

Building & Keeping Strong Staff



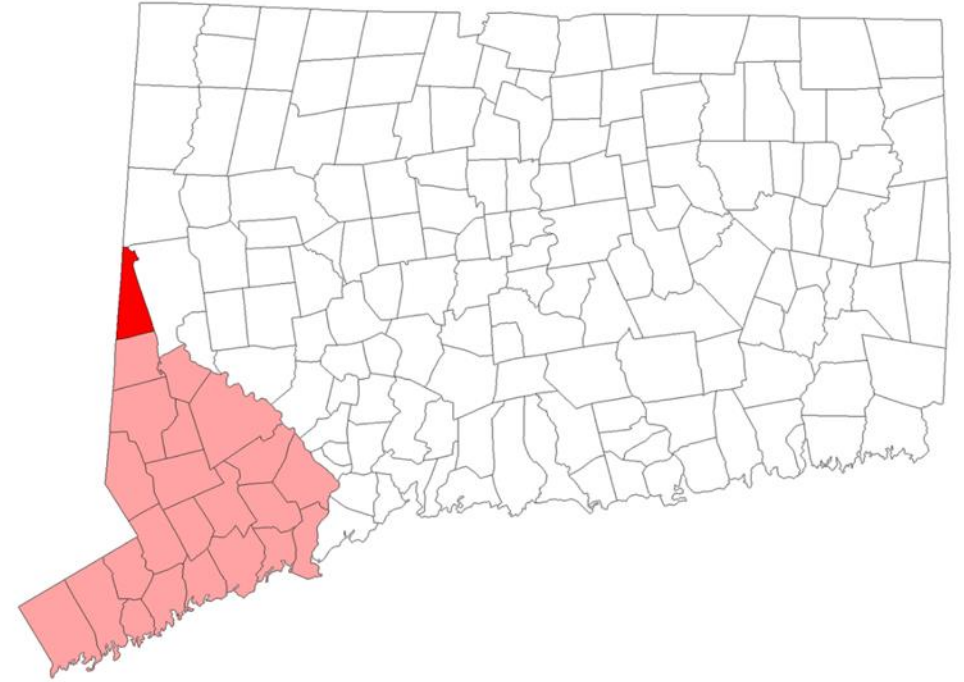
CT Land Conservation Council Conference 3/23/19

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NAROMI LAND TRUST



FOREVER. SHERMAN.



- Sherman is the northern most town in Fairfield County
- Founded in 1968
- Accredited in 2018
- 27 easements
- 37 Fee preserves/management units



❖ DISCLAIMER

❖ Who is here?



AGENDA

- Law
- Types of Employees
- Policy/Procedures
- Job descriptions
- Health Insurance
- Hiring Staff
- Evaluation/Exit Interview
- Burnout

Connecticut Employment Law



- [Apprenticeship](#)
- [Business](#)
- [Individual Development Accounts \(IDAs\)](#)
- [Job Seekers](#)
- [Labor Relations](#)
- [Mediation & Arbitration](#)
- [Unemployment Insurance](#)
- [Veterans](#)
- [Wage & Workplace Matters](#)
- [WARN - Worker Adjustment and Retraining Notification Act](#)
- [Worker Safety \(CONN-OSHA\)](#)
- [Other](#)

<https://www.ctdol.state.ct.us/gendocs/legislation.html>

CT Employment Law Key Concepts

Types of Employees

- **An independent contractor**
- **An employee** (common-law employee)
- A statutory employee
- A statutory nonemployee
- A government worker



Americans with Disabilities Act

- 15 or more employees

Family & Medical Leave

- 75 or more employees

Minimum wage

- CT is above federal \$10.10/hour
- Special rules for minors re time/hours and minimum wage

Independent Contractor vs Employee

Exempt/Non Exempt

At-Will Employee

- Employer may dismiss employee at any time without warning without cause.

Independent Contractor vs Employee

Common Law Rules

Facts that provide evidence of the degree of control and independence fall into three categories:

- Behavioral: Does the company control or have the right to control what the worker does and how the worker does his or her job?
- Financial: Are the business aspects of the worker's job controlled by the payer? (these include things like how worker is paid, whether expenses are reimbursed, who provides tools/supplies, etc.)
- Type of Relationship: Are there written contracts or employee type benefits (i.e. pension plan, insurance, vacation pay, etc.)? Will the relationship continue and is the work performed a key aspect of the business?



Consequences of Treating an Employee as an Independent Contractor

- If you classify an employee as an independent contractor and you have no reasonable basis for doing so, you may be held liable for employment taxes for that worker.

Exempt/Nonexempt Employees - Fair Labor Standards Act

Nonexempt Employees get 1.5x wages for time over 40 hours/week

Areas to be considered when determining exempt status are:

- Salary Level Test
 - less than \$23,600 are nonexempt
- Salary Basis Test
 - guaranteed minimum is exempt
- Duties Test (based on actual work not job description)
 - exempt = Executive, Professional, Administrative





2017 LTA Standards & Practices

Standard 1 Ethics, Mission, Community Engagement

- *A. Ethics*
 - 2. Adopt a written whistleblower policy that protects individuals who come forward with information on illegal practices or unethical behavior.

Standard 7 Human Resources

- *A. Capacity*
 - 1. Periodically evaluate whether the land trust has sufficient volunteers, staff and/or consultants/contractors to achieve its strategic goals and carry out its programs, and then add capacity as needed
- *C. Consultants or Contractors*
 - 1. Clearly define relationships with consultants or contractors, ensure they are consistent with federal and state law and document them in a written contract, as appropriate
- *D. Transition Planning*
 - 1. Develop a written process or plan to provide for continuity in the leadership and management of the land trust's functions
- *E. Staff*
 - 1. Have a written job description for each staff member and conduct periodic performance reviews
 - 2. Document the lines of authority, communication and responsibility between board and staff
 - 3. Ensure staff have appropriate training and experience for their responsibilities and/or opportunities to gain the necessary knowledge and skills
 - 4. Adopt written personnel policies that conform to federal and state law
 - 5. Provide fair and equitable compensation and benefits



Accreditation

Standard 2 Compliance with Laws

- *A. Compliance with Laws*
 - 1. Do not knowingly conduct operations in violation of law.

Standard 3 Board Accountability

- *A. Board Responsibility*
 - 3. The board hires, oversees and evaluates, at least annually, the performance of any executive director (or chief staff person)

You are an employer!



- Investing in your staff is investing in your organization.
- Staff is more likely to go above and beyond if you are generous and appreciative of their work.
- The Board and the staff function much more efficiently if both trust each other and work as a team.
- Make employee recognition a regular practice.
- Like generous compensation, education & training of your staff is investing in your organization.

Personnel Policy

- CT employment law takes precedence over any Board adopted policy or procedures.
- Policy and/or procedures protect both the employer and the employee.
- It is not necessary to restate CT law within policy/procedures.
- Policy/procedures make known when/who/how decisions are made.



Job Agreements & Descriptions

- Employee and employer should have a signed agreement to enumerate conditions of employment. Job description or responsibilities should be a part of that agreement.
- Be as specific as possible.
- Be realistic about job description vs number of hours.
- Include responsibilities organized by program area.
- Document lines of authority, communication and responsibility between board and staff.
- Check LTA Salary & Benefits Survey (available on The Learning Center for free) to ensure fair and equitable compensation & benefits



2017 LTA Salary & Benefits Survey

- 98% of land trusts offer annual wage increases. 34% based on cost of living, 60% performance based.
- 70% of land trusts offer health insurance. 42% to spouse and dependents.
- 74% of land trusts offer retirement benefits.
- There is a clear gender disparity in compensation of Executive Directors. National average salary for female ED is \$85,804 and male is \$104,970.





Health insurance

- Affordable Care Act requires employers with 50 employees or more to provide health care
- Health Insurance often the most important benefit to potential employees
 - Employer based plans only available to 2+ employees
 - Cafeteria 125 plan
 - A Cafeteria Plan is a reimbursement plan governed by IRS Section 125 which allows employees to contribute a certain amount of their gross income to a designated account or accounts before taxes are calculated.
 - Employees may choose to receive his or her full compensation for any plan year in cash or to have it applied by employer toward the cost of coverage to the extent available to the participant under one or more of the following plans: Dental, Disability, Life Insurance, and Medical. The compensation percentage of gross wages is determined by the board.
- QSEHRA available to single employee

Qualified Small Employer Health Reimbursement Arrangement (QSEHRA)

- QSEHRA is affordable way to help a single employee or more afford health coverage.
 - Employers design their plan and set reimbursement allowances
 - Employees pay for their own health insurance and medical bills
 - Employees provide proof of their expenses
 - Employers reimburse the employee up to the set limit
- The criteria are:
 - Is not an applicable Large Employer (more than 50 employees);
 - Does not offer a group plan to any of its employees;
 - Does not offer QSEHRA in conjunction with a required salary reduction;
 - Has documented proof of coverage and/or expenses from each employee and covered family member;
 - Does not make payments or reimbursements exceeding \$5,150 for individual or \$10,400 for eligible family members;
 - Provides the arrangement on generally the same terms for all employees.
 - A QSEHRA does not allow for payment of health insurance premiums through payroll deductions. The organization must reimburse the employee for premiums paid.
- In Practice
 - Employee purchases their own policy through AccessHealth CT but may not use premium tax credits
 - Pays their own premium invoice submits proof to request reimbursement
 - Employer reimburses employee through payroll

Taxes & Fees	Taxable "Health Stipend"	QSEHRA
Reimbursement Amount	\$3,000	\$3,000
Employee Income Tax (~25%)	\$750	\$0
Employer Payroll Tax (~15%)	\$450	\$0
Total Monthly Taxes	\$1,200	\$0

Table 1: Tax Savings Example

Source: <https://www.takecommandhealth.com/qsehra-guide>



Hiring Staff

- Have job description set before you hire
- Meet potential hire in a variety of settings
- Check references



New Hire Checklist

Name of Hire: _____

NLT Staff: _____

DOCUMENTS

Forms to be completed & returned:

- ☐ CT W4 (For payroll)
- ☐ FED W4 (For payroll)
- ☐ FED I9
- ☐ Conflict of Interest Disclosure Form
- ☐ Employee Agreement & Responsibilities
- ☐ Direct Deposit Arrangement Form
- ☐ (Full Time Only) QSEHRA Notice, Plan Document & Enrollment Form

Give to new hire:

- ☐ Conflict of Interest Policy
- ☐ Ethics Statement
- ☐ Personnel Procedures

Date new hire documents distributed: _____

Payroll docs sent to PayrollEase: _____

- ☐ All Docs returned, scanned, filed

ORIENTATION

- ☐ All of above
- ☐ General expectations
- ☐ Board and Office manuals
- ☐ Building access

Date of new hire orientation: _____

Payroll

- It is affordable and a big time saver to hire a payroll processing company – talk to your accountant.
- If you are sole employee, good idea to ask treasurer or bookkeeper to handle payroll transactions as financial control
- Forms per employee for payroll:
 - CT W4
 - FED W4
 - Direct Deposit Arrangement Form
 - QSEHRA reimbursement request



Annual Evaluation

- Comments/thoughts after a review of job description:
- Accomplishments since last review/hire:
- Challenges since last review/hire:
- Goals for the upcoming year:
- Support needed to meet goals (from Board/ED, professional development/training needs, software, tools, etc.):
 - All participants in the conversation sign.



Exit Interview

- What circumstances prompted you to start looking for another job?
- Under what circumstances, if any, would you consider returning to the company?
- Do you think management adequately recognized employee contributions? If not, how do you think recognition could be improved?
- Were there any company policies you found difficult to understand? How can the firm make them clearer?
- Do you feel your job description changed since you were hired, and if so, in what ways?
- Did you feel you had the tools, resources and working conditions to be successful in your role? If not, which areas could be improved and how?
- Do you feel you had the necessary training to be successful in your role? If not, how could it have been better?
- What was the best part of your job here?
- What can the organization improve on?
- Do you have any suggestions for improving employee morale?
- Do you have any concerns about the company you'd like to share?
- Is there anything else you'd like to add?

Burnout Among Non-profit Workers

- Many NPOs meet financial challenges by squeezing more work out of their staffs without a proportional increase in their pay: The Urban Institute report found that most nonprofits choose to cut salaries, benefits, and other costs long before scaling back their operations.
- Non-profit employees believe deeply in the Mission and accept this leading to burnout.
- What is burnout? *(from psychologytoday.com)*
 - Burnout is a state of chronic stress that leads to:
 - physical and emotional exhaustion
 - cynicism and detachment
 - Feelings of ineffectiveness and lack of accomplishment

As Staff It Is Our Responsibility to Stave Off Burnout Also

- Sending/answering emails or communications in off-hours sets expectation that that practice is acceptable to you. If you do, count it as working time (try not to volunteer for your employer).
 - Stanford Study shows productivity decreases after 50 hours of work per week.
 - University of Texas shows increase in health issues (cardiovascular particularly) among workers who work more than 45 hours/week
- Self care –taking good care of yourself is important for your health and the health of the organization.
- Use vacation time
- Move: You work for a land trust – go take a walk!
- Schedule in time for whatever you like to do
 - Write
 - Art
 - Exercise
 - Cook
 - Family



Questions?





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