



VETERANS OF FOREIGN WARS®

North Carolina

Personnel and Office Policy

2024-2025

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VFW Department of North Carolina Headquarters Office Policy

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Section I - Purpose

The purpose of this policy is to establish guidelines governing all appointed and elected salaried employees, including both full-time and part-time. These instructions contained within shall not conflict with the National or Departmental By-Laws and Manual of Procedures, and if they do, the National and Departmental By-Laws and Manual of Procedures shall be the governing authority.

Section II - General

- A. The State Adjutant is the Chief Executive Officer and Administrator of the Department of North Carolina and oversees supervising all employees of the Department Headquarters Office. They are responsible to the Department Commander and the Department Council of Administration.
- B. Headquarters Office procedures shall be recommended by the State Adjutant and approved by the State Commander.
- C. The Service Office and Assistant Service Officer assigned to the VA Regional Office shall manage the day to operations of their respective office and Assistant Service Officers in accordance with the rules and regulations set forth by VFW NVS and applicable federal laws, statutes, and regulations. The Department Adjutant shall supervise the overall operations of the officers and all employees shall report to the Adjutant as necessary or required.
- D. The Personnel Policy and Procedures contained within shall be recommended by the Department Service Officer and approved by the State Commander. The final authority for approval of all policies and procedures in the Department Council of Administration. The policies and procedures set forth shall remain in effect unless changed by the Department Council of Administration and must be reaffirmed by each incoming Council of Administration, normally at the first Council meeting of the program year.
- E. In the absence of both the Commander and Adjutant, the "Senior Vice Commander" shall oversee normal Headquarters routine business. In the event abnormal problems or matters pertaining to VFW policy arise, the Senior Vice Commander shall contact the Commander, Junior Vice Commander, if possible. If unable to contact any of the above, the "Senior Vice Commander" shall contact National Headquarters for guidance.

Section III - Pay and Salaries

- A. The State Adjutant (ADJ), the State Quartermaster (QM), the State Service Officer (SO), State Claims Consultant and Assistant Service Officers are Salaried Employees and are considered “exempt employees.” Salaried workers may work as many hours as needed to complete the work of the VFW: no additional pay is authorized.
- B. Administrative support and secretarial personnel are Hourly Employee and are considered “Non-exempt employees.” They are only paid for the hours that they work. They are required to keep a time sheet and record hours worked.
- C. The time sheet will be reviewed and approved by the respective supervisor, Adjutant, or Service Office, in the office and submitted to payroll. The State Adjutant will review all timesheets for accuracy. Overtime is not allowed for hourly employees.
- D. Salaries shall be designated by the State Commander under the Council of Administration adopted Budget and in compliance with the authority of the office as provided in the National and Departmental By-Laws.
- E. The starting salary for a vacancy shall be determined by the State Commander with the approval of the Council of Administration.
- F. Salary is paid electronically twice a month, on the 15th and 30th day of the month. If a regular payday falls on Saturday, Sunday, holiday, or on a day when the office is closed, payday may be on the previous business day (depending on departmental account software).
- G. When applicable, the following deductions are automatically made from every paycheck: Social Security, Medicare, and Internal Revenue Service.
- H. Full (and part-time employees if scheduled to work) shall be paid for holidays listed in this policy.

Section IV - Work Schedule

- A. The normal office hours for the VFW Department Office shall be Monday through Friday, from 9:00 a.m. until 5:00 p.m.
- B. Normal full-time working hours are 8 hours a day, five days a week. Deviation from normal working hours is at the discretion of the State Adjutant. One half hour is scheduled for lunch. Thirty-minute working lunch breaks will be paid. Employees are expected to answer the phones during their lunch break. Two fifteen (15) minute breaks are authorized each day, one in the morning and one in the afternoon. The schedule of lunch and breaks is at the discretion of the

supervising authority. Part-time employees and interns shall work as scheduled by their supervisor.

- C. The Adjutant shall ensure that adequate personnel are scheduled to staff the VFW Department Office in accordance with the normal office hours. The Adjutant may use scheduling formats that are consistent with standard business practices to include but not limited to remote working, telework, flex scheduling, etc. All scheduling formats must be approved by the Department Commander.

Section V - Holidays

All full and part-time employees shall observe the following holidays.

- A. New Year's Day, Martin Luther King Day, President's Day, Columbus Day (Explore's Day), National Memorial Day, Independence Day, Labor Day, National Veterans Day, Thanksgiving Day and Christmas Day. Additionally, the Friday after Thanksgiving and Christmas Eve are holidays at the discretion of the President.
- B. The Department Service Office Staff and Claim Consultant shall observe any other holiday on which the VA Offices are closed. If any holiday falls on a Saturday or Sunday, the observance shall be governed by the operations of that facility where the Service Office occupies space, such as a government building (VA, State, County or City).

Section VI - Annual Leave

- A. Annual leave for full-time salaried employees is earned based on years of service with the VFW Department of North Carolina. All new employees will receive 8 hours (1 day) per month, which may be prorated as earned. All new employees will receive 96 hours (12 days) annually.
- B. Employees will receive additional annual leave based upon longevity. The following schedule identifies the yearly benchmarks allowing for an increase in an employee's annual leave.
 - 96 hours (12 days) per year up to and including the 5th year.
 - 104 hours (13 days) after the fifth year.
 - 112 hours (14 days) after the sixth year.
 - 120 hours (15 days) after the seventh year.
 - 160 hours (20 days) after the tenth year.

- C. Except for emergencies, annual leave must be authorized 10 days in advance, by the employee's immediate supervisor, with the approval of the Adjutant or State Commander.
- D. Unused annual leave is cumulative and available for future use provided that the balance to the credit of the employee at the end of the fiscal year (June 30th) does not exceed 240 hours (30 days). Excess annual leave at the end of the fiscal year is lost.
- E. Annual leave is not granted during the first six months of employment, but accrued to the credit of the employee and becomes available for use after completion of the full six months of service. Termination of employment during the six-month probationary period, voluntary or involuntary, cancels any accrued annual leave.
- F. Emergency leave may be allowed as annual leave if it is approved by the supervisor.
- G. Leave of absence or annual leave must be scheduled at a time convenient for the Department and that does not interfere with or hamper the daily operations of the organization.
- H. Accrued vacation leave may be used at the discretion of the Adjutant or State Commander when prolonged absence because of illness has exhausted sick leave benefits.
- I. No request for annual leave will be considered during the National or State Convention or conferences.

Section VII – Sick Leave

- A. Sick leave is to be used as insurance against loss of pay in the event of actual sickness. Sick leave may not be used as additional annual leave.
- B. Sick leave will be granted to full-time employees at the rate on 8 hours (1 day) per month.
- C. Unused sick leave is cumulative and available for future use provided that the balance to the credit of the employee at the end of the fiscal year (June 30th) does not exceed 240 hours (30 days). Excess sick leave at the end of the fiscal year will be lost.
- D. Sick leave is not granted during the first six months of employment, but accrued to the credit of the employee and becomes available for use after completion of the full six months of service.
- E. After sick leave has been exhausted, absence due to illness may be charged to accrued annual leave with the consent of the Adjutant or State Commander.

- F. Absence because of illness must be reported promptly, by telephone, if possible, the appropriate supervisor.
- G. At the discretion of the supervisor, sick leave may be authorized for dental or medical appointments for actual length of time of appointment with a doctor. This may include travel to and from the doctor's office or hospital. Excessive time not reasonably required for the purpose on the same day shall be charged to annual leave. Absence for extended periods of time on the same day shall be charged to annual leave.
- H. Absence for an extended period for the purpose of a complete medical check-up or extensive dental work must be approved in advance.
- I. If requested by their supervisor, the employees must provide a written statement signed by the registered practicing physician certifying the illness/disability for sick leave granted more than three (3) consecutive days. In case of repeated minor illness, the supervisor may discuss the matter with the employee and may require a physician's certificate.
- J. Absence by reason of illness in the family is not authorized as sick leave unless there is a risk of exposure to a contagious disease.
- K. Maternity leave shall be granted in accordance with Family Medical Leave Act (FMLA) and other federal and state laws.
- L. Employees who are under a doctor's care for surgery or extended illness must submit a release from the doctor allowing them to return to work before they can resume their normal duties.
- M. Unused sick leave is not payable upon termination of employment.

Section VIII - Other Leave

- A. Administrative Leave – There are certain conditions under which the State Commander may excuse employees from duty without charge to the employee's annual leave. This is usually referred to as "Administrative Leave", examples are excusing an employee for donating blood to a department approved program, for early closing of the building due to extreme weather conditions, electrical failures preventing lights from operating, heat, or air conditioning from operating, and for attending meetings that the State Commander considers for the best interest of the Department.
- B. Leave without pay may be granted by the Adjutant or State Commander only after all sick leave and/or annual leave has been used. Leave without pay may be allowed upon request when such absence shall not interfere with the work of the respective office.

- C. Emergency Leave – Death in Immediate Family. A leave of absence of three days, plus travel time not to exceed two days when required, will be granted to an employee in case of death in their immediate family. The immediate family is defined as father, mother, sister, brother, spouse, or child.
- D. Military Leave: Annual field training required by the military for reservists, or such other active-duty training as might be substituted in lieu thereof. After one year’s service, up to 15 days each year shall be authorized without loss of annual leave. Compensation during such periods shall be reduced by the amount of base military pay received. Additional or prolonged absence due to military service shall be on a leave without pay basis.
- E. Jury Duty – Jury duty is a civic duty, and the VFW does not ask for deferments unless the absence will adversely affect the organization. Employees will be paid for jury duty after submitting an official record of the days in which they performed this duty.
- F. Travel Pay – Travel pay to national conventions, Southern Conference, or other meetings of the state will be given a maximum of two days. Any travel time exceeding this will require the employee to take leave or unpaid time. The cost of these trips (hotel, tolls, and fuel) will not exceed the cost of an airline ticket two months prior with Veterans Travel Services (VTS), non-refundable fare. Travel to these events will only be authorized for salaried employees.

Section IX - Computer/Email/Internet Use

- A. VFW Computers are assigned to employees for organization purposes.
- B. The use of VFW network, including computers, fax machines, copiers, phone, and all forms of internet/intranet access, is for official VFW business purposes only. Brief and occasional personal use of the electronic mail system or the internet is acceptable as long as it is not excessive or inappropriate, occurs during personal time and does not result in expense to the VFW.
- C. Use is defined as “excessive” if it interferes with normal job functions, responsibilities, or the ability to perform daily job functions. Electronic communications should not be used to solicit or sell products or services that are unrelated to VFW’s business; distract, intimidate, or harass coworkers or third parties, or disrupt the workplace.
- D. Use of VFW computers, networks, and internet access is a privilege granted by management and may be revoked at any time for inappropriate conduct carried out on such systems.

- E. Using VFW network system to access, create, view, transmit, or receive racist, sexist, threatening, pornography, or otherwise objectionable or illegal material is strictly prohibited. "Material" is defined as any visual, textual, or auditory entity. Such material violates the VFW antiharassment policy and is subject to disciplinary action. VFW's electronic mail system, internet access and computer systems must not be used to violate the laws and regulations of the United States or any other nation or any state, city, province, or other local jurisdiction in any way. Use of VFW resources for illegal activity can lead to disciplinary action, up to and including termination and criminal prosecution. The VFW will comply with reasonable requests from law enforcement and regulatory agencies for logs, diaries, archives, or files on individual internet activities, email use and computer use.
- F. The VFW owns the right to all data and files in any computer, network, or other information system used in the VFW. The VFW also reserves the right to monitor electronic mail messages (including personal/private/instant message systems) and their content, as well as any and all use of the internet and computer equipment used to create view or access email and internet content. Employees must be aware that the electronic mail message sent and received using VFW equipment are not private and are subject to viewing, downloading, inspection, and all files stored in private areas of the network or on individual computers or storage media in order to assure compliance with policy and state and federal laws. No employee may access another employee's computer, computer files or electronic mail messages without prior authorization from either the employee.
- G. The VFW has licensed the use of certain commercial software applications programs for business purposes. Third parties retain the ownership and distribution rights to such software. No employee may create, use, or distribute copies of such software that is not in compliance with the license agreement for the software.
- H. It is a violation of VFW policy for an employee, including system administrators and supervisors, to access electronic mail and computer systems files to satisfy curiosity about the affairs of others.
- I. Supervisors, and system administrators may access electronic mail and computer systems of subordinates with just cause and prior approval of the Department Commander.
- J. All passwords, combinations, keys for all VFW owned computers, copiers, fax machines, electronic equipment, safes, doors, boxes, or containers, shall be provided to the Adjutant. All copies of passwords for the budgeting and payroll

systems shall be maintained solely by the Department Quartermaster. This policy does not apply to confidential files maintained by Service Officers.

- K. All computers, although purchased by the VFW Department that are assigned to the Department Service Office Staff, are considered property of the Veterans Administration (VA). These computers are imaged and supported by VA IT personnel. These computers contain Privately Identifiable Information (PII) and as such are not subject to any conditions in this policy. These computers shall only be assigned to members of the Department Service Office, should these computers no longer work or are no longer supported by the VA, they shall be surrendered to the VA for disposition and disposal.

Section X - Disaster Recovery

It will be the responsibility of the Adjutant to take necessary actions to ensure operations continue should natural or man-made disaster strike. It is the responsibility of the Adjutant to create and review with the Council of Administration, the Disaster Recovery procedure annually. Current information deemed essential to continued operations include sensitive financial, data, payrolls, and members rosters. Essential information will be downloaded and backed up daily. The backup data will be stored on a removable disk or external drive and kept in the possession of the Adjutant and Department Quartermaster with a copy of the quarterly financials.

Section XI - Conflict of Interest

- A. A conflict of interest is a personal interest or relationship that conflicts with the faithful performance of official duty. A VFW employee is prohibited from participating personally and substantially in an official capacity in any matter in which, to their knowledge, they, or any person whose interest are imputed to them has a financial interest, if the particular matter will have a direct and predictable effect on that interest. Examples of imputed interest are financial interest of the employee's spouse; minor child; organization in which the employee serves as an employee, officer, etc.; and organization with which the employee is negotiating for or has an arrangement concerning prospective employment.
- B. Employees and council members must disclose any interest in a proposed transaction or decision that may create a conflict of interest. After disclosure, the employee or council member will not be permitted to participate in the transaction or decision.

- C. Should there be any dispute as to whether a conflict of interest exist: the State Commander shall determine whether a conflict of interest exist for an employee and shall determine the appropriate response; the Council of Administration shall determine whether a conflict of interest exist for a Council member and shall determine the appropriate response.

Section XII - Dress Code

Normal Headquarters and VA Business Offices attire should be business casual. Employees should always dress in a fashion that shows dignity, good taste, and generally acceptable standards of professional business.

Section XIII - Emergency Closing of Office

- A. In the event that the office has reason to close during a regular working day, because of inclement weather or other emergency, those persons absent on approved vacation on sick leave shall be charged for absence of the entire day or the standard eight (8) hours.
- B. If the office is closed early employees sent home shall receive credit for a full day's work. Absent employees shall be charged for a full day's leave.

Section XIV - Office Security and Closing

- A. The Department Headquarters is equipped with a security system. Doors should always remain locked for the system to remain active during all hours. Personal valuables are to remain in locked desk drawers and removed at the end of the day. Opening and closing of the building fall under the first in and last out rule. Requiring that the security system be deactivated upon arrival and activated at the end of the day. Lights, heat, and air-conditioning are to be adjusted for energy efficiency for reduced consumption and cost savings when the building is unoccupied.
- B. The Department Service Office Staff located in the VA Regional Office abide by the decision of the Director of the VA Regional Office concerning office security and closing. The Department Service Officer will report early or emergency closings to the Department Adjutant, and the Department Service Office Staff will continue to work their normal scheduled hours remotely.

Section XV - Independent Contractor

The VFW Department of North Carolina must comply with Internal Revenue Service (IRS) regulations in our role as an employer. Failure to do so can result in assessments of additional taxes and penalties for the department.

I. Guidelines:

Appropriate categorizing of individuals performing services to the department is essential to avoiding incurring substantial tax penalties and other liabilities. Decisions concerning the appropriate category will be made by the Department Commander and approved by the Council of Administration. Approval must be secured prior to commencement of services.

Employee: An individual performing services for the VFW Department of North Carolina is to be regarded as a department employee, whether the services is full-time or part-time, regular, or temporary, unless it is clearly demonstrated that the relationship is that of a true independent contractor. An individual will be considered and treated as an employee if others in the same or substantially similar positions are employed.

Independent Contractor: A person acts as an independent contractor if the VFW Department of North Carolina directs and controls only the intended results and not the means and methods of accomplishing it. Doubtful cases of interpretation are to be resolved in favor of categorizing the individual as an employee. Specific cases will be decided on particular facts, but the following guidelines are instructive.

- A. Independent contractors generally have other clients and derive a substantial part of their income from sources outside the VFW Department of North Carolina.
- B. The work of independent contracts is uniquely skilled or professional in nature and requires a considerable amount of independent judgement and specialized knowledge or training obtained elsewhere. Secretarial or clerical services will generally be regarded as being provided on employees.
- C. The pace where the work is performed is one indicator, but not determinative. Employees are usually paid for work performed on-site, while independent contractors can work on-site or at home or other locations off-site.

- D. The substance of the relationship is important, but what it is called. Use of a business name is not determinative.
- E. Current employees who perform services for the VFW Department of North Carolina different from their regular job will generally remain in an employee-employer relationship and will be paid through extra compensation such as an overload stipend (exempt) or for all hours worked in hourly-paid (non-exempt). Former employees will be hired back as full-time, part-time, or temporary employees.

II. Procedures:

- A. All actions necessary to engage an individual as a contractor or to hire an employee must be approved prior to offer and commencement of services. Allow time for sign-off. Offers extended without approval of the Council of Administration may be rescinded and payments will be delayed.
- B. Complete the Independent Contractor Checklist Form (*Appendix I*). If the service provider falls under the independent contractor classification, provide the independent contractor with an Independent Contractor Questionnaire Form (*Appendix II*) for completion. If the service provider falls under the employee classification, it will be necessary to create a position and job description if they do not already exist, as well as rates pay rates.
- C. Submit the Checklist and Questionnaire to the Council of Administration for review and approval. The Checklist and Questionnaire shall be maintained in the Department Quartermasters files.

INDEPENDENT CONTRACTOR QUESTIONNAIRE FORM

The VFW Department of North Carolina requests this information in order to evaluate the appropriate service provider classification under IRS guidelines (i.e., employee vs. independent contractor). Return your completed questionnaire to the VFW Department of North Carolina.

Service Provider Information

Name of Contractor: _____ DBA: _____
Federal ID Number _____ Is this your social security number? Yes No

Describe Provider Services:

Where do you advertise your services? Word of Mouth Yellow Pages Publications
 Web List publication names and web URL, if applicable:

(check all that apply)

Provide names and contract numbers of your three major customers other than then the VFW Department of North Carolina:

1. _____
2. _____
3. _____

Identify the types of costs you incur in your business: My business office is in my home
 Equipment (explain) _____
 Payroll (# of employees) _____
 Other (explain) _____

What tax returns do you file? Payroll tax Sales tax? In whate state? _____
 Other (explain) _____

How do you bill your customers? (check all that apply) Hourly Fee for Project
 Other (explain) _____

How much time do you expect to devote to VFW business in the next 12 months? Less than 10% At least 10% but less than 25%
 At least 25% but less than 50% 50% or more

Service Provider Attestation and Certification

I am a citizen of the U.S. or a permanent resident (green card). I am not a VFW Department of North Carolina employee. If the VFW Department of North Carolina hires me as an independent contractor, I am responsible for taxes, insurance coverage, and business expenses, and I am not eligible for any employer-provided benefits.

Signature: _____ Date: _____

Name: _____ Title: _____

Phone: (_____) _____ Email: _____

Appendix I

INDEPENDENT CONTRACTOR CHECKLIST FORM

(To be completed by VFW Adjutant)

Service Provider: _____ **Federal ID #:** _____

IRS Common Law Guidelines

Behavioral Control (Check all that apply)	<input checked="" type="checkbox"/>	Option A	<input checked="" type="checkbox"/>	Option B
1. Will you provide instruction about when, where, and how the work is to be done?	<input type="checkbox"/>	Complies with the unit's instructions.	<input type="checkbox"/>	Determines own schedule, location, and tasks.
2. Will you provide training to the service provider?	<input type="checkbox"/>	Trained by VFW Dept NC.	<input type="checkbox"/>	Responsible for own training.
3. Will you require the service provider to perform the services personally?	<input type="checkbox"/>	Must be performed personally.	<input type="checkbox"/>	Can be performed by his/her employees or subcontractors.
4. Will the VFW establish the hours of work?	<input type="checkbox"/>	The VFW sets the hours.	<input type="checkbox"/>	Responsible for his/her own schedule.
5. Will the VFW require the services fulltime during the duration of the project?	<input type="checkbox"/>	The VFW requires full-time commitment.	<input type="checkbox"/>	Can work for others while performing for the VFW.
6. Will the work be performed on VFW's premises?	<input type="checkbox"/>	Performed on VFW premises.	<input type="checkbox"/>	Performed on or off VFW premises.
7. Will the VFW require progress reports on a regular basis?	<input type="checkbox"/>	The VFW requires reports.	<input type="checkbox"/>	Reports are not required.
Financial Control (Check all that apply)				
8. Will the contract be based on hourly, weekly, monthly or per project?	<input type="checkbox"/>	Pay on an hourly, weekly or monthly basis.	<input type="checkbox"/>	Pay per project.
9. Will the VFW pay the service provider's business and/or traveling expenses?	<input type="checkbox"/>	The VFW pays business and/or traveling expenses.	<input type="checkbox"/>	Responsible for all expenses and can maximize profits by managing costs.
10. Will the VFW furnish equipment, materials, tools and/or supplies?	<input type="checkbox"/>	The VFW furnishes equipment, materials, tools and/or supplies.	<input type="checkbox"/>	Service provider furnishes everything.
11. Is the service provider's office in a home?	<input type="checkbox"/>	Works at home.	<input type="checkbox"/>	Has office space and employees as a workforce for projects. Has significant investment in business.
Relationship (Check all that apply)				
12. Does the service provider work for one firm at a time?	<input type="checkbox"/>	Works for only one firm at a time.	<input type="checkbox"/>	Performs services for multiple unrelated customers at the same time.
13. Does the service provider make his/her services known to the public primarily through word of mouth?	<input type="checkbox"/>	Make his/her services known by word of mouth.	<input type="checkbox"/>	Advertises his/her business in publications, yellow pages, internet, etc.
14. Does the VFW have the right to discharge the worker?	<input type="checkbox"/>	The VFW has the right to discharge.	<input type="checkbox"/>	Cannot be discharged if he/she produces a satisfactory result based on the specifications of project.
15. Does the service provider have the right to end his/her relationship with the VFW at any time without incurring liability?	<input type="checkbox"/>	Can terminate at any time.	<input type="checkbox"/>	Incurs liability for non-delivery.
16. Does service provider anticipate continuing relationship?	<input type="checkbox"/>	Anticipates a continuing relationship.	<input type="checkbox"/>	Projects will be awarded only when needed and will be based on specifications.
17. Will the VFW integrate the provider's services into its daily operations by providing email, an office, and requiring attendance at meetings?	<input type="checkbox"/>	Integrated into unit.	<input type="checkbox"/>	Independent of unit activities.

Evaluation and Certification

Based on the above checklist and my knowledge of the proposed services, it is my determination that the individual providing the service should be classified as an: _____ Employee _____ Independent Contractor

Signature: _____ **Date:** _____

Print Name: _____ **Title:** Adjutant VFW Department of North Carolina

Reviewed by Department Commander Date: _____ **Initials:** _____

Council of Administration approval date: _____

Appendix II