

Proposed UMAA Employment Law Audit Tool

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Proposal:

1. That UMAA members volunteer to create and keep current an Employment Law Audit for use by Utah municipalities.
2. Updates to the Audit would be presented annually at the UMAA spring conference.
3. One UMAA attorney would facilitate the work on the audit, with participation from employment law experienced municipal attorneys.

Benefits to Cities of an Employment Law Audit

1. Minimize risk of employment-related law suits
2. Reduce costs associated with weak (non-defensible) employment practices
3. Avoid loss of public confidence related to notorious employee law suits
4. Help attorneys and managers sleep at night

Goals of an Employment Law Audit

1. Determine whether policies and practices comply with applicable federal, state, and municipal laws
2. Determine whether policies and practices meet requirements of contracts or grants
3. Determine whether policies match practices
4. Determine whether policies are effectively communicated to employees

Likely applicable employment laws

Title VII of the Civil Rights Act of 1964

Americans with Disabilities Act

Age Discrimination in Employment Act

Family Medical Leave Act

Fair Labor Standards Act

Internal Revenue Code (payroll taxes and employee benefit plans)

Likely applicable employment laws

Immigration and Naturalization Act (Form I-9)

Constitutional due process, free speech, equal protection, religious freedom

Utah workers compensation law

Utah unemployment compensation/payment of wages law



Audit framework

1. Review employee handbook or personnel manual
2. Review documents or statements of employee benefits
3. Review all at-will, appointed employee documentation
4. Review processes by which policies are communicated to employees

Audit framework

5. Review select City policies and practices
 - a. Harassment policy and practices
 - b. Non-retaliation policy and practices
 - c. Drug and alcohol policies and practices
6. Audit job descriptions
7. Review hiring practices

Audit framework

8. Review evaluation practices
9. Review disciplinary practices
10. Review termination practices
11. Audit wage and hour practices

Audit framework

12. Review leave practices
13. Review safety and health practices
14. Audit workers compensation practices
15. Audit disability accommodation practices

Audit framework

16. Review practices relating to protection of confidential or private information

Where do we start?

1. Assemble attorney group to work on audit tool
2. Select and assign subject areas to be addressed
 - Wage and hour laws
 - Employee benefits (new IRS audit emphasis)
 - Disability accommodation
 - Security of sensitive/confidential information
3. Prepare for presentation in spring 2015