

Compliant Hiring Checklist



Navigating compliance requirements can be tough, especially when hiring for multiple roles or across different locations. To help you stay on track and avoid costly mistakes, we've created this comprehensive hiring checklist to ensure your hiring practices are fair, compliant, & efficient—reducing risk and streamlining your processes.

Determine What Regulations You Must Follow

We will be reviewing general compliance guidelines all employers should follow, but there may be additional requirements based on some of these factors:

- Your Industry:** Different industries may have different employee requirements, such as necessary certifications or the level of physical labor, which means employers need additional safeguards and checks to remain compliant.
- Your Location:** Labor laws can vary by state, city, and county, so it is important to be aware of the different local labor laws in the areas you are hiring and consult legal counsel if you are unsure.
- Your Employer Status:** If you have a government contract for a job, you may be considered a federal contractor and, therefore, must adhere to the Office of Federal Contract Compliance Programs (OFCCP) regulations and guidelines.
- The Role Classification:** If a position is non-exempt, then you must follow compliance with the Fair Labor Standards Act (FLSA) and pay employees the required minimum wage and overtime hours.

KNOW YOUR LAWS!

If you're interested in learning more about the reason behind these compliance standards, we encourage you to look into the following laws & regulatory bodies:

Anti-Discrimination Laws: Includes laws like The Americans with Disabilities Act (ADA), the Age Discrimination in Employment Act (ADEA), the Equal Pay Act (EPA), and others that help prevent workplace discrimination.

Fair Labor Standards Act (FLSA): Covers minimum wage, overtime, recordkeeping, and youth employment regulations.

Affordable Care Act (ACA): Requires employers to provide employees access to affordable healthcare coverage.

Occupational Safety and Health Act (OSHA): Ensures safe work environments and standards.

Family and Medical Leave Act (FMLA): Grants eligible employees unpaid, job-protected leave for family or medical reasons.

Equal Employment Opportunity Commission (EEOC): Enforces rules on hiring, promotions, harassment, salaries, and benefits.

The Office of Federal Contract Compliance Program (OFCCP): Oversees federal contractor compliance with affirmative action and equal employment opportunity regulations.

The Department of Labor (DOL): Governs workplace standards, like wages, benefits, & safety regulations.



FEDERAL CONTRACTOR OR SUB-CONTRACTOR?

If you are a federal contractor or subcontractor, you must meet additional job posting and hiring requirements to comply with the OFCCP, like posting jobs to specific job boards and showing evidence of affirmative action.

[Mitrtech](#) helps federal contractors and sub-contractors by managing OFCCP compliance for you and collecting all the necessary evidence you'll need in the event of an audit. For more information, check out our complete [OFCCP Compliance Guide](#) and [OFCCP Job Posting Checklist](#), or [schedule a demo](#) with our team to learn how Mitrtech can help.

Creating Compliant Job Descriptions

- Use Inclusive Language:** Avoid language that may deter candidates from protected groups.
- Outline Expectations:** Be clear about essential role expectations and responsibilities, especially for physical labor.
- Include an Equal Opportunity Employer Statement:** An EEO statement shows a commitment to inclusive hiring practices and avoiding discrimination.
- Pay Transparency:** Follow state and local laws requiring salary ranges in job postings.

Tracking Applicants With An Applicant Tracking System (ATS)

- Data Security:** Ensure that your ATS complies with data privacy regulations (GDPR, CCPA) for storing and processing applicant data.
- EEO Reporting:** Confirm the ATS tracks Equal Employment Opportunity (EEO) data for reporting purposes.

- Accessibility:** Verify the ATS is accessible and compliant with ADA standards.
- Automated Decision-Making:** If your ATS uses AI, ensure it complies with anti-discrimination regulations.

Interviewing

- Have A Diverse Interviewing Panel:** Use a diverse selection of interviewers to help mitigate bias.
- Compliance Training:** Provide resources and training for everyone involved so that they understand the compliance requirements and how to avoid discrimination.
- Review Questions for Bias:** Avoid asking any questions that would force a candidate to reveal any protected class information (age, race, disability, religion, etc.).
- Standardize Interviews:** Implement structured interviews with a standardized set of questions for all candidates to ensure fairness.



Background Screening

- Notify Candidates and Obtain Consent:** Inform candidates when you will conduct a background check and receive their consent.
- Use Consistent Criteria:** Apply the same standards for all candidates to ensure fairness.
- Credit Check Compliance:** If you conduct a credit check, follow the Fair Credit Reporting Act (FCRA) guidelines to protect sensitive information in credit reports.
- Ban the Box Compliance** (if applicable): Some states have implemented the Ban the Box law that requires employers to remove the check box on job applications asking applicants if they have a criminal record and delay inquiries about criminal history until after the initial interview or conditional offer.

Extending an Offer

- Clearly Outline The Position Details:** The offer letter should include the job details, compensation, benefits, and start date.
- Include A Statement for Background Screening:** If you are conducting a background check, you should include a statement that says the offer is contingent on the background check results.
- Pay Equity:** Comply with the Equal Pay Act to ensure that employees in the same role receive equal pay for equal work, regardless of gender or other protected statuses.

I-9 Compliance

- Timely Completion:** Complete Form I-9 within three business days of the hire date.

- Document Retention:** Retain I-9 forms for three years after hire or one-year post-termination, whichever is longer.
- Remote I-9 Compliance:** Follow updated rules for verifying I-9 forms for remote employees, especially if using virtual verification methods.

Training Compliance

- Safety Compliance:** Verify that new hires complete any legally required safety training (OSHA) or industry-specific training.
- Provide Accessible Resources:** Offer translations or any accommodations needed to complete training.
- Review Policies:** Take time to go over company policies and answer any questions.

Documentation & Privacy

- Maintain Records:** Keep records of each step in this process as evidence of compliance for the required period of time.
- Protect Candidate Data:** Ensure your systems are secure and use compliant technology that protects sensitive employee information.
- Train Employees:** Train employees on proper documentation practices and maintaining accurate records.



**See How Mitrtech
Can Help You Stay
Compliant**





One way to simplify hiring compliance is by using a compliant HR solution like Mitratesch

With Mitratesch's comprehensive HR & Compliance solutions, you can streamline your processes and ensure you're meeting all regulatory requirements with our:



ATS System: Automate and track the hiring process while maintaining compliance with data privacy regulations.



Talent Acquisition: Find top talent with specialized outreach and untapped talent pools.



Background Screening: Conduct fast, accurate, and 100% compliant background checks.



I-9 Management: End-to-end electronic I-9 compliance solution with a perfect 20+ year track record of zero client fines.



OFCCP Compliance: Ensure your federal contractor obligations are met with proper job postings, documentation, and audit readiness.

Let Mitratesch help you find peace of mind and be confident in your compliance; schedule a demo with our team today!

[Schedule a Demo](#) ▶

