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**Now is the time to prepare for the New Year's resolution rush.** Many facilities will see a significant increase in use due to the winter months and New Year's resolutions. While much of the increase in use may be attributed to members becoming more active; some can be attributed to new members or guests using the facilities. Taking the time to prepare can help prevent issues. Read more [HERE](#).

**Waivers can be upheld by a court if they are written properly.** As a general rule, for the courts to enforce a waiver or exculpatory clause, the document must not only inform the party giving up his or her legal rights of the risks involved in membership or participation in activities, but also show that the decision to enter into the agreement was made voluntarily, intelligently and with the full knowledge of its legal consequences. The discussion of when a waiver will not protect an organization is outlined in a case and article from [Athletic Business](#) magazine by John Wolohan. Read more [HERE](#).

**Staff screening can be a challenging endeavor.** Melanie Lockwood Herman from the [Nonprofit Risk Management Center](#) recently compared her experience to a television show. Herman writes: 'A popular reality TV program that has recently caught my attention is "The Voice." The show features competing singers like "American Idol." The quirky thing about "The Voice" is that when evaluating the potential of a contestant, the four judges turn their backs to the stage. Each judge hits a giant buzzer if they like what they hear, and want the performer to remain on the show. It's hard not to be influenced by a singer's appearance, yet I agree with the premise of the show that success as a vocalist shouldn't be limited to singers with rock star looks. "The Voice" eliminates the appearance bias, forcing judges to select contestants based on talent alone.' After watching the show Herman began thinking of the traditional funnel-based screening process. Read more [HERE](#).

**Determining if a staff member is an employee or independent contractor** can depend on who maintains control of their work. Administrators have sometimes tried to reduce or transfer their legal exposure through the use of independent contractors to perform duties traditionally performed by employees. The success or failure of such a practice typically hinges on who is deemed to exert control over the independent contractor in question. The issue with regard to sports officials is discussed in an article from [Athletic Business](#) magazine by John Wolohan; read more [HERE](#). Other reasons for the use of independent contractors exist but the determination can be confusing to some. The US Internal Revenue Service ([IRS](#)) has information that will assist organizations in determining whether a staff member should be classified as an independent contractor or employee; read more [HERE](#).

**Saunas are common in many facilities but must be managed well.** Units must be properly maintained and users should be informed of safe use guidelines. Because of the frequency of incidents, fire prevention practices are essential for preventing property damage. Read more [HERE](#) or visit the Online Resource Library for [more](#).

**Back injuries caused by improper lifting or overexertion are among the most common of workplace injuries.** Almost every employed and volunteer staff member engages in some form of lifting on a regular basis; it is important to provide training and frequent reminders to reduce stress factors and injuries. For some nonprofits child care workers and lifeguards lead the reports for lifting related injuries. Resources to assist your organization in preventing common incidents such as [Consideration for Preventing Back Injuries](#), [Ladder Safety Tips](#), [Safety Orientation Checklist](#), [Preventing Slips and Falls](#), [Snow Shoveling Safety](#) and [Back Injury Prevention Training Outline](#) are all available in the [Online Resource Library](#).

**This Month's Topics:**

*New Year's Resolutions*

*Use of Waivers*

*Staff Screening Tips*

*Independent Contractors*

*Sauna Management*

*Back Injury Prevention*