



2300 River Plaza Drive, Sacramento, CA 95833 ♦ (800) 753-9073 ♦ Fax (916) 561-5696

## FARM EMPLOYERS LABOR SERVICE PERSONNEL RECORDS CHECKLIST

Company: \_\_\_\_\_ Company Representative: \_\_\_\_\_ Date: \_\_\_\_\_

### WAGES & HOURS OF WORK:

- Independent Contractors - Agreements
- Bonuses, Incentives: written description
- Alternative Workweeks:
  - Secret ballots & written disclosures to employees
  - Make up time at request of employee; written request from employee.
- Travel Time: Voluntary agreement to use company provided transportation, coming and going

### WORKING CONDITIONS:

- Tools & Equipment:
  - Loan Agreement
  - Agreement to use employees own equipment
  - Security Bonds
- Uniforms: Loan agreement
- Meal Periods: On-duty meal period agreement.

### CHILD LABOR

- Certificates of age, federal
- Permit to Employee minors
- Work Permits: acquired from school, required any time of year

### CAL/OSHA:

- Log 200
- Occupational Carcinogens Control Act - Reports to DOSH
- Injury and Illness Prevention Program
- Emergency Action Plan
- Written Hazard Communication Program
  - Written program
  - Inventory of hazardous substances
  - Training records
  - MSDS's
- Respiratory Program (§5144)
  - Written program
  - Qualified administrator selected
  - Medical evaluations
  - Fit testing and training records
- Fire Prevention Plan (§3221)
  - Inspection of flammable areas records
  - Training records for fire extinguisher use
- Medical Services (§3400)
  - Pre-established medical services with local clinic
  - First-aid and CPR training records

- First-aid kits, recommended by company physician
- Ergonomics standard:
  - Worksite evaluation inspection records
  - Documentation of control of exposures taken
  - Training of employees.
- Proposition 65 (Clean Water Act) List of new chemicals
- Safety Training Records:
  - New employees, new assignments,
  - Equipment; tractor (retrained annually); forklift, etc.
  - Emergency action plan training
  - Fire prevention, fire extinguisher
  - Lockout/Tagout
  - Medical responders, first-aid/CPR
  - Respirator users
  - Confined space entrants and rescue teams
  - Battery charging
  - HazMat team (HAZWOPER emergency response activities)
  - Bloodborne pathogens, doesn't apply to agriculture
  - Hazard Communication, all substances except pesticides
- Sanitation Facilities -- Maintenance Records (2 years)
- Lockout/Tagout; written program, training and self audit
- Noise exposure; testing, and analysis
- Permits/Inspections:
  - Pressure vessel; Air tank >= 6" dia. And >= 15 psi
  - LPG tank; > 60 gallons, DOT approved exempt
  - Construction for excavation, scaffolding, three-story
  - Demolitions, Elevators

### HOUSING:

- Inspection & Permits;
  - MSWPA one or more migrant worker housed
  - State >=5 employees house in connection to employment
- Housing agreement recommended

### PESTICIDES:

- Hazard Communication Procedures -
- Material Safety Data Sheets
- Trainer Qualifications -written training program
- Respiratory Procedures; PSIS A-5, medical evaluation
- Decontamination Facilities
- Records/Documents
  - Training records - Handlers, Field Workers 2 years
  - Material Safety Data Sheet 2 years
  - Treatment notification method 2 years
  - Pesticide use records 2 years

- Emergency medical care notice During use
- Medical supervisor; Danger or Warning and Organophosphate or carbamate;
- Employer/medical supervisor agreement 3 years
- ChE blood test results; baseline, 6 days/30 days 3 years
- Employer's work practice review 3 years
- Employee exposure records 3 years

**TRANSPORTATION:**

- Truck Driver Licences
- Liability insurance)
- Farm Labor Bus Certificate;
  - Class B with endorsement
  - Inspection by CHP
- DOT Drug and Alcohol Testing
  - Agreement with testing lavatory
  - Drug and Alcohol Testing policy
  - Employee acknowledgment of testing program
- PULL Notice Program; Class A and B drivers

**FARM LABOR CONTRACTOR (MSWPA):**

- Federal Certificate of Registration
- Certificate of Registration for FLC Employee
- If transportation authorized:
  - Vehicle Mechanical Inspection Form WH-514 for each vehicle
  - Doctor's Certificate for each driver
  - CHP Farm Labor Vehicle inspection
  - Driver licenses of each FLC's driver
  - Farm Labor Vehicle drivers are Class B licence with Farm Labor Vehicle endorsement
  - Liability Insurance Policy & Form MBCU 3298
- If housing authorized:
  - Housing permits and current inspection reports on file
- Payroll Records of FLC (3 Yrs.)
- State Farm Labor Contractor Licence
- Tax Status:
  - Registered with Internal Revenue Service (IRS) IRS Tax Information Authorization (Form 8821)
  - Registered with California EDD
  - Registered with California Franchise Tax Board
- Other licenses, permits:
  - Current Business License
  - County Ag. Commissioner Registration Form
- Workers' Compensation Insurance:
  - current Certificate of Insurance
  - WC carrier will send Certificate of Insurance
- FLC's OSHA Compliance:
  - Injury and Illness Prevention Program
  - Safety Training documentation
  - Safety Inspections documented
  - Written Hazard Communication Program
  - MSDS's available to employees
  - CPR/First Aid Training Certificates
  - Emergency Action Plan
- Labor Contractor Agreement
  - Labor Payment Bond

- Comprehensive general liability insurance, making company as additional insured
- Indemnify and hold harmless agreement
- Binding arbitration agreement
- Maintain INS Form I-9 on all employees
- Hygiene practices and crop handling policy

**PERSONNEL RECORDS:**

- Employee Personnel Information (Required)
  - Name of Employee (MSWPA & IWC)
  - Permanent Address (MSWPA)
  - Home Address (IWC)
  - Occupation (IWC)
  - Social Security Number (MSWPA & IWC)
  - Birthday, if under 18 years (IWC)
- Payroll Information: (Required)
  - Beginning & Ending Times (IWC)
  - Meal Periods (IWC)
  - Split Shift Intervals (IWC)
  - Total Daily Hours Worked (MSWPA & IWC)
  - Workweek/Workday (Calif. Labor Code)
  - Basis for Wages Paid (MSWPA & IWC)
  - Piece Rate Units Produced (MSWPA & IWC)
  - Explanation of Incentive Plan Formula (IWC)
  - Specific Sums Deducted (MSWPA & IWC)
  - Total Pay Period Earnings (MSWPA & IWC)
  - Applicable Rates of Pay (IWC)
  - Net Pay (MSWPA & IWC)
  - Pay Day (Calif. Labor Code)
  - Location of Pay (Calif. Labor Code)
  - Value of Board, Lodging or Other Compensation (IWC)
  - Voluntary Written Agreement for Payroll Deductions
  - Vacation/Sick Leave Records
- Records Relating to Taxes:
  - Tax Forms, W-4, etc.
  - Payments to Annuities
  - Pension Contributions
  - Health Plan, COBRA & Other Fringe Benefit Payments
  - Pension Summary Plan Description, Annual Reports and Reports of Plan Terminations
  - Health Insurance Portability and Accountability Act (HIPPA)
  - Garnishment of Wages
- Documents Relating to Employment:
  - Employment Application and Resume
  - College Transcripts
  - Job Descriptions
  - Records relating to hiring, promotion, demotion, transfer, layoff, rates of pay, compensation, education and training
  - Letters of recognition
  - Disciplinary notices or documents
  - Performance evaluations
  - Test documents used to make employment decisions
  - Exit interviews
  - Termination records
  - Polygraph Tests

- Documents Filed in Separate Files:
  - Medical Records, including physical examinations, medical leaves, worker' compensation claims, and drug and alcohol testing
  - Equal/Employment Opportunity Documents: Applicant Flow Data [FEHC § 7287.0(b)] & documents that identify an individual's protected class.
  - INS Form I-9
  - Self-Identify Disability or Veterans Status
  - Safety Training Records
- Federal/State Contractors
  - Drug Free Policy and Employee Acknowledgments
  - Affirmative Action Plan & Good-Faith documents
  - Vietnam Era Veterans' Readjustment Act documents
- Employers of 100 or more employees (federal contractors 50 or more employees)
  - Form EEOC-1 Reports

**WORKERS' COMPENSATION INSURANCE:**

- Record of giving W.C. pamphlet to employee
- Leased employees; WC agreement
- Employee Written Notice of Assigned Physician/Facility

**DISABILITY INSURANCE/UNEMPLOYMENT INSURANCE**

- Record of giving SDI Pamphlet DE 2515 to employee
- New Employee Reporting Act; DE34, within 20 days
- Independent Contractor Reporting; DE 542, within 20 days
- Layoff, Termination or Change of Status Notice
- Record of giving UI/SDI Pamphlet DE2320 to discharged employee

Personnel Record Retention Schedule

The Office of the Federal Register reported on the length of time employers should store various business records. The following is a summary of this information.

Type of Record	Retention Period
Accident reports and claims (settled)	7 yrs.
Checks (canceled, routine)	7 yrs.
Checks (canceled, important)	Permanently
Contracts and leases (expired)	7 yrs.
Contracts and leases in effect	Permanently
Correspondence (general)	3 yrs.
Correspondence (legal matters)	Permanently
Employee personnel records and employment applications (after termination)	4 yrs.
Insurance policies (expired)	3 yrs.
Insurance records, claims, policies	Permanently
Payroll records and summaries	7 yrs.
Petty cash vouchers	3 yrs.
Stenographer's notebooks	1 yr.
Tax returns & worksheets	Permanently
Time books	7 yrs.
Voucher for payments to vendors and employees	7 yrs.

Most records for most purposes must be kept for a minimum of three years except in the following instances:

Cal/OSHA Form 200 - Employers with over 10 employees must fill out, post and retain the summary log of injuries and illnesses for five years.

IRS - Records documenting business expenses such as payroll and bonuses should be kept for at least seven years, but preferably forever. IRS can audit an employer's last seven years of records, but there is no time limit in cases of fraud.

FICA, FUTA, Income Tax Withholding - Records containing basic employee data, compensation, period of service, hours of work, and annuity and pension must be kept four years from the date tax is due or tax is paid.

Written Employment Contracts - The Statute of Limitations on oral contracts is two years from the date of a breach but on written contracts for employment or other purposes is four years. This could include employee handbooks which courts have been viewing as employment contracts.

Records Relating to Discrimination Lawsuits - Must be kept until "final disposition" of the charge or lawsuit

ERISA - Records on matters for which disclosure or certification is required must be kept for at least six years after the date the documents were due to be filed, even if an exemption from reporting or disclosing the information exists.

INS Form I-9 - Must be kept three years after date of hire or one year after date of termination, whichever is later.

**EMPLOYMENT CHECKLIST:**

Pre-Employment:

Required:

- Worker Disclosure Information (MSPA)
- Applicant Flow Data (DFEH)

Optional:

- Application for Employment
- Job Testing and Investigate References

At Time of Hire:

Required:

- Issue Disability Insurance Pamphlet DE-2515
- IRS Form W-4
- INS Form I-9 (Employment Eligibility Verification Form)
- Pesticide Haz Comm & Training (Field/Handlers)
- Work Permit for Minors
- Payroll Deduction Authorization (e.g., Health Ins., etc)
- Wages & Benefits explained to employee
- Safety Training provided to employee
- Sexual Harassment handout or employee handbook
- Explain Hazard Communication Program and MSDS's
- Location of Sanitation Facilities Good Hygiene Practices
- Family Care & Medical Leave (Posted and Handbook)
- Workers Compensation Orientation
- New Employee Registration Act, DE-34

Optional:

- Issue Employee Handbook, Signed Receipt
- Employment Contract
- Orientation Company Rules/Procedures
- Tools & Equipment Loan Agreement
- Housing Agreement
- Bonding for Employees Handling Funds
- Physical Examinations

Terminations:

Required:

- Written Notice of Termination, Layoff
- Payment of Non-Forfeited Benefits (vacation, etc.)
- Return Deposits for Loaned Equipment Plus Interest
- EDD Pamphlet DE 2320 "For Your Benefit. . ."
- COBRA 60-Day Notification for Group Health Plan
- Health Insurance Premium Payment Act Notice (state)
- Health Insurance Portability and Accountability Act (HIPPA)

Optional:

- Notice to Vacate Housing
- Exit Interview (Voluntary Quit)
- INS Form I-9 to Inactivate File