Human Resources: Just as Important as Animal Resources!

Rabecca Cross
Marcela Ponce
Rabecca Cross
General Counsel

Role at Found Animals:
– Serve as corporate secretary of Found Animals and Spay4LA
– Provide legal and risk management support for administrative functions and all programs, especially tax law, labor law, IP law and animal law
– Supervise attorney, policy analyst, volunteer program, office/HR manager
– Advise Spay4LA, SNPLA and other partners
– Supervise cat-related programs

Education and Work History:
– JD from Columbia, MA and BA from Univ. of Memphis (sociology)
– Practiced corporate business and securities litigation for 5 years
Marcela Ponce
Volunteer Program Manager

Role at Found Animals:
To recruit, train, and manage Found Animals volunteers who will, through their dedication and commitment, contribute to our mission of minimizing shelter euthanasia. This includes overseeing the program’s growth and development of tools and materials for the effective management of the volunteer program.

Education and Work History:
– B.S. in Marine Biology and Zoology, Minor in French - CSULB
– Currently working on a M.S. in Science Education - CSULB
– Previously Program Coordinator at the SEA Lab – a Program of the Los Angeles Conservation Corps
What is the Found Animals Foundation?
www.foundanimals.org

A 501(c)(3) private operating foundation. . .

. . . led by business and medical professionals. . .

. . . and dedicated to developing innovative programs to minimize shelter euthanasia
Found Animals Programs

- **Sterilization**
  - Michelson Prize & Grants
  - Spay4LA
  - SNP LA

- **Adoptions**
  - Cat Adoption Center
  - Adopt & Shop

- **Owner Support**
  - Microchip Registry
  - Microchips
  - Pet Care/Club
2011 Accomplishments

In 2011 Found Animals:

• Generated over 5,400 shelter adoptions via events, promotions, and adoption centers

• Donated over 50,000 microchips to area shelters and non-profits

• Managed two other non-profits that provided nearly 30,000 low cost and free spay neuter procedures

• Funded 18 research projects aimed at finding a non-surgical alternative to spay neuter

• Sponsored a humane education module and art contest that reached over 28,000 kids

• Received 10,000 in donated hours from 139 dedicated volunteers
Found Animals

- First employee began in 2008
- Currently have a staff of 175 throughout Los Angeles
  - 36 employees
  - Approximately 140 volunteers
    - Hours performed is equivalent to 8 full time workers
  - At 3 locations throughout Los Angeles
    - Headquarters
    - Adopt & Shop store
    - Cat Adoption Center
More About What We Do in Los Angeles
Presentation Materials Available on Website

www.FoundAnimals.org

Today’s materials and more!
Legal disclaimer

This presentation is for educational purposes only. It does not constitute legal advice. Your attendance at this presentation does not present an attorney/client relationship with us or with Found Animals Foundation. Please consult your own attorney regarding any legal issues you have.
What we are here to share with you:

10 key practices to ensure your Human Resources department is on top of the game!
Important terms to keep in mind

• Employees
  - Receive a paycheck

• Volunteers
  - Receive a “thank you”

• Interns
  - May or may not receive a paycheck

• Staff
  - Includes everyone!
1. Honor Your Staff

People who love animals are as important as the animals themselves!
Ways to say thank you...

- Honor birthdays and anniversaries
- Highlight outstanding staff
  - Newsletter
  - Facebook
  - Website
Know who everyone is!
Get together!
2. Be selective

Onboarding someone who is not a good fit is a waste of everyone’s time
How?

- Advertise smartly
- Consult with existing staff and identify needs
- Screen for availability
- Hire for future needs
- Screen for compatibility

Don’t simply hire anyone that applies to your organization
Have a screening process in place

- **Application**
  - Motives for applying
  - Work/volunteer experience
- **Interviews**
- **Essay**
  - For minors to focus on reasons why they want to become a volunteer.
- **Drug test/background screening**
Emotional Intelligence

Screen for these traits of resilience:

• Self-awareness:
  - “Describe a time you felt you were unfairly criticized and how you handled it.”

• Self-control:
  - “Share the last time you found yourself angry at work. What happened and what triggered it?”

• Social skill:
  - “Tell me about an experience when you had a new team to work with. How did you assimilate?”
Emotional Intelligence

• Stress tolerance
  - “People react differently when job demands are constantly changing; how do you react?”

• Flexibility
  - “When you have difficulty persuading someone to your point of view, what do you do?”

• Optimism
  - “Tell me about setbacks you have faced. How did you deal with them?”
Avoid legal claims!

- Avoid the appearance of discrimination
  - Ask questions carefully
  - Protected classes can include national origin, religion, sexual orientation, marital status, age, mental/physical disability, medical condition, veteran status, pregnancy status....
  - Instead, ensure that the job requirements and responsibilities can be met
Can you ask this?

1) Do you go to church?
2) What is your native language?
3) What year did you graduate?
4) Are you a United States citizen?
5) Do you have any health problems?

1) Are you available to work Sundays?
2) Are you bilingual?
3) Do you have a college degree?
4) Are you eligible to work in the US?
5) Can you lift up to 50 pounds?
3. Identify expectations

Pets can’t read your mind...neither can staff!
Be clear about...

- Job/service descriptions
- Job requirements (physical, pet allergies)
- Punctuality and attendance
- Mission statement
- Assumptions/expectations

Make sure to update your documents as necessary. Keeping things current is key!
What do you expect?

OVERVIEW

Code of Conduct:
As an individual representing Found Animals Foundation and our partner shelters, we ask our volunteers to conduct themselves in a professional and courteous manner. Interaction with staff, fellow volunteers, and the public should be respectful and amiable. Our organization takes a team-based approach that relies on an open and active communication process. When working together, volunteers should perform all tasks to the best of their ability, listen to the needs of others, and strive to promote a positive environment. At all times, volunteers must demonstrate civility to the public and compassionate care towards animals.

Attendance/Punctuality:
Your attendance and punctuality are key components in the success of our programs. If you have advanced knowledge of a need to be tardy or absent please make sure to email or text: volunteer@foundanimals.org so that the volunteer department team is able to make the necessary adjustments. Failure to submit notification of absence could result in a temporary leave from the program.

Attire:
Volunteers will need to wear their Found Animals shirt, pants and non-slip shoes for each shift. For safety, volunteers are NOT permitted to wear shorts, tank tops or sandals.
What do you expect?

QUARTERLY SELF-EVALUATION

Volunteers will be asked to participate in a quarterly self-evaluation to ensure that their goals as well as program goals are being met. Form will be sent via email. This is a sample evaluation form:

Please rate yourself in the following areas on a scale of 1 to 4.
4 = Always        3 = Usually        2 = Sometimes        1 = Rarely or Never

Preparation as an individual, I ...

___ wear my Name Tag and Found Animals t-shirt at all times
___ arrive with enough time to be at my assignment on schedule
___ give advance notice of absences by calling or emailing at least 24 hours in advance
___ strive to make improvements
___ set personal goals while volunteering with Found Animals

Preparation as a Volunteer at Found Animals, I ...

___ check my emails at least once a week to check for FA updates
___ reply to an email when it is requested
___ record my hours on volgistics once I have completed my shift
___ provide **accurate** information to potential adopters
___ support the other members of my team
What’s in a day’s work?

Time commitment: 8 hours/month

Schedule: 7 days/week
Mon.—Thurs.: 8:30am-10am — Kennel Care
9:45am-1pm
12:45pm-3pm
2:45pm-6pm
5:45pm-8pm
Fri.—Sun: 8:30am-10am — Kennel Care
9:45am-1pm
12:45pm-3pm
2:45pm-6:30pm

Trainings: Total of 2.5 hours
Level 1 — Kennel Care — Length: 1.5 hours
  • Before beginning service

Level 2 — Adoption Counseling/Client Services — Length: 1 hour
  • After at least 8 hours of service

Duties:

Kennel Care:
Volunteers make sure the animals are well cared for and comfortable by: cleaning cages and kennels, washing dishes and doing laundry for the animals, assisting with feeding and watering and providing toys and fresh blankets for all animals. After completing a few shifts, volunteers will also begin to learn about proper dog handling for dog walking.

Adoption Counselor:
Volunteers work very hard placing companion animals into permanent, loving and responsible homes by: making a list of all animals available for adoption, answering the phone, handing out necessary paperwork such as adoption applications and spay/neuter certificates. Volunteers also greet customers and show animals to potential adopters.

Dog Walking:
Volunteers help relieve boredom and stress for dogs that comes from being in a kennel by: providing human interaction, environmental enrichment, exercise, socialization and public visibility in order to maintain and improve the dog’s adoptability.

Lead Volunteer:
Volunteers will assist in the training, guidance, and support of new volunteers by: scheduling and conducting Level 1 and 2 trainings, teaming up with new volunteers as they enter the program, and serving as a liaison between new volunteers and staff.

- Especially for employees
- Document conversations
- Need not be formal

“If it isn’t written, it didn’t happen”
Release forms/waivers

• What to include:
  - Assumption of risk
  - Release directors and officers
  - Express waivers of legal claims
  - Name and likeness
  - Minor

• Releases and waivers won’t automatically stop someone from suing, but they will help you defend a claim
5. Feedback

Listen to your staff the way you listen to your pets!
It’s a two way street...

- Regular/recurring
  - Scheduled
- Employee to volunteer feedback
- Volunteer to employee feedback
- Give employees feedback about their volunteer management

Your staff are the best resource for consulting on how to improve your organization/programs
6. Meet legal obligations

• Be aware of state and federal laws that may apply to your organization:
  - OSHA
  - Family Medical Leave Act or state equivalents
  - Laws related to pregnancy disability leave
  - Worker eligibility laws
  - Fair Labor Standards Act
Occupational Health & Safety Act

- Employers are responsible for providing safe, healthful workplaces
  - Employees have a right to refuse to work in hazardous conditions that could lead to death or serious harm
- Missing stairs, steps
- Medicine and cleaning material labels
- You can request an OSHA inspection
- Employee rights poster
Job Safety and Health

It's the law!

EMPLOYEES:

- You have the right to notify your employer or OSHA about workplace hazards. You may ask OSHA to keep your name confidential.

- You have the right to request an OSHA inspection if you believe that there are unsafe and unhealthful conditions in your workplace. You or your representative may participate in that inspection.

- You can file a complaint with OSHA within 30 days of retaliation or discrimination by your employer for making safety and health complaints or for exercising your rights under the OSH Act.

- You have the right to see OSHA citations issued to your employer. Your employer must post the citations at or near the place of the alleged violations.

- Your employer must correct workplace hazards by the date indicated on the citation and must certify that these hazards have been reduced or eliminated.

- You have the right to copies of your medical records and records of your exposures to toxic and harmful substances or conditions.

- Your employer must post this notice in your workplace.

- You must comply with all occupational safety and health standards issued under the OSH Act that apply to your own actions and conduct on the job.

EMPLOYERS:

- You must furnish your employees a place of employment free from recognized hazards.

- You must comply with the occupational safety and health standards issued under the OSH Act.

This free poster available from OSHA -
The Best Resource for Safety and Health

Free assistance in identifying and correcting hazards or complying with standards is available to employers, without citation or penalty, through OSHA-supported consultation programs in each state.

1-800-321-OSHA (6742)
www.osha.gov

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FMLA/State Equivalents

- Applies to public agencies, private organizations with 50+ employees
- Employees entitled to up to 12 weeks unpaid leave to care for:
  - A newborn
  - A foster or adopted child
  - A child, spouse or parent with serious health condition
  - His or her own serious health condition
  - Qualifying military/active duty leave
Pregnancy and disability laws

- Pregnancy Discrimination Act
  - Cannot be treated differently than other employees

- State laws
  - May mandate unpaid leave for pregnancy-related disabilities

- Interactive process
  - Requires reasonable accommodations
Worker eligibility laws

- Form I-9
  - Witness actual documents, not photocopies
- E-Verify

- Minimum age and hour laws
Fair Labor Standards Act

EMPLOYEE RIGHTS
UNDER THE FAIR LABOR STANDARDS ACT
THE UNITED STATES DEPARTMENT OF LABOR WAGE AND HOUR DIVISION

FEDERAL MINIMUM WAGE
$7.25 PER HOUR
BEGINNING JULY 24, 2009

OVERTIME PAY
At least 1 1/2 times your regular rate of pay for all hours worked over 40 in a workweek.

CHILD LABOR
An employee must be at least 16 years old to work in most non-farm jobs and at least 18 to work in non-farm jobs declared hazardous by the Secretary of Labor.

Youths 14 and 15 years old may work outside school hours in various non-manufacturing, non-mining, non-hazardous jobs under the following conditions:

- No more than
  - 3 hours on a school day or 18 hours in a school week;
  - 8 hours on a non-school day or 40 hours in a non-school week.

Also, work may not begin before 7 a.m. or end after 9 p.m., except from June 1 through Labor Day, when evening hours are extended to 9 p.m. Different rules apply in agricultural employment.

TIP CREDIT
Employers of “tipped employees” must pay a cash wage of at least $2.13 per hour if they claim a tip credit against their minimum wage obligation. If an employee’s tips combined with the employer’s cash wage of at least $2.13 per hour do not equal the minimum hourly wage, the employer must make up the difference. Certain other conditions must also be met.

ENFORCEMENT
The Department of Labor may recover back wages either administratively or through court action, for the employees that have been underpaid in violation of the law. Violations may result in civil or criminal action.

Employers may be assessed civil money penalties of up to $1,000 for each willful or repeated violation of the minimum wage or overtime pay provisions of the law and up to $11,000 for each employee who is the subject of a violation of the Act’s child labor provisions. In addition, a civil money penalty of up to $50,000 may be assessed for each child labor violation that causes the death or serious injury of any minor employee, and such assessments may be doubled, up to $100,000, when the violations are determined to be willful or repeated. The law also prohibits discriminating against or discharging workers who file a complaint or participate in any proceeding under the Act.

ADDITIONAL INFORMATION
- Certain occupations and establishments are exempt from the minimum wage and/or overtime pay provisions.
- Special provisions apply to workers in American Samoa and the Commonwealth of the Northern Marianas Islands.
- Some state laws provide greater employee protections; employers must comply with both.
- The law requires employers to display this poster where employees can readily see it.
- Employers under 20 years of age may be paid $4.25 per hour during their first 90 consecutive calendar days of employment with an employer.
- Certain full-time students, student learners, apprentices, and workers with disabilities may be paid less than the minimum wage under special certificates issued by the Department of Labor.

For additional information:
1-866-4-USWAGE
(1-866-467-9243) TTY: 1-877-889-5627
WWW.WAGEANDHOUR.DOL.GOV

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7. Be professional

Lead by example!
Image is everything...

- Dress code
  - Safety issues
  - Identification
  - Unification

- Email and online communication
  - Policies
  - Social media
Avoid a hostile work environment

- Anti-harassment
  - Provide training
  - May have state legal obligations
- Complaint resolution procedure
- Whistle blower protection

Harassment is no joke!
8. Distinguishing between staff

There is a distinction to be made, but it’s important to make everyone feel that they are an important member of the team!
Keep in mind...

• Legally, employees and volunteers should have different functions
  - Okay to have some overlap
  - Okay to perform other roles in emergencies and short term situations
  - But not distinguishing exposes you to risk of unpaid labor claims, from unpaid staff
  - Staff should not feel superior and volunteers should not feel inferior
Interns

• FLSA sets 6 requirements for unpaid internships:
  - Should mirror a classroom setting
  - Must be geared towards intern’s professional development
  - Can’t replace an employee
  - Cannot immediately benefit the employer
  - Cannot include a promise of a job
  - Must be unpaid by agreement of both parties
9. Saying goodbye

- Termination checklist
  - Includes firings, resignations, layoffs
  - Checklist is useful
    - For example: collect keys; change passwords; eliminate email from system
    - Useful to ensure the office has secured access from the terminated employee
  - Consult the checklist *prior* to the termination conversation
Avoid wrongful termination claims

• Arbitration clauses
  - Private and confidential
  - Pricey and rarely appealable

• Clear documentation
  - Documentation signed by the employee showing performance issues

• Keep job references neutral
  - To minimize risk, confirm only pay, title and date ranges
10. Honor your staff!

Say THANK YOU and **MEAN IT!**
Wrapping it up

1. Honor your staff
2. Be selective
3. Identify expectations
5. Feedback
6. Meet legal obligations
7. Be professional
8. Distinguishing between staff
9. Saying goodbye
10. Honor your staff!
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www.FoundAnimals.org

Today’s materials and more!
Questions?