



Name

Company

Title

Email

**These are common concerns that many of our clients have.
What keeps you up at night? *Check all that apply.***

WAGE AND HOUR ISSUES

	YES	NO	SOMETIMES
Not knowing whether your independent contractors, in the government's eyes, are actually employees and should be paid as such.			
Not understanding which of your employees must be paid overtime.			
Unaware of the impact of the exempt vs. non-exempt classification of your employees.			
Your payroll records may not be maintained in accordance with Department of Labor regulations.			
Not understanding factors that could trigger an audit by the Department of Labor.			
Not having issued the obligatory NY Wage Theft Prevention Act Notices to new employees.			

EMPLOYMENT DOCUMENTS

	YES	NO	SOMETIMES
Not having an and updated Employee Handbook or Policy Manual.			
Your Employee Handbook or Policy Manual has not been reviewed for compliance by an employment attorney within the last year.			
Electronic communications systems policies (e.g., computers, lap-tops, cell phones, tablets, e-mails, text messages) are not established for minimizing unwanted exposure.			
There are no confidentiality, non-solicitation, and /or non-compete agreements executed by your employees to protect your business if key employees leave.			
No employee performance evaluation system to aid in managing employees up or out.			
Managers and supervisors are not sufficiently trained on how to correctly document performance issues.			

RECRUITING & HIRING

	YES	NO	SOMETIMES
Not understanding what records to maintain if you have government contracts.			
If you have an Affirmative Action Plan, not knowing how to execute it correctly in your company.			
Not conducting an adverse impact analysis associated with your Affirmative Action Plan within the last year.			
Concerned that you are being audited by the Office of Federal Contract Compliance Programs (OFCCP) and have no plan to defend against it.			
Employment applications not reviewed by employment counsel within the last year.			
Not understanding the rules and guidelines for conducting pre-employment testing.			
Not having your offer letters reviewed by employment counsel within the last year.			
Not knowing if your background check policies and procedures are legally compliant.			
Not having a compliant new hire packet with updated offer letter and all required forms?			

LEAVES OF ABSENCE

	YES	NO	SOMETIMES
Not being compliant with the Family Medical Leave Act (FMLA).			
No clear policy for providing leaves of absence.			
Not clear what accommodations must be made for people with disabilities.			

TERMINATIONS

	YES	NO	SOMETIMES
Inconsistent termination processes exposing you to legal risks.			
No separation agreement for terminated employees who are provided with severance benefits.			
Separation agreements not reviewed by employment counsel to ensure they are beneficial to the employer.			
COBRA notification procedures have not been followed correctly.			
No approved termination letter templates in place.			
No policy regarding post-employment references.			

BENEFITS

	YES	NO	SOMETIMES
Unclear about your employee benefits program and executive compensation agreements being compliant with ERISA and 409A.			
Unsure if you are subject to the ACA's provisions.			

LITIGATION EXPOSURE

	YES	NO	SOMETIMES
Don't know how to defend against being sued or threatened with litigation by a current or former employee.			
Not having a written workplace harassment and discrimination policy.			
The written anti-harassment policy has not been prepared and/or reviewed by employment counsel within the last 3 years.			
No anti-harassment training has been conducted within the last 2 years.			
Insufficient Employment Practices Liability Insurance coverage.			