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# Audits from Agencies

Prepare Ahead  
Strategies and Tips

# Audits/Investigations

## } Who?

- ICE
- Department of Justice
- EEOC
- Department of Labor
- Homeland Security
- Fair Housing: See attachment



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# What?

- } I-9 forms: Old and new
- } Everify proof
- } Handbook provisions discrimination
- } Reasonable accommodation issues
- } Labor
- } Reporting and investigating discrimination
- } Retaliation



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# EEOC

- } Drug Testing: Post accident, reasonable suspicion, manner of testing, workers' compensation
- } Fit for Duty Examination: ADA Reasonable Accommodation



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# When?

- } We will be there in three days.
- } Can you reschedule?
- } What are problems?
  - Records
  - Originals



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# Immigration Issues

- } Everybody employed must have used correct form
- } Everify: Can you prove you used?
- } Who: ICE, Homeland Security



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# Consider Internal Audit

- } Lots of rules about I-9 forms
- } Forms correctly completed or corrected
- } Everify documentation
- } Fines are increasing!



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# Internal Audits

- } I-9 Forms
- } Applications: Criminal record, salary, family identifiers
- } Confidential/encrypted files and records
- } Separate files for medical, etc.



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# Keep Your Records

- } Keep reports
- } Use to show efforts and your proactive compliance efforts
- } Use to correct problems and hopefully reduce monetary exposure from ICE and agencies
- } **BE PROACTIVE!**



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# Disability Issues

- } Policy
- } Employee knows how to request?
- } Forms?
- } Results?
- } Time is of the essence
- } One person doing determinations



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# 504 Audit

- } See checklist in handouts
- } Do and keep results
- } Fix what is not done correctly
- } Sign interpreters
- } Ways to ask for assistance
- } Keep records and maintain consistency



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# Dept. of Labor

- } Overtime: Off the clock
- } Records
- } Consistency: Watch for discrimination
- } Along with NLRB: Free to associate
- } Big problem: Social Media restrictions



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# Agencies Involved

- } EEOC
- } Department of Justice
- } Looking for discrimination, retaliation, disparate impact, complaints
- } Are we consistent between departments?



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# Internal Labor Audit

- } Work hours consistently applied
- } Off the clock work
- } Overtime paid when worked
- } Discipline when necessary
- } Handbook provisions
- } Safe harbor provisions
- } Whistleblower provisions



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# Handbook Issues

- } Discrimination provisions
- } Retaliation provisions
- } How to report: Who gets it?
- } Whistleblower
- } Protected communications
- } How to complain? Who to?
- } What to expect in investigation



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# External Audits

- } Entities reviewing municipal and other governmental agencies
- } Looking at handbooks, practices, procedures
- } Discrimination
- } Retaliation
- } GBLTQ provisions: Discrimination
- } Sexual identity



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# Internal Audit

- } Review handbooks and policies
- } Review how complaints are handled
- } Is training done?
- } Copies of training materials and sign in sheets



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# In Summary

- } Know the problem areas
- } Be proactive
- } Fix problems
- } Keep logs, journals, and memorandum
- } Try to comply and review laws/rules/regulations on a regular basis
- } Be sure staff knows the rules



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