Workers in Nonprofits

Information and tools to help nonprofit employers navigate the lifecycle of their most valuable asset: **People.**

Nonprofit Association of Washington

In partnership with the Department of Labor & Industries for employer outreach and education.

Washington State Department of Labor & Industries

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WORKERS in Nonprofits

INTRODUCTION TO WORKERS IN NONPROFITS

1. About this guide

Nearly eight percent of employees in Washington work in nonprofit organizations. Nonprofit, for-profit, and government agencies alike are subject to employer compliance requirements and administrative needs that align with their stage of organizational development. Nonprofit leaders and workers are usually focused on serving their communities, not on compliance and administrative requirements related to operating a small business. Limitations on time, funding, and technical knowledge make it challenging to navigate and follow employer laws, rules, and regulations.

Workers in Nonprofits pulls together information customized to nonprofits to help employers navigate the lifecycle of their workers. There are many components to employer compliance and no one way to support your workers. The discussion guide provides tools you can use throughout a worker's journey with your nonprofit. People matter, and your nonprofit workers are your most valuable asset.

THANK YOU!

- Vega Mala Consulting
- Tracy Flynn Consulting
- 3 Choices Creative Communications
- All the nonprofits who participated in our listening tour that guided the efforts to create *Workers in Nonprofits*

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Important Note: This information is provided for educational purposes only and does not constitute legal or technical advice. If you are unsure about anything covered in this guide, we suggest that you contact the appropriate agency, employment attorney, or human resources specialist.

2. Why nonprofit worker lifecycle?

We know that most nonprofits are unable to hire a human resources (HR) specialist and may need additional support to complete HR duties and comply with local, state, and federal regulations. For this reason, Nonprofit Association of Washington partnered with the Washington State Department of Labor & Industries for employer outreach and education efforts to specifically support nonprofits. After completing a listening tour with various sized nonprofits across the state, we gained clarity on where employer compliance knowledge gaps exist as well as insights and input to tailor resources, materials, and desired learning opportunities.

From the listening tour, several themes emerged around the lifecycle of nonprofit workers, workplace safety, Washington state overtime rules, and a lack of connection with state agencies. Looking at resources we have available now like the *Safety and Health in Nonprofits* toolkit, and reflecting on what we heard most frequently, we focused on tools to support employers through the lifecycle of nonprofit workers from understanding your organization's needs to recruiting and onboarding to supporting transitions.

3. What do we mean by lifecycle, workers, and workplace?

The first step to engaging with this discussion guide is to have a common understanding of the words used and what they mean.

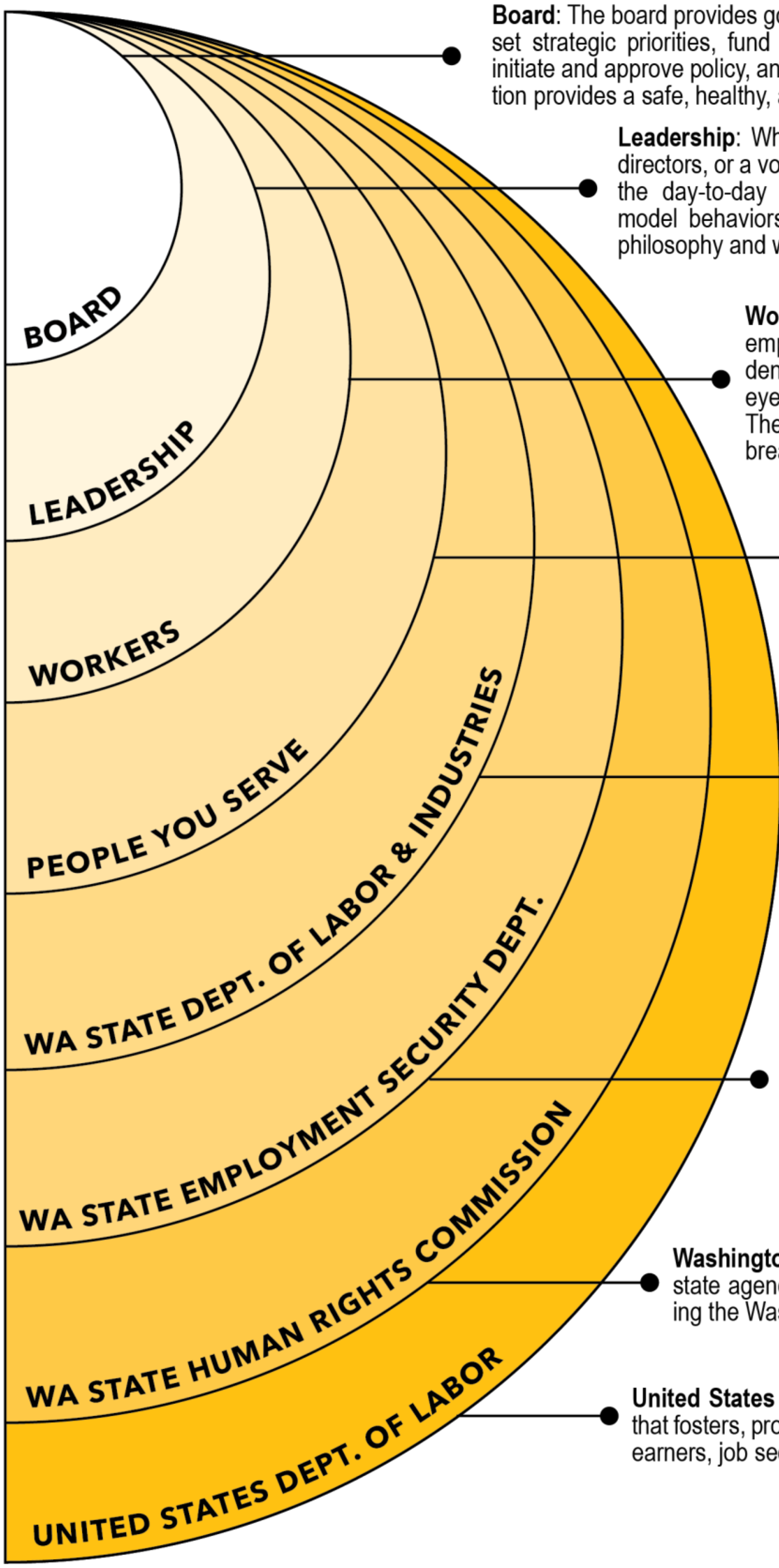
- **Lifecycle:** Describes the path and relationship between a worker and the organization they work for. The lifecycle starts before a worker joins your nonprofit and continues after their time of service is complete.
- **Workers:** May include paid employees, volunteers, interns, and independent contractors. Each type of worker has a role and legal compliance considerations.
- **Workplace:** A place where workers perform tasks, jobs, and projects for an organization. Workplaces may include a central office, remote, or mobile locations.

4. Who is involved?

There are many layers of individuals and agencies involved in creating an outstanding workplace. Each group needs to understand their role in building a nonprofit with exceptional employer compliance and effective practices that support the worker throughout the employment lifecycle. You may identify other layers specific to your nonprofit based on your organizational structure and decision-making processes.

On the following page, we illustrated the different layers of individuals, groups, and agencies involved in employer compliance.

WORKERS in Nonprofits



Board: The board provides governance for an organization. They typically set strategic priorities, fund those priorities through a budget process, initiate and approve policy, and are accountable for ensuring the organization provides a safe, healthy, and legally compliant workplace.

Leadership: Whether a paid CEO, co-directors, a team of directors, or a volunteer executive director, this role oversees the day-to-day work around employer compliance. They model behaviors and practices aligned with the employer philosophy and workplace culture.

Workers: Nonprofit workers may include paid employees, volunteers, interns, and independent contractors, and collectively they are the eyes, ears, arms, and legs of the organization. The workers transform the mission into living, breathing practices.

People You Serve: Your nonprofit serves people who benefit from your programs and strong employment practices that support workers to thrive. Your workers also engage with the people you serve in a variety of ways that directly relate to workplace experiences.

Washington State Department of Labor & Industries: Is a state agency dedicated to the safety, health, and security of Washington workers. The agency oversees workers' rights like minimum wage, overtime, and the Equal Pay & Opportunities Act as well as safety and health.

Washington State Employment Security Department: Is a state agency that provides communities with inclusive workforce solutions that promote economic resilience and prosperity. The agency oversees programs like unemployment, Paid Family and Medical Leave, and other employment-oriented services.

Washington State Human Rights Commission: Is a state agency responsible for administering and enforcing the Washington State Law Against Discrimination.

United States Department of Labor: Is a federal agency that fosters, promotes, and develops the welfare of the wage earners, job seekers, and retirees of the United States.

5. Help for employers and workers

GOVERNMENT

Washington State Department of Labor & Industries	https://www.Lni.wa.gov/ Phone: 360-902-5800	Fax: 360-902-5798 TTY*: 1-800-833-6388

Washington State Department of Labor & Industries (L&I) is a state agency dedicated to the safety, health, and security of Washington's 3.3 million workers. With the goal of keeping Washington safe and working, L&I administers many different programs for employers: workplace safety & health standards, workers' compensation insurance & claims, employment standards (wage & hour rules), contractor registration, and various other programs to protect the public from unsafe work.

Washington State Employment Security Department
https://esd.wa.gov/
Phone: 360-902-9500

Washington State Employment Security Department provides communities with inclusive workforce solutions that promote economic resilience and prosperity. The agency oversees programs like unemployment, Paid Family and Medical Leave, and other employment-oriented services.

Washington State Human Rights Commission
https://www.hum.wa.gov/
Phone: 1-800-233-3247

Established in 1949 by the Washington State Legislature, the Washington State Human Rights Commission is a state agency responsible for administering and enforcing the Washington State Law Against Discrimination.

NONPROFITS

501 Commons
https://www.501commons.org/
Phone: 206-682-6704

501 Commons provides expertise to nonprofits through 30+ services, including a full range of management consulting; technology consulting, outsourced HR, accounting, IT infrastructure, and database management; professional development and board training; and free information and referral services.

Communities Rise
https://communities-rise.org/
Phone: 206-324-5850

Communities Rise offers legal services, trainings, peer learning, and coaching. They work with organizations, small businesses, and communities located in Washington state that have been impacted by systemic oppression to increase capacity and build power as well as community leaders in the broader nonprofit, public, and philanthropic sectors to create systemic change.

CHAPTER 1
Align

Prior to recruiting new members to join a nonprofit team, it is important to take time to reflect and align around the organizational needs, worker opportunities, and employer philosophy. Take the time to gain alignment – this will support you in attracting workers ideal for the opportunities available at your organization.

1. Align your organizational needs and worker opportunities

Workforce needs may vary based on the organization's stage of development and size, available resources, and the scale of programming. A nonprofit just starting up, for example, may consist of a group of dedicated volunteers or a charismatic leader enlisting volunteers and attracting resources to fill a critical community need. Compare that to an organization that is growing and has stable resources. Such an organization may employ a mix of paid workers and outsourced services to increase their capacity in support of expanding programs.

The kind of worker needed may also change. Smaller organizations tend to need highly adaptive and multi-talented workers. Larger organizations with more resources can offer a broader range of positions for workers that have varying skill levels and experiences.

As you align your organizational needs with right-sized worker opportunities, consider establishing intentional practices that lead to hiring a workforce reflective of the diverse communities your nonprofit serves. Do the workers at your nonprofit reflect the people you serve or the people most affected by the issues your organization is working to address?

EXAMPLE

For example…
Think about an educational organization and the teachers employed. If the teacher population was representative of the general US population, we would expect to see 51% female and 60% white (non-Hispanic) teachers. Instead, according to the National Center for Education Statistics about 76% of public-school teachers are female and 79% are white. To be more reflective of the communities served, schools and educational programs should recruit more males and people of color. In addition, due to shifting demographics, the percentage of students of color is even higher than the general population, so a school might set even higher goals around recruitment of teachers of color to better reflect the student population.

2. What’s your employer philosophy?

Nonprofit work is people-centered, and we work with diverse people with different realities, experiences, and needs. Your nonprofit may engage workers as paid employees, volunteers, interns, and/or independent contractors to move forward the organization’s mission and work. As an employer, what are the key values, commitments, and actions that serve as grounding for the people who complete vital work for the organization?

A. WHAT DO WE MEAN BY EMPLOYER PHILOSOPHY?

Employer Philosophy: A clear statement of how the organization seeks to treat people who complete work in the organization.

Having an employer philosophy strengthens your ability to achieve your mission, creates an engaging workplace culture, and supports workers to thrive. This philosophy grounds your practices in your nonprofit’s values while meeting organizational legal obligations as an employer in the state of Washington.

B. GET CLARITY ON YOUR EMPLOYER PHILOSOPHY

A nonprofit is a type of corporation created to accomplish a public benefit. The organization does not have owners other than the community at large, and it cannot be setup for the purpose of generating an income or profit for the organizers. Nonprofits are unique in their operational needs, yet, over time we have adopted ”best” employer practices developed in public institutions and for-profit organizations. These approaches may not reflect the employer practices and values that a nonprofit wants to center. Therefore, getting clear and intentional about your nonprofit’s philosophy as an employer is important to make sure the practices you are adopting are aligned with your organization’s mission and values.

Below are some examples of values statements that could be included in an employer philosophy.

EXAMPLE

For example…

- We recognize workers as vital and dynamic to our organization’s mission.
- We affirm the dignity of work and treat workers as an integral part of our organization.
- We strive to offer fair compensation to all of our employees at a level above the living wage for our area.
- We seek to recognize, recruit, and retain workers who have lived experience with the services we provide and the issues we address.
- We acknowledge that each worker has had different levels of privilege and exposure to work, and we commit to invest in our workers where they are in their development.
- We recognize that labor laws are only the minimal requirements for our organization to follow. We seek to advocate for policies and practices that go beyond the minimal legal requirements supporting our workers to not only survive but thrive.
- We recognize that workplace culture must reflect our humanity. We seek to integrate holistic and equitable practices that support all types of workers and work.
- We recognize the relationship between the organization and the worker will change over time. When employees leave the organization, we seek to maintain positive relationships and build a network of ambassadors for our mission and organization.

Reflection…

Does your nonprofit have a clearly stated employer philosophy? If yes, what does your philosophy convey about the relationship between your nonprofit as an employer and the worker as an employee? If not, what is the assumed or perceived relationship between the nonprofit as an employer and the worker as an employee?

As you work to get clarity on your employer philosophy, here are some reflection questions to get you started.

How is your employer philosophy…	Your Reflections
Aligning with your organizational values and structure?	
Guiding the way you attract and recruit workers?	
Centering people most affected by the issues your nonprofit works to address?	
Providing workers engagement and advancement opportunities within the organization?	

3. Understanding your workplace culture

If you are a small nonprofit with few workers or hiring your first employee, you may not think of your nonprofit as having a workplace culture. However, every new person you hire will experience and shape your workplace culture. Culture is the way a group of people come together. Workplace culture grows from your employer philosophy and organizational values. Your workplace culture really matters in the worker's overall experience and development as well as their relationship with the organization.

Aspects of culture are both visible and invisible, and culture is often compared to an iceberg because 90% of an iceberg is unseen below the waterline. We aspire to create a workplace culture that supports our mission and values. We explore the visible and invisible parts of our culture to better understand where we are now and what changes we want to make. A strong workplace culture is vital to every nonprofit organization.

In a workplace, culture includes the systems of knowledge shared by workers – the values, beliefs, attitudes, and roles individuals take within the organization. Culture in general shows up in three ways: artifacts, behavior, and underlying values. We break this down with the following examples related to workers and the workplace.

A. ARTIFACTS

Artifacts are the "stuff" of the organization. This includes things that someone could see by walking around your workplace. Some artifacts are less visible and may be known by specific workers. Artifacts can be tools, documents, procedures, and more. Together, your artifacts represent visible or accessible indicators of your nonprofit's policies and protocols for workers.

Use the checklist on the right to think about the artifacts in your organization.

B. BEHAVIOR

What we can observe or witness when team members interact within the workplace are behaviors. Behaviors include:

- Conversations – what people talk about
- Causal workplace comments
- Participation in meetings
- How people interact across the organizational structure, like workers and board or workers and people served
- How individuals and teams respond when faced by a challenge or conflict
- How you track worker performance

C. UNDERLYING VALUES

Underlying values are invisible elements that nevertheless shape a culture. A nonprofit can say that their workers are important, valued, and integral to mission achievement, and underlying convictions must exist so that everyone in the organization matches their words with appropriate actions. The invisible elements may include:

- Values related to what matters within an organization
- Assumptions that common understandings are shared
- Attitudes about data and record-keeping
- Attitudes about what is acceptable behavior
- Attitudes about the people you serve
- Unspoken rules
- Unspoken perceptions about the workplace environment
- Beliefs
- Habits

REFLECT

What are your artifacts?

- ❑ Incorporation documents
- ❑ Business license
- ❑ Strategic plan
- ❑ Employment handbook
- ❑ Employee benefits
- ❑ Onboarding plans
- ❑ Workplace safety and health plans
- ❑ Budgets
- ❑ Payroll systems
- ❑ Training guides and plans
- ❑ Non-discrimination policies
- ❑ Performance evaluation policies
- ❑ Worker bulletin board(s)
- ❑ Organizational chart
- ❑ Tools and technology used

GROW

One way to understand the underlying values of your workplace culture is to interview individuals from different layers of the nonprofit: board, leadership team members, workers, and people served.

D. ASSESS YOUR CULTURE

TOOL

The first step in strengthening your workplace culture is to assess what your culture is now. Use the following "Know Your Workplace Culture" worksheet to note how you would describe your culture across the three aspects (artifacts, behavior, and underlying values). Then describe how you want your workplace culture to be in the future. Remember, you can change culture.

Know Your Workplace Culture

We experience culture in three ways: through the **artifacts** (documents, tools, etc.) that we use/see, through **behaviors** that we do/see, and through underlying **values** that we do not see but experience.

Our culture now: Where do you see alignment to your employer philosophy and organizational values across the three aspects of culture?		
Artifacts Documents or other "stuff" that you can touch	**Behaviors** Behaviors and actions we can see and experience	**Values** Attitudes and assumptions we experience but do not see
Future culture: What would you like to add/change to strengthen your workplace culture?		

Next steps...

Now that you have thought about your culture and what you would like it to be, write down three actions you can take to move towards your desired workplace culture.

1.

2.

3.

CHAPTER 1 SUMMARY
Align

KNOW

1. Your workforce needs will change over time – make sure your organizational needs are aligned with worker opportunities.
2. An employer philosophy grounds your practices in your nonprofit's values while meeting organizational legal obligations as an employer in Washington.
3. A strong workplace culture is vital to every nonprofit, and each new person you hire experiences and shapes your culture.
4. A nonprofit has systems, policies, and tools in place to help operations. You can leverage these tools to strengthen your workplace culture and meet employer compliance requirements.

REFLECT

Here are some questions to think about:

Do your worker opportunities align with your organizational needs?	
How does your employer philosophy align with your organizational values and help your nonprofit go beyond minimal legal requirements for workers?	
What are two or three words you would use to describe your workplace culture?	
What would your nonprofit's ideal workplace culture look, feel, and sound like?	Look like…
	Feel like…
	Sound like…

GROW

Next steps:

- ❑ Make a list of all the types of people connected to your organization, including those within the nonprofit and those you serve. Next to each type, note how you think they would describe your nonprofit's workplace culture.
- ❑ Take one of the activities or reflection questions in this chapter and discuss with others the concepts of aligning organizational needs and worker opportunities, employer philosophy, and workplace culture. Plan how these aspects will guide future hiring and team growth.

WORKERS in Nonprofits

CHAPTER 2
Attract & Recruit

Hiring talented workers starts with attracting and recruiting great talent that is right for your organization. Nonprofits offer unique and meaningful work opportunities, and your nonprofit is no exception! When considering the lifecycle of a worker at your organization, the process to attract and recruit workers can be challenging and time consuming. When done well, your recruitment efforts will yield diverse, well-qualified applicants that are excited to say "yes!" to joining the team. When the process falls short, you may miss out on fabulous candidates or have high staff turnover.

1. Job classifications, job descriptions, and job applications…oh my!

Getting your worker opportunities sorted into the correct job classifications, developing effective job descriptions, and processing job applications can be daunting. In the following sections, we cover important information on these three topics along with providing resources to help you navigate.

A. JOB CLASSIFICATIONS

As you think about worker opportunities, you may have questions about what qualifies as a volunteer, intern, employee, or independent contractor. It is important to properly identify the type of worker. For example, misclassifying employees as independent contractors can expose an employer to liabilities from unpaid minimum wages and overtime pay to federal, state, and local tax withholdings.

If you are recruiting a worker for a paid employee position, you will need to determine if the employee is classified as exempt or nonexempt. All employees are assumed to be covered by the federal Fair Labor Standards Act (nonexempt employees) and Minimum Wage Act unless they meet a list of job duties requirements and a minimum salary threshold (exempt employees).

Job Classification	Description
Exempt	Employees are exempt from all Minimum Wage Act protections including overtime and paid sick leave. The employees generally must be paid on a salary basis, meet a minimum salary threshold, and pass the job duties test as an executive, administrative, or professional employee to be exempt. *Employees who do not meet the requirements to be classified as exempt are consider nonexempt.*
Nonexempt	Employees must be provided with the protections outlined in the Minimum Wage Act. Nonexempt employees may be paid on an hourly, salary, or other basis. If an employee does not qualify for exemption, and is paid on a salary basis, they are considered salaried nonexempt. Most nonexempt employees, including salaried nonexempt employees, are eligible for overtime pay.

GROW

Job classifications can be confusing. Fortunately, L&I has informative resources to help you better understand different classifications of workers. Explore the following resources from L&I, and then complete the *Staffagories* activity sheet (instructions below). The *Staffagories* activity was originally created by Nonprofit Association of Washington and Communities Rise (formerly Wayfind) as part of the *Let's Go Legal* toolkit, which includes information on employment law.

	Fact Sheet	Case Study	Web Page	Guide
Nonexempt & Exempt				
Nonexempt vs. Exempt Salaried Employees				
Differences between exempt and nonexempt salaried employees	✓			
Exempt Employees: Job Duties				
Executive				
Understanding the Executives job duties test	✓			
Exempt case studies - Executive		✓		
Administrative				
Understanding the Administrative job duties test	✓			
Exempt case studies - Administrative		✓		
Professional				
Understanding the Professional job duties test	✓			
Exempt case studies - Professional		✓		
Exempt Employees: Minimum Salary Threshold				
Salary threshold implementation schedule	✓			
Internships, Apprenticeships, and Volunteers				
Workers' Rights: Intern, Apprentice, Trainee, or Volunteer				
Workers' Rights – Internships, Apprenticeships, & Volunteers			✓	
Independent Contractor				
Hiring Independent Contractors in Washington State				
Independent Contract Guide				✓

WORKERS in Nonprofits

Staffagories – A Nonprofit Worker Sorting Activity

Instructions:
- Think about each member of your team and sort the individual workers into a specific Staff or Non-Staff category.
- Write down the worker's name and at least one reason why this person is properly categorized.
- Refer to the L&I resources or *Let's Go Legal* toolkit (linked above), if needed.

STAFF			
Non-exempt	**Exempt**		
	Executive	**Administrative**	**Professional**

NON-STAFF		
Interns	**Volunteers**	**Independent Contractors**

B. JOB DESCRIPTIONS

Job descriptions are a key piece of the recruitment process. Crafting an effective job description can attract a wide range of qualified candidates and ensure great candidates are not self-selecting out before even applying. A job description should paint a general picture of the role available, needed skills, knowledge, and experiences, and share details specific to your nonprofit's mission, values, and culture. Stating the salary range on the job announcement is a best practice as well. In addition, the Washington Equal Pay and Opportunities Act states that upon request, employers (required only for employers with 15 or more employees) must provide applicants and current employees offered an internal transfer or promotion with the wage and salary information for the position.

C. JOB APPLICATIONS

On the job announcement, be sure to let interested candidates know how to apply for the job opportunity. Sometimes you may want candidates to submit a formal job application on a form you provide requesting relevant information such as: basic contact information and work history. Other times, you may request that applicants submit a cover letter, a resume, and even sample pieces of work. The kind of application process you use may vary based on the size of your organization, type of worker you are hiring, and type of work the worker will do. Consider including flexible closing dates in job postings with priority given to applicants who submit their applications by a specific date. This is helpful if you are not successful in securing your first-choice applicant.

Most employers with 15 or more employees are subject to anti-discrimination laws governed by the Equal Employment Opportunity Commission (EEOC). Anti-discrimination laws make it illegal to discriminate against a job applicant or employee based on race, color, creed, religion, sex (including pregnancy-related discrimination), national origin, age, disability, genetic information, and military or veteran status. Washington's laws protect the same characteristics as federal law and also extend protections based on veteran and marital status, sexual orientation, and political activities. Employers need to ensure there is no discrimination across all types of work situations – hiring, firing, promotions, harassment, training, wages, and benefits. To do this, on a voluntary basis, employers should collect and analyze basic demographic information from applicants and employees.

Anti-Discrimination Laws	
Federal & State Laws	**Covered Employers**
Federal: Title VII of the Civil Rights Act of 1964	Employers with 15 or more employees
State: Washington State Law Against Discrimination	Employers with eight or more employees

Did you know in Washington state, employers cannot request wage or salary history when people are applying for a job, and you cannot require a minimum previous salary to be considered for a position (see the following section on the Washington Equal Pay and Opportunities Act)? This includes asking questions on your job application form about wage or salary history, even if the question is optional. However, as a worker, you may voluntarily disclose salary history information. After an employer negotiates and makes an offer of employment with compensation to an applicant, the employer may confirm an applicant's salary history.

D. WASHINGTON EQUAL PAY AND OPPORTUNITIES ACT (EPOA)

The Equal Pay and Opportunities Act (RCW 49.58) prohibits gender pay discrimination and promotes fairness among workers by addressing business policies and practices that contribute to income disparities between genders. Both employees and job applicants have rights under this law.

For employees, the EPOA has provisions for equal pay, equal career advancement opportunities, open wage discussions, wage and salary range disclosure, and retaliation protections. For job applicants, the EPOA has provisions for wage and salary history privacy as well as wage and salary range disclosure. You can learn more by visiting http://www.Lni.wa.gov/EqualPay or call 1-888-219-7321.

Did you know that the Washington State Department of Labor & Industries offers free customized consultations to help employers understand the possible effects of the EPOA on their organization and employment practices? To request a consultation, send an email to esgeneral@Lni.wa.gov with "Equal Pay Consultation" in the subject line and provide your name, organization's name, phone number, and preferred email address.

VIDEO

For more information, watch the Equal Pay and Opportunities Act video, available at wanonprofitinstitute.org/win.

2. Recruitment

Workers in nonprofits should reflect the people you serve and the people you are in community with every day. Your organization should develop an approach to recruitment that aligns with your values and employer philosophy and creates a welcoming process for all possible applicants. This process is an opportunity to reflect and take action.

REFLECT

Your Turn…

On the following page are some questions to ask yourself and things to think about as you lay out your recruitment plan. Use the space next to the questions to write down your thoughts, ideas, and action steps.

Ask yourself…	Notes & Next Steps
What are your recruitment goals? Think about… • Desired number of applicants • Desired date to fill the position by • Specific skills and knowledge, lived experiences, and abilities you are looking for in applicants	
Do you have a recruitment strategy in place? Think about… • Types of applicants you want to reach • Different ways to reach desired applicants • Recruitment support needs from within and outside your organization • Each step of your recruitment and hiring process – do not create unnecessary barriers for applicants	
What will it take to carry out your recruitment strategy? Think about… • Networks your organization is a part of • Places to post and share your job announcement • People, partners, and groups that can help you get the word out about job openings	
After you hire, do you take time to reflect and evaluate the recruitment process? Think about… • What went well and what could be improved • Updates and refinements to make now in preparation for future opportunities	

Go beyond your typical job posting platforms – engage your networks, current and former staff as opportunity ambassadors, local community-based publications, cultural organizations, faith-based groups, and more. Think creatively with your team and remember this is a chance to build relationships that will support your nonprofit's work now and in the future.

Applicants are more and more likely to find your job posting online, so think about how you can share that online posting. Instead of only putting it up in the usual spaces, like indeed.com or craigslist.org, you can also post job opportunities in local blogs or online newspapers that have a more direct connection to your community. You can also use other media types like radio and print newspapers.

3. Interviewing

Creating an interview process that provides a positive experience for everyone involved takes forethought and intentional design. This includes responding to applicants in a timely manner, even those not invited to interview. Making a good impression on all applicants is important. The applicants not selected will still become part of your nonprofit's larger community and you want continued good relations even if they are not right for your team now.

A. PLANNING THE INTERVIEW PROCESS

Remember, the first significant interaction with the applicant you may hire is the interview. Spend time planning, preparing, and shaping a deliberate interview process. When you complete your interviews, it is important to thank everyone interviewed for the position by phone, email, or letter. To help you start your planning process, the following worksheet outlines important steps for your team to consider.

Planning Steps	Have you done this?	Notes & Next Steps
Plan for the interview • Review the job requirements • Identify core skills needed for performing the job • Setup a clear process for applicant review • Assemble a diverse interview team	❑ Yes ❑ No	
Prepare for the interview • Craft open-ended, job-related questions that allow applicants to give examples • Write out your questions and assign to interview team members • Ensure interview team members have materials needed (e.g. applicant cover letter and resume, interview questions, and assessment rubric)	❑ Yes ❑ No	
Shape your interview space • Find a place where you will not be interrupted • For videoconference interviews, make sure everyone's audio and video are working well before starting with questions • Allow enough time, including time for the applicant to ask questions	❑ Yes ❑ No	

Planning Steps	Have you done this?	Notes & Next Steps
Hold the interview • Build rapport with applicant • Be okay with silence • Ask follow-up questions to gain more information and to clarify	❑ Yes ❑ No	
Assess the applicant • Determine if you have enough information to assess the applicant • Allow time to discuss each applicant as an interview team	❑ Yes ❑ No	

B. MINIMIZING BIAS

Unconscious or implicit bias is inescapable in the interview process, and your goal will be to minimize this as much as possible. During the interview planning process, you should assemble a diverse interview team of people connected to your nonprofit (you may also refer to this team as a hiring committee). Think about the interview team size – a few people provides more perspectives to the process, but too many interviewers can also be intimidating for the applicant. Setup a standard assessment or evaluation format that is transparent and explainable. Before you begin reviewing applications, take time as a team to discuss and question your implicit biases, and consider touching base again prior to the interviews.

Employers may be influenced by factors like dress, manners, age, and even makeup in their initial impression of an applicant. Let go of snap judgements and dig deeper to make sure you are hiring the best person for the job. Stay skills-focused and consider how the applicant's experience and temperament fits the position and larger team. During interviews, ensure you ask the same questions of each applicant.

C. MAINTAINING A STRONG TEAM

Before you invite candidates from outside your organization to interview, have you considered an internal transfer or promotion? Is there a volunteer or someone already involved with your nonprofit's work who would be ideal for the job opportunity? If you find yourself facing consistent staff turnover, take time to work on staff retention strategies to reduce the hiring need, especially for ongoing positions.

CHAPTER 2 SUMMARY
Attract & Recruit

1. Be sure to properly classify all workers into the correct job classification. For paid employees, remember that exempt workers must meet a list of job duties requirements and a minimum salary threshold to qualify for overtime-exemption.
2. Most employers are subject to anti-discrimination laws like Title VII of the Civil Rights Act governed by the Equal Employment Opportunity Commission (federal) and the Washington State Law Against Discrimination governed by the Human Rights Commission (state).
3. Under the Washington Equal Pay and Opportunities Act, employers cannot ask an applicant for their wage history or require a minimum prior salary to be considered for a position.
4. During interviews, ensure you ask each applicant the same questions, and use open-ended, job-related questions so applicants can give examples that highlight their experience and skills.

Here are some questions to think about:

Do you thoroughly review the job duties of worker opportunities to ensure they are properly classified?

For current workers, do you reassess their job classifications when their job duties or wages change to verify they are still classified correctly?

Who are your key community partners that can help share job opportunities and connect you with exceptional applicants?

How would you describe your nonprofit's current process to review and evaluate applicants? Is the process clear, standardized, and easily explainable?

Next steps:

- ❑ If you have opportunities for workers under the age of 18, there are specific laws and rules employers must follow. Learn more on L&I's webpage on *How to Hire Minors*.
- ❑ Think about the essential skills for your worker opportunity and shape an application process that helps you assess an applicant's capabilities. For many jobs, organizations ask for a cover letter and resume. What are some other ways you can shape an application and interview process to collect relevant information and evaluate an applicant's alignment to the essential skills and experiences?

CHAPTER 3
Hire & Onboard

You found your new team member, now is the time to hire, onboard, and set the worker up for success. There are many employer compliance requirements to complete when bringing a new worker onboard, so take the time to prepare for their arrival. Also, consider how your employer philosophy, workplace culture, and organizational values tie into creating a welcoming environment for new workers.

1. Making an offer and hiring

This is an exciting phase of the worker lifecycle for both your nonprofit and the new worker. After completing the recruitment and interview process, you identified an exceptional applicant and are ready to make an offer.

MAKE THE OFFER

Outline the initial offer terms

- Job classification, if not communicated prior
- Salary or wage being offered
- Ideal start date and work schedule
- Summary of all benefits provided

Call the applicant.

- Offer the position and describe the terms of employment
- The applicant may accept the offer, ask for time to consider the offer, ask to negotiate the offer*, or decline the offer during the phone call, and you should be prepared to respond to each possible scenario
- If the applicant wants to negotiate pay or another aspect of the offer, be clear about what is negotiable and what is non-negotiable

Do not feel that you must make decisions on the applicant's requests on the initial phone call – take time to listen, assess what you can or cannot offer, and schedule a time to follow-up. *Remember, maintain consistent hiring processes and do not change practices for specific candidates; going outside of the standard practices for your nonprofit could run the risk of discriminatory practices.*

***Negotiating Pay**
Under the Washington Equal Pay and Opportunities Act, employers can negotiate pay during the hiring process, but if the pay offered a new employee causes a gender pay difference between similarly employed employees, any difference in compensation must be based on justifiable job related factors (not the negotiation itself). L&I recommends employers rectify any gender pay differences caused by pay negotiations during a hiring process.

WRITE THE OFFER LETTER

Prepare an official offer letter

Position details

- Title
- Job classification – exempt or non-exempt
- Full-time or part-time (including the full time equivalent – FTE)
- Regular, temporary, seasonal, or intermittent employment

Department and supervisor, if applicable

Start date

Work schedule specifics, if applicable

Compensation

- Exempt – provide the pay amount per pay period and the annualized equivalent salary
- Nonexempt – provide the hourly wage, pay amount per pay period, and annualized equivalent wage

Summary of benefits

At-will employment

- *Washington is an at-will employment state, employment with the organization is not for any specified term and may be terminated by either the worker or the organization at any time, for any reason, with or without cause and with or without notice.*

Signatures

- Authorized signer of the nonprofit
- Space for the new hire to sign and date

Does your nonprofit complete background checks for new workers?

If yes, clearly state in the offer letter the offer is contingent upon completion of a satisfactory background check.

Outline next steps linked to the background check process like the name of the background screening company, receipt of a consumer report disclosure form, and anything else the individual should expect.

2. Onboarding workers

Once the signed offer letter is received, the preparations for the new worker and their onboarding process begin. There are items to cover prior to the worker's first day, paperwork to complete, and schedule considerations as the individual gets up to speed. To help you start your preparations, the following worksheet outlines important steps including required paperwork. Use the space provided to write notes and next steps to help you get ready for your new team member.

Onboarding Steps	Notes & Next Steps
Prepare for onboarding & 1st day ❑ Create an onboarding checklist to ensure you cover the basics and legal requirements ❑ Follow policies in your employee handbook ❑ Set up a personnel file with limited access that ensures confidentiality ❑ Order equipment and setup accounts ❑ Schedule an orientation and key meetings ❑ Send a welcome email with details like when and where to arrive, transportation options, who to report to, and attire (if applicable)	
Shape the 1st day & week ❑ Welcome the worker and share an overview of the coming days ❑ Provide orientation that reviews employee handbook and covers expectations on conduct, schedules, and other aspects of team behavior and workplace culture ❑ Review job duties, responsibilities, and position expectations ❑ Provide equipment, keys, account logins, etc. ❑ Tour the workplace – bathrooms, fire exits and locations important to safety, and any other key spaces ❑ Build in breaks and provide everything in writing (new hires have a lot to take in)	
Complete new hire paperwork ❑ Register new hire with Washington State Department of Social and Health Services ❑ Update your worker's compensation account ❑ W-4 tax withholding form ❑ I-9 form employment verification ❑ Complete direct deposit form ❑ Complete benefit enrollment forms ❑ Review and sign other paperwork your organization may have like confidentiality agreements, conflict of interest, and equipment agreements	

Here are a few other things to consider while preparing for your new hire.

- Is the worker remote? If yes, make sure the necessary equipment and materials for their home office are received prior to their start date.
- Does your organization have workers in multiple states? If yes, you must file the proper paperwork in each state workers are located.

3. Ensuring employer compliance

Most nonprofits are tax-exempt corporations and are required to follow a wide array of laws and regulations. Your tax-exempt status does not make you exempt from employer regulations. Bringing on a new hire is a great time to review employer compliance areas as well as ensure all required employer posters are up in the workplace.

A. OVERVIEW OF COMPLIANCE AREAS

To help navigate the different core areas of employer compliance, the following section summarizes important details and provides links to more information. You can also review the employment law section of Nonprofit Association of Washington's *Let's Go Legal* toolkit.

Anti-Discrimination and Anti-Harassment

Most employers are subject to anti-discrimination laws like Title VII of the Civil Rights Act governed by the Equal Employment Opportunity Commission (federal) and the Washington State Law Against Discrimination governed by the Human Rights Commission (state). In Washington, under L&I, workers are also entitled to protection against safety and health, wage and hour, and some other types of workplace discrimination.

In 2018, the Washington State Legislature passed Senate Bill 6471, which required the Human Rights Commission to develop procedures, best practices, and a model sexual harassment policy.

For more information:

- Review the Human Rights Commission webpage on the Washington State Law Against Discrimination
- Review the Human Rights Commission webpage on Sex/Pregnancy in Employment for materials to assist in creating a workplace free from sexual harassment
- Review L&I's webpage on Safety and Health Discrimination

Meals and Breaks

Under Washington law, workers have a right to take rest breaks and meal breaks. For every four hours worked, workers must be allowed a paid rest period (free from duties) of at least 10 minutes. When workers work more than five hours in a shift, they must be allowed a meal period of at least 30 minutes that starts between the second and fifth hour of the shift. Workers can waive their meal break requirement – only if both the worker and employer agree. Workers cannot waive rest break requirements. All workers must receive "reasonable access" to bathrooms and toilet facilities.

For more information:

- Review L&I's webpage on Rest Breaks, Meal Periods & Schedules
- Review the Fair Labor Standards Act *Break Time for Nursing Mothers*

Overtime and Pay

Workers must be paid for all work performed and be paid an agreed-upon wage on a regular, scheduled payday (at least once per month). Workers can receive pay by check, cash, direct deposit, or even pre-paid payroll or debit cards, as long as there is no cost to the worker to access their wages. If a worker quits or is fired, the organization must provide their final paycheck on or before the next regularly scheduled payday.

An employer can only deduct money from a paycheck under certain conditions, and the rules vary for deductions from a final paycheck and deductions during on-going employment. There are mandatory paycheck deductions such as federal income taxes, Medicare, workers' compensation, etc.

Most employees who work more than 40 hours in a 7-day workweek are entitled to overtime pay. Overtime pay must be at least 1.5 times the employee's regular hourly rate. See below for more information on Washington Overtime Rules.

For more information:

- Review L&I's webpages on Getting Paid and Overtime
- Review L&I's webpage on Payroll & Personnel Records

Protected Leaves

Workers have rights under the law that allow them to take time away from work that is safe from retaliation or discrimination from the employer – this is known as protected leave. Under protected leave, workers have the right to return to the same job and employment terms held before the leave. An employer cannot fire or otherwise retaliate against a worker for filing a complaint about possible violations for their protected leave rights.

For more information:

- Review L&I's webpage on Protected Leave Complaints for a list of protected leaves allowed by the State of Washington
- Check out the *Workers in Nonprofits – Leave Reference Guide* for an overview of leave laws, what the laws mean, what agencies enforce each law, and based on organization who is covered.

Safety and Health

Washington State safety and health law requires all employers to create a written Accident Prevention Program. For any workplace that has eight or more employees, you must have a Safety Bulletin Board. Also, employers must have a safety committee or safety meetings, depending on the size of the organization. There are also provisions for first aid and fire extinguishers including training.

For more information:

- Review the L&I Safety and Health Rules by specific chapter
- Review the Nonprofit Association of Washington *Safety & Health in Nonprofits toolkit*

SAFETY & HEALTH in Nonprofits

B. WASHINGTON OVERTIME RULES

Washington Overtime Rules determine which employees can be considered overtime-exempt, meaning they are not required to be paid overtime for working more that 40 hours in a 7-day workweek or provided other protections under the Minimum Wage Act (like paid sick leave). Most overtime-exempt employees must meet a list of duties requirements and a minimum weekly salary amount, known as the minimum salary threshold. New state rules went into effect as of July 1, 2020 with a salary threshold schedule that will incrementally increase to 2.5 times the state minimum wage by 2028. Small employers (1-50 employees) have a more gradual phase-in schedule to give extra time to comply with the rules in comparison to large employers (51 or more employees).

If your nonprofit has exempt employees with salaries below the minimum salary threshold, there are options to consider.

- Convert salaried-exempt employees to salaried-nonexempt or hourly-nonexempt and pay any overtime accrued or limit hours to 40 hours per workweek
- Maintain as salaried-exempt employees by ensuring the workers meet the job duties test requirements and minimum salary threshold
  Remember, you will have to revisit and keep pace as the minimum salary threshold rises annually through 2028.

Planning across this multi-year implementation and preparing your nonprofit's workers as well as your systems can be challenging. The following is a list of tools and resources to help you navigate the Washington Overtime Rules.

- Review L&I's webpage on Changes to Overtime Rules
- With L&I's Overtime Exempt Salary Budget Tool, determine if an individual employee's salary meets the minimum salary threshold and estimate a budget for the overtime cost if the employee is classified as nonexempt
- With the *Workers in Nonprofits Overtime Salary Threshold Tool*, small employers can look at all their exempt employees at once across the implementation period and determine what salaries meet the minimum salary threshold as well as estimated expenses

Why did the State of Washington enact new overtime rules?

The overtime threshold has not changed since the 1970s. As a result, it has not kept up with the rate of inflation. Having a higher overtime threshold protects lower wage workers from exploitation. Nonprofits have the same obligation as for-profit employers do to be good employers. Although this will require change, it will result in better compensation and working conditions in the nonprofit sector overall, which will in turn increase equity and our ability to attract and retain the best talent at our organizations.

The Workers in Nonprofits Overtime Salary Threshold Tool is available at wanonprofitinstitute.org/win.

C. REQUIRED EMPLOYER POSTERS

Employers are legally required to display certain posters in the workplace to inform workers of their rights and responsibilities. The posters should be posted in the workplace and emailed to remote workers. Versions in English, Spanish, and other languages are often available. Contrary to some ads, employers do not need to buy posters from private companies. All the following posters are available for free.

Agency Information	Type of Poster	Posted in the workplace / emailed to remote workers?
Required by L&I Download: (link: https://Lni.wa.gov/forms-publications/required-workplace-posters) **Notice to Employees poster differs for self-insured employers.*	Job Safety and Health Law	❑ Yes ❑ No
	Your Rights as a Worker	❑ Yes ❑ No
	Notice to Employees — If a Job Injury Occurs*	❑ Yes ❑ No
Required by the Employment Security Department Download (link: www.esd.wa.gov/about-employees/forms-and-publications)	Unemployment Benefits poster	❑ Yes ❑ No
	Paid Family and Medical Leave poster	❑ Yes ❑ No
	Domestic Violence Resources	❑ Yes ❑ No
Recommended by the Human Rights Commission Download (link: https://www.hum.wa.gov/publications)	Washington State Law Prohibits Discrimination in Employment	❑ Yes ❑ No
Required by the Equal Employment Opportunity Commission Download: (link: webapps.dol.gov/elaws/posters.html)	Equal Opportunity Employment is the Law	❑ Yes ❑ No
Required by the Department of Labor *Most businesses are required to post the following notices in the workplace. To determine which specific federal posters your business is required to post, please visit the DOL elaws Poster Advisor (webapps.dol.gov/elaws/posters.html).*	Fair Labor Standards Act (FLSA)	❑ Yes ❑ No
	Federal Minimum Wage Poster	❑ Yes ❑ No
	Employee Polygraph Protection Act	❑ Yes ❑ No
	Family and Medical Leave Act of 1993 Your Rights Under USERRA — The Uniformed Services	❑ Yes ❑ No
	Employment and Reemployment Rights Act	❑ Yes ❑ No
Required notice Affordable Care Act coverage options www.dol.gov/agencies/ebsa/laws-and-regulations/laws/affordable-care-act/for-employers-and-advisers/coverage-options-notice		❑ Yes ❑ No

For more information on local posters, online guides, and helpful contact information check out this summary document prepared by L&I.

CHAPTER 3 SUMMARY
Hire & Onboard

KNOW

1. Although you hope a worker's employment is a mutually rewarding experience for the individual and organization, Washington is an at-will employment state. This means a worker's employment with your organization is not for any specified term and may be terminated by either the worker or the organization at any time, for any reason, with or without cause and with or without notice.
2. During the onboarding process of new workers, make sure to complete required paperwork including the federal I-9 employment verification and W-4 tax withholding forms.
3. Nonprofit employers are required to follow a range of laws covering anti-discrimination and anti-harassment, meals and breaks, overtime and pay, protected leaves, and safety and health.
4. As of July 1, 2020, new Washington Overtime Rules went into effect that when fully implemented in 2028 will raise the minimum salary threshold for overtime-exemption to 2.5 times the state minimum wage.
5. Employers must display certain posters in the workplace, and all the required posters are available for free.

REFLECT

Here are some questions to think about:

How is your employer philosophy and organizational values reflected in the wage and benefits you offer workers?

What are some steps you will take to plan for Washington Overtime Rule changes and ensure your workers are in compliance?

With organizational and worker sustainability in mind, what are some non-required leave options you can offer?

GROW

Next steps:

- ❑ Explore Nonprofit Association of Washington's *Safety & Health in Nonprofits* toolkit. Think about your organization's workplace culture as it relates to safety and health and identify 3-5 ways that you can improve workplace safety.
- ❑ Expand your knowledge about sexual harassment at work with resources provided by the Washington State Human Rights Commission. Find a deeper understanding of sexual harassment, reflect on your risk factors, and learn what you can do as a leader.
- ❑ Learn more about workplace bullying and how you can promote the prevention and correction of abusive conduct at work with the Workplace Bullying Institute's resources.

CHAPTER 4
Develop & Adapt

You hired them, you onboarded them, and now is not the time to ignore your new worker, even if you are tempted to do so. This chapter covers the basics of good supervision, dealing with conflict and grievances, performance reviews, and worker development. Together, these elements create an environment for workers to do their best work. Your management and care for workers should also reflect the organization's values, employer philosophy, and workplace culture as well as be consistent with how all stakeholders are valued.

1. Managing workers

Managing people is a large and complex challenge. Here we review a few basic principles and provide reminders of legal requirements related to management.

CLARIFY:

How decisions are made in the organization

- When can workers make decisions on their own?
- When do they need input from others on the team?
- What sorts of decisions need consultation from leadership?

Expectations about conduct, schedules, response time to requests, or other aspects of team behavior

- These things can vary from workplace to workplace, so be clear and provide feedback if needed so the worker can adjust to the norms in your nonprofit.
- If a worker is not meeting an expectation, take a pause and ask yourself the following.
    - *Was the expectation clearly communicated?*
    - *Is the expectation truly necessary?*

COMMUNICATE:

Clear expectations to each worker about their roles and responsibilities

- To ensure common understanding, review the job description together and ask for periodic input for updates.
- What are the essential functions of the position? To achieve the essential functions, does the worker need help prioritizing projects, requests, or other parts of the job?
- When working with new workers on your team, assess what training and orientation is needed.

Useful and constructive feedback on a regular basis

- To support learning and development, it is valuable for workers to receive feedback in real time.
- Deliver feedback kindly, privately (not in front of other team members), and with a focus on the relevant behavior.
- Listen with your entire being – often nonverbal communication says more than words.

CREATE:

A sense of team

- Provide opportunities for employees to work together and to learn about others' roles and priorities.
- Encourage an atmosphere of cooperation and mutual support.

MANAGE:

Leave requests

- Approve paid time off and vacation requests from workers.
- Receive and take action on other types of leave requests like sick leave, parental leave, jury duty, etc.
- *Remember to follow your nonprofit's policies and procedures when granting leave.*
- Note: Worker leaves are discussed in more detail in Chapter 3: Hire & Onboard

RECOGNIZE:

Address power dynamics

- Some power is positional (e.g. "I am your boss") and some power is based on systemic issues (e.g. gender or racial privilege and oppression).
- Avoid favoritism, learn about and strive to understand how your implicit biases show up, and have conversations about power and privilege to reduce harm to workers.

2. Team dynamics

Team dynamics can make or break how well work moves forward, staff engagement, and organizational impact. Here are some things to consider as you are managing team dynamics.

- **Welcome and value diverse styles and perspectives.** Different work styles, communications styles, and varied lived experiences can sometimes make teamwork more challenging at first. Ultimately, having a variety of perspectives and approaches leads to an effective and resilient team. Diversity, equity, and inclusion training, and ongoing intentional discussions, can also help with power and privilege dynamics that can undermine team effectiveness.
- **Make space for relationship-building.** Allow work time for your team members to get to know each other beyond strictly work-related topics. Some teams celebrate birthdays or work anniversaries, do fun check-ins at staff meetings, have occasional social events, or do team building outings. Be thoughtful in planning activities that are inclusive and comfortable for all. The space created will look different for every team – work with your team to shape spaces that fit your work styles, workplace culture, and team needs.
- **Encourage direct, open communication and resolution of concerns.** If you sense tension between team members or an "elephant in the room," do not avoid conversations to address concerns before they grow into larger issues.

GROW

To build a team that can appreciate and understand the value each team member's style brings, consider doing a work styles assessment or discussing the stages of team formation. There are many free work style assessments available on the internet for you to choose from, and make sure to provide ample time for the team to talk about what they learned and how it applies.

Every nonprofit has a unique workplace culture, and that culture really matters in a team's overall ability to accomplish their best work. In Chapter 1: Align, we worked to better understand workplace culture including the visible and invisible parts of culture. Workplace culture generally shows up through organizational artifacts (like tools, documents, and procedures), behaviors (what we can observe), and underlying values.

3. Dealing with grievances & conflicts

Anywhere people work together, there can be friction, conflict, and behavior challenges. Some level of conflict within teams is expected and can be healthy and generative. However, it is also important to recognize unhealthy dynamics and address them directly as these behaviors may slowly undermine the organization's culture and workers' sense of safety in the workplace.

A. GRIEVANCES

Organizations benefit from having a clear grievance policy outlined in their employee handbook. This policy provides an avenue for any worker to raise a concern and have the concern addressed by leadership. If you have a grievance policy in place, be sure you follow it. If you do not have a policy in place, a typical grievance policy will include:

- How a worker can report a grievance and to whom (with provisions to go to a designated person on the board if the grievance involves the Executive Director).
- A specific time period for a response to a grievance.

If your leadership does not have relevant training to address the grievance, consider getting outside help to investigate serious concerns. If there are safety issues, act quickly to ensure safety for all affected parties. If there is a concern about financial malfeasance, begin by ensuring the organization's funds are secure.

If you witness or learn about behavior that is illegal or inappropriate given your organization's code of conduct, it is important to take action. In addition to interrupting harm to victims of the behavior, taking action is important because you may risk legal issues if you fail to intervene. In nonprofits, this may include misconduct by board members or donors, who may have positional power over workers and can use their position in inappropriate ways. Examples of serious workplace infractions include:

- Sexual harassment
- Use of illegal drugs at work
- Stealing

B. CONFLICTS

You may also face interpersonal conflicts among staff that do not rise to the same level as the issues described above. In this case, you can sometimes play a role in facilitating dialogue between the people involved. Through the facilitated dialogue, help people understand the nature of the compliant and find solutions that work for all parties. Stay calm, listen to all the people involved, and seek understanding. If you are one of the people involved, try to see both sides of the issue and assume positive intent on the part of others. Seek assistance if you are unable to resolve the conflict yourself. You may find assistance by looking internally to another team member or by looking externally for a mediator or facilitator skilled in workplace conflicts.

4. Performance reviews

Performance reviews are not a substitute for ongoing feedback. The review process can be an important chance to sit down with a worker to assess where they stand, celebrate their strengths, and discuss opportunities for improvement and growth. A performance review is a structured feedback process that is typically held on an annual basis. There are different formats and approaches to performance reviews, and they all have some common elements. Usually, the supervisor or manager provides feedback on what is going well and what could be improved in regard to the worker's performance. In some cases, the worker also completes a self-assessment using questions, and the review meeting is an opportunity to compare notes. Performance reviews can be stressful for both parties. Ideally, this is a chance for a meaningful conversation that will help you work together better and give the worker tools for success.

REFLECT

In the following table, we review possible performance review elements and invite you to think about your nonprofit's process to cover each item.

Performance Review Element		What is your nonprofit's process to address this element?
Sharing strengths	Reflect back to the worker how they add value to your team and what you see as some of their accomplishments – large and small.	
Areas for improvement	Communicate concerns and facilitate discussion to collaboratively identify solutions. If there are performance issues that may jeopardize the worker's employment, clearly state and indicate how the worker can improve their performance. Work together to set out milestones and specific timelines for improvement, and document all parts in writing.	
Worker development	A review is a great time to talk about learning new skills that will improve the worker's ability to do their job well. How can the organization support their growth and development?	
Advancement	Provide clarity about opportunities for pay raises and advancement within the organization. Some organizations tie pay increases to reviews, while others do not. Reviews offer a periodic time to talk about the worker's future goals, any possibilities for promotion, or changes to the worker's job duties.	

5. Worker development

The opportunity for continuous learning and growth is one of the best tools available to increase and sustain engagement in the workplace. Training and development should address the needs of your nonprofit and the desires of the individual worker. In many organizations, either the worker or their supervisor may propose a development opportunity. While organizational needs should come first, do not be too narrow in defining what training is worthwhile. If the worker can connect the dots between their job and the training they seek, support them if your budget allows.

As you plan for training and development of workers, there are several things to consider. Think about opportunities to grow worker's knowledge of your field, technical or soft skills, and connections to other peers through membership in professional associations or attendance at local or national conferences. If you have multiple workers, or even the whole the staff, in need of similar training, brining someone in-house may make sense. In addition, all staff training is one way to emphasize the importance of a given topic. Some topics that may call for all staff training might be core values, communications skills, or diversity, equity, and inclusion.

Also, consider how your nonprofit's training needs may change as your organization grows. Management skills training becomes more and more critical as you hire more workers that require a greater number of managers/supervisors. These trainings may include how to supervise people, managing conflict, legal requirements and organizational policies related to human resources, and information about how to manage in a way that is aligned with your organization's value and culture.

Nonprofits need to budget for worker development. Some organizations budget a set amount per worker, while others budget a pool of funds that is allocated as needed. As an employer, you should pay for the training your workers attend and count that time as paid work time. Providing learning and growth opportunities for your employees will improve their performance and their job satisfaction, so it is worth prioritizing.

KNOW

When you think about worker development, remember that under the Washington Equal Pay and Opportunities Act limiting career development opportunities, or providing unequal career advancement opportunities, on the basis of gender contributes to pay inequity and is unlawful. It may be acceptable to offer gender-based training under the law, if similarly employed employees are offered the same course regardless of whether they are the intended gender audience of the class. Offering gender-based training to similarly employed employees of one particular gender (or some genders but not all genders) may be considered a violation of the law, because it may limit or deprive the excluded employees from career advancement opportunities that would otherwise be available.

WORKERS in Nonprofits

As you think about learning and growth opportunities for your workers, here are some questions to get you started. Use the space provided to write a few notes and next steps to support worker development.

Ask yourself…	Notes & Next Steps
What skills and knowledge do your workers need to do their job?	
Is there any training that is mandated in your industry, such as CPR and First Aid training or Continuing Education Units? *If yes, how will you create a system to make sure your staff are current with the requirements?*	
Do many of your staff need similar training?	
Are supervisors and workers in leadership roles provided the training and support they need?	
What are your budget constraints, and how can you make development opportunities available to all workers?	

CHAPTER 4 SUMMARY
Develop & Adapt

1. Workers deserve clear communications about job expectations and honest, timely feedback on their performance.
2. Employers have a duty to protect workers from hazardous conditions, harassment, or other inappropriate behavior.
3. Performance reviews provide an opportunity to celebrate worker strengths and accomplishments, improve performance, and set growth goals.
4. Prioritize investments in worker training and development to help individuals and teams grow skills and knowledge that improve their ability to do their work well.

Here are some questions to think about:

What are your nonprofit's policies and procedures for granting different types of worker leave?

What is your work style? How does your work style help or hinder your ability to manage other workers?

Currently, how do workers at your nonprofit address and work through conflicts? Are there ways to better support workers who are navigating conflicts?

Next steps:

- ❑ Read Gallup's article *8 Behaviors of the World's Best Managers*.
- ❑ Explore this *Generative Coaching* document and template for coaching a "willing participant" and an "unwilling participant."
- ❑ Scan through the Harvard Implicit Association Test offerings. Choose 2-3 tests to take and schedule some uninterrupted time to take the test. Review your results and think about how your implicit biases may affect your management of workers.

CHAPTER 5
Transition

The end of the worker lifecycle is the worker transitioning out of the organization, which can happen in many different ways. This chapter addresses different types of transitions with an eye toward making departures more positive for both the worker and nonprofit.

1. Reasons for transitions

Different circumstances for worker departures will require different approaches for the transition. Let's look first at possible reasons for worker transitions.

WORKER TRANSITIONS	
Life circumstances	The worker leaves the organization for personal reasons unrelated to their current job. Reasons may include retirement, deciding to become a stay-at-home parent, going back to school, or moving to another town to support a spouse's new opportunity.
Lack of advancement opportunities or recruited away	The worker is ready for a new challenge, and the organization lacks a suitable opportunity. Many nonprofits are small and lack a "career ladder," which can lead workers to move to another organization to step up to the next level of responsibility and pay. In some cases, a great opportunity arises that causes the worker to leave, even if they were not actively job searching.
Not a good fit or difficult workplace	The worker realizes the position they are in or the workplace culture is not a good fit. The job may not align with their strengths and aptitudes, desired working conditions, or lifestyle. There are times when the organization can have significant dysfunction, poor working conditions, very low compensation, inequitable treatment, or other factors that drive workers away.
Staff restructuring or changes in the demands of the position	A nonprofit's staffing needs can change over time, and positions may be eliminated or restructured. The worker is not a good match for available positions remaining.
Termination	The worker is unable to perform their job duties, and they may be fired (more about this below).

Organizational viability	If a nonprofit simply does not have funds to pay its current workers, leadership may make the difficult decision to reduce the number of workers. Adjustments of this type can be partial, such as reducing hours of some or all workers, temporarily furloughing workers, or permanent layoffs of workers.

When a worker transition comes up, there are several factors to consider.

- How quickly will the transition happen?
- Is the parting amicable? Is the worker motivated to leave on positive terms and/or ensure the mission can continue with minimal disruption?
- To what extent do other people in the organization understand the worker's job? Can another worker fill in or help to train a successor?

2. Maintaining connections

Rough transitions damage both the nonprofit and the worker involved. Following difficult transitions, departing workers leave feeling less than positive about their employers, and employers feel relieved the "problem worker" is no longer working there. In such cases, workers may speak unfavorably about the organization, potentially eroding public trust or the reputation of the nonprofit. Outgoing or former workers may also pursue complaints with the board, file whistleblower complaints with regulatory agencies, and/or file lawsuits against the organization. Most workers who pursue legal action against their former employer say they would not have if they had been treated more fairly.

When we approach worker transitions holistically, we can see transitions as part of a natural process for workers and even leadership within a nonprofit. Ultimately, we would like everyone affected by our work, including workers, service providers, or clients, to all be life-long ambassadors for our nonprofit and for our cause. This requires graceful acceptance and navigation of transitions, treating people with dignity, and maintaining connections with departing workers.

As you think about approaching worker transitions holistically, here are a few things to consider.

PREPARING FOR WORKER TRANSITIONS	
Reduce reliance on any single staff person	Promote cross-training and teamwork and encourage documentation of how things are done (carve out time for this work). When a worker announces their departure, work with the person to best use their remaining time at the nonprofit to share their knowledge with others and create a written transition document.
Be intentional about succession planning	At many nonprofits, talking about staff succession is taboo. People prefer to keep their heads in the sand rather than contemplate the possibility that a key employee may leave the organization. If trust is present, talking openly about succession is a positive thing. Intentional succession planning can help people focus on what is best for the nonprofit and their role in leaving a lasting legacy.

Show care and concern for the worker and their future	In the best of transitions, organizations partner with their workers to support both the work and individual development that leaves a worker better positioned to find opportunities aligned with their strengths, interests, and career aspirations. Although you may feel a loss in the moment, take the long view and recognize that having an "alumni" network of successful people is beneficial to your nonprofit.
Create a transition checklist	Having a key worker leave can be hectic. Create a checklist to make sure you cover the basics such as work-related computer and software passwords, the return of keys and equipment, filing written documentation that notes the end date, and confirming details of the worker's final paycheck.
Complete an exit interview	A brief exit interview provides a chance to receive feedback about your workplace, why the worker is leaving, and in what ways they would like to stay connected to the organization in the future. This is valuable information that should be used to improve the workplace for remaining workers. Organizations should look for ways to improve existing processes through data gathered.
Celebrate the contributions of the departing team member	Coming together as a team to express appreciation and gratitude for the departing worker can be a powerful parting gift. This might be a celebratory lunch, a treat at their last staff meeting, or a bigger event for a long-time key worker. Even if the worker is parting on less-than-ideal terms, reflecting on their strengths ends things on a good note.

3. Considerations when terminating a worker

Firing a person is one of the most difficult things a nonprofit leader may need to face. However, most nonprofits have scarce resources and a small team compared with the scope of their mission. Keeping a poor performer on the team can have negative effects on morale, and most importantly, your resources are not maximized in support of the nonprofit's mission.

As you think about terminating someone, ask yourself these questions. If you are actively considering termination, use the open space next to each question to write notes and possible action steps.

Ask yourself…	Notes & Next Steps
Has the supervisor and the organization done all that they can to support this worker and give them opportunities to be successful? Things to consider… • Training received and constructive feedback provided • Implementing a written performance improvement plan with clear expectations • Giving a reasonable time period to demonstrate what the worker can do	
Is the worker destructive to the culture and team environment you are trying to build? Things to consider… • Whether fast action is warranted, or if you can give a clear time period for the worker to demonstrate changed behaviors after clarifying workplace culture and team expectations	
If you are terminating the worker, do you have the needed documentation regarding their performance issues? *Note: Washington is an at-will employment state, so cause is not required unless your organizational policies or a union contract require cause.* Things to consider… • Documenting why the separation was initiated • If there is a legal issue such as the worker claiming unfair treatment, your records help show the rationale for actions based on performance	

Ask yourself…

Notes & Next Steps

Will you provide severance pay?

Note: Severance, personal holidays, and vacation time are voluntary benefits. Employers may choose to pay out these benefits on a final paycheck. You can optionally pay out any sick leave balances, and balances not paid out must be reinstated if the worker is rehired within 12 months. For more information visit L&I's webpages for *Getting Paid* and *Paid Sick Leave Minimum Requirements*.

Things to consider…

- Offering severance is not a standard nonprofit practice, nor are there established guidelines about what is a fair severance package
- Under the Washington Equal Pay and Opportunities Act, requiring confidentiality around severance pay compensation could be a violation if the employer requires a worker sign a waiver or other document preventing the individual from disclosing the severance pay amount

Once you come to the decision to terminate a worker, keep it simple.

- **Prepare a termination letter** outlining the terms (final day of work, access to the office and electronic files, details regarding the final paycheck, etc.). Affirming in the letter what benefits the worker is eligible for, like unemployment, can be helpful.

  Important Note: Employers cannot withhold a final paycheck if the worker does not turn in keys, uniforms, tools, equipment, etc.

- **Meet in a private space.** Assume the news will be upsetting for the affected worker. In some cases, having a witness present is a good idea.
- **Consider the timing** – end of day or end of the week may be best.
- **Keep the meeting brief and factual.** When the worker is emotional, it can be difficult for the person to take in a lot of information. Provide information in writing and keep the discussion short. Be clear that the decision is final.

CHAPTER 5 SUMMARY
Transition

1. Transitions are a natural part of the worker lifecycle that you can prepare your non-profit for with intentional succession planning.
2. Worker departures occur for different reasons, and your approach to the transition will vary based on the circumstance and factors like timing, amicability of the parting, and the organization's ability to cover the work.
3. When you approach transitions holistically, departures can be positive for the worker and nonprofit.
4. Terminating a worker is a difficult decision for any nonprofit leader to make. Before making the final decision, think about whether the organization did everything they could to support the worker and give the person opportunities to be successful.

Here are some questions to think about:

How would you describe past worker transitions? What went well and what could be improved?	
At your nonprofit, what does cross-training team members look, feel, and sound like?	Look like…
	Feel like…
	Sound like…
What holds you back from succession planning? How could intentional succession planning help your nonprofit and team prepare for future transitions?	

Next steps:

- ❑ Read the People Element's article *How to Improve Retention Using Workforce Intelligence*.
- ❑ Review your document retention policies in particular for human resources and worker related documents. Look over this sample documentation retention policy for reference or check out Nonprofit Association of Washington's *Let's Go Legal* toolkit.
- ❑ Create a simple transition checklist. Be sure to cover the basics such as getting work related computer and software passwords, returning keys and equipment, filing written documentation noting the end date, and confirming details of the worker's final paycheck. What other items are important for your nonprofit to include in a transition checklist?