

Minnesota Independent School Forum (MISF) Employee Handbook

Summary of Substantive Revisions – 2015

As a result of my review of the existing Employee Handbook for MISF there were several areas where substantive revisions were needed to insure compliance with applicable Federal and State of MN regulations as follows:

1. Disclaimer Statement. Strengthened and expanded to include that no provision of the Handbook is intended to create a contract of employment with any employee and does not alter the employment at-will relationship between the Organization and the employee.
 - ◆ Added that any provision of the Handbook found to be invalid will not invalidate any other provision of the Handbook.
 - ◆ Added Employment At-Will Doctrine including that only the President is authorized to change the employment at-will status of an employee.
2. Personnel Files – Updated to comply with current State of MN Employee Access to Personnel Files regulations including the following:
 - ◆ The file will be provided to active employees once every six months upon written request and to terminated employees once per year for as long as the record is maintained.
 - ◆ The file will be provided within 7 days if it is located within the State of MN and within 14 days if the file is located out of state.
 - ◆ An employee may add information of up to 5 typed pages to the file in response to disputed information.
 - ◆ A copy of the Personnel File will be provided upon written request at no cost to the employee.
3. Monthly Time Logs – Strengthened and Expanded as follows:
 - ◆ Added that the Organization complies with all applicable federal and state of MN regulations applicable to timekeeping.
 - ◆ Paragraph 1, Restated to avoid potential legal liability under the Federal Fair Labor Standards Act (FLSA). Discontinue practice of reporting time for Exempt/Salaried staff.
 - ◆ Added Safe Harbor language regarding authorized deductions from salary for Exempt/Salaried employees and corrections in errors in pay.
 - ◆ Added Guidelines on Time Reporting for Non-Exempt/Hourly.
 - ◆ Added that falsifying time records or reporting time for another employee is prohibited and will be grounds for disciplinary action up to and including termination.
4. Vacation – Updated Vacation Policy to insure consistent administration:
 - ◆ Updated Vacation Schedule to be more competitive.
 - ◆ Established vacation grants and eliminated accrual provisions.
 - ◆ Added that Vacation will be at the employee's regular pay rate at the time vacation is taken.
 - ◆ Clarified that Vacation hours paid but not worked will not count as hours worked for purposes of overtime calculation.
 - ◆ Added that Vacation can be used in minimum increments of 4 hours.
 - ◆ Added that Vacation time cannot be used as the notice period upon resignation.

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5. Parenting Leave – MISF has less than 20 employees and therefore is not required by law to offer job-protected unpaid time off for Parenting Leave. However, it is a good business practice to establish a consistent policy for administering medical and parental leaves of absence. The following policy has been established:
 - ◆ Allow up to six (6) weeks of unpaid, non-job protected time off.
 - ◆ Approval to be at the sole discretion of MISF.
 - ◆ Available Vacation Days may be used for the leave. Vacation grant benefits will be discontinued during the leave.
 - ◆ Health Care continuation will be at the employee's expense for the duration of the leave.
 - ◆ Established a Leave Request, Approval Medical Certification (when applicable), Return to Work Fitness for Duty Certification, and Tracking Process for effective administration of these leaves
6. Jury Duty – Added that the Organization complies with all Federal and State Jury Duty leave regulations and included the following:
 - ◆ Clarified the Jury Duty pay rate to be regular straight time rate.
 - ◆ Added that Jury Duty pay does not count as hours worked for purposes of overtime calculation.
 - ◆ Added Guidelines on Witness Leave:
 - An employee serving as a witness on behalf of the Organization will receive paid time off.
 - An employee serving as a witness for another party will be allowed unpaid time off.
7. Prohibited Harassment and Non-Discrimination Policy. Moved to the front of the Employee Handbook and strengthened and expanded this policy to include the following:
 - ◆ Updated definition of protected class employees to comply with current Title VII of the Civil Rights Act and the Genetic Information Nondiscrimination Act (GINA) and State Human Rights Act regulations. Add “familial status” to the definition of protected classes to comply with current State of MN Women's Economic Security Act regulations. Insure consistency with EEO policy definition (*See Recommendation #3 above*).
 - ◆ Added Guidelines on Bullying and Unacceptable Behavior.
 - ◆ Expanded Complaint Procedure to include specific contact information and add that only these individuals are authorized to respond to complaints.
 - ◆ Strengthened Investigation & Action Process to insure resolution of alleged harassment or discrimination.
 - ◆ Added that confidentiality cannot be guaranteed but discretion will be used.
 - ◆ Added Disclosure of Personal Relationships
 - ◆ Added Employee Responsibilities including a) refraining from participating in actions that could be perceived as harassment or offensive conduct, b) refraining from making discriminatory comments or written statements, c) Reporting acts of harassment or offensive conduct that an employee experiences or witnesses; d) Encouraging other employees to report harassment or offensive conduct that they experience or witness; and Offer support to an offended employee.

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7. Prohibited Harassment and Non-Discrimination Policy (*continued*)
 - ◆ Added Non-Retaliation
 - ◆ Added a Disclaimer that nothing in this policy will create a contract of employment with any employee and employment is subject to employment at-will.
8. Expanded and strengthened the Employee Acknowledgement to reflect the following:
 - ◆ I understand that if any provision is found to be invalid it will not invalidate any other provision of the Handbook.
 - ◆ I understand that I am subject to the employment at-will doctrine at MISF meaning that either I or the Organization can terminate employment at any time, with or without notice or cause, for any reason not prohibited by law.
 - ◆ I agree to return the Employee Handbook to MISF at the start of a leave of absence or upon termination of employment.

Recommended Additions:

In addition to the above revisions, the following policies were added to insure compliance and good business practices as well as reduce or mitigate potential legal liability for MISF:

1. Policy on Employee Use of E-Mail, Internet and Organization Computers and Systems including the following:
 - ◆ The Organization's network, computers, telephones, fax, voicemail, e-mail and all electronic systems are Organization property.
 - ◆ Employees have no expectation of privacy when using Organization communications and technology systems.
 - ◆ Employees are prohibited from accessing another employee's e-mail account or voicemail accounts without permission from the President.
 - ◆ Guidelines on appropriate content of e-mail messages and n deleting unnecessary e-mail messages.
 - ◆ Internet Use Policy and/or Practices
 - ◆ Guidelines on Social Media and Blogging.
 - ◆ Guidelines on Use of Cell Phones, Smartphones and Portable Laptops and Tablets.
 - ◆ Guidelines on Personal Cell Phone Cameras and other Electronic Recording Devices.
2. Pregnancy Accommodation in compliance with State of MN Women's Economic Security Act (WESA) regulations.
3. Wage Disclosure Policy in compliance with State of MN Women's Economic Security Act (WESA) regulations.

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4. Confidentiality and Non-Disclosure Policy at the front of the Employee Handbook. Including the following:
 - ◆ Definition of confidential information to include business plans; customers and accounts; supply sources and resources; contracts; price lists; accounting and bookkeeping practices; financial information, data, costs, records and reports; marketing and sales data; expense information; prospective customer names and lists; existing and potential business opportunities; operating plans and business processes; confidential reports; customer lists, names addresses and contact information; employee data, personnel and compensation information; procedures; Organization policies, handbooks and/or manuals; office policies and practices; as well as potential and actual litigation and other legal matters.
5. Conflicts of Interest Policy including that employees are expected to protect the Organization from financial loss and to demonstrate conduct that reflects positively on the Organization and its employees.
 - ◆ Guidelines on Giving and Receiving Gifts.
 - ◆ Guidelines on Outside Employment.
6. Guidelines on Dress, Personal Appearance and Grooming including that offensive clothing, images, symbols, phrases, etc. is prohibited and that time away to change to an appropriate appearance will be unpaid.
7. Overtime in compliance with Federal and State wage and hour regulations.
8. Time Off and Leaves of Absence in accordance with applicable Federal and State compliance regulations, including the following:
 - ◆ Crime Victim Leave
 - ◆ Military Leave in compliance with applicable Federal Uniformed Services Employment and Reemployment Rights Act (USERRA) and State Military Leave regulations. Matched paid time off practice for Jury Duty and allow payment of the difference in pay between the employee's normal rate of pay and military leave pay for a period of up to 10 days in compliance with applicable regulations.
 - ◆ MN Military Leaves:
 - Send Off & Homecoming Leave
 - Injured & Killed Soldier Leave
9. Open Door/Problem Resolution Procedure
10. Solicitation and Distribution
11. Workplace Violence Policy which includes prohibited behavior, prohibiting weapons in the workplace, procedure for diffusing violent situations and investigating incidents when/if they occur and reporting issues.