

# HR QUESTION ? of the month



## *Pay new hires for onboarding prior to start date?*

**Question:** We will soon be implementing pre-employment online onboarding. As such, individuals who have accepted an offer for employment but are not yet employed will complete pre-employment paperwork including I-9, W-4, etc. on a one-time basis. They will also familiarize themselves with a few select policies. The paperwork is not burdensome. They can complete the paperwork on their own time at home and at any time prior to their first day. The paperwork is not part of the worker's assigned job duties. Do the soon-to-be employees need to be compensated for the time it takes for them to complete the paperwork?

**Response:** Yes. Generally, any time an individual spends under the direction and control of the employer is compensable, and this also would include time spent completing new-hire paperwork, training, testing and/or being oriented to a new job, even if this occurs prior to commencing duties. The best practice is to have employees report for work on the first day and go through the regular orientation and paperwork process, training, etc., thus making the "hire" and "start" or "onboarding" date the same day. In sum, the employer must ensure that new hires are properly paid for all time spent "working," even if this is only to fill out new hire paperwork and undergo training or orientation before commencing actual work and even if such tasks are completed from home.

Want to learn more about how to handle issues like this? [Click Here](#) to listen to our podcast about pre-start onboarding.

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