

Top Employment & Personnel Policies for Nonprofit Employers – Live Q&A

September 24, 2026

Presented by: Mieko Failey & Casey Williams

LCW

LIEBERT CASSIDY WHITMORE

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Agenda

Topics covered will include:

- Foundational Legal & Compliance Policies
- Sector Specific Nonprofit Policies
- Modern Operational & Digital Policies
- Compensation & Leave Benefits

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Why Audit Handbooks?

- Why are employee handbooks important?
 - Reflect the organization’s philosophy and culture
 - Convey expectations for employee conduct
 - Helps the organization comply with legal obligations to provide employees with notice of specified rights, responsibilities, and benefits

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Why Audit Handbooks? Cont'd

- Why audit/update handbooks?
 - Internal and external changes
 - Fiscal
 - Staffing
 - Leadership
 - New laws or regulations

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Steps for Auditing Handbooks

- Step 1: Identify Your Organization's Goals
- Step 2: Conduct a Topic-by-Topic Audit
- Step 3: Review the Final Changes
- Step 4: Implement the Final Changes

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Essential Policies for Employee Handbooks

- Individualized determination
 - Some policies are required by law, such as a harassment prevention policy
 - Others are essential for all employers, like a meal and rest break policy
 - And many will depend on your unique organizational operations

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Essential Policies –
Beginning of Handbook

- At-Will Employment
 - Statement affirming that all employees are at-will unless otherwise set forth in an employment contract signed by the employee and CEO/Executive Director
- Right to Revise
 - Statement that the organization has the right to revise the Handbook at any time

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Essential Policies – Harassment,
Discrimination, and Retaliation
Prevention Policy

- Prohibits both employees and non-employees from engaging in discrimination, harassment and retaliation based on any protected status (all must be listed)
- Protects applicants, independent contractors, and employees
- Lists examples of prohibited conduct
- Cannot require written complaint
- Require supervisors to promptly report
- Provide a thorough, prompt, objective and non-judgmental investigation procedure
- Provide confidentiality to the greatest extent possible
- Provide timely closure
- Appropriate remedial or corrective action if harassment occurred
- Related policies may include equal employment opportunity and reasonable accommodation for religious beliefs, disability, pregnancy, and lactation, depending on applicable law

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Essential Policies – Employee
Conduct Policies

- Code of Conduct
 - Non-exhaustive list of prohibited conduct that could lead to disciplinary action
 - Includes language that policy does not change at-will status
- Avoid/Don't Adopt Progressive Discipline Policies

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Other Essential Conduct Policies

- Off Duty Conduct
 - Statement that certain types of off-duty conduct may not be allowable
- Dress Code
 - Should be gender neutral/inclusive
- Attendance Policy
 - Must be consistent with applicable paid sick leave requirements
- Remote Work
 - Sets expectations for how employees working remotely should conduct themselves and clarifies that remote work is a privilege not a right
- Drug & Alcohol Policy
 - Should be updated to comply with applicable law
- Relationships in the Workplace



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More Employee Conduct Policies

- Confidential Information
 - Defines what information employees must keep confidential
- Conflicts of Interest
 - Prohibits outside employment and other activities that conflict with job duties
 - Often include provisions on accepting gifts, that places limits on the value of gifts employees can accept from vendors, clients, etc.
- Whistleblower
 - Prohibits retaliation for reporting of suspected violations of law or policy



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Essential Policies – Technology and Use of Property/Facilities

- Electronic Communications Resources
 - Should cover both on and off duty conduct
 - Must clarify no expectation of privacy in use of organization's electronic communications resources
 - Statement that all conduct rules apply to technology use and specify rules of use
- Social Media
 - Should cover use of personal and organization devices, and on and off duty conduct
- Use of organization Property
 - Specify organization's right to search its property, no reasonable expectation of privacy, and prohibit removal from site without authorization
 - Return of property upon separation of employment



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ADA Title III and Title II

- Nonprofits are generally governed by Title III as places of public accommodation
- When a nonprofit accepts government funding (grants, sub-awards, or public contracts), Title II rules can apply
- The nonprofit may have to meet strict public-sector accessibility baselines as a condition of keeping the grant
 - DOJ Title II Final Rule requires WCAG 2.1 Level AA
 - No comparable Title III technical rule currently exists
 - Title III-covered nonprofits must still provide accessible online goods and services



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Natural Disaster and Emergency Policies

- Do you have a natural disaster and emergency readiness policy?
- What are your explicit protocols for staff safety and service continuity during a crisis?
- Are critical donor, client, and financial data securely backed up?



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Modern Operational & Digital Policies – Artificial Intelligence

- Use AI to supplement, not replace, employee judgment
- Review and verify all AI-generated content
- Protect confidential and personally identifiable information
- Require human oversight for high-stakes decisions and prohibit AI use in hiring and performance reviews
- Train employees and volunteers and update the policy as AI evolves



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Essential Policies –
Leaves of Absence

- Family and Medical Leave (FMLA)
- Pregnancy and Parental Leave
- Paid Sick Leave
- Jury Duty/Witness Leave
- Time off for Voting
- Bereavement Leave
- Military Leave
- State and Local Leave Policies
- Reproductive loss
- Victims of violence
- Other required leaves
- And more!

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Essential Policies – Benefits

- Holidays; vacation
 - Not required by law, but if you have these, you need a policy.
- Benefits
 - Health and retirement
 - Professional development
 - PFL/SDI
 - Other

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Essential Policies – Wage and
Hour Policies

- Employee Classifications
 - Avoid the terms “probationary” and “regular” or “salaried” and “hourly”
 - Define classifications, including full-time employee, part-time employee, seasonal and temporary
- Essential
 - Overtime
 - Meal Periods
 - Rest Breaks
 - Timekeeping Policy that prohibits off the clock work
- Other related and recommended policies
 - Define workweek/workday and business hours
 - Identify regular paydays and payroll periods
 - Travel time
 - Policy on pay day advances
 - Expense Reimbursements

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Don't Forget the Acknowledgment

- Acknowledgement and signatures
 - All employees should sign
 - Retain in personnel file
 - Sign again when handbook is updated
- May need additional acknowledgements:
 - Mandated reporting



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Thank You!

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