

Whether they employ five or five hundred people, employers need to ensure that their policies and procedures comply with the law. Many employers use generic personnel policies that were written for larger workplaces, other industries, or even different states. However, California's strict employment laws change annually, vary depending upon the number of employees, and sometimes conflict with Federal law, making it all too easy for a California employer to run afoul of the law unintentionally. Even innocent mistakes can cost an employer tens of thousands of dollars.

At Berliner Cohen, we can conduct an employment law audit specifically for you.

We work with company representatives in charge of operations, human resources, benefits, and payroll issues. Our goal is to advise you about whether your policies and procedures comply with State and Federal laws and regulations; are appropriate for your workplace; and effectively communicate to employees and supervisors the legal requirements of your business.

Berliner Cohen's Audit begins with the company representatives completing a questionnaire regarding the business and gathering documents relating to the employment process, from hiring to termination. One of our experienced employment lawyers will then interview key company representatives who handle the employment decisions. It is during this interview that we will explore unwritten company practices, and discuss the specifics of your current operations and workplace. After we have completed our preliminary review of the company's policies and procedures, we will then discuss with you what improvements and changes should be made to your employment policies and practices.

Berliner Cohen's Audit can assist you in evaluating these key management areas:

- Sexual Harassment and Anti-Discrimination Policies and Training
- Non-Compete Agreements/Proprietary Information Agreements
- Wage & Hour Laws, including meals and rest breaks, overtime and employee withholdings/paycheck stub requirements
- At-Will Employment
- Performance Management and Discipline
- Working with Disabled Employees
- Employee Classification (Employee vs. Independent Contractors; Exempt or Non-Exempt)
- Employee Pay (salary, commission, piece rate)
- Leave Policies
- State and Federal Leave Laws

Employment law audits identify and correct problems before they become litigation. While there is no guarantee that an aggrieved employee will not sue, the company is well served by an employment law audit that roots out problems and establishes the framework for a strong defense.

For more information about employment law audits, employee handbooks or any employment law concerns, please contact your Berliner Cohen employment law attorney, 408.286.5800.