

HR Survival Guide for Non-Profits

Answering Those Questions That Are Keeping You Up At Night

October 27, 2011
Presented by: Kayla Barrett

The BIG Questions

Notes

① Who manages our “HR Stuff”?

- Files
 - a. Personnel files – stored in secure location
 - b. Benefit files – stored in a secure location – separately from personnel files
 - c. I-9 forms – stored in a secure location – separately from personnel files
- Recruitment processes, forms, etc.
- Employee Relations – processes, confidential files for related issues
- Employee benefit inquiries/forms
- Employment guidelines/policies (including technology and privacy)
- Department of Labor annual guidelines poster
- Annual EEO report (100+ employees)

② Do we need a Handbook?

Your NPO Employee Handbook should include:

- Your vision for the organization
- Your ethical standards
- Your non-profit’s policies
- Employee benefits

Additional guidelines to consider in a NPO Handbook:

- Working with Volunteers
- Volunteer Time
- Working with Minors
- Staff Accountability
- Safety and Protection of Minors
- Vision Statement
- Message from the Founder or Leader
- Sabbatical Leave and/or Ministry Leave



Which Employment Laws Apply to My Organization?

1-14 Employees

- | | |
|---|--|
| <ul style="list-style-type: none"> • Federal Insurance Contributions Act (FICA) (1935) A federal payroll tax imposed to fund Social Security and Medicare, which provides benefits to retirees, disabled, and children of deceased workers. • Fair Labor Standards Act (FLSA) (1938) Regulates the status of employees (versus independent contractors) and provides for a minimum wage and overtime unless the employee meets an exempt classification. • Labor-Management Relations Act (Taft-Hartley) (1947) Protects management rights by prohibiting certain unfair labor practices by unions. • Equal Pay Act (1963) - Prohibits wage discrimination by requiring equal pay for equal work of the same skills, effort, and responsibilities. • Consumer Credits Protection Act (1968) - Sets a national maximum limit on the amount of an employee's wages that can be withheld to satisfy wage garnishment. • Occupational Safety & Health Act (OSHA) (1970) - Mandates compliance with federal health & safety standards. | <ul style="list-style-type: none"> • Employee Retirement Income Security Act (ERISA) (1974) Establishes for the administration of employee benefit and welfare plans, to ensure employees will actually receive monies they set aside for a pension plan. The act also covers part-time employees working 1,000 hours a year. • Uniform Guidelines of Employee Selection Procedures (1978) - Prohibits selection policies and practices from having an adverse impact on the employment opportunities for any race, sex, or ethnic group unless it is a business necessity. • Immigration Reform & Control Act (IRCA) (1986) - Requires that new employees provide specific documents to employers showing that they have a legal right to work in the United States. (I-9 forms) • Employee Polygraph Protection Act (1988) - Prohibits the requirement of pre-employment polygraph exams. • Uniformed Services Employment & Re-employment Rights Act (1994) - Prohibits discrimination against military service members because of past, current, or future military service. Protects military service workers, employment rights and benefits of employment. |
|---|--|

15-19 Employees (Add)

- | | |
|---|--|
| <ul style="list-style-type: none"> • Title VII, Civil Rights Act (1964) (1991) - Prohibits the discrimination in all terms and conditions of employment (including pay and benefits) on the basis of race, religion, ethnic group, sex, national origin, or disability. • Age Discrimination in Employment Act (ADEA) (1967) - Prohibits discrimination in employment for persons 40 and over. Prohibits mandatory retirement ages. | <ul style="list-style-type: none"> • Fair Credit Reporting Act (FCRA) (1970) - Defines employees' and potential employees' rights regarding employers using information obtained by reports compiled by third party credit reporting agencies as the basis for employment decisions. • Pregnancy Discrimination Act (1978) - Protects pregnant employees from being forced to resign or take a leave of absence. |
|---|--|

20-49 Employees (Add)

- | | |
|--|--|
| <ul style="list-style-type: none"> • Consolidated Omnibus Budget Reconciliation Act (COBRA) (1985) - Requires employers to permit employees to extend their health insurance coverage at group rates for up to 36 months following a qualifying event. | <ul style="list-style-type: none"> • Title I, Americans with Disabilities Act (1990) - Protects qualified individuals with disabilities. |
|--|--|

50-99 Employees (Add)

- | | |
|---|--|
| <ul style="list-style-type: none"> • Family Medical Leave Act (FMLA) (1993) (2008) - Provides that employees who have worked at least 12 months and at least 1,250 hours in the previous 12 months are eligible to take up to 12 weeks leave during any 12 month period for a major life event. | <ul style="list-style-type: none"> • Fair and Accurate Credit Transactions Act (FACTA) (2003) - A federal law that requires employers to take reasonable measures to reduce the risk of identity theft and other harm to their employees, resulting from the employer's failure to properly dispose of confidential records. |
|---|--|

99+ Employees (Add)

- | | |
|--|---|
| <ul style="list-style-type: none"> • Worker Adjustment & Retraining Notification Act (WARN) (1989) - Requires employers to give notice of plant closings or layoffs. | <ul style="list-style-type: none"> • EEO-1 Report Filed annually with EEOC. Requires employers to submit a list of the number of employees by race and sex for each EEO job category. |
|--|---|

What is Title VII.....and how does it affect me?

Enforces the principal federal statutes prohibiting employment discrimination on the basis of:
 Race / Color National Origin Disability Pregnancy
 Gender Age Religion

Also enforces the Civil Rights Act of 1991 which allows for:

- Punitive Damages
- Compensatory Damages



Understanding Harassment

Three General Classifications:

Notes

1. Quid Pro Quo - "something for something"
2. Hostile Work Environment - by a non-supervisory coworker
3. Hostile Work Environment - by a supervisor

Three Types of Harassment Discrimination		
Hostile Environment	Disparate Treatment	Failure to Promote
When the harassers are coworkers, the plaintiff must show that the supervisors _____ or _____ of the comments, knew that they were racially motivated and filed to act	The plaintiff must demonstrate that _____ situated non-minority employees were treated _____. Often becomes relevant in discipline cases	Plaintiff does not necessarily have to _____ to claim discrimination based on failure to promote. If there is no formal application process; If the employee was not aware of the job opening; If the employer does not have clear personnel procedures for promotions.

Pending Legislation: Healthy Workplace Bill



What it means?

Current Status?

How to find Kayla:

- Email: kaylabarrett@organizationimpact.com
- Phone: 615.424.4766
- LinkedIn: <http://www.linkedin.com/pub/kayla-barrett/4/a57/5>
- Twitter: @kaylabarrett2