



Kentucky State Council of the Emergency Nurses Association Records Retention Policy

A. As a tax-exempt, non-profit organization, record keeping and record retention are very important. Although in many situations the requirements for a profit corporation and non-profit corporation are identical, there are two specific considerations for the non-profit organization to have an established records retention policy:

a. In order to retain Federal Tax exemption, a non-profit organization must establish that it is organized and operated as to the specified purpose that gave rise to the Internal Revenue grant of a tax exemption. Kentucky Emergency Nurses Association's non-profit classification is as an "educational" organization (IRS section 501(c)(3)).

b. Under the federal Sarbanes-Oxley Act (2002), the destruction of documents in the face of a governmental inquiry is a criminal offense and applies to both profit and non-profit companies. Although there have been various state and federal requirements regarding the maintenance of records before Sarbanes-Oxley, it is now of utmost importance to maintain a policy of records retention and be aware of this law in the decision making process for destruction of documents.

B. The table marked as Attachment A, which is not specifically mandated by state or federal statute does provide a rational order of retention and disposal time-tables suggested by the possibility of disputes within the organization, litigation, and potential for audits by federal or state authorities.

C. Electronic documents and records that are stored on physical media (hard drives, USB drives, CDs, DVDs, tape back up, etc.) also need to be destroyed. Destruction of these records can be done by physical obliteration of the media (breaking or physically shredding CDs and DVDs, drilling into a hard drive to destroy it, etc.). Destruction can also be done by electronic shredding of the media by a commercially available program (Norton, McAfee, etc.) or a free program such as Eraser (<http://eraser.heidi.de>) or Darik's Boot-n-Nuke (www.dban.org/download)

D. All records (whether paper or electronic) that are destroyed must be recorded on a document destruction log before being destroyed.

The terms "records" and "records retention" include hard copy paper, computer disks, microfilm, scanned, or digitized copies, magnetic and visual media, and such other electronic communications.



ATTACHMENT A
RECORDS RETENTION POLICY
INSTITUTIONAL AND LEGAL RECORDS

1. Articles of Incorporation Permanent
2. Charter Permanent
3. By-Laws Permanent
4. Policies Permanent
5. Minutes of Board Meetings Permanent
6. Minutes of Council Meetings Permanent
7. Minutes of Committee Meetings Permanent
8. State Qualifications of Doing Business Permanent
9. Document Destruction Log Permanent
10. Official Correspondence 7 years
11. Personnel Files including I-9 records while active + 6 years

FEDERAL TAX RECORDS

1. Form 990 and support Permanent
2. Form 990-T and support Permanent
3. IRS Exemption Application and Determination Letter Permanent
4. State Tax Exemptions Permanent
5. Employee Identification Number (EIN) Permanent

ACCOUNTING & FINANCIAL RECORDS

1. Accounts Receivable and Subsidiary Ledgers 10 years
2. Uncollected Accounts 10 years
3. Accounts Payable and Subsidiary Ledgers 10 years
4. 1099 and other federal forms 10 years
5. Check Registers 10 years
6. Description of Accounting System 10 years
7. General Ledgers and Operating Ledgers While active + 9 years
8. Program Annual Financial Reports While active + 9 years
9. Annual Financial Statements & Audit Reports Permanent
10. Scholarship Applications (whether awarded or not) 7 years (per ENA policy)

LITIGATION RECORDS

1. Claims While active + 9 years
2. Court documents & Records While active + 9 years
3. Discovery materials While active + 9 years
4. Settlement documents Permanent



INSURANCE RECORDS

1. Property & Liability Policies While active + 12 years
2. Insurance claims documentation while active + 12 years

BANK RECORDS

1. Bank, Brokerage, Investment Accounts Statements 7 years
2. Wire Transfer Records 7 years
3. Bank Reconciliation's & Support 7 years
4. Canceled Checks 7 years
5. Cash Receipts 7 years

ALL OTHER COMMUNICATIONS AND RECORDS NOT IDENTIFIED IN THIS LISTING SHOULD BE RETAINED AS A MINIMUM WHILE ACTIVE + 6 YEARS.



Kentucky State Council of the Emergency Nurses Association Conflict of Interest Policy

To be in compliance with the IRS form 990, the Kentucky Emergency Nurses Association (KYENA) in conjunction with the National Emergency Nurses Association has developed the following conflict of interest policy.

Article I

Purpose

The purpose of the conflict of interest policy is to protect the interests of this tax-exempt organization, the Kentucky Emergency Nurses Association, Inc. (KYENA), when it is contemplating entering into a transaction or arrangement that might benefit the private interest of an officer or director of the KYENA or might result in possible excess benefit transaction. This policy is intended to supplement but not replace any applicable state and federal laws governing conflict of interest applicable to nonprofit and charitable organizations.

Article II

Definitions

1. Interested Person

Any director, principal officer, or chair of a committee with governing board delegated powers, who has a direct or indirect financial interest, as defined below, is an interested person.

2. Financial Interest

A person has a financial interest if the person has, directly or indirectly, through business, investment, or family:

- a. An ownership or investment in any entity with which the KYENA has a transaction or arrangement,
- b. A compensation arrangement with any entity with which the KYENA has a transaction or arrangement, or
- c. A proposal ownership or investment interest in, or compensation arrangement with any entity or individual with which the KYENA is negotiating a transaction or arrangement. Compensation includes direct and indirect remuneration as well as gifts or favors that are not insubstantial.
- d. Each board member or committee chair will sign a conflict of interest disclosure annually. A financial interest is not necessarily a conflict of interest. Under Article III a person who has a financial interest may have a conflict of interest only if the appropriate governing board or committee decides that a conflict of interest exists.

Article III

Procedures



- a. In connection with any actual or possible conflict of interest, an interested person must disclose the existence of the financial interest and be given the opportunity to disclose all material facts to the directors and members of committees with governing board delegated powers considering the proposed transaction or arrangement.
- b. The remaining board or committee members shall decide if a conflict of interest exists.
- c. After disclosure of the financial interest and all material facts, and after any discussion with the interested person, he/shall leave the governing board or committee meeting while the determination of a conflict of interest is discussed and voted upon.



Kentucky State Council of the Emergency Nurses Association

CONFLICT OF INTEREST DISCLOSURE STATEMENT

I. NAME AND BACKGROUND INFORMATION

A.

Name:

Address:

Position with Association:

B. I hereby state that I or members of my immediate family have the following affiliations or interests and have taken part in the following transactions that, when considered in conjunction with my position with or relation to the Emergency Nurses Association ("Association") or any of its affiliates or subsidiaries, might possibly constitute a conflict of interest. (Check "none" where applicable.)

II. OUTSIDE INTERESTS

Identify any position held by yourself or a member of your immediate family in any outside concern from which the Association or any of its subsidiaries or affiliates secures goods or services or that provides services competitive with the Association or any of its subsidiaries or affiliates.
(_____) none

III. INVESTMENTS

List and describe, with respect to yourself or a member of your immediate family, all investments that might be considered a "material financial interest", as described below:



A. Capital stock, obligations, or a combination of both, of any concern the capital stock or obligation of which are listed on any nationally recognized securities exchange, having an

aggregate value in excess of \$500,000; or

B. Any interest in any other outside concern, with the exception of the holding of indebtedness; or

C. Holding of indebtedness of any outside concern, other than those mentioned in subparagraph A above, in any amount in excess of \$100,000.

(_____) none

IV. OUTSIDE ACTIVITIES

List any other activities in which you or your immediate family are engaged that might be regarded as

constituting a conflict of interest, giving particular attention to activities rendered as a director, manager,

consultant or employee of any outside concern that does business with or competes with the Association

or any of its subsidiaries or affiliates, and to activities in which it would be possible to disclose or use

information relating to the Association or any of its subsidiaries or affiliates for your advantage or of that of

a member of your immediate family.

(_____) none

V. GIFTS, GRATUITIES AND ENTERTAINMENT

List and describe any gifts, gratuities or entertainment that you or members of your immediate family have

received from any person or outside concern that does business, hopes to do business, or competes with



the Association or any of its subsidiaries or affiliates. (If you have received such benefits, please approximate their value. Do not list gifts or entertainment of nominal value.)
(_____) none

ACKNOWLEDGEMENT AND SIGNATURE

I hereby agree to report to the President any changes in the response to each of the foregoing questions which may result from changes in circumstances before completion of my next Conflict of Interest Disclosure Statement.

The information I have given in this Statement is complete and accurate to the best of my knowledge.

Signature

Position

Date



Kentucky State Council of the Emergency Nurses Association FEDERAL TAX ID NUMBER USE POLICY

This Policy is intended to give guidance to chapter wanting to use the Kentucky ENA Federal Tax ID number for their bank account purposes.

Note that there is great liability on the state's part in giving out this information, thus proper policy must be in place to govern its use.

Kentucky ENA is incorporated as a not-for-profit organization. There is no more important state requirement than maintaining our corporate not-for-profit status. Having a corporate shell is what protects the State and Chapter leaders for personal liability should a claim be filed.

- A. All chapters wanting to use the Kentucky ENA Federal Tax ID number must request so in writing to the Kentucky ENA Treasurer.
- B. Upon being given the number for use, the chapter must open all bank accounts at bank of choice.
- C. Kentucky ENA Treasurer can access account information from all Kentucky local chapters.
- D. State and Chapter must have 2 co-signers on their accounts, including current state treasurer
- E. Chapters using the Kentucky ENA Federal Tax ID number are required to send annual treasurers' reports to the Kentucky ENA Treasurer **no later than January 31st.**
 - 1. Failure of a chapter using the Kentucky ENA Federal Tax ID number to provide the requested receipts to the Kentucky ENA Treasurer will result in the chapter coming under the Kentucky ENA Chapter Probation Policy.
- F. Kentucky ENA reserves the right to revoke a chapter use of the Kentucky ENA Federal Tax ID Number for any reason that may jeopardize Kentucky ENA's standing with the IRS or any violation that may cause Kentucky ENA to lose it's corporate not-for-profit status.
 - 1. Kentucky ENA also reserves the right to enforce disciplinary action on a chapter or its Leadership for flagrant misuse of the Kentucky ENA Federal Tax ID number. This can range from a warning, to removal of officers, to revoking of the chapter's charter depending on the severity of the infraction.



Kentucky State Council of the Emergency Nurses Association CHAPTER PROBATION POLICY

Kentucky ENA prides itself on its local chapters. Local Chapters are the heart and soul of the ENA, with this being the main avenue for members to be involved. However, chapters also have responsibilities to Kentucky ENA. These responsibilities are to ensure that there is open communication between the chapters and the State Council, and provide a means for the State Council to ensure that the chapters are active and meeting the needs of its members.

Please note that the Kentucky ENA State Council has the right to revoke the charter of any chapter residing within its state.

This Policy is to serve as a guide to chapter as to what is expected from the State Council. It also provides the repercussions of failure comply with what is the chapter leadership's responsibility.

A. Every Chapter shall send a report of the next years Chapter Leadership to the State Council President no later than **October 31st**. Note this is also a National ENA requirement.

1. Kentucky ENA will send a warning notice if information is not received by **December 1st**.
2. Kentucky ENA will vote to place chapter on Probation if information is not received by **February 15th**.
3. Kentucky ENA will vote to revoke the chapter's charter if information is not received by **June 1st**.

*****Please note that since this is a National ENA requirement, the national organization reserves the right to revoke the chapter's charter without the State Council's permission or notice.*****

B. Every Chapter shall send a copy of their annual report to the State Council President no later than **December 31st**. Note that this is also a National ENA requirement.

1. Kentucky ENA will send a warning notice if the report is not received by **January 31st**.
2. Kentucky ENA will vote to place chapter on Probation if the report is not received by **February 15th**.
3. Kentucky ENA will vote to revoke the chapter's charter if the report is not received by **March 15th**.

*****Please note that since this is a National ENA requirement, the national organization reserves the right to revoke the chapter's charter without the State Council's permission or notice.*****



C. It is the responsibility of the Chapter President or Chapter Representative to give either a written or oral report to the State Council at **every** regularly scheduled State Council meeting. This report can be given verbally at the meeting or teleconference, or this report can be written in the form of filling out the online report available on Kentucky ENA's website.

1. Kentucky ENA will send a warning notice to the chapter if a report is not received for two consecutive regularly scheduled State Council meetings.
2. Kentucky ENA will vote to place the chapter on Probation if a report is not received for four consecutive regularly scheduled State Council meetings.
3. Kentucky ENA will vote to revoke the chapter's charter if a report is not received for six consecutive regularly scheduled State Council meetings.

D. It is the responsibility of the Chapter President or Chapter Representative to be present at regularly Scheduled State Council meetings and teleconferences.

1. Kentucky ENA will send a warning notice to the chapter after no attendance at two consecutive regularly scheduled State Council meetings.
2. Kentucky ENA will vote to place the chapter on Probation after no attendance at four consecutive regularly scheduled State Council meetings.
3. Kentucky ENA will vote to revoke the chapter's charter after no attendance at six consecutive regularly scheduled State Council meetings.

E. For chapters using the Kentucky ENA Federal Tax ID number. Chapters will abide by the Kentucky ENA Federal Tax ID Number Use Policy.

F. Kentucky ENA reserves the right to vote to place a chapter on Probation or to revoke a chapter's charter if the chapter is acting well outside the mission and values of the Emergency Nurses Association and/or the Kentucky Emergency Nurses Association.

PROBATION

The Kentucky ENA will vote to place a chapter on Probation for failure to meeting the requirements listed above. Kentucky ENA can chose to enact the following on any chapter on Probation (list is not all inclusive):

- A. Chapter to be unable to submit proposals to the State Council to host State Council meetings, state supported courses, or state supported conferences.
- B. Withholding of any funds that Kentucky ENA may have outstanding to a chapter.
- C. Withholding of funds to support a chapter conference or course.
- D. Inability to use Kentucky ENA's teleconferencing account.
- E. Inability for chapter leadership and chapter members to serve as Delegates to the General Assembly.
- F. Inability of chapter leadership to be nominated for a state elected position.

VOTING ON DISPLINARY ACTION



- A. Voting to put a chapter on Probation will take place at the next possible State Council meeting.
- B. Voting to revoke a chapter's charter can only take place at a face-to-face State Council meeting.
- C. If there is action taken by a Chapter that puts the State Council in jeopardy of losing its charter, or in jeopardy of losing its not-for-profit corporate status, a vote can be taken by 100% of the Executive Board. This action will then have to be ratified at a later date by the State Council.



Kentucky State Council of the Emergency Nurses Association Antitrust Policy

Purpose:

To ensure monitoring of organization activities in order to prevent violations of the antitrust laws.

Antitrust Laws are also referred to as "competition laws" and are statutes developed by the government to protect consumers from predatory business practices by ensuring that fair competition exists in an open market economy and seeks to make businesses compete fairly.

Kentucky ENA will adhere to federal and state antitrust laws and regulations applicable to 501(c)(3) organizations, not engaging in any activity that may result in an unreasonable restraint of trade.

Procedure:

- A. The national ENA legal counsel will inform the state councils as to the importance of compliance with antitrust laws and regulations and identify changes in the antitrust laws.
- B. Kentucky ENA board will base business decisions on stated, reasonable criteria that are applied objectively, consider all potential vendors, and approve in advance all new programs or changes in existing programs that have potential antitrust implications.
- C. Minutes of all Kentucky ENA meetings will reflect the business conducted and reflect Kentucky ENA's policy of complying with the antitrust laws.
- D. Any Kentucky ENA member with concerns regarding antitrust should immediately contact the Kentucky ENA president, with initial or follow-up communication in writing. The Kentucky ENA president will speak with legal counsel at the national ENA about concerns as warranted.

Adopted 1/1/2019



Kentucky State Council of the Emergency Nurses Association Reserves Policy

The creation and maintenance of adequate reserves is a fundamental tenet of sound financial management.

The purpose of accumulating reserves of the Kentucky Emergency Nurses Association (KYENA) is to assure the KYENA has the financial means to continue to provide essential services to its members and the general public in both the short- and long-term future.

The specific objectives of the KYENA reserves are as follows:

- To sustain basic operations and core member services for a minimum of six months in the event there is a decline in a major revenue source.
- To sustain essential member services during a transition to a long-term economic downturn.
- To cover unbudgeted and extraordinary expenditures brought about by unanticipated challenges or opportunities.
- To provide a source of capital for research and development of new products and services that have the potential to significantly benefit the emergency nursing profession.
- To fund major capital improvements to serve members better such as new information/technology systems.
- To have sufficient funds so that income from investment of these funds could be used to offer member benefits at lower cost than would otherwise be possible.
- To have sufficient funds so that income from investment of these funds could be shared with local chapters to further strengthen membership at the state and local levels.

It shall be the responsibility of the KYENA Treasurer to recommend to the KYENA Board of Directors a target amount for the reserves in order to meet the objectives of this policy. The objectives of this policy shall be reviewed and the target amount adjusted at intervals not to exceed two years.

Adopted 1/1/2019
Set for review Q1 2019



Kentucky State Council of the Emergency Nurses Association Investment Policy

1. Statement of Purpose:

The purpose of this document is to establish the investment goals and objectives and policy guidelines for managing the short- and long-term investment funds of Kentucky State Council. It is intended that these goals, objectives and guidelines provide meaningful guidance and expectations in the management and performance of the funds and to provide the flexibility to respond to given changing economic, business and investment conditions.

2. The State Council's funds should be invested in such a manner as to:

- a. Maximize total returns consistent with (1) acceptable levels of risk and (2) the liquidity needs of the Council
- b. Adhere to applicable statutes and policies related to fiduciary responsibility.

3. Short-term Funds and Long-term funds:

A. Short-term Funds: The goals of investing short-term funds shall be preservation of principal, liquidity times to spending needs and reasonable current income, subject to any grant restrictions.

B. Long-term Funds: The goals of investing long-term funds shall be to generate a reasonable rate of return at a relatively low level of risk, prescribing the real inflation adjusted value of the fund over time.

4. Investment Objectives:

The investment objective is to grow the value of the Council's investment funds over the long term and to earn total rates of return greater than those currently received by the Council's banking strategy, while avoiding undue risk and generating liquidity sufficient for the needs of the Council's operations. Although short-term fluctuations will affect portfolio performance, the Council expects:

(a) the short-term investments to preserve principal and the invested portion thereof to generate current income equal to a market rate of return for short term fixed income securities; and

(b) the long-term investments to provide for any emergency liquidity needs of the Council and to generate a total return net of investment expenses over a five-year moving time period that exceeds the rate of inflation plus three to five percent (3-5%) annually

5. General Investment Policies

A. The KYENA treasurer shall make recommendations upon the advice of the investment managers, brokers and/or bankers with respect to investments within the policies set by the Board of Directors. The Board of Directors shall vote on the Investments Committee's recommendations.

B. The board shall accept and act on investment recommendations made by the investment managers, brokers and/or bankers. The Treasurer shall advise the Board with respect to the status of investments and shall monitor the implementation of the decisions of the Board and be the



conduit between the Board and any investment managers, brokers and/or bankers.

C. Role of Investment Managers, Brokers and/or Bankers The investment managers, brokers and/or bankers (managers) have the discretion to purchase, sell or hold the specific securities and/or funds that will be used to meet investment objectives of the Council. The Board will not reserve any control over investment decisions with the exception of specific limitations described in these statements. Managers will be held responsible and accountable to achieve the objectives herein stated. While it is not believed the limitations will hamper managers, each manager should request modifications which they deem appropriate.

6. Investment Selections Standards

A. Investments will be made and held through mutual funds or other collective investment vehicles rather than individual securities.

B. The Council may accept donations of marketable securities, which will be reviewed immediately to determine whether or not the investments fit within the guidelines of this policy, if not, it will be sold immediately.

7. Prohibited Investments and Transactions

The following investments and transactions are prohibited: direct investment on real estate, short sales, margin transactions, non-publically traded securities and derivatives; except that investments in mutual funds that employ such strategies on a limited basis or only for hedging purposes are permitted.

8. Investments Performance Review Evaluation and Reporting

A. The treasurer and Board of Directors shall review and evaluate the performance results of the investments funds quarterly and at the end of each year and shall compare performance results to relevant benchmarks.

B. The Investment manager, broker or banker shall report to the board at least annually on the composition and performance results of the funds.

9. Policy Review

Any KYENA member can review this statement on a periodic basis and make recommendations to the Board of Directors for modifications, as the Committee deems appropriate. OR The board will review this statement on a periodic basis and will consider modifications as appropriate.

This policy may be amended or any exceptions to it may be authorized by resolution of the Board of Directors at any time.



Kentucky State Council of the Emergency Nurses Association MEMBERSHIP PROTECTION WHISTLEBLOWER POLICY

If any member reasonably believes that some policy, practice, or activity of the Kentucky State Council of Emergency Nurses Association (KYENA) is in violation of law, a written complain must be filed by that member with the President of KYENA. It is the intent of KYENA to adhere to all laws and regulations that apply to the organization and the underlying purpose of this policy is to support the organization's goal of legal compliance. The support of all members is necessary to achieving compliance with various laws and regulations.

1. A member is protected from retaliation only if the member brings the alleged unlawful activity, policy, or practice to the attention of Kentucky state council of Emergency Nurses Association (KYENA) and provides the KYENA with a reasonable opportunity to investigate and correct the alleged unlawful activity. The protection described below is only available to members that comply with this requirement.
2. Kentucky state council of Emergency Nurses Association (KYENA) will not retaliate against members who in good faith, has made a protest or raised a complaint against some practice of KYENA or of another individual or entity with whom KYENA has a business relationship, on the basis of a reasonable belief that the practice is in violation of law, or a clear mandate of public policy.
3. Kentucky state council of Emergency Nurses Association (KYENA) will not retaliate against members who disclose or threaten to disclose to a supervisor or a public body, any activity, policy, or practice of KYENA that the member reasonably believes is in violation of a law, or a rule, or regulation mandated pursuant to law or is in violation of a clear mandate of public policy concerning the health, safety, welfare, or protection of the environment.

Effective: 2/2019