

Excellence Academy

Management and Strategy Session
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Human Resources Advice from Jeremy York

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Many nonprofits don't have an employee handbook or don't have a current one. These are important documents to have:

- Equal Opportunity Employment statement and anti-discrimination policy
- Anti-harassment policy that defines harassment and outlines the reporting structure and steps for cases of harassment. Harassment can be initiated by anyone your workplace interacts with – co-worker, vendor, client, community partner, etc.).
- Safety manual
- Workplace violence policy: have rules about carrying weapons and about other violence-related topics
- Workplace conduct policy: list things that would lead to an employee's termination
- Personal leave of absence policy: how to request a leave, whether the leave will be paid or unpaid, when to use Paid Time Off, etc. In Indiana, vacation and PTO must be paid upon an employee's termination unless you have a policy that says otherwise. A policy like this does not require an employer to hold an employee's job.
- Holiday, bereavement, and jury duty policies
- Dress code policy: describe what is or is not acceptable workplace attire
- Tobacco use policy: worded as "tobacco use," such a policy would address any form of tobacco, including vape and snuff

Policies should address the behavior, not the root cause behind the behavior.

Organizations with fewer than 50 employees are not subject to the Family and Medical Leave Act, but they would still be wise to adopt many of the FMLA's requirements.

Have these *four* kinds of file folders for each employee:

1. **I-9 file:** Place employee I-9 forms in their own folder. That way if the feds ever come in to audit your I-9s, they won't be permitted to see all your other employee records; they will only be able to see the I-9s.
2. **Medical file:** Put doctors' notes, COVID test results, benefits paperwork, and other health/medical items in this file. Anything that might be related to HIPPA should go in here, too, such as paperwork to substantiate personal leaves of absences.
3. **Employee personnel file:** Put employment applications, performance reviews, pay changes, and disciplinary actions in here (i.e., write-ups and improvement plans, but not related notes that you may have written as a manager).

4. **Manager's file:** Put your own notes about your employee in here.

If your employees ask to see their employee personnel files, they will only be able to see the items in the employee personnel files. They will not be able to see the notes you've written about them so long as those notes are elsewhere – such as in a manager's file.

If an employee is no longer with your organization, you still need to keep that person's I-9 records. You could create a "current I-9 folder" and a "terminated I-9 folder," and whenever an employee leaves, move that person's I-9s from the current to the terminated folder.

Have volunteers sign a waiver saying that your nonprofit won't be responsible for injuries at a volunteer activity. Have volunteers also sign off that they understand your anti-harassment policy. Have them sign a form that affirms they understand that they are there as volunteers and not as employees. Have them sign confidentiality policies, too.

Contractors should sign off that they are responsible for carrying their own insurance, that they are not employees of your organization, and that they understand your anti-harassment and confidentiality policies.

You should not go to employees' social media pages because you might learn things you're not supposed to know, that could affect your review of the employees' performance.

Do criminal history background checks on potential employees. You might not be required to do so as a general matter, but you may be if you're receiving state or municipality funding. State or municipal funders might also require you to [E-verify](#) that your employees have authorization to work in the United States.

It's good to have a policy about social media practices. There are blurred lines regarding social media and free speech.

- Your policy should state that things a person posts on social media are not representative of your organization, but are instead that person's personal expressions. You should ask employees to clarify on their profile that views expressed on their page are not representative of the views of their employer.
- You may not prevent a person from friending fellow staff members, board members, and others.
- You may have a policy that asks your staff to exercise good judgment in their posts, to not slander other people, to not engage in other activity against a co-worker, but you cannot necessarily control what they are posting, unless they are sharing work information.
- You cannot fire a person for writing something harmful about your organization, but you can have a conversation with that person about his or her behavior.

Jeremy's "side gig" company, Invigorate HR, charges approx. \$165/hour. There is a 10% discount for nonprofits. For projects, such as writing an employee handbook, there is a fixed rate based on how much work Invigorate HR will need to do.

Update your policies once every year or two. Put a calendar reminder to institutionalize this process to happen on the same day each time. Make sure your policies reflect what is actually happening in your organization.

Use broad enough language to cover a variety of situations. For example, write policy language that is worded flexibly enough to cover not only a pandemic, but also other emergency or disaster situations.

Notes from Bryan