

Tools to Keep Contractors Compliant with Federal and State Laws

Labor and employment laws are constantly evolving. For construction industry employers, who frequently balance multiple worksites and ever-fluctuating labor needs, compliance can be a daunting task. Littler's Construction Industry Toolkit helps contractors focus on the successful delivery of projects that fuel their growth and profitability, while helping to minimize their exposure to labor and employment law risks.

Drawing on the collective experience of Littler attorneys well-versed in the unique workforce issues facing construction industry employers, the Construction Industry Toolkit is a web-based service providing subscribers with a library of legal resources. The web-based service provides nationally applicable documents, and customized state-specific templates for states including New York, New Jersey, Pennsylvania, Ohio and California. The Toolkit includes:

The Essentials for Employers

- **Customized employee handbook**
- **Semi-annual consultation** with a Littler attorney in your area who knows and understands construction industry labor and employment law
- **Hotline access** to contact Littler attorneys with basic questions that come up in the course of business, including critical and time-sensitive issues related to labor disputes and picketing, OSHA inspections, prevailing wage requirements, etc.

Onboarding resources, including:

- Checklist of appropriate interview questions
- Employment application

Continuing employment resources, including:

- Template/generic employee handbook
- Performance management documents
- Light duty policy
- Training repayment program
- Safety policy enforcement and disciplinary action
- A variety of model policies and forms

End of employment resources include:

- Termination letter
- Separation agreements

Other Tools

- National State Employment Law Guides
- A full library of multi-state Littler GPS Surveys providing updated tracking of state and federal employment laws
- Federal and state checklist of government-required employment notices (at hire and fire) and posters available online with links provided

Littler's Construction Industry Toolkit is currently available in New York, New Jersey, Pennsylvania, Ohio and California. To learn more, go to littler.com/construction-toolkit.

Additional Documents and Content for Construction Industry Toolkit

ONBOARDING DOCUMENTS AND TOOLS

California Employment Application

California Permissible Interview Questions

Checklist: Appropriate and Inappropriate Interview Questions

Summary of FCRA Rights for Employment Applicants

Memo re: FCRA Compliance and State Law Compliance

Template: Applicant Consent to FCRA Information Release

Template: Letter to Applicant Forward Copy of Report and Notice of FCRA Rights

Template: Letter Rejecting Applicant Based in Part on FCRA Information

Reference Check Questions

Littler Multi-Jurisdiction Employment Application

Hiring Checklist

Offer Letter: Exempt and Non-Exempt Versions

I-9

I-9 Checklist

W-4

CONTINUING EMPLOYMENT DOCUMENT AND TOOLS

ADA Questionnaire for California

DAS Form 140 Public Works Contract Award

DAS Form 142 Request for Dispatch of Apprentice

Prevailing Wage Compliance Checklist

Questionnaire for Development of Job Description

Non-Disclosure Agreement

Travel Time Acknowledgement

ADA Questionnaire

Federal Certified Payroll WH 347

Light Duty Policy

Loan Payback Agreement

No Solicitation No Distribution Policy

PW-12 NYS Certified Payroll Report

PW51 Subcontractors Certification

Safety Policy Enforcement and Disciplinary Action

Training Repayment Program

Performance Review

Performance Improvement Plan

Employee Disciplinary Notice

END OF EMPLOYMENT DOCUMENTS AND TOOLS

Sample Termination Letter

Sample Severance Agreement and Release - Female 40+

Sample Severance Agreement and Release - Male 40+

Sample Severance Agreement and Release - Female Under 40

Sample Severance Agreement and Release - Male Under 40

GUIDANCE AND TOOLS

Littler On California

San Francisco Field Guide

Golden Rules in the Golden State

New York Required Posters and Notices

New Jersey Required Posters and Notices

Checklist: State and Federal OSHA Compliance

Littler On New Jersey

Littler On New York

Littler On Federal Wage and Hour Obligations

Littler GPS® Multi-State Surveys

- Criminal History: Restrictions on Employer Inquiries About and Use of
- Credit Checks & Discrimination Based on Credit Information and/or History
- Plant Closings/Mass Layoffs - Employer Notice Requirements (Mini-WARN)
- Cell Phone and Texting While Driving Prohibitions
- Permissible/Prohibited Employment, Work Permits
- Time and Hour Restrictions
- Statutes of Limitation: Minimum Wage, Overtime, Wage Payment, and Breach of Contract Claims
- Jury Waivers
- Disability Definitions
- Harassment Training and Education Requirements
- Prohibiting Smokers in Employment
- Protected Classes & Other Fair Employment Practices Protections
- Same Sex Partner Benefits Issues in the Workplace
- Documentation that Must Be Provided at the Time of Hiring
- Documentation that Must Be Provided when Employment Ends
- Personnel Files and Records Access
- Record Retention Requirements
- Workplace Posters
- Employment Eligibility and Verification Requirements
- Family and Medical Leave
- Jurisdictions with Mandatory Paid Sick Leave Requirements
- Jury Service
- Military
- Other Leaves (Includes Pregnancy, Adoption, School Activities, Bone Marrow Donation, etc.)

Additional Documents and Content for Construction Industry Toolkit

Littler GPS® Multi-State Surveys (cont.)

- Victims of Crime/Domestic Violence
- Voting Time
- Data Security Breach Notification Statutes
- Electronic Monitoring: Wiretapping & Eavesdropping
- Employer Access to Social Media
- Lie Detector/Polygraph Testing
- New Hire Reporting Requirements
- Business Expenses: Uniforms, Tools & Equipment, and Miscellaneous
- Expenses Incurred During Employment
- Change in Pay Rate
- Holidays and Days of Rest in the Private Sector
- Holidays: Floating
- Hours Worked: On-Call Time Pay
- Hours Worked: Reporting Time Pay
- Hours Worked: Split Shift Premium Requirements
- Hours Worked: Travel Time
- Lactation Accommodation
- Living Wages: City and County
- Meal & Rest Periods: Requirements; Waiver; Exceptions; Exempt Employees; On/Off Premises; Posting; Recordkeeping; Penalties, Private Right of Action & Statute of Limitations
- Minimum Wage and Overtime Requirements
- Minimum Wage and Tip Credit
- Minimum Wage at the Local Level
- Notice of Pay Rate and Pay Day Upon Hire
- Overtime: Calculating the Regular Rate
- Overtime Calculation (Employees Working at Two Rates)
- Overtime Exemption Tests: Executive, Administrative, Professional, Commissioned & Outside Sales Employees
- Tipped Employees: Minimum Cash Wage, Tip Credit & Tip Pooling
- Vacation Pay
- Wage Payment: Authorized Instruments Including Payment by Debit Card
- Wage Payment: Changing Regular Paydays
- Wage Payment: Deductions from Employee Wages
- Wage Payment: Definition of “Wage(s)”
- Wage Payment: Direct Deposit
- Wage Payment: Final Payment – Upon Discharge/Resignation
- Wage Payment: Frequency and Timing
- Wage Payment: Pay Stub Requirements (Including Electronic Delivery)
- Firearms in the Workplace
- Medical Marijuana Laws
- Smoking in the Workplace
- Suitable Seating for Employees
- Workplace Violence Protection Orders

ABOUT LITTLER: Littler is the largest global employment and labor law practice, representing management in all aspects of employment and labor law and serving as a single-source solution provider to the global employer community. Consistently recognized in the industry as a leading and innovative law practice, Littler has been litigating, mediating and negotiating some of the most influential employment law cases and labor contracts on record for more than 75 years. Littler Global is the collective trade name for an international legal practice, the practicing member entities of which are separate and distinct professional firms. For more information visit littler.com.