



## **Worker Care Audit Standards**

**The scope of the audit is to help ensure that employees are: Legally Hired, Fairly Compensated & Treated, Competent and Provided a Safe Working Environment. These standards should not be considered compliant with an OSHA audit.**

### **I. Human Resources**

1. Operation has a designated individual responsible for addressing HR-related concerns. This individual is:
  - a. Competent based on combination of Education, Skills, Experience and Training
  - b. Accessible when needed
  - c. Bound by a non-disclosure personal information agreement
2. The individual assigned Human Resources' role must have responsibility for, but is not limited to:
  - a. Ensuring Legal Counsel with experience in Human Resources is available for service provision on an as-needed basis
  - b. Overseeing the hiring and dismissal of all employees
  - c. Scheduling employees for evaluations on a regular basis
    1. All employees will typically have at least one evaluation every year
    2. New hires will have more than one evaluation during their first year of employment
  - d. Ensuring employees have a documented opportunity for a departing exit interview.
  - e. Keeping appropriate documentation and records as related to their roles and responsibilities in human resources as required by this standard
  - f. Assuring all employees have a means to report directly to their supervisor or directly to human resources

### **II. Required Policies and Procedures**

1. Documentation
  - a. If workers are required to complete it or reference it, it must be in the worker's native language
2. Employee Hiring Procedure
  - a. The organization's hiring process shall be documented. Process may include, but is not limited to:
    1. Outline of candidate selection criteria
    2. Process for ensuring relevant legal requirements are met
    3. Description of candidate processing
      - I. Application use and acceptance

- II. Interview responsibility and content
  - III. Development of offer letters/work agreements/contracts/offers
  - IV. Candidate reference requirement and review process
  - V. Confirmation of citizenship status
  - VI. Development of documentation for accepting/rejecting candidate
- b. Developed work agreements/contracts/job offers must include, but are not limited to:
- 1. Position title
  - 2. Deadline for acceptance
  - 3. Requested start date
  - 4. Compensation information
    - a. Wage complying with minimum applicable local, state and federal regulations.
    - b. Applicable overtime wage
    - c. On-site housing terms, if applicable
  - 5. Hours of work/work schedule information (including but not limited to; typical length of work day, typical hours of work day, realistic estimate of days needed longer than typical day, typical effects of weather and related expectations)
    - a. Work schedules must allow for sufficient time off for non-work activities and must be outlined clearly prior to acceptance of employment.
    - b. Any wage determination schedules based on education, training, current skill level, or experience must be documented.
  - 6. Applicable Benefit Overview
    - a. Benefit agreement, if applicable
      - i. Paid Time Off
      - ii. Medical Insurance
      - iii. Dental Insurance
      - iv. Life Insurance
      - v. Retirement/Pension
    - b. Bonus program(s), if applicable
  - 7. Employment "At will" statement
  - 8. Employee's signature and date accepting terms of agreement
- c. New Hire Orientation Training is provided within first day and includes, but is not limited to:
- 1. Facility Overview/Tour
    - a. Restroom/hygiene areas
    - b. Eating areas
    - c. Clothes changing areas, if appropriate, e.g. PPE
    - d. Potential safety hazards
  - 2. Introductions to others they are working with

3. Review of position job description. This will include at a minimum:
  - a. Review of work contract
  - b. Specific job tasks
  - c. Qualifications/requirements (skills, education, etc.),
  - d. Physical requirements/working conditions
  - e. Travel/transportation requirements
4. Review of job expectations
5. Evaluation timeline
6. Distribution of Employee Manual including signature/date of receipt
7. Review of job related procedures and related expectations
8. Emergency Action Plan locations, overview and expectations
9. Outline of Job specific task training including associated written documentation and required records

### 3. Development and Maintenance of an Employee Manual

- a. Definition: A grouping of written documents or procedures that:
  1. Is accessible to all employees
  2. Has had a documented review by legal counsel
  3. Has a documented review by human resources on an annual basis
- b. Changes in the employee manual are distributed to employees in a timely manner and receipt of change is documented
- c. The employee manual will contain information that can be standardized across all employees and includes, but is not limited to:
  1. Employee Requirements and Restrictions
    - a. Parking
    - b. Drug testing
    - c. Smoking
    - d. Lunch and breaks
    - e. Cell phone use
    - f. Use and return of company property
      - i. Timeframe for return of assigned company property checklist after hire
      - ii. Need to sign and date property checklist prior to severing employment
    - g. Expense reimbursement
    - h. Working out of the office
    - i. Inclement weather
    - j. Visitors
    - k. Employee feedback/communication
    - l. Employee notification of status changes effecting work related business i.e. driver's license requirement, etc.

- 2. General Policies
  - a. Definition of exempt, non-exempt and agricultural exempt work force requirements
  - b. Confidential information
  - c. Conflict of interest
  - d. Workplace violence
  - e. Non-discrimination
  - f. Harassment
  - g. Child labor
  - h. Forced labor
  - i. Equal Opportunity Employer
  - j. I-9 policy
- d. Employee Benefit Overview
  - 1. Paid Time Off
    - a. Vacation
    - b. Personal
    - c. Holidays
  - 2. Leave of absence
    - a. Short term
    - b. Long term
    - c. Military
  - 3. Insurance
    - a. Health insurance
    - b. Life insurance
    - c. Dental insurance
    - d. Disability
  - 4. Pension/retirement
  - 5. Incentive/bonus
  - 6. Workers compensation
  - 7. Unemployment compensation
- 4. Other policies and procedures
  - a. The following must be documented, but may or may not be included in the Employee Manual.
    - 1. Operation Security/Biosecurity
    - 2. Recordkeeping requirements including, but not limited to:
      - a. Ensuring employee records are maintained as required by law
        - I. All employees required to drive a registered vehicle must maintain appropriate licensure
        - II. Farm Labor Contractor registration, as applicable for seasonal workers
        - III. Housing occupancy is posted on-site as applicable for seasonal workers
        - IV. Housing inspections are documented
      - b. Storage and security of personal and sensitive information

- I. Medical records are kept separate from the personnel file
- II. I-9 forms are kept separate from other records and are signed by the employee on day one of employment and verified no later than day three of employment.
- c. Outline of retention time required for records
  - a. Keep all employees records for the duration of the employment relationship plus an additional 5 years
    - i. Categories to review for record retention
      - 1. Payroll/Tax
      - 2. I-9 Employment Verification
      - 3. Medical
        - a. COBRA
        - b. FMLA
      - 4. OSHA
      - 5. Reference and Background Checks
    - b. Safety and Toxic Chemical exposure—see state requirements
    - c. Pension and welfare benefit plan records—see state requirements
    - d. Disposition process for old records is completed in a confidential manner
- 3. Material Safety and Data Sheets – including but not limited to: obtaining, locating and maintaining to keep them current and readily accessible
- 4. Equipment – including, but not limited to: use, maintenance, cleaning and disinfecting and associated recordkeeping
- 5. Safety hazards – identification, prevention, training frequency/schedule, mitigation and associated recordkeeping
- 6. Emergency Action Plan development, maintenance and testing
  - a. Emergency and accident reporting and investigation, including first response criteria
    - i. Injuries
    - ii. Fire
    - iii. Weather related events
    - iv. Bioterrorism
    - v. Theft
    - vi. Break-in
    - vii. Fuel/Gas leaks
    - viii. Alternative water source
  - b. Evacuation procedure
    - i. Fire
    - ii. Weather related events
    - iii. Bomb threat

- iv. Etc.
- c. Timeframe and responsibility for the review of the Emergency Action Plan
- 7. Discipline
  - a. Termination potential, including work related, untruthfulness or illegal activities

### III. Training

- a. New Hire Orientation is provided as outlined
- b. Annual trainings are scheduled periodically and include worker safety-related topics a minimum of once per year
- c. Emergency Action Plan document is reviewed with staff a minimum of once a year
- d. Emergency Action Plan testing is conducted a minimum of once a year
  - a. Material Safety and Data Sheet location accessibility is confirmed
  - b. Records are kept for all training as outlined in the Required Records section

### IV. Required Records

- a. Each employee will have a minimum of two separate files, but may have more. All medical information must be separate from employment history, but additional files for I-9 forms, payroll, hiring, and termination may also be separate.
  - 1. Hiring Information
    - a. Application
    - b. Interview Forms
    - c. Reference Check
    - d. Job Description
    - e. Employment Tests
    - f. Job Offer
    - g. Acceptance Letter
    - h. Orientation Forms
    - i. Emergency Contact Information
      - 1. Copy of this information should also be located at a central location
    - j. Handbook Acknowledgement (and any amendments)
    - k. Company Property Issued
  - 2. Employment Eligibility Verification
    - a. I-9 Forms (within 3 days of employment)
      - 1. Retention on this is 3 years after the worker is hired or 1 year after termination, whichever is later
  - 3. Benefits
    - a. Dental Plan
    - b. Medical
    - c. Life Insurance
    - d. 401 (k)
  - 4. Employment History
    - a. Disciplinary Reports
    - b. Performance Appraisals
    - c. Performance Calendars

- d. Additional Education
- e. Promotion/Employee Status Change
- f. Training (Internal or external)
  - 1. Date
  - 2. Trainer
  - 3. Topic
  - 4. Trainee Name and/or Signature and Date
- 5. Payroll
  - a. W-4's (state and federal)
  - b. Direct Deposit Information
  - c. Weekly time cards
  - d. Withholding Forms
- 6. Separation
  - a. Company Property Returned
  - b. COBRA Forms
  - c. Exit Interview Forms
  - d. Separation Documentation
    - 1. Voluntary, Involuntary, Retirement, other
  - e. Forwarding address

#### **V. Facility Requirements**

- a. Emergency contact sheet is posted in native worker's language.
- b. Emergency contact sheet includes but is not limited to:
  - 1. Immediate emergency assistance number i.e. 911
  - 2. Emergency numbers OTHER THAN 911 (e.g. sheriff, closest hospital, fire station)
  - 3. Name of facility/location of reference from nearest town
  - 4. Physical address of facility (or if not applicable, location reference)
  - 5. Directions to facility/location of reference
  - 6. Key personnel responsibilities
  - 7. Where to meet in case of a disaster
- c. Required OSHA logs and reports are posted.
- d. Restrooms, locker rooms (if applicable) and lunch/break areas are provided and accessible to employees that include hand washing facilities.
- e. Facilities are maintained in order to provide a safe environment and prevent injury to employees.
- f. First aid kits are available in areas of work.
- g. Fire extinguishers are easily accessible.
- h. Personal protection equipment is clean, readily accessible and maintained in a manner to prevent injury to an employee.
- i. Employee drinking water source is tested on an annual basis and a plan is in place for an alternate source of water, if necessary.

#### **VI. Legal requirements concerning; – (this is not to be considered an exhaustive list)**

- a. I-9 requirements and I-9 compliance are reviewed on annual basis
- b. Wage requirements, including wages that are garnished
- c. Family & Medical Leave Act

- d. Workers Compensation
- e. Child labor
- f. Forced labor
- g. Safety – OSHA requirements, as applicable
- h. Harassment
- i. Workplace violence
- j. Theft
- k. Unemployment compensation
- l. Benefits are reported (housing, food, etc.)
- m. Privacy of medical records (HIPPA)
- n. Social Security storage guidelines
- o. Migrant worker requirements - (wages, sanitation, etc.)

**VII. Seasonal Worker**

- a. Wages are no less than established by law
- b. Farm Labor Contractors (FLC) are registered
- c. Work terms and conditions are provided in native language
- d. Migrant and Seasonal Agricultural Worker Protection Act (MSPA) rights and protections poster is posted at the job site
- e. Out in the Field Requirements
  - 1. If housing is provided, terms and conditions of occupancy are provided to worker and occupancy certificate is posted on-site
  - 2. Vehicles to transport workers are properly inspected and insured
  - 3. Drivers of vehicles transporting workers are properly licensed
  - 4. Companies with more than 11 employees provide sanitary facilities, as required by law
  - 5. Sanitary facilities are properly ventilated, screened and constructed for privacy