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Payroll Accounting  
with  
 CENGAGENOW<sub>v2</sub>

**2020**  
EDITION

BIEG  
.....  
TOLAND

# Payroll Accounting



2020  
EDITION

# Payroll Accounting



**Bernard J. Bieg**

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Australia • Brazil • Mexico • Singapore • United Kingdom • United States

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**Payroll Accounting, 2020 Edition**  
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### Chapter 2

#### *Regular Rate of Pay*

The Labor Department has proposed to clarify the meaning of the “regular” pay rate (which is used to calculate the 1.5 times overtime rate). Items to be excluded include: tuition help, workplace gyms, vacation payouts, childcare, sick leave, legal services, and retail discounts. The update is intended to reduce lawsuits and encourage employers to offer these benefits.

### Chapter 3

#### *FICA-OASDI Taxable Wage Base*

In this edition of the textbook, we have used the 2019 wage base of \$132,900, and current projections have projected the 2020 wage base to be \$136,800. Actual annual increases to the FICA-OASDI taxable wage base are announced in October of the preceding year based on current economic conditions.

### Chapter 4

#### *Truncated Social Security Numbers*

In hopes of combating identity theft, employers have to list only the last four digits of the social security number on the W-2s sent to employees. The full number will still be required on the copy sent to the Social Security Administration. The rule applies to W-2s issued after 2020.

#### *Draft of Form W-4 and Publication 15-T released.*

The second draft versions for the 2020 Form W-4 (Employee’s Withholding Certificate) and new corresponding Publication 15-T (Federal Income Tax Withholding Methods) will be available on the IRS website sometime later this summer. The 2020 tax year will be the year where the significant changes to Form W-4 will take place due to the enactment of the Tax Cuts and Jobs Act in late December 2017.

#### *Form 1099-NEC*

For nonemployee payments over \$600 made in 2020, a new Form 1099-NEC will be used to report such payments to the IRS (prior to this year, such payments were reported on Form 1099-MISC, line 7). A prior version of this form was used in the 1980s.

#### *New Withholding Estimator*

The Internal Revenue Service has a new Tax Withholding Estimator, a tool designed to make it easier to have the right amount of tax withheld during the year. The Tax Withholding Estimator replaces the Withholding Calculator, which offered workers a convenient online method for checking their withholding.

### Chapter 7

#### *Philadelphia Wage Tax*

Effective July 1, 2019, until June 30, 2020, the Philadelphia Wage Tax is 3.8712% (resident) and 3.4481% (nonresident).



# PREFACE

## PAYROLL ACCOUNTING AND TODAY'S BUSINESS ENVIRONMENT

Today's payroll accountant is a major player on a company's management team. Management's need for timely and accurate payroll cost data as a part of the total planning step has moved payroll from a disbursement and recording function to an integral part of the management process.

With constant changes in the legal environment, technology advancements in the administration of payroll functions and with tax withholding responsibilities, the payroll accounting occupation has become proactive. During this time when the need for accurate information is so critical, *Payroll Accounting* has established a record of being the most thorough book on the market for over 20 years. Each edition has been updated with the most current data available.

The 2020 edition of *Payroll Accounting* continues to provide the most user-friendly payroll accounting coverage, in addition to significant resources that will aid instructors and students alike in their mastery of payroll accounting.

### CengageNOWv2

*Payroll Accounting 2020* is fully integrated with CengageNOWv2, a powerful course management and online homework tool that provides robust instructor control and customization to optimize the student learning experience and meet desired outcomes.

### CengageNOWv2 Includes

- Integrated eBook
- End-of-chapter homework with static and algorithmic versions
- Continuing Payroll Problems (CPP)
- Adaptive Study Plan and multimedia study tools
- Test bank
- Excel Online
- Course management tools and flexible assignment options
- Gradebook Analytics
- Mastery Problems
- Tell Me More Lecture Activities with assignable questions
- Robust feedback, which now includes feedback for Forms 940 and 941.
- Audit Tests in CengageNOWv2
- Show Me How Demonstrative Videos



"To students, it's quick feedback, and they can improve the grades by working on the questions multiple times; to instructors, it's less grading time, and easy to evaluate students' performance."

-Jack Wu,  
Chemeketa Community College

## Tell Me More Lecture Activities

Tell Me More Lecture Activities are available and correlate to each Learning Objective (LO). These Lecture Assignments review the material covered in each LO, giving students a way to review what is covered in each objective in a digestible video activity format so they come to class more prepared and ready to participate.



## Audit Tests for Payroll Project in Chapter 7 and Appendix A

The Student Audit Tests are designed to help students as they work through the Payroll Project in Chapter 7 and Appendix A. These tests can be assigned specifically to the Payroll Dates inside CengageNOWv2, and students can answer them to ensure they are fully understanding the concept and process of the payroll project.

## Show Me How Problem Demonstrative Videos

Show Me How Videos are available for all continuing payroll problems at the end of each chapter and the most commonly assigned end-of-chapter assignments in both the A Set and B Set. These Videos provide students with both a detailed walk-through of a similar problem and problem-solving strategies.



## Going Further in Payroll Accounting

- **UPDATED:** Detailed Check My Work and Post-Submission feedback with explanations and tips for completing the problem

Feedback

▼ Check My Work

Identify which accounts are affected in each transaction. Keep in mind that every transaction involves at least two accounts. Determine whether the account increases or decreases and record each increase or decrease following the rules of debit and credit. Use the Posting Reference column to enter the corresponding account number from the general ledger account. Remember total debits should equal total credits in your entries.

[Learning Objective 1](#)

[Learning Objective 2](#)

[Learning Objective 3](#)

Post-Submission

a. Hours worked each day:

Monday	8 hours
Tuesday	7.9 hours
Wednesday	7.6 hours
Thursday	7.6 hours
Friday	7.8 hours

b. Total hours worked 38.9 hours

c. Gross earnings for the week =  $38.9 \times \$12.15 = \$472.64$

Solution

Note: In this chapter and in all succeeding work throughout the course, **unless instructed otherwise**, calculate hourly rates and overtime rates as follows:

- Carry the hourly rate and the overtime rate to 3 decimal places and then round off to 2 decimal places (round the hourly rate to 2 decimal places before multiplying by one and one-half to determine the over-time rate).
- If the third decimal place is 5 or more, round to the next higher cent.
- If the third decimal place is less than 5, simply drop the third decimal place.

Examples: Monthly rate \$1,827  
 Weekly rate  $(\$1,827 \times 12)/52 = \$421.615$  rounded to \$421.62  
 Hourly rate  $\$421.62/40 = \$10.540$  rounded to \$10.54  
 O.T. rate  $\$10.54 \times 1.5 = \$15.81$

Also, use the minimum hourly wage of \$7.25 in solving these problems and all that follow.



- **Mastery Problems** within CengageNOWv2 are designed to help students understand difficult topics in payroll accounting by breaking down the topic into smaller parts. Each part builds on other parts through a systematic problem-solving process. These problems address key chapter learning objectives and are algorithmic for versatile assignment options.

CENGAGENOWv2 Home Courses Users Assignments Gradebook Study Tools

Mastery Problem Calculator Report Content Error

**Compute Taxable Earnings, Gross FUTA tax and Net FUTA Tax.**

Learning Objective 3: Compute the federal unemployment tax, the credit against the tax, and any credit reductions that might apply.

In this step, you will walk through the process to compute net FUTA tax due. Below is a list of employees for Doolin Insurance Services, with the amount of qualifying earnings they have earned.

Employee Name	Calendar earnings	Year to Date Taxable Earnings
Faye Deering	\$35331.00	\$
Manuel Estrada	\$11202.50	\$
Jon Eskridge	\$3505.00	\$
Janet Lee	\$28364.25	\$

Next, total the taxable earnings from above and apply the current FUTA tax rate to determine the gross FUTA tax due. Round the FUTA tax to the nearest cent.

Total taxable earnings	\$
× Rate of FUTA tax	%
Amount of Gross FUTA tax	\$

Finally, compute the SUTA credit and subtract it from the gross FUTA calculated in the prior step. Assume that state taxable wages are the same as federal taxable wages, and that Doolin Insurance Services is in a state with a 5.4% SUTA rate.

Total state taxable earnings	\$
× Rate of SUTA tax credit	%
SUTA tax credit	\$
Amount of net FUTA tax due	\$

- CengageNOWv2 contains numerous algorithmic problems that allow instructors to have more flexibility and assurance that students are completing the projects on their own.
- Randomized Test Bank answers within CengageNOWv2 allow instructors to assign the same multiple-choice test problems, but CengageNOWv2 will randomize the selection choices. The selection order for each student changes, combating student cheating. See the following example.

The entry to deposit FICA taxes and federal income taxes withheld involves all of the following accounts *except*:

**a. Payroll Taxes.**

- b. FICA Taxes Payable—OASDI.
- c. Cash.
- d. FICA Taxes Payable—HI.
- e. Employees FIT.

The entry to deposit FICA taxes and federal income taxes withheld involves all of the following accounts *except*:

a. Cash.

- b. Employees FIT.
- c. **Payroll Taxes.**
- d. FICA Taxes Payable—HI.
- e. FICA Taxes Payable—OASDI.

## KEY FEATURES

- **Motivation, Application, Mastery**—*Payroll Accounting 2020* and CengageNOWv2 help you elevate student thinking with unique content that addresses each stage of the learning process, prepares students to learn, provides practice opportunities that better prepare students for the exam, and helps students achieve mastery with tools that help them make connections and see the big picture.
- **The Washington Update**—The Washington Update, which appears within Chapters 1, 2, 3, 4, and 7, advises the student of the tax code and tax laws that were used in the current edition. However, because tax code, tables, and laws may be changed by Congress after the text has been printed, the student is advised on how, in practice, they can find the most current tax code, tables, and laws.

### WASHINGTON UPDATE

A RULE PROPOSED BY THE LABOR DEPARTMENT WOULD INCREASE THE SALARY THRESHOLD TO \$35,308 AND, UNLIKE PREVIOUS PROPOSALS, DOES NOT INCLUDE AUTOMATIC ADJUSTMENTS TO ACCOUNT FOR INFLATION. IT APPEARS THAT THIS RULE WILL BE FINALIZED BEFORE THE START OF 2020.

- **Enhanced Excel Templates**—The Excel Templates include a feedback section giving instructors the option for adding a comment/grade and an area for students to show their work.
- **Excel Online**—Cengage and Microsoft have partnered in CengageNOWv2 to provide students with a uniform, authentic Excel experience. It provides instant feedback, built-in video tips, and easily accessible spreadsheet work. These features allow you to spend more time teaching college accounting applications, and less time troubleshooting Excel.

These new algorithmic activities offer pre-populated data directly in Microsoft Excel Online. Each student receives his or her own version of the problem to perform the necessary data calculations in Excel Online. Their work is constantly saved in Cengage cloud storage as a part of homework assignments in CengageNOWv2. It's easily retrievable so students can review their answers without cumbersome file management and numerous downloads/uploads.

- **Superior Examples**—Examples are identified and numbered within the text. Various end-of-chapter problems are identified as a problem similar to an example within the text. See the examples below.

Ned Fromton, an employer, files his employment tax return 20 days after the due date of the return. The amount of tax that was unpaid is \$6,000. Fromton's penalty is:

Failure to file ( $5\% \times \$6,000$ ) = \$300 *Note: Any fraction of a month counts as a whole month.*

### EXAMPLE 3-7



“Excellent! In the past it was often difficult to point students to a particular example when there was more than one on a page.”

—Karen Spray,  
Northeast Community College

"I like this connection; students can easily test themselves on a specific example."

-Jennifer Morton,  
Ivy Tech Community College

### 3-16A • LO 5



See Example 3-6 on page 3-20, Example 3-7 on page 3-29,  
Example 3-8 on page 3-31

Vulcan Company is a monthly depositor whose tax liability for March 20-- is \$2,505.

1. What is the due date for the deposit of these taxes? \_\_\_\_\_
2. Assume that no deposit was made until April 29 (14 days late). Compute the following penalties:
  - a. Penalty for failure to make timely deposit. \$ \_\_\_\_\_
  - b. Penalty for failure to fully pay tax. \$ \_\_\_\_\_
  - c. Interest on taxes due and unpaid (assume a 6% interest rate). \$ \_\_\_\_\_
  - d. Total penalty imposed. \$ \_\_\_\_\_

## COMPUTERIZED PAYROLL PROJECT

### Chapter 7—The Payroll Project

Chapter 7 consists of a practice set or simulation. The student applies the knowledge acquired in the first six chapters to a practical payroll simulation as the payroll accountant for Glo-Brite Paint Company. The Payroll Project can be completed manually using fold-out Payroll Registers located at the back of the text. Payroll tax returns can now be completed manually using forms in the textbook or in CengageNOWv2.



### Appendix A—Excel Template Instructions for the Glo-Brite Payroll Project (Chapter 7: Short Version)

Appendix A consists of an electronic version of the books of account and payroll records. It has specific instructions for using the Excel template, illustrative case demonstrating November 20 payroll, and complete instructions for the short version project. Students are encouraged to complete one manual payroll from Chapter 7 prior to using the Excel template. The Excel template is located on the Payroll Accounting Web site: [www.cengage.com](http://www.cengage.com). Payroll tax returns can now be completed manually using forms in the textbook or in CengageNOWv2.

## OUTSTANDING PEDAGOGY

### Learning Objectives

Learning Objectives are enumerated at the beginning of each chapter, and the numbers are repeated next to the start of the applicable text coverage for easy navigation.

#### LO 3

Compute the federal unemployment tax, the credit against the tax, and any credit reductions that might apply.

#### Credits Against FUTA Tax

The actual FUTA tax paid is usually only 0.6 percent, since employers are entitled to a credit against their FUTA tax liability for contributions made under approved state unemployment compensation laws. The maximum credit permitted is 5.4 percent (90% of 6%). Thus, in the preceding example where the gross FUTA tax rate is 6.0 percent, the net FUTA rate would be 0.6 percent if the full 5.4 percent credit applied. Even if employers pay a SUTA rate of less than 5.4 percent, they still get the full credit against the FUTA tax.

### Self-Study Quizzes

Self-Study Quizzes appear throughout each chapter and test the understanding of major concepts. Answers to the quizzes are available within each chapter.

#### SELF-STUDY QUIZ 3-1

Which of the following are covered by FICA (indicate Yes or No)?

- \_\_\_\_\_ 1. Andrian Mitchell, a full-time life insurance salesperson.
- \_\_\_\_\_ 2. John Sain, a federal government employee, hired in 1990.
- \_\_\_\_\_ 3. Bonnie Stone, a real estate agent.
- \_\_\_\_\_ 4. Stuart Schuck, who offers lawn care service to homeowners in the neighborhood.

Note: Answers to Self-Study Quizzes are on page 3-33.

## Over the Line Real-World Ethics Cases

The Over the Line feature illustrates cases of companies either intentionally or unintentionally crossing the boundaries of fairness in their interpretation of payroll laws.

### Over the Line

In a recent lawsuit settlement, FedEx Ground Package System Inc. will distribute \$2 million to an estimated 500 drivers who delivered packages for FedEx Ground and FedEx Home Delivery. The New York State Attorney General's Office filed the lawsuit alleging that drivers had been unlawfully misclassified as independent contractors, but were actually employees. This action sought restitution for violations of New York labor law, including unpaid overtime and unlawful deductions from wages.<sup>2</sup>

## Check Figures Included at the End of This Text

Check figures provide help and assist users in staying on track as they learn the intricacies of payroll accounting.

## Key Points Summary

This summary at the end of the chapter ties the key points in the chapter to the Learning Objectives.

## Use of Marginal Icons

Use of marginal icons (“On the Net,” “News Alert,” “IRS Connection,” and “On the Job”) helps integrate the real-world applications of this facts-intensive area of study. “On the Net” icons allow optional integration of Internet research sites for learners.

The icons in each chapter highlight the most current forms, instructions, and wage and tax laws available.

**ON THE NET**

<http://www.ssa.gov>  
**Social Security Online.**  
 Maintained by the Social Security Administration, it contains general FICA information.  
<http://www.ssa.gov/employer/> “Employer W-2 Filing Instructions & Information.”

**IRS CONNECTION**

The IRS has recently issued guidance regarding same-sex marriage relating to retirement plans. If a couple is legally married in a jurisdiction that recognizes it, then they are married for federal tax purposes.

## THOROUGH END-OF-CHAPTER MATERIALS



End-of-chapter assignable materials include matching quizzes, review questions, discussion questions, practical problems, case problems, and continuing payroll problems, which can also be completed using Excel.

**CONTINUING PAYROLL PROBLEM • A**

Refer to the partially completed payroll register you started at the end of Chapter 2. You will now determine the amount of FICA taxes to be withheld from each employee's pay for the pay period ending January 8, 20--.

- In the Taxable Earnings columns, record the amount of each employee's weekly earnings that is subject to FICA taxes. All wages are taxable for OASDI and HI taxes.
- Using the amount recorded in step 1, compute the taxes for each employee and record in the appropriate column.

*Note:* Keep your partially completed payroll register for use at the end of Chapter 4.

## Up-to-the-Minute Tax Law Changes

Up-to-date knowledge is especially important for today's payroll specialists. This edition has been completely updated to reflect the tax law changes that affect payroll accounting. Users can find these changes listed on the “As We Go To Press” page in the text and on [www.cengage.com](http://www.cengage.com).

## INSTRUCTOR RESOURCES

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### Solutions Manual/Test Bank (Exams)/Achievement Tests

This robust manual contains the Learning Objectives, Chapter Outline, and solutions to all end-of-chapter exercises and problems including the Continuing Payroll Problems, Case Problems, and the Payroll Project. The Test Bank questions and solutions are included to assist with choosing True/False, Multiple-Choice questions, and problems for examinations. Achievement Tests and keys are provided for additional testing and can also be reproduced.

### Test Bank Available with Cengage Learning Testing Powered by Cognero

#### What is Cognero?

- Full-featured, online-assessment system allows instructors to manage test bank content from multiple Cengage Learning solutions.
- Create multiple test versions in an instant.
- Deliver tests from your LMS, your classroom, or wherever you want.
- Works on any operating system or browser.
- No special installs or downloads needed.
- Create tests from school, home, the coffee shop—anywhere with Internet access.

#### How do I access it?

- Log into your Cengage Learning SSO account at [login.cengage.com](http://login.cengage.com).
- Add *Payroll Accounting 2020* to your bookshelf (ISBN: 9780357117170).
- Once the book is added to your bookshelf, a link to access Cognero for *Payroll Accounting 2020* will appear, along with the link to the instructor and student companion sites.

#### How do I start?

- Online resources, user guides, and instructional videos are available on the instructor companion Web site at [login.cengage.com](http://login.cengage.com).
- Please address any other technical questions to Cengage Learning Technical Support at [support.cengage.com](http://support.cengage.com).

### Instructor Web Site ([login.cengage.com](http://login.cengage.com))

In addition to the material available to students online, the instructor site contains password-protected instructor resources. Instructors can find the following resources:

- Solutions Manual in Microsoft Word
- Comprehensive PowerPoint slides
- Achievement Tests and Keys
- Excel solutions for all end-of-chapter problems
- Excel solutions for Payroll Project (Appendix A)

## STUDENT RESOURCES

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### Student Companion Web Site ([www.cengage.com](http://www.cengage.com))

Accessible through [www.cengage.com](http://www.cengage.com) with your Cengage Unlimited subscription or under the study tools tab of CengageNOWv2 course, the student Web site contains Check Figures, Web Links, and PowerPoint slides. The Excel templates are posted for the short version of the Glo-Brite Payroll Project, Continuing Payroll Problems A and B, and selected end-of-chapter problems designated by the Excel icon. In addition, the student has access to important information contained in Appendix B: Social Security Benefits and Appendix C: Unemployment Benefits.



"I am very satisfied with the ability to create a different version of a test at any given time."

-Vernon Bogan,  
Brown Mackie College



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## ABOUT THE AUTHORS



Courtesy of Steve Bacher, Bucks County Community College

### Bernard J. Bieg

After receiving his Master's in Business Administration from the University of Notre Dame and passing the Certified Public Accountants' exam in the early 1970s, Bernard Bieg turned his attention toward a career in teaching. He has been a professor at Bucks County Community College for more than 30 years. During that time, he has taught the whole spectrum of accounting offerings, including payroll accounting. He has maintained strong connections with today's business world by serving as an internal auditor for a local nonprofit organization. His association with this textbook began in 1977 as a co-author with one of the originators of the book, Bill Keeling.



Courtesy of Steve Bacher, Bucks County Community College

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# The Need for Payroll and Personnel Records

Can't wait to get started? Let's take our time and get an overview of the entire payroll process.

It's not easy being an employer. Many legal do's and don'ts must be followed before we even begin to consider the costs of employing workers, and the do's and don'ts are always changing.

We need to have applications completed, conduct interviews, check references, and examine credit reports. How far can we go in checking on the background of an individual applicant? What records should we keep on each employee? Where do we show the calculations that must be completed in order to give each employee a paycheck?

Get ready to begin the process of understanding payroll operations.

## LEARNING OBJECTIVES

After studying this chapter, you 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*.

No matter the size of the company, the profitability, the product or service being sold, or the type of organization, employees have to be paid. This task has become more difficult as numerous regulations have been enacted. Recent legislation has only added to the administrative burden, and future legislation will continue this trend. The payroll person is no longer the employee stuck in the corner who only appears on payday to distribute paychecks. The job responsibilities have multiplied and now require persons with advanced knowledge in the area of payroll to handle the position. In many cases, the payroll specialist has been on the leading edge of change and automation.

Payroll professionals are responsible for processing over 4 billion pay statements each year to over 100 million people in the workforce of the United States. The processing of payrolls allows no margin for error. Employees, employers, and government agencies monitor the work performed by payroll professionals. A payroll accounting system is the only operation in a business that is almost completely governed by various federal, state, and local laws and regulations. Rules establish who is an employee, what is time worked, when overtime is to be paid, what deductions are made, when to pay an employee, what benefits have to be provided, and when taxes are paid. Local, state, federal, and international legislation must be monitored to follow the impact on payroll operations. Changes in legislation bring the potential for fraud and errors. Lack of compliance with these laws and regulations can result in both fines and back-pay awards.

The payroll professional has risen in the ranks of the accounting profession and now demands salaries commensurate with his or her peers. The confidentiality of the payroll information from each employee's pay rate to the garnishments



Photograph: ee/Shutterstock.com

imposed on some employees has tightened the link to the upper management teams. The confidence and trust that must be placed in payroll professionals have made them an integral part of the “inner circle.” This chapter briefly examines the various laws that affect employers in their payroll operations and the payroll and personnel records that they use to meet the requirements of the laws. First, however, let’s take a brief look at payroll accounting as a profession.

## The Payroll Profession

A 2019 payroll survey of large employers conducted by Robert Half Associates revealed a range of salaries for payroll managers of \$59,250–\$126,250 and for payroll clerks of \$32,250–\$60,750.

Typically, an entry-level payroll clerk collects, reviews, approves, and records time records. The clerk also updates attendance records, including vacation, sick, and personal days. Once a payroll is processed, the clerk reviews the information to ensure the accuracy of each employee’s pay statement. Job responsibilities will include entering the following information into the payroll system:

1. Time-worked data.
2. Pay rate changes.
3. Tax rate changes.
4. Employee-authorized payroll deductions.
5. New employee information.
6. Marital and employee allowance changes.

Providing information to the Finance Department concerning the amounts to be paid for taxes, health insurance premiums, retirement plans, etc., may also be part of the evolving duties of the advancing payroll professional. One of the final stages involves the completion of payroll tax returns, employee information returns, federal and state census surveys, and fringe benefit and welfare plan returns.

Payroll professionals must keep abreast of the changes in their field so that they can remain technically proficient. This need has been met by an association of payroll practitioners—the American Payroll Association (APA). Membership in the association is open to anyone interested in or engaged in the support of payroll accounting. The APA offers professional training seminars and various publications to its members. Each year, the APA administers examinations for the payroll accountant and awards certificates to those who pass the exams, Fundamental Payroll Certification (to demonstrate a baseline of payroll competency) and Payroll Professional Certification (for the experienced professional to demonstrate the full-range of payroll competency). This testing and certification process has helped the payroll profession to gain recognition in the business community. The APA has also established guidelines for the conduct of the payroll professional. This “Code of Ethics,” shown in Figure 1.1, sets the direction for the profession.<sup>1</sup>

One of a number of publications designed to provide current information to the practitioner is published by the Research Institute of America, Inc. This biweekly publication is entitled *Payroll Guide*, and it is a comprehensive review of changes in regulations affecting payroll reporting.<sup>2</sup>

<sup>1</sup> For more information on the organization, write to American Payroll Association, 660 North Main Avenue, Suite 100, San Antonio, TX 78205-1217; Tel: 210-224-6406; APA@americanpayroll.org.

<sup>2</sup> *Payroll Guide* is published by Thomson Reuters, 121 River Street, Hoboken, NJ 07030; Tel: 1-800-431-9025.

**FIGURE 1.1**  
APA Code of Ethics

1. To be mindful of the personal aspect of the payroll relationship between employer and employee, and to ensure that harmony is maintained through constant concern for the Payroll Professional's fellow employees.
2. To strive for perfect compliance, accuracy, and timeliness of all payroll activities.
3. To keep abreast of the state of the payroll art with regard to developments in payroll technologies.
4. To be current with legislative developments and actions on the part of regulatory bodies, insofar as they affect payroll.
5. To maintain the absolute confidentiality of the payroll within the procedures of the employer.
6. To refrain from using Association activities for one's personal self-interest or financial gain.
7. To take as one's commitment the enhancement of one's professional abilities through the resources of the American Payroll Association.
8. To support one's fellow Payroll Professionals, both within and outside one's organization.

Source: For more information on the organization, contact the American Payroll Association, 660 North Main Avenue, Suite 100, San Antonio, TX 78205-1217; Tel: 210-224-6406; APA@americanpayroll.org.

## WASHINGTON UPDATE

IN ORDER TO KEEP ABREAST OF MAJOR CHANGES IN THE LAWS CONCERNING PAYROLL ACTIVITIES, PLEASE REFER TO OUR ONLINE VERSION OF THE TEXT-BOOK WHERE THESE DEVELOPING CHANGES CAN BE LISTED AS THEY BECOME LAW. THE PRINTED VERSION WILL BE AS CURRENT AS POSSIBLE BASED ON THE INFORMATION AVAILABLE TO THE AUTHORS AT THE TIME OF THE WRITING OF THE MANUSCRIPT.

## Fair Labor Standards Act

The Fair Labor Standards Act (FLSA), referred to as the Federal Wage and Hour Law, is covered in Chapter 2. The outline of the law deals with:

- Minimum wage (\$7.25 per hour) and overtime pay requirements. In addition, equal pay for equal work, employment of child labor, public service contracts, and wage garnishment.
- Coverage of employers engaged in interstate commerce or in production of goods and services for interstate commerce.
- Maintaining records that explain the basis of wage differentials paid to employees of opposite sex for equal work.
- Displaying a poster (from the regional office of the Wage and Hour division) informing employees of the provisions of the law.
- States' Minimum Wage and Maximum Hour Laws that also establish minimum wage rates for covered employees. Where both federal and state laws cover the same employee, the higher of two rates prevails (e.g., Rhode Island—\$10.50 per hour).
- The State's wage orders that also can affect pay periods, pay for call-in and waiting times, rest and meal periods, absences, meals and lodging, uniforms, etc.

### LO 1

Identify the various laws that affect employers in their payroll operations.

### ON THE JOB

Up until July 24, 2009, the minimum wage was \$6.55 per hour.

### ON THE NET

<http://www.dol.gov/whd/minwage/america.htm>

This Web site contains the minimum wage laws by state in map and text form.

## Federal Insurance Contributions Act

Chapter 3 covers FICA (social security) in detail; however, the basic provisions of the act deal with:

- Tax on employees (set percent of their gross wages) and employers for the Federal Old-Age and Survivors' Trust Fund and the Federal Disability Insurance Trust Fund.
- Separate tax on employees and employers to finance the Health Insurance Plan—Medicare.
- Tax on net earnings of the self-employed individual (Self-Employment Contributions Act—SECA).
- Making payments to persons who are entitled to benefits under these social security taxes.

## Income Tax Withholding Laws

Chapter 4 covers income tax withholding, but basically:

- **Income tax** is levied on the earnings of most employees and is deducted from their gross pay.
- Income taxes can be imposed by federal, state, and local governments.
- Federal Income Tax (FIT) employs a percentage formula or a wage bracket chart used by each employer to withhold a specified amount from each wage payment.
- State tax rates vary from state to state.

### ON THE NET

<http://www.payroll-taxes.com/>  
Premiere Payroll Tax Research Library. This site contains addresses, phone numbers, form numbers (with explanations), and filing dates for federal and state taxing authorities.



## Unemployment Tax Acts

Chapter 5 covers unemployment taxes with a detailed discussion of:

- Tax levied on employers (Federal Unemployment Tax Act—FUTA) that is used to pay state and federal administrative expenses of the unemployment program.
- A credit granted against most of the FUTA tax if the employer pays a state unemployment tax. A smaller credit is granted to states that have not paid back borrowings from the federal government which were used to pay the cost of benefits to their eligible unemployed workers.
- State unemployment taxes (SUTA) on employers imposed by all states. These taxes are used to pay unemployment benefits.

- Standards set by the Social Security Act that result in a high degree of uniformity in the requirements of state unemployment laws.
- Employers' need to be aware of the SUTA laws in the states where they operate.

## Recordkeeping Requirements

Although the laws do impose recordkeeping requirements on employers, no specific form of record is mandated. Figure 1.2, on page 1-6, lists the specific information needed and the retention time periods required.

### LO 2

Examine the recordkeeping requirements of these laws.

## Fair Employment Laws

Federal and state legislations have been enacted to enforce **fair employment practices**. Many of these laws deal with discrimination on the basis of age, race, color, religion, gender, or national origin.

### Civil Rights Act of 1964

Title VII of the Civil Rights Act of 1964, entitled “Equal Employment Opportunity,” provides for several fair employment practices. The act, as amended, forbids employers to discriminate in hiring, firing, promoting, compensating, or in any other condition of employment on the basis of race, color, religion, gender, or national origin. Guidelines, established by the Equal Employment Opportunity Commission (EEOC), also include physical characteristics in the definition of national origin discrimination. For example, unnecessary height or weight requirements could exclude some individuals on the basis of their national origin. The EEOC has also declared that sexual harassment violates the Civil Rights Act. Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature can constitute sexual harassment.

The EEOC prohibits unions from excluding or segregating their members on these bases, and employment agencies may not refer or refuse to refer applicants for employment on the basis of race, color, religion, gender, or national origin.

This act covers all employers who engage in an industry “affecting commerce” and who employ 15 or more workers for each working day in each of 20 or more weeks in the current or preceding calendar year. Employers specifically excluded from coverage of the fair employment practices include the U.S. government (state and local governments are covered), a corporation wholly owned by the United States, Indian tribes, private membership clubs (other than labor unions) exempt from federal income tax, and religious societies in the employment of members of a particular religion to work on the societies' religious activities. Although the U.S. government is classified as an exempt employer, the act states that the policy of the U.S. government provides equal employment opportunities without discrimination and that the president should use his existing authority to implement this policy.

The act requires an employer information report (EEO-I) to be filed annually by employers with federal government contracts of \$50,000 or more who have 50 or more employees, and employers without a government contract who have 100 or more employees.

Title VII does not protect an employee from arbitrary treatment or dismissal. As long as the employer applies these policies in a nondiscriminatory manner, Title VII requirements have not been violated.

### ON THE NET

<http://www.eeoc.gov>/ This EEOC homepage overviews guidelines and services of the Equal Employment Opportunity Commission (EEOC).

### ON THE JOB

Title VII requires employers to reasonably accommodate workers' religious-based requests without causing an undue hardship to others.

**FIGURE 1.2**

Summary of Information Required by Major Federal Payroll Laws

	<b>Item</b>	<b>Fair Labor Standards Act</b>	<b>Social Security</b>	<b>Income Tax Withholding</b>	<b>Unemployment Tax</b>
EMPLOYEE DATA	Name	Yes	Yes	Yes	Yes
	Address	Yes	Yes	Yes	Yes
	Gender	Yes	....	....	....
	Date of birth	Yes	....	....	....
	Social security number	Yes	Yes	Yes	Yes
	Withholding allowances claimed	....	....	Yes	....
	Occupation	Yes	Yes	Yes	Yes
	Period employed	....	Yes	Yes	Yes
	State where services rendered	....	Yes	....	Yes
EMPLOYMENT DATA	Beginning and ending dates of employee's employment	....	Yes	Yes	....
	Day and time of day when workweek begins	Yes	....	....	....
	Regular hourly rate of pay	Yes	....	....	....
	Basis of wage payments; e.g., \$9.25 per hour; \$74.00 per day	Yes	....	....	....
	Hours worked each day	Yes	....	....	....
	Hours worked each week	Yes	....	....	....
	Daily or weekly straight-time pay, exclusive of overtime pay	Yes	....	....	....
	Amount and nature of exempt pay	Yes	....	....	....
	Weekly overtime pay	Yes	....	....	....
	Total additions to or deductions from wages	Yes	....	....	....
	Total remuneration for payroll period	Yes	Yes	Yes	....
	Total remuneration for calendar year	....	Yes	....	Yes
	Date of payment	Yes	Yes	Yes	Yes
	Payroll period	Yes	Yes	Yes	Yes
	TAX DATA	Employee's wages subject to tax for payroll period	....	Yes	Yes
Employee's wages subject to tax for calendar year		....	Yes	....	Yes
Taxable remuneration—if different from total remuneration, reason for difference		....	Yes	Yes	Yes
Tax deductions from employee's wages		....	Yes	Yes	Yes
Date tax collected if other than date of payment		....	Yes	Yes	....
Tax paid by employer but not deducted from employee's wages		....	Yes	Yes	Yes
GEN'L	Specific form of records	No	No	No	No
	Number of years records must be kept	2–3	4*	4*	4*

\*Four years after the due date of the payment of the tax to which the records relate.

## Over the Line

Yellow Transportation has a policy that new employees can be fired if they are late for work during their first 30 days of employment. A non-white employee who was late twice during this period was fired. He then sued the company for racial bias, stating that long-term white employees were not held to the same standard. The court rejected his claim and stated that in order to prove bias the comparison had to be made with newly hired white employees. This ruling confirms the right of a company to set stricter rules during an initial training period.<sup>3</sup>

To accomplish the purpose of eliminating discrimination, the EEOC tries to obtain voluntary compliance with the law before filing a court action for an injunction. It can institute court proceedings for an injunction if it believes that any person or group of persons is not complying with the law. Where a state or local law forbids discriminatory practices, relief must first be sought under the state or local law before a complaint is filed with the Commission. In most states, a special commission or the state Department of Labor administers the laws and may authorize cease-and-desist orders that are enforceable in the courts.

The Civil Rights Act of 1991 grants compensatory and punitive damages in cases where the discrimination is intentional. It also provides for the repayment of attorney fees and the possibility of a jury trial.

### Executive Orders

Employers not subject to the Title VII coverage discussed above may come within the scope of the Civil Rights Act by reason of a contract or a subcontract involving federal funds. In a series of **executive orders**, the federal government has banned, in employment on government contracts, discrimination based on race, color, religion, gender, or national origin.

### Age Discrimination in Employment Act

The Age Discrimination in Employment Act of 1967 (ADEA) prohibits employers, employment agencies, and labor unions from discriminating on the basis of age in their employment practices. The act covers employers engaged in an industry affecting interstate commerce (who employ 20 or more workers), employment agencies, and labor unions. The act also covers federal, state, and local government employees, other than elected officials and certain aides not covered by civil service. The ADEA provides protection for virtually all workers over 40. 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, the employee can be forcibly retired.

In order to prove compliance with the various fair employment laws, employers must keep accurate personnel and payroll records. All employment applications, along with notations as to their disposition and the reasons for the disposition, should be retained. All records pertaining to promotions, discharges, seniority plans, merit programs, incentive payment plans, etc., should also be retained.

### ON THE JOB

Court rulings have updated the regulations to state that favoring an older individual over a younger individual because of age is not unlawful discrimination under the ADEA.

<sup>3</sup> *HR Specialist*, March 2012, p. 3.

## Over the Line

Louisville-based Texas Roadhouse with more than 450 locations in the United States is fighting a lawsuit brought by 55 women and men charging discrimination against workers age 40 and older by refusing to employ them as hosts, bartenders, and servers. In legal filings, the company stated that even if its policies had an adverse impact on older workers, they were lawful, because they are job-related and consistent with business necessity (in that servers must line dance, wear jeans, and work evenings).

### ON THE JOB

Even though alcoholism is a disability under the ADA, employees can be disciplined for misconduct that occurred while under the influence.

### Americans with Disabilities Act

The Americans with Disabilities Act of 1990 (ADA) prohibits employers with 15 or more employees, employment agencies, labor organizations, or joint labor-management committees from discriminating against qualified persons with disabilities because of their disability.

The prohibition of disability-based discrimination applies to job application procedures, hiring, advancement, termination, compensation, job training, and other conditions of employment. In addition, reasonable accommodations, such as wheelchair-accessible restrooms and ramps for qualified disabled job applicants and workers, must be provided.

Under the ADA, a person is considered “qualified” if he or she can perform the essential functions of the job with or without reasonable accommodation.

## Other Federal Laws Affecting the Need for Payroll and Personnel Records

Generally, the payroll and personnel records and reports that a business prepares and retains to meet the requirements of the laws already discussed provide sufficient information needed under the laws outlined in Figure 1.3 and discussed below.

### Federal Personal Responsibility and Work Opportunity Reconciliation Act of 1996

The Federal Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (PRWORA) mandates that all states must establish new-hire reporting programs. Every employer is required to report the name, address, and social security number on each new employee and the employer’s name, address, and federal employer identification number *within 20 days of hire* to the State Directory of New Hire Reporting. In many states, submission of a copy of the employee’s W-4 form (Employee’s Withholding Allowance Certificate) will satisfy the reporting requirement. This information must then be forwarded within 5 business days by the state to the federal Office of Child Support Enforcement (OCSE) for entry into the National Directory of New Hires. Employers with operations in more than one state may file one report with the state of their choice. That state is then to share the information with the other states.

New-hire reporting requirements in 16 states now also include information reporting on independent contractors. The main reason for this requirement is to help in the enforcement of child support obligations. In addition, it will reduce fraud in the unemployment, workers’ compensation, and public assistance programs. Failure to report this information can result in fines of up to \$25.00 per new hire. Even though under federal law employers do not have to report this same information on independent contractors, some states do require such reporting.

**FIGURE 1.3**  
Federal Laws Affecting the Need for Payroll and Personnel Records

Law	Coverage	Contract Dollar Minimum	Major Provisions
Davis-Bacon Act (1931)	Laborers for contractors or subcontractors on federal government contracts for construction, alteration, or repair of public buildings or works.	\$ 2,000	Minimum wage set by secretary of labor (weight is given to union wage scale prevailing in the project area).
Walsh-Healey Public Contracts Act (1936)	Laborers for contractors who furnish materials, supplies, articles, and equipment to any agency of the United States.	\$15,000	Single minimum wage determined by secretary of labor for all covered employees in a given industry.
McNamara-O'Hara Service Contract Act (1965)	Service employees on contracts with the United States or the District of Columbia for the furnishing of services.	\$ 2,500	Minimum wage set by secretary of labor based on minimum wage found to be prevailing in that locality.
Occupational Safety and Health Act (OSHA) (1970)	Any business involved in interstate commerce.	\$ 0	Sets specific occupational and health standards for employers; requires that records be kept of work-related injuries, illnesses, and deaths.
Vocational Rehabilitation Act (1973)	Companies with federal agency contracts.	\$ 2,500	Must include in the contract an affirmative action clause requiring that the handicapped applicant or employee will be given appropriate consideration.
Vietnam Era Veterans' Readjustment Act (1974)	Government contractors with federal contracts or subcontracts.	\$10,000	Requires contractors to take affirmative action to employ and advance in employment qualified veterans of the Vietnam era and disabled veterans.

### Immigration Reform and Control Act of 1986

The Immigration Reform and Control Act of 1986 (IRCA) bars employers from hiring and retaining aliens unauthorized to work in the United States. It also requires all employers to verify employment eligibility for all individuals by examining the employee's verification documents and having the employee complete **Form I-9, Employment Eligibility Verification**. Form I-9 lists the documents that an employee can choose from to furnish to the employer. These documents identify the employee and, if an alien, verify authorization to work in the United States. The employer must examine the documents to verify their authenticity and then record the appropriate information on the employee's Form I-9. Employers must also follow up on documents (with an expiration date) that limit the employee's authorization to work. The employer cannot ask an applicant about his or her immigration status before a conditional job offer.

Photocopying new employees' I-9 documents is permitted but not required. If done, photocopying should apply to *all* new employees. Employers are not required to submit Forms I-9 to the U.S. Citizenship and Immigration Service.

Section 1 of the form must be signed by the employee no later than the first day of employment, but not before accepting a job offer. Section 2 must be signed by the employer or authorized representative within three business days of the employee's first day of employment. The person signing Section 2 must be the same person who examined the employee's documents.

Failure to produce the required documents can result in termination as long as the employer applies this rule uniformly to all employees. If it is confirmed that an employee is not legally authorized to work in this country, the employee must be fired immediately.

The process of collecting, filing, and retaining I-9 forms and supporting documentation should be a centralized function so that inconsistencies are eliminated. The forms (I-9) and supporting documentation should be filed separately from other personnel records so that the information contained in the forms is kept private. The form must be retained for three years after the date of hiring or

for one year after the date the employment is terminated, whichever is later. Terminated employees who are rehired within three years of the date of the initially filed Form I-9 need only reverify the information to the employer.

The U.S. Citizenship and Immigration Services (USCIS) can levy fines if an audit uncovers hiring, recruiting, or referring violations.

The fines on employers are broken down as follows:

- First offense—\$559 to \$4,473 per illegal employee.
- Second offense—\$4,473 to \$11,181 per illegal employee.
- Third offense or more—\$6,709 to \$22,363 per illegal employee.
- Pattern of violations—extra fines and up to six months in jail.

There are also fines levied for document fraud.

## Over the Line

The largest ever penalty in an immigration case (\$95 million) was assessed to a Pennsylvania-based tree company for hiring workers whom company executives knew lacked proper immigration documents.

### E-Verify

This is a government-run Internet-based system that allows employers to check the employment eligibility of new hires by comparing the information on an employee's Form I-9 with databases of the Social Security Administration and the Department of Homeland Security. E-Verify requires a social security number (SSN) for the employee, so even though a newly hired employee is not required to have applied for a SSN before completing Form I-9, the employee must apply for it as soon as possible.

For most employers, this is a voluntary program; however, if the employer has a federal contract or subcontract that contains an E-Verify clause, the new hires of that organization and the employees performing work on the federal contract must be verified. All new federal employees must have their employment eligibility confirmed through E-Verify. State laws can also require employers to E-Verify (mandatory in over 20 states for some or all employees).

If there is a record mismatch, a tentative nonconfirmation is issued to the employer who must then notify the affected employee. If the employee had voluntarily provided his or her e-mail address on Form I-9, E-Verify will inform the employee at the same time as the employer. In case of a mismatch, the employee has eight working days to correct the discrepancy or be fired.

### Family and Medical Leave Act of 1993

The Family and Medical Leave Act of 1993 (FMLA) requires employers that have 50 or more employees within a 75-mile radius, for at least 20 weeks in the current or preceding calendar year, to grant workers *unpaid leave* for a family or medical emergency. In cases of childbirth, adoption, or serious illness of the employee or the employee's child, spouse, or parent, the employer must offer the worker as many as 12 weeks of unpaid leave. The leave may be used all at once, or in separate weeks, days, or hours. However, the leave must be taken within 12 months of the qualifying event.

During the leave, employers must continue health-care coverage, and they must also guarantee that the employee will return to the same job or to a comparable position. The employer can substitute an employee's earned paid leave for any part of the 12-week family leave as long as notification is given to the employee within

## ON THE JOB

FMLA absenteeism is highest among health-care employees with 39 percent of their workforce with open FMLA leave (average length of 28 days).



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two business days of receiving the request for the leave and it does not violate an existing employment contract.

Employers that pay employees on family and medical leave at least 50 percent of their normal wages may take a general business tax credit equal to 12.5 percent of the wages paid. The credit increases (to a maximum of 25 percent) in increments of 0.25 percent for each percentage point over the 50 percent starting point. The credit applies to wages paid for up to 12 weeks of leave time and does not apply to employees with wages over \$72,000. This provision was set to expire on December 31, 2019, but Congress is expected to extend it.

An expansion of FMLA allowed employees to take leave (up to 12 weeks) when a family member is on active duty or when the employee cares for a family member with a serious injury or illness incurred in the line of duty (up to 26 weeks).

An employee who has used the 12-week allotment under FMLA may be entitled to additional time off as a reasonable accommodation under the Americans with Disabilities Act (see page 1-8) as long as the employee's condition qualifies as a disability.

Employers can exempt the following:

1. The highest-paid 10 percent of their workforce.
2. Those who have not worked at least one year and at least 1,250 hours in the previous 12 months for the company.

A few states (California, New Jersey, New York, and Rhode Island) have implemented *paid* family leave plans. For example, New Jersey now allows workers six weeks' paid leave (at two-thirds of their salary up to \$650/week) to care for family members with a serious health condition, or to be with a child during the first 12 months after his or her birth or adoption. The program is funded through payroll deductions that are estimated to cost employees a maximum of \$27.52 a year.

Current regulations allow employers to contact employees' doctors for clarification on the information on the employees' certification forms. This contact cannot be made by the employees' direct supervisors, but must be done by human resources professionals, leave administrators, or management officials.<sup>4</sup>

The definition of "spouse" was revised to examine the law of the state in which the marriage was entered into instead of the law of the state in which the employee resides. This allows all legally married couples (whether opposite-sex, same-sex, or married under common law) to have consistent family leave rights regardless of where they live.

An organization that is below the limits of coverage could be courting an FMLA lawsuit if in its employee handbook or benefits materials there is a statement that it complies with the FMLA.

## Uniformed Services Employment and Reemployment Rights Act of 1994

The Uniformed Services Employment and Reemployment Rights Act (USERRA) gives military personnel the right to take leaves of absences from their civilian jobs for active military service and to return to their jobs with accrued seniority. The reinstatement must be to the employee's original position or its equivalent, except for the dishonorably discharged. In addition, the return must be granted within two weeks of the job request, and health benefits must be started without any waiting period.

### ON THE JOB

Even though employers can give a general reason for leave, it is the responsibility of the employer to identify requests that may qualify as FMLA leave.

<sup>4</sup>"Compensation and Benefits," *HR Specialist*, March 2012, p. 2.

## Employee Retirement Income Security Act of 1974

The Employee Retirement Income Security Act of 1974 (ERISA) covers employee pension and welfare plans established or maintained by any employer or employee organization representing employees engaged in commerce or in any industry or activity affecting commerce. The legislation safeguards pension funds by regulating how the funds are to be raised and disbursed, who controls them, and what is to be done when funds are insufficient to pay promised benefits. The law *does not* require every employer to establish a pension plan; however, if there is an employer pension plan, every employee is eligible *after reaching age 21 or completing one year of service*, whichever is later.

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. **Vesting** conveys to employees the right to share in a retirement fund if they are terminated before the normal retirement age. The vesting process is linked to the number of years needed for workers to earn an 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. Currently, the law provides for full vesting of the employer's contributions *in three years or gradually over six years* (20 percent after two years and 20 percent a year for the next four years). The plan administrator must file an annual report (Form 5500) with the federal government by the end of the seventh month following the close of the plan year.

To protect against potential benefit losses because of a plan's termination, ERISA set up a government insurance program, the Pension Benefit Guaranty Corporation, to pay any benefits that could not be met with funds from the plan.

### Disclosure Requirements

Informational reports must be filed with the U.S. Department of Labor, the IRS, and the government insurance program. In general, the reports consist of descriptions of the plans and the annual financial data. The plan descriptions include the eligibility requirements for participation and for benefits; provisions for nonforfeitable pension benefits; circumstances that may result in disqualification, loss, or denial of benefits; and procedures for presenting claims. The annual reports include financial statements and schedules showing the current value of plan assets and liabilities, receipts and disbursements, and employer contributions; the assets held for investment purposes; insurance data; and an opinion by an independent qualified public accountant. Upon written request from the participants, the administrator must also furnish a statement, not more than once in a 12-month period, of the total benefits accrued, accrued benefits that are vested, if any, or the earliest date on which accrued benefits will become vested.

## Affordable Care Act of 2010 (ACA)

The Affordable Care Act (Obamacare) consists of two pieces of legislation: Patient Protection and Affordable Care Act and Health Care and Education Reconciliation Act. The act was designed to expand health insurance coverage to more Americans while increasing benefits and lowering costs for consumers.

State-based health insurance exchanges are established for those who do not have access to employer-provided coverage or do not qualify for public programs like Medicaid. These will be marketplaces where individuals can comparison shop. Individuals and families with incomes between 100 percent and 400 percent of the federal poverty level will receive subsidies to buy coverage.

The Tax Overhaul Bill of 2017 repealed the requirement that all Americans obtain health insurance. This has caused a drop in the number of insurance companies on the states' insurance exchanges. It has also added to an uncertain future for the ACA.

### Applicable Large Employers (ALEs)

Employers with 50 or more full-time employees during the previous year (**applicable large employers—ALEs**) are required to provide coverage for all full-time employees and their dependents. If an employer does not offer coverage, the employer will owe a penalty for each full-time employee who, under the health law, is eligible for and receives federally subsidized health-care coverage.

There are two information reporting obligations for applicable large employers (Form 1095-C):

- A return to be filed with the IRS for each employee with information about the health coverage offered, or not offered, to that employee during the previous year. This return is due to the IRS by February 28 on paper or March 31 if filed electronically.
- An information statement to each full-time employee containing certain health coverage facts. This statement is due by January 31.

Penalties for failing to comply with the information reporting requirements can result in fines of \$250 for each return with a total maximum penalty of \$3,000,000.

### Small Employers

A sliding scale income tax credit is established for **small employers** (fewer than 50 full-time equivalent employees with average annual wages of less than \$50,000) who offer health insurance coverage to their employees. Employers can purchase affordable insurance through the Small Business Health Options Program. If the employer pays at least 50 percent of the cost (the premium rate for an employee with single coverage), there is a 50 percent maximum credit of the employer's premium cost (35 percent for tax-exempt employers) against the employer's income tax liability.

The law also provides for a Medicare tax increase on wages over \$200,000 for single filers and \$250,000 for joint filers. This tax must be withheld by the employer of any worker whose wages exceed \$200,000 (see page 3-10).

## Other State Laws Affecting the Need for Payroll and Personnel Records

States have enacted other laws that have a direct bearing on the payroll and personnel records that an employer must maintain and on the rights that must be extended to employees.

### Workers' Compensation Laws

**Workers' compensation insurance** protects employees and their dependents against losses due to work-related injury, illness, or death. Most states have passed laws that require employers to provide workers' compensation insurance through one of the following plans:

1. Contribution to a state compensation insurance fund administered by an insurance department of the state.

### ON THE JOB

According to the National Business Group on Health, in 2018 the total average cost of employer-provided health benefits was over \$14,000.



wavebreakmedia/Shutterstock.com

2. Purchase of workers' compensation insurance from a private insurance company authorized by the state to issue this type of policy.
3. Establishment of a self-insurance plan, approved by the state, under which the company bears all risk itself.

Benefits are paid to cover medical bills and also to provide a percentage of the worker's regular wages during the time that the employee is unable to work. The employer bears the cost of the workers' compensation insurance premiums, except in Montana, New Mexico, Oregon, and Washington, where both the employer and the employee contribute to the workers' compensation fund.

The insurance premiums are often based upon the total gross payroll of the business and may be stated in terms of an amount for each \$100 of weekly wages paid to employees. The premium rates vary among types of jobs and the employers' accident experience rate.

### EXAMPLE 1-1

The rate for office workers of Volpe Parts Company is \$0.75 per \$100 of payroll, while the rate for machine-shop workers is \$1.90 per \$100 of payroll.

### State Disability Benefit Laws

California, Hawaii, New Jersey, New York, Rhode Island, and Puerto Rico have passed laws to provide **disability benefits** to employees absent from their jobs because of illness, accident, or disease *not arising out of their employment*. Chapter 5 presents further discussion of state disability benefit laws.

## Human Resources and Payroll Accounting Systems

Up to this point, we have seen that a business must keep human resources and payroll records to meet the requirements of the various laws under which it operates. In developing its human resources and payroll accounting systems, a business should design basic forms and records that satisfy the requirements of all the laws applicable to that organization. Properly designed forms and records, as described later in this chapter, not only supply the information required by the various laws but also provide management with information needed in its decision-making process. They also result in savings in both time and work because the necessary information is recorded, stored, retrieved, and distributed economically, efficiently, and quickly.

Before studying the employment process, it is important to examine the close relationship between the Payroll Department and the Human Resources Department. Some businesses consider payroll to be strictly an accounting function and, as such, place it under the direct control of the chief financial officer. However, because of the need for frequent interchange of information between the Payroll and Human Resources departments, the trend has been to place payroll under the control of the director of human resources. This movement toward centralization eliminates the duplication of many tasks. With the required information in one department, the process of completing these forms is shortened. Further, questions from employees concerning sick pay, vacation pay, and other benefits can be answered from one source.

Individual computer programs have been developed for the combined needs of payroll and human resources. Information concerning such diverse activities as attendance, retirement benefits, health insurance coverages, and bonus pay is now available to designated employees in the Human Resources Department through a computer terminal.

## Human Resources System

In many medium-size and large companies, the **human resources system** embodies all those procedures and methods related to recruiting, selecting, orienting, training, and terminating personnel. Extensive recordkeeping procedures are required in order to:

1. Provide data for considering promotions and changes in the status and earnings of workers.
2. Provide the information required by various federal, state, and local laws.
3. Justify company actions if investigated by national or state labor relations boards.
4. Justify company actions in discussions with local unions or plant committees.

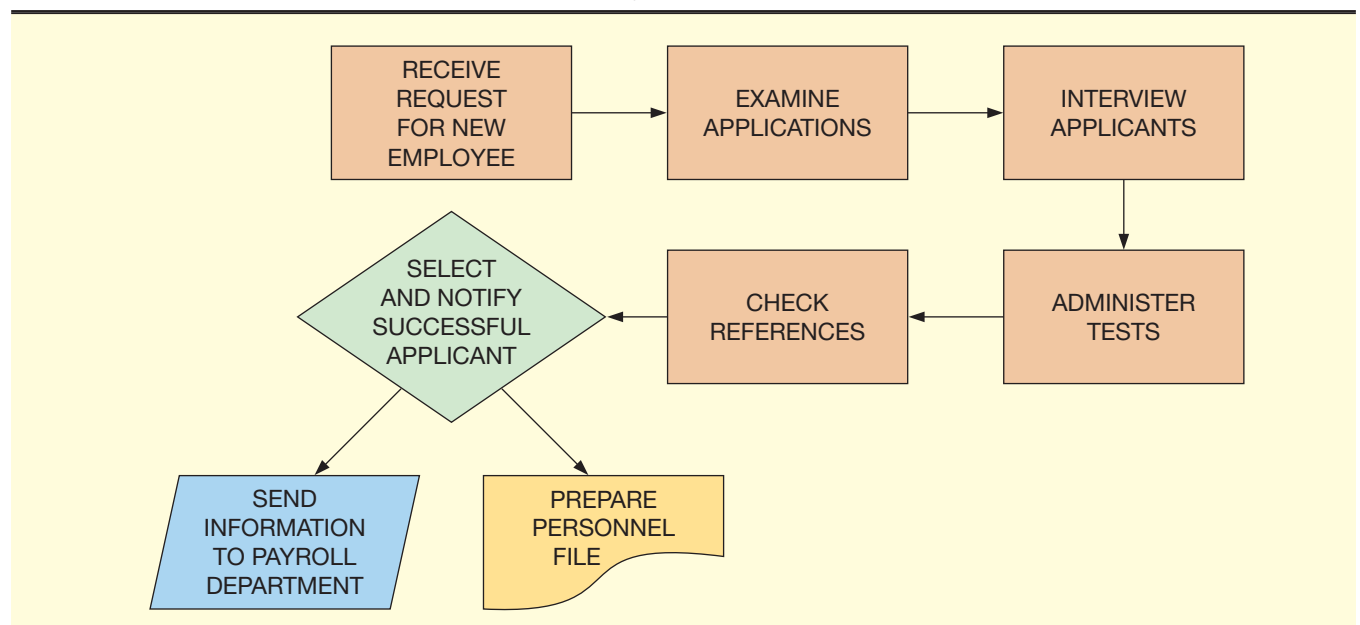
Before the Payroll Department can pay newly hired employees, the Human Resources Department must process those employees. Figure 1.4 charts the procedure that the Human Resources Department follows in this hiring process.

A number of companies that manufacture business forms have available standard personnel forms and records that may be successfully used if a business does not care to design its own special forms. In small companies, an application form or an employee history record may be the only document needed. Throughout the remainder of this chapter, several illustrations augment the discussion of the various human resources and payroll records. In these examples, we shall follow Cheryl Crowson from her initial application for employment with Palmero Maintenance Company to her entry onto the company's payroll records.

### LO 3

Describe the employment procedures generally followed in a Human Resources Department.

**FIGURE 1.4**  
Human Resources Department Procedure in the Hiring Process



## Job Descriptions

One way to protect companies from discrimination charges in hiring practices is to have true and clear job descriptions for every position in the organization. This is one of the items that courts examine in determining the validity of a discrimination charge. The descriptions must be accurate and must have been prepared before the job was advertised or the interviewing began.

The descriptions should include:

- Job title.
- Essential and nonessential duties.
- Department/supervisor.
- Necessary skills.
- Needed experience.
- Education, credentials required.
- Working conditions.
- Results expected.<sup>5</sup>

*In today's world, many of the paper forms presented in this chapter have been replaced with electronic substitutes. They are illustrated here to show the type of information that should be included no matter what format is used.*

## Requisition for Personnel

The **requisition for personnel** form notifies the Human Resources Department of the need for additional or replacement employees. The requisition for new employees can be initiated in a number of ways. Some companies utilize a memo that is forwarded to the Human Resources Department stating the title of the position to be filled, a brief description of the duties of the job, and the salary range. Other companies may use preprinted forms. A preprinted form should indicate the type and number of persons needed, the position to be filled, the rate of pay for the job, the salary range, the date the employee is needed, a summary of any special qualifications, and whether the position is permanent or temporary. This process can also be completed electronically, through the use of a company's e-mail system.

## Application for Employment

Every business, regardless of size, should have an application form (similar to that in Figure 1.5, on pages 1-17 and 1-18) to be filled out by a person seeking employment. The **application form** gives the applicant an opportunity to provide complete information as to:

1. Personal information including the name, address, telephone number, and social security number of the applicant.
2. Educational background including a summary of the schools attended, whether the applicant graduated, and degrees conferred.
3. Employment and experience record.
4. Type of employment desired.
5. References.

The application form also provides information for the checking of references, serves as a guide to effective interviewing, and provides information for correlation with data obtained from employment tests. It serves as a permanent record for the business. This form can also be set up to be completed electronically by the applicant.

<sup>5</sup>"Employment Law," *HR Specialist*, April 2018, p. 7.

### LO 4

Identify the various personnel records used by businesses and the type of information shown on each form.

**FIGURE 1.5**  
Application for Employment

**APPLICATION FOR EMPLOYMENT**  
An Affirmative Action/Equal Opportunity Employer

POSITION APPLIED FOR Payroll Specialist

This job application is valid only for the position you have listed above. If you wish to be considered for other positions, you will need to complete and/or submit a separate application for each position.

**PERSONAL**

Name Cheryl Crowson

Address 1630 West End Ave. Huntington, WV 25703  
STREET CITY STATE ZIP

Telephone (304) 555-2192 (304) 555-1618  
WORK HOME OTHER

Social Security Number 000-00-6357

Have you worked for Palmero Maintenance Company before? YES  NO   
If Yes, when? \_\_\_\_\_

If hired, can you provide proof of identity and eligibility to work in the U.S.? YES  NO

NAMES	ADDRESS	ACADEMIC MAJOR	NO. OF YEARS ATTENDED	DEGREE
HIGH SCHOOL <b>Centennial Senior</b>	<b>Stanford Road Huntington, WV</b>	<b>Business</b>	<b>4</b>	<b>Yes</b>
COLLEGE, JUNIOR COLLEGE, OR UNIVERSITY <b>Huntington Community College</b>	<b>Swamp Road Huntington, WV</b>	<b>Business— Occupational</b>	<b>2</b>	<b>Associate</b>
TECHNICAL OR VOCATIONAL				

Other details of training: \_\_\_\_\_ (Courses) \_\_\_\_\_ (Cert.)

**FIGURE 1.5 (concluded)**

## Application for Employment

**EMPLOYMENT HISTORY**

List in sequence all employers, beginning with present/most recent employer, including military experience and apprenticeship. Explain any gaps in employment in comments section below. If additional space is needed, please attach sheet(s).

EMPLOYER	TELEPHONE	DATES EMPLOYED				Summarize the nature of the work performed and job responsibilities
		FROM Month Year	TO Month Year	TO Month Year	TO Month Year	
<b>Brennan Shipping Co.</b>	<b>(304) 555-1119</b>					
ADDRESS <b>193 Mountain Blvd., Huntington, WV</b>		<b>5/10</b>		<b>Present</b>		<b>Input time worked</b>
JOB TITLE <b>Payroll Assistant</b>						<b>information, checked</b>
IMMEDIATE SUPERVISOR AND TITLE <b>Helen Young—Payroll Manager</b>		Full-time ✓		Part-time		<b>payroll, distributed</b>
REASON FOR LEAVING <b>Want to have more responsibility</b>						<b>checks</b>
MAY WE CONTACT FOR REFERENCE? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> LATER						

EMPLOYER	TELEPHONE	DATES EMPLOYED				Summarize the nature of the work performed and job responsibilities
		FROM Month Year	TO Month Year	TO Month Year	TO Month Year	
<b>AUS Drug</b>	<b>(304) 555-0101</b>					
ADDRESS <b>Broad &amp; Cherry Sts., Huntington, WV</b>		<b>9/08</b>		<b>5/10</b>		<b>Served as head cashier</b>
JOB TITLE <b>Clerk/Cashier</b>						<b>and maintained inventory</b>
IMMEDIATE SUPERVISOR AND TITLE <b>John Stumley—Manager</b>		Full-time		Part-time ✓		
REASON FOR LEAVING <b>Graduated college—Full-time position</b>						
MAY WE CONTACT FOR REFERENCE? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> LATER						

**REFERENCES**

Give names of persons we may contact to verify your qualifications for the position:

<b>Edna White</b>	<b>Instructor</b>	<b>Teacher</b>	<b>Huntington Community College</b>
Name	(Title)	(Occupation)	(Organization)

<b>Swamp Road, Huntington, WV</b>	Bus. No.: <b>(304) 555-8000</b>	Home No.: <b>(304) 555-2111</b>
(Address)		

<b>Henry Stone</b>	<b>Controller</b>	<b>Finance</b>	<b>Brennan Shipping Co.</b>
Name	(Title)	(Occupation)	(Organization)

<b>193 Mountain Blvd., Huntington, WV</b>	Bus. No.: <b>(304) 555-1119</b>	Home No.: <b>(304) 555-8710</b>
(Address)		

I hereby certify that all statements made in this application (and accompanying résumé, if any) are true and complete. I understand that any false or misleading statement on this application constitutes sufficient grounds for dismissal, if hired. I further certify that I may lawfully be employed in this country and, if employed, will provide required documentation to verify identity and employment eligibility. In addition, in making this application for employment, I understand that the Company may investigate my employment and educational records. I hereby authorize my current and/or former employer(s) and school(s) to furnish the information requested by the Palmero Maintenance Company.

Signature of Applicant **Cheryl Crowson**

Date **June 10, 20--**

Employers subject to fair employment laws 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, or age. A number of states have instituted a “lifestyle discrimination law” that deals with discrimination based on employees’ use of legal products on their own time, e.g., tobacco use. **Pre-hire inquiries** include questions asked in the employment interview and on application forms, résumés of experience or education required of an applicant, and any kind of written testing. None of the federal civil rights laws specifically outlaws questions concerning the race, color, religion, gender, national origin, or age of an applicant. However, if the employer can offer no logical explanation for asking such questions, the EEOC and the Wage and Hour Administrator view such questions as discriminatory. Of course, pre-hire questions pertaining to religion, gender, national origin, or age are allowed when these factors are bona fide occupational qualifications for a job. Many states have banned the use of a check box relating to an applicant’s criminal past; however, employers can still ask about arrest records during the job interview. The EEOC has stated that criminal background checks can only be used if there is a solid business reason for them. Asking for arrest records is illegal.

Background checks must be in compliance with the rules established by the Fair Credit Reporting Act (FCRA) of 1968. These steps must be closely followed where an **investigative consumer report** is being used:

- Notify the applicant in writing that the information obtained will be used in the employment decision.
- Have the applicant sign the notification.
- Give the applicant a notice and a copy of the report at least five days before making an adverse employment decision.
- Provide a copy of the government document “A Summary of Your Rights Under the FCRA.”

## Over the Line

Wells Fargo had to pay over \$12 million to 6,255 unsuccessful job applicants due to background check violations. The lead plaintiff in the case stated that Wells Fargo ran an employment-purposed consumer report on him without telling him about the report, nor did the bank give him a copy of the report after being rejected for the job.<sup>6</sup>

Testing applicants can also be an area fraught with legal ramifications. Aptitude and psychological testings are unlawful unless results can be related to job performance. The use of online personality tests has surged in the past decade. These tests are used to assess the personality, skills, cognitive abilities, and other traits of 60 to 70 percent of prospective workers in the United States. These types of tests must be approved by the EEOC. Lie detector tests are strictly illegal.

With regard to drug testing, employers must consult their state’s laws. Close to one-half of the states have laws covering this type of testing. It can be used in a limited number of situations or in a narrow range of job categories.

Asking an applicant’s age or date of birth may tend to deter the older worker. Thus, if an application form calls for such information, a statement should appear on that form notifying the applicant that the ADEA prohibits discrimination on the basis of age with respect to individuals who are at least 40. Questions on the application and during the interview process should be used only to determine the applicant’s ability to do the job.

## ON THE JOB

A number of states have made it unlawful to ask about past salary information on job applications—it may cause lower starting pays and perpetuate pay disparities against women and minorities.

<sup>6</sup> “Employment Law,” *HR Specialist*, April 2016, p. 6.



Some of the safeguards to prevent lawsuits would be:

- Accept applications almost exclusively online.
- Have someone not involved in the interview process review applications.
- Screen applications with computer software that looks for experience, education, and training characteristics.<sup>7</sup>

Another recent development that will affect the job interviewing process concerns past salary information. In an effort to ensure pay equality for women, Massachusetts was the first state to require employers to extend a formal job offer before probing the salary or benefit histories of the applicants. With a number of states expected to follow, eventually Congress could pass a law that will apply to all states.

The final part of the application form should be a statement affirming the employer's right to:

- Verify the information on the application.
- Terminate the employee for providing false information on the application or during the interview process.
- Obtain authorization for any planned credit or background checks.

The application should then be signed by the applicant.

Federal antidiscrimination laws require employers to keep all applications for at least one year from the date of hiring decision, even those from unqualified candidates.

### Reference Inquiry

Before employing an applicant, a company may check some of the references given on the application. Many businesses use a standard **reference inquiry form**, which can be mailed or e-mailed to the person or company given as a reference. Other companies prefer a telephone reference check because they feel that a more frank opinion of the candidate is received over the telephone. Some companies prefer not to check on personal references given by the job applicant, since these tend to be less objective than business references (e.g., prior employers).

Today, any type of reference checking has taken on new meaning—expensive litigation. In most cases, respondents to these inquiries will verify dates of employment and job titles only, with no information on former employees' work habits. To reduce the increasing number of "failure-to-warn" lawsuits, a number of states have passed laws providing protection from liability to employers who want to provide references. Recent court decisions have held the reference process to be privileged.<sup>8</sup> Some companies have also made an "Employment Reference Release" part of the employment application.

<sup>7</sup> "From the Courts," *The HR Law Weekly*, 2018 Special Education, p. 3.

<sup>8</sup> "HIRE AT WILL," *HR Specialist*, 2010, p. 28.

### ON THE JOB

The EEOC civil rights groups and unions employ "testers." These are persons who are sent out as applicants to check whether employers are hiring legally.

### NEWS ALERT

A survey conducted by the Society for Human Resource Management found that 53 percent of employers have been subject to employment-related lawsuits. The majority of lawsuits were filed by former or current employees; only 5 percent were from prospective employees.

## Hiring Notice

After the successful applicant is notified of employment and the starting date, time, and to whom to report, a **hiring notice** is sent to the Payroll Department so that the new employee can be added properly to the payroll. A hiring notice, such as that shown in Figure 1.6, usually gives the name, address, and telephone number of the new employee, the department in which employed, the starting date, the rate of pay, the number of withholding allowances claimed, and any other information pertaining to deductions that are to be made from the employee's wages.

## Employee History Record

Although many businesses keep no personnel records other than the application, a more detailed record is needed to provide a continuous record of the relationship between the employer and the employee. The **employee history record** is such a record and, in addition to providing personal and other information usually found on an application, provides space to record the employee's progress, attendance, promotions, performance appraisals, and salary increases. As with most records, the individual employee must have access to his or her human resource files.

## Change in Payroll Rate

The **change in payroll rate form** notifies the proper departments of a change in the employee's rate of remuneration. The change in rate may originate in the Human Resources Department or with the head of the department in which the employee works. In either event, the Payroll Department must be informed of the change for the employee so that the rate change is put into effect at the proper time and so that the records reflect the new rate. Figure 1.7, on page 1-22, shows a form that may be used for this purpose.

## ON THE JOB

Jumping to a new job—an ADP study found that a 13 percent raise in salary is the turning point at which employees will change to a new job.

## IRS CONNECTION

In 2018, April 19 was the day on which the average American worker's income, since the beginning of the year, equaled the tax obligations to federal, state, and local governments.

**FIGURE 1.6**  
Hiring Notice

HIRING NOTICE				NO. 220
SOCIAL SECURITY NO. 000 - 00 - 6357			DATE <u>June 28, 20--</u>	
NAME Cheryl Crowson		CLOCK NO. 418		
ADDRESS 1630 West End Ave., Huntington, WV		ZIP 25703	PHONE NO. 555-1618	
OCCUPATION Payroll Specialist		DEPT. Accounting	GROUP NO. --	
STARTING DATE July 1, 20--		TIME 8:00	A.M. P.M.	RATE \$48,000 yr.
MARRIED		SINGLE <input checked="" type="checkbox"/>	BIRTH DATE <u>8/1--</u>	
LAST EMPLOYMENT	Brennan Shipping Co.		LOCATION Huntington, WV	
	DATE LEFT June 30, 20--		REASON Advancement	
NO. OF WITHHOLDING ALLOWANCES		1		
IN EMERGENCY NOTIFY Robert Crowson		PHONE NO. 555-5136		
EMPLOYEE'S SIGNATURE IN FULL <i>Cheryl Crowson</i>				
SUPERVISOR'S SIGNATURE <i>Margaret T. Johnson</i>				
EMPLOYMENT DEPARTMENT				
ORIGINAL TO PAYROLL DEPT. DUPLICATE RETAINED BY HUMAN RESOURCES DEPT.				

**FIGURE 1.7**  
Change in Status Form

**CHANGE OF STATUS**

Please enter the following change(s) as of January 1, 20 --

Name Cheryl Crowson Clock or Payroll No. 418 Soc. Sec. Number 000-00-6357

FROM				REASON FOR CHANGE:	
Job	Dept.	Shift	Rate	<input type="checkbox"/> Hired	<input type="checkbox"/> Length of Serv. Increase
Payroll Specialist	Acct.	—	\$48,000	<input type="checkbox"/> Re-hired	<input type="checkbox"/> Re-eval. of Existing Job
				<input checked="" type="checkbox"/> Promotion	<input type="checkbox"/> Resignation
				<input type="checkbox"/> Demotion	<input type="checkbox"/> Retirement
				<input type="checkbox"/> Transfer	<input type="checkbox"/> Layoff
				<input type="checkbox"/> Merit Increase	<input type="checkbox"/> Discharge
				<input type="checkbox"/> Leave of Absence to _____	
					Date

TO			
Job	Dept.	Shift	Rate
Accounting Analyst	Acct.	—	\$51,500

Other reason or explanation: \_\_\_\_\_

\_\_\_\_\_

AUTHORIZED BY Margaret T. Johnson APPROVED BY E. J. Dunn

Prepare in triplicate: (1) Human Resources (2) Payroll (3) Employee's Department



### Terminating an Employee

If an employee has an employee contract or if promises were made to the employee, termination can only be done with “good cause.” This means the firing must be based on reasons related to business needs and goals. An “at-will” employee can be discharged for any reason as long as it is not a discriminatory reason, even if the employee just does not work well together with the staff. In cases where the company has made past mistakes in the handling of the employee, it would be wise to consult a lawyer before making the final decision. The lawyer can check all the angles in order to protect the company from lawsuit liability.

## Recordkeeping System

Whether the system is paper-based or computer-based or records in the cloud, it is advantageous to have four separate sets of records for each employee:

- Personnel file—basic information (e.g., name, address, etc.).
- Payroll file—salary and benefits.
- Medical file—insurance and private medical data.
- I-9 file—copies of the forms and the appropriate documents.<sup>9</sup>

<sup>9</sup>“Nuts & Bolts,” *HR Specialist: Employment Law*, December 2012, p. 7.