

HMONG CULTURAL CENTER

EMPLOYEE HANDBOOK

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Section 1: Introduction

INTRODUCTION The Personnel Guidelines of the Hmong Cultural Center (HMONG CULTURAL CENTER) are designed to provide a clear statement of the roles, rights and responsibilities of the Staff, Board of Directors, and Committees in matters pertaining to personnel. In carrying out these guidelines, it is expected that each individual and group will act in accordance with the mission of HMONG CULTURAL CENTER. Employment by Hmong Cultural Center is, at will, and these policies do not constitute an employment contract.

MISSION Hmong Cultural Center is a Minnesota Nonprofit 501(c)(3) organization. Hmong Cultural Center's mission is *to promote the personal development of children, youth and adults through Hmong cultural education while enhancing cross-cultural awareness and understanding between Hmong and non-Hmong persons.*

BOARD OF DIRECTORS Hmong Cultural Center and Board of Directors are responsible for overall management of the corporation and for carrying out the broad purposes of the organization.

RELATIONSHIP BETWEEN BOARD AND STAFF In order to help it further its purposes, the Board of Directors recruits and hires the Executive Director. The Executive Director hires all the other staff. The Board and the Council are the official representatives of the Hmong Cultural Center. Staff members are paid employees of the center. The activities of the staff shall be aimed at assisting the center in meeting its goals and objectives as established at the annual meeting. The Executive Director should report activities and their impact on the Hmong Cultural Center goals and objectives to the Board of Directors of a regular basis.

There are regular and ongoing means of supervision and evaluation established for all employees. The Board shall respect those processes and work within them to express any concerns about an employee's job performance.

Employees shall use the grievance procedure outlined in these guidelines to resolve any conflicts regarding working conditions or employee relations.

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Section 2: Statement of Purpose

STATEMENT OF PURPOSE Hmong Cultural Center's Personnel Guidelines is to:

1. Provide a record of the personnel practices of the organization;
2. Help ensure consistency of personnel decisions; and
3. Summarize Hmong Cultural Center's expectations of its employees.

These personnel guidelines are not intended to constitute a contract, and give no contractual right to an employee. They are designed to provide guidance for the Staff and Board of Directors. Employment with Hmong Cultural Center is at the will of Hmong Cultural Center and its employees. Hmong Cultural Center or any employees may terminate employment without notice at any time for any reason not prohibited by law.

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Section 3: Amendment or Revocation

AMENDMENT OR REVOCATION

Personnel Guidelines are prepared and recommended by the Executive Director to the Board of Directors. The Board of Director may initiate new guidelines and/or amendments to existing guidelines for Board action. The Board of Directors at a regular or special Board meeting accomplishes final approvals of the policies and any changes or amendments.

Hmong Cultural Center reserves the right to change or revise all matters contained in these guidelines and all other policies, rules, and procedures at any time without prior notice. Hmong Cultural Center retains discretion to interpret the provision of these guidelines and to vary from those provisions or any other Hmong Cultural Center policies, rules or procedures if Hmong Cultural Center determines that such action is appropriate.

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Section 4: Application

APPLICATION These guidelines are uniformly applicable to all employees of the organization unless indicated otherwise.

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Section 5: Equal Employment Opportunity Statement

EQUAL EMPLOYMENT OPPORTUNITY STATEMENT

In Accordance with federal, state, and local regulations, HMONG CULTURAL CENTER will not discriminate in its hiring, promotion, benefits, disciplinary action, administration, rates of pay, or other conditions related to employment on the basis of person's race, color, national origin, gender, age, familial or marital status, disability, sexual orientation, religion, ancestry, public assistance status or any other reason prohibited by law.

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Section 6: Anti-Harassment and Non-Retaliation

ANTI-HARRASSMENT

HMONG CULTURAL CENTER affirms the dignity and worth of every person. Any form of harassment demeans the dignity and worth of all involved. Maintaining an environment free from harassment is everyone's responsibility, Board, staff and volunteers. Staff members are to be aware of this policy and sensitive to each other's differing perceptions of what constitutes harassment.

For purposes of this policy harassment includes, but is not limited to:

1. Verbal harassment- epithets, derogatory comments or slurs;
2. Physical harassment- gestures or postures that could be interpreted by a reasonable person as threatening or intimidating, or actions involving an assault, the impeding or blocking of movement, or other physical interference with normal work or movement;
3. Visual forms of harassment- derogatory posters, cartoons, or drawings;
4. Sexual harassment- works or actions that could be interpreted by a reasonable person as constituting unwelcome sexual advances and other verbal or physical contact of a sexual nature.

Any staff person who violates this policy is in breach of good conduct and shall be subject to appropriate disciplinary action, up to and including termination. The procedure outlined in Disciplinary Action should be followed.

Complaints regarding any harassment should be made immediately to the Executive Director. If the complaint involved the Executive Director, the report should go directly to the Board Chair.

NON-RETALIATION

HCC does not tolerate any retaliatory action against any individual for good-faith reporting of sexual or other forms of harassment, discrimination, inappropriate workplace behavior or other serious issues. Allegations of retaliation will be appropriately investigated and, if substantiated, appropriate disciplinary action will be taken, up to and including termination.

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Section 7: Good Conduct

GOOD CONDUCT All employees shall demonstrate good conduct. A breach of Conduct includes illegal or anti-social behavior such as misappropriation of funds, physical violence, repeated verbal abuse, or sexual harassment.

Staff Receipt of Personal Monetary Gifts from Clients for Services Provided as an Employee of Hmong Cultural Center are strictly prohibited.

In instances of an allegation of a breach of good conduct, a supervisor may suspend a staff member without notice and the staff member will be asked to leave the work place immediately. The length of the suspension will be no longer than two weeks, during which time the staff member will receive salary as scheduled.

Within two weeks of suspension, a review will take place in accordance with the practices outline in Disciplinary Action. For this review the Executive Director will provide documentation of the situation and will provide opportunities for reconciliation between offended parties whenever possible. If deemed appropriate after the review has taken place, the Executive Director may terminate without notice.

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Section 8: Political and Social Activities

POLITICAL AND SOCIAL ACTIVITIES

Employees shall not claim to represent the organization in any political or social activities without the prior approval of the Executive Director and in no case when inconsistent with the charitable status of the organization.

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Section 9: Selection of Personnel

SELECTION OF PERSONNEL Selection of the Executive Director will be the responsibility of The Board of Directors. Selection of the organization staff will be the responsibility of the Executive Director.

Job Description All positions in the organization shall have written job descriptions, which are reviewed annually, and/or as needed. The Board is responsible for the Executive Director’s job description. The Executive Director is responsible for all other employees, interns, and volunteer job descriptions. All employees are salaried unless otherwise noted.

Proof of Work Eligibility Each new employee will be required to provide proof of work eligibility as specified in the U.S. Eligibility is required after a decision to hire has been made.

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Section 10: Employment Classification

EMPLOYMENT CLASSIFICATION All employees will be classified as either Exempt or Non-Exempt according to regulations established by the Minnesota Fair Labor Standards Act. The job description for each position will state the classification. Although regular employees are expected to be part of continuing operations, there is no guarantee that a job will continue. Any question regarding classification should be directed to the Executive Director.

Exempt Exempt employees are those whose primary duty is managing the work of other employees. Their responsibilities are executive, administrative, or professional in nature and require regular exercise of discretion and independent judgment as established by the Federal Fair Labor Standards Act. They are compensated on an annual salary basis and are not eligible to be paid overtime.

Non-Exempt Non-exempt employees are compensated on an hourly basis and are covered by minimum wage, equal pay and overtime provisions of the Federal Fair Labor Standards Act. The Executive Director must approve any overtime work in advance.

Regular Full-Time Regular employees are those who are scheduled to work 40 hours per week. These employees participate fully in the fringe benefit programs of HMONG CULTURAL CENTER.

Regular Part-Time Regular part-time employees are those who are scheduled to work less than 40 hours per week. Part-time employees who work 20 or more hours per week are entitled to participate in the fringe benefit program. Employees who work less than 20 hours are not eligible for fringe benefits.

Temporary Temporary employees are those employed either in a full-time or part-time basis for a specified period of time, not to exceed 12 months. These employees are not eligible for fringe benefits.

Independent Contractors Independent contractors are not employees of Hmong Cultural Center, are not entitled to any employee benefits, and are responsible for managing their own taxes, social security, and other insurance. They provide a professional technical service.

Volunteers and Volunteers are essential to Hmong Cultural Center and to the

Interns

operation of its programs. Volunteers are not considered to be employees and do not receive wages, salaries, or employee benefits. If sufficient funds are available and with proper approval from the Executive Director, volunteers may be reimbursed for expenses.

Interns work for the organization to receive credit from an educational institution and receive no salary.

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Section 11: Compensation Plan

COMPENSATION PLAN

Working Hours Individual job descriptions and program needs will determine working hours, which will be established by the Executive Director.

Wage and Salary Administration The salary and benefit plan adopted by the Board of Directors constitutes the official compensation plan for all positions.

1. Salary Review

Salaries may be modified for any one of the following reasons:

Annual performance review, promotion, change in job responsibilities, demotion, and / or change in funding.

Individual salary decisions are based on performance, cost of living adjustments, and anticipated revenues for the program. **Salary increases are not guaranteed. If there is no money in the budget for salary increases, there will be no salary increase.** The Executive Director must approve increases.

If an employee moves from one program to another and this movement involves a promotion with a salary increase, the annual review date will be the date that the employee began working in the new position.

If an employee makes a lateral move from one program to another and receives no pay increase at the time of the transfer and the performance in the previous position was satisfactory, the review date will remain the same.

If an employee is transferred to a new position because of unsatisfactory performance, a review will be done in 6 months after beginning work in the new position or one year from hire date, whichever is later. The annual review date will then become this new date.

Pay Information	Paychecks are issued biweekly. The employee and his/her supervisor must sign time sheets before a check can be issued.
Overtime	All requests of non-exempt employees to work overtime and to receive overtime pay must receive prior approval from the Executive Director.
Termination Compensation	Employees will not be reimbursed for any unused sick time. Employees will be reimbursed for unused vacation time provided that they have worked six months.

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Section 12: Employee Benefits

EMPLOYEE BENEFITS

Health, Dental Disability and Life Insurance

Hmong Cultural Center may offer these benefits to its employees if funding is available. The Board of Directors will determine the benefits that will be conveyed to the employees. Hmong Cultural Center employees are eligible for COBRA health care coverage at their own expense for a period of 18 months following termination of their employment with the agency.

Vacation

All vacation leaves must have prior approval of the Executive Director.

All regular employees working 40 hours per week will accrue vacation from the first day of regular employment as follows:

1 st and 2 nd year	80 hours	3.07 per pay period
3 rd and 4 th year	120 hours	4.61 per pay period
5 th year and more	160 hours	6.15 per pay period

Vacation hours for regular employees working less than 40 hours will be prorated.

Changes in accrual rates effective at the beginning of the next payroll period following completion of the specified length of service.

New employees are eligible to take paid vacation leave after they have completed six months of continuous employment. An employee who does not complete six months of continuous employment is not eligible for vacation pay upon leaving.

Employees are not permitted to carry over unused, earned vacation from one calendar year to the next. In the event that an Executive Director cannot grant requests for the same vacation time filed by two or more workers, employees will be granted vacation in the order of their seniority.

Sick Leave

Employees of Hmong Cultural Center may use accrued vacation time as sick leave.

Sick leave will be granted to the extent of the employee's accumulation for the following:

- a. Illness or disability of the employee or immediate family member (which is defined as a spouse, children, brother/sister, parents), or regular member of the immediate household,
- b. Medical, chiropractic, dental, or mental health care the employee, immediate family member, or regular member of the immediate household,
- c. Pregnancy during the period of time that the employee's medical practitioner advises that she is unable to work, or
- d. Convalescence following the birth of a child as advised by the employee's medical practitioner.

Upon request of the Executive Director, employees using sick leave may be required to furnish a statement from their medical practitioner when they are absent for 3 or more consecutive working days. A statement from their medical practitioner may also be requested when there is reason to believe that the employee is not physically fit to return to work or has been exposed to a contagious disease, which endangers the health of other employees, clients or the public.

An employee on sick leave who has used all his/her vacation, and emergency leave may request an unpaid leave of absence.

When using sick leave, an employee must notify his/her supervisor when sick leave can be anticipated, as in the case of non-emergency medical appointments, employees shall request sick leave in advance.

Holidays

Hmong Cultural Center observes the following as paid holidays:

New Year's Day	January 1
Martin Luther King's Birthday	3 rd Monday in January
President's Day	3 rd Monday in February
Memorial Day	Last Monday in May
Independence Day	July 4
Labor Day	1 st Monday in September
Veteran's Day	November 11 th
Hmong New Year	Thanksgiving Day
Christmas Eve	December 24
Christmas Day	December 25

If the holiday occurs on Saturday, the proceeding Friday shall be observed. If the holiday occurs on Sunday, the following Monday shall be observed.

New Year's Day: If New Year's Day falls on a Saturday or Sunday, then the employee may receive a "floating" holiday off that can be used any time, preferably during the first quarter of the year.

If Hmong New Year as determined by the Hmong calendar falls on a week day, then the employee may take the day off as a paid holiday.

Part-time and temporary employees shall receive the paid holiday only if they are regularly scheduled to work on the holiday or the day the holiday is observed and for the number of the hours normally scheduled to work.

Personal Days

Two (2) personal days are allowed during the calendar year and can be taken at the discretion of the employee with prior approval of the Executive Director.

**Worker's
Compensation**

All paid employees are covered by worker's compensation.

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Section 13: Paid Leave of Absence

PAID LEAVE OF ABSENCE Employees may request paid leave of absence for the following purposes:

Court Appearances Leaves shall be granted for appearance before a court or other judicial or quasi-judicial body in response to a subpoena or other

Education Leave shall be granted to regular full-time employees for educational purposes if such education is required for the job can be demonstrated to relate to the employee's job and/or will improve skills. A maximum of 2 hours/wk will be granted at the discretion of the Executive Director.

Jury Duty Leave shall be granted when an employee is called to serve on jury duty. The employee may retain any payment received for time spent on a jury.

Voting Leave will be granted for the purposes of voting when it is impossible for the employee to vote outside regular working hours. Employees must notify their immediate supervisor the day before the election to arrange time off.

Natural or Man-made Emergency Leave may be granted by the Executive Director in the event of a natural or man-made emergency, if continued operation of Hmong Cultural Center would involve a threat to the health or safety of individuals.

Leave will be granted in the case of weather related emergencies, if the Hmong Cultural Center office is closed by the Executive Director or if the Executive Director allows staff to go home because of weather or other conditions. If the Hmong Cultural Center office is open and employees are unable to come to work or stay at work, employees will use their vacation or personal time, or a deduction in pay will be made.

Personal Emergency Leave may be granted to regular employees up to a maximum of 20 days per calendar year for personal emergencies such as serious illness or death of the immediate family, member of the immediate household, in-laws, or grandparents. Leave may also be granted to an employee who is a new parent through birth or adoption of a child.

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Section 14: Unpaid Leave of Absence

UNPAID LEAVE OF ABSENCE Employees may request unpaid leave of absence for the following purposes:

Education Leave may be granted for educational purposes at the discretion of the Executive Director, up to a maximum of 2 hours per day.

Medical Leave may be granted to any regular employees who, as a result of a medically documented and extended illness, injury, or disability, are unable to perform their normal work duties, up to a maximum of one (1) year. During this period, the agency will continue to pay the appropriate co-payments. Leave may be extended beyond one year at the discretion of the Executive Director, if requested. Neither benefits or salary increases will be earned by the employee while on leave.

Personal Leave may be granted at the discretion of the Executive Director, to any employee for personal reasons. The employee and the Executive Director must agree upon pre-determined length of time. The employee while on leave must pay all benefits. Neither benefits or the employee while on leave will earn salary increases.

Maternity/Paternity Leave shall be granted to any employee who is a new parent through birth or adoption of a child. The maximum length of leave will be six (6) weeks, unless approved by the Executive Director. The employee while on leave must pay all benefits. Neither benefits or salary increases will be earned by the employee while on leave.

Unless otherwise stated in the leave agreement, any employee returning from an approved leave of absence, paid or unpaid shall be entitled to return to the employee's former position or that of comparable duties, hours, and pay, if the job still exists and does not cause undo hardship on the agency.

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Section 15: Unauthorized Leave of Absence

UNAUTHORIZED LEAVE OF ABSENCE Any absence of an employee from duty that is not authorized by their supervisor in accordance with these policies shall be deemed to be an absence without approval.

Any such absence shall be without pay and may be grounds for disciplinary action. Any employee who is absent for two consecutive days without authorized leave shall be deemed to have resigned.

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Section 16: Tenure of Appointment

TENURE OF APPOINTMENT

Employment at Will Hmong Cultural Center and its employees have an employment relationship that is known, as employment at will. This means that either the individual employee or Hmong Cultural Center has the right to terminate the employment relationship at any time for any reason. The provisions of these personnel policies do not alter the “at will” nature of any individual’s employment with Hmong Cultural Center or any employment agreement with Hmong Cultural Center.

Voluntary Termination

In the event any employee chooses to terminate employment with Hmong Cultural Center, the employee is expected to give notice in writing to the Executive Director. The Executive Director is encouraged to provide four (4) weeks notice. All other staff is expected to provide two (2) weeks notice.

If Hmong Cultural Center asks an employee to leave before the expiration of the notice period, Hmong Cultural Center will pay the employee for the entire notice period, but the effective termination date will be the last day worked.

The Executive Director will conduct an employee exit interview.

Involuntary Termination

While Hmong Cultural Center strives to provide employees two weeks notice of involuntary termination, immediate dismissal may be warranted under some circumstances.

Such circumstances may include but are not limited to: theft, dishonesty, falsification of records, inappropriate disclosure of confidential information, threats of or actual physical injury to participants, volunteers or other staff, and inappropriate sexual conduct as defined in the sexual harassment policy.

Although Hmong Cultural Center will consider the seriousness and frequency of an employee’s misconduct, the decision to take disciplinary action or to involuntarily terminate an employee, remains at the discretion of the Executive Director. The Board of Directors is responsible for any disciplinary action towards the Executive Director up to and including dismissal.

An employee exit interview will be conducted by the Executive Director.

Lay Off

When termination of employment is due to permanent or temporary phasing out of a program or a position, an employee shall receive:

1. Two weeks prior notice in writing, which will make clear that severance of employment, is due to lay off and not a dismissal.
2. Pay for unused vacation time accrued.

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Section 17: Expense Reimbursements

EXPENSE REIMBURSEMENTS

Mileage

When it is necessary for employees to use their own automobile for Hmong Cultural Center business, they may be reimbursed at a rate set annually by the Board if sufficient grant funds are available. Mileage reimbursement must receive advance approval from the Executive Director.

Employees who use privately owned automobiles for Hmong Cultural Center business are responsible for complying with state laws for personal liability insurance protection.

Under no circumstances will Hmong Cultural Center pay for tickets (speeding, parking, inattentive/reckless driving, etc.), fees charged to retrieve key locked in cars, or for other costs related to a personal automobile.

Travel

Employees may request and receive, upon approval from the Executive Director, a reasonable per diem, in advance to help defray costs while on an approved assignment for Hmong Cultural Center outside of the seven (7) counties metro area. Per Diem is expected to cover home to airport, local transportation, meals, and other miscellaneous expenses. Alcohol and entertainment are not reimbursable expenses. Receipts must be retained and presented to the Executive Director for approval upon return from travel status. If receipts are not retained, the employee may be responsible for those expenditures. Any amount of per diem which is unused or expended for unallowable purposes must be reimbursed to Hmong Cultural Center. Any amount spent in excess for allowable purposes will be reimbursed to the employee. Hotel room expense and city-to-city transportation will be paid by Hmong Cultural Center. Expenses of individuals other than the employee who accompany the employee on the travel assignment will not be reimbursed.

When attending a conference within the seven (7) counties metro area, where lunch is not provided, an employee may request and receive a lunch allowance at a rate determined annually by the Executive Director, with prior approval from the Executive Director.

Professional Society or Club Dues	Hmong Cultural Center will not pay for dues and fees where membership is not for the purpose of officially representing Hmong Cultural Center. Other clubs or professional memberships may be paid if they are job essential and approved in advance by the Executive Director.
Conference Registration/Fees	Hmong Cultural Center will pay for registration and fees if the conference is relevant to the employee's current job, attendance is Hmong Cultural Center Business, and the Executive Director has given prior approval.
Education	<p>Fees and tuition for educational purposes may be paid or reimbursed only if:</p> <p>It is determined by the Executive Director that the employee needs the continuing education in order to maintain or improve proficiency in their current job; or Hmong Cultural Center, or applicable professional, or licensing group as a condition for retention requires the education.</p>
Luncheon/Dinner Meetings	<p>Educational expenses, unless otherwise approved by Hmong Cultural Center will not be paid or reimbursed if the education is necessary for the employee to meet the minimum educational requirement for their current position; or qualify for a new job.</p> <p>Costs for luncheon/dinner meetings will be paid or reimbursed if the meeting is Hmong Cultural Center business and the Executive Director has given prior approval.</p>

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Section 18: Fair Discipline Policy

Fair Discipline

Any employee whose employment is not governed by the terms of a written contract is considered to be an, at will, employee. The employment of such employees may be terminated at any time at the discretion of either the employer or the employees.

It is our policy that only the Executive Director, with approval of the Board Chair, has the authority to enter into an employment contract (written or oral) with any employee.

In dealing with performance or misconduct problems, the employer ordinarily will follow the organization's progress disciplinary procedure (see below). However, when confronted with cases of gross misconduct, the employer may decide that immediate dismissal is the proper penalty under the circumstances.

Hmong Cultural Center works with employees when problems arise. It is the policy of Hmong Cultural Center that the Executive Director is responsible for analyzing the problem and determining an appropriate course of action. This action may be termination or progressive discipline.

Progressive Discipline

In the case where employee behavior does not warrant immediate dismissal and if the Executive Director believes the problem can be corrected, the Executive Director and the employee may at their discretion choose to follow the progressive discipline program.

1. The Executive Director and the employee will meet to discuss the problem. The employee will be informed of action, which should be taken to correct the problem.
2. If there is no improvement, a second discussion will be held. A Memo outlining the problem and expected corrections will be given to the employee. A copy of the memo will be placed in the employee's personal file.
3. If there is no improvement, the employee will be placed on probation. Continued discussion between the Executive Director and the employee will be summarized in writing. A reasonable

time period in which to correct the problem will be set. Specific corrective action, which the employee is expected to take, will be outlined in writing. If the problem remains uncorrected, the employee will be terminated. Should the problem become more serious during the progressive discipline process, it may become necessary to immediately terminate the employee. If the problem is resolved during the progressive discipline, the process will be stopped. If the problem recurs, the Executive Director will be responsible for determining the appropriate course of action.