

Best Of: 2022 HR Checklists



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Introduction

Compliance is one of the most complex burdens organizations face. HR professionals must be familiar with many employment laws, such as the Family and Medical Leave Act, the Worker Adjustment and Retraining Notification Act, the Consolidated Omnibus Budget Reconciliation Act and the Immigration Reform and Control Act, as well as regulations and requirements for hiring and terminating employees. Smooth and effective processes can help ensure HR professionals comply with relevant laws and regulations and that tasks are completed in an orderly manner. The following checklists can assist HR professionals in developing and maintaining effective processes and help organizations remain compliant.

The following checklists are not an all-encompassing list of compliance topics but rather subjects relevant to organizations in 2022. These checklists are intended to be used as guides, and the steps in these lists should be modified to meet the unique needs of your organization. Due to the complexities of the subjects, organizations are encouraged to seek legal counsel to discuss and address specific issues and concerns.

CHECKLIST | HIRING OUT-OF-STATE EMPLOYEES

Presented by TROXELL

While hiring out-of-state employees gives your organization access to a wider pool of talent, it also requires complying with state and local requirements that may be unfamiliar. In general, the state and local laws that govern an employment relationship are based on where the employee is physically working and earning wages, not where the employer is based. In addition to wage and hour laws, other items that employers may need to consider include workers' compensation insurance, unemployment insurance and tax obligations.

This checklist outlines key items for employers to consider when hiring out-of-state employees.

Basic Information	
State	
Locality	

Business Registration and Tax Requirements	Complete	Not Applicable
Register your company to do business in the state.	<input type="checkbox"/>	<input type="checkbox"/>
Consult with tax advisors regarding the nexus between corporate income tax and sales/use taxes.	<input type="checkbox"/>	<input type="checkbox"/>
Designate a registered agent.	<input type="checkbox"/>	<input type="checkbox"/>
Obtain licenses or permits to operate in the state (depending on the type of business).	<input type="checkbox"/>	<input type="checkbox"/>
Register for state payroll taxes (obtain a state tax ID and register for unemployment insurance).	<input type="checkbox"/>	<input type="checkbox"/>
Comply with any local tax requirements.	<input type="checkbox"/>	<input type="checkbox"/>

Hiring Process	Complete	Not Applicable
<i>Review your hiring process for compliance with applicable state and local laws, including requirements regarding:</i>		
Discrimination protections	<input type="checkbox"/>	<input type="checkbox"/>
Background checks	<input type="checkbox"/>	<input type="checkbox"/>
Credit checks	<input type="checkbox"/>	<input type="checkbox"/>

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CHECKLIST | HIRING OUT-OF-STATE EMPLOYEES

Hiring Process (continued)	Complete	Not Applicable
Interview recording protections (e.g., phone or video)	<input type="checkbox"/>	<input type="checkbox"/>
Criminal history	<input type="checkbox"/>	<input type="checkbox"/>
Child labor laws	<input type="checkbox"/>	<input type="checkbox"/>
Pay history	<input type="checkbox"/>	<input type="checkbox"/>
New hire reporting	<input type="checkbox"/>	<input type="checkbox"/>
Use of E-Verify for Form I-9	<input type="checkbox"/>	<input type="checkbox"/>

Employment Requirements	Complete	Not Applicable
<i>Review state and local employment laws, including laws regarding:</i>		
Workplace notices and posters	<input type="checkbox"/>	<input type="checkbox"/>
Leave laws, including sick leave, parental leave and voting leave	<input type="checkbox"/>	<input type="checkbox"/>
Expense reimbursement	<input type="checkbox"/>	<input type="checkbox"/>
Pay transparency	<input type="checkbox"/>	<input type="checkbox"/>
Drug testing	<input type="checkbox"/>	<input type="checkbox"/>
Workers' compensation	<input type="checkbox"/>	<input type="checkbox"/>
Wage deduction and garnishment	<input type="checkbox"/>	<input type="checkbox"/>
Minimum wage and overtime requirements	<input type="checkbox"/>	<input type="checkbox"/>
Meal periods and rest breaks	<input type="checkbox"/>	<input type="checkbox"/>
Pay frequency	<input type="checkbox"/>	<input type="checkbox"/>
Final paycheck	<input type="checkbox"/>	<input type="checkbox"/>

Use this checklist as a guide when hiring employees who reside in different states. For assistance with remote work planning, contact TROXELL.

CHECKLIST | Complying With the FMLA

Presented by TROXELL

The Family and Medical Leave Act (FMLA) is a federal law that provides eligible employees of covered employers with unpaid, job-protected leave for certain family and medical reasons. In addition to providing eligible employees with leave for qualifying reasons, covered employers must maintain employees' health benefits during leave and restore employees to their same (or equivalent) jobs after leave.

This checklist outlines key steps for employers to comply with the FMLA. Keep in mind that complying with the FMLA may involve additional steps depending on the facts of a specific situation. Also, many states (and some localities) have their own family and medical leave laws that provide broader leave protections to employees. Employers will need to comply with the FMLA and any applicable state and local leave laws.

General Requirements

Covered Employers	Yes	No
Is your company subject to the FMLA? Select "yes" if your company is any of the following: <ul style="list-style-type: none">• A private-sector employer with 50 or more employees in 20 or more workweeks in the current or preceding calendar year;• A public agency (including state and local governments and governmental agencies) of any size; or• A public or private school (elementary or secondary) of any size.	<input type="checkbox"/>	<input type="checkbox"/>

FMLA Requirements	Complete
Display the FMLA poster in plain view where employees and applicants can readily see it. A model poster is available from the U.S. Department of Labor (DOL). Employers may use the model poster, create their own poster or use another format as long as it provides all of the information in the model poster and meets all of the posting requirements.	<input type="checkbox"/>
If your company has employees eligible for FMLA leave, provide employees with a general notice about the FMLA in the employee handbook or other written materials about leave and benefits. Employers can use the text from the DOL's model poster for this notice or another format as long as it provides all of the information in the model poster.	<input type="checkbox"/>
Create and maintain records related to FMLA compliance (e.g., copies of FMLA notices and dates of FMLA leave). These records must be kept for at least three years.	<input type="checkbox"/>

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FMLA Administration	Complete
<p>Select the 12-month period used for calculating FMLA leave (or the “leave year”) and confirm that it is accurately described in employee communications.</p> <p>An employer’s options for the leave year are:</p> <ul style="list-style-type: none"> • The calendar year (Jan. 1 through Dec. 31) • Any fixed 12-month period, such as a fiscal year or a leave year beginning on the first day of an employee’s employment • A 12-month period measured forward from the first date an employee takes FMLA leave • A rolling 12-month period measured backward from the date an employee uses FMLA leave 	<input type="checkbox"/>
<p>Implement a method for tracking employees’ use of FMLA leave throughout the year, including leave taken on an intermittent or reduced schedule basis.</p>	<input type="checkbox"/>
<p>Train managers on FMLA compliance, including how to identify leave requests that may be for FMLA-qualifying reasons and the law’s prohibitions on interference and retaliation.</p>	<input type="checkbox"/>
<p>Download and use the DOL’s model forms for administering FMLA leaves or create your own versions of these forms.</p> <p>The DOL’s model FMLA forms are available here.</p>	<input type="checkbox"/>
<p>Determine how employees will pay health plan premiums during unpaid FMLA leave and communicate this method to employees taking leave.</p>	<input type="checkbox"/>
<p>Review how taking FMLA leave may relate to other types of employee absences, including employer-provided paid time off, short-term disability, workers’ compensation and local paid leave law requirements, and run leaves concurrently when possible.</p>	<input type="checkbox"/>

Administering FMLA Leave

Employee name	
Date of leave request	
Dates of anticipated leave	

Employee Eligibility	Yes	No
<p>Is the employee eligible for FMLA leave?</p> <p>To be eligible for FMLA leave, an employee must satisfy ALL of the following criteria:</p> <ul style="list-style-type: none"> • The employee works for an employer covered by the FMLA; • The employee has worked for the employer for at least 12 months as of the date leave is to start (it does not need to be consecutive); • The employee has at least 1,250 hours of service for the employer during the 12-month period before the leave is to start; and • The employee works at a location where the employer has at least 50 employees within 75 miles of that worksite. 	<input type="checkbox"/>	<input type="checkbox"/>
<p>Is the employee’s leave for a qualifying reason?</p> <p>Is the leave for one of the following FMLA-qualifying reasons?</p> <ul style="list-style-type: none"> • The birth of a child and to bond with the newborn child within one year of birth • The placement of a child for adoption or foster care and to bond with the newly placed child within one year of placement • A serious health condition that makes the employee unable to perform the functions of their job • To care for the employee’s spouse, child or parent who has a serious health condition • Any qualifying exigency arising out of the fact that the employee’s spouse, child or parent is a military member on covered active duty (or call to covered active duty status) • To care for a covered servicemember with a serious injury or illness if the employee is the spouse, child, parent or next of kin of the servicemember 	<input type="checkbox"/>	<input type="checkbox"/>
<p>If the employee has already used FMLA leave this year, does the employee still have FMLA leave available?</p> <p>Eligible employees are entitled to take up to 12 weeks of FMLA leave during a 12-month period (26 weeks to care for a covered servicemember).</p>	<input type="checkbox"/>	<input type="checkbox"/>

Leave Process	Complete
<p>Provide the Notice of Eligibility and Rights & Responsibilities within five business days of the employee’s request for leave unless there are extenuating circumstances.</p> <p>The DOL has a model notice (Form WH-381, Notice of Eligibility and Rights & Responsibilities) that employers may use for this notice requirement.</p>	<input type="checkbox"/>
<p>If a medical certification is required for the requested leave, give the appropriate form to the employee and provide the employee with 15 calendar days to return the form.</p> <p>An employer may require a medical certification when leave is requested for the employee’s own serious health condition or the serious health condition of a family member. Employers can also require certification for military family leave. The DOL has model forms that employers may use for obtaining certifications. An employee requesting leave should be informed of this requirement, and the appropriate certification form should be provided with the Notice of Eligibility and Rights & Responsibilities.</p>	<input type="checkbox"/>
<p>Grant or deny the FMLA leave by providing the Designation Notice on a timely basis.</p> <p>This notice must be provided once the employer has enough information to determine if the employee’s requested leave qualifies as FMLA leave, as follows:</p> <ul style="list-style-type: none"> • If a medical certification is not required for the requested leave, provide the Designation Notice within five business days of the leave request. • If a medical certification is required, provide the Designation Notice within five business days of when the employee submits a complete and sufficient certification form. The Designation Notice can also inform the employee that the certification is incomplete or insufficient and additional information is needed. <p>The DOL has a model Designation Notice (Form WH-382) that employers may use.</p>	<input type="checkbox"/>
<p>During leave, maintain coverage under the group health plan on the same basis as coverage would have been provided if the employee had been continuously employed during the entire leave period.</p> <p>During the FMLA leave period, an employee must continue to pay whatever share of group health plan premiums the employee paid prior to FMLA leave. The employer must provide the employee with advance written notice of the terms and conditions under which these payments must be made.</p>	<input type="checkbox"/>
<p>If applicable, the employee must provide a fitness-for-duty certification to show that they can resume work after taking a leave for their own serious health condition.</p>	<input type="checkbox"/>

Leave Process	Complete
Employers may have a uniform policy requiring all similarly-situated employees who take leave for serious health conditions to provide a fitness-for-duty certification.	
Restore the employee to the same job (or an equivalent job) at the end of the leave.	<input type="checkbox"/>

Use this checklist as a guide when reviewing your company's compliance with the FMLA. For assistance, contact TROXELL.

CHECKLIST | Complying With COBRA

Presented by TROXELL

The Consolidated Omnibus Budget Reconciliation Act (COBRA) is a federal law that requires covered group health plans to offer continuation coverage to employees, spouses and dependent children when coverage would otherwise be lost due to certain specific events.

This checklist outlines key steps for administering COBRA coverage. Keep in mind that administering COBRA coverage can be complex and may involve additional steps depending on the details of specific situations. Also, many states have their own continuation coverage requirements for fully insured group health plans, which are often referred to as “mini-COBRA” laws. Employers will need to comply with COBRA and any applicable state continuation coverage laws.

General Requirements

General COBRA Compliance	Complete
<p>Identify group health plans that are subject to COBRA.</p> <p>In general, COBRA applies to group health plans maintained by private-sector employers with at least 20 employees on more than 50% of typical business days in the previous calendar year. This includes, for example, fully insured health plans, self-insured health plans, level funded health plans, dental and vision plans, health flexible spending accounts (FSAs) and health reimbursement arrangements (HRAs).</p> <p>Note that COBRA does NOT apply to health plans maintained by small employers (fewer than 20 employees) or churches, although state continuation coverage requirements may apply to these plans.</p>	<input type="checkbox"/>
<p>Download the Department of Labor’s (DOL) model forms for administering COBRA or create your own versions of these forms. If you are using the DOL’s model forms, confirm you are using the most up-to-date versions.</p>	<input type="checkbox"/>
<p>Provide the COBRA General Notice to each covered employee (and spouse, if applicable) within 90 days after health plan coverage begins.</p>	<input type="checkbox"/>
<p>Establish internal procedures for administering COBRA coverage, including procedures for Qualified Beneficiaries to provide COBRA notices and make premium payments.</p>	<input type="checkbox"/>
<p>Provide Qualified Beneficiaries who are receiving COBRA coverage with the same benefits, choices and services that similarly situated participants receive, including the right to choose between coverage options during an open enrollment period.</p>	<input type="checkbox"/>
<p>Create and maintain records related to COBRA compliance, including records of all COBRA-required notices.</p>	<input type="checkbox"/>

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Administering COBRA

Basic Information	
Names of Qualified Beneficiaries	
Type of Qualifying Event	Termination of employment (18 months) <input type="checkbox"/>
	Reduction of hours (18 months) <input type="checkbox"/>
	Divorce or legal separation (36 months) <input type="checkbox"/>
	Employee's death (36 months) <input type="checkbox"/>
	Covered child's loss of eligibility (36 months) <input type="checkbox"/>
	Entitlement to Medicare (36 months) <input type="checkbox"/>
Date of Qualifying Event	
COBRA Start and End Dates	

COBRA Coverage	N/A	Yes/Complete	Date
<p>Notice of Qualifying Event received from Qualified Beneficiary (if applicable)</p> <p>Qualified Beneficiaries are required to notify the plan when the Qualifying Event is a divorce or legal separation or a covered child's loss of eligibility.</p>	<input type="checkbox"/>	<input type="checkbox"/>	
<p>COBRA Election Notice sent to Qualified Beneficiary</p> <p>This notice must be provided within 14 days of receiving notice of the Qualifying Event. For Qualifying Events that do not require notice from the Qualified Beneficiary (termination of employment, reduction in hours, employee's death or employee's entitlement to Medicare), the Election Notice generally must be provided within 44 days of the date of the Qualifying Event or the date the Qualified Beneficiary would otherwise lose coverage, whichever is later.</p>	<input type="checkbox"/>	<input type="checkbox"/>	

COBRA Coverage	N/A	Yes/Complete	Date
<p>Notice of COBRA unavailability sent (when a request for COBRA coverage is denied)</p> <p>The notice must be provided within 14 days after the request for COBRA continuation coverage is received, and it must explain the reason for denying the request.</p>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
<p>Completed COBRA Election Notice received from Qualified Beneficiary</p> <p>At a minimum, and subject to the COVID-19-related deadline relief, each Qualified Beneficiary must be given at least 60 days to elect COBRA coverage.</p>	<input type="checkbox"/>	<input type="checkbox"/>	
<p>Initial COBRA premium received</p> <p>Qualified Beneficiaries cannot be required to pay a premium at the time they make the COBRA election. Plans must provide at least 45 days after the election for an initial premium payment to be made (subject to the COVID-19-related deadline relief).</p>	<input type="checkbox"/>	<input type="checkbox"/>	
<p>Establish a deadline and grace period for subsequent premium payments</p> <p>Health plans may establish due dates for premiums after the initial premium payment (subject to the COVID-19-related deadline relief). Plans must provide a minimum 30-day grace period for each payment.</p>	<input type="checkbox"/>	<input type="checkbox"/>	
<p>Provide notice of premium shortfall (if applicable)</p> <p>A premium payment that is short by an insignificant amount will be deemed to satisfy the Qualified Beneficiary's payment obligation unless the plan notifies the Qualified Beneficiary of the shortfall and grants a reasonable amount of time to correct the deficiency. For this purpose, 30 days after the notice is provided is considered a reasonable amount of time.</p>	<input type="checkbox"/>	<input type="checkbox"/>	
<p>Covered employee's Medicare entitlement before a Qualifying Event that is a termination of employment or</p>	<input type="checkbox"/>	<input type="checkbox"/>	

COBRA Coverage	N/A	Yes/Complete	Date
<p>reduction in hours and extension of COBRA coverage (if applicable)</p> <p>An employee’s entitlement to Medicare can extend the maximum COBRA coverage period for covered spouses and dependents if the employee has a termination or reduction in hours within 18 months after becoming entitled to Medicare. Under this rule, covered spouses and dependents are entitled to COBRA coverage for the longer of 18 months from the date of the employee’s termination or reduction in hours; or 36 months from the date the employee became enrolled in Medicare.</p>			
<p>Notice of disability determination received and COBRA coverage extended (if applicable)</p> <p>Where the Qualifying Event is a termination of employment or a reduction in hours and a Qualified Beneficiary is determined by the Social Security Administration to be disabled before, at or within 60 days of the date of the Qualifying Event, all Qualified Beneficiaries within that family are entitled to COBRA for a maximum period of 29 months. In general, the time limit for providing this notice cannot be shorter than 60 days.</p>	<input type="checkbox"/>	<input type="checkbox"/>	
<p>Notice of second Qualifying Event received and COBRA coverage extended (if applicable)</p> <p>The maximum COBRA period may be extended for spouses and dependent children when a Qualifying Event that is a termination of a covered employee’s employment or a reduction of hours (both of which trigger an 18-month maximum COBRA period) is followed by a second Qualifying Event that has a 36-month maximum coverage period. In general, the time limit for providing this notice cannot be shorter than 60 days.</p>	<input type="checkbox"/>	<input type="checkbox"/>	
<p>Qualified Beneficiary begins coverage under another group health plan (or Medicare) after electing COBRA (if applicable)</p> <p>COBRA coverage may be terminated earlier than the end of the maximum coverage period if a Qualified Beneficiary</p>	<input type="checkbox"/>	<input type="checkbox"/>	

COBRA Coverage	N/A	Yes/Complete	Date
obtains coverage under another group health plan or enrolls in Medicare after electing COBRA coverage.			
<p>Notice of early termination of COBRA coverage sent (if applicable)</p> <p>When a group health plan terminates COBRA coverage early, the plan must give the Qualified Beneficiary a notice of early termination. The notice must be provided as soon as practicable following the decision to terminate coverage early.</p>	<input type="checkbox"/>	<input type="checkbox"/>	
<p>COBRA coverage exhausted (maximum coverage period expires)</p> <p>The maximum coverage period is 18, 29 or 36 months, depending on the Qualifying Event(s) and whether there is a disability determination. COBRA does not require the plan to notify the Qualified Beneficiary when the maximum coverage period is about to expire, although employers may decide to provide this notice to help Qualified Beneficiaries plan ahead.</p>	<input type="checkbox"/>	<input type="checkbox"/>	

Use this checklist as a guide when reviewing your company’s compliance with COBRA. For assistance, contact TROXELL.

CHECKLIST | Completing Form I-9

Presented by TROXELL

Federal law requires employers to hire only individuals who may legally work in the United States—either U.S. citizens or authorized foreign nationals. To comply with the law, employers must verify the identity and employment authorization of each individual they hire by completing and retaining the Employment Eligibility Verification form (Form I-9). Employers must have a completed Form I-9 for every employee hired after Nov. 6, 1986.

Complying with Form I-9 requirements accurately and in a timely manner is difficult. The risk employers face for any errors is real and can be extremely expensive. Employers who fail to comply with Form I-9 requirements can face severe consequences, including civil and criminal penalties.

This checklist outlines the steps for completing Form I-9 for a newly hired employee. This checklist is intended to be used as a guide, and the steps in this list should be modified to meet the unique needs of your organization and its onboarding process. This checklist should be completed by someone trained in Form I-9 requirements to reduce the risk of errors.

This checklist provides an overview of completing Form I-9 for a newly hired employee and should not be construed as legal advice. Due to the complex nature of Form I-9 compliance, employers are encouraged to seek legal counsel to discuss and address specific issues and concerns.

On or Before Employee's First Day of Employment	Complete	Not Applicable
Provide the employee with the current Form I-9, instructions and the List of Acceptable Documents.	<input type="checkbox"/>	<input type="checkbox"/>
Request that the employee provide identity and employability documents for verification.	<input type="checkbox"/>	<input type="checkbox"/>
Communicate to the employee that Form I-9 must be completed no later than the end of their first day of employment.	<input type="checkbox"/>	<input type="checkbox"/>

Completing Section 1 of Form I-9	Complete	Not Applicable
Ensure the employee completes Section 1 of Form I-9 no later than the end of their first day of employment.	<input type="checkbox"/>	<input type="checkbox"/>
Verify the employee entered their full legal name.	<input type="checkbox"/>	<input type="checkbox"/>

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If the employee has either two first or last names, confirm the employee included both names.	<input type="checkbox"/>	<input type="checkbox"/>
If the employee has only one last name, ensure the employee entered “N/A” in Other Last Names Used field.	<input type="checkbox"/>	<input type="checkbox"/>
If the employee only has one name, verify the employee entered it in the Last Name field and then entered “Unknown” in the First Name field.	<input type="checkbox"/>	<input type="checkbox"/>
If the employee used a preparer or translator to complete Section 1, ensure the preparer or translator completed, signed and dated the Preparer and/or Translator Certification.	<input type="checkbox"/>	<input type="checkbox"/>
If your organization participates in E-Verify, ensure the employee provided their Social Security number.	<input type="checkbox"/>	<input type="checkbox"/>
If the employee’s employment authorization will expire, document the date for reverification.	<input type="checkbox"/>	<input type="checkbox"/>
Verify the expiration date for the employee’s employment authorization provided in Section 1 matches the expiration date of the List A or List C documents presented for Section 2.	<input type="checkbox"/>	<input type="checkbox"/>
Verify the employee entered:		
A hyphen or apostrophe in their name, if applicable	<input type="checkbox"/>	<input type="checkbox"/>
Middle initial if the employee has a middle name	<input type="checkbox"/>	<input type="checkbox"/>
Any other legal last name, including a maiden name, if applicable	<input type="checkbox"/>	<input type="checkbox"/>
Current address, including street name and number, city, state, ZIP code and apartment number or letter, if applicable	<input type="checkbox"/>	<input type="checkbox"/>
Date of birth	<input type="checkbox"/>	<input type="checkbox"/>
Citizenship or immigration status; verify this by checking the appropriate box to indicate whether they are a U.S. citizen, a noncitizen national, a lawful permanent resident of the United States or a noncitizen authorized to work in the United States	<input type="checkbox"/>	<input type="checkbox"/>
Alien Registration Number or U.S. Citizenship and Immigration Services Number, Form I-94 Admission Number or foreign passport number, including the country of issuance and date the employment authorization expires	<input type="checkbox"/>	<input type="checkbox"/>
Signature and current date	<input type="checkbox"/>	<input type="checkbox"/>

Completing Section 2 of Form I-9	Complete	Not Applicable
Ensure Section 2 of Form I-9 is completed and signed within three business days of the employee’s day of employment.	<input type="checkbox"/>	<input type="checkbox"/>
Ask the employee to present unexpired original documentation or an acceptable receipt that shows their identity and employment authorization from the List of Acceptable Documents. Do not request or direct the employee to present specific documents from the list.	<input type="checkbox"/>	<input type="checkbox"/>
Ensure the employee presents one document from List A or a combination of one document from List B and one from List C.	<input type="checkbox"/>	<input type="checkbox"/>
Physically examine the documents presented by the employee to determine if they appear genuine and relate to the employee presenting them. If the documents do not reasonably appear genuine or relate to the employee, ask the employee to present other documents from the List of Acceptable Documents.	<input type="checkbox"/>	<input type="checkbox"/>
Enter the employee’s last name, first name and middle initial and select the correct citizenship or immigration number from Section 1 in the Employee Info Form Section 1 field at the top of Section 2.	<input type="checkbox"/>	<input type="checkbox"/>
Enter the employee’s document title, issuing authority, number(s) and expiration date, if any.	<input type="checkbox"/>	<input type="checkbox"/>
Enter the date the employee began or will begin work for pay.	<input type="checkbox"/>	<input type="checkbox"/>
Enter the first and last name, signature and title of the individual completing Section 2, as well as the date they completed the section.	<input type="checkbox"/>	<input type="checkbox"/>
Enter the employer’s business name and address.	<input type="checkbox"/>	<input type="checkbox"/>
Return the documents presented to the employee.	<input type="checkbox"/>	<input type="checkbox"/>

Completing Section 3 of Form I-9	Complete	Not Applicable
Ensure Section 3 of Form I-9 is completed if the employee’s employment authorization or documentation of employment authorization has expired. If the employee is rehired within three years of the date their Form I-9 was	<input type="checkbox"/>	<input type="checkbox"/>

originally completed or if they have legally changed their name, employers may complete Section 3.		
Enter the employee’s last name, first name and middle initial in Block A.	<input type="checkbox"/>	<input type="checkbox"/>
Ask the employee to present unexpired original employment authorization documentation from the List of Acceptable Documents.	<input type="checkbox"/>	<input type="checkbox"/>
Physically examine the document presented by the employee to determine if it appears genuine and relates to the employee presenting it. If the document does not reasonably appear to be genuine or relate to the employee, ask the employee to present another document from the List of Acceptable Documents.	<input type="checkbox"/>	<input type="checkbox"/>
Record the document title, document number and expiration document, if any, in Block C.	<input type="checkbox"/>	<input type="checkbox"/>
If the employee is a rehire, enter the rehire date that the employee began or will begin work in Block B.	<input type="checkbox"/>	<input type="checkbox"/>
Enter the first and last name, signature and title of the individual completing Section 3, as well as the date they completed the section.	<input type="checkbox"/>	<input type="checkbox"/>

Form I-9 can be deceptively simple. Despite only being two pages long, the form comes with 15 pages of instructions. Errors on the form can be costly. Mistakes not only increase the amount of time and money organizations must spend to complete the form but also increase their risk of audits, fines and penalties. While strategies may vary, an effective Form I-9 onboarding process can help organizations reduce errors and decrease their legal exposure while saving money.

For more information about Form I-9, contact TROXELL today.

CHECKLIST | Form I-9: Internal Audit

Presented by TROXELL

Federal law requires employers to hire only individuals who may legally work in the United States—either U.S. citizens or authorized foreign nationals. To comply with the law, employers must verify the identity and employment authorization of each individual they hire by completing and retaining the Employment Eligibility Verification form (Form I-9). Employers must have a completed Form I-9 for every employee hired after Nov. 6, 1986.

Complying with Form I-9 requirements accurately and in a timely manner is difficult. The risk employers face for any errors is real and can be extremely expensive. Employers that fail to comply with Form I-9 requirements can face severe consequences, including civil and criminal penalties.

Despite employers' best efforts, compliance with Form I-9 requirements can be complex and is rarely foolproof. Though they can be time-consuming and labor-intensive, internal audits can be a systematic means for organizations to ensure compliance with federal law.

Overview

This checklist outlines the steps for conducting an internal audit of your organization's Forms I-9. This checklist is intended to be used as a guide, and not all of the following steps are necessary for an organization's internal audit. The audit process may differ based on your organization's size and other factors; thus, the steps in this list should be modified to meet the unique needs of your organization. This checklist is to be completed by someone trained in Form I-9 requirements, such as an HR representative, to help ensure a smooth audit process.

This checklist provides an overview of a Form I-9 internal audit and should not be construed as legal advice. Due to the complex nature of Form I-9 compliance, employers are encouraged to seek legal counsel to discuss and address specific issues and concerns.

Preparing for the Internal Audit	
Obtain a copy of the U.S. Citizenship and Immigration Services' (USCIS) "Handbook for Employers M-274" to reference, if necessary.	<input type="checkbox"/>
Download the current version of Form I-9 from USCIS' website.	<input type="checkbox"/>
Create a list of currently employed employees hired after Nov. 6, 1986.	<input type="checkbox"/>
Create a list of all employees terminated in the past three years.	<input type="checkbox"/>
Gather Forms I-9, either original or electronic, for all current employees and employees terminated in the past three years.	<input type="checkbox"/>
Verify there is a completed Form I-9 for all current employees.	<input type="checkbox"/>
Complete Form I-9 for any current employees that do have a completed form.	<input type="checkbox"/>

This checklist is merely a guideline. It is neither meant to be exhaustive nor meant to be construed as legal advice. It does not address all potential compliance issues with federal, state or local standards. Consult your licensed representative at TROXELL or legal counsel to address possible compliance requirements. © 2022 Zywave, Inc. All rights reserved.

After gathering completed Forms I-9 and creating employee lists, employers can proceed with their internal audit by following the steps below. An internal audit may differ based on an organization’s size and other factors. For smaller employers, it may be best to review every Form I-9. But for larger employers, this may not be practical. Accordingly, if larger employers decide not to review every Form I-9 and review only a sample of its forms instead, they need to ensure the criteria they use to select which forms will be audited are not discriminatory.

Review Section 1 of Form I-9	
Ensure the employee’s name—including past or present last names—address and date of birth are completed.	<input type="checkbox"/>
Verify that the appropriate citizen or immigration status box is checked.	<input type="checkbox"/>
If the employee is a lawful permanent resident, confirm the employee has provided their seven- to nine-digit Alien Registration Number or USCIS Number.	<input type="checkbox"/>
If the employee lacks permanent legal status, verify the employee has provided an Alien Registration Number, USCIS Number, Form I-984 Admission Number or foreign passport number.	<input type="checkbox"/>
Verify that the employee signed and dated Section 1 no later than the first day of their employment.	<input type="checkbox"/>
If someone other than the employee completed Section 1, ensure the preparer or translator section is completed.	<input type="checkbox"/>

Review Section 2 of Form I-9	
Confirm the employee’s name is the same as it appears in Section 1.	<input type="checkbox"/>
Verify that the citizenship or immigration status number is consistent with the information the employee provided in Section 1.	<input type="checkbox"/>
Ensure one document from List A or a combination of one document from List B and List C are listed in Section 2 and all information is recorded accurately.	<input type="checkbox"/>
Check that all documents for Section 2 have been entered under the correct list.	<input type="checkbox"/>
Confirm the employee’s first date of employment is entered and accurate.	<input type="checkbox"/>
Ensure the organization’s representative has signed and printed their name and dated the form within three days of the employee’s first day of employment.	<input type="checkbox"/>

Confirm the organization's name and full address are recorded.	<input type="checkbox"/>
Verify there are copies of the employee's documents if the organization retains photocopies of employee documents.	<input type="checkbox"/>

Review Section 3 of Form I-9

If the employee was rehired within three years from the date of the previously completed Form I-9, verify Block A and B are completed, along with the name of the organization's representative, signature and title that completed Section 3.	<input type="checkbox"/>
If the employee's work authorization has expired, verify that Block A, B and C are completed, along with the name of the organization's representative, signature and title that completed Section 3.	<input type="checkbox"/>
Entered the employee's new name in Block A if the employee's name has changed.	<input type="checkbox"/>

Correcting Errors

For any errors discovered in Section 1, ask the employee to correct the errors by drawing a line through the incorrect information, entering the correct information, and initialing and dating the correction.	<input type="checkbox"/>
For any errors discovered in Sections 2 and 3, draw a line through the incorrect information, enter the correct information, and initial and date the correction.	<input type="checkbox"/>
For forms with multiple errors, complete the section containing multiple errors on a new Form I-9 using the current version of the form. Attach the newly completed form to the original form and include a memo describing any changes and explaining why a new form was completed.	<input type="checkbox"/>
For employees who do not have a completed Form I-9, ask the employee to complete Section 1, inspect the employee's identity and employability documents, and complete Section 2. Enter the employee's original date of hire and the date the form is completed.	<input type="checkbox"/>
For employees who do not have a completed Form I-9 but are no longer employed, draft a memo for each employee missing a Form I-9 explaining why there is no completed form for those employees. Store these memos with the organization's Form I-9 files.	<input type="checkbox"/>

Audit Log

Document all errors and corrections made during the internal audit.	<input type="checkbox"/>
Retain the audit log with the organization's Form I-9 files.	<input type="checkbox"/>

Internal audits can be expensive, time-consuming and tedious for any organization. This is especially true for organizations with a high number of employees or organizations in industries with high turnover rates, such as restaurants. However, internal audits can be worth the time and effort; when done regularly, they can improve compliance with federal law, increase operational and administrative efficiency and save your organization time and money by helping to avoid government audits, fines and penalties.

For more information about Form I-9, contact TROXELL today.

CHECKLIST | Offboarding: Voluntary Terminations

Presented by TROXELL

Even when an employee voluntarily terminates their employment, organizations must complete a great deal of work in a short timeframe to offboard that employee. For example, there are many administrative tasks your organization needs to finish prior to the employee's last day, such as finalizing payroll and tax paperwork, retrieving company property and terminating access to systems and files. An efficient offboarding process can ensure a smooth transition for both the departing employee and your organization.

A smooth and effective offboarding process can help ensure employers comply with relevant laws and regulations and that necessary tasks are completed in an orderly manner. When done successfully, offboarding can bolster your organization's brand and turn former employees into rehires or even customers.

Overview

The offboarding process for voluntary terminations generally begins when the employee provides verbal or written notice that they are ending their employment. It could also be initiated when an employee retires.

This checklist outlines the steps for offboarding employees voluntarily departing your organization. This checklist is intended to be used as a guide, and not all of the following steps are necessary to offboard an employee. The offboarding process may differ based on your organization's size and other factors; thus, the steps in this list should be modified to meet the unique needs of your organization. This checklist is to be completed by a supervisor, manager or HR representative to help ensure a smooth transition for all employees who voluntarily end their employment.

Initial Steps	
Thank the departing employee for their contributions to the organization.	<input type="checkbox"/>
Notify all relevant individuals—such as the leadership team, HR and IT—that the offboarding process is starting for the departing employee.	<input type="checkbox"/>
Ask HR to prepare the departing employee's final paycheck and all necessary paperwork, including resignation or retirement letter, nondisclosure and noncompete agreements, explanation of benefits, COBRA notice, retirement plan transfer and unemployment insurance, if applicable.	<input type="checkbox"/>
Review the offboarding process with the departing employee, including the timeline and expectations, and provide them with a copy of an offboarding checklist or communications detailing expectations.	<input type="checkbox"/>
Create and document a transition plan with the departing employee to ensure knowledge transfer is completed before the departing employee's last day.	<input type="checkbox"/>
Schedule an exit interview with the departing employee.	<input type="checkbox"/>

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Ask HR or another neutral individual to conduct an exit interview with the departing employee and document all feedback.	<input type="checkbox"/>
Notify the departing employee’s team, wider organization and clients, if applicable, of the employee’s departure and last day.	<input type="checkbox"/>
Begin recruiting to fill the departing employee’s position, if necessary.	<input type="checkbox"/>

Knowledge Transfer

Ask the departing employee to document all necessary information to facilitate a knowledge transfer to other employees, including their roles and responsibilities, projects, deliverables, client or vendor contacts, and access to documents.	<input type="checkbox"/>
Ask the departing employee to return all work-related documents and other information.	<input type="checkbox"/>
If necessary, decide which employees will assume the departing employee’s responsibilities.	<input type="checkbox"/>
Communicate to other employees any temporary reassigning of the departing employee’s responsibilities.	<input type="checkbox"/>
Schedule a meeting with the departing employee and any employees assuming the departing employee’s responsibilities to transfer all necessary information and duties.	<input type="checkbox"/>
Provide vendors, clients and other employees with an updated point of contact for the departing employee’s responsibilities, if applicable.	<input type="checkbox"/>
Schedule meetings with the departing employee’s vendors, clients and others to transition to the organization’s new point of contact, if necessary.	<input type="checkbox"/>

Devices and Access

Create a list of all devices and equipment—including keys, badges, access cards, credit cards and uniforms—to collect from the departing employee.	<input type="checkbox"/>
Provide the departing employee with a date, time and location to return all devices and equipment. If the departing employee works remotely, arrange a date and time for a courier to collect the departing employee’s devices and equipment.	<input type="checkbox"/>
Create a list of all systems, software, apps and files the departing employee can access.	<input type="checkbox"/>

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Notify the departing employee that their access to all of the organization’s systems, software, apps and files will be revoked.	<input type="checkbox"/>
Remove the departing employee’s access to all systems, software, apps and files. If the departing employee works remotely, terminate the departing employee’s VPN and remote desktop access, if applicable.	<input type="checkbox"/>
Retain and store records in compliance with the organization’s retention policies and any legal requirements, including any human resource information system or human capital management profiles, if applicable.	<input type="checkbox"/>
Reset all system, software, software, app and file access for the departing employee.	<input type="checkbox"/>
Deactivate the departing employee’s profiles on all systems, software and apps where appropriate.	<input type="checkbox"/>
If the departing employee used their personal devices for work, schedule a time to remove all files and access from the departing employee’s devices.	<input type="checkbox"/>
Forward the departing employee’s emails, telephone calls, voicemails and any other communications to other employees before the departing employee’s last day.	<input type="checkbox"/>

Exit Interview	
Conduct an exit interview with the departing employee and document all feedback.	<input type="checkbox"/>
Provide the departing employee with information regarding any final payments, including paychecks, bonuses or severance payments, as well as any reference letter and other exit documentation, if applicable.	<input type="checkbox"/>
Thank the departing employee for their contributions to the organization. If the departing employee is leaving on good terms, consider discussing options for rehire.	<input type="checkbox"/>
Have the individual conducting the exit interview walk the departing employee from the organization’s premises. If necessary, escort the employee from the organization’s premises with security in alignment with the organization’s policies.	<input type="checkbox"/>

Final Steps	
Celebrate the departing employee with a farewell event, such as a lunch or happy hour, to express appreciation for their contributions and welcome their next chapter, if appropriate.	<input type="checkbox"/>
Update the departing employee’s contact information.	<input type="checkbox"/>

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Update all organizational charts.	<input type="checkbox"/>
Update the organization’s insurance provider of the employee’s departure, if applicable.	<input type="checkbox"/>
Process the departing employee’s final payments in a timely manner.	<input type="checkbox"/>
Add the departing employee to the organization’s recruiting system or alumni group.	<input type="checkbox"/>
Discuss information gathered from the departing employee’s exit interview with relevant individuals—such as the leadership team, HR, managers and supervisors—and determine any action items.	<input type="checkbox"/>
Clean the departing employee’s office or desk area and ready it for another employee.	<input type="checkbox"/>

Offboarding is an essential process for any organization. It can improve operational and administrative efficiency and save your organization time and money. This is especially true for organizations with a high number of employees or organizations in industries with high turnover rates, such as restaurants. A successful offboarding process requires the same amount of effort as onboarding but can create a well-ordered exit and transform a departing employee into a strong advocate for your organization.

For more information about offboarding, contact TROXELL today.

CHECKLIST | Offboarding: Involuntary Terminations

Presented by TROXELL

Ending an employment relationship can be difficult. Involuntarily terminating an employee can be not only uncomfortable and emotional but also logistically complicated and full of legal risks. Organizations must complete a great deal of work in a short time frame to offboard a terminated employee. For example, there are many administrative tasks your organization needs to finish prior to the end of the employee's last day, such as compiling appropriate supporting documentation, finalizing payroll and tax paperwork, retrieving company property, terminating access to systems and files, and drafting separation agreements.

An effective offboarding process can help ensure your organization complies with relevant laws and regulations and that necessary tasks are completed in an orderly manner. When done successfully, offboarding can protect your organization from potential liabilities.

Overview

With voluntary terminations, the offboarding process starts when an employee provides verbal or written notice that they are ending their employment. However, the offboarding process for involuntary terminations generally begins when an organization decides to terminate an individual's employment. There are many reasons an organization may decide to involuntarily terminate an employee, including misconduct, performance issues or layoffs. These factors may impact the offboarding process and compliance with applicable laws.

This checklist is intended to be used as a guide, so not all of the following steps are necessary to offboard an employee. The offboarding process may differ based on your organization's size and other factors; thus, the steps in this list should be modified to meet the unique needs of your organization. Due to the complexities of terminating an employee, including the many applicable federal, state and local laws, employers are encouraged to seek legal counsel to discuss and address specific issues and concerns. This checklist can be referenced by a supervisor, manager or HR representative to help ensure key steps are not missed for all involuntarily terminated employees.

Initial Steps	
Discuss the organization's decision to terminate the departing employee with relevant individuals—such as the leadership team and HR—and potentially with legal counsel to ensure the termination is warranted and complies with federal and state laws.	<input type="checkbox"/>
Document any performance issues, warnings, policy violations and disciplinary actions pertaining to the departing employee.	<input type="checkbox"/>
Notify all relevant individuals—such as the leadership team, HR and IT—that the offboarding process is starting for the departing employee.	<input type="checkbox"/>
Ask HR to prepare the departing employee's final paycheck and all necessary paperwork, including the termination letter, nondisclosure and noncompete agreements, explanation of benefits, COBRA notice and unemployment insurance, if applicable.	<input type="checkbox"/>

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Create and document a transition plan for the departing employee.	<input type="checkbox"/>
Schedule a separation meeting with the departing employee.	<input type="checkbox"/>
Ask HR or another qualified individual to conduct a separation meeting with the departing employee and to document what is discussed during the meeting.	<input type="checkbox"/>
If necessary, decide which employees will assume the departing employee’s responsibilities.	<input type="checkbox"/>
Create a list of all devices and equipment—including keys, badges, access cards, credit cards and uniforms—to collect from the departing employee.	<input type="checkbox"/>
Create a list of all systems, software, apps and files the departing employee can access.	<input type="checkbox"/>
Begin recruiting to fill the departing employee’s position, if necessary.	<input type="checkbox"/>

Separation Meeting

Notify the departing employee of the organization’s decision to end their employment and consider explaining the reasons for the termination.	<input type="checkbox"/>
Provide the departing employee with information regarding any final payments, including paychecks, bonuses or severance payments, as well as any other exit documentation, if applicable.	<input type="checkbox"/>
If applicable, review when and how the departing employee’s group health benefits will end, and inform the departing employee that COBRA election paperwork has been or will be mailed to them.	<input type="checkbox"/>
Provide the departing employee with information about state unemployment benefits.	<input type="checkbox"/>
Notify the departing employee of any post-employment legal obligations—such as noncompetition and confidentiality agreements—if applicable.	<input type="checkbox"/>
Provide the departing employee with separation, severance, nondisclosure and noncompete agreements, if applicable.	<input type="checkbox"/>
Notify the departing employee that their access to all of the organization’s systems, software, apps and files will be revoked.	<input type="checkbox"/>
Ask the departing employee to return all work-related documents and other information.	<input type="checkbox"/>
Collect all company devices, equipment and passwords from the departing employee.	<input type="checkbox"/>
If the departing employee uses their personal devices for work, remove all files and access from their devices.	<input type="checkbox"/>

Ensure the departing employee provides their current contact information.	<input type="checkbox"/>
Have the individual conducting the separation meeting walk the departing employee from the organization's premises. If necessary, escort the employee from the organization's premises with security in alignment with the organization's policies.	<input type="checkbox"/>

Following the Separation Meeting

Notify the departing employee's team, the wider organization and clients, if applicable, of the employee's departure and last day.	<input type="checkbox"/>
Schedule a meeting with any employees assuming the departing employee's responsibilities to transfer all necessary information and duties.	<input type="checkbox"/>
Provide vendors, clients and other employees with an updated point of contact for the departing employee's responsibilities, if applicable.	<input type="checkbox"/>
Schedule meetings with the departing employee's vendors, clients and others to transition to the organization's new point of contact, if necessary.	<input type="checkbox"/>
Remove the departing employee's access to all systems, software, apps and files. If the departing employee works remotely, terminate their VPN and remote desktop access, if applicable.	<input type="checkbox"/>
Retain and store records in compliance with the organization's retention policies and any legal requirements, including any human resource information system or human capital management profiles, if applicable.	<input type="checkbox"/>
Reset all system, software, software, app and file access for the departing employee.	<input type="checkbox"/>
Deactivate the departing employee's profiles on all systems, software and apps where appropriate.	<input type="checkbox"/>
Forward the departing employee's emails, telephone calls, voicemails and any other communications to other employees assuming the departing employee's responsibilities.	<input type="checkbox"/>

Final Steps

Update the departing employee's contact information.	<input type="checkbox"/>
Update all organizational charts.	<input type="checkbox"/>
Update the organization's insurance provider of the employee's departure, if applicable.	<input type="checkbox"/>
Process the departing employee's final payments in a timely manner.	<input type="checkbox"/>

Discuss information gathered from the departing employee’s separation meeting with relevant individuals—such as the leadership team, HR, managers, supervisors and legal counsel—and determine any action items.	<input type="checkbox"/>
Clean the departing employee’s office or desk area and prepare it for another employee.	<input type="checkbox"/>

Involuntary offboarding is a necessary practice that can help to ensure your organization does not miss key steps. It can also improve operational and administrative efficiency to save your organization time and money and reduce potential legal liabilities. A successful offboarding process requires the same amount of effort as onboarding, but it can create a well-ordered exit and protect your organization.

For more information about offboarding, contact TROXELL today.

CHECKLIST | Complying With the WARN Act

Presented by TROXELL

The Worker Adjustment and Retraining Notification (WARN) Act is a federal law that requires employers with 100 or more employees to provide written notice at least 60 days before a plant closing or mass layoff unless an exception applies. This notice is intended to protect workers by giving them time to seek alternative jobs or obtain job training before their termination.

Employers who fail to comply with the WARN Act may be liable for back pay and benefits, in addition to civil monetary penalties, for the period in which notice was not given.

This checklist outlines key steps for complying with the WARN Act's advance notice requirement. Keep in mind that complying with the WARN Act can be complex and may involve additional steps depending on the facts of a specific situation. Also, many states have their own layoff notice laws, which are often referred to as "mini-WARN" laws. Employers will need to comply with WARN Act and any applicable state and local mini-WARN laws.

Covered Employers

Is your company subject to the WARN Act?	Yes	No
Select "yes" if your company meets either of the following: <ul style="list-style-type: none">Your company has 100 or more full-time employees, excluding employees who work fewer than 20 hours per week and employees who have been employed for less than six months. OR <ul style="list-style-type: none">Your company has 100 or more employees, including part-time employees, who, in the aggregate, work at least 4,000 hours per week (excluding overtime hours). <p><i>Note that the WARN Act applies to private for-profit and nonprofit employers as well as public and quasi-public entities that are engaged in business and are separately organized from regular government. The WARN Act does not apply to federal, state and local governments.</i></p> <p><i>If you answered "No," you can stop here. However, be sure to check any state and local mini-WARN laws that may apply to your company.</i></p>	<input type="checkbox"/>	<input type="checkbox"/>

Events Triggering WARN Act Notice

Will your company experience a plant closing or mass layoff, triggering the WARN Act's 60-day advance notice requirement? <i>See important information below to help you answer the following questions.</i>	Yes	No
<p>Will there be a plant closing? A “plant closing” means a permanent or temporary shutdown of a single site of employment (or one or more facilities or operating units within a single site of employment) that results in an employment loss for 50 or more employees during any 30-day period (excluding part-time employees).</p>	<input type="checkbox"/>	<input type="checkbox"/>
<p>Will there be a mass layoff? A “mass layoff” means a reduction in force that is not the result of a plant closing and results in an employment loss at the single site of employment during any 30-day period for:</p> <ul style="list-style-type: none"> • At least 500 employees, excluding part-time employees OR • At least 50 employees and at least 33% of the employer’s active employees, excluding part-time employees 	<input type="checkbox"/>	<input type="checkbox"/>
<p>Will there be multiple small events triggering the WARN Act? The WARN Act applies if an employer has a series of terminations or layoffs that occur over a rolling 90-day period and add up to numbers that would require advance notice unless an employer can show that the individual events occurred as a result of separate and distinct actions and causes.</p>	<input type="checkbox"/>	<input type="checkbox"/>
<p><i>If you answered “No,” to all the questions above, you can stop here. However, be sure to check any state and local mini-WARN laws that may apply to your company.</i></p>		
<p>Does either of the following exceptions apply? The WARN Act does not apply when:</p> <ul style="list-style-type: none"> • A temporary facility is closed (or a temporary project is completed), and the employees were hired with the clear understanding that their employment was temporary. • A facility or operating unit is closed due to a strike or lockout. <p style="color: #c00000;"><i>If you answered “Yes,” to this question, you can stop here. However, be sure to check any state and local mini-WARN laws that may apply to your company.</i></p>	<input type="checkbox"/>	<input type="checkbox"/>

Important Information

Employees counted—To determine if your company’s plant closing or layoff falls under the WARN Act’s requirements, the following employees are NOT counted:

- Part-time employees—this includes employees who work for fewer than 20 hours per week and employees who have been employed for less than six months.
- Workers who retire, resign or are terminated for cause.

- Workers who are able to transfer to another site of employment within a reasonable commuting distance if the closing or layoff is a result of relocation or consolidation of your business and the transfer does not involve a break in employment that is longer than six months.
- Workers who are offered a transfer to another site of employment that is not within a reasonable commuting distance if the closing or layoff is a result of relocation or consolidation of your business, the transfer does not involve a break in employment that is longer than six months and the worker accepts the offer within 30 days of the offer or the closing/layoff, whichever is later.

Employment loss—This includes all of the following:

- An employment termination (other than a discharge for cause, voluntary departure or retirement)
- A layoff exceeding six months
- A reduction in hours of work of more than 50% during each month of any six-month period

Advance Notice Requirement

WARN Act Notice	No	Yes	Date(s) of Notice
<p>Will you provide written notice at least 60 calendar days before the plant closing or mass layoff?</p> <p><i>When all employees are not terminated on the same date, the date of the first individual termination within the 30-day (or 90-day) period triggers the 60-day notice requirement. A worker's last day of employment is considered the date of that worker's layoff. The first and each subsequent group of employees are entitled to a full 60 days' notice.</i></p>	<input type="checkbox"/>	<input type="checkbox"/>	
Exceptions to Timing Requirement			
<p>If you will not provide the full 60 days' advance notice, do any of these exceptions apply?</p> <p><i>Note that even when an exception applies, the notice must be provided as soon as practicable, and the employer must explain why the notice is not being provided 60 days in advance.</i></p>	<p>Before the plant's closing, your company is actively seeking capital or business that would allow it to avoid or postpone the shutdown for a reasonable period, and your company reasonably and in good faith believes advance notice would jeopardize its ability to obtain the new capital or business.</p>		<input type="checkbox"/>
	<p>The closing or mass layoff is caused by unforeseeable business circumstances</p>		<input type="checkbox"/>

	(for example, the unexpected cancellation of a major order).	
	The plant closing or layoff is the direct result of a natural disaster, such as a flood, earthquake, drought, storm, tidal wave or similar event of nature. In this case, notice may be given after the event.	<input type="checkbox"/>
Notice Recipients		
<p>Did you provide the WARN Act notice to the required recipients?</p> <p><i>Note that “affected employees” are those who may reasonably be expected to experience an employment loss. They may be hourly or salaried workers, part-time workers, managerial and supervisory employees and employees who will likely lose their jobs because of bumping rights.</i></p>	Affected employees (nonrepresented)	<input type="checkbox"/>
	Union representative(s) of affected employees	<input type="checkbox"/>
	State Dislocated Worker Unit	<input type="checkbox"/>
	Chief elected official of the local government where the plant closing or layoff is to occur	<input type="checkbox"/>
Notice Contents		
Notice to nonrepresented affected employees	Whether the planned action is expected to be permanent or temporary	<input type="checkbox"/>
	If an entire plant will be closed, a statement to that effect	<input type="checkbox"/>
	The expected date when the plant closing or mass layoff will begin and the date when the affected employee will be laid off or terminated	<input type="checkbox"/>
	An indication of whether bumping rights exist	<input type="checkbox"/>
	The name and telephone number of a company official who can be reached for further information	<input type="checkbox"/>

Notice to union representatives	The name and address of the employment site where the plant closing or mass layoff will occur	<input type="checkbox"/>
	The name and telephone number of a company official who can be reached for further information	<input type="checkbox"/>
	Whether the employment loss will be temporary or permanent	<input type="checkbox"/>
	If an entire plant will be closed, a statement to that effect	<input type="checkbox"/>
	The expected date of the first job losses, along with a schedule of any additional job losses	<input type="checkbox"/>
	The job titles of positions that will be affected and the names of workers currently holding those jobs	<input type="checkbox"/>
Notices to state dislocated worker unit and chief elected official	The name and address of the employment site where the plant closing or mass layoff will occur	<input type="checkbox"/>
	The name and telephone number of a company official who can be reached for further information	<input type="checkbox"/>
	Whether the employment loss will be temporary or permanent	<input type="checkbox"/>
	If an entire plant will be closed, a statement to that effect	<input type="checkbox"/>
	The expected date of the first job losses, along with a schedule of any additional job losses	<input type="checkbox"/>
	The job titles of positions that will be affected and the number of affected employees in each job category	<input type="checkbox"/>

CHECKLIST | COMPLYING WITH WARN ACT

	An indication of whether bumping rights exist	<input type="checkbox"/>
	The name of each union representing affected employees and the name and address of the chief elected officer of each union	<input type="checkbox"/>

Use this checklist as a guide when reviewing your company's compliance with the WARN Act. For assistance, contact TROXELL.

Summary

The responsibilities HR professionals must shoulder in 2022 can be great. Ensuring organizations follow laws and regulations or resolve compliance-related issues swiftly and competently is not easy. These checklists are not intended to be overarching but can aid organizations in developing core HR practices to address critical compliance issues in 2022. By implementing and tailoring these checklists to meet the needs of your organization, HR professionals can help ensure their organizations remain compliant and improve organizational efficiency.

For more HR-related resources, contact TROXELL today.