

# HR Compliance Checklist (US Federal and State)

Checklist · 75 items · 16 sections

HR compliance for a US employer covers a stack of federal laws (Title VII, FLSA, FMLA, ADA, ADEA, OSHA, IRCA), parallel state laws (often stricter), and a payroll and recordkeeping layer underneath. This checklist is built for small to midsize employers (under 500 employees) operating in the US. State-specific items (CCPA in California, paid sick leave in many states, salary transparency laws) are flagged. Cross-check the citations on [dol.gov](https://www.dol.gov), [eeoc.gov](https://www.eeoc.gov), and your state labor department site before relying on this.

Open the editable version online:

<https://genechecklist.com/checklist/hr-compliance-checklist>

## SETUP

- Obtain federal Employer Identification Number (EIN) from IRS  
**HIGH**
- Register for state unemployment insurance (SUI) in every state with an employee  
**HIGH**
- Register for state and local withholding tax accounts where employees live or work  
**HIGH**
- Workers compensation insurance in every state with employees (required in 49 states)  
**HIGH**
- Sign up with E-Verify if required by state law or federal contract

## IMMIGRATION / I-9

- Form I-9 completed within 3 business days of every hire (Section 1 by employee, Section 2 by employer)  
**HIGH**
- I-9 stored separately from personnel file (not in HRIS with regular records)  
**HIGH**
- I-9 retained for 3 years after hire or 1 year after termination, whichever is later  
**HIGH**
- Annual I-9 self-audit to catch errors before USCIS audits do

## PAYROLL

- Form W-4 collected from every new hire  
**HIGH**
- State withholding form (state W-4 equivalent) collected  
**HIGH**
- Direct deposit authorization or paper check election form

## CLASSIFICATION

- FLSA exempt/non-exempt classification documented per job (salary basis, duties test, salary threshold \$684/week federal)  
**HIGH**
- Independent contractor analysis using IRS 20-factor test or DOL economic-realities test (and state-specific ABC test in CA, MA, NJ)  
**HIGH**
- Form W-9 from every independent contractor before payment  
**HIGH**
- Form 1099-NEC issued to every contractor paid \$600+ in a calendar year  
**HIGH**

## WAGE AND HOUR

- Time and attendance system for all non-exempt employees  
**HIGH**
- Overtime paid at 1.5x for hours over 40 in a workweek (federal, some states daily OT after 8 like CA)  
**HIGH**
- Meal and rest breaks per state law (CA requires 30-min unpaid meal before 5th hour, 10-min paid rest per 4 hours)  
**HIGH**
- Minimum wage tracked to federal (\$7.25), state, and local (city) rates, whichever is highest  
**HIGH**
- Tipped employees: tip credit only if total compensation hits minimum wage (federal \$2.13 cash + tips, banned in CA, OR, WA, NV, MN, MT, AK)  
**HIGH**
- Final paycheck timing per state (CA: at termination; many states: next regular payday)  
**HIGH**
- Payroll records kept 3 years (FLSA), 4 years (IRS), state may require 6 years

- Salary transparency: include pay range in job postings (CA, CO, NY, WA, MD, IL, more states adding)

HIGH

## POSTERS

- Federal labor law posters posted in a conspicuous location (FLSA, FMLA, EEOC, OSHA, USERRA, EPPA, IRCA)

HIGH

- State labor law posters posted (state minimum wage, workers' comp, harassment, unemployment)

HIGH

- Remote employees: provide poster pack digitally and confirm receipt

## ANTI-DISCRIMINATION

- Title VII compliance: no discrimination by race, color, religion, sex, national origin

HIGH

- ADEA: no age discrimination for employees 40 and older

HIGH

- ADA: reasonable accommodation interactive process documented for disability requests

HIGH

- Pregnancy Workers Fairness Act: reasonable accommodation for pregnancy, childbirth, related conditions

HIGH

- Equal Pay Act: equal pay for equal work; pay equity audit annually

HIGH

- Sexual harassment policy distributed and acknowledged; mandatory training in CA, NY, CT, DE, IL, ME, WA

HIGH

- Reasonable accommodation process for sincerely-held religious practices

- Job descriptions written with essential functions for ADA defense

## HIRING

- Background check compliance: FCRA disclosure form, separate document, written authorization

HIGH

- Ban-the-box laws: do not ask about criminal history on initial application in 30+ states and 150+ cities

HIGH

- Pre-adverse and adverse action letters per FCRA when background check disqualifies

HIGH

HIGH

## LEAVE

- FMLA: 12 weeks unpaid for qualifying reasons if employer has 50+ employees within 75 miles  
HIGH
- FMLA notice posted, eligibility notice and rights & responsibilities notice issued within 5 business days of request  
HIGH
- State paid family leave (CA, NJ, NY, RI, MA, CT, WA, OR, CO, DE, MD): enrolled and contributing  
HIGH
- Paid sick leave: applicable in 17+ states and 30+ cities, accrual tracked separately from PTO  
HIGH
- Jury duty leave per state law; many states require paid leave for jury service
- Voting leave per state law (varies widely; many require paid time)
- Bereavement, military, and domestic-violence leave per applicable state law

## SAFETY

- OSHA: report fatalities within 8 hours, in-patient hospitalizations/amputations/eye loss within 24 hours  
HIGH
- OSHA 300 Log maintained for establishments with more than 10 employees (except partially exempt industries)  
HIGH
- OSHA 300A summary posted Feb 1 to April 30  
HIGH
- Workplace violence prevention plan (required in CA SB 553 for most employers as of July 1 2024)  
HIGH

## BENEFITS

- ERISA: SPD distributed within 90 days of becoming a plan participant for health and 401(k)  
HIGH
- ACA: offer affordable, minimum-value coverage to 95%+ of full-time employees (50+ FTE) or pay penalty  
HIGH
- 1095-C forms issued by January 31 for ACA reporting  
HIGH
- COBRA election notice within 14 days of qualifying event

HIGH

- HSA, FSA, dependent care FSA elections processed and 5500s filed if required (100+ participants)
- 401(k): annual nondiscrimination testing, Form 5500 filed by 7/31, employee contributions deposited within DOL safe harbor (small plans: 7 business days)

HIGH

## REPORTING

- EEO-1 report filed annually (employers with 100+ employees, or 50+ federal contractors)
- Vets-4212 filed annually if federal contractor
- California Pay Data Report (DFEH) filed annually by May for CA employers with 100+ employees
- Illinois Equal Pay Registration Certificate filed every 2 years (100+ employees)

## POLICIES

- Employee handbook reviewed annually; required state addenda (CA, NY) updated
- At-will employment statement in handbook with acknowledgment
- Confidentiality, non-solicit, IP assignment agreements per state enforceability (non-competes restricted in CA, MN, ND, OK; FTC final rule on hold but watch)
- Drug-free workplace policy per Drug-Free Workplace Act if federal contractor
- Marijuana testing policies updated for state law (off-duty use protected in CA, NY, NJ, CT, NV, DC)
- Electronic monitoring notice posted (CT, DE, NY require)
- Remote work policy with state nexus tracking for tax registration

## RECORDKEEPING

- Personnel files separated: I-9, medical (ADA, FMLA), payroll, general HR file
- Employee access to personnel file per state law (CA every 30 days)
- Records retention schedule: payroll 3 yrs federal, 4 IRS, tax 7 yrs, OSHA 5 yrs, harassment investigations 4 yrs
- Performance reviews documented, signed, and stored

## TERMINATION

- Termination checklist: final pay, COBRA, equipment return, system access disabled same day  
**HIGH**
- Severance and release agreement compliant with OWBPA (45-day review, 7-day revocation) for 40+ employees  
**HIGH**
- WARN Act notice 60 days before mass layoff (100+ employees, 50+ affected at single site); state mini-WARN (CA, NY, NJ stricter)  
**HIGH**
- Unemployment insurance separation notice provided per state law

## ONGOING

- Annual HR compliance audit covering all of the above  
**HIGH**