

## HAVE YOU CONSIDERED THESE KEY LEGAL AND LABOR QUESTIONS?

**T**he desire to serve is at the heart of the volunteer experience. It is with pleasure that I've signed on to write about the driving factors related to recruiting, managing and retaining the right people. The people who want to serve.

The right people? Yes, the right people. The people who choose to spend their free time working long hours for your event. The people who volunteer to do hard and often thankless jobs. The people who feel so committed to your festival or event that they come back year after year.

It is my business to watch and report on volunteer recruiting and scheduling trends that impact our event clients.

### In the Hot Seat

Lawsuits naturally create an environment of concern and uncertainty for many event management organizations. In the past few years, SXSW, Competitor Group (Rock n Roll Marathons), Major League Baseball and Live Nation were all sued over volunteer related issues. Many event management organizations are studying the volunteer legal questions to ensure that they are taking all reasonable steps to have positive volunteer relationships while avoiding potential legal battles.

### Why Are So Many Large Event Organizations Facing Volunteer Lawsuits?

The lawsuits are not all rooted in the same issues but many have commonalities.

The TRS team follows all volunteer related news closely but legal items are of particular interest. While reviewing lawsuit articles, our research specialist, Kathryn May, identified the key labor practice questions and potential legal concerns that all event organizers should review and consider.

### Have You Considered These Key Legal and Labor Questions?

1. Does a for-profit organization disproportionately gain revenue from the event? This was a key question in several of the lawsuits. If a non-profit is providing volunteers for an event either in a primary or secondary role, the non-profit must proportionally gain value for its' services.
2. Is a for-profit event manager using volunteers directly? Are they making payment in the form of tickets? The for-profit company is risking a minimum wage law violation.
3. Is a non-profit acting as a volunteer "hiring agent" for a for-profit organization? Take caution that your organization isn't acting as a front.
4. Are volunteers connected to the non-profit mission or is the non-profit just an intermediary? If the volunteers are recruited by the non-profit they need to have a direct affiliation.
5. Is the non-profit receiving equitable return on their time and other efforts? Or is it a lop-sided relationship? This is related to #1 but really speaks directly to return on investment for the non-profit instead of the for-profit. Is the non-profit putting its' own resources at risk?

6. Is the volunteer doing a job that is part of their normal day-to-day job? During their regular work hours? If there is management pressure to do the paid job as a volunteer on behalf of an event the legal line has been crossed.
7. Are your volunteers "certified" as judges, officials etc. directly through your organization? Do they sign an "agreement" with required duties? Is a legal relationship implied?
8. Has the hazard threshold been evaluated? Are there positions that require professional certification or knowledge? Areas of special consideration include moving heavy items, operating machinery, positions that require training/certification and any role associated with implicit dangers.
9. Is this a local host committee working on behalf of for profit sporting events, conferences etc.? Is a line drawn between welcome to the city mission and bringing profits to the for profit? Which event activities and positions cross this line? Welcome booths at hotels are fine but volunteers manning activities within a paid event (e.g. NFL Experience at the Super Bowl) may be suspect.
10. Interns are not volunteers but they are also not "regular" employees. Are your interns in training or are they simply replacing employees at a lower cost? By law interns must be receiving training.

Please note that the TRS team does not provide legal counsel and we don't profess to be experts in labor disputes; however, we encourage all event managers to consider the above questions and if you have concerns to engage proper guidance.

### Interested in learning more?

The supporting articles about a variety of lawsuits can be found at <https://www.my-trs.com/single-post/2017/07/11/Volunteer-Lawsuit-Support-Articles>

I, **Florence May**, love volunteers. Maybe it is the 15 years spent managing events with Visit Indy, Simply Hospitality and the United States Grand Prix (F1). Or maybe it is the 16 years delivering online volunteer management systems for many of the largest and most complex events in North America.

Over the past year my company, TRS – The Registration System, has provided volunteer management systems for the 500 Festival, the Kentucky Derby Festival, the Republican National Convention, the Democratic National Convention, Celebrate Fairfax, the Gilroy Garlic Festival, the US Mayors Conference, the Azalea Festival, USA Special Olympics National Games and hundreds of smaller events. In the process of supporting events, I study and discuss the trends that make certain events successful while others struggle.

### May I Help You?

Contact me with volunteer Management related questions at [fmay@my-trs.com](mailto:fmay@my-trs.com).