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	Understanding the Risk
Un	lawful:
•	Discharging five employees for responding to a co-worker's Facebook posting regarding working conditions, despite fact that original poster regarded comments as cyber-bullying and harassment.
•	Policy prohibiting staff from posting pictures of themselves with organization logos is overbroad because it can be interpreted to prohibit employees from posting pictures of themselves engaged in concerted protected activity, such as picketing or other protests against their employer.
•	Policy prohibiting employees from making disparaging comments when discussing the organization or its supervisors because the policy did not make clear that it did not prohibit protected concerted activity.
	Source: venable.com
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Understanding the Risk

Lawful:

- Discharging an employee at a residential facility serving the homeless individuals when she posted demeaning comments about the agency's clients. Why? No evidence of protected concerted activity... comments did not mention any terms or conditions of employment, posting was not discussed with any co-workers, and comments were not for the purpose of inducing group activity or an outgrowth of collective concerns of the employee or her co-workers.
- Terminating a barender who complained on Facebook to his stepsister, a non employee, that he had not had a raise in five years, was doing "waitress" work without tips, referred to customers as rednecks, and expressed his "hope" that customers would "choke on glass as they drove home drunk".
- Firing an employee who posted profane comments on Facebook critical of management. Posts were an expression of individual gripes as opposed to protected concerted activity. Although two co-workers responded to the posting, their messages reflected that the posting was individual and not group activity. Source: venable.com

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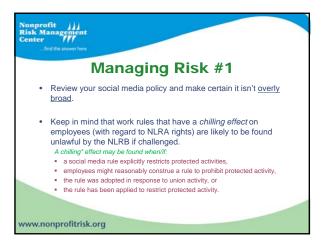
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Managing Risk #1

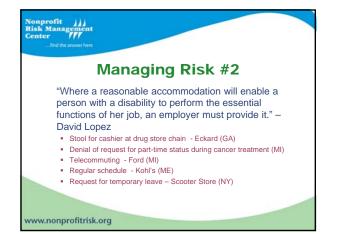
• Keep in mind:

- Protecting your reputation is an important goal
- Employees can bolster or damage your reputation
- Issues to consider:
 - Blanket prohibitions on "talking about the nonprofit" on personal time are likely to be unenforceable
 - Exercise caution and care when reacting to social media posts by
 - employees or others
 Remember that Section 7 of the NLRA applies to unionized AND nonunionized workplaces
 - Keep in mind that the line between harassing speech and protected conversation is blurry (duty to protect employee from bullying)

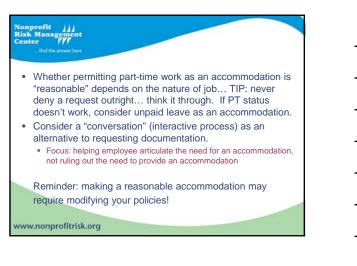


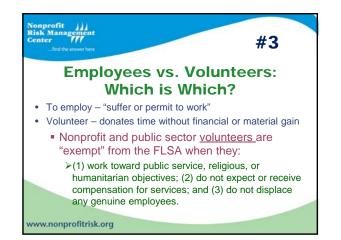










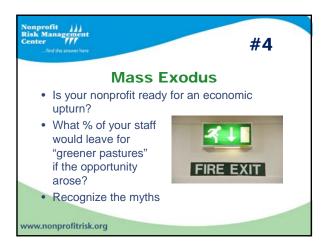


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Managing Risk #3

- Take the issue seriously!
 - Never permit non-exempt employees to work off the clock
- Develop and use job descriptions for employees and position descriptions for volunteers
- Proceed with caution when permitting employees to volunteer
 Clarify the circumstances in writing







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Supervision Myths and Realities

- 89% of managers believe employees leave for more money.
- Fact Check: 88% of employees actually leave for reasons having to do with the job, the culture, the manager or the work environment. <u>Only 12% of employees leave for compensation</u> issues.
- 43% of workers report that they do not feel valued by their employers.
- 71% of U.S. workers rate themselves as either "Not Engaged" or "Actively Disengaged."

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- 66% of workers do not identify with or feel motivated to drive their employer's goals and objectives.
- The #1 reason employees leave jobs is a poor relationship with their immediate supervisor.



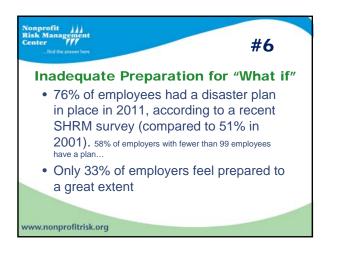


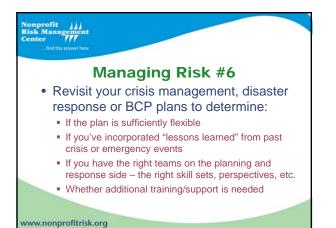






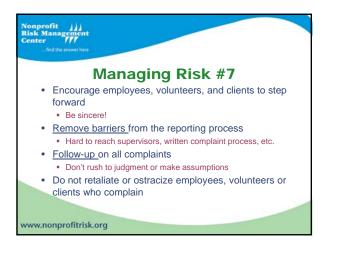








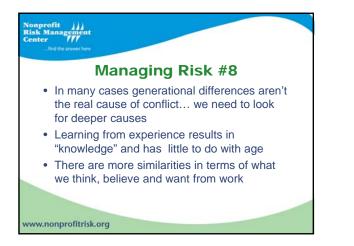


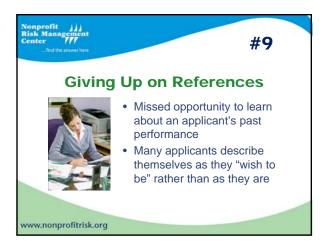












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Tips for Safe Reference Getting

- Get permission to check references: Use an authorization form on or at the time the applicant applies for a paid or volunteer position
- Ask applicants if there is anyone they do not want you to contact... and if so, WHY?







Insist on Relevant References

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CHOICE

· Insist that the candidate provide relevant references. If none are provided, either disqualify the candidate or check references that haven't been provided by tracking down the applicant's most recent supervisors.

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Telephone Reference Checking Tips

- Listen "aggressively" pay attention to **what** is being said plus **how** it is being said
- · Use silence to your advantage
- · Ask for other references to verify info provided
- Remember two steps:
 - (1) verify information, then
 - (2) inquire about performance and developmental . issues
- Don't "fill in the blanks" with assumptions
- If you don't understand... say so



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- How did the applicant's last performance review go? What strengths were noted? What areas were identified as needing improvement?
- How effectively did the applicant supervise others?
- What other people in your organization can I call about the applicant?

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#10

Ignoring Conflict in the Workplace

- Did you know...
 - Men are more likely to handle conflict on their own...
 13% seek help, while 19% of women seek help resolving conflicts
 - Women are more likely than men to go out of their way to avoid a colleague because of a work disagreement (71% versus 64%)
 - Women are twice as likely to feel ill or lose sleep as a result of a workplace conflict







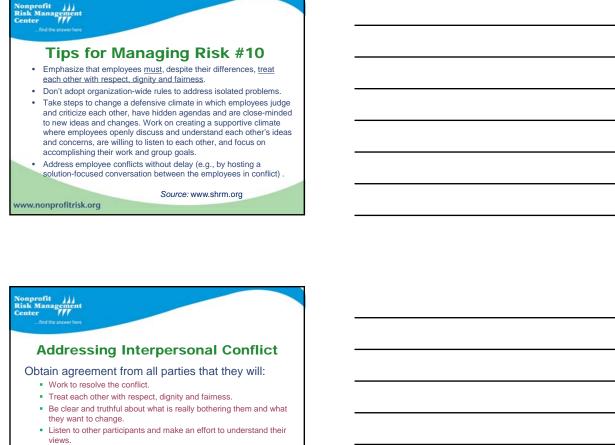
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Causes of Interpersonal Conflict:

- Differences and diversity among employees, potentially leading to misunderstandings based on age, race or culture, prejudices, intolerances, rumors about an individual or group.
- Excessive and uncontrolled competition between employees, comparison of performance ratings and bonuses, perceived inequities, fear of not receiving a promotion or losing a job.
- Internal conflicts within an employee such as bigotry, tendency to hold grudges, false pride, blaming others for one's own problems.
- Romantic personal relationships or sexual tensions and harassment.
 Drug- or alcohol-related behavior.

Source: www.shrm.org





- Be willing to take responsibility for their behavior.
- Be willing to compromise.

Source: www.shrm.org

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Arrange for a meeting to discuss the conflict.

- · Select a time as soon as all parties have cooled down.
- Meet at a place that is neutral for all parties.

Ask participants to describe their interpersonal conflict in clear terms and describe behaviors, feelings and desired changes.

 Direct participants to use "I," not "you," and to focus on specific behaviors and problems, not on people.

Ask participants to restate what the others have said.

Summarize the conflict based on what you've heard and obtain agreement .



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Brainstorm to find solutions:	
 Ask each party to offer a solution. 	
 List all of the options presented (either verbally or on a flip chart). 	
 Discuss all options in a positive manner. 	
 Rule out any options that parties agree are unworkable. 	
Summarize all possible options for a solution.	
Assign further analysis of each option to a participant.	
Obtain agreement on next steps.	
Close the meeting by having all parties shake hands,	
apologize and thank each other for working to resolve their	
conflict.	
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Management

Conflict Management Reminders

- Address the real issues.
- Speak openly and honestly.
- Listen.
- Express strong feelings appropriately.
- Remain rational.
- · Review what has been said.
- · Learn to take as well as to give.
- Identify the specific behavior in which the conflict is rooted.
- Identify how the behavior is causing a roadblock to a good working relationship.







