

## **PBPA Podcast Transcript**

### **Episode 12- Volunteer Manuals: Can't I Just Use My Employee Handbook? (12:50 minutes)**



#### **Sireesha 0:00**

Your nonprofit has employees. It has volunteers, all working together to further your nonprofits mission. If you want to get them all on the same page about the organization and how it works, can't you just use one manual for both groups? Valerie Barney will answer that question and more in this episode of The PB pa podcast.

Hello and welcome to the PBPA Podcast. In each episode of the PBPA podcast we explore legal questions relevant to Georgia nonprofits. I'm your host Sireesha Ghanta, Counsel and Education Director at the Pro Bono Partnership of Atlanta. PBPA strengthens our community by engaging volunteer attorneys to provide nonprofits with free business legal services. We provide numerous free resources via our website, including articles and webcasts specific to Georgia nonprofits, and their business legal concerns. We also provide direct legal services to our clients. For more information on client eligibility requirements, to apply to be a client or to access our vast learning center, visit our website at [pbpatl.org](http://pbpatl.org). Before we jump into this episode's topic, keep in mind that this podcast is general information, not legal counsel, contact your attorney for guidance on your nonprofit's specific situation.

Valerie Barney is Deputy General Counsel at Mohawk industries, where she manages their employment and litigation division. She's also a dedicated PBPA volunteer attorney and a member of our advisory board. Valerie, thanks so much for joining us today.

#### **Valerie 1:50**

Oh Sireesha. Thank you for inviting me. I'm happy to be here.

#### **Sireesha 1:54**

To start off, can you tell us what, is the purpose of a volunteer manual.

#### **Valerie 1:59**

The purpose of a volunteer manual is to set the expectations, both from the nonprofit standpoint, what their expectations are of the volunteer, but then also what the volunteers' expectations of the nonprofit can be. That's the practical purpose of a volunteer handbook. But the legal purpose of a volunteer handbook is to protect the nonprofit from a legal perspective.

#### **Sireesha 2:29**

And I just want to make a quick note that sometimes I use the term volunteer manual. Sometimes I use the term volunteer handbook. But it doesn't make a difference whether it's a "manual" or "handbook", but it makes a difference who it applies to. And so my next question Valerie is can a nonprofit that already has an employee handbook, or manual, just use that for it's volunteers.

#### **Valerie 2:55**

That's really not recommended because it's a completely different relationship of volunteers. relationship to the nonprofit is very different from an employee's relationship with the nonprofit. There's some similar expectations. But there's very different expectations in some areas, and it's a different legal relationship. So it's just not recommended to use an employee handbook for your volunteers.

**Sireesha 3:27**

Why is a separate volunteer manual needed?

**Valerie 3:31**

So I can understand why a nonprofit may think that an employee handbook and a volunteer handbook are the same because as you said earlier, [they] a handbook, the overall purpose is to help explain how an organization does things. But we talked about things that might be similar, expectations you might have a volunteer such as: drug and alcohol policies, you might expect the same thing of your volunteers as you do with your employees, harassment, things like that, you might have the same, you should have the same expectations of your volunteers as you do your employees (not to engage in harassment), and what the organization will do if there is a situation with one of these.

But let's talk about some things that are different. So, from a from a legal perspective, an employee has rights when it comes to pay wage and hour. A nonprofit is covered by laws regarding how they have to pay employees' minimum wage and for their time worked and how you calculate that. All those things would be in an employee handbook for the nonprofit's protection, but they wouldn't be in a volunteer manual. Another thing that is very different relationship between an employee and a volunteer is unemployment. So if you treat a volunteer, and you apply the same kind of policies to them as you do to an employee, and then volunteer applies for unemployment, then there may be some question about what the expectations were for pay for, and for receiving unemployment benefits, if we've muddied the waters between what is an employee, and what as a volunteer. And so those are legal protections that the employer would need to include in an employee, manual, and nonprofit to their employees. But you wouldn't want to set those expectations for a volunteer.

And another area, I can think of where an employee would be a different relationship is an injury. So if you have an event, and an employee is injured, that's treated differently than a volunteer, a volunteer can sign a waiver to protect the nonprofit for their participation, but employees have different rights when it comes to their employer. And so those are things that you would want to cover in an employee handbook that you wouldn't want to include, or you'd want to address differently, in a volunteer manual. So both from the practical standpoint, that's why you'd want a separate handbook to manage the expectations of both differently. But you'd also want it because it would help protect the organization legally.

**Sireesha 6:37**

There are similar guidelines that you want to provide to both groups of people. But the legal relationship is so different with volunteers and employees. So that's one of the reasons why you need to have a separate document for each group.

**Valerie 6:51**

Exactly.

**Sireesha 6:52**

What is an employee handbook that wouldn't be in the volunteer manual.

**Valerie 6:58**

So you would have for your employees, you'd have a vacation policy. You might have information about leaves of absence, and other legally protected statuses that employees would be add. You might talk about pay, timekeeping things that employees would need to understand and expectations that the nonprofit would have of their employees. That wouldn't apply to a volunteer. It's a different relationship.

**Sireesha 7:31**

And, Valerie, what's the potential risk, if a volunteer thinks that they're an employee or makes a claim that they're an employee?

**Valerie 7:40**

Well, the two risks that a nonprofit is most likely to run into is a volunteer, claiming that they should have been paid for the time that they were volunteering. So claiming if they've seen an employee handbook, then they may, they may try to use that to show that they were actually an employee, and they should be paid. And the other risks that a nonprofit will run into is someone claiming unemployment. Sometimes that's where it comes up. You have someone that has a relationship with you, and then you think it's fun. But then you get an unemployment notice, and so then you have to deal with the argument that they're actually we're not an employee, therefore, they're not eligible for unemployment. So that's the two main ways that I could see a nonprofit running into this concern of a volunteer thinking they're an employee.

**Sireesha 8:36**

So where can a nonprofit get a volunteer manual?

**Valerie 8:40**

Pro Bono Partnership has a model, volunteer handbook. And so if a nonprofit needs a volunteer handbook, they should reach out to Pro Bono Partnership, and an attorney can be assigned to work with them to modify that handbook to work for their volunteers and their purpose.

**Sireesha 9:02**

What about how to distribute a manual? Should all volunteers have the copy of a volunteer manual?

**Valerie 9:10**

You know, that's not necessarily true. It really depends on how often that volunteer or that is volunteering. Are they a one time they show up in an event to do a particular activity? You might need not need that volunteer to sign a volunteer handbook. But if they are repeat volunteers, or the nonprofit needs some protections, to show that a volunteer is aware of the expectations. So if your

nonprofit works with children, or it works with at risk adults, or confidentiality is important, then those are reasons why you may want to have every volunteer or volunteers who fall into that category. sign off on a handbook.

**Sireesha 10:02**

Do you have recommendations on how a nonprofit could share or distribute those guidelines to their volunteers?

**Valerie 10:10**

So, if you post the volunteer handbook on your website, that's always a good idea, both from your current volunteers. And then also if you have people who are thinking about volunteering, so that they can understand what the expectations are. If you have, if you've decided that volunteers do fall into the category where you need a sign off, you can have them physically sign if you're doing an event, you can email them a copy, and they can email you back and say that they acknowledge it. You can give a hardcopy to people who who volunteer regularly. And then one thing I've seen recently with the world we're living in today is QR codes. So you can give somebody a QR code. There's free apps that help you set that up. And they can take a picture on their phone, and it'll take them to your website, where your handbook is. So creatively, there's different ways to do it. And you need to decide as a nonprofit, how important it is that you're that every volunteer or that certain volunteers sign off on the handbook.

**Sireesha 11:21**

That's also some thing that PBPA volunteer could also help a nonprofit explore a little further and helping them determine which types of volunteers should sign off and which ones just need a more minimal release.

Now we have a better understanding of why nonprofits should have distinctly separate handbooks for volunteers and employees. There's so much great information here. Valerie, thank you for sharing your insight with us.

**Valerie 11:49**

Thank you again for letting me participate. And [PBPA] is a great organization. And I'm happy to support it.

**Sireesha 12:04**

We hope that you found this episode of the PBPA podcast to be informative and helpful. We add new episodes every month with short conversations about general yet important legal information for Georgia nonprofits. Remember that this is not legal counsel, talk to your attorney about your organization's specific concerns. Thanks for tuning in to the PBAPA podcast and to all nonprofits listening out there, thank you for all the good work you continue to do in our community.