



Guidelines & Principles

Legal Compliance Checklist

This list is a break out of all the “Required” sections of the Infrastructure Checklist

Financial Management

	Yes	No	In Progress	Not Applicable	Not Sure
Applicable IRS 990 Form US					
Appropriate categorization of donated funds—unrestricted, temporarily restricted or permanently restricted (990) US					
Audit , if organization spends over \$500,000 of federal money/grants (Office of Management & Budget Circular A-133 ; 990) US					
Bulk-rate postage permit, if applicable US					
Compliance with conditions placed upon donations (990) US					
Financial records & destruction policy (Sarbanes-Oxley Act of 2002 ; 990) US					
Financial supporting documentation —i.e., grant applications, sales slips, paid bills, invoices, receipts, deposit slips, cancelled checks (Internal Revenue Code §501(c)(3)) US					
IRS Form 1099-MISC , if applicable (Internal Revenue Code §501(c)(3)) US					
<ul style="list-style-type: none"> ▪ Houston Chronicle: Do Nonprofits Need to Issue 1099s? ▪ NPO Accounting Blog: 1099 Tips 					
Personal use of assets/funds policy (Internal Revenue Code §501(c)(3), §4958) US					
<ul style="list-style-type: none"> ▪ Legal Information Institute: 26 USC § 4958 - Taxes on excess benefit transactions 					
Qualify as a public charity under “ Public Support Test ” or “ Facts & Circumstances Test ” (Revenue Code §170(b)(1)(A)(VI), §509(a)(1);990) US					
Unrelated business income tax (UBIT) reporting, if applicable (Internal Revenue Code §501(c)(3)) US					
Whistleblower policy (Sarbanes-Oxley Act of 2002 ; 990) US					
Lobbying expense policy & procedures , if applicable (Lobbying Disclosure Act of 1995 ; Neb. Rev. Stat. §49-1483.03 ; Iowa Code §68B.37 ; 990) US, NE, IA					
Payroll —federal, state & local quarterly withholding/filings US, NE, IA					
File biennial report (by April 1st, in odd years) with Secretary of State (Neb. Rev. Stat. §21-125 ; Iowa Code §504.1613) NE, IA					
Prohibition on loans to board members/officers (Neb. Rev. Stat. §21-1988 ; Iowa Code §504.834) NE, IA					

Fundraising

	Yes	No	In Progress	Not Applicable	Not Sure
Compliance with fundraising rules & regulations (990) US					
Provide appropriate acknowledgement/receipts to donors (Internal Revenue Code §170(f) (17)); 990) US					
Professional commercial fundraisers must register with the Iowa attorney general and obtain a registration permit . May be required to update registration quarterly. (Iowa Code §13C.2) IA					
Charitable nonprofits fundraising in Iowa must be prepared to provide financial disclosure information to any person requesting it. (Iowa Code §13C) IA					
Obtain liquor license (Neb. Rev. Stat. §53-138.03 ; Iowa Code §123.30(3) (a)) NE, IA <ul style="list-style-type: none"> ▪ Nebraska: Do I Need A Liquor License? ▪ Nebraska: Get Info/Apply for a License ▪ Iowa: Get Info/Apply for a License 					
Obtain gaming license to conduct bingo, a lottery by the sale of pickle cards, a lottery with gross proceeds in excess of \$1,000, or a raffle with gross proceeds in excess of \$5,000. (Neb. Rev. Stat. §9-232.01(1) (2) ; Neb. Rev. Stat. §9-424(1)) NE <ul style="list-style-type: none"> ▪ Nebraska Lottery & Raffle Act ▪ Overview of Nebraska Raffle Lottery & Raffle Laws ▪ Obtain NE gaming license ▪ IRS Publication 3079: Tax Exempt Organizations & Gaming ▪ Sales & Use Tax: Nebraska 					
Obtain license for games of skill and chance, bingo operations, raffles, and social gambling activities from the Iowa Department of Inspections & Appeals, Social and Charitable Gambling Unit IA					

Governance

	Yes	No	In Progress	Not Applicable	Not Sure
Conflict of interest policy , procedures & signed forms for board, staff, & volunteers—updated annually (Sarbanes-Oxley Act of 2002 ; 990) US					
IRS Form 1023 & IRS determination letter—publicly accessible for accountability purposes US					
Articles of incorporation (Neb. Rev. Stat. §21-1921 , §21-1922 ; Iowa Code §504.202) NE, IA					
Establish within 60 days and continuously maintain a registered office and registered agent (Neb. Rev. Stat. §21-1934 , §21-1935 , §21-1937 ; Iowa Code §504.501 ; Iowa Code §504.1421) NE, IA					
File biennial report (by April 1st, in odd years) with Secretary of State (Neb. Rev. Stat. §21-125 ; Iowa Code §504.1613) NE, IA					
Hold an organizational meeting after incorporation to elect directors (if not named in the articles) appoint officers, adopt bylaws, and carry on other business (Neb. Rev. Stat. §21-1924 ; Iowa Code §504.205) NE, IA					
Required officers—president, secretary and treasurer, or as indicated in bylaws (Neb. Rev. Stat. §21-1990 ; Iowa Code §504.841) NE, IA					
Minimum of three board members (Neb. Rev. Stat. §21-1970) NE					
Notify NE Secretary of State if registered agent or registered office has been changed or discontinued within 120 days (Neb. Rev. Stat. §21-19.137) NE					
Minimum of one board member (Iowa Code §504.803) IA					
Notify IA Secretary of State if registered agent or registered office has been changed or discontinued within 60 days (Iowa Code §504.1421) IA					
Articles of incorporation must include provisions not inconsistent with law for how assets will be distributed in case of corporate dissolution (Neb. Rev. Stat. §21-1921 , §21-1922 ; Iowa Code §504.202) NE, IA (required for IA corporations incorporated after January 1, 2005; recommended for all others)					



Human Resources

Employment Laws & Postings

Required Compliance with Employment Laws

	Yes	No	In Progress	Not Applicable	Not Sure
403b plan documentation US					
Age Discrimination in Employment Act of 1967 —with 20+ employees US					
All state and federal employment laws US, NE, IA					
Americans with Disabilities Act of 1990 —with 15+ employees US					
Break Time for Nursing Mothers under the FLSA—with 50+ employees (Patient Protection and Affordable Care Act of 2010) US					
Children under 16 posting (hours) (Neb. Rev. Stat. 48-310) NE					
Children’s Health Insurance Program Reauthorization Act of 2009 —employers with group health plans US					
Civil Rights Act of 1964 —with 15+ employees US					
Compensation paid is reasonable & substantiated (Internal Revenue Code §501(c) (3); 990) US					
Drug Free Workplace Act of 1988 —federal contractors & grantees US					
Employee Retirement Income Security Act of 1974 —with 20+ employees US					
Equal Employment Opportunity Act of 1972 US					
Fair Credit Reporting Act of 2010 US					
Fair Labor Standards Act of 1938 , including eligibility & classifications US					
Federal WARN Act of 1988 —with 100+ employees US					
National Labor Relations Act of 1935 —with 2+ employees US					
Nursing mothers (Neb. L.B. 197 ; Iowa Code § 135.30A) NE, IA					
Payroll —federal, state & local quarterly withholding/filings US, NE, IA					
Privacy of Health Information—HIPPA (Health Insurance Portability & Accountability Act of 1996) US					
Recovery of overcompensation US					
Sexual harassment training (with 15 employees) US					
Whistleblower protection policy US					

Human Resources

Required Employment Postings

	Yes	No	In Progress	Not Applicable	Not Sure
EEOC, with ADA and GINA US, NE, IA <ul style="list-style-type: none"> ▪ All Required Nebraska & Federal or Purchase All-in-One Poster Here ▪ All Required Iowa & Federal or Purchase All-in-One Poster Here 					
Emergency Phone Numbers NE <ul style="list-style-type: none"> ▪ See Above 					
Employee Polygraph Protection Act Poster US					
E-Verify poster (if participating in the program) US					
Fair Labor Standards Act poster US, NE, IA					
Family Medical Leave Act poster (with 50+ employees) US					
OSHA poster US					
Payday Notice NE					
Unemployment Compensation NE					
Unemployment Insurance IA					
Uniformed Services Employment & Reemployment Rights Act poster US					
Safety & Health Protection on the Job IA					
Summary of Work-Related Injuries and Illnesses (with more than 10 employees) IA					
Whistleblower's Protection Act poster US					

Personnel Files (for each employee)

	Yes	No	In Progress	Not Applicable	Not Sure
Form I-9 (required), filed separately from other HR documentation (recommended practice) US					
Immigration & Naturalization Services (INS) documentation US					
Tax forms W-4 , annual W-2 US, NE					



Planning

	Yes	No	In Progress	Not Applicable	Not Sure
All necessary/appropriate insurance (i.e., D&O, general liability, etc.) US, NE, IA					
Mission statement (990) US					
Workers' compensation insurance (Neb. Rev. Stat. §§48-101 through 48-118.05 ; Iowa Code §87.1 , §87.14A) NE, IA <ul style="list-style-type: none"> ▪ Check your state law—the number of employees may impact your requirement to provide. 					

Public Policy & Advocacy

	Yes	No	In Progress	Not Applicable	Not Sure
501(h) election , if conducting any lobbying (Internal Revenue Code §501(c) (3), §501(h)) US					
Compliance with lobbying reporting requirements (Lobbying Disclosure Act of 1995 ; Neb. Rev. Stat. §49-1483.03 ; Iowa Code §68B.37 ; 990) US, NE, IA					
Compliance with prohibition on supporting/opposing candidates or elected officials (Internal Revenue Code §501(c) (3); 990) US					
Compliance with prohibition on using federal funds to lobby (Office of Management & Budget Circular A-122 ; 990) US					
Federal lobbyist registration , if you have lobbyists at the Federal level (Lobbying Disclosure Act of 1995 , 2 U.S.C. §1605) US					
Iowa lobbyist registration , if you have lobbyists in IA (Iowa Code §68B.36) IA					
Nebraska lobbyist registration , if you have lobbyists in NE (Neb. Rev. Stat. §49-1480.01) NE, US					
Understand that nonprofits may support/oppose legislation (subject to lobbying limitations) (Internal Revenue Code §501(c) (3), §501(h); 990) US					



Transparency & Accountability

	Yes	No	In Progress	Not Applicable	Not Sure
Compliance with legal reporting, tax law, financial requirements (Internal Revenue Code §6033 ; 990) US					
Obtain Employer Identification Number (EIN) from the IRS. US					
Document retention & destruction policy (Sarbanes-Oxley Act of 2002; 990) US					
IRS Form 1023 & IRS determination letter , publicly available US					
IRS Form 990 and variants US					
Whistleblower policy (Sarbanes-Oxley Act of 2002; 990) US					
Articles of incorporation (Neb. Rev. Stat. §21-1921 , §21-1922 ; Iowa Code §504.202) NE, IA					
File biennial report (by April 1st, in odd years) with Secretary of State (Neb. Rev. Stat. §21-125 ; Iowa Code §504.1613) NE, IA					
Obtain liquor license (Neb. Rev. Stat. §53-138.03 ; Iowa Code §123.30(3) (a)) NE, IA <ul style="list-style-type: none"> ▪ Nebraska: Do I Need A Liquor License? ▪ Nebraska: Get Info/Apply for a License ▪ Iowa: Get Info/Apply for a License 					
Obtain gaming license to conduct bingo, a lottery by the sale of pickle cards, a lottery with gross proceeds in excess of \$1,000, or a raffle with gross proceeds in excess of \$5,000. (Neb. Rev. Stat. §9-232.01(1) (2) ; Neb. Rev. Stat. §9-424(1)) NE <ul style="list-style-type: none"> ▪ Nebraska Lottery & Raffle Act ▪ Overview of Nebraska Raffle Lottery & Raffle Laws ▪ IRS Publication 3079: Tax Exempt Organizations & Gaming 					
Obtain license for games of skill and chance, bingo operations, raffles, and social gambling activities from the Iowa Department of Inspections & Appeals, Social and Charitable Gambling Unit IA					
Professional commercial fundraisers must register with the Iowa attorney general and obtain a registration permit . May be required to update registration quarterly. (Iowa Code §13C.2) IA					
Be prepared to provide financial disclosure information to any person requesting it (Iowa Code §13C) IA <ul style="list-style-type: none"> ▪ Be aware of the requirements for sales tax/exemptions, as it varies from state to state. ▪ Iowa has a very broad policy of exempting nonprofits from taxes and Nebraska exempts very few. ▪ Iowa rules: http://www.iowa.gov/tax/educate/78595.html ▪ Nebraska rules: http://www.revenue.ne.gov/info/7-215.pdf 					