***Acquisition Human Resources Due Diligence Checklist***

**Management**

* Review of organization chart
* Arrangement of management functions
* Employment contracts (written and oral)
* Employment agreements, consulting agreements, non-compete agreements
* Key employee listing with salary, title and duties
* Executive management biographies
* Indemnification agreements

**Employee Census Data**

* Date of birth
* Age
* Date of hire
* Salary
* Sex
* Job location
* Position
* Average scheduled hours
* FLSA status (exempt/non-exempt)

**Employee Benefit Plans**

Information for all group life, health, accident and disability plans

* Carriers for each plan
* Amount of premium paid by employees for each plan
* Amount of premium paid by employer for each plan
* Last two years claims data for medical
* Number of employees on long-term disability
* Number of employees on short-term disability
* Number of employees who are potential long-term disability cases
* Method of funding existing plans
* Compliance with ERISA
* Compliance with Section 125 cafeteria plan requirements
* Compliance with the Patient Protection and Affordable Care Act (PPACA)

COBRA

* Compliance with COBRA continuation coverage requirements
* Agreements with third party administrators

Retirement Plans

* ERISA compliance
* Qualification status (IRS determination letters)
* Form 5500 annual reports
* Summary plan descriptions
* Annual reports and summary annual reports
* PBGC filings
* Funding status
* Frozen or terminated plans
* Carryover of tax attributes

Additional Benefits

* Commitments to retirees’ coverage.”
* Other agreements or promises (cars, club dues, etc)
* Short-term and long-term management incentive plans
* Employee bonus plans
* Severance pay plans
* Employee leave policies
* Workers' compensation claim history
* Unemployment insurance claim history

**Compensation**

* Total payroll costs
* Salary structures and ranges
* Internal compensation equity audits
* Wage and benefit surveys for the industry and geographical area
* Unwritten practices affecting compensation and/or benefits

**Compliance**

Fair Labor Standards Act (FLSA)

* Wage and hour claims pending, settled or threatened
* Wage/Hour Division investigations
* Conciliation agreements with the Department of Labor

Office of Federal Contractor Compliance Programs (OFCCP)

* Affirmative action programs
* Conciliation agreements
* Charges or complaints alleging violation of Executive Order 11246, Section 503 or VEVRAA requirements
* Files and correspondence regarding prior OFCCP audits or investigations

Equal Employment Opportunity Commission (EEOC)

* Prior charges
* Potential charges
* Pending charges
* Litigation arising from charges

Occupational Safety and Health Act (OSHA)

* Complaints
* Investigation files
* Citations

National Labor Relations Board

* Collective Bargaining Agreements
* Existing petitions
* Files concerning prior petitions
* Existing unfair labor practice charges
* Files concerning prior unfair labor practice charges
* Litigation with the National Labor Relations Board

Pension Benefit Guarantee Corporation

* Correspondence
* Inquiries
* Charges and litigation

Other litigation

* Whistleblower matters
* Wrongful discharge matters
* Breach of contract claims
* Any and all federal, state, municipal and administrative decrees, judgments, decisions, opinions or settlement agreements issued or entered into either for or against the company in employment matters
* Any present or ongoing employment litigation brought by past or present employees or on behalf of past or present employees by any agency of the federal, state or municipal government
* Schedule of any employment related legal proceedings or charges during the past five years with settlement costs, if any
* Any litigation not otherwise disclosed concerning employment matters

Reporting compliance

* Copies of EEO-1 reports for past five years
* Copies of VETS-4212 reports for past five years
* Copy of affirmative action plan
* OSHA reports 300, 300A, and 301 for the past 5 years
* PPACA annual reporting.