OTHER EMPLOYMENT POLICIES**

- Paid sick leave
- Vacation or PTO
- Leave of absence
- Absenteeism/tardiness control
  - Beware disability protections
- No solicitation/no distribution
  - Beware NLRA protections
  - Bulletin boards
- Conflicts of interest
- Receipt of gifts from third parties
- Trade secrets
- Confidentiality
- Privacy
- Electronic communications
- Social media
- Conduct/discipline
- Open door
- Whistleblower policy and procedures
- Personnel record review

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**IV. EFFECTIVE EMPLOYEE MANAGEMENT**

- Performance reviews
- Cannabis use and testing
- Promotions/transfers
- Discipline
- Regular supervisor training
- Employee training, retraining
- Continuing education
- Tuition assistance
- Flexible scheduling
  - Family Friendly Workplace Ordinance compliance (San Francisco)
- Pay Data Reporting

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**V. WAGE AND HOUR**

- Employee classifications
  - Exempt
  - Non-Exempt
  - Independent contractor
  - Volunteer
  - Intern
- Salary schedule
- Hourly wage schedule
- Commissions
- Bonuses and incentives
- Holiday pay
- Vacation/PTO
  - Eligibility
  - Accrual
  - Scheduling
  - Reconciling PTO with paid sick leave ordinances
- Paid sick leave
  - San Francisco Paid Sick Leave Ordinance – and other cities (e.g. Berkeley, Emeryville, Oakland)
  - California Labor Code
- Other non-working day pay
- Travel time

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- Premium pay
  - Call-in pay
  - Reporting time pay
  - Call-back pay
  - Overtime
    - Scheduling
    - Rates
  - Shift premiums
- Rest breaks
- Meal periods
- Pay days
- Definition of work week
- Off the clock
- Expense reimbursement
  - Personal cell phone use for work purposes?

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**VI. LEAVES OF ABSENCE**

- Medical
- Disability
- Pregnancy/maternity
- Family
  - California Family Rights Act
  - San Francisco Paid Parental Leave
- Military
- Personal
- Bereavement
  - Reproductive Loss Leave
- Jury duty
- Voting
- Child school activities
- Other leaves (paid and unpaid)
- Physical examinations/inquiries (current employees)
  - Fitness for duty
  - Transfer/promotions
- Return to work
  - Medical certifications
  - GINA Safe-harbor language

**NOTES:**



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**VII. Employment Termination**

- Layoff
  - Recall rights
- Disciplinary discharge
- Voluntary quit
- Severance pay
- Severance agreement/release
  - Non-disparagement and confidentiality clause
- Final paycheck
  - Wages
  - Vacation
  - Deductions
  - Timing
- COBRA notification
- Exit interview
- Termination Certification form
- Termination checklist
- Recordkeeping on former employees (see records retention chart)

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**VIII. ISSUES FOR FOLLOW-UP**

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