

CHAPTER 1

Note: Working space and special forms are provided for the Practical Problems and the Continuing Payroll Problem only. If students are required to prepare written answers to the Questions for Review, Questions for Discussion, and Case Problems, blank paper should be provided.

Learning Objectives

After studying this chapter, students should be able to:

1. Identify the various laws that affect employers in their payroll operations.
2. Examine the recordkeeping requirements of these laws.
3. Describe the employment procedures generally followed in a Human Resources Department.
4. Identify the various personnel records used by businesses and the type of information shown on each form.
5. Identify the *payroll register* and the *employee's earnings record*.

Contents

Chapter 1 outline:

LEARNING OBJECTIVES

THE PAYROLL PROFESSION

FAIR LABOR STANDARDS ACT

FEDERAL INSURANCE CONTRIBUTIONS ACT

INCOME TAX WITHHOLDING LAWS

UNEMPLOYMENT TAX ACTS

RECORDKEEPING REQUIREMENTS

FAIR EMPLOYMENT LAWS

Civil Rights Act of 1964

Executive Orders

Age Discrimination in Employment Act

Americans with Disabilities Act

OTHER FEDERAL LAWS AFFECTING THE NEED FOR PAYROLL AND PERSONNEL RECORDS

Federal Personal Responsibility and Work Opportunity Reconciliation Act of 1996

Immigration Reform and Control Act of 1986

E-Verify

Family and Medical Leave Act of 1993

Uniformed Services Employment and Reemployment Rights Act of 1994

Employee Retirement Income Security Act of 1974

Disclosure Requirements

Affordable Care Act of 2010 (ACA)

Applicable Large Employers (ALEs)

Small Employers

OTHER STATE LAWS AFFECTING THE NEED FOR PAYROLL AND PERSONNEL RECORDS

Workers' Compensation Laws

State Disability Benefit Laws

HUMAN RESOURCES AND PAYROLL ACCOUNTING SYSTEMS

HUMAN RESOURCES SYSTEM

Job Descriptions

Requisition for Personnel

Application for Employment

Reference Inquiry

Hiring Notice

Employee History Record

Change in Payroll Rate

Terminating an Employee

RECORDKEEPING SYSTEM

Employee Access—Personnel Files

PAYROLL ACCOUNTING SYSTEM

Payroll Register

Employee's Earnings Record

Paycheck

Outsourcing Payroll

KEY TERMS

KEY POINTS SUMMARY

Matching Quiz (p. 1-27)

- | | | | |
|----|---|-----|---|
| 1. | B | 6. | I |
| 2. | D | 7. | J |
| 3. | F | 8. | C |
| 4. | A | 9. | E |
| 5. | H | 10. | G |

Questions for Review (p. 1–27)

1. The Fair Labor Standards Act sets the minimum wage rate, and the current minimum wage rate is \$7.25 an hour.
2. To meet the requirements of the FLSA, the employer must keep records providing the following information with respect to each employee's wages earned:
 - a. Day and time of day when workweek begins
 - b. Regular hourly rate of pay
 - c. Basis of wage payments
 - d. Hours worked each day
 - e. Hours worked each week
 - f. Daily or weekly straight-time pay
 - g. Amount and nature of exempt pay
 - h. Weekly overtime pay
 - i. Total additions to or deductions from wages
 - j. Total remuneration for payroll period
 - k. Date of payment
 - l. Payroll period
3. FICA levies taxes on employers and employees to finance the Federal Old-Age and Survivors' Trust Fund, the Federal Disability Insurance Trust Fund, and the Health Insurance Plan—Medicare. SECA also imposes taxes on the net earnings of the self-employed individual.
4. The taxes paid to the federal government (FUTA tax) are used to pay the state and federal administrative expenses incurred in operating the overall unemployment insurance program. The taxes paid to the various state governments (SUTA tax) are used to pay the unemployment compensation benefits to the qualified unemployed workers.
5. The unfair employment practices prohibited by the Civil Rights Act of 1964, as amended, include:
 - a. Discriminating in hiring, firing, promoting, compensating, or in any other condition of employment on the basis of race, color, religion, gender, or national origin.
 - b. Unions may not include or segregate union members on these bases.
 - c. Employment agencies may not refer or refuse to refer applicants for employment on the basis of race, color, religion, gender, or national origin.
6. The purpose of the Age Discrimination in Employment Act (ADEA) is to prohibit discrimination on the basis of age in the employment practices of employers, employment agencies, and labor unions that are engaged in an industry affecting interstate commerce.

7. A key exception is executives who are 65 or older and who have held high policy-making positions during the two-year period prior to retirement. If such an employee is entitled to an annual retirement benefit from the employer of at least \$44,000, he or she can be forcibly retired.
8. The Walsh-Healey Public Contracts Act covers laborers for contractors who furnish materials, supplies, articles, and equipment to any agency of the United States, provided the minimum contract amount is \$15,000.
9. The employer is required to offer the employee as many as 12 weeks of unpaid leave. The leave may be used all at once, or in separate weeks, days, or hours.
10. ERISA was designed primarily to ensure that workers covered by private pension plans receive benefits from those plans in accordance with their credited years of service with their employers.
11. *Vesting* conveys to employees the right to share in a retirement fund in the event they are terminated before the normal retirement age. The vesting process is linked to the number of years needed for workers to earn equity in their retirement plans and to become entitled to full or partial benefits at some future date if they leave the company before retirement. Once vested, a worker has the right to receive a pension at retirement age, based on years of covered service, even though the worker may not be working for the firm at that time.
12. The administrator must furnish a statement, not more than once in a 12-month period, of the total benefits accrued and accrued benefits that are vested, if any, or the earliest date on which these accrued benefits will become vested.
13. Employers with 50 or more full-time employees during the previous year (applicable large employers) are required to provide insurance coverage for all full-time employees and their dependents.
14. The procedure that may be followed by the Human Resources Department in hiring new employees is:
 - a. Receive request for new employee.
 - b. Examine applications.
 - c. Interview applicants.
 - d. Administer tests.
 - e. Check references.
 - f. Select and notify successful applicant.
 - g. Send information to Payroll Department.
 - h. Prepare personnel file.

15. The application for employment form may provide information such as the following:
 - a. Personal information, including name, address, telephone number, and social security number.
 - b. Educational background, including a summary of the schools attended, whether the applicant graduated, and degrees conferred.
 - c. Employment and experience record.
 - d. Type of employment desired.
 - e. References.
16. The employer who is subject to the Civil Rights Act of 1964 and the Age Discrimination in Employment Act must make certain that all aspects of the pre-hire inquiries are free of discrimination on the basis of race, color, religion, gender, national origin, and age.
17. The Fair Credit Reporting Act of 1968 subjects employers to certain disclosure obligations when they seek an investigative report from a consumer reporting agency on a job applicant or, in certain instances, on present employees. Generally, these steps must be followed:
 - a. Notify the applicant in writing that the information obtained will be used in the employment decision.
 - b. Have the applicant sign the notification.
 - c. Give the applicant a notice and a copy of the report at least five days before making an adverse employment decision.
 - d. Provide a copy of the government document “A Summary of Your Rights Under the FCRA.”
18. A typical payroll accounting system includes the following procedures:
 - a. Record hours worked or units produced.
 - b. Compute gross pay, deductions, and net pay.
 - c. Complete payroll register.
 - d. Maintain payroll deduction records.
 - e. Update employees’ earnings records.
 - f. Make payments to employees.
 - g. Record payroll in accounting books.
 - h. Prepare various payroll reports.
19. The two basic records generated in a payroll accounting system are the payroll register and the employee’s earnings record.
20. The earnings record provides the information needed to prepare periodic reports required by the various laws and to complete Form W-2 for each employee.

Questions for Discussion (p. 1–28)

1. A small retailer with only three employees would not need very detailed personnel records. There should be, however, an application form or some other record providing the employee’s name, address, telephone number, social security number, date of employment, regular working hours, and information about wages.

2. Many employers do not check job applicants' references because former employers, who are afraid of lawsuits, tend to be less than candid in their comments about ex-workers. Some companies will not make any comment about former workers unless they have the written consent of those workers. Other companies have found that even a good recommendation can create a "potential liability."
3. Use of this approach in staffing an office may pose too great an opportunity for the development of cliques in the office. The applicant recommended may not be desirable, and this will cause some embarrassment or disappointment to the person who recommended the applicant. The advantages in most instances, however, outweigh these disadvantages. The advantages realized from the use of in-house referrals include the added prestige among present employees and a positive psychological effect. Firms may offer incentives, such as cash payments, U.S. savings bonds, and company merchandise, for referrals after the newly employed worker has been on the job for a stipulated period of time. Some firms estimate the recruiting and advertising cost of a new hire to be \$5,000.
4. Sources of potential employees include employment agencies, both public and private; newspaper advertisements (Help Wanted and Jobs Wanted); employment bureaus in schools and in social and philanthropic institutions; friends and relatives secured through present employees; and "through the gate" and unsolicited applications. Past national surveys have found that for employees without a college degree, the leading recruiting sources were (1) walk-in, (2) newspaper advertisements, (3) in-house referrals, (4) employment agencies, (5) requests to high schools, (6) high school career conferences, and (7) unions.
5.
 - a. and b. Illegally. Answers to these two questions could reveal the national origin, race, religion, or color of the applicant. One exception to this is when information of this nature is required as a bona fide occupational qualification for reasons of national or state security.
 - c. Legally. Companies subject to Title VII of the Civil Rights Act of 1964 must ask applicants if they are U.S. citizens. Companies are also permitted to ask the applicant if he or she intends to become a U.S. citizen and if the applicant has legal sanction to remain in the United States.
 - d. Legally. A company is within legal sanction to ask the applicant *what* languages he or she is capable of reading, writing, or speaking. These abilities can be acquired through study and thus do not necessarily reveal race, religion, color, or national origin. However, the company may be proceeding illegally in its pre-employment practices if it inquires *how* the applicant acquired the language abilities, for this could easily determine ethnic background. Thus, the interviewer must be aware of the *what* and *how* aspects of this question when making pre-hire inquiries that could directly or indirectly establish ethnic background characteristics of the applicant.

Case Problem (p. 1–28)**Case 1–1**

Even though it was the company's mistake, legally it was entitled to reimbursement from Ken. However, the cost of legal fees to follow through on the proceedings needed to reclaim the paychecks would probably exceed the total of the four paychecks. The company would be better off to absorb this loss and to solve the problems it has in interdepartmental communication.

