

A BASIC RECRUITING COMPLIANCE CHECKLIST

Regardless of the size of your company, it's a best practice to conduct a regular review of your sourcing- and recruiting-related notices, records, and procedures to be sure you meet legal compliance and to prevent liabilities and employee lawsuits. Use the checklist here to assess your hiring practices.

LGBT and Veteran Messaging

LGBT applicants are not protected under federal employment laws. Their employment rights vary on a jurisdiction-by-jurisdiction basis. There are several federal laws that provide important protections for **veterans with disabilities** who are looking for jobs or are already in the workplace. But LGBT and veterans are hot topics in hiring right now. Stating your commitment to the fair hiring of LGBT and veteran applicants is not legally required. "But it is one more way to show compliance auditors how you are reaching out affirmatively in your hiring — and it could also give you a hiring edge as a socially aware employer", Sartain says.

ADA Compliance

- Evaluate all of your sourcing and recruitment strategies, policies, and procedures to ensure that you comply with **federal** and state nondiscrimination laws.
- Review **job descriptions, job postings, advertisements, and interview templates** for compliance with ADA and related state laws.
- Review employment applications for compliance with state laws regarding prohibited questions — and statements that should be included.
- Review interview questions to be sure they are appropriate and relate directly to the position and the applicant's ability to perform the job's essential functions.

Information Gathering

- Ensure that you obtain and retain written authorization for background checks and compliance with the **federal Fair Credit Reporting Act** and any related state requirements.
- Ensure that your policies and procedures for drug testing, use of arrest and conviction records, and other requests for other candidate information comply with applicable federal and state law.

Job Offer

- You don't want to spend the time or resources to have every offer letter reviewed by an HR specialist or labor-law attorney. The better plan is to use templates for your offer letter and have your lawyer or HR specialist review them and the types of information you'll include.

Sources of Applicants and Hires

- If you're audited for compliance with federal or state employment laws, you'll need to be able to prove you attempted to recruit and hire from diverse marketplaces. The only way to do this is to keep a record of the sources of your applicants and hires.