

**Labor laws** at the federal, state and local level are are complicated and change all the time. 70% of employers audited are found in violation, according to a recent estimate. In New York, you risk large financial damages, personal liability and even jail time for violations. Timekeeping problems put you at significant risk.

Use this checklist as a guide to see if you have any obvious problems in your timekeep-

ing that expose you to risk of violation. We also recommend that you consult legal, accounting, payroll and HR experts to ensure you are doing all you can to protect yourself, your company and your employees.

 Er	mp	oloyee Details
	1.	Check 1099s to verify independent contractors are not
		actually employees
	2.	Make sure job descriptions properly describe work performed
	3.	Properly classify employees as exempt or non-exempt  Train staff on exempt status and that compliance is a matter of law
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		with employers
C	om:	npliance
_	<b>911</b>	
	1.	Keep an updated, written timekeeping policy
Н	<ol> <li>3.</li> </ol>	Regularly remind employees of timekeeping policy  Test employees for understanding of timekeeping policy
	4.	
		post-shift work and overtime.
Ц	5.	Investigate situations where employees are owed overtime or time worked pay, such as:
	0	a. Salaried workers were not paid a full week's pay
	0	b. Non-exempt employees were required to be on premises
		when off the clock
	O	c. Non-exempt employees were restricted in what they could do when off premise
	6.	Verify meal breaks were taken
	7.	Follow clock-in time rounding rules applicable to your area.
	0	Make sure rounding is fair in practice.
ш	8.	If audited, ask the scope. Produce records for affected groups.  Comply with any investigative demand within 72 hours.
	9.	Meet company witnesses to review matters. Use records to
		support testimony.
	10.	Ensure that employees understand FLSA, state wage laws, wage
	11.	policies and procedures, record-keeping obligations  Document and enforce compensatory time policy
		Comply with
	0	a. Applicable prevailing wage laws
	0	<ul><li>b. Applicable minimum wage laws</li><li>c. Applicable wage theft laws</li></ul>
	0	<ul><li>d. FMLA</li></ul>
	0	e. ACA
	0	f. FLSA
	0	g. ERISA  Have an insurance policy in place for
	0	a. New York Paid Family Leave
	0	b. New York Workers Compensation
	0	c. New York Statutory Disability
Ц	14.	Calculate whether you are subject to ACA employer shared responsibility
	15.	Conduct a workforce analysis to determine distribution of full-time,
		part-time and contract labor as well as percentage of overtime
	16	(planned and unplanned)  Determine the look-back period measurement for ACA
		Determine the look-back period measurement for ACA  Determine if ACA contributions are unaffordable to any FTE
		Verify that policies are implemented in practice
	19.	Establish a formal process for reporting/resolving wage concerns
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## 4. Record correctionsa. Require employee signature for timecard changes

e. Signed timesheets

b.

b. Overtime requests versus actualc. Leave requests versus actual

d. Supporting documents for time off taken (doctor note, jury duty)

Require supervisor approve/co-sign on all timesheets

6. Ensure that timesheets from prior periods cannot be modified after posting or payroll cutoff

employee concurrence

rekeying errors

8. Ensure that payroll and timekeeping records tie out perfectly

Document reason for timecard change

5. Prevent supervisors from entering or changing timesheets without

7. Export electronically to payroll to ensure rapid transfer without

- Scheduling
  - Use templates for faster and clearer scheduling
     View all available staff at a glance to enable easy fill of open shifts
     Allow shift swapping with supervisor approval
  - 5. Set notifications for potential overtime situations
     6. Apply rules to calculate proper compensation based on schedule
     7. Track certifications and other qualifications to assist supervisors in

selecting best candidates to fill open shifts

This checklist is meant to assist in general understanding of the current law.

4. Set rules for shift swapping based on coverage, budget, overtime limits

It is not to be regarded as legal advice. Seek advice of counsel for particular questions.

