

**PBPA Podcast Transcript**  
**Episode 26 -Better Preparing for Future Turnover**  
**(31:45 minutes)**



Sireesha ([00:00](#))

It's a tight labor market these days, and these conditions are expected to remain for the foreseeable future. In fact, based on its analysis of demographic trends, the Bureau of Labor Statistics forecast that many job positions will remain open through 2030. What is an employee to do when tight labor markets lead to high employee turnover? Be prepared. In this episode of the PBPA Podcast. We're going to speak with two attorneys who will provide insight on how to best prepare your organization for both the legal and practical implications of employee, board and volunteer turnover.

Sireesha ([00:49](#)):

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 nonprofits' specific situation.

Sireesha ([02:00](#)):

Christian Turner is Senior Counsel with Chick-fil-A, where he focuses on employment, franchising and litigation. Justine Cowan is Counsel at PBPA and previously served as an executive director of a local nonprofit. I'm thrilled to have two guests who are experts on the legalities and practicalities of turnover. Thank you both for being here today. Christian, to start off with why should a nonprofit anticipate turnover?

Christian ([02:30](#)):

Yeah, it's a great question. I kind of, I find it fascinating that you know, the time we are in, in this labor market has, has even coined a phrase that many of you listening have probably heard of called "the great resignation". Um, it's kind of an ominous phrase, but, it really does reflect, what we in the employment world are seeing. And it's important for nonprofits, because there are a lot of employees out there it's a different world. It's a new demographic, as we see, especially in the, in the millennials, but the gen Z as well. They're very much interested in mission and in culture and in purpose. And nonprofits, that is an advantage that nonprofits can have over a lot of times, for-profit the companies. So, but what we're seeing actually interestingly, is a higher turnover rate within nonprofits than outside of nonprofits.

Christian ([03:25](#)):

And it's quite a high turnover rate to begin with in the for-profit world. So this is definitely something, I think because of that last statistic, the nonprofit turnover is about 19% compared to of percent outside of nonprofits. So it's a big deal for nonprofits. This is the workforce that, that they are speaking to and trying to get to help them in their mission. So it's important for nonprofits to pay attention and to be

aware of what's going on out there with employees and some of the reasons why they're leaving, moving, changing careers, and turning over as highly as they are.

Christian ([04:03](#)):

And I, I really agree that it's important to think about turnover. And even before the great resignation, it's important for a nonprofit or really any business to anticipate turnover, because it usually happens at a very inconvenient time and it can be sudden. It can be an unexpected illness, someone just quits, or worse. You have to let someone go because of misconduct. And, you know, it's one of those things that you have in the back of your mind, but you really think that it just won't happen. But if you are running a nonprofit, I can assure you at some point it will. And you need to prepare.

Sireesha ([04:43](#)):

And can you provide some examples of situations where something has gone wrong [due to not preparing for turnover]?

Christian ([04:51](#)):

Um, sure. I, you know, I represented an organization once where, a nonprofit board had to, address the misconduct on the part of an executive. Um, in a nutshell, following the misconduct, the board fired the executive director, but the executive, the executive director decided that she didn't want to be fired and in a sense, refused to be fired. And what happened was a really extreme situation and very unusual, but taking a look at, at what happened really allows us to learn some of the key elements that you need to prepare for, for turnover. Um, so the, the executive director that was let go took a number of actions.

Christian ([05:34](#)):

Um, one of the things she did is she went to the secretary of state's website and changed the names of the board members to those who were perhaps, or friends or that type of thing. Um, and the problem there was that the board had not done their work on record keeping. And so in a sense, they had to prove that they were the board members, but they hadn't kept good minutes. They hadn't kept good records of when new board members were voted on. And so they couldn't actually prove who was, who the board members were. The second thing that happened was they lost access to the facility where the programs were taking place. No one had key except for the executive director and the board didn't actually know who the landlord was. And then, another thing that happened with social media, where the board was locked out of social media because only the executive director had access. And then the executive director went on a bit of a campaign on social media, and all, so the board lost access to bank accounts because again the executive director was the primary person that had access to the bank accounts. And you know, with a little bit of preparation, a lot of those things would not have happened. I mean, it still would've been a crisis, because clearly there was a lot of issues going on there. But it wouldn't have threatened the organization as it, as it did.

Sireesha ([07:06](#)):

Wow. So what are some policies that a nonprofit could have had in place that could have perhaps mitigated some of those situations that arose in that nonprofit you mentioned, or in general in anticipation of employee turnover?

Christian ([07:25](#)):

Yeah, I think that's a great question. And Justine's example is, is it perfectly highlights a number of reasons why you want to have very good controls, documentation, and policies in place. And there are a number of them. A few key ones that were highlighted right there in Justine's great example is about, you know, kind of document retention, and document access, you know, making sure that there are clear organization as to where the key documents are and who has access to them. Passwords, all those type of things. Like a master list of, of those type of things, to make sure that. And also just to make sure that no one person, maintains and has access only to those documents, or to those passwords and other kind of files.

Christian ([08:18](#)):

So it's a really good, important note for documentation and just as a regular practice. It's very easy, especially, if you're in a smaller organization or in the early stages to skip out, or to be a little lax, or unintentional about, just keeping good records in the beginning, records of meetings, and records of other key documents and agreements. Um, and we'll talk a little bit about, about those things in specifics more. But that's a good, general category document retention, um, kind of key documents.

Christian ([08:52](#)):

Employee handbook is another huge one. Um, you know, just so the employees that nonprofit does have on staff have clear understanding of, things like benefits, vacation pay and PTO, insurance and other, you know, maybe investment options that, that retirement options that maybe they're hugely important to have the, those type of policies in place.

Christian ([09:16](#)):

Um, the other thing that you want to do is just have some policies, or some organization around, just the nonprofit itself. Things like the articles of incorporation, proof of your 501 (c)(3) tax exemption status by the IRS, state tax exemption status, registration for charitable fundraising, if you're doing some fundraising. Then also some governing documents about the organization itself, like bylaws, board committee assignments. Justine's example, the board itself. That can be an easy one to not think about, you know, where everybody knows who the board is, but is that written down and captured somewhere that's documented in the corporate records.

Christian ([10:00](#)):

A few others real quickly, but proof of, the proof of management and, committee structures. All those type of things related to your board. Um, lease agreements, for your property. Or ownership. You know, deed records for the property to prove, that it is actually owned or leased by the nonprofit organization. Records of grant, keeping that organized and making sure, we have those in a, in a place that's easily accessible and everybody knows what those are, and we can prove those. Business licenses if those are applicable permitting, depending on what business you're in. And then some other key contracts, you know, work with vendors, whether it's your IT systems or your internet, you know, electric, cable, things like that, that are part of your actual, day-to-day operation, making sure that those are, accessible, and that people know where those are, or key management understands where those are and how to access those, has the proper, kind of authorizations to access those as well. Finally, a couple of other ones, clearly, financial, policies, banking information that was also touched in Justine's example, very critical to make sure that that's, available and that no one person has full control over those. Um, and then social media policies and other kind of day to day policies that you may have with your employees, or even volunteers.

Christian ([11:21](#)):

So those are just some of the few very key documents and policies to have in place as you start to kind of move forward and, and get going with your nonprofit or, even now if you're in midstream to be able to adjust and make sure that those, are in place and, and have access, that's granted that's proper and that makes sense for your organization.

Justine ([11:41](#)):

And I think it's also important to keep in mind that you need to have access by more than one person. Otherwise you're gonna get into trouble if that person leaves, but at the same time, you also have to make sure that you don't give too much access. So for example, you don't want, you know, 10, 20 people with access to your social media or to bank accounts or anything like that, because then you're gonna create another problem where you might not have security that you need. So it's really a balance of trying to figure out what are the right number of people that have access, where are you storing that information and all of that for turnover, and it's gonna be different for each organization. And another thing you need to have also is a technology plan for when people leave. For example, you know, some, some small nonprofits do the technology themselves.

Justine ([12:30](#)):

Other people might have someone that they've hired, but you should have in place that, you know, exactly what's gonna happen. If a person leaves, you know, for whatever reason that, if there's a central server, um, that, that access is no longer available, what you're gonna do about password. So for example, if a particular employee volunteer board member, whatever it may be, has access to a password, then you have in place a policy that, that password's gonna be changed upon their departure and that type of thing.

Justine ([13:02](#)):

And you also need to think about just physical items. So, for example, do they have laptops keys? Do you need to change the locks or the keys or anything like, and I know we, we don't want to think that anyone's going to do anything amiss, but it's important to have just neutral procedures that you put in place without thinking about that, that, okay, our keys are always changed. If someone has access, our passwords are always changed. So it's not necessarily, a judgment that you're making on each individual case, but that you have that policy in place.

Sireesha ([13:40](#)):

Yeah. That's some really good insight in terms of policies and even the best way to execute them. And perhaps trying to get ahead of the employee turnover, getting these policies in place before maybe a bad situation arises, and then you think back, "Oh, I wish we had a technology plan in place. So we had an idea where the social media passwords are." What about other more general best practices?

Christian ([14:09](#)):

Well, I think one that ties in really well with, where we started the podcast here today, talking of about turnover is to be mindful of job backup and, you know, having things in place that are guidelines for certain jobs within your organization. Standard operating procedures for each job. Right? So if there's something that describes kind of what is done, what the job is about, and some of the day-to-day tasks. This can be you know, a lot easier to do in some jobs than others, but efforts really should be made to make sure that there is some reference point. So if something happened in an employee in a key

position or an employee that was in, that was the only employee that was performing a particular task is suddenly gone and doesn't give the standard two weeks notice or, you know, has something else that comes up, where you can quickly kind of get the next person up to speed.

Christian ([15:05](#)):

Um, so really having those guidelines for how a particular job is carried within the organization is a great idea. Another one too, that's kind of touched on with that is kind of avoiding siloing employees, as best as possible. It's good to have multiple employees that are working on particular tasks or filling particular roles. And even just generally in the organization, something to think about, you know, to have employees that are able to see a lot of different aspects of the organization. That have a good understanding of what the others are doing, whether they're working day to day in those positions or not. So that not only does that enhance the experience for everyone, um, the satisfaction and the job, also just the effectiveness of the employee. But if that person does leave, it makes it much easier for the next person, the replacement, to get up to speed and to get rolling and, and fill in that position and carry it forward.

Christian ([15:59](#)):

And, you know, here at Pro Bono Partnership, we really practice what we preach, because we've gone through this ourselves. And each one of us has actually identified other people on staff can perform the same service, the same things that we can. We have standard operating procedures. We update them from time to time, and we always have a clear line of what's gonna happen if someone is suddenly ill or that type of thing. And another thing that's important is to have a clear decision making process when there is a crisis. And I think that sometimes nonprofits think it's obvious that it's going to be the executive director and the chair. But you know, what if the chair is on vacation or the executive director is somewhere that can't be reached and also what kind of decisions are being made. And so it, it's important to know who is going to be on that team. That's dealing with any particular crisis, and it might be a board committee that you had set up or something like that, but it's something you should think about, you know, in advance.

Sireesha ([17:04](#)):

So far, we have spoken about some great general considerations for organizations, but many nonprofits are now allowing remote work, starting with the pandemic. And now as we are slowly as we come out of it. What are some special considerations that remote work might raise?

Justine ([17:24](#)):

Well, I think the most obvious one is equipment and network access and that type of thing. Um, you know, when we're working at home, particularly since a lot of times, it was sudden, and we weren't all planning on working at home is that a lot of us started using our own personal equipment at home, our own laptops, our own printers or whatever it may be, or in the, another alternative is that we were provided with laptops and that sort of thing. Um, and so what do you do with that if there's suddenly turnover and how are you backing up that, you know, are employees, for example, backing up their work on their own, their own computers instead of on a central server. You know, and how are you going to get documents and work product? Um, if an employee suddenly leaves.

Christian ([18:08](#)):

I think it's an excellent point. And on that, you know, one thing from a, just a pure liability kind of risk standpoint is because of that remote access and so many employees that are working remotely are accessing through their computers. Looking, making sure you've talked to your insurance carrier and are looking at cybersecurity insurance. Making sure that you have something in place that's sufficient for your needs and the size and scope of, of your organization and your customers, maybe, or your donor base, however, you're interacting with the public in the world, just to make sure that if there was some, um, some incident or some exploitation of the system that you're covered there. Also just some, you know, obviously Justine touched on this already, some best practices, around, you know, like VPNs or and having antivirus software and just things that are just actually protecting, the security and integrity of your network is huge. Uh, especially as you start to have employees that are logging in from multiple different works sites remotely,

Christian ([19:11](#)):

That also raises a couple of other things just to keep in mind. And this really touches on insurance concerns as well. Uh, remember that when an employee is working remotely, work comp insurance is still implicated in that situation, but now it's the employee's home. Um, so being aware of kind of what, what that looks like and where your employees are actually going to be performing the work in the house, is a little tricky, but it's still important just to get an understanding of that because, if there is some sort of an incident, which are not, you know, not as common, when you're doing, you know, just sitting at a computer at a desk, but still could come up. Just making sure that you're covered for that, more from just an aspect of being clear with your carrier, that that is what's going on.

Christian ([19:58](#)):

Um, and then another piece too, Justine mentioned just equipment making sure that you have property insurance, kind of commercial property insurance, that would actually cover, if you have expensive machines, laptops, or other things like that that are loaned out are being used by your employees, that, that your organization actually owns. If those things are damaged or lost, or stolen that have, sufficient insurance to kind of cover those. Because typically those won't be covered by a homeowner's or renter's policy for your employees if it's not their actual equipment. So just being mindful of insurance, I think and some of the risks that are unique, with employees working remotely, is a big thing to keep in mind,

Justine ([20:39](#)):

And you really are more subjected to having the problem with siloed employees in terms of, you know, just working on their own and then they leave. And it's really even more difficult to pick up where they left off. And so you really have to make a concerted effort to make sure that that doesn't happen, whether it be through, you know, staff meetings, you know, you can even test things out during vacations. Um, so someone goes on vacation for a week, making sure that you, that is an opportunity to train your staff on how to pick up the work of other people who may be working remotely.

Sireesha ([21:14](#)):

Yeah, those are some great ideas and considerations for anticipating employee turnover when so many employees are working remotely. But now let's talk about board turnover. Are there policies and nonprofit should have in anticipation of that?

Justine ([21:32](#)):

Well, the, the policies that you should have as a board in anticipating turnover are really best practices for creating and developing a great board. So for example, you should have staggered terms so that, you know, not all board members are leaving at one time I'm of course, and, and then you should just have ongoing board development and the stronger your board is and how they're working in committees and they're meeting regularly. And you're having good reporting. And all of those things that you're doing to have a high-functioning board are helping you in the event that you lose, you know, a keyboard member, let's say who might do a little bit more heavy lifting than others.

Christian ([22:13](#)):

I think another thing to keep in mind is, is how you as an organization, bring on your board members, how you onboard them. Um, and I think there's, you know, there's a few questions that you would probably want to go through yourselves and with your pretend board members. Making sure that they're passionate about the cause, the mission of your, of your organization, making sure that the role is clearly defined so they understand what's expected of them. Even having a job description of sorts for board members is, is incredibly helpful. Give them some insight into the organization financials, board minutes access to other board members, maybe even the officers, let them kind of interview and engage with, with those folks. And they'll do the same in return similar as you would do with an employee. Make sure that they're able to devote the time that you expect them to devote and that you need them to devote, you know, that's a big deal. Sometimes it can be a something that they're passionate about and wanna be involved in, but they just don't realize the need for time. And, and that can be a pressure point. So be clear with them on the front end about that. Another category it's a big one is a financial commitment. And that could either be one of two things. You know, a lot of times you're gonna expect your board of members to set an example through their personal support of the organization. Uh, so making sure that they are aware of that expectation, for the board and that they're comfortable with it. And then fundraising is also another a big one, you know, make sure that that's a, if that's a part of what you're expecting your board to do that they understand that, and that they're okay with with doing that.

Christian ([23:51](#)):

And they're passionate, excited about doing it, cuz that is often the lifeblood of many nonprofits, particularly ones that are not as large and well known as others. So just being very clear about what's expected of them. And then the final point I'll make on this is doing a periodic review as a board, having your board do that to look at their composition of your board membership, to making sure that it reflects the skills from business and other, you know, technical skills, perhaps diversity, fundraising ability. You know, all those different things that are key to what you're looking for in your board to do kind of a self-analysis periodically and make sure that that is actually what's going on. Uh, and if there needs to be some adjustments made or bring in some different perspectives, you're able to pivot and do that.

Christian ([24:41](#)):

I think another big point is encourage sharing work among the board. We talked about this in an employee standpoint of not getting siloed. I think it's a similar point. That's helpful with board members to encourage collaboration, to make sure that they're working together. Uh, a lot of nonprofits will, as they grow, especially will develop committees for specific purposes. Um, maybe an audit auditing committee, because that's a big part of a nonprofit, obviously being able to show all of your donations and receipts and, and to prove, um, and to maintain your nonprofit status, a compensation committee, maybe, there's several committees that would potentially be needed even. Um, but there're also just a

good idea for collaboration to make sure that the, a board is staying connected, that they're working on things that are important to them personally, and to the nonprofit as a whole.

Sireesha ([25:34](#)):

And my final question is related to volunteers. Uh, volunteers are often the lifeblood and nonprofit helping them get their mission accomplished. And oftentimes the organization comes to heavily rely on some individual volunteers. Are there any special considerations to keep in mind for volunteer turnover?

Justine ([25:57](#)):

I always recommend that you assume that a volunteer is going to leave and often without notice, you know, we have some, we, you know, a lot of, of nonprofits have these great volunteers. Um, some who've been with the organization for years and, but even then you still need to think that that volunteer is going to leave without notice. And that's just the way it is if there's a volunteer, but suddenly a crisis happens and they have to prioritize their lives or whatever it may be. The place that they volunteer is probably gonna get the lowest priority in terms of having to deal with all the things that might happen in a crisis that's happening in their life. And so things to remember is not to give them access to finances, social media, passwords equipment unless they're vetted and there's clear policies.

Justine ([26:49](#)):

I mean, and sometimes you do need to give them access to passwords. For example, for social media, if they're doing some posting for you in that type of thing, again, it's important to have good policies in place so that they know what they're doing and have think in advance what's going to happen. If that volunteer suddenly disappears making sure that they do not that the password can be changed. And one thing that happens is we all know that sometimes you forget your password. And then they say, what do you do if you forget your password? And then they ask you to change your password and that sort of thing. So another thing to think through is if they do have access to passwords on social media, what happens if it gets changed and that sort of thing. So you just need to think those through in advance. And again, the most important thing to do is to just assume that that volunteer is going to leave at some point in time.

Christian ([27:45](#)):

Another thing to be thoughtful about. Um, and we'll talk about a few aspects is similar. We mentioned earlier in employee handbook is a good thing to have as a policy, consider having a volunteer handbook as well. I was working recently with a nonprofit that has one full-time and they primarily function, a lot of their events and their, and their heavy lifts that they're doing out there in the community through volunteers. Um, so this is a big issue for most nonprofits, but for this one in particular, it's crucial because that's how they're actually getting their work done, is through volunteers. So consider having a volunteer handbook that explains just introduces the organization, your mission, lists your staff, your board members, roles and responsibilities. Um, you know, just gives a little bit about who you are also can have conduct expectations, policies around your volunteers and, and what you're expecting of them.

Christian ([28:43](#)):

And that leads to another key point volunteer agreements. Uh, should you have those in place now think about that. Um, what would that look like? Is there sensitive information that is being shared with



your volunteers, such that you would want to have an agreement that covers something like confidentiality provision that, that they agree not to share anything that they've learned that's particularly sensitive to your organization? Um, you know, you may, they may be working in some respect where they're building something or maybe it's technical, expertise that they're lending. So be clear about that if they do that while volunteering that, that, that property, that intellectual property owned by the nonprofit things, things like that, maybe thing just depending on your organization, you wanna think through whether you need to have those aspects in place. Uh, but one key one that, that you most likely are going to want some sort of a waiver for participation by your volunteers in, whether it's in fundraising or it's out being in the field, doing your, you know, in service of your organization's mission. A waiver of liability or release, you know, some sort of a written statement that's specific about, the volunteer assuming risk and releasing your organization for anything that may happen as a result of, of their participation in the volunteer activity. Um, so that'll be something you're probably gonna want to talk with an attorney. Maybe through a great organization, like the PBPA to help put something like that in place for your organization.

Sireesha ([30:21](#)):

Yes, definitely. That's a fantastic point. Um, Christian, in terms of volunteer turnover and just volunteers in general. You both have provided some great insight here, Christian and Justine on some ideas for nonprofits to, prepare for the inevitable turnover that has been happening and will continue to happen for the next several years. , Both in relation to volunteers, also board members and especially employees. Um, thank you both so much for sharing your time and expertise with us today. We really appreciate it.

Christian ([30:58](#)):

Thank you for having me. It's great.

Justine ([31:00](#)):

Happy to be here.

Sireesha ([31:03](#)):

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 into the PBPA Podcast. And to all nonprofits listening out there, thank you for all the good work you continue to do in our community.