

SECTION THREE

BOARD OPERATIONAL POLICIES

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GENERAL POLICIES

Rules and policies which have been established by the Board of Directors from time to time are documented below and are dated as to when the rule or policy was established

SECTION 3.1 FLOWERS/DONATIONS

- a. Flowers or a memorial will be sent to the funerals of immediate family of REALTOR members and board staff, not to exceed \$65.00. 8/99 & 3/18/03
- b. Request for donations from the Board for charities are to be sent back to the requester with the names of each individual Brokerage firm. Revised 8/22/14

SECTION 3.2 OPERATING HOURS

The SWIAR Office is open from 8am to 5pm., except on the Wednesday mornings that Association breakfast meetings are held, on those mornings the office will be closed from 9:00 a.m. – 10:15 a.m. to allow staff to attend the breakfast meetings. Membership will be notified via Flexmls Dashboard & e-mail if the board office is closed for an hour to allow staff to attend an event, lunch etc. The Executive Officer has the authority to close the board office due to inclement weather with proper notification given to the membership.

SECTION 3.3 OFFICE KEYS

Keys to the Association office are held by the Executive Officer, Secretary. 5/8/90

SECTION 3.4 MEETINGS

The MLS Committee meetings are to be held monthly prior to the Board meetings at the discretion of the Committee Chair. Revised 8/22/14

Board of Directors meetings are held on the second Tuesday of each month at 9:00 a.m. at the Central Board Office. If the Council Bluffs Schools are closed due to weather on the day of a board meeting the meeting will be postponed. 1/23/93 & 3/18/03

The board of directors shall designate a regular time and place of meetings.

Absence from three (3) regular meetings without an excuse deemed valid by the board of directors shall be construed as resignation. 10/2010

- a.
- b. The President has the power to initiate a phone poll at his discretion, he must state the reason for the phone poll and each and every member of the board must be contacted by a neutral party such as the Executive Officer. The Executive Officer must state the recommendation/motion as is and record the board members vote on paper. The motion should be placed on the agenda of the next regularly scheduled board meeting to address the outcome of the phone poll & then be ratified & recorded in the minutes....10/7/04
- c. The Executive Officers Committee meeting is held on the Wednesday prior to the Board of Directors meeting as deemed necessary by the President. 3/18/03
- d. Quarterly Membership breakfast meetings are held at the discretion of the President and are usually Wednesdays from 9:00 a.m. till 10:00 a.m.. If the Council Bluffs Community schools closed due to weather on the morning of a meeting it will be automatically canceled.
- e. Add all the committees to the board of directors agenda each month & report meeting date. 3/18/03
- f. The board office is not available for membership to use for meetings other than official board business. The board office will not be open for membership to use after business operating hours of 8:00 am – 5:00 pm.
- g. Meeting time limits – use a timekeeping device to keep committee meetings to an hour or less.
- h. The local board attorney may be contacted upon direction from the Executive Committee. The Executive Officer has the authority to contact the Local Board Attorney for normal standard procedures such as new member orientation and professional standards. Revised 8/22/14
- i. Chain of command for reporting potential violation of a rule by a director should be reported to the Executive Committee. Revised 8/22/14

SECTION 3.5 Guidelines for requesting funds from RPAC Trustees

Guidelines for RPAC funding of local candidates:

Boards achieving their fair share goal for RPAC/RPEC fundraising will also be eligible to obtain an additional 10% of the total funds raised to be used for local candidate

contributions. The 10% funding **must be requested** by the local board and must be given directly to a local candidates campaign committee. A local board may request a portion of the 10% for numerous candidates or all of the 10% to support one candidate. The local candidate contribution requests will be forwarded to the IAR RPAC Trustees for approval.

How to request local candidate funding:

Send a letter requesting a contribution for a local candidate(s) to the IAR RPAC Trustees. The request must be sent with the local Board of Director's approval on behalf of the board. The letter should include the following information:

- amount of the contribution
- name of the local candidate
- candidate's committee name
- candidate's committee address
- brief sentence on REALTOR® support of candidate

DUES AND FEES

SECTION 3.6 INITIATION FEES

All REALTOR/Appraiser applicants must pay a local application board fee of \$500.00 along with the required dues upon application being made, Affiliate Members must pay a \$200 application fee. The application fee of \$200.00 is for affiliate offices only. Out of state MLS subscribers would be Iowa licensees only. The \$500.00 REALTOR/Appraiser applicant initiation fee is waived until Dec. 31, 2012.

SECTION 3.7 REINSTATEMENT

Any member that has dropped their membership for more than 30 days and left the board in good standing, will be required to pay one half of the initiation fee along with required dues for reinstatement to the board. 1/3/78 Any member reinstated within the current year that they dropped membership would pay only half of the initiation fee and no other dues. 8/9/94 A Realtor in good standing in an Iowa Association/Board who chooses to transfer to the Southwest Iowa Association of REALTORS be charged an initiation fee of \$250.00. 3/04

SECTION 3.8 MILITARY RIGHTS

Local Annual Dues and MLS Fees are automatically waived for any member in good standing that has been called to active duty (see Minutes from 12/11). 12/11/01

SECTION 3.9 REALTOR EMERITUS STATUS

Annual Local Dues shall be waived for any member receiving National REALTOR® Emeritus Status. 4/05

SECTION 3.10 MLS SUBSCRIBER REINSTATEMENT FEE

An administrative reinstatement fee of \$350.00 will be assessed for an MLS

Subscriber who drops & rejoins within a 12 month calendar year. 10/06

SECTION 3.11 MLS FEE MEDICAL WAIVER 5/11/11

MLS Fees Waiver for Medical Purpose. Send requesting member a Medical Waiver Form Request letter by the Participant and Subscriber with attached MLS fee waiver form for medical purposes. This form must be signed by the Participating Broker. Form and letter approved by the board of directors. 90 days – with option to renew and extension approved by the board of directors. 5/11/11

SECTION 3.12 MLS ONLY PARTICIPANT AND SUBSCRIBER FEES

The Designated Realtor/Participant will pay an application fee of \$500.00 for MLS services and be invoiced each month for the number of Iowa licensees hanging under the Participant's firm. An audit of Iowa licensees will be performed by the association staff quarterly.

MEMBERSHIP

SECTION 3.12 ORIENTATION

All new members must attend a New Member Orientation. The member must attend one orientation within the first three given after applying for membership. Should the member not meet this requirement they will be denied services of the board. 2/12/80 Those applicants that have held previous membership in the board are exempt from attending orientation if they have held membership within three years from the date of application. 3/9/88

SECTION 3.13 NOTIFICATION OF NEW AGENTS

All Designated REALTORS shall notify the Board of any additions to their licensed sales staff within 7 days of such changes. All changes must be in writing and signed by the designated REALTOR. Failure to make notification within the designated period will result in a \$25 fine. 7/8/75

SECTION 3.14 LEADERSHIP RETREAT & STAFF DEVELOPMENT

The leadership team has the authority to attend & support events in the community as the budget allows such as the Chamber of Commerce Annual Lunch meeting. Staff to attend classes to promote professional growth, upon approval by the Board of Directors. Revised 8/22/14

MLS SPECIAL POLICIES

SECTION 3.15 COMPLAINTS & CONCERNS

Complaints & concerns coming into the Association must be in writing and signed within 30 days of known concern. The complaint and/or concern will be directed to the Executive Committee for their review. Complaint and/or concern to be directed to the appropriate committee at the Executive Committee's discretion.

Revised 8/22/14

SECTION 3.16 MLS DUES

The monthly dues for MLS Service are determined by the Finance Committee and approved by the Board of Directors on an annual basis. 3/18/03

There will be a charge for SWIAR board staff to input and maintain listings in Flexmls. The board office will continue to provide agent's listing input at the cost of \$25.00 per listing. Any status changes provided by board staff in Flexmls will be charged \$5.00 per change form. We will not charge for maintenance that Flexmls system will not allow agents to perform.

Adopted 2/2015 Effective 5/1/15

SECTION 3.17 OFFICE EXCLUSIVE LISTINGS

The Office/Agent exclusive listings shall be submitted to the MLS with an Office Exclusive Listing form attached so that central office will not process it. 2/10/87

Section 3.18 The GE Security/SUPRA KeyBox System is an activity of the Southwest Iowa Association of REALTORS under the supervision of the MLS Committee. A Keyholder must be a REALTOR or Affiliate member of the Board. A REALTOR with an active real estate license must be a participant in our multiple listing service to lease as a Keyholder from our electronic display, eKey and keybox system 6/06. This service is entirely voluntary for members and Sellers. 5/1/2000

Section 3.19 SUPERKEYS

The Board staff shall issue Keys to members. A Keyholder must complete and sign a *Keyholder System Lease Agreement* and pay the required fees. The Keyholder should be given a User's Guide, Quick Reference Guide and pouch with each key. 5/1/2000

- a) Any key, programmer, or other device (hereinafter referred to as "key") by which a lock box can be opened shall be nonduplicative. By "nonduplicative" it is not meant that the key is necessarily covered by a current patent but that it cannot be readily copied in the manner that other types of keys ordinarily are.
- b) Keys must be obtained from the original manufacturer, from a recognized vendor of lock box systems or from any other legitimate source. Prior to utilizing previously used keys, lids, or boxes, information shall be obtained from the original manufacture to determine whether the key's pattern, code, or configuration is already in use by other Boards, Multiple Listing Services, or other users in the vicinity. Surrounding Boards and Multiple Listing Services shall also be contacted to determine whether the key's pattern, code, or configuration is currently in use.

- c) The Board and Multiple Listing Service may require that key lease agreements executed by non-principal brokers, sales licensees, and licensed or certified appraisers will be cosigned by the Designated REALTOR or the office's Broker of record. Lease agreements shall spell out the responsibilities of the parties and shall incorporate by reference any applicable rules or regulations or other governing provisions of the Board or MLS that relate to the operation of the keybox system. The lease agreement shall also provide that the keys may not be used under any circumstances by anyone other than the key holder except as provided elsewhere in this statement of policy.
- d) The Board and Multiple Listing Service may authorize unlicensed personal assistants, administration and clerical staff, and individuals seeking licensure as real estate appraisers, who are under the direct supervision of a Designated REALTOR, or MLS participant, or their licensed designee, to hold a lock box key on the same terms and conditions as non-principal brokers and sales licensees.
- e) Administration of the lock box system as an activity of the Board may be delegated to the Multiple Listing Service.
- f) Key lease agreements may contain a liquidated damages provision to offset some or all of the costs in reestablishing the security of the system if it is determined that the security has been compromised through the negligence or fault of the key holder.
- g) All key holders and their cosignatories are charged with the responsibility to immediately report all lost or stolen or otherwise unaccountable keys to the Board office. The Board shall take any steps deemed necessary to resecure the system. The Keyholder does not have to immediately replace the stolen or lost Key. To obtain a replacement Key, the member must have purchased the \$25.00 insurance fee to be issued a new display key at no additional charge or pay \$150.00 for a new Key. 6/2006
- h) Keyholders who leave the Board must return the leased Display key and cradle to the Board office to avoid being invoiced by Supra/GE Security. The keyholder will not receive any compensation for returning their display key. 6/2006
- i) If a member transfers to a different office in the Board, the board will transfer their information in the Supernet system.
- j) Lending of the SuperKey or affixing the PIN number to the SuperKey or to the carrying case is expressly prohibited and may cause the Keyholder a penalty which could include but not limited to any or all of the following:
 - i) A fine of the Keyholder up to \$1,000.00.
 - ii) Revocation of the privilege to use the KeyBox System.

Section 3.20 SUPRA Keyboxes

It is the responsibility of each member to notify the board office when they sell their iboxes to another agent. The administration will transfer those reported iboxes in the Supranet system under the correct agent record.

- a) The Board may transfer unused KeyBoxes from one office to another or back to inventory.

Section 3.21 Sellers Authority to use KeyBox System. Sellers must give written authority to REALTOR to use the SUPRA KeyBox System in the listing agreement or in a separate document.

- a) **Existence of a KeyBox on a property does not grant automatic access to REALTORS or Affiliates. Appointments must still be made through the listing Broker.**

Section 3.22 Agent Sold Data Report The administration will send a copy of the "Agent Sold Data Report", showing only office totals. This report will be available after the 7th day of the month with report totals from the previous month. The report will be sent to the Participant/Managing Broker. Est. 2/2004

SECTION 3.23 MLS ACCESS FOR ADMINISTRATIVE STAFF

Access is restricted to administrative staff that is employed by a Broker/Realtor that holds membership as a Participant/Subscriber. Potential offenders sharing an account will be notified of the violation and reported to the Executive Committee. This is a potential breach of confidentiality and security. 10/06
Revised 8/22/14

SECTION 3.24 A listing shall NOT be deleted from the MLS once uploaded.

PROFESSIONAL STANDARDS & GRIEVANCE COMMITTEE

SECTION 3.25 ARBITRATION

- a) The fee to file for arbitration is \$250.00. The fee is required by the complainant and respondent. A portion of this fee is to pay for the Attorney Fees. 9/13/94
- b) The Professional Standards Committee will provide voluntary arbitration for interoffice, Realtor vs non-member and Customer vs Realtors. 9/13/94
- c) The number of days for the Grievance Committee to meet for arbitration review will be 10 working days. 9/13/94
- d) In the event the respondent fails or refuses to sign the

Response and Agreement form, fails or refuses to make the required deposit, or fails or refuses to take part in the arbitration hearing, the arbitration hearing may be scheduled and conducted in the absence of the respondent. 9/13/94

- e) If parties settle an arbitration before hearing the deposit will be returned. 9/13/94

SECTION 3.26 ATTORNEY

- a) An attorney will be present during all Arbitration Hearings and Professional Standards hearings. 5/8/79
- b) The Attorney will not receive each complaint arbitration prior to the Grievance Committee meeting. 9/13/94

SECTION 3.27 APPEAL

- a) The amount of appeal deposit in an ethics case is \$100. 9/13/94
- b) In appeals the Chairman will summarize the case and audio tapes may be provided upon request. 9/13/94

SECTION 3.28 AWARD

- a) If an award has been rendered, the non-prevailing party must within ten (10) days following receipt of the award either (1) pay the award to the party(s) named in the award or (2) deposit the funds with the Board Executive Officer to be held in a special Board escrow account maintained for this purpose. Failure to satisfy the award or to deposit the funds with the Board within this time period may be considered a violation of a membership duty and may subject the member to disciplinary action at the discretion of the Board of Directors. 9/13/94
- b) If a request for limited procedural review of the arbitration procedure is received within twenty (20) days, the funds deposited with the Board shall be retained in the Board's escrow account until the review is completed. If the arbitration award is confirmed by the Board of Directors following the conduct of the limited procedural review, the non-prevailing party shall have an additional fifteen (15) days to institute any legal challenge to the validity of the arbitration award deemed appropriate. In such case, the non-prevailing party shall also cause legal counsel to advise the Board in writing that a suit challenging the validity of the arbitration award has been filed during this additional (15) day period. After fifteen (15) days, if written notice of a suit challenging the validity of the arbitration award has not been received by the Board, the funds shall be released from escrow and paid to the prevailing party. If written notification is received during the fifteen (15) day period, the funds will be held in the escrow pending the determination of the matter by a court of

competent jurisdiction. If the non-prevailing party does not request the Board to conduct a procedural review of the arbitration hearing process during the twenty (20) day period following service of the award, then written notification that a legal challenge has been instituted must be received within the twenty (20) days following service of the award. Failure to provide written notification that a suit challenging the validity of the award has been filed within twenty (20) days following service of the award will result in the award being paid from the Board's escrow to the prevailing party. 9/13/94

- c) Any failure to make the necessary deposits with the Board shall be referred to the Board of Directors for action at their next meeting or at a special meeting called for that purpose. The party failing to make the deposit on a timely basis shall be advised of the date, time and place of the meeting and shall have an opportunity to explain why the required deposits were not made on a timely basis. The Board of Directors may, at their discretion, impose discipline or may give the party an additional period to make the required deposits. The Directors may also stipulate appropriate discipline to be automatically imposed if the party fails to make the deposit within the time established by the Directors. 9/13/94
- d) Any interest accrued on the escrow funds shall become the property of the party to whom the funds are ultimately released by the Board. 9/13/94

SECTION 3.29 HEARINGS

- a) The Hearing Panel will receive copies of complaint/response and arbitration request/response at least 5 working days prior to the hearing. 9/13/94
- b) Parties may audio tape record hearings. Video recording will not be allowed. (9/13/94)
- c) The Executive Officer will attend Grievance Committee, Hearings and Appeals. 3/18/03

SECTION 3.30 MEDIATION

- a) The Professional Standards Committee will provide mediation to members. 9/13/94
- b) Parties to be advised of mediation service before the arbitration request is reviewed by the Grievance Committee. 9/13/94
- c) Ombudsman – The Iowa Association of Realtors has contracted with Jim Berry as the Ombudsman for all members in the State of Iowa. 3/18/03

SECTION 3.31 ORIENTATION

An orientation will be held each year by the Board Attorney for the training of the

Professional Standards and Grievance Committees. 5/8/79 **Referred to Professional Standards Committee for a recommendation 2/12/03.**

SECTION 3.32 RESPONSE

- a) The Grievance Committee will not request a response for each ethics complaint and/or arbitration prior to the committee meeting but the respondent will be notified that a complaint has been filed - the results of the Grievance Committee will be transmitted by the Chairman of the Professional Standards Committee. 9/13/94
- b) The number of days for a response in Ethics and Arbitration will be 15 working days. 9/13/94

FINANCIAL POLICY

SECTION 3.33 BILLING SERVICE

Billing service is provided by the Board to each member office. With permission of the Broker, any member of the Office may charge supplies to the office unless the Broker provides a notice to the Board stating otherwise. 9/13/94

SECTION 3.34 RETURNED CHECKS

There will be a \$25.00 service charge on all checks returned by the bank as insufficient funds. 1/14/03

SECTION 3.35 DELINQUENT OFFICE ACCOUNTS

Section 3.29 Delinquent office accounts

All accounts are due and payable on or before the last day of the billing month. Unpaid accounts become delinquent on the first day of the following month, with a \$125 fine, accounts delinquent 60 days will be fined \$250 and board/mis services will cease at that time until the account is paid in full. The \$250 fine will be sent via registered letter notifying the Designated Broker of their membership status. (Bylaws Article 10 Section 6). 2/13/07

SECTION 3.36 CREDIT CARDS

Broker members may use their credit card for payment of dues and fees. Revised 8/22/14

SECTION 3.37 REFUNDS

There will be no refunds of dues or Multiple Listing fees except at the discretion of the Board of Directors. 9/13/94

SECTION 3.38 CONTRACTS

All obligations, financial or otherwise, or to initiate contracts and purchases for the Association must be done through the President or the Executive Officer. 9/13/94

SECTION 3.39 EXPENDITURES

The Board of Directors shall administer the day to day finances of the Association but shall not incur an obligation in excess of \$2,500.00 over the available cash on hand without authorization by a vote of the majority of all the

REALTOR members. (Section 6 of Bylaws) The Board of Directors shall not be telephone polled to approve matters involving expenditures.

SECTION 3.40 CAPITAL IMPROVEMENT FUND

Recommendation from the 2005 Finance Committee to earmark funds from the money market account (currently at \$49,265.25 as of 5/31/05) and transfer an amount out of our checking account into the money market account to bring that amount up to \$75,000 and earmark those funds as a Capital Improvement Fund. Effective July 1, 2005 all monies received for board and mls initiation fees will automatically be earmarked into the Capital Improvement Fund. Est. 7/05

Comment [K1]: Tabled as this should go to the Finance Committee for their consideration. Tabled till next meeting.

SECTION 3.41 SIGNATORIES

The signatories for the checking and savings accounts shall be the current President, Vice President and Treasurer. The Executive Officer will not sign any corporate checks. 1/30/93 & 1/14/03

SECTION 3.42 TRAVEL REIMBURSEMENT FOR MEMBERS

The board will reimburse for travel expenses according to the travel policy.

SECTION 3.43 RECORD RETENTION GUIDE

Monthly SWIAR Directors agendas, minutes and financial statements	7 years
Accounting	7 years
Billing records	7 years
Invoices	7 years
Contracts	permanent
Checks & bank statements	7 years
Employee Records	6 years after termination
Sold Books	permanent (1 copy)
SWIAR publications	5 years
Company Files	permanent
Individual Agent files	permanent
Arbitration Decision/award	keep permanent in co. file
Committee Files	3 years
Tax Returns	7 years

Section 3.44 Checking Account Funds

The Executive Officer has the authority to transfer any excess funds over \$20K from the general checking account to the Smith Barney Money Market account. Est. 2004

Section 3.45 Capital Improvement Fund

Effective July 1, 2005 all monies received for board and mls initiation fees will automatically be earmarked into the Capital Improvement Fund. Est. 7/05

Section 3.46 Assessor's Office

Effective 2005 the board application fee applies to the Pottawattamie County Assessor's office and not the individual licensee. The Assessor will be charged for annual dues each year as one licensed appraiser.

1. Entire board operational policies revised by: Jason James, Sheila Amdor, Gary Rindone & Sharon White & Approved by the board of directors April 8, 2003.
2. Revised in sections corresponding with the board's recommendations Oct. 2006 and 2007

SECTION FOUR

EMPLOYEE HANDBOOK

INTRODUCTION

The purpose of this handbook is to ensure that you understand the principles upon which the Association operates, the benefits that are offered to you and the responsibilities that you have as an employee.

The contents of this Employee Handbook were designed to help acquaint you with the Southwest Iowa Association of Realtors. While this employee handbook contains many facts about the SWIAR and its daily operations, it may not answer all questions. If a matter of importance has been overlooked, or has not been explained satisfactorily, do not hesitate to consult your supervisor about it.

TRADE ASSOCIATION

The Southwest Iowa Association of REALTORS is a trade association owned by the members of the Association. Their elected Board of Directors adopt Board policies which are carried out by the staff. It is very important for all staff members to recognize that the Board is owned and paid for by the membership and therefore a courteous attitude toward all members.

- Board Executive Officer - refer to Procedural Manual for Job description. The Executive Officer is the Office Manager in charge of the day-to-day operations. Executive Officer reports & answers to the board of directors. Individual members must place their suggestions, concerns, corrections etc. in writing to be reviewed by the board of directors. 1/16/12

SECTION 4.1 EMPLOYMENT CLASSIFICATIONS

- a) EQUAL OPPORTUNITY EMPLOYMENT - Equal treatment for all employees will be exercised in all activities and practices.
- b) FULL TIME, PERMANENT EMPLOYEE - A full time, permanent employee one who is regularly scheduled to work the normal work week hours (8:00 a.m. - 5:00 p.m. or 9:00 a.m. to 5:00 p.m.).
- c) PART-TIME PERMANENT EMPLOYEE - A part time permanent employee is one who is scheduled to work less than 36 hours per week. Such employees are not eligible for group insurance benefits, pension, vacation, sick benefits, holiday pay or other fringe benefits unless approved by the Executive Officer.
- d) TEMPORARY EMPLOYEE - Temporary employees are not eligible for Association benefits.

SECTION 4.2 ATTENDANCE AND PUNCTUALITY

Employee absences place an additional burden on the remaining work force and will seriously affect the Association's service to its members. Employees must make every effort to notify the Executive Officer in the event of any absence, and the employee should keep the Executive Officer up to date on the situation.

All employees regardless of position, should report to work on time. Your Executive Officer should be notified as soon as possible if you will be late. Should your absence or lateness become habitual, you are subject to probation or discharge. If an employee is absent with no notice to the Executive Officer for three consecutive days, they shall be acknowledged as voluntarily terminated from the Association.

SECTION 4.3 PERSONAL RECORD MAINTENANCE

The Association maintains personnel records on all of our employees. To help us keep our records up-to-date, please inform us of any changes in residence, phone number, marital status or dependency status.

SECTION 4.4 HEALTH AND SAFETY

The responsibility for the safety of our employees rests not only with the management of the Association, but also with the employees. Should an employee find an unsafe condition, the employee should report the condition to the Executive Officer immediately.

SECTION 4.5 TERMINATIONS

Conditions do arise which require probation and/or termination.

- a) Voluntary Termination - If you voluntarily terminate, you are requested to give at least two weeks notice. Your final check will include earned vacation. When you voluntarily terminate, you forfeit all seniority and benefits and if re-hired, you will be hired as a new employee.
- b) Discharge - If you are discharged, you will receive your final check for work performed to the time of termination including payment for earned vacation.

SECTION 4.6 PROBATION

Lack of performance or serious violation of Association rules and policies may result in probation or termination.

SECTION 4.7 OUTSIDE EMPLOYMENT

Employment in any real estate related fields shall be prohibited by Staff Members of the Southwest Iowa Association of Realtors.

SECTION 4.8 CONFIDENTIALITY OF MULTIPLE LISTING SERVICE INFORMATION

The Association maintains a very strict policy of treating all Association and Multiple Listing Service information as confidential to members only. Staff members are, therefore, required to treat such information similarly, violation of this regulation shall subject staff member to termination of employment.

SECTION 4.9 PERSONAL TELEPHONE CALLS

The use of the telephone for personal calls severely hinders our business operation. Therefore, if a personal call is necessary, please keep it to a minimum in length. Abuse of this telephone policy will subject employee to probation or termination.

SECTION 4.10 PERSONAL APPEARANCE

Your personal appearance creates a lasting impression on others. The Association is an institutional organization which requires a relatively high degree of dignity in both conduct and appearance. All staff members are expected to dress neatly and in good taste. The office staff shall wear professional attire during normal business hours. "Casual Friday" attire does not include jeans of any color.

SECTION 4.11 EMPLOYEE PARKING

Employee's cars are always to be parked in the driveway behind the Association Office.

SECTION 4.12 OFFICE HOURS

Regular work days are Monday through Friday. Work hours are normally 8:00 a.m. to 5:00 p.m. and 9:00 a.m. to 5:00 p.m. unless otherwise specified by the Executive Officer. One hour is allowed for lunch.

SECTION 4.13 WORK SCHEDULES

Your work duties will be set by the Executive Officer. However, if it is either too heavy or too light for your individual capabilities, discuss it with the Executive Officer.

A. Hourly employee compensation time: There will be no "Comp Time" for an hourly employee. When the employee cannot work any part of their scheduled shift *they will have prior approval from the Executive Officer in order to use vacation or sick benefits. Except in the case of an emergency. If the employee has not received these benefits due to length of employment or has previously used their benefits, the employee will not be paid for hours not worked. Overtime pay is addressed in this handbook and does not include compensating the hourly employee with time off for overtime worked.

SECTION 4.14 PAYDAYS

Salaried and hourly employees are paid on the 1st and the 15th of each month.

SECTION 4.15 PAYROLL DEDUCTIONS

In compliance with the Federal Tax Laws, all employees will have deductions

made from their paychecks for the Federal Withholding Tax and the Social Security Tax (FICA).

SECTION 4.16 OVERTIME PAY

Compared to the relatively straightforward rules governing minimum wage, the rules governing overtime pay are complicated and confusing. The overtime pay premium (one and one-half time the regular rate) applies to all hours worked above 40 in a workweek. Each workweek is a separate unit for overtime purposes; hours may not be averaged over two or more weeks. There is no absolute limit on the number of hours an employee may work in any workweek. The Fair Labor Standards Act does not require that an employee be paid overtime compensation for working more than eight hours in a day, or for work on Saturday or Sunday, holidays, or regular days of rest.

Overtime compensation need not be paid weekly; instead, it must be paid on the regular pay date for the periods in which such workweeks end. If there is a problem in completing the overtime computations by the end of the pay period, the FLSA will be satisfied if the employer pays the excess overtime compensation as soon as possible. In no event may payment be delayed beyond the next payday.

In recent years, there has been a growing number of court rulings involving employers who keep workers "on call," time. While there has been a variance in the courts' rulings, an employer is generally going to be responsible for overtime where the "on call" rules prevent employees from effectively using the time for personal pursuits. * 04/00 "How to Comply with Federal Employee Laws" book page 27, 1999 Edition.

We operate under the premise that the hourly employee will be able to complete their work during a 40 hour work week but should overtime become necessary it should be approved in advance by the Chair of Office Staff Committee. Should the Chair of Office Staff be unavailable contact the current President or Vice President, Secretary/Treasurer. April 2000.

Section 4.17 Funeral (Bereavement) Leave: You are entitled to take up to three (3) workdays with pay to attend the funeral and take care of personal matters related to the death of a member of your immediate family. (A parent, spouse, spouse's parents, child, spouse's child by a former marriage, brother or sister.) One (1) day of paid funeral leave will be granted in the case of the death of a grandparent, your spouse's grandparent or sibling, or any member of your extended family living in your home. Only regular full-time employees are eligible for paid funeral leave. With your executive officer's approval, you may take up to one full day without pay to attend funerals of other relatives and friends. If you prefer, unused personal leave or a day of earned vacation may be used for this purpose. May 2006

GENERAL BENEFITS

SECTION 4.18 WORKMEN'S COMPENSATION

The Board provides brochures covering this topic.

SECTION 4.19 HOLIDAYS

The following paid holidays are recognized by the Board: New Years Day, Memorial Day, Fourth of July, Labor Day, Thanksgiving, Day after Thanksgiving, Christmas Eve, Christmas Day. The board office will close early at 12:00 p.m., on New Years Eve and Good Friday. Revised 8/22/14

If a holiday falls on a Saturday or Sunday, the holiday shall be taken on the day observed by the offices of the City of Council Bluffs.

If a holiday falls during your scheduled vacation, you may extend your vacation one day to compensate subject to scheduling with the Executive Officer.

SECTION 4.20 VACATIONS

Employees are eligible for one week vacation after the first year of employment. Two weeks of vacation after the second anniversary of employment. The vacation allowance is: Employees are eligible for 3 weeks vacation after 5 years of employment and 4 weeks of vacation after 10 years of employment and 5 weeks vacation after 15 years employment. Vacations must be taken in the employment year of eligibility. Vacation time must be approved in advance. Est. 9/2006

SECTION 4.21 SICK LEAVE

As a protection against loss of wages in case of illness - All full time employees who have completed six months of service receive three (3) days of sick leave per calendar year at their regular rate of pay. After one year of service, all full time employees receive six (6) days sick leave per calendar year at their regular rate of pay. Any unused sick leave shall be accumulated for the following year not to exceed thirty (30) days. Sick leave lapses without payment at termination.

SECTION 4.22 JURY DUTY

The Association recognizes the civic obligations of employees who are call for "jury duty". The Association will pay the difference in pay between the jury pay and the employee's regular pay. If a court session is terminated during working hours, or the employee is not called to serve that day, the employee is obligated to return to work. The Association reserves the right to limit jury duty pay to a maximum of one month.

SECTION 4.23 PERSONAL LEAVE OF ABSENCE

Without the exception of Medical and Military leave of absence, it is the policy of the Association not to grant a personal leave of absence. However, under very unusual circumstances, the Association will consider granting a short leave of absence. Such leave of absence must be approved by the Executive Officer and the Board of Directors.

SECTION 4.24 DISABILITY LEAVE

Requests for Maternity Leave will be honored for a reasonable amount of time, not to exceed three (3) months, pending approval by the Executive Officer and the Board of Directors. Seniority rights shall be restored to an employee upon return to work subsequent to an approved maternity leave. Revised 8/22/14

SECTION 4.25 PERSONAL VEHICLE USE

All employees who use their private automobiles for regular business as required in carrying out their job responsibilities are expected to provide, on their own, reasonable automobile insurance protection.

Section 4.26 SIMPLE IRA PLAN FOR EMPLOYEES

The Southwest Iowa Association of REALTORS has adopted a "5304 Savings Incentive Match Plan for Employees of Small Employers (SIMPLE)" Plan for the benefit of eligible employees as outlined in the Summary Plan Description (SPD). As it is only a summary of the Plan and not a substitute for the Plan itself, the 5304-SIMPLE IRA Plan document elections (made by the employer) will rule if there are any inconsistencies between this summary and the Plan document. A copy of the 5304-SIMPLE IRA Plan document may be obtained from the employer upon request.

General Plan Information: Custodian's Name – Edward Jones. Edward Jones Investment Representative is Alan Coleman, 103 North Avenue Suite 3, Council Bluffs, IA 51503. Effective Date is 5/1/2001

Employer's right to amend the plan: The employer retains the right to amend the Plan. The Plan does not create any kind of employment contract between the employer and its employees. Amendment of the Plan will have no effect on amounts already contributed to the employee's accounts.

Eligibility Requirements: The employer permits salary reduction contributions to be made in each calendar year to a SIMPLE individual retirement account or annuity (SIMPLE IRA) for each eligible employee who meets the following requirements: Full Eligibility: All employees are immediately eligible.

See summary plan description and employer contribution notice provided by Edward Jones for details pertaining to:

Employee Salary Reduction Arrangements

Salary Reduction Election Periods

Employer Contributions and Vesting

Distributions
Rollovers & Transfers
Definitions of Employee for Purposes of this Plan

Employer Contribution Elections: For the calendar year, the employer of this SIMPLE Plan IRA has elected to contribute to each eligible employee's SIMPLE IRA a matching contribution equal to the employee's salary reduction contributions up to a limit of 3% of the employee's compensation for the year.

If the employee chooses to start or change his/her salary reduction agreement, he/she must complete a Salary Reduction Agreement Form and return it prior to the end of the fiscal year. In addition to the election period

Each employee will be provided annually the following items regarding the SIMPLE IRA Plan:

- Summary Plan Description (SPD) – Outlines the eligibility requirements and rules specific to the company's plan.
- Employer Contribution Notice – Outlines the contribution the employer has elected to make to the plan. Est. 2001

Section 4.27 MEDICAL INSURANCE BENEFIT PLAN

Eligibility All fulltime employees are eligible for reimbursement for a portion of their medical insurance benefit. The amount will be determined by the board of directors. Employees choosing not to receive the amount paid towards medical insurance benefits will not be reimbursed for said funds. Est Jan. 18, 2008.

Section 4.28 Employee Relations: NAR Employer/Employee Guidelines for Wrongful Termination

**NATIONAL ASSOCIATION OF REALTORS®
Human Resources Tool Kit**

**Employee Relations: NAR Employer/Employee Guidelines for Wrongful Termination
1. PERFORMANCE REVIEWS**

The performance review is an excellent opportunity to provide feedback to employees. Discuss the employee's outstanding accomplishments and those behaviors that need improvement. Also, set goals for the employee to meet by the next performance review; such goal-setting is a good motivational technique, because it makes employees feel they have a say in their work. Frequent performance reviews can also help catch misguided behaviors before they develop into major problems.

It is a good idea to review all new, transferred or promoted employees six months after their starting date in the new position. Schedule the employee's second performance review from six to 12 months after the first, and schedule all subsequent reviews on an annual basis. Conduct additional performance reviews if the employee's performance or behavior warrants it.

In addition to the more formal annual performance review, managers and supervisors should make it a goal to consistently provide ongoing, immediate positive and negative feedback to employees. Always remember to praise employees publicly and to offer any constructive criticism in private.

Formal performance appraisals must be documented in writing and signed by the employee. Keep in mind that performance reviews do not necessarily require wage and salary adjustments.

Access more information about performance appraisals in the "Employee Retention" section of this tool kit

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2. DISCIPLINARY ACTION

Employees must be disciplined in a uniform and progressive manner. Follow set steps when disciplining poor employee performance and violation of any standards of conduct. The Personnel Committee decision about which step to take will depend on the nature of the violation or performance problem, its seriousness and frequency, and the employee's record.

2a. Verbal Warning

For many minor infractions or performance problems, an employee may only require a verbal warning to correct the situation. Procedure for administering a verbal warning:

- Meet with the employee.
- Explain the nature of the violation or the performance problem.
- Discuss the problem and its resolution with the employee.
- Describe the future behavior expected of the employee.
- Establish the time frame by which the change needs to occur.
- Identify the consequences, should the change not occur.
- Note the date, time and content of the conversation in writing.
- If the employee repeats the behavior, provide another verbal warning or administer the next disciplinary action, the written warning.

2b. Written Warning

The next step in progressive discipline is to issue a written warning. Use written warnings if an employee continually repeats minor violations, has performance problems unresolved by verbal warnings, violates more serious standards of conduct or demonstrates major performance problems. Procedure for issuing a written warning:

- Create a written memorandum in which the facts involved in the problem are described. This document should detail the problem, solution, time frames and consequences, and reference all previous verbal warnings.
- Meet with the employee to discuss the memorandum.
- Ask the employee to sign the memorandum acknowledging his receipt and understanding of it.
- Allow the employee to offer a written response to the warning.

Put a signed copy of the memorandum (with the employee's response, if any) in the employee's personnel file.

2c. Probation

Probation occurs after an employee has been warned about a specific behavior and there is an opportunity to correct the situation in lieu of suspension or termination. An employee on probation typically continues to report to work and to perform his duties with the expectation that the behavior or situation in question will be corrected. Probation procedure:

- Create a written memorandum in which the facts surrounding the situation are described, including prior steps taken in an attempt to correct the problem.
- Specify the duration of the probation and specifically identify what corrections to the behavior or circumstances are expected. Also include the outcome if expected corrections are not made.
- Meet with the employee to discuss the memorandum and ask the employee to sign it, thereby acknowledging his receipt and understanding of it.
- Monitor the employee closely during the probation period to see if the desired result is being achieved.

2d. Suspension

Some situations warrant the temporary removal of staff from the premises and/or interaction with other employees or members while further investigation or consideration takes place. An association's policy should address whether compensation and benefits also continue during a term of suspension. Suspension procedure:

- Prior to suspending an employee, seek advice from legal counsel to ensure any documentation (such as a memorandum) and conversations with the employee comply with state and federal laws.
- Write a memorandum stating the facts surrounding the situation and discuss in it any prior steps taken in an attempt to correct the problem.
 - Specify the duration of the suspension in the memorandum and what will lead to the termination of the suspension. Also state whether compensation will continue during the suspension and what happens if the employee does not correct the situation or issue during the suspension period.
 - Meet with the employee to discuss the memorandum. It is advisable to have another senior staff person present to witness the meeting. Ask the employee to sign the memorandum, thereby acknowledging his receipt and understanding of it.
 - When suspension begins, ask the employee to leave the premises immediately and to take any personal belongings. Arrange to have a staff person present while the employee removes personal belongings from the workstation and/or office.

3. TERMINATION

State and federal laws greatly affect employee termination, and such an action must be handled with knowledge and expertise. If an occurrence appears to merit or be grounds for immediate termination, contact association legal counsel. If the behavior is a repeated offense, the employee's file must be sufficiently documented to support termination. Before discharging an employee, review all documentation with legal counsel.

3a. Documentation

All incidents of misbehavior, conversations with employees regarding those incidents, memorandums, employee responses, and other information pertinent to the misbehavior or performance problems of an employee must be documented in that employee's personnel file. Remember, when documenting violations or performance problems, be objective and provide only the facts. Do not include personal feelings or opinions about an employee or an incident in a memorandum or in any verbal warnings. Take care not to reprimand employees in front of other staff or members.

3b. Practical Concerns

The termination meeting with the employee should be relatively short and be conducted in a manner that maintains the employee's dignity. Do this by meeting in a private location, reviewing the appropriate documentation and informing the employee that his employment is being terminated. Confine your comments to the employee's behavior and do not pass judgment on the employee. Terminations based on

poor performance are commonly the result of a mismatch between the individual's talents and the needs of the job, and are not a reflection on the person's worth as a human being.

If severance pay is to be provided, it should be discussed at this time. Further, some organizations require the employee to sign a release agreeing not to sue the organization in exchange for the severance compensation. If you will require a signed release, have the document ready at the termination meeting.

The employee should be allowed to return to the office after hours (under your supervision) to collect personal items, should he so desire.

Remember, your current employees will pay careful attention to how you treat the terminated employee.

SECTION 5 TRAVEL POLICY AND PROCEDURES

This policy outlines reimbursable expenditures for members traveling on behalf of the Association. This policy has been approved by the Southwest Iowa Association of REALTORS to:

- 1. Assure compliance with minimum Internal Revenue Service (IRS) requirements.**
- 2. Assure that members are reimbursed on a fair and equitable basis.**
- 3. Avoid undue record keeping and reimbursement delays.**
- 4. Supplement reimbursable expenses not covered by state and national association policies.**

The Southwest Iowa Association of REALTORS will not reimburse expenses which are not in compliance with IRS requirements or the Southwest Iowa Association of REALTORS Travel Policy.

TRAVEL REIMBURSEMENT FOR MEMBERS

**The board will reimburse for travel expenses according to the travel policy as budget allows for the (President, Vice-President, & Secretary/Treasurer) for attending the State Convention, State Summer Meetings, State Winter Meetings, (President & Vice President) for attending NAR Mid-Year Meetings and NAR Annual Convention, (Vice President) to attend NAR Annual Leadership Summit. The Executive Committee will also be reimbursed for any other state meetings attended as necessary. Committee chairs and general members interested in attending state governance meetings for the benefit of the board must submit a written request to the Board of Directors for consideration. Revised 8/22/14.
Revised again Jan. 2015.**

Section 5.1 CASH ADVANCES

- A) Reimbursed members will receive a cash advance of \$50.00 per day (Trips within 250 miles of Board Office) or \$65.00 per day (Trips outside 250 miles of Board Office) for the business portion of their trip and one**

travel day each way if necessary as a daily stipend for all food, tips, cab, bus, subway fares, hotel incidentals, internet charges, phone calls, ticketed events, etc., etc.. No receipts will be necessary or expense report submitted.

- B) Members driving to their destination may receive a cash advance for mileage at the current IRS rate up to \$500.00 maximum. Mileage to be determined by distance between traveling members starting point & destination point for advance purposes. Members should submit a preliminary expense report showing mileage for trip in order to receive an advance for mileage. Members may submit an expense report with exact mileage upon return of trip for any additional mileage reimbursement up to the \$500.00 maximum.

Section 5.2 REIMBURSABLE EXPENSES

- A) Airport to hotel (and vice versa) transportation expenses are reimbursable upon an expense report submitted with an original receipt.
- B) Any other “Out of the Ordinary” expenses may be reimbursable upon an expense report submitted with an original receipt and with the approval of the Board of Directors. Such expenses should be rare and should be an unexpected needed expense.

Section 5.3 TRANSPORTATION

- A) AIR - Airfare will be arranged through the Executive Officer. Coach class nonrefundable will be reserved (unless you wish to pay the difference to fly business or first class). Should you have any special travel arrangement needs, they should be relayed to the Executive Officer as soon as you are aware so that the lowest fares possible may be arranged.
- B) PERSONAL AUTOMOBILE – You will be reimbursed at the current IRS rate for all miles driven for Southwest Iowa Association of Realtors business up to a \$500.00 maximum. Toll charges and parking charges are reimbursable with receipts up to the \$500.00 maximum only.
- C) OTHER TRANSPORTATION – Train or other transportation methods are reimbursable with receipt up to a \$500.00 maximum. Alternate transportation methods may be arranged in advance through the Executive Officer or made by the traveling member.

Section 5.4 LODGING

- A) Lodging will be arranged through the Executive Officer for all business portions of the trip. Any additional nights should be reserved under the member’s credit card separately.
- B) Should a member make their own reservations, room and tax expenses are reimbursable upon an expense report submitted with original receipt but only up to the cost of the lodging arrangements available through the Executive Officer. Any other lodging incidentals are to be included in the \$50.00/\$65.00 daily stipend and are not reimbursable.

- C) **Should a member find it necessary to cancel any hotel reservations, it is the member's responsibility to contact the Executive Officer during business hours or the hotel after hours so that the Association is not charged for a "no show".**

Section 5.5 MEETINGS ATTENDANCE POLICY

Members traveling on behalf of the Southwest Iowa Association of Realtors are expected to attend a majority of the meetings and trade show during the business portion of the trip. A report will be given to the Board of Directors on significant issues within one week of returning.

Section 5.6 TIMELINES

Expense reports must be submitted for all trips showing any daily stipends, cash advances, or any other expenses with receipts as needed and outlined in this travel policy. All expenses submitted for reimbursement must be on an expense report with original receipts and be submitted within 30 days of the completed trip. Any expense reports submitted more than 30 days after completion of the trip need Board of Directors approval for reimbursement. Any expense reports submitted more than 90 days after completion of the trip are not reimbursable.

Revised: 08/00

Revised: 4/28/03

Revised: Jan. 2008

Travel Policy updated 3/2010

Revised Feb. 2013

Revised August 22, 2014

Revised Jan. 2015.

Revised April 2015 Added input and maintenance fees