



## **Information Sources for Personnel Laws and Policies**

### **Reference Supplement to the EGMC Generic Human Resources Handbook**

Nonprofit organizations need to monitor changes in laws and regulations at the federal, state, and local levels to understand the laws and ensure that their Human Resources (HR) policies and procedures comply with changing requirements. The generic Human Resources Handbook developed by EGM Consulting, LLC (EGMC) provides numerous footnotes identifying online sources used in its preparation. This bibliography expands on these references. It includes sources of current information on federal and state laws and requirements – including public agencies, companies engaged in various aspects of personnel management, law firms, associations, and other nonprofit organizations. Included are sources that summarize requirements state-by-state. Basic wage and hour laws are provided first. Other personnel-related topics are then presented alphabetically. This document was prepared in April 2023 by Emily Gantz McKay of EGMC.

### **Basic Wage and Hour Laws**

#### **Fair Labor Standards Act (FLSA)**

U.S. Department of Labor (DOL)

Wage and Hour Division

“Wages and the Fair Labor Standards Act”

<https://www.dol.gov/agencies/whd/flsa>

Summarizes Fair Labor Standards Act (FLSA) requirements and provides links to additional information about a variety of wage and hour-related definitions and requirements.

Fact Sheet #14A: “Non-Profit Organizations and the Fair Labor Standards Act (FLSA)”

<https://www.dol.gov/agencies/whd/fact-sheets/14a-flsa-non-profits>

Describes “enterprise” and “individual” coverage for nonprofits under FLSA.

“Handy Reference Guide to the Fair Labor Standards Act”

<https://www.dol.gov/agencies/whd/compliance-assistance/handy-reference-guide-flsa>

Includes multiple topics related to FLSA, from Basic Wage Standards and Who is Covered? to Exemptions and Equal Pay Provisions.

#### **State Wage and Hour Laws**

DOL’s Wage and Hour Division webpage also has a section that provides the following:

- State Minimum Wage Laws – alphabetical listing of minimum wage laws and both recent and future changes; includes Puerto Rico  
<https://www.dol.gov/agencies/whd/minimum-wage/state>
- State Labor Law Topics like Child Labor Laws and Other State Labor Laws

<https://www.dol.gov/agencies/whd/state>

- State Labor Offices – listing of office names, addresses, phone numbers, websites and emails for each state and territory

<https://www.dol.gov/agencies/whd/state/contacts>

### **Exempt and Non-Exempt Employees and Overtime Pay**

U.S. Department of Labor

Wage and Hour Division

“Overtime Pay”

<https://www.dol.gov/agencies/whd/overtime>

Explains federal overtime requirements and provides other resources and guides.

“State Minimum Wage Laws”

<https://www.dol.gov/agencies/whd/minimum-wage/state>

Guide that provides minimum hourly wages and overtime pay requirements by state, described as “premium pay after designated hours.”

Fact Sheet #17A: “Exemption for Executive, Administrative, Professional, Computer & Outside Sales Employees Under the Fair Labor Standards Act (FLSA)”

<https://www.dol.gov/agencies/whd/fact-sheets/17a-overtime>

Provides what employees qualify as exempt from federal minimum wage and overtime pay.

Patriot Software

“Overtime Laws by State: The Quintessential Employer’s Guide”

<https://www.patriotsoftware.com/blog/payroll/overtime-laws-by-state/>

Summarizes which states follow federal overtime requirements and which have different or additional requirements; provides websites where rules are different.

Hubstaff

“Overtime Pay Laws by State: A Guide”

<https://hubstaff.com/state-overtime-laws>

Discusses overtime issues and provides a brief chart of minimum wage and overtime laws by state. Notes that most states follow the 40-hour maximum hours per week without overtime that is specified in the Fair Labor Standards Act (FLSA), except for Kansas (46 hours) and Minnesota (48 hours).

National Council of Nonprofits

“Breaking Down Your Nonprofit’s Obligation to Pay Overtime”

<https://www.councilofnonprofits.org/running-nonprofit/employment-hr/breaking-down-your-nonprofits-obligation-pay-overtime>

Provides a list of steps for determining whether your nonprofit or any or all of its employees are covered by FLSA overtime laws. [Note: Also see DOL Fact Sheet #14A under Basic Wage and Hour Laws, which explains that any employee engaged in “interstate commerce” is covered, and this includes making interstate telephone calls or sending interstate emails.]

## **Employment Law in Puerto Rico**

Replicon

“Puerto Rico Employment Law”

<https://www.replicon.com/regulation/puerto-rico/>

Provides hours and pay regulations, annual leave, minimum wage, and special leave requirements.

The Law Reviews

“The Employment Law Review: Puerto Rico”

[https://thelawreviews.co.uk/title/the-employment-law-review/puerto-](https://thelawreviews.co.uk/title/the-employment-law-review/puerto-rico#:~:text=Puerto%20Rico%20is%20not%20an,service%20and%20a%20statutory%20formula)

[rico#:~:text=Puerto%20Rico%20is%20not%20an,service%20and%20a%20statutory%20formula](https://thelawreviews.co.uk/title/the-employment-law-review/puerto-rico#:~:text=Puerto%20Rico%20is%20not%20an,service%20and%20a%20statutory%20formula)

Detailed March 2023 review of wage and hour and other HR legislation and regulations in Puerto Rico, including recent changes. Describes law requiring paid maternity (not paternity) leave, explains that Puerto Rico is not an at-will jurisdiction, and describes use of and limitations on non-compete agreements in Puerto Rico.

## **Personnel Management Topics (Alphabetical)**

### **At-Will Employment**

“At-Will Employment: Complete Guide with State Information and Definition”

[https://www.betterteam.com/at-will-](https://www.betterteam.com/at-will-employment#:~:text=At%2DWill%20Employment%20States%3A,do%20not%20allow%20any%20exceptions)

[employment#:~:text=At%2DWill%20Employment%20States%3A,do%20not%20allow%20any%20exceptions](https://www.betterteam.com/at-will-employment#:~:text=At%2DWill%20Employment%20States%3A,do%20not%20allow%20any%20exceptions)

Includes information on exceptions by state. (For Puerto Rico, see section on Employment Law in Puerto Rico.)

### **Employment Contracts**

Hurwit & Associates [law firm focusing on philanthropy and the nonprofit sector]

“Nonprofit Employment Contracts”

[https://www.hurwitassociates.com/employment-law/employment-](https://www.hurwitassociates.com/employment-law/employment-contracts/#:~:text=Although%20most%20nonprofit%20employment%20relationships,such%20as%20executives%20and%20managers)

[contracts/#:~:text=Although%20most%20nonprofit%20employment%20relationships,such%20as%20executives%20and%20managers](https://www.hurwitassociates.com/employment-law/employment-contracts/#:~:text=Although%20most%20nonprofit%20employment%20relationships,such%20as%20executives%20and%20managers)

Describes use of employment contracts by nonprofits as generally limited to high-level employees and specifies typical contract provisions.

Caritas Law Group, PC

“Top Reasons Your Nonprofit May Need an Employment Contract – and Other Options to Lean On”

<https://caritaslawgroup.com/2021/07/28/top-reasons-your-nonprofit-may-need-an-employment-contract-and-other-options-to-lean-on/>

Discusses when an employment contract may be needed, particularly for a key employee, and what other options can provide similar protection and more flexibility, such as an employee handbook combined with a strong offer letter for each employee.

## **Compensatory Time**

Venable, LLP

“Compensable Time? What Nonprofits Need to Know Regarding Their Non-Exempt Employees”

<https://www.venable.com/insights/publications/2016/05/compensable-time-what-nonprofits-need-to-know-rega>

Developed when exempt employee changes were made in the Fair Labor Standards Act (FLSA) in 2016, but still applicable.

Society for Human Resource Management (SHRM)

“Exempt Employee Comp Time Off Policy”

<https://www.shrm.org/resourcesandtools/tools-and-samples/policies/pages/exempt-employee-comp-time.aspx>

Sample policy for employers that choose to provide compensatory time to their exempt employees. Explains that the policy does not apply to non-exempt employees, who are entitled to overtime pay.

## **Family and Medical Leave**

U.S. Department of Labor

“Family and Medical Leave (FMLA)”

<https://www.dol.gov/general/topic/benefits-leave/fmla>

Describes FMLA, which covers only employers with 50 or more employees.

Fact Sheet #28: “The Family and Medical Leave Act”

<https://www.dol.gov/agencies/whd/fact-sheets/28-fmla>

Describes FMLA and how it works. Revised February 2023.

National Conference of State Legislatures

“State Family and Medical Leave Laws”

<https://www.ncsl.org/labor-and-employment/state-family-and-medical-leave-laws>

Summarizes state laws providing various types of family, parental, sick, and school leave.

Identifies 11 states (California, Colorado, Connecticut, Delaware, Massachusetts, Maryland, New Jersey, New York, Oregon, Rhode Island, and Washington) plus the District of Columbia that provide paid family and medical leave, funded through employee-paid and/or employer-paid payroll taxes. Charts state family medical leave laws including whether leave is paid or unpaid, coverage, family medical leave provisions, and what types of leave are included (e.g., to care for child or spouse).

## **Full-time Employment**

Internal Revenue Service

“Identifying Full-time Employees”

<https://www.irs.gov/affordable-care-act/employers/identifying-full-time-employees#:~:text=Under%20the%20monthly%20measurement%20method,of%20service%20or%20each%20month>

Definition, which is based on Affordable Care Act “shared responsibility” provisions for Applicable Large Employers or ALEs (at least 50 employees), is an average of at least 30 hours per week or 130 hours per month.

Society for Human Resource Management (SHRM)

“When should a part-time employee be reclassified as full-time?”

<https://www.shrm.org/resourcesandtools/tools-and-samples/hr-ga/pages/legalregulatoryissueswhenshouldapart-timeemployeebereclassifiedasfull-time.aspx>

Notes need to re-evaluate status when a part-time employee has been consistently working full-time, as well as for compliance with requirements of the Affordable Care Act or other federal or state laws.

## **Holidays**

U.S. Office of Personnel Management

“Federal Holidays”

<https://www.opm.gov/policy-data-oversight/pay-leave/federal-holidays/#url=2023>

Lists federal holidays with dates, by year. In 2023, there are 11 federal holidays: New Year’s Day, Martin Luther King, Jr.’s Birthday, Washington’s Birthday (called Presidents’ Day by many states), Memorial Day, Juneteenth National Independence Day, Independence Day, Labor Day, Columbus Day, Veterans Day, Thanksgiving Day, and Christmas Day. In addition, Inauguration Day is a federal holiday every four years.

Employment Law Handbook

“Federal and State Holidays in USA: Full List of Holidays”

<https://www.employmentlawhandbook.com/employment-and-labor-laws/topics/leave-laws/holiday-leave/federal-state-holidays/>

Provides a state-by-state listing of official holidays. Also notes that only Massachusetts and Rhode Island require private employers to grant time off for state-designated holidays or pay employees extra for working.

## **Outside Employment and Non-Compete Agreements**

ADP

“7 FAQs About Moonlighting Policies”

<https://sbshrs.adpinfo.com/blog/7-faqs-about-moonlighting-policies>

February 2023 article that describes factors to consider in developing and implementing policies related to employee second jobs. It notes that an outright ban on moonlighting is illegal in some states and municipalities, and others broadly prohibit employers from taking “adverse action” against an employee for any “lawful off-duty conduct” unless it can be shown to interfere with employer operations or “legitimate business interests.”

Dorsey & Whitney, LLP

“Non-competition Agreements under Scrutiny at State and Federal Level”

<https://www.dorsey.com/newsresources/publications/client-alerts/2023/2/noncompetition-agreements-under->

[scrutiny#:~:text=Colorado%2C%20Illinois%2C%20Maine%2C%20Maryland,professions%20such%20as%20healthcare%20workers](#)

February 2023 article describing legal trends toward banning or limiting the use of employee non-compete agreements. Focus is on provisions limiting future employment rather than holding a second job (“moonlighting”), though other sources indicate that some laws address both. The article reports that California, North Dakota, Oklahoma, and the District of Columbia ban most non-compete agreements, while Colorado, Illinois, Maine, Maryland, New Hampshire, Oregon, Rhode Island, Virginia, and Washington prohibit them except for employees with salaries above a specified threshold. Iowa and Kentucky limit the use of non-competes for certain professions. Courts have invalidated non-compete agreements for some frontline workers. Employers can use confidentiality/non-disclosure agreements to protect proprietary information.

Society for Human Resource Management (SHRM)

“Review Moonlighting Policies in Light of Remote Work, Inflation”

<https://www.shrm.org/resourcesandtools/legal-and-compliance/employment-law/pages/review-moonlighting-policies.aspx>

August 2022 article discusses moonlighting in the context of inflation and remote work and recommends adjusting policies and clarifying employer expectations regarding second jobs.

“Outside Employment (Moonlighting) Policy”

[https://www.shrm.org/resourcesandtools/tools-and-samples/policies/pages/outside\\_employment\\_moonlighting\\_policy.aspx](https://www.shrm.org/resourcesandtools/tools-and-samples/policies/pages/outside_employment_moonlighting_policy.aspx)

Sample policy that permits outside employment but specifies requirements and limitations to prevent negative impact on the primary employer.

### **Payday Frequency Requirements**

U.S. Department of Labor

Wage and Hour Division

“State Payday Requirements”

<https://www.dol.gov/agencies/whd/state/payday>

Chart of requirements by state, with some footnoted explanations. Updated January 2023.

Patriot Software

“Must-know Pay Frequency Requirements by State”

<https://www.patriotsoftware.com/blog/payroll/pay-frequency-requirements-state-federal/#:~:text=D.C.&text=No%20specified%20regulations.,-Georgia&text=Employees%20can%20choose%20to%20be,to%20the%20semimonthly%20pay%20requirement>

Provides state-by-state minimum pay frequency laws, which exist in every state but Alabama and Florida. Usually requirements are for weekly, biweekly, semimonthly, or monthly payroll; many states require more frequent paydays for hourly workers, non-exempt employees, or workers in certain occupations than for exempt employees. Updated in March 2023.

## **Personnel Files**

Workest/TriNet Zenefits

“Do Employees Have the Right to See Their Personnel File?”

<https://www.zenefits.com/workest/do-employees-have-the-right-to-see-their-personnel-file/>

Describes what should and should not go into a personnel file, and provides some information on state laws on employees’ right to access their personnel records and what employers must provide. Updated March 2022.

Nolo

“State Laws on Access to Your Personnel File”

<https://www.nolo.com/legal-encyclopedia/free-books/employee-rights-book/chapter5-2.html>

Provides information on state laws related to employee rights to review and copy personnel records and insert rebuttal information. Such laws appear to exist in a minority of states.

## **Protected Classes – Employment Discrimination**

U.S. Equal Employment Opportunity Commission

“3. Who is protected from employment discrimination?”

<https://www.eeoc.gov/employers/small-business/3-who-protected-employment-discrimination>

Lists protected classes, which include race, color, religion, sex (including pregnancy, sexual orientation, or gender identity), national origin, age (40 or older), disability, and genetic information (including family medical history).

### *Disability*

U.S. Department of Labor Office of Disability Employment Policy

“Employment Laws: Disability & Discrimination”

<https://www.dol.gov/agencies/odep/publications/fact-sheets/employment-laws-disability-and-discrimination#:~:text=The%20Americans%20with%20Disabilities%20Act,local%20government%20services%2C%20and%20telecommunications>

Describes five federal laws that protect individuals with disabilities with employment-related disability, including but not limited to the Americans with Disabilities Act (ADA).

### *Immigrants and Refugees/National Origin*

United States Citizenship and Immigration Services (USCIS)

“Preventing Discrimination”

<https://www.uscis.gov/i-9-central/employee-rights-and-resources/preventing-discrimination#:~:text=Employers%20cannot%20discriminate%20when%20hiring,from%20this%20type%20of%20discrimination>

Describes protections against employment discrimination related to citizenship or immigration status (except for “unauthorized aliens”) or national origin as specified in the Immigration and Nationality Act (8 U.S. Code, section 1324b). Also identifies other types of employment discrimination that the Immigrant and Employee Rights Section (IER) enforces.

U.S. Equal Employment Opportunity Commission

“National Origin Discrimination”

<https://www.eeoc.gov/youth/national-origin-discrimination#:~:text=The%20laws%20enforced%20by%20EEOC%20also%20protect%20you%20from%20being,%2C%20accent%2C%20or%20ethnic%20background>

Describes what constitutes national origin discrimination: being treated “differently, or less favorably, because you or a friend, parent, or someone else you associate with comes from a particular place, has a particular accent, or appears to have a particular ethnic background, perhaps because of physical characteristics or name.” Explains that the laws also protect individuals from harassment at work based on national origin, accent, or ethnic background.

“National Origin Discrimination”

<https://www.eeoc.gov/national-origin-discrimination>

Provides information on protections against several types of national origin discrimination.

### *Veterans and Service Members*

U.S. Equal Employment Opportunity Commission

“Protections Against Employment Discrimination for Service Members and Veterans”

Authored jointly by U.S. Department of Labor (DOL) Office of Federal Contract Compliance Programs (OFCCP), DOL Veterans’ Employment and Training Service (VETS), U.S. Department of Justice Civil Rights Division (CRT), and U.S. Equal Employment Opportunity Commission (EEOC). Describes two federal laws that prohibit employment discrimination based on veteran or service member status: The Uniformed Services Employment and Reemployment Rights Act, which prohibits reemployment discrimination by civilian employers based on present, past, or future military service; and the Vietnam Era Veterans’ Readjustment Assistance Act (VEVRAA), which prohibits discrimination by federal contractors and subcontractors against certain “protected veterans,” which include disabled, recently separated, active duty wartime or “campaign badge,” and service medal veterans. Also lists legislation providing protections for other reasons, such as disabilities.

U.S. Department of Labor

“Am I a Protected Veteran?”

[https://www.dol.gov/sites/dolgov/files/ofccp/posters/Infographics/files/ProtectedVet-2016-11x17\\_ENGESQA508c.pdf](https://www.dol.gov/sites/dolgov/files/ofccp/posters/Infographics/files/ProtectedVet-2016-11x17_ENGESQA508c.pdf)

Describes characteristics that provide protection from employment discrimination for veterans. The law, the Vietnam Era Veterans’ Readjustment Assistance Act (VEVRAA), applies only to organizations doing business with the federal government under contracts or subcontracts and only to veterans in the following categories: disabled veteran; recently separated veteran; active duty wartime or campaign badge veteran; or Armed Forces service medal veteran.

U.S. Equal Employment Opportunity Commission (EEOC)

“Veterans and the Americans with Disabilities Act: A Guide for Employers”

<https://www.eeoc.gov/laws/guidance/veterans-and-americans-disabilities-act-guide-employers>

Describes protections for veterans under the Americans with Disabilities Act (ADA), which covers veterans with disabilities who are looking for employment or are already in the workplace. It notes that about 41% of Gulf-War-era II (post 9/11) veterans report a service-



connected disability and are therefore covered. EEOC enforces ADA-related employment discrimination, which covers employers with 15 or more employees.

### **Remote Work**

We Work Remotely

“How To Create a Policy For Working Remotely”

<https://weworkremotely.com/how-to-create-a-policy-for-working-remotely>

Describes 5 steps for developing a remote work policy that works for both the employer and employees.

Society for Human Resource Management (SHRM)

“Remote-Work Conduct Policy”

<https://www.shrm.org/resourcesandtools/tools-and-samples/policies/pages/remote-work-conduct-policy.aspx>

A model policy for employers that permit remote work.

### **Sick Leave**

Patriot Software

“Paid Sick Leave Laws by State”

<https://www.patriotsoftware.com/blog/payroll/state-mandated-paid-sick-leave-laws/>

Provides information about paid sick leave laws and the kinds of information typically included in state legislation. Includes a map and detailed information about state laws, including eligible employers, who is covered, paid sick leave use, accrual rate and cap, waiting period, carryover rules, and state websites that provide additional information.

Paycor

“Paid Sick Leave Laws by State for 2023”

<https://www.paycor.com/resource-center/articles/paid-sick-leave-laws-by-state/>

Explains that there is no federal paid sick leave act, but 16 states, DC, and about two dozen municipalities have adopted paid sick leave or paid time off requirements, some (like Los Angeles) covering the sickness of family members as well as the employee. Some include “safe leave” provisions that extend paid sick leave to employees affected by domestic violence, sexual assault, or stalking. States with mandatory sick leave laws include Arizona, California, Colorado, Connecticut, Maryland, Massachusetts, Michigan, New Jersey, New Mexico, New York, Oregon, Rhode Island, Vermont, Washington, and the District of Columbia. Maine and Nevada have laws requiring accrued paid time off not limited to sick time. Updated January 2023.

### **Termination**

Indeed

“All You Need To Know About Termination for Cause”

<https://www.indeed.com/career-advice/career-development/termination-for-cause#:~:text=Termination%20for%20cause%20is%20the,and%20disclosure%20of%20confidential%20information>

Describes termination for cause and how it differs from other types of termination. Lists the most frequent reasons for termination for cause. Also provides advice for individuals who have been terminated. Updated March 2023.

The Hartford

“Acceptable Reasons for Termination”

<https://www.thehartford.com/business-insurance/strategy/employee-termination/valid-reasons>

Lists six categories of acceptable reasons for employee termination for cause.

Paycor

“Final Paycheck Laws by State 2023”

<https://www.paycor.com/resource-center/articles/final-paycheck-laws-by-state/>

Indicates when the final paycheck is due to a departing employee, which varies from state to state and may differ depending on whether an employee resigned or was fired. Also indicates what additional types of compensation such as accrued annual leave must be included in that paycheck. Updated January 2023.

### **Vacation Time**

Paycor

“PTO Payout Laws by State 2023”

<https://www.paycor.com/resource-center/articles/pto-payout-laws-by-state/>

Provides state-by-state requirements for paid time off (PTO), including statutory requirements and use-it-or-lose-it policy versus payment of accrued vacation on separation, as well as employer penalties for failure to pay. Updated February 2023.

### **Voting, Jury Duty, and Civic Time Off**

Patriot Software

“Are You Required to Give Employees Time Off to Vote?”

<https://www.patriotsoftware.com/blog/payroll/does-your-state-require-time-off-to-vote/>

The federal government does not require employers to provide time off for voting, but as of fall 2022, 30 states do, sometimes with and sometimes without pay. Provides map indicating which states require time off and an alphabetical chart of state requirements, including whether time off to vote is required, time allowed, paid or unpaid, whether advance notice is required, and whether proof of voting is required.

NOLO

“Taking Time Off to Vote”

<https://www.nolo.com/legal-encyclopedia/taking-time-off-voting-jury-29708.html>

Explains that most states require employers to allow employees to take time off to vote or participate in jury duty, but that the laws vary widely in terms of whether the time off is paid or unpaid, and what if any written proof is required. Provides an alphabetical listing of requirements including references to relevant laws.

Justia

“Jury Duty Leave Laws for Employees: 50-State Survey”

<https://www.justia.com/employment/employment-laws-50-state-surveys/jury-duty-leave-laws-for-employees-50-state-survey/>

Explains that there is no federal law regarding time off from work for jury duty, but nearly every state protects employees summoned for jury duty. A few states provide some amount of paid jury leave. Provides a summary of state laws and protections for workers, whether such leave is paid, and employer penalties for violation.

The Civic Trust

“What is Civic Time Off?”

<https://civics.uschamberfoundation.org/civic-time-off#:~:text=What%20is%20Civic%20Time%20Off,non%2Dpartisan%20election%20support%20activities>

Describes civic time off as a form of paid leave that allows employees to participate in non-partisan election support activities, such as helping to staff polling places or engage in other activities such as attending school board meetings. [Other sources indicate that this may include time off to volunteer for a nonprofit.]

### **Workers’ Compensation**

FindLaw

“Workers’ Compensation Laws by State”

<https://www.findlaw.com/injury/workers-compensation/workers-compensation-laws-by-state.html>

Provides basic information about workers’ compensation laws and a chart by state of covered employees and persons not covered, as well as links to each state’s workers’ compensation division.

Insureon

“State laws for workers’ compensation”

<https://www.insureon.com/small-business-insurance/workers-compensation/state-laws>

Provides detailed information about workers’ compensation requirements in each state, including who is covered, who is excluded, benefits, etc. (Insureon provides cost quotes for multiple companies that provide workers’ compensation insurance, so it is not selling a specific product. )