

C. HUMAN RESOURCES / EMPLOYMENT PRACTICES

Organization name

Evaluation period

Completed by (name and title)

Date completed

Evaluate your operations against best practices by asking the questions below. A response of "No" to any question indicates an area that may require further evaluation and a plan for improvement or correction.

The complete set of RMGM Self-Assessments is available online here: <https://mml.org/programs-services/risk-management/risk-management-resources/risk-management-is-good-management-program/>

Yes	No	n/a	
			A. Municipal Management
			Have you completed the <i>Municipal Management Self-Assessment</i> ?
			B. Facility Safety and Operations
			Have you completed the <i>Facility Safety and Operations Self-Assessment</i> ?
			D. Fraud Prevention
			Have you completed the <i>Fraud Prevention Self-Assessment</i> ?
			E. Motor Vehicle Operations
			Have you completed the <i>Motor Vehicle Operations Self-Assessment</i> ?
			F. Public Infrastructure
			Have you completed the <i>Public Infrastructure Self-Assessment</i> ?
			1. Do you have a Human Resources Department or designated Human Resources person?
			2. Do you regularly review policies, procedures, and manuals?
			3. Do you offer an Employee Assistance Plan (EAP)?
			4. Employment Status
			Do you designate employees as either exempt or non-exempt?
			Do At-Will disclaimers appear on your application form and in your employee manuals?
			5. Employee/Personnel Manual
			Is an employee/personnel manual in use?
			Has an HR expert or an attorney reviewed the manual in the last two years to ensure it meets current legal standards?
			Do you provide the manual to all employees?
			Are employees required to sign for receipt of the manual?
			Do you provide employees with written updates to the manual and have them sign for receipt?
			Does your manual include an employee code of conduct?
			Does your manual include an employee social media policy?

Yes	No	n/a	
			6. Job Descriptions
			Do you have current job descriptions in place for all positions?
			Do the descriptions identify physical requirements for the job?
			Do descriptions identify essential functions?
			Are they available to employees and applicants?
			Have all job descriptions been reviewed in the last five years?
			7. Recruitment and Application Form
			Before a position is posted, is the job description reviewed to ensure it is current?
			Has an HR expert or attorney reviewed your application form in the last two years to ensure it meets current legal standards?
			Does your application form meet all EEOC standards?
			Does your application form contain a statement regarding truthfulness and a signature/ acknowledgement line?
			Do you use a variety of recruitment sources that reach a broad spectrum of the available labor supply?
			8. Interviewing and Selection
			Does a central individual oversee departments' hiring actions/decisions?
			Does someone in a higher position of authority than the interview panel review and authorize the final decision to hire a candidate?
			Do interviewers receive training?
			Do interviewers use standardized questions for each position/job description?
			Do interviewers follow consistent procedures for each interview?
			Do interviewers take notes during interviews?
			Are interview notes objective and job-related?
			Do you use a standardized score sheet or rubric to score each candidate?
			Has an attorney reviewed the language in your standard job offer letter?
			Does your job offer letter contain relevant contingencies and do they expire?
			9. Interview-Stage Testing
			Do you conduct the following interview-stage tests?
			written?
			skills?
			agility?
			personality?
			psychological?
			Do you validate the tests?
			Do you require tests consistently for each position/job description?
			Do test administrators receive training?

Yes	No	n/a					
			10. Screenings Prior to Job Offers/Conditional Job Offers				
			Do you verify personal references?				
			Do you verify prior work references?				
			Do you verify relevant education and required certifications, degrees, designations, and state licensing?				
			11. Screenings After Conditional Job Offers				
			If relevant to the position, do you conduct criminal background checks via the State of Michigan Internet Criminal History Access Tool (ICHAT)?				
			If relevant to the position, do you check driving records?				
			If relevant to the position, do you perform a review of a candidate's social media account content with the candidate?				
			When filling positions with significant financial responsibility, do you perform credit checks?				
			Do you require drug testing and/or medical exams?				
			Are physical exams required when appropriate to the job description and requirements?				
			If yes:				
			do you require drug testing and/or medical exams only after a conditional job offer has been made?				
			are your drug testing and medical exam requirements enforced consistently for each position/job description?				
			for medical exams, do you provide the medical facility with the physical requirements of the position/job description?				
			12. New Hire Orientation				
			Do you provide formal orientation at the time of hire for all new and temporary employees?				
			Do you document all orientations?				
			Do all new employees receive copies of your organization's policies, procedures, and the employee/personnel manual?				
			Do you require a written acknowledgment of receipt of the employee/personnel manual?				
			13. Performance Evaluations				
			Do all employees receive performance evaluations?				
			How often are performance evaluations conducted?				
			<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 25%; text-align: center;">Twice yearly</td> <td style="width: 25%; text-align: center;">Yearly</td> <td style="width: 25%; text-align: center;">Every two years</td> <td style="width: 25%; text-align: center;">Other:</td> </tr> </table>	Twice yearly	Yearly	Every two years	Other:
Twice yearly	Yearly	Every two years	Other:				
			Are procedures for performance evaluations consistent?				
			Who developed the performance evaluation form?				
			<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 33%; text-align: center;">HR or other internal dept.</td> <td style="width: 33%; text-align: center;">Purchased</td> <td style="width: 33%; text-align: center;">Attorney</td> <td style="width: 33%; text-align: center;">Other:</td> </tr> </table>	HR or other internal dept.	Purchased	Attorney	Other:
HR or other internal dept.	Purchased	Attorney	Other:				
			Do evaluators receive training?				
			Are performance evaluation criteria all job-related?				
			Do you allow employees to respond to their performance evaluation?				

Yes	No	n/a	
			14. Discipline and Discharge
			Do you have written disciplinary processes in place?
			Are employees made aware of the disciplinary processes?
			Do you require disciplinary action to be documented?
			Do you afford employees due process?
			Do you consult an attorney on major discipline issues?
			Do you allow union representation for disciplinary procedures involving union members?
			Do you provide a hearing when required?
			Do you conduct exit interviews for all employees who leave your organization?
			Do you document all exit interviews and keep the documentation in accordance with your records retention policy?
			15. Personnel Files
			Are personnel files kept secure and confidential?
			Do you organize personnel files in a consistent manner?
			Do you file employee medical information separately?
			Do you comply with Freedom of Information Act?
			Are personnel files kept in accordance with your records retention policy?
			16. Harassment
			Is there a written harassment policy?
			Is there an open door complaint policy?
			Are there at least two routes provided for employees to report complaints of harassment?
			Do you promptly investigate and resolve all harassment claims?
			Do you have and follow an investigation procedure?
			Do you keep harassment complaint files separate from personnel files?
			Have there been documented complaints of harassment?
			17. Discrimination / EEO / ADA
			Is there a written policy prohibiting discrimination?
			Is the policy made available to employees?
			Is there an affirmative action plan? If yes:
			does the State of Michigan approve the affirmative action plan?
			Have there been documented complaints of discrimination?
			18. Substance Abuse
			Do you have a written policy statement that prohibits possessing, using or being under the influence of alcohol, illegal prescription medications, narcotics, or other illegal drugs or substances on the employer's property?
			Do you have a written policy requiring employees to notify supervisors if/when they are taking a medication that may affect their ability to perform their essential job functions?
			19. Violence in the Workplace
			Do you have a written policy statement that prohibits violence against a coworker or the public?

Yes	No	n/a	
			Do you have a written program/policy on workplace violence and active violence situations?
			Is your program consistent with recommendations contained in the <i>MML Risk Control Solution</i> document " Violence in the Workplace " found at mml.org?
			Do you have a rule that prohibits employees other than sworn law enforcement officers from possessing or carrying a weapon in the workplace? If yes:
			do you have a weapons policy?
			20. Hazard Communication and PPE
			Do you have a written Hazard Communication plan?
			Is there a complete and current inventory of chemicals used by your organization (copy machine/ printer products, more than household quantities of cleaning supplies)?
			Do you maintain a file of Safety Data Sheets (SDS) at each facility/building?
			Is the file of SDS made available to employees at each facility/building?
			Have you completed a PPE Hazard Assessment?
			Have you developed and implemented written procedures for the use of PPE?
			Do you provide required PPE to employees at no cost to the employee?
			21. Family and Medical Leave Act (FMLA)
			Is your organization subject to the FMLA? If yes:
			do you have a written FMLA policy statement?
			do you require written FMLA leave requests and keep them in separate files?
			22. Required Postings
			Do you display Federal required and State required postings in a highly visible manner in a single location within each work site location?
			Do you post the following Federal postings:
			Fair Labor Standard Act-Minimum Wage?
			Family and Medical Leave Act?
			Employee Polygraph Protection Act?
			Combined Equal Opportunity?
			OSHA 300A Summary of Work-Related Injury & Illness – between February 1st and March 30th of each reporting year?
			Do you post the following State of Michigan postings:
			Whistleblower's Protection Act?
			Michigan Wage and Hour-Minimum Wage?
			Civil Rights Act and Persons with Disabilities Civil Rights Act (PWDCRA) – formerly known as the Michigan Handicapper's Civil Rights Act (HCRA)?
			Michigan Occupational Health and Safety?
			Unemployment Insurance?
			Child Labor Law?
			SDS/Right To Know?

Yes	No	n/a	
			23. Other Postings
			Do you post emergency phone numbers and procedures at each worksite/facility?
			Is the emergency evacuation plan posted at each worksite/facility?
			24. Employee Injuries, Reporting, and Accident Investigations
			Is there a designated person responsible for regularly verifying that first aid supplies are available at each worksite/facility?
			Do you report on-the-job fatalities to MIOSHA within 8 hours?
			Do you report injuries that result in hospitalization, amputations, or loss of an eye to MIOSHA within 24 hours?
			Do you have a policy that details when and what type of injuries should be reported by the employee to their supervisor and by your organization to your workers' compensation insurance carrier?
			Do you document all employee-reported claims of injuries?
			Do you use a standardized first report of injury form?
			Do you report all employee-reported claims of injuries to your workers' compensation insurance carrier?
			Is there a designated point person to review and manage employee injuries and coordinate with your insurance claim adjuster?
			Do you have a designated occupational clinic or panel of authorized doctors to treat injured employees?
			Do you provide the clinic or authorized doctors with detailed job descriptions and requirements?
			Do you have a written accident investigation process?
			Does your accident investigation process require an inspection of the location of the accident?
			Does your investigation process require a root cause analysis?
			Do you use and maintain written accident reports?
			Do you take action after an employee injury to prevent future similar injuries?
			Does the Safety Committee review accident investigation reports and employee injury reports?
			Does management review report recommendations and employee injury reports?
			Do you maintain OSHA 300 logs to document employee injuries at each reporting location?
			Do you follow the MIOSHA injury and illness reporting requirements?
			25. Light Duty Assignment
			Are light duty work assignments contingent on available work?
			Are light duty assignments temporary and for a specified period?
			Is upper management required to authorize light duty assignment and renewal?
			Do you base light duty work assignments on physician-assigned employee medical restrictions and authorizations?
			Are supervisors required to ensure employees do not exceed the physician-assigned restrictions?

Yes	No	n/a	
			26. Employee Safety Rules
			Do your Employee Safety Rules include the following:
			employees must not wear hanging clothing or jewelry when using machines with hazardous moving parts?
			employees must wear shoes appropriate to the work environment?
			ladders must be inspected before use?
			chairs, desks, boxes or other items may not be used as a ladder/stool?
			desk and file drawers must be closed after use?
			employees must not lean back beyond center mass in chairs?
			employees must not scoot across the floor while sitting in chairs?
			extension cords may be used only when fixed wiring is not feasible?
			electrical and extension cords must be placed carefully and kept in place so that they do not become a slip or trip hazard?
			plugging multi-outlet strips into other multi-outlet strips is prohibited?
			plugging extension cords into other extension cords is prohibited?
			bringing unauthorized electrical appliances or equipment for use in the workplace is prohibited?
			employees must shut off all heating elements when not in use or at the end of the day, including coffee makers, cup warmers, electric kettles, and portable electric heaters?
			27. Employee Training
			Is all employee training documented?
			Is training provided for all employees in the following areas:
			your organization's personnel policies?
			the organization's performance evaluation process?
			your organization's disciplinary process?
			data and cybersecurity at least annually?
			Employee Safety Rules?
			employees' rights and responsibilities related to reasonable accommodations under the ADA and Michigan's Persons with Disabilities Civil Rights Act?
			employees' rights and responsibilities under the FMLA?
			sexual harassment in the workplace (annually)?
			discrimination in the workplace?
			substance abuse and your organization's rules regarding the possession, use, or being under the influence of alcohol, illegal prescription medications, narcotics, or illegal drugs or substances on your organization's property?
			your organization's rules regarding possession of weapons in the workplace?
			your organization's rules regarding violence in the workplace?
			actions to take during incidents of workplace violence?
			your organization's emergency management plan?
			use of fire extinguishers (periodically)?

Yes	No	n/a	
			fire/emergency procedures (twice yearly)?
			first aid, when applicable?
			either CPR or Automatic Electronic Defibrillator (AED), when applicable?
			Hazard Communication (Employee Right to Know)?
			how to read Safety Data Sheets and work safely around chemicals and other hazardous materials?
			the new Safety Data Sheet whenever a new chemical is introduced to the workplace?
			environmental hazards? (i.e. pesticides, lead paint, arsenic, poison ivy, etc.)
			Personal Protective Equipment (PPE) assessment, use and maintenance, when applicable?
			bloodborne pathogen and infectious disease, when applicable?
			proper lifting techniques?
			heavy and repetitive material handling?
			the importance of taking 3 to 4 minutes away from computer use every hour?
			employees' responsibility to maintain good housekeeping in their work areas?
			motor vehicle operations rules, when applicable?
			distracted driving and mandatory seatbelt use?
			authorized & prohibited use of cell phones and handheld devices when operating vehicles or equipment?
			conflict resolution?
			how to interact with angry customers?
			how to interact with "First Amendment Auditors"?
			recognizing mentally ill individuals and on the procedures for interacting with them?
			employee use of social media?
			cash handling procedures?
		28.	Supervisor and Manager Training
			Is all supervisor and manager training documented?
			Is training provided for all supervisors and manager in the following areas:
			administration of your organization's personnel policies?
			at-will & just cause employment relationships?
			interviewing & selection procedures?
			conducting performance evaluations?
			discipline and discharge procedures?
			sexual harassment in the workplace (annually)?
			discrimination in the workplace?
			recognizing & addressing substance abuse?
			violence in the workplace (annually)?
			Americans with Disabilities Act (ADA)?
			Family and Medical Leave Act (FMLA)?

Yes	No	n/a	
			Health Insurance Portability and Accountability Act (HIPAA)?
			Title IV of the Civil Rights Act of 1964?
			Bullard-Plawecki Employee Right to Know Act (Michigan)?
			Elliot-Larsen Civil Rights Act (Michigan)?
			Persons with Disabilities Civil Rights Act (PWDCRA) – formerly known as the Michigan Handicapper's Civil Rights Act (HCRA)?
			MIOSHA reporting requirements?
			29. Volunteers
			Do you consult with your insurance carrier on the use of volunteers and the coverage that may or may not be provided for volunteers?
			Do you train volunteers for the activities that they will perform?
			Do you restrict volunteers from performing activities that are sensitive in nature or high risk?
			Are volunteers supervised?
			Do you require volunteers to sign liability waivers?
			Have the waivers been reviewed by legal counsel?
			Do you prohibit juvenile/minor volunteers? (they cannot waive their rights)
			Do you check driver license status if a volunteer operates vehicles on your behalf?
			Do you conduct detailed criminal background checks on volunteers that may come into contact with children and vulnerable adults (i.e. sexual offender and/or at-risk criminal behavior)?

CONCLUSIONS



If you can honestly answer “yes” to all applicable questions, your risk management program for Human Resources / Employment Practices is on solid footing – congratulations! Following the recommended practices reduces your organization’s exposure to future claims in this area. Remain vigilant for new or changing risks and address them promptly.



If you answered “no” to one or more questions, your organization faces increased exposure to disability discrimination claims and the associated direct and indirect costs. Each “no” response indicates a possible deficiency in your risk management program. You should consider these carefully and take one or more of the actions below:

- Correct any deficiency that may exist;
- Contact MML Risk Management Services at the number below;
- Contact MML Loss Control Services at the number below.

*Contact MML Risk Management Services Staff
or your Loss Control Consultant for more information.*



Important Phone Numbers

MML Risk Management Services	800.653.2483
Loss Control Services	800.482.2726

Note:

*This document is not intended to be legal advice.
It only identifies some of the issues surrounding this topic.
Public agencies are encouraged to review their procedures with an expert
or a competent attorney who is knowledgeable about the subject.*