

**INSERT YOUR LOGO**

**Human Resources Handbook, 2023**

**[Organization Name]**

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***Note to organizations:*** This generic model Human Resources (HR) Handbook was compiled by EGM Consulting, LLC (EGMC) to provide a *starting point* for nonprofits that need to develop a comprehensive handbook or update their current policies. It was prepared primarily for small and medium-sized community-based organizations serving Latinos and other communities of color, though the content is appropriate for other nonprofits of similar size. Many model personnel policies and even full handbooks and templates are available online and can provide valuable information. In addition, it is very important to ensure that your handbook reflects the labor laws and regulations of your state and (especially in large cities) your municipality, and that it is updated when labor laws or regulations change (which happens quite frequently).

*The author is not an attorney, and this Handbook does not constitute legal advice. Every nonprofit should have its draft HR Handbook reviewed by an HR-focused attorney or another personnel specialist familiar with both federal laws and relevant laws and regulations in the jurisdiction(s) where the nonprofit operates.*

The footnotes in this generic model Handbook and the separate Information Sources handout provide supplemental resources for those developing the Handbook, primarily to highlight some aspects of HR laws and regulations that are especially likely to differ by state, from Family and Medical Leave to whether employees must be given time off to vote, and if so, whether they must be paid for that time. Some employment laws and requirements, including the Family and Medical Leave Act (FMLA), do not apply to Puerto Rico; Replicon provides one summary of its hours and pay regulations, at <https://www.replicon.com/regulation/puerto-rico/>.

This handbook made extensive use of the following resources, most of them online:

* The sample employee handbook prepared in 2004 by the National Council of Nonprofit Associations (now the National Council of Nonprofits), which was especially valuable for providing a logical handbook outline and clear language that was retained in many sections.
* The personnel manuals of several nonprofit organizations located in the District of Columbia, Ohio, and New York, which the author helped to develop or update in recent years, usually with legal advice.
* Online sample policies and descriptions of requirements from such sources as the Society for Human Resource Management (SHRM), the National Council of Nonprofits (NCN), and various government agencies such as the Equal Employment Opportunity Commission (EEOC), state departments of employment security and wage-hour offices, numerous law firms with an HR or nonprofit specialty, and companies that provide HR services.

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**INSERT LOGO OR USE LETTERHEAD**

**DISCLAIMER - IMPORTANT NOTICE ABOUT YOUR EMPLOYMENT**

Welcome to [Organization Name]! Employment with [Organization Name] is at-will,[[1]](#footnote-1) which means that either you or [Organization Name] may terminate employment at any time, for any reason, with or without notice. The policies and practices described in this Human Resource Handbook are provided to you for guidance only, but do not constitute a contract of employment.[[2]](#footnote-2) Neither this Human Resource Handbook nor any other documents circulated to employees, nor any verbal representations, constitute contracts. No supervisor or employee except the Executive Director has the authority to enter into an employment agreement, express or implied, with any employee concerning the employment relationship. These policies supersede any policies that may have been distributed previously. Your signature on the acknowledgment below is a certification that you have received a copy of these policies as updated. These policies are subject to change at any time at the discretion of [Organization Name].

**EMPLOYEE RECEIPT AND ACCEPTANCE**

I acknowledge receipt of the [Organization Name] Human Resource Handbook. I understand that it is my continuing responsibility to read and know its contents. I also understand and agree that the Human Resource Handbook is not an employment contract for any specific period of employment or for continuing or long‐term employment. Therefore, I acknowledge and understand that unless I have a written employment agreement with [Organization Name] that provides otherwise, I have the right to resign from my employment with [Organization Name] at any time with or without notice and with or without cause, and that [Organization Name] has the right to terminate my employment at any time with or without notice and with or without cause.

I have read, I understand, and I agree to all the above. I also agree to return the Human Resource Handbook upon termination of my employment.

Signature

Print Name

Date

**ADD LOGO OR USE LETTERHEAD**

**NON-DISCLOSURE AGREEMENT**

I recognize that as an employee of [Organization Name], I will gain access to information that is considered confidential. Confidential information is meant to be available only to certain groups of people, and includes all information concerning clients, former clients, staff, volunteers, or donors, as well as financial data, fundraising information, and other business records of [Organization Name] that is not otherwise publicly available. I understand that I may not disclose such information to anyone who is not employed by [Organization Name] or to other employees employed by [Organization Name] who do not need such information to do their work. Of special concern is all information about clients or former clients and their families. I agree to treat all such client-related information as confidential, and I understand that it would be a violation of policy, and in some cases of federal regulations, to disclose such information without prior authorization.

I understand that any copying, sharing, or other disclosure or distribution of [Organization Name]’s confidential or proprietary information, whether electronic or hard copy, is prohibited. Any such disclosure will be a cause for disciplinary action including possible separation, regardless of whether I benefit personally from that disclosure.

I also understand that when I leave [Organization Name]’s employment, I may not copy or take with me any confidential or proprietary information.

I will review Section 20 of this Handbook for more information on confidential information. If I have any questions about this policy, I will consult with my supervisor or the Executive Director.

By signing below, I indicate that I understand and will meet all requirements of this policy.

Signature:

Print Name:

Date:

*Please sign and return to the Executive Director or Human Resources Director*

**Welcome**

Welcome to [Organization Name]!

*[Include a brief, friendly welcome, perhaps starting with something like this.]*

We are a growing organization, and we are happy to have you help us serve our community better.

Please know that we will do everything in our power to make this an excellent experience for you, to help you grow and reach the best of your potential while you contribute to the advancement of the people we serve.

Name

Executive Director

**[Organization Name]**

**Human Resource Handbook**

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8. **MISSION, VALUES, AND CODE OF ETHICS**

The mission of [Organization Name] is to [INSERT MISSION].

The organization’s Board and staff have adopted the following statement of values, which guides our work and all our interactions with each other, our clients and partners, and everyone with whom we come in contact [INSERT VALUES].[[3]](#footnote-3)

All employees are expected to follow the organization’s Code of Ethics, which guide our work with each other, our clients, and the community [INSERT CODE OF ETHICS].[[4]](#footnote-4)

1. **OVERVIEW AND GENERAL POLICIES**
   1. **Overview**

The [Organization Name] Human Resource Handbook (the “Handbook”) provides general guidelines about [Organization Name] policies and procedures for employees. It is designed to help you become familiar with some of the responsibilities and privileges of your employment, including [Organization Name]ʹs policy of voluntary at‐will employment. None of the policies or guidelines in the Handbook are intended to create contractual rights or obligations, or to be construed as a guarantee of employment for any specific period of time, or any specific type of work. Additionally, except for the voluntary at‐will employment policy, these guidelines are subject to modification, amendment, or revocation by [Organization Name] at any time, without advance notice.

The personnel policies of [Organization Name] are established by the Board of Directors, which has delegated authority and responsibility for their administration to the Executive Director. The Executive Director may, in turn, delegate authority for administering specific policies. Employees are encouraged to consult the Executive Director for additional information regarding the policies, procedures, and privileges described in this Handbook. Questions about personnel matters also may be reviewed with the Executive Director. In any situation where a concern involves the Executive Director, that concern or question should be taken to the designated Board member.

[Organization Name] will provide a copy of this Handbook to each employee upon employment. All employees are expected to abide by it. The highest standards of personal and professional ethics and behavior are expected of all [Organization Name] employees. Further, [Organization Name] expects all employees to display good judgment, tact, and courtesy in their professional relationships with members of [Organization Name]ʹs Board of Directors, committees, staff, clients, partner organizations, and the public.

* 1. **Compliance with Laws and Regulations**

[Organization Name] complies with all federal, state, and local laws and regulations governing personnel and employment matters. Where local or state laws or regulations conflict with any of [Organization Name]'s personnel policies, the law governing that jurisdiction will apply.

* 1. **Procurement of Goods and Services**

Only the [Organization Name] Executive Director or individuals specifically designated this authority by the Executive Director are authorized to sign contracts for the lease and purchase of equipment and the procurement of services for the organization.

* 1. **Administrative Policy Memos**

It is impossible for a Human Resource Handbook to provide a complete and up-to-date statement of all policies and procedures affecting employees. [Organization Name] will issue administrative policy memoranda from time to time, in electronic and hard-copy formats, to provide additional guidance to employees regarding implementation of [Organization Name]'s policies and procedures. Once these policy memoranda have been issued to employees, it is the responsibility of each employee to file and retain them for ongoing reference.

1. **DEFINITION OF EMPLOYMENT TERMS**

* **Employer.** The [Organization Name] is the employer of all full‐time, part‐time, and temporary employees. Employees are hired, provided compensation and applicable benefits, and have their work directed and evaluated by [Organization Name].
* **Full‐Time Employee.** A full-time employee regularly works at least 40[[5]](#footnote-5) hours per week.
* **Part‐Time Employee.** A part-time employee regularly works less than 40 hours per week but no less than 20 hours per week.
* **Exempt Employee**. An exempt employee is an employee who is paid on a salary basis and meets the qualifications for exemption from the overtime requirements of the federal Fair Labor Standards Act (FLSA) as well as applicable state requirements Exempt employees are not paid overtime.
* **Non‐Exempt Employee.** A non-exempt employee is an employee who is paid on an hourly or salary basis and does not meet the qualifications for exemption from the overtime requirements of FLSA. Non-exempt employees are paid overtime. [Organization Name] will compensate non‐exempt employees in accordance with applicable federal and state law and regulations.(See Section 9. Hours of Work, Attendance, and Punctuality, Subsection D. Overtime.)

All employees are notified at the time of hire of their specific compensation category and their exempt or non‐exempt status, based on federal and state laws and regulations.

* **Temporary Employee**. An individual employed, either on a full‐time or part‐time basis, for a specific period of less than six months. Temporary employees are entitled only to those benefits required by law or as otherwise stated in this [Organization Name] Human Resource Handbook.
* **Protected Class.**[[6]](#footnote-6) Employees may be members of one or more classes of people who are protected from employment discrimination based on federal, state, and/or local civil rights fair employment laws. The following are the protected classes under federal civil rights laws: race, color, religion, sex (including gender, pregnancy, sexual orientation, and gender identity), national origin or ancestry, age, physical or mental disability, genetic information (including family medical history), veteran status,[[7]](#footnote-7) and citizenship.[[8]](#footnote-8) The Human Resource Handbook also indicates protections for other classes or characteristics that may be covered by federal, state, or local laws or regulations.

1. **VOLUNTARY AT‐WILL EMPLOYMENT**

Unless you have a written employment agreement[[9]](#footnote-9) with [Organization Name] that provides differently, all employment at [Organization Name] is “at‐will.” That means that employees may be terminated from employment with [Organization Name] with or without cause, and employees are free to leave the employment of [Organization Name] with or without cause. Any representation by any [Organization Name] officer or employee contrary to this policy is not binding upon [Organization Name] unless it is in writing and is signed by the Executive Director with the approval of the Board of Directors.

[Organization Name] does not use employment contracts for any employees other than the Executive Director. However, [Organization Name] does provide each new employee with a letter of employment signed by the Executive Director that includes all necessary information pertaining to the employment of the individual, including the position, whether the position is exempt or non-exempt, starting date, term of employment (if limited), salary, location, working hours, supervisor, benefits, position, and duties, and any special arrangements. The letter of employment clarifies that employment conditions are governed by this Human Resource Handbook, and clarifies that [Organization Name] is an at-will employer and that the letter is not an employment contract and does not create any employment rights other than those specified in the Human Resource Handbook. The individual being hired will indicate acceptance of the offer by signing and returning a copy of the letter of employment. Copies of the signed letter of employment shall be maintained in the personnel files, along with a position description.

1. **EQUAL EMPLOYMENT OPPORTUNITY**

[Organization Name] shall follow the spirit and intent of all federal, state, and local employment law and is committed to equal employment opportunity. To that end, the Board of Directors, Executive Director, and staff of [Organization Name] will not discriminate against any employee or applicant in a manner that violates the law.

[Organization Name] is committed to providing equal opportunity for all employees and applicants without regard to characteristics related to membership in a protected class under civil rights laws. As defined in Section 3 of this Handbook, they include: race, color, religion or creed, national origin or ancestry, sex (including gender, pregnancy, sexual orientation, and gender identity), age, physical or mental disability, veteran status, genetic information (including family medical history), and citizenship. [Organization Name] will also protect against discrimination individuals with any other characteristic protected by state, federal, or local employment discrimination laws.

Each person is evaluated based on personal skill and merit. [Organization Name]’s policy regarding equal employment opportunity applies to all aspects of employment, including recruitment, hiring, job assignments, promotions, working conditions, scheduling, benefits, wage and salary administration, disciplinary action, termination, and social, educational, and recreational programs. The Executive Director is responsible for the full implementation of the Equal Employment Opportunity policy.

[Organization Name] will not tolerate any form of unlawful discrimination. All employees are expected to cooperate fully in implementing this policy. Any employee who believes that any other employee of [Organization Name] may have violated the Equal Employment Opportunity Policy should report the possible violation to the Executive Director. If the possible violation was by the Executive Director, it should be reported to the designed Board member.

If [Organization Name] determines that a violation of this policy has occurred, it will take appropriate disciplinary action against the offending party, which can include counseling, warnings, suspension, and termination. Employees who report, in good faith, violations of this policy and employees who cooperate with investigations into alleged violations of this policy will not be subject to retaliation. Upon completion of the investigation, [Organization Name] will inform the employee who made the complaint of the results of the investigation.

[Organization Name] is also committed to complying fully with the Americans with Disabilities Act (ADA) and other applicable disability discrimination laws, and to ensuring that equal opportunity in employment exists at [Organization Name] for qualified persons with disabilities. All employment practices and activities are conducted on a non‐discriminatory basis. Reasonable accommodations will be available to all qualified disabled employees, upon request, so long as the potential accommodation does not create an undue hardship on [Organization Name]. Employees who believe that they may require an accommodation should discuss these needs with the Executive Director.

An employee with any questions regarding this policy should contact the Executive Director.

1. **WORKPLACE HARASSMENT**

[Organization Name] is committed to providing a work environment in which all individuals are treated with respect and dignity. Everyone has the right to work in a professional atmosphere that promotes equal opportunities and prohibits discriminatory practices, including harassment. Therefore, [Organization Name] expects that all relationships among persons in the workplace will be business-like and free of bias, prejudice, discrimination, and harassment.

To keep this commitment, [Organization Name] maintains a strict policy of prohibiting unlawful harassment of any kind, including sexual harassment and harassment based on any protected characteristic related to membership in any class that is protected by state, federal, or local employment discrimination laws. The list of protected classes and characteristics is provided in Section 3. This policy applies to all employees, including supervisors and non-supervisory employees, and to nonemployees (e.g., directors, officers, contractors, vendors, clients, volunteers) who engage in unlawful harassment associated with the workplace. This policy applies to all work‐related settings and activities, whether inside or outside the workplace, and includes business trips and business‐related social events.

[Organization Name]’s property (e.g., telephones, copy machines, facsimile machines, computers, and computer applications such as e‐mail and Internet access) may not be used to engage in conduct that violates this policy.

*Prohibition of Sexual Harassment*: [Organization Name] prohibits sexual harassment, which involves unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitute sexual harassment when:

1. An employment decision affecting that individual is made because the individual submitted to or rejected the unwelcome conduct; or
2. The unwelcome conduct unreasonably interferes with an individual’s work performance or creates an intimidating, hostile, or abusive work environment.

Depending on the circumstances, the following conduct may also constitute sexual harassment: (1) use of sexual epithets, jokes, written or oral references to sexual conduct, gossip regarding one’s sex life; (2) sexually oriented comment on an individual’s body, comment about an individual’s sexual activity, deficiencies, or prowess; (3) displaying sexually suggestive objects, pictures, cartoons; (4) unwelcome leering, whistling, deliberate brushing against the body in a suggestive manner; (5) sexual gestures or sexually suggestive comments; (6) inquiries into one’s sexual experiences; or (7) discussion of one’s sexual activities.

While such behavior, depending on the circumstances, may not be severe or pervasive enough to create a sexually hostile work environment, it can nonetheless make co‐workers uncomfortable. Accordingly, such behavior is inappropriate and may result in disciplinary action regardless of whether it is unlawful.

It is also unlawful and expressly against [Organization Name] policy to retaliate against an employee for filing a complaint of sexual harassment or for cooperating with an investigation of a complaint of sexual harassment.

*Prohibition of Other Types of Discriminatory Harassment:* [Organization Name] also forbids verbal or physical conduct that denigrates or shows hostility or aversion toward an individual because of the individual’s characteristics related to membership in a protected class, as listed in Section 3, or in any other protected category (or that of the individual’s relatives), that (1) creates a hostile, humiliating, or offensive working environment; (2) has the purpose or effect of unreasonably interfering with an individual’s work performance; or (3) otherwise adversely affects an individual’s employment opportunities.

Depending on the circumstances, the following conduct may constitute discriminatory harassment: (1) epithets, slurs, negative stereotyping, jokes, or threatening, intimidating, or hostile acts that relate to the individual’s membership in a protected class (as listed above); and (2) written or graphic material that denigrates or shows hostility toward an individual or group because of those same factors and that is circulated in the workplace, or placed anywhere in [Organization Name]’s premises such as on an employee’s desk or workspace or on [Organization Name]’s equipment or bulletin boards. Other conduct may also constitute discriminatory harassment if it falls within the definition of discriminatory harassment set forth above.

It is also against [Organization Name]’s policy to retaliate against an employee for filing a complaint of discriminatory harassment or for cooperating in an investigation of a complaint of discriminatory harassment.

*Reporting of Harassment:* Employees who believe that they have experienced or witnessed sexual harassment or other discriminatory harassment by any other employee of [Organization Name] should report the incident immediately to their supervisor or to the Executive Director. Possible harassment by others with whom [Organization Name] has a business relationship, including clients and vendors, should also be reported as soon as possible so that appropriate action can be taken.

[Organization Name] will promptly and thoroughly investigate all reports of harassment as discreetly and confidentially as practicable. The investigation will generally include a private interview with the person making a report of harassment. It will also generally be necessary to discuss allegations of harassment with the accused individual and others who may have information relevant to the investigation. [Organization Name]’s goal is to conduct a thorough investigation, to determine whether harassment occurred, and to decide what action to take if it is determined that improper behavior occurred.

If [Organization Name] determines that a violation of this policy has occurred, it will take appropriate disciplinary action against the offending party, which can include counseling, warnings, suspension, and termination. Employees who report violations of this policy and employees who cooperate with investigations into alleged violations of this policy will not be subject to retaliation. Upon completion of the investigation, [Organization Name] will inform the employee who made the complaint of the results of the investigation.

Compliance with this policy is a condition of each employee’s employment. Employees are encouraged to raise any questions or concerns about this policy or about possible discriminatory harassment with the Executive Director. If the allegation of harassment is against the Executive Director, the employee should notify the Board member designated as grievance officer.

1. **SOLICITATION AND PARTISAN POLITICAL ACTIVITY**
   1. **Solicitation**

Employees are prohibited from soliciting (orally or in writing, regardless of method) for membership, pledges, subscriptions, the collection of money or for any other unauthorized purpose anywhere on [Organization Name] property during work time. This includes solicitations of a partisan or political nature. “Work time” includes time spent in actual performance of job duties but does not include lunch periods or breaks. Non‐working employees may not solicit or distribute to working employees. Persons who are not employed by [Organization Name] may not solicit or distribute literature on [Organization Name]’s premises at any time for any reason. Outside of work hours, employees may not use the organization’s equipment or systems to solicit.

Employees are prohibited from distributing, circulating, or posting (on bulletin boards, refrigerators, walls, etc.) literature, petitions, or other materials at any time for any purpose without the prior approval of the Executive Director or designee.

* 1. **Partisan Political Activity**

[Organization Name] forbids the use of its funds or other assets for the benefit of a political party, political committee, or other political organization, or a candidate for political office. It does not allow any employee to provide services to support such efforts, nor does it allow the assignment of personnel in a manner supporting any such activities. Partisan political activity by [Organization Name] employees, volunteers, clients, or Board members during working hours or in the name of the organization, and the use of the organization’s equipment, supplies, or other resources for such activity at any time, are strictly forbidden. [Organization Name]’s 501(c)(3) tax-exempt status requires it to refrain from such partisan political activities. Employees may engage in non-partisan civic activities on behalf of [Organization Name] when such activities have been approved in advance by the organization.

Individual employees, Board members, volunteers, and clients are entitled to make personal contributions and engage in activities to further the campaigns of candidates of their choosing, so long as this is done on their own time and with their own resources. [Organization Name] also encourages volunteer involvement in civic and community activities and engagement in community services by its employees and others associated with the organization.

1. **CLOTHING GUIDELINES[[10]](#footnote-10)**

[Organization Name] has established this dress code after consultation with staff, to provide a set of guidelines for employees about what clothing is appropriate to wear to work. The dress code also helps the organization present itself well in meetings with clients and in external interactions. In meetings with public officials and funders, whether in [Organization name] offices or elsewhere, a professional appearance helps the organization obtain support and advocate successfully for policies and programs that will advance the Latino community.

[Organization Name] expects all employees to present a positive appearance that does not offend its clients or colleagues. Employees are permitted to wear clothing and grooming styles dictated by their religion or ethnicity. Personnel may wear casual clothes in the office, so long as they present a professional appearance. Clothing should be clean and free of holes or tears and should not be too revealing. Staff who often meet with public or private officials or potential donors may be asked to wear “business casual” or “business casual” attire, or to keep such clothing in the office so it is available in case of an unexpected meeting.

Clothing with pictures or lettering consistent with [Organization Name]’s values is acceptable, and may be encouraged on days when employees participate in organizing or mobilization or other activities in the community. However, slogans using profanity or language insulting to a population or inappropriate around children are not acceptable. [Organization Name] does not have policies around tattoos or piercings but asks that employees minimize the visibility of tattoos likely to be offensive to clients or coworkers.

Any employee with a question about these guidelines should contact their supervisor. If an employee’s clothing choice is considered unacceptable, a manager or supervisor will discuss the situation personally and privately with the employee. The employee may be asked to correct the problem, which may require leaving work to change clothes. Repeated violations or violations that negatively affect the organization may result in disciplinary action up to and including termination.

1. **WORKING HOURS AND EXPECTATIONS**
   1. **Hours of Work**

The normal work week for [Organization Name] consists of five (5), eight (8) hour days. Normal working hours are from 8:30 a.m. ‐ 5:00 p.m., Monday through Friday, which includes an hour (unpaid) for lunch. Because [Organization Name] employees are often expected to participate in evening or weekend activities, work hours will be adjusted based on such activities. Subject to [Organization Name] work assignments and Executive Director approval, the employee and supervisor will determine the hours of employment that best suit the needs of the organization and the individual employee.

* 1. **Remote Work**[[11]](#footnote-11)

[Organization Name] employees are generally needed in the office most days, to serve clients and meet other organizational requirements. However, with prior approval from the Executive Director and their supervisor, employees whose work does not require day-to-day personal interactions with clients are permitted to arrange work from home up to two days or 16 hours per week. All employees may be permitted to work from home during bad weather, under other special conditions, such as those that existed during the COVID-19 pandemic, or as otherwise determined appropriate by the Executive Director.

Remote work must protect [organization name] and create a productive and efficient work environment for all employees and for [organization name’s] clients and partner organizations. Employees working remotely must meet the following requirements:

* Work remotely not more than two days (16 hours) per week if full-time, or a negotiated number of hours if part-time, on a schedule approved by their supervisor
* Be in the office for meetings all day [specify day: e.g., Thursdays]
* Maintain an established daily work schedule that is the same as or compatible with the work hours of other members of their work team and is approved by their supervisor
* Log in and out electronically [if this is required when they are in the office]
* Be available and readily reachable during scheduled work hours – responsive to email, text, telephone, or online meeting platform
* Follow the same workplace policies offsite that they do when in the office
* Locate and use a quiet, private workspace, free from family or other distractions to the maximum extent possible and free of safety hazards
* Use office-supplied laptops, software, and other technology that protects sensitive information and communications, including but not limited to client and financial data
* Pay for their own high-speed internet, office furniture, and other equipment unless working remotely at the request of [organization name]
  1. **Attendance and Punctuality**

Attendance is a key factor in job performance. Punctuality and regular attendance are expected of all employees. Excessive absences (whether excused or unexcused), tardiness or leaving early is unacceptable. Employees who are absent for any reason or plan to arrive late or leave early must notify their supervisor as far in advance as possible and no later than one hour before the start of their scheduled workday. In the event of an emergency, employees must notify their supervisor as soon as possible.

For all absences extending longer than one (1) day, employees must telephone their immediate supervisor prior to the start of each scheduled workday. When reporting an absence, they should indicate the nature of the problem causing the absence and their expected return‐to‐work date. A physician’s statement may be required as proof of the need for any illness‐related absence of five days or more.[[12]](#footnote-12)

Except as provided in other policies, any employee who is absent from work for three consecutive days without any notification to the supervisor or the Executive Director will be considered to have voluntarily abandoned their job and terminated employment with [Organization Name]. This rule will not apply when investigation indicates that the absence from work and lack of notification were outside the employee’s immediate control (e.g., medical emergency, natural disaster, incarceration). In case of job abandonment, the employee’s final paycheck will be mailed to the last mailing address on file with [Organization Name].

Excessive absences, tardiness, or leaving early without permission will be grounds for discipline up to and including termination. Depending on the circumstances, including the employee’s length of employment, [Organization Name] may counsel employees prior to termination for excessive absences, tardiness, or leaving early without permission.

* 1. **Overtime**[[13]](#footnote-13) **and Compensatory Time[[14]](#footnote-14)**

Overtime pay, which is applicable only to Non‐Exempt Employees, is for any time worked in excess of 40 hours in a work week, whether worked Monday through Friday, on a weekend, or on a holiday.[[15]](#footnote-15) The employee is compensated at one and one-half (1½) times the regular hourly rate for overtime work. Only the Executive Director or designee, upon the request of an employee’s supervisor, may authorize overtime.

The federal government does not permit the use of compensatory time in lieu of overtime pay for non-exempt nonprofit employees.[[16]](#footnote-16) However, as permitted in [State], non-exempt employees may be asked to work more hours on certain days of the week and fewer hours on other days during the same week, to keep total hours to 40 per week.

Exempt employees are by definition exempt from overtime pay, and there is no legal requirement or obligation that they receive compensatory time. [Organization Name] permits the Executive Director or designee to grant compensatory time to exempt employees at their sole discretion.

1. **POSITION DESCRIPTIONS AND SALARY ADMINISTRATION**
   1. **Position Descriptions**

Each position shall have a written job description. In general, the description will include the position title, purpose of the position, whether the position is exempt or non-exempt, areas of responsibilities, immediate supervisor(s), qualifications required, salary range, and working conditions affecting the job, e.g., working hours, use of car, etc. The supervisor(s) or the Executive Director shall have discretion to modify the job description to meet the needs of [Organization Name].

* 1. **Payment of Salary/Wages**

Employees are paid twice a month,[[17]](#footnote-17) on the 15th and on the last day of each month, except when either of those days falls on a Saturday, Sunday, or holiday, in which case paychecks will be distributed on the preceding workday. All employees are required to maintain timesheets, which are due to the Executive Director within two business days after the end of each pay period. All salary deductions are itemized and provided to employees on the dates when they are paid. Approved salary deductions include: federal and state income tax withholding; taxes under the Federal Insurance Contributions Act (FICA), usually called Social Security and Medicare taxes; and the employee share of any benefits [Organization Name] may offer (e.g., health insurance, life insurance, retirement).

* 1. **Direct Deposit**[[18]](#footnote-18)

Direct deposit provides safe, confidential, fast, and convenient payments to employees. [Organization Name] pays all its employees through direct deposit. The employee chooses the bank to be used for such deposits, through a Direct Deposit Authorization Form provided to each employee on their first day of employment. Since the form requires information on the employee’s bank and bank account number, a voided check for a checking account deposit or a deposit slip for a savings account deposit should be attached to the Form. If use of direct deposit represents a hardship, the employee may request an exemption from the Executive Director.

1. **PERFORMANCE REVIEW**

The work of each employee is reviewed on an ongoing basis with the supervisor.

The annual performance review is a formal opportunity for the supervisor and employee to review performance over the past year, exchange ideas that will strengthen their working relationship, anticipate [Organization Name]ʹs needs in the coming year, and improve employee and organizational performance. To that end, it is incumbent upon both parties to have an open and honest discussion concerning the employee’s performance. It is further incumbent upon the supervisor to clearly communicate the needs of [Organization Name] and what is expected of the employee in contributing to the success of [Organization Name] for the coming year.

Along with the evaluation, supervisor and employee should discuss priorities and objectives for the coming year and agree on any needed professional development.

All performance reviews are carried out by the employee’s supervisor. Reviews by staff supervised by someone other than the Executive Director are reviewed by the Executive Director. The performance of the Executive Director is evaluated by the Board of Directors.

1. **EMPLOYEE BENEFITS AND INSURANCE**

[Organization Name] intends to provide competitive salaries and benefits to its employees, subject to resource limitations. The organization will always provide legally required benefits. As resources permit, additional benefits will be added.

The following outline of available benefits is provided with the understanding that benefit plans may change from time to time, and plan fact sheets (known as Summary Plan Descriptions) or contracts are to be considered the final word on the terms and conditions of the employee benefits provided by [Organization Name]. For eligibility requirements, refer to the Plan document for each benefit program. Continuation of any benefits after termination of employment will be solely at the employee’s expense and only if permitted by policies and statutes. The Executive Director will determine levels of deductibility and co‐payments for all insurance related benefits annually.

* 1. **Benefits Required by Law**

1. **FICA (Social Security and Medicare) Taxes:** Both [Organization Name] and each employee must make payments under the Federal Insurance Contributions Act, for Social Security and Medicare taxes. Employees’ contributions are deducted from each paycheck and [Organization Name] contributes at the applicable wage base as established by federal law.
2. **Workersʹ Compensation:**[[19]](#footnote-19) [Organization Name] maintains workers’ compensation coverage, as required by [State] law, so that employees can receive medical benefits and compensation benefits for lost wages in case of work-related injury or disease. In addition, death benefits are paid to survivors in case of death resulting from a work-related injury or disease. Absences for which worker compensation benefits are provided are not charged against the eligible employee’s sick leave. To assure proper protection for employees and [Organization Name], any accident that occurs on the job must be reported, even if there are no injuries apparent at the time. Forms for this purpose are available from [Organization Name].
3. **Unemployment Compensation:** [Organization Name] maintains unemployment insurance for its employees, paying a tax based on each employee’s taxable earnings. There is no cost to the employee. Employees may be eligible for unemployment compensation if they become partially or totally unemployed through no fault of their own and meet other state requirements.
   1. **Other Benefits**

Where possible, [Organization Name] provides additional benefits to its employees. Such benefits may include health insurance, dental insurance, life insurance, long-term and short-term disability insurance, and a tax-sheltered annuity.[[20]](#footnote-20) A determination of what benefits can be offered is made annually by the Board of Directors based on [Organization Name]'s budget and financial status. When such benefits are offered, each current employee will receive a brochure or fact sheet that describes the benefit, including eligibility and requirements, any employee share of costs, and how to access the benefit. New employees will receive this information at the time of employment. The Executive Director or designee will assist with any required forms.

1. **LEAVE** 
   1. **Holidays**

Full‐time Employees are eligible for 12 paid holidays per year, the 11 federal holidays plus the day after Thanksgiving.[[21]](#footnote-21) They include:

* New Year’s Day
* Martin Luther King, Jr.’s Birthday Presidents’ Day
* Memorial Day
* Juneteenth (June 19th)
* National Independence Day
* Labor Day
* Columbus Day (Dia de la Raza)
* Veterans Day
* Thanksgiving Day and the Day after Thanksgiving
* Christmas Day

Full‐time employees receive a paid day off for each holiday. Holiday benefits for part‐time employees will be pro‐rated in accordance with the hours regularly worked by the employee. Temporary employees are not paid for holidays.

When a holiday falls on a Saturday or Sunday, the paid holiday will be taken on the day specified by the federal government, which may be a Friday or a Monday.

Employees wishing to take religious holidays may substitute a religious holiday for up to three of the federal holidays listed above, with advance approval from their supervisor and the Executive Director.

* 1. **Vacation**

Employees earn vacation benefits starting with their first day of employment; however, they are not permitted to take vacation time during the first three months of employment. An exception may be made, or leave without pay may be taken, if negotiated prior to employment or approved by the Executive Director.

Employees are paid for earned and unused vacation time upon separation from [Organization Name],[[22]](#footnote-22) except that they not entitled to such payment if their employment with [Organization Name] ends during their first three months of employment.

During the first twelve (12) months of employment, a full‐time employee will earn two weeks (10 days or 80 hours) of paid vacation. A part-time employee will earn pro-rated amounts of vacation time. Temporary employees are ineligible for vacation benefits.

Full‐time employees begin to earn three weeks (15 days or 120 hours) of vacation in their third year of employment, and they earn four weeks (20 days or 160 hours) beginning in their 11th year of employment at [Organization Name]. Earned vacation time will also increase for part-time employees based on the same tenure requirement and pro-rated amount.

Use of vacation is subject to prior approval by the supervisor and Executive Director and must be requested in hourly increments, using the appropriate leave request form.

Employees are strongly encouraged to use vacation benefits during the year in which vacation time is earned. However, employees may accrue and carry over a maximum of 30 days (240 hours) of vacation time. Once this ceiling is reached, they will stop accruing additional vacation time until they have used enough vacation time to fall below the ceiling.

* 1. **Sick Leave**[[23]](#footnote-23)

Sick leave benefits are earned on a prorated basis of one day (8 hours) per month for full‐time employees beginning on the first day of employment or 12 days (96 hours) per year. Part‐time employees receive prorated sick leave benefits. Temporary employees are not eligible for paid sick leave benefits. Use of sick leave is subject to approval by the supervisor and the Executive Director and may be requested in hourly increments.

Unused sick leave can accumulate from year to year up to a maximum of 30 days (240 hours) for full‐time employees. This limitation on accrual of sick leave benefits is prorated accordingly for part‐time employees. There is no payment of accrued sick leave upon separation of employment from [Organization Name].

If an employee’s illness or injury requires a consecutive absence of five (5) days or more, a physician’s documentation may be required.

* 1. **Personal Leave**

[Organization Name] allows full-time and part-time employees who have completed at least three full months of employment to use up to two (2) days (16 hours) of their sick leave per calendar year as personal leave to deal with personal or family needs. Personal leave benefits are prorated accordingly for part‐time employees. Temporary employees are not eligible for paid personal leave benefits.

All personal leave is subject to prior approval by the supervisor and Executive Director and may be requested in hourly increments.

* 1. **Military Leave**

Employees who are members of the U.S. Armed Forces or are called to duty as a member of a reserve unit may take unpaid leave in accordance with applicable law. The employee must provide advance notice of the need for military leave, and [Organization Name] will request a copy of the employee’s orders, which will be kept on record.

The time an employee spends on military leave will be counted as continuous service for the purpose of determining eligibility and accrual for various benefit plans and policies. If an employee is receiving health insurance through [Organization Name], the organization will continue to pay the [Organization Name] portion of the premium if military leave lasts for 30 days or less. The employee must continue to pay the employee portion of premiums during this period. For military leaves extending beyond 30 days, the employee will have the option to continue insurance coverage at the employee’s cost.

Upon return from their military leave, employees will be reinstated, as required by law, and all benefits will be reinstated, with no waiting periods.

* 1. **Civic Responsibility**

[Organization Name] believes in the civic responsibility of its employees and encourages this by allowing employees time off to serve jury duty when required and to serve as nonpartisan Election Day poll workers when appropriate and approved.

1. *Jury Duty.* Organization Name] provides employees unpaid time off for jury duty.[[24]](#footnote-24) Employees must provide [Organization Name] a copy of the jury summons and an update on jury duty dates if assigned to a trial. An employee cannot be fired or penalized for jury service and will not lose benefits while serving. If it is determined that [Organization Name] would suffer undue hardship from an employee’s missing work for jury duty, this may be an acceptable excuse for not providing jury service.
2. *Voting.* [[25]](#footnote-25)[Organization Name] provides employees with reasonable time off to vote. To make voting convenient for employees, this time off is unpaid, but no advance notice is required, and the time may be made up that day or later in the same pay period. Employees should provide a sticker or other documentation indicating that they voted.
3. *Election Day Poll Workers.* Recognizing the importance of voter participation and the challengers faced by municipalities in finding poll workers, [Organization Name] permits its employees to serve as election officials on Election Day, providing unpaid leave for this purpose. While performing their official nonpartisan duties at the polls, Election Day workers may not engage in political activity or campaign for or against any candidate or ballot measure. Employees interested in using this benefit must have written approval from the Executive Director at least 30 days before the election.
   1. **School-related Parental Leave**[[26]](#footnote-26)

A parent who is a full-time employee is entitled to a total of 16 hours of unpaid leave during any 12‐month period to attend or participate in school‐related events for the employee’s child. [Organization Name] reserves the right, however, to deny such leave if it would disrupt [Organization Name]’s operations. While parental leave is unpaid, employees may elect to use accrued vacation or personal leave (part of sick leave) for this purpose.

If the need for parental leave is foreseeable, the employee must provide a written notice and request for parental leave at least five (5) days prior to the event. If the employee’s need for parental leave is not foreseeable that long prior to the event, employees must provide a written notice and request for parental leave as soon as they learn of the need for such leave.

* 1. **Bereavement Leave**[[27]](#footnote-27)

Employees shall be entitled to bereavement leave with pay of five (5) days in the event of a death in the employee’s immediate family (spouse/life partner, child, or parent) and three (3) days for other close relatives (grandparent, sister or brother, father‐in‐law, mother‐in‐law, or grandchildren). [Organization Name] recognizes that bereavement needs vary, and will work with employees to address specific situations. If an employee wishes to take time off due to the death of an immediate family member, the employee should notify the Executive Director as soon as possible. Approval of bereavement leave will occur in the absence of unusual operating requirements. With the Executive Director’s approval, an employee may use available paid or unpaid leave for additional time off as necessary and in accordance with operating needs.

* 1. **Family and Medical Leave**[[28]](#footnote-28)

*For nonprofit organizations with less than 50 employees and no state Family and Medical Leave laws:* [Organization Name] employees who have been employed for at least 12 months may apply for up to eight weeks of unpaid, job-protected leave per year due to personal illness, pregnancy, or new parenthood (including adoption), or the serious health condition of an immediate family member (spouse, child, or parent), or other urgent personal needs. The employee may take such leave on an intermittent or reduced-schedule basis. Such leave requires approval from the Executive Director. When considering a request for such leave, [Organization Name] will consider factors such as the employee’s position, length of service, attendance, the purpose of the leave, the needs of the organization and the unit in which the employee works, and the effect of the leave on other employees and [Organization Name]’s general operations. While [Organization Name] cannot guarantee a return to the same position following leave, the organization will make every effort to place the employee in the same or a similar position with the same pay level and benefits. If such a position is not available, then the employee’s employment will terminate, but the employee may later apply for re-employment if a position becomes available.

*For organizations with at least 50 employees within 75 miles:* Under federal law, [Organization Name] employees who have been employed for at least 12 months (and had at least 1,250 hours of service during the 12-month period) are entitled to up to 12 weeks of unpaid, job-protected leave per year due to personal illness, pregnancy or new parenthood (including adoption), or the serious health condition of an immediate family member (spouse, child, or parent). Upon return from leave, the employee will return to their original job or to an equivalent job with equivalent pay, benefits, and other terms and conditions of employment.

*For both:* While such leave is generally unpaid, accrued vacation or sick leave may be used. Vacation and sick time will not continue to accrue during the leave of absence. Any medical or other insurance benefits being received by the employee will continue on the same basis as if the employee were actively working.

Employees who fail to report to work after an approved leave of absence are deemed to have voluntarily resigned. When an approved leave has been exhausted, the employee may request additional leave. The Executive Director must approve all unpaid leave.

* 1. **Severe Weather Conditions or Emergencies**[[29]](#footnote-29)

[Organization Name] may close due to severe weather conditions or other emergencies or natural disasters, typically when the local government offices are closed due to unsafe conditions. The organization will inform employees electronically when the [Organization Name] office is closed due to bad weather or some other emergency. When offices are closed, employees who regularly work remotely may be asked to do so if feasible, given conditions. [Organization Name] also allows employees to take unplanned vacation time without prior scheduling if the office is open but the employee is unable to reach the office safely and is unable to work remotely. In such situations, employees should inform their supervisors.

* 1. **Meetings and Conferences**

Staff may be given limited time off by the Executive Director with pay to participate in conferences, meetings, or educational opportunities related to the staff member’s current or anticipated work with [Organization Name]. An employee serving as an official representative of [Organization Name] at a conference or meeting is considered to be on official business and not on leave.

1. **REIMBURSEMENT OF EXPENSES**

Reimbursement is authorized for reasonable and necessary expenses incurred in carrying out job responsibilities. Mileage or transportation, parking fees, telephone calls, and meal costs when required to attend a luncheon or banquet are all illustrative of reasonable and necessary expenses.

Employees and contractors serving in an official capacity for [Organization Name] at conferences and meetings are reimbursed for actual and necessary expenses incurred, such as travel expenses, meal costs, lodging, tips, and registration fees. When attending meetings that have been approved by the Executive Director, employees are reimbursed for travel expenses, course fees, and costs of meals and lodging. Per diem and lodging costs as well as incidental expenses are reimbursed at the approved rates for the location visited, as set by the federal General Services Administration (GSA) each fiscal year (<https://www.gsa.gov/travel/plan-book/per-diem-rates>).[[30]](#footnote-30) Employees may request a travel advance to cover anticipated expenses approved travel. Employees also may be granted leave to attend a conference or professional meeting related to their professional development, and/or [Organization Name]ʹs current and anticipated work. Expenses for these purposes can be paid by [Organization Name], if funds are available, and the employee obtains prior written approval of such expenses.

Employees are responsible for transportation costs between the office and home during normal work hours. Transportation costs are paid by [Organization Name] for other work-related travel if the employee is on official business for [Organization Name]. Employees or contractors authorized to use their personal cars for [Organization Name] business are reimbursed on a per-mile basis, usually at the [federal or state] rate.

[Organization Name] provides forms for employees to use in requesting reimbursement for actual expenses and advance payment for travel. Receipts are required for all expenditures.

1. **SEPARATION**

Either [Organization Name] or the employee may initiate separation. [Organization Name] encourages employees to provide at least two weeks (10 business days) written notice prior to intended separation. After receiving such notice, an optional exit interview may be scheduled by the Executive Director or their designee.

The Board of Directors hires and separates the Executive Director. The Executive Director has authority to employ or separate all other employees.

Circumstances under which separation may occur include:

1. **Resignation.** Employees are expected to give at least 10 business days of written notice. The intention to resign should be made known as far in advance as possible. Employees who resign are entitled to receive accrued, unused vacation benefits.
2. **Termination or Lay‐off.[[31]](#footnote-31)** Under certain circumstances, an employee termination or lay‐off may be necessary. Employees who are terminated or laid off are entitled to receive accrued, unused vacation benefits.

The Executive Director has authority to discharge an employee from [Organization Name]. As stated earlier, all employment at [Organization Name] is “at‐will.”[[32]](#footnote-32) That means that employees may be terminated from employment with [Organization Name] with or without cause, and employees are free to leave the employment of [Organization Name] with or without cause. Layoff is a separation from employment due to a lack of work or funds. Other reasons for discharge – termination for cause – may include, but are not limited to:

* Falsifying or withholding information on your employment application that would have affected [Organization Name]’s decision to hire you;
* Falsifying, failing to complete, or withholding information in other personnel records including personnel questionnaires, performance evaluations, time records, or any other records;
* Incompetence, including lack of productivity or poor quality of work, or failure to perform assigned duties;
* Insubordination and related issues such as dishonesty or breaking organizational rules or refusing to work reasonable overtime;
* Negligence in the performance of duties likely to cause or actually causing personal injury or property damage;
* Engagement in discriminatory or abusive behavior in the workplace, including sexual harassment;
* Physical violence or threats against other employees, clients, or others in the workplace;
* Disrespectful treatment of clients, staff, Board members, or supervisors;
* Destroying or willfully damaging the personal property of another, including [Organization Name]’s property;
* Breach of confidentiality;
* Using or appearing to use for personal gain any information obtained on the job that is not readily available to the public, or disclosing such information if it may damage the interests of [Organization Name] or its clients or vendors;
* Placing themselves in a position in which personal interests and those of [Organization Name] are or appear to be in conflict or might interfere with the ability of the employee to perform the job as well as possible;
* Using [Organization Name] property or services for personal gain or taking, removing, or disposing of [Organization Name] material, supplies, or equipment without proper authority;
* Gambling in any form on [Organization Name]’s property;
* Theft or criminal behavior;
* Possession, use, sale, or being under the influence of drugs or other controlled substances or alcoholic beverages during working hours or on the [Organization Name] premises at any time in violation of [Organization Name]’s policies;[[33]](#footnote-33)
* Carrying or possessing firearms or weapons on [Organization Name] property;[[34]](#footnote-34) and
* Attendance issues, such as excessive tardiness or absenteeism, whether excused or unexcused, or unauthorized absence from work without proper notice.

At the sole discretion of the Executive Director, the employee may be asked to leave immediately or be given a period of notice. Except in cases of serious misconduct or illegal activity, employees who are terminated without notice will normally receive two weeks’ pay in lieu of notice.

An employee’s final paycheck, including any accrued but unused vacation, will be paid on the next scheduled payday or not more than 14 days after the employee’s last day of work, whichever comes first.[[35]](#footnote-35)

1. **RETURN OF PROPERTY**

Employees are responsible for [Organization Name] equipment, property and work products that may be issued to them and/or are in their possession or control, including but not limited to:

* Smartphones,
* Telephone cards,
* Credit cards,
* Identification badges,
* Office/building keys,
* Office/building security passes,
* Computers, laptops, tablets, printers, hotspots, CD-ROMs, and other electronics equipment,
* Flash drives with [Organization Name] information on them,
* Electronic/voice mail codes and work-associated passwords, and
* Intellectual property (e.g., written materials, work products).

In the event of separation from employment, or immediately upon request by the Executive Director or designee, employees must return all [Organization Name] property that is in their possession or control. [Organization Name] also may take any action deemed appropriate to recover or protect its property.

1. **REVIEW OF PERSONNEL ACTIONS**

Employees may request a review of a personnel action or an unsatisfactory performance review. Employees are expected first to discuss their concern with their immediate supervisor. If further discussion is desired, the employee may then discuss the situation with the Executive Director. If the employee’s supervisor is the Executive Director, the employee may discuss the situation with a designated member of the Board of Directors (usually the President). Otherwise, the decision of the Executive Director is final.[[36]](#footnote-36)

1. **PERSONNEL RECORDS**

Personnel records are the property of [Organization Name], and access to the information they contain is restricted and confidential. A personnel file shall be kept for each employee and should include the employee’s job application, copy of the signed letter of employment and position description, performance reviews, disciplinary records, records of salary increases and any other relevant personnel information. It is the responsibility of employees to promptly notify their supervisor in writing of any changes in personnel data, including personal mailing addresses, telephone numbers, names of dependents, and individuals to be contacted in the event of an emergency.

An employee may request access to, or a copy of, many of the records in their personnel file. Such requests should be made in writing to the Human Resources Director or Executive Director.[[37]](#footnote-37)

As noted in Section 9, all employees must complete a time and attendance record for review and approval by the Executive Director, which must be submitted within two (2) days after the end of each pay period. Accurately recording time worked is the responsibility of every employee. Tampering with, altering, or falsifying time records, or recording time on another employee’s time record, may result in disciplinary action, including separation from employment with [Organization Name].

# OUTSIDE EMPLOYMENT[[38]](#footnote-38)

[Organization Name] recognizes that some employees may want or need additional jobs. [Organization Name] employees are permitted to hold outside jobs, subject to certain restrictions, as long as the position does not interfere with their job responsibilities at [Organization Name]. Specifically:

* Other employment must not conflict with their duties at [Organization Name] negatively affect job performance, or lead to increased absenteeism, tardiness, inability to work normal hours, or lack of availability for reasonable overtime.
* No employee, full-time or part-time, may have any other employment, business or financial interest, or other outside involvement that conflicts with or compromises the interests of [Organization Name].This includes situations in which the employee’s conduct at the other employment might harm the reputation or the work of [Organization Name].
* The unauthorized use of any [Organization Name] equipment; the unauthorized use, sharing or use of any company confidential information; and the use of paid sick leave to carry out work for another employer are all prohibited.
* Employees must not, in their dealings on behalf of [Organization Name], realize any profit or benefit for themselves or their family, or secure gain apart from their payments from [Organization Name]. They may not solicit or conduct any outside business during their working hours at [Organization Name].
* Employees must inform their supervisor of any outside employment that may affect their availability for evening, weekend, or reasonable overtime work for [Organization Name], or that affects the days or hours of availability of part-time employees. [Organization Name] will do its best to arrange schedules so that part-time employees can meet the requirements of both jobs.

All employees will be evaluated by the same performance standards and will be subject to [Organization Name] scheduling demands, regardless of any outside work.

If [Organization Name] determines that an employeeʹs outside work interferes with their job performance or their ability to meet the requirements of [Organization Name], as they are modified from time to time, the employee may be asked to terminate the outside employment if they wish to remain employed with [Organization Name].

1. **NON‐DISCLOSURE OF CONFIDENTIAL INFORMATION**

Any information that an employee learns about [Organization Name], or its clients or donors, through working for [Organization Name] that is not otherwise publicly available constitutes confidential information. Such information is meant to be available only to certain groups of people, and includes all information concerning clients, former clients, staff, volunteers, or donors, as well as financial data, fundraising information, and other business records of [Organization Name]. Employees may not disclose such information to anyone who is not employed by [Organization Name] or to other employees who do not need such information to do their work.

Client-related data are of special concern. All information about clients or former clients and their families is confidential and must be protected from deliberate or accidental disclosure. Some types of personal client information (such as health-related data) are protected by federal law or regulation. Such information may not be disclosed, even to other service providers, unless appropriate data-sharing agreements and data protections exist and the employee has received prior authorization.

The protection of privileged and confidential information, including proprietary information, is vital to the interests and the success of [Organization Name]. Such information includes, but is not limited to, the following examples:

* Compensation data,
* Specialized computer software,
* Program models,
* Other program and financial information, including information related to foundations and other donors, and pending projects and proposals.

Discussions involving sensitive information should always be held in confidential settings to safeguard the confidentiality of the information. Conversations regarding confidential information generally should not be conducted on cellular phones outside of the office, or in elevators, restrooms, restaurants, or other places where conversations might be overheard.

Confidential and proprietary information must not be copied, shared, or distributed either in electronic or hard copy form. Any such disclosure will be a cause for disciplinary action including possible separation, regardless of whether the employee receives personal benefit from that disclosure.

When employees leave [Organization Name]’s employment, they are not permitted to copy or take with them any confidential or proprietary information. Any questions about what data are confidential or proprietary should be raised with the supervisor or Executive Director.

Employees are required to sign a non‐disclosure agreement as a condition of employment.

1. **ELECTRONIC COMMUNICATIONS SYSTEMS AND INFORMATION SECURITY**
2. **Scope and Uses of Electronic Communications**

This section sets forth some important rules relating to electronic communications created, sent, received, used, transmitted, or stored using [Organization Name]’s communication systems or equipment. “Electronic communications” include but are not limited to messages, images, text data, and any other information used in email, instant messages, text messages, voice mail, fax machines, computers, phones, personal digital assistance devices (i.e., small, mobile, handheld devices with computing and information storage and retrieval capabilities, including smartphones and tablets), regular mobile phones, Internet, intranet, back-up storage, information on memory devices (hard drives, cards, flash drives, etc.), and any other type of internal or external removable or cloud storage drives. Collectively, all these devises are referred to as “systems.”

[Organization Name] provides such systems to support its mission.

Although limited personal use of [Organization Name]’s systems is allowed, subject to the restrictions outlined below, no use of these systems should ever conflict with the primary purpose for which they have been provided, [Organization Name]’s ethical responsibilities, or applicable laws and regulations. Each user is personally responsible for ensuring that these guidelines are followed. Serious repercussions, including termination, may result if the guidelines are not followed.

All data in [Organization Name]’s electronic communication systems (e.g., documents, other electronic files, e‐mail, and recorded voice mail messages) are the property of [Organization Name]. [Organization Name] may inspect and monitor such data at any time. No individual should have any expectation of privacy in terms of their use of these systems. This includes documents or messages marked “private,” which may be inaccessible to most users but remain available to [Organization Name]. Likewise, the deletion of a document or message may not prevent access to the item or completely eliminate the item from the system.

[Organization Name] may restrict access to certain Internet sites or parts of the electronic communication systems as deemed necessary.

[Organization Name]’s electronic systems must not be used to access, create, transmit, print, or download material that is derogatory, defamatory, obscene, or offensive, such as slurs, epithets or anything that may be construed as harassment or disparagement based on characteristics associated with membership in a protected class (See list in Section 3). Similarly, [Organization Name]’s systems must not be used to solicit or proselytize others for commercial purposes, causes, outside organizations, chain messages or other non‐job‐related purposes. They may not be used to endorse political candidates or campaigns or engage in any partisan political activity, since this could jeopardize [Organization Name]’s tax-exempt status.

Security procedures in the form of unique user sign‐on identification and passwords may be provided to control access to [Organization Name]’s host computer system, networks, and voice mail system. In addition, security facilities may be provided to restrict access to certain documents and files for the purpose of safeguarding information.

**B.** **Avoiding Security Risks**

The following activities, which present security risks, should be avoided.

* Attempts should not be made to bypass, or render ineffective, any security facilities provided by the organization.
* Log-in information should not be shared between users. The Executive Director will keep a list of all [Organization Name] usernames and passwords for computers/laptops and sites (e.g., bank, on-line back-up, vendors and contractors, social media) in a secure place. Any changes in usernames or passwords require approval by the Executive Director.
* If there is a shared drive or cloud storage system, document libraries of other users should not be browsed unless there is a legitimate organizational reason to do so.
* Individual users should never make changes or modifications to the [Organization Name]’s electronic hardware or software. Requests for such changes should be directed to Information Technology (IT) support or the Executive Director.
* Individual users should exercise every caution to protect electronic devices and systems from harm. This includes using [Organization Name]-approved anti-virus and other protective software, following [Organization Name] security and back-up policies and procedures, and refraining from installation of unlicensed software or hardware or any computer games.
* [Organization Name]’s electronic information systems should not be used to attempt unauthorized access to or use of other organizations’ computer systems or data.
* [Organization Name]’s software (whether developed internally or licensed) should not be copied onto any storage or memory devices other than for the purpose of backing it up. Software documentation for programs developed and/or licensed by the organization should be kept in a secure location by the Executive Director or IT support and not be removed from [Organization Name]’s offices.
* Downloading or disseminating copyrighted material that is available on the Internet is an infringement of copyright law. Permission to copy the material must be obtained from the publisher. For assistance with copyrighted material, contact IT support or the Executive Director.
* Employees should not transmit or post on social media or Internet personal comments or statements that may be mistaken as the position of [Organization Name].

Individuals should adopt practices that will foster a higher level of security. Among them are the following:

* Safeguard against the disclosure of confidential information.
* Turn off your personal computer or screen when you are leaving your work area or office for an extended period.
* When entering, reviewing, or downloading client data, ensure that all other applicable requirements for protecting such data are met.
* Exercise judgment in assigning an appropriate level of security to documents stored on any shared network, based on a realistic appraisal of the need for confidentiality or privacy.
* Back up any information stored locally on your personal computer (other than network-based software and documents) on a frequent and regular basis.

If you have any questions about any of the above policy guidelines, please contact the Executive Director.

1. **WHISTLEBLOWER POLICY: REPORTING SUSPECTED VIOLATIONS OF LAW AND POLICY**

[Organization Name] is committed to maintaining a workplace where employees are free to raise good faith concerns regarding the organization’s management and operating practices, specifically: Reporting suspected violations of law on the part of [Organization Name], including but not limited to federal laws and regulations:

* Providing truthful information in connection with an inquiry or investigation by a court, agency, law enforcement, or other governmental body; and
* Identifying potential violations of [Organization Name] policy, specifically the policies contained in the Human Resource Handbook.

An employee who wishes to report a suspected violation of law or [Organization Name] policy may do so confidentially by contacting the Board President, or the [Organization Name] Legal Counsel. The employee may contact the Legal Counsel anonymously if desired, by email/mail or telephone. Contact information is available in the office for the following individuals:

Board President

Legal Counsel

[Organization Name] expressly prohibits any form of retaliation, including harassment, intimidation, adverse employment actions, or any other form of retaliation, against employees who raise suspected violations of law, cooperate in inquiries or investigations, or identify potential violations of [Organization Name] policies. Any employee who engages in retaliation will be subject to discipline, up to and including termination.

Any employee who believes that they have been subjected to any form of retaliation as a result of reporting a suspected violation of law or policy should immediately report the retaliation to one of the following: the employee's immediate supervisor, Executive Director, Board President, or Legal Counsel. Supervisors who receive complaints of retaliation must immediately inform the [Organization Name] Board President or Legal Counsel.

Reports of suspected violations of law or policy and reports of retaliation will be investigated promptly and in a manner intended to protect confidentiality, consistent with a full and fair investigation. The Board President, Executive Director, and/or Legal Counsel will conduct or designate other internal or external parties to conduct the investigations. The investigating parties will notify the concerned individuals of their findings directly, or indirectly through the Board President or Legal Counsel where appropriate, and prepare other reports as indicated by the circumstances. A summary of all such reports will be presented to the Board of Directors.

If a report of a suspected violation of law or policy or retaliation involves an individual who reports to the Executive Director, then that official will not participate in the investigation and the remaining officials or their designees will conduct the investigation.

1. **DOCUMENT RETENTION AND DESTRUCTION POLICY**
   1. **Requirements**

The corporate records of [Organization Name] are important assets. Corporate records include essentially all records you produce as an employee, whether paper or electronic. A record may be as obvious as a memorandum, an e-mail, a contract, or a case study, or something not as obvious, such as a computerized desk calendar, an appointment book, or an expense record.

The law requires [Organization Name] to maintain certain types of corporate records, usually for a specified period. Failure to retain those records for those minimum periods could subject you and [Organization Name] to penalties and fines, cause the loss of rights, obstruct justice, spoil potential evidence in a lawsuit, place [Organization Name] in contempt of court, or seriously disadvantage the organization in litigation.

[Organization Name] will retain the following business records and documents for at least the time periods specified below. It is the responsibility of all staff to ensure that this policy is followed. The Executive Director, Finance Director, and/or Board Treasurer will take primary responsibility for enforcement of this policy – ensuring that documents are retained and stored appropriately for the times specified. All staff will receive a copy of this policy, which will be appended to the Human Resource Handbook. New staff or consultants will be informed about this policy as part of their orientation.

* 1. **Compliance**

[Organization Name] expects all employees to fully comply with published records retention or destruction policies and schedules, with one important exception. If you believe, or [Organization Name] informs you, that organization records are relevant to litigation, or potential litigation (i.e., a dispute that could result in litigation), then you must preserve those records until the Executive Director and Board Treasurer determine the records are no longer needed. That exception supersedes any previously or subsequently established destruction schedule for those records. If you believe that exception may apply, or have any question regarding the possible applicability of that exception, please contact the Legal Counsel.

Failure on the part of employees to follow this policy can result in possible civil and criminal sanctions against [Organization Name] and its employees and possible disciplinary action against responsible individuals. The Executive Director, Finance Director, and Board Treasurer will periodically review these procedures with [Organization Name]’s external auditor, if any, to ensure that they meet new or revised regulations.

* 1. **Document Retention Periods**

From time to time [Organization Name] establishes retention or destruction policies or schedules for specific categories of records in order to ensure legal compliance, and also to accomplish other objectives, such as preserving intellectual property and cost management. Several categories of documents that bear special consideration are identified below. While minimum retention periods are provided, the retention of the documents identified below[[39]](#footnote-39) and of documents not included in the identified categories should be determined primarily by the application of the general guidelines affecting document retention identified above, as well as any other pertinent factors.

Records can be retained as hardcopies or electronically.

| **Type of Record** | **Minimum Retention Period** |
| --- | --- |
| ***Corporate Records*** | |
| Annual Reports to Secretary of State/Attorney General | Permanent |
| Articles of Incorporation | Permanent |
| Board Meeting and Board Committee Minutes | Permanent |
| Board Policies/Resolutions | Permanent |
| Bylaws | Permanent |
| Construction Documents | Permanent |
| Fixed Asset Records | Permanent |
| IRS Application for Tax-Exempt Status (Form 1023) | Permanent |
| IRS Determination Letter | Permanent |
| State Sales Tax Exemption Letter | Permanent |
| Contracts (after expiration) | 7 years |
| Correspondence (general) | 3 years |
| ***Accounting and Corporate Tax Records*** | |
| Annual Audits and Financial Statements | Permanent |
| Depreciation Schedules | Permanent |
| IRS Form 990 Tax Returns | Permanent |
| General Ledgers | [7 years/Permanent] |
| Business Expense Records | 7 years |
| IRS Form 1099 | 7 years |
| Journal Entries | 7 years |
| Invoices | 7 years |
| Sales Records (box office, concessions, gift shop) | 5 years |
| Petty Cash Vouchers | 3 years |
| Cash Receipts | 3 years |
| Credit Card Receipts | 3 years |
| ***Bank Records*** | |
| Check Registers | [7 years/Permanent] |
| Bank Deposit Slips | 7 years |
| Bank Statement and Reconciliation | 2 years |
| Electronic Fund Transfer Documents | 7 years |
| ***Payroll and Employment Tax Records*** | |
| Payroll Registers | Permanent |
| State Unemployment Tax Records | Permanent |
| Earnings Records | 7 years |
| Garnishment Records | 7 years |
| Payroll Tax Returns | 7 years |
| W-2 Statements | 7 years |
| ***Employee Records*** | |
| Employment and Termination Agreements | Permanent |
| Retirement and Pension Plan Documents | Permanent |
| Records Relating to Promotion, Demotion or Discharge | 7 years after termination |
| Accident Reports and Worker's Compensation Records | 5 years |
| Salary Schedules | 5 years |
| Employment Applications | 3 years |
| I-9 Forms | 3 years after termination |
| Timesheets or Timecards | 2 years |
| ***Donor and Grant Records*** |  |
| Donor Records and Acknowledgment Letters | 7 years |
| Grant Applications and Contracts | 7 years after completion |
| ***Legal, Insurance, and Safety Records*** |  |
| Appraisals | Permanent |
| Copyright Registrations | Permanent |
| Environmental Studies | Permanent |
| Insurance Policies | Permanent |
| Real Estate Documents | Permanent |
| Stock and Bond Records | Permanent |
| Trademark Registrations | Permanent |
| Leases | 6 years after expiration |
| OSHA Documents | 5 years |
| General Contracts | 1. years after termination |

* 1. **Electronic Documents and Records**

Electronic documents will be retained as if they were paper documents. Therefore, any electronic files, including records of donations made online, that fall into one of the document types on the above schedule will be maintained for the appropriate amount of time. If a user has sufficient reason to keep an e-mail message, the message will be moved to an “archive” computer file folder or printed in hard copy and kept in the appropriate file. Backup and recovery methods will be tested on a regular basis.

* 1. **Emergency Planning**

[Organization Name]’s records will be stored in a safe, secure, and accessible manner. Electronic records and documents will be backed up at least weekly via an Internet backup system. Hard-copy documents and financial files that are essential to keeping [Organization Name] operating in an emergency will be scanned if possible; if not, they will be duplicated at least every week, with back-ups maintained off-site.

* 1. **Document Destruction**

[Organization Name]’s Finance Director and Executive Director are responsible for the ongoing process of identifying records that have met the required retention period and overseeing their destruction. Destruction of financial and personnel-related documents will be accomplished by shredding.

Document destruction will be suspended immediately upon any indication of an official investigation or when a lawsuit is filed or appears imminent. Destruction will be reinstated upon conclusion of the investigation.

*Human Resource Handbook*

*Approved by the Board of Directors of [Organization Name] {Date}*

*Revisions Approved {Date}*

1. All states except Montana are “at will,” as is the District of Columbia; Puerto Rico is not. Some states have exceptions. If the organization has a union contract, revise as needed. [↑](#footnote-ref-1)
2. Unlike an offer letter or letter of employment, an employment contract is a legally binding document that specifies conditions of employment and promises employment for a defined amount of time for a defined salary. Employment is no longer “at-will” and the contract provisions take precedence over HR policies. Many nonprofits use employment contracts only for the Executive Director or other very senior personnel. [↑](#footnote-ref-2)
3. For a sample Statement of Values, see What We Value, Latino Community Foundation (California) at <https://latinocf.org/our-values/>, Values, La Clínica Del Pueblo (Washington, DC) at <https://www.lcdp.org/about-us/get-to-know-us>, or Our Values, Latino Network (Portland, OR) at [https://www.latnet.org/#](https://www.latnet.org/). [↑](#footnote-ref-3)
4. For samples, see Charles Stewart Mott Foundation at <https://www.mott.org/about/values/>, or the National Hispanic Institute at <https://www.nationalhispanicinstitute.org/nhi-code>. [↑](#footnote-ref-4)
5. The organization decides what constitutes full-time employment. For most nonprofits, it is 35 to 40 hours per week. Health insurance providers often state a minimum number of hours required for coverage. For health coverage purposes, under the Affordable Care Act, employers with at least 50 full-time employees (called applicable large employers or ALEs) have “shared responsibility” for health care coverage. For this purpose, the IRS defines “full-time” as at least 30 hours per week or 130 hours per month. State definitions of “full-time” vary. [↑](#footnote-ref-5)
6. Some states also protect people based on other characteristics, such as marital status and partnership status, active military status, gender expression, personal appearance, family responsibilities, and political affiliation. Check the protected classes in your state, usually easily found with a web search. [↑](#footnote-ref-6)
7. Veteran status is protected only for organizations doing business with the government through contracts or subcontracts and only certain categories of veterans are covered. However, any veteran with a disability is covered by the Americans with Disabilities Act (ADA) and the Uniformed Services Employment and Reemployment Rights Act (USERRA). Many nonprofits include all veterans as a protected class. [↑](#footnote-ref-7)
8. Citizenship or (legal) immigration status (citizens, noncitizen nationals, asylees, refugees, and recent permanent residents) is protected according to the U.S. Citizen and Information Services (USCIS); protection applies to employers with 4 or more employees. [↑](#footnote-ref-8)
9. Or are a union member in an organization with a union contract. [↑](#footnote-ref-9)
10. The need for a dress code or clothing guidelines – and what clothing is appropriate – depend upon a nonprofit’s work, organizational culture, and internal and external interactions. Most nonprofits that have dress codes use them primarily to address issues such as lack of hygiene or wearing of clothes with pictures or language that may be seriously upsetting to clients, coworkers, or others with whom staff interact. Dress codes must not violate equal employment rights related to characteristics such as head coverings, facial hair, or hair styles. These sample Clothing Guidelines are deliberately flexible but give the organization the right to act in situations that may negatively affect its office environment and its work. [↑](#footnote-ref-10)
11. If the organization permits some remote work, a fair policy should be established and specified in this section, then enforced consistently. The policy should specify parameters such as the number of hours or days per week an employee may work remotely, any days when employees must be in the office, what technology or other equipment will be provided for remote employees, expected working hours, communications expectations, and cybersecurity requirements. Positions excluded from remote work should be identified. [↑](#footnote-ref-11)
12. If the organization adopts this requirement, it must be uniformly applied, and should be used only to verify that the employee was seen by a health care provider and to indicate any period during which the employee should not work or should have job-related restrictions. [↑](#footnote-ref-12)
13. Almost all non-exempt nonprofit employees are covered by overtime payment requirements. Many nonprofits are not covered “enterprises” under the Fair Labor Standards Act (FLSA), but individual employees are typically covered if their work involves any involvement in “interstate commerce,” broadly defined, which includes tasks like sending and receiving emails across state lines. Nonprofits therefore often provide overtime compensation for all non-exempt employees. [↑](#footnote-ref-13)
14. Compensatory time may be offered to exempt employees only, at the employer’s discretion. Some nonprofits have formal hour-for-hour compensatory time policies, while others offer it only when an employee has worked a large amount of extra time. If compensatory time is to be provided, the employee should be expected to record on a timesheet or other time and effort document both actual hours worked and comp time hours taken. [↑](#footnote-ref-14)
15. A few states require overtime pay when a non-exempt employee works more than eight hours in a single day. Overtime laws by state are summarized on the Wage and Hour section of the U.S. Department of Labor website, with a guide to overtime (“Premium Pay After Designated Hours) requirements by state at <https://www.dol.gov/agencies/whd/minimum-wage/state>. [↑](#footnote-ref-15)
16. The states and some municipalities have their own laws re overtime versus compensatory time and sometimes stricter definitions than the federal government for what constitutes an exempt nongovernmental employee. For example, in New York City and Nassau, Suffolk, and Westchester Counties, the salary threshold for exempt executive and administrative employees is $1,125 per week or $58,500 per year; in the rest of New York State, it became $1,064.25 a week or $55,341 per year in 2023. [↑](#footnote-ref-16)
17. The federal government requires that exempt employees be paid at least once a month and non-exempt employees at least twice a month. Most states require that some or all employees be paid at least twice a month, and sometimes certain categories of workers must be paid weekly. In California and Michigan, the frequency depends on the occupation. State payday requirements are provided by the U.S. Department of Labor, at <https://www.dol.gov/agencies/whd/state/payday>. [↑](#footnote-ref-17)
18. The federal Electronic Fund Transfer Act (EFTA or Regulation E) permits mandatory direct deposits so long as the employee is permitted to choose the bank for deposit. [↑](#footnote-ref-18)
19. Laws vary by state. Explain the appropriate state’s laws here. For information about requirements in your state, see Findlaw, <https://www.findlaw.com/injury/workers-compensation/workers-compensation-laws-by-state.html>. [↑](#footnote-ref-19)
20. Specify the benefits this organization normally provides. Not detailing them in the Handbook makes it easier to adjust benefits if resource differences make this necessary, without amending the Handbook every year. If the organization is financially stable, each of the benefits can be specified in the Handbook. [↑](#footnote-ref-20)
21. Some states have different or additional holidays. New York adds Lincoln’s Birthday in February; California adds Cesar Chavez Day at the end of March but does not celebrate Columbus Day. Some nonprofits start out with the state or federal holidays list and then eliminate one or more in order to substitute other days like the day after Thanksgiving or to close offices between Christmas and New Year’s. [↑](#footnote-ref-21)
22. States vary in whether they require paid vacation and whether employees must be paid for accrued and unused vacation time upon separation. There is no federal or state law requiring paid or unpaid vacation time. However, if vacation time is provided, some states require that accrued vacation be paid when an employee leaves the organization, For a description of these requirements by state, see Paycor, <https://www.paycor.com/resource-center/articles/pto-payout-laws-by-state/>. Some employers combine sick leave, vacation, and personal days into Paid Time Off. (PT0) or include other types of leave and use some form of Flexible Time Off (FTO) or unlimited PTO, which do not require prior accrual. [↑](#footnote-ref-22)
23. As of early 2023, there are no federal requirements for paid sick leave; unpaid sick leave is required for employers subject to the Family and Medical Leave Act (FMLA). Some states and municipalities do require paid sick leave. See a chart of State Paid Sick Leave Laws at Paycor, <https://www.paycor.com/resource-center/articles/paid-sick-leave-laws-by-state/>. [↑](#footnote-ref-23)
24. Check your state’s laws and revise the jury duty policy based on what you find, being as specific as possible. Some states require that the employer pay all or part of an employee’s salary during jury duty or for the first several days of jury duty. In some states only exempt employees must be paid by employers. Some states forbid requiring employees to use paid time off for jury duty. In some jurisdictions, an employee can be excused from jury duty if the employer would suffer undue hardship. See Employment Law Handbook at <https://www.employmentlawhandbook.com/employment-and-labor-laws/topics/leave-laws/jury-duty-leave/>. [↑](#footnote-ref-24)
25. There is no federal requirement that employees receive time off to vote, but at least 30 states (among them Arizona, California, Illinois, and New York), do require it. Some require paid time off, usually up to two hours. Sometimes time off must be requested ahead of time. See chart at Dorsey & Whitney, LLP, <https://www.dorsey.com/~/media/files/newsresources/publications/2008/10/employee-time-off-on-election-day-a-statebystate__/files/election-guide/fileattachment/election-guide.pdf>. [↑](#footnote-ref-25)
26. Some states (plus the District of Columbia) require unpaid time off for parents to attend activities at their child’s school or day-care. See Workplace Fairness, <https://www.workplacefairness.org/school-related-parental-leave-state-law>. [↑](#footnote-ref-26)
27. There is no federal requirement for paid or unpaid bereavement leave, and only a few states require it. See Business.com, <https://www.business.com/articles/bereavement-leave/>. However, providing it is considered a sound practice, and many nonprofit employers provide either paid or unpaid leave, with the amount of leave depending on the employee’s relationship with the deceased. [↑](#footnote-ref-27)
28. Federal Family and Medical Leave applies only to employers with at least 50 employees. However, as of January 2023, 11 states and the District of Columbia) have some form of paid Family and Medical Leave laws that often apply to smaller employers. See list and supplemental information at <https://www.ncsl.org/labor-and-employment/state-family-and-medical-leave-laws>. Puerto Rico is not covered by the federal FMLA but has a law allowing employees to use up to five days of medical leave in connection with the illness or medical treatment of a child, parent, spouse, or in certain other situations; see <https://www.replicon.com/regulation/puerto-rico/>. Some nonprofits choose to provide such leave because of their values and missions. This section provides basic language for both large nonprofits that fall under the federal law and smaller ones that choose to provide some form of leave. Consider federal, state, and local laws, union contracts, and affordability issues in deciding what to include in your Handbook. [↑](#footnote-ref-28)
29. The appropriate government entity depends on the nonprofit’s location. In the District of Columbia, it is usually the federal government. In state capitals, it is often the state government. In other cities or more rural areas, it is often municipal (city or county) government. [↑](#footnote-ref-29)
30. Organizations generally use either the federal or state travel reimbursement rates, or less often the local government rates if in a large city. If the organization has substantial local, state, or federal government funding, the funding source may determine which rates to use. The type of governmental rate used should be specified in the Handbook, with a weblink provided for determining current rates. Long-distance travel and per diem rates generally change each fiscal year, while mileage rates may change more often. [↑](#footnote-ref-30)
31. State laws on wrongful termination vary and often address discrimination, retaliation, breach of contract, and violation of existing public policy (such as performance of an act considered to be in the public’s best interest, like serving on a jury or joining the national guard). For state-by-state laws, see Mighty Recruiter, at <https://www.mightyrecruiter.com/recruiter-guide/termination-laws-by-state-what-you-need-to-know/>. [↑](#footnote-ref-31)
32. Revise if the organization is unionized. [↑](#footnote-ref-32)
33. An exception should be made for use of medicinal marijuana in states where it is permitted. [↑](#footnote-ref-33)
34. The laws of some states or municipalities may not permit an employer to forbid carrying or possessing firearms on the organization’s premises. [↑](#footnote-ref-34)
35. State laws vary on when the last paycheck must be paid. Often it is no later than the next scheduled payday, but sometimes it must be sooner, especially if the employee was fired or laid off. For example, California requires the final paycheck to be paid on the day of separation if an employee is fired or laid off and within 72 hours after the employee gives notice if separation is voluntary. For information by state as of January 2023, see Paycor, <https://www.paycor.com/resource-center/articles/final-paycheck-laws-by-state/>. [↑](#footnote-ref-35)
36. Some organizations have the Board of Directors as the last point in the review process. If this is the case, the Board must have procedures for addressing such situations. [↑](#footnote-ref-36)
37. State laws vary with regard to the right of employees to view or copy some or all the documents in their personnel files. Modify this section based on the laws in your state; for laws by state, see Nolo, <https://www.nolo.com/legal-encyclopedia/free-books/employee-rights-book/chapter5-2.html>. [↑](#footnote-ref-37)
38. This section addresses employee “moonlighting“ – holding a second part-time or full-time job. An employer can require that a second job not interfere or conflict with an employee’s work at the nonprofit or negatively affect its reputation, but banning outside employment may not be permitted. Some jurisdictions limit employer restrictions against moonlighting or limiting future employment, sometimes based on reducing employer powers to regulate the lives of their employees outside of work. Many states now limit use of “non-compete agreements.” Most of these agreements focus on limiting future employment with competitors; others also address moonlighting. Check the laws in your state on both non-competes and moonlighting.

    . [↑](#footnote-ref-38)
39. Use federal requirements (7 years for most fiscal and grant records) if the organization receives federal grants. Otherwise you may want to revise retention periods based on state requirements, which can vary. [↑](#footnote-ref-39)