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## Legal Aspects of Managing an ECE Center

### A Legal Check-up

The following questions will help you identify potential legal concerns within your organization. Answering “Yes” to all or most of these questions indicates you are doing a good job of protecting your business. If you answer “No” or “I don’t know”, this is an area you may want to explore further to ascertain you have appropriate policies or protections in place. Some categories may not apply to you. Be sure that is the case before answering “Not Applicable.”

#### Protection against Liability

If you are for-profit does your business utilize a limited liability entity to protect your personal assets?

Yes            No            I don’t know            Not Applicable

If you are for-profit, do you use separate checking accounts for business and personal expenses?

Yes            No            I don’t know            Not Applicable

For nonprofits, do you carry Directors and Officers Liability Insurance?

Yes            No            I don’t know            Not Applicable

#### Employee Relations

Do you have a policy and procedure manual with clear policies that are followed?

Yes            No            I don’t know            Not Applicable

Do you have employee handbooks that clarify employee performance expectations?

Yes            No            I don’t know            Not Applicable

Have you filed the required forms for unemployment and payroll withholding?

Yes            No            I don’t know            Not Applicable

Do you have policies in place to avoid discriminatory employment practices?

Yes            No            I don't know            Not Applicable

Do you have policies in place to handle sexual harassment issues?

Yes            No            I don't know            Not Applicable

Do you have people working for you as Independent contractors? If so, are you issuing a 1099-MISC when appropriate (You paid more than \$600 to a consultant (accountant, attorney, other professional services)?)

Yes            No            I don't know            Not Applicable

### **Internet Business**

If you have an active website and are using third party content, did you get permission?

Yes            No            I don't know            Not Applicable

Is your domain name protected?

Yes            No            I don't know            Not Applicable

Do you have written permission from parents to post pictures of their children on your website or on social media?

Yes            No            I don't know            Not Applicable

### **Contracts and Agreements**

Are your company's important agreements set forth in carefully drafted written contracts?

Yes            No            I don't know            Not Applicable

Have you structured your contracts to minimize personal and business exposure to liability?

Yes            No            I don't know            Not Applicable

Can the average person understand your contract?

Yes            No            I don't know            Not Applicable

Do you have a system for keeping track of important obligations and notice requirements related to your licensing or other agreements?

Yes            No            I don't know            Not Applicable

**Compliance**

Does your company undergo periodic legal checkups to ensure compliance with the latest laws and regulations?

Yes            No            I don't know            Not Applicable

Is your customers' information (medical information, credit card information) secure (stored discreetly, stored in locked files)?

Yes            No            I don't know            Not Applicable

Do you have current permits for all your business operations?

Yes            No            I don't know            Not Applicable

Do you know what your company's environmental obligations are?

Yes            No            I don't know            Not Applicable

Is your advertising truthful and not deceptive?

Yes            No            I don't know            Not Applicable