



Validus

**Worker Care Review
Audit Standards**

Including:
Audit Standards

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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