

PBPA Podcast Transcript
Episode 27 – Handling Problem Volunteers:
Tips to Minimize the Risks of a Difficult Do-gooder
(18:09 minutes)



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

Nonprofits rely on volunteers to help them fulfill their missions every day. Some nonprofits rely on a volunteer base more heavily than others, but all nonprofits at some point encounter a difficult volunteer. In this episode of the PBPA podcast, Elizabeth Newton will speak to us about how to minimize the risks associated with challenging or trouble volunteers.

Sireesha ([00:34](#)):

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](#). 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 ([01:44](#)):

Elizabeth Newton is an associate with the law firm of Hall, Gilligan, Roberts and Shanleaver here in Atlanta. She's also a volunteer at PBPA, where she has advised numerous nonprofits on issues around volunteers and employees. So, she brings tons of legal and practical experience to our conversation today. Thanks for being here, Elizabeth.

Elizabeth ([02:08](#)):

Absolutely, glad to be here.

Sireesha ([02:12](#)):

So to start off with Elizabeth, can you provide some general background on the potential legal risks of bad volunteers for a nonprofit?

Elizabeth ([02:21](#)):

Yes. As you just mentioned, volunteers are, are really key to the operation of many nonprofits. Um, but relying on volunteers comes with some risk. Um, so for example, volunteers are often the face of the nonprofit. It's the, you're the first contact between the nonprofit and its clients, donors and potential donors. Are these volunteers portraying the face that you really want to be displayed in the community? Relatedly actions taken or not taken by volunteers can harm your nonprofits reputation than the community. For example, a rude volunteer at a sign-in table say at a fundraising event could annoy a donor or potential donor enough that they stop donating funds to your organization. So not only are you losing that specific donor's funds, but you're losing potential funds from friends and family of the donor. Now, volunteers who work in the office of a nonprofit could have access to sensitive, confidential information about clients or donors, whether or not you really intend for them to have that access.

Elizabeth ([03:27](#)):

If a volunteer decided to steal and use that information, obviously the resulting harm would be bad, uh, for the whoever's information was stolen and that that harm would double back onto the nonprofit. Other volunteers could have access to money, belonging to the nonprofit, um, and the opportunity to steal or, or diverted away from the nonprofit. For example, a volunteer working as a cashier in, in an organization's consignment shop would have money, would have access to the money that's exchanged in that shop. And again, stealing money is obviously harmful when we want to avoid that. And lastly, some volunteers can blur the line between volunteer and employee and begin to consider themselves an employee with all of the, the employee rights and protections that that status brings. So volunteers should be carefully managed to ensure that a volunteer does not flip over to the employee side of the volunteer versus employee spectrum. If he or she does, the organization could find itself liable for all the standard employee protections that would include Title VII, which prohibit discrimination on the basis of race, religion, sex, disability, and other protected characteristics, um, the ADA or in the case of an injury on site's compensation. I wanna know that this hasn't happened often, but it is possible. And so it's something to be aware of.

Sireesha ([04:58](#)):

That's a good overview, not just in terms of legal risks, but also some general and PR type risks associated with challenging volunteers. Can you tell us what systems can a nonprofit put in place to help increase the number of good volunteers and hopefully reduce the number of difficult volunteers?

Elizabeth ([05:23](#)):

Yes. The, what you really wanna do is create a comprehensive volunteer policy and most importantly, follow it. It is really easy to put a policy in place and then become lax about enforcing it, but we really need to stay consistent with that policy. So the things I'm gonna suggest in a minute are really the first lines of defense against bad volunteers, and that they'll help you weed out the bad apples, so to speak before they come associated with your organization. And so you can avoid the risk that way. A volunteer policy includes a number of things and it should be memorialized in a volunteer handbook. We're all familiar with employee handbooks, but we wanna do the same thing for volunteers. So here are a few ideas to set your policy in the handbook. First up, before the volunteer even joined your organization, set up an application process [for long-term or repeat volunteers] that's similar to employee application process. Have them fill out an application if it's appropriate for the position that the volunteer will be working in go ahead and conduct a background check, a reference check. If driving is involved, ask for proof of that person's auto insurance. The greater the level of responsibility, the more comprehensive your initial assessment of that volunteer's fitness should be. Um, and another good question I like to recommend is the volunteer's motivation for volunteering that that can give you some insight on who is who's a good fit for your organization or who's not next step training. You wanna engage your volunteers in a training program when they first start, and then over time, do you refresh your trainings. Requiring volunteers to attend a training session before they can even start volunteering is a good way to identify insincere volunteers.

Elizabeth ([07:11](#)):

If somebody's not willing to take that initial step of coming develop to a training, then they're probably not going to be a very reliable volunteer. So not only should you train the volunteers on how to perform the specific tasks, uh, but lay out your expectations. The rules that they are expected to abide by, and importantly, the consequences for violating those rules. And once volunteers have joined your

organization, you wanna keep a close eye on them. Remember they are not employees and they may not have the same commitment to policy, procedures and, even the mission that your employees do. So to, to help supervise volunteers, we really need to have all staff on board. Um, so one way to do that is when you're initially putting together your volunteer policy, talk to the staff and ask them what issues and challenges they have repeatedly seen. And then brainstorm ideas to address those challenges. And staff is also a great resource when you're creating the training sessions for volunteers.

Elizabeth ([08:14](#)):

Now, another way to keep an eye on volunteers is to create a communication channel between volunteers and, and a member of the senior staff. Put in some sort of reporting mechanism. Volunteers are gonna be more apt to report improper conduct of, of somebody that they've else they've seen. Um, if there's a mechanism already in place. And if that mechanism is in place, it's also possible that you'll hear from the bad volunteer him or herself, uh, before things escalate. Lastly, do not hesitate, I know this is hard, do not hesitate to discipline or terminate a volunteer. If the volunteer does not properly represent your organization or fails to follow the policies and procedures. If it's time, go ahead and do it. Don't let it linger. You wanna send a message to the other volunteers that you're serious about enforcing your policies to help dissuade them. And, obviously you want to address the problem volunteer directly. And it, I know it's easy to want to give people second chances, but think about the other people that, that volunteer will be working with staff and other volunteers. Um, if a bad, bad volunteer gets a lot of second chances, you can be unintentionally harming the experiences of those other volunteers and staff, and that obviously would lead to their own discontent and potential departure. You wanna keep everybody happy?

Sireesha ([09:44](#)):

Yeah. That's not something we think of very often in terms of letting go of volunteers, but you make a great point there. Can you give us some reasons why a nonprofit might consider letting a volunteer go?

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

Yeah. Um, gosh, there's, there's a multitude of reasons why a nonprofit might need to end the volunteer relationship. Anything that harms your nonprofit would qualify anything that opens up your organization to liability would certainly qualify. Um, the obvious ones are stealing, you know, unsafe driving or accidents, if driving is involved. Showing up to your organization events, either drunk or on drugs. Being violent, improper use of confidential, sensitive information. Anything like that, a, good catchall for the volunteer handbook is quote, "Any violations of volunteer policy or procedure". So the key is really to use your common sense and judgments when deciding how to add, respond to a bad act. You don't, you don't necessarily have to jump to ending the relationship completely. You can have a disciplinary procedure and follow that disciplinary procedure. Um, for example, so a volunteer being late a couple times is, is not, probably not really a big deal. But if that volunteer is always late such that it, it impacts the other volunteers or something can't start on time because that person isn't there, that's gonna be a bigger deal. Um, so maybe you just remind the first volunteer to come on time. Um, but the second volunteer probably would warrant some sort of warning if you think that's appropriate.

Sireesha ([11:38](#)):

Okay. And what about if we have a volunteer that's not performing as they should in their role, but you want them to continue with the organization in some capacity? Um, would it be okay to put that volunteer in a different role at the organization, rather than asking them to stop volunteering together?

Elizabeth ([12:01](#)):

Absolutely. That is, that is definitely an option. You know, it's, this is kind of the same. We see this for employees and my practice as well. You know, if two people just can't work with each other and aren't getting along and there's a lot of friction there, You could move one of them to say a different section of the nonprofit or move in, do move them to a different shift to separate those two people. If somebody is consistently late, see if you can move that person to an earlier shift or an earlier start time. Um, I'm sorry, a later start time. If you notice a volunteer, let's say having trouble being friendly and welcoming with clients, perhaps that person is very introverted and shy. The best place for them is probably not gonna be somewhere where you have to socially interact with others. So, you know, look at each volunteer and identify that person's strengths and consider how your nonprofit can capitalize on them.

Sireesha ([13:00](#)):

What if we have a situation where the nonprofit has done all the steps that you had advised them to do to have an application process, they have good channels of communication. What should a volunteer manager do if the systems are in place, but a volunteer still fails to meet expectations?

Elizabeth ([13:21](#)):

Sure. Now this, this gets at the kind of the disciplinary procedures that we'll want to have in, in that handbook. So, you know, first off, if a volunteer is failing to meet expectations, you can always start with, with counseling, that person talking to the one on one, trying to give them more guidance. Talk about your expectations, how this person can improve and, and the consequences importantly, if he doesn't improve. So hopefully just with counseling and guidance, the volunteer will improve and everybody can move forward. But if the issues persist, then it's time to move on to the next step. And ideally you'll be following the procedures from your handbook. So, you know, a lot of procedures go counseling first written warning, second written warning termination. But you don't have to sit necessarily follow in those steps. If something is so egregious that you feel that it's right to step, skip right to termination, go ahead and do that. It's really, really important to go ahead and address general issues that you see, like failure to meet, as soon as you notice them, cuz the longer they persist, the more difficult it will be to correct them.

Sireesha ([14:34](#)):

Could you walk us through now what it would look like if we get to that last step that you mentioned: termination. Would that be similar to an employee termination?

Elizabeth ([14:49](#)):

It can. You, it kind of depends on, on your relationship with that volunteer. If you expect a negative reaction or, or argument back from the volunteer, perhaps you wanna have a third-party present when you talk to this person about being, let go from the nonprofit. Any time you think kind of a formal sit down, termination talk is needed. You can do that. Whether you end the volunteer relationship in a formal sit down or just a little bit more casually of, you know, one-on-one conversation, you wanna be specific. You wanna reference the policy that the person has violated. Um, if you've counseled or warned them, you can remind them of that and note that you haven't seen any improvement. You may also wanna consider a formal sit down, talk if the volunteer has been with your organization a long time, or volunteer's significant amount of time, this is really more of a courtesy than a legal requirement, but that can help not burn any bridges.

Elizabeth ([15:53](#)):

Um, nobody, nobody likes firing anybody, but it's really a necessary part of management. So the meetings that you have, or, or the talks that you have with volunteers that you're letting go, um, they don't have to be long. They don't have to be fraught with details. You know, the point is really just to communicate that the volunteer service is no longer needed. So you wanna stay calm. If the volunteer becomes argumentative, don't engage back, remember that you have made your decision and the best interest of the nonprofit. So you wanna stay firm in that decision. Don't let the volunteer talk you out of something. So the hope is if works that your organization will not have to terminate any volunteers because you'll have avoided engaging them within the first place. So hopefully that this gives you some ideas and, and helpful information on how to deal with challenging volunteers.

Sireesha ([16:44](#)):

Yes, definitely. It did. such great information today on, keeping good long term repeat volunteers and avoiding potential bad apples, starting with a solid and consistent screening process, add an informative training program and then maintain a good flow of communication and expectations. These tips can help a nonprofit to hopefully avoid or at least reduce its number of, "difficult do-gooders". On behalf of myself, our nonprofit listeners and PBPA, thank you, Elizabeth, for sharing your time and expertise with us today.

Elizabeth ([17:23](#)):

You're very welcome.

Sireesha ([17:27](#)):

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.