



Jessica Birken, MNM, Esq.
Birken Law Office PLLC
1400 Van Buren St. NE
Suite 200
Minneapolis, MN 55413
www.birkenlaw.com
Office: 612.200.3679

How to Fix the Culture of Overwork at Your Nonprofit with Rachel Platt – Transcript

Jess Birken 00:00:02 Welcome to Charity therapy, the podcast where we explore the ups and downs of the nonprofit sector and answer your burning questions. I'm your host, Jess Birken, owner of Birken Law Office, and I'm excited you're here. Imagine hanging out with me and my super smart, funny, nonprofit expert pals. You get to ask them anything about your nitty gritty nonprofit life and get their wisdom for free. Whether you're a seasoned pro or just strapping on your nonprofit boots, we're here to share stories and remind you you're not alone on this journey. So get ready to join the conversation and bring me the tough question. I ain't scared. Ready to rock? Let's dive in. Hello, hello, hello. We are back for another episode of Charity therapy today. I have Rachel Platt on the show with me. Rachel is the CEO of her company, Platinum Consulting, where she helps nonprofit leaders with people strategy. Rachel, thank you so much for coming on the podcast.

Rachel Platt 00:01:01 I'm thrilled to be here, Jess. Thanks for having me.

Jess Birken 00:01:03 You know, I feel like we've had there's been like a lot of people stuff happening lately in my world, and lots of clients and nonprofits are really concerned about the base level of their sort of HR and making sure that they're not, you know, breaking the law, or at least the good ones are worried about this. But like, I feel like just following the rules is not really the end of the line. Like just following the rules is not really the end of HR or organizational culture. And you, you use the term people strategy to describe what you do. Could you tell us, like what that means to you and why nonprofits need to think about it?

Rachel Platt 00:01:45 Absolutely. So people, strategy and the work that platinum does is really helping organizations to move beyond the day to day of HR and compliance. They are critically important. Do not misunderstand, but what people strategy is really all about is the marrying of your mission and how to make your mission work through your team. So yes, pay matters.

Rachel Platt 00:02:14 Compensation matters, benefits matter. But all of the research shows that that's not what makes people stay or leave. It's because of clarity, support, growth, leadership. So people strategy looks at the holistic view of how you put all of the factors together and create programs and initiatives. The infrastructure that makes you more sustainable helps you to attract the talent, develop your staff, grow future leaders, and retain the people who really are going to move your mission forward and help you to have the greatest possible impact.

Jess Birken 00:03:01 I love that. Yeah, I love that because, well, here's the thing is, I feel like there's this sense the thing that came up for me was like, the mission is speaks for itself. The mission is worthy of accomplishing the mission is is sacrosanct. And obviously everyone should be achieving the mission. I think that's such a blind spot for people that they don't really. I don't know why this is the way it is, but people don't connect the dots that, like your people literally are the way that your mission gets accomplished.

Jess Birken 00:03:33 And so if you aren't doing that, and then the other thing that came up for me is really like, oh, you know, this like the the objection is like, oh, this sounds like it's for big companies, you know, like this sounds like it's for big places that have big initiatives and big staff and I'm and the thing that came up for me was like, no, no, no, this matters when you're tiny. This matters when you're really small, because you literally cannot even grow beyond having one person to five people, to ten people to achieving your mission if you don't have that stuff.

Rachel Platt 00:04:05 It is the secret sauce. It is the magic to not just people feeling passionate about whatever your mission is, but people forget sometimes, you know, they're very focused on fundraising. We need to fundraise so that we can meet our

mission. No? Yet you need the people who can execute. Once you raise the money, you can't spend it. You can't do good things unless you have the people.

Rachel Platt 00:04:33 And the way that you attract the people you keep the people you get their best thinking is by creating a culture and an environment where they want to work with you. Not only are they passionate about your mission, but it is. We are in this together. We. There is this sense of trust, and we trust that we're working towards the same goals. There's clarity and there's celebration of the impact. That is all people strategy.

Jess Birken 00:05:08 Yeah. I hope y'all listening or like letting this sink in, because if you've ever worked in the nonprofit sector, you've probably experienced a place where it's like, yeah, I care about saving the puppies or the snails or the the people experiencing homelessness, but this place sucks.

Rachel Platt 00:05:26 Right?

Jess Birken 00:05:27 And that is so real. Okay, I love this. We could like, have a we could have a whole podcast just on that. But we do have a listener question and I should probably get it out there. Are are you ready to like, dive in.

Jess Birken 00:05:40 Throw it my way.

Rachel Platt 00:05:41 I'm ready.

Jess Birken 00:05:42 Let's do it. Okay, here we go. Listener writes I recently started a job at a nonprofit in a brand new role for the organization, and a major part of my job is

to help build a better culture. I'm noticing that most of my coworkers work nights, weekends, and are essentially on and available all the time. Most of these staff are hourly non-exempt, and would need to be paid overtime if they're working over 40 hours a week. We have an employee handbook that explicitly states that employees are not to work overtime, but people are working all the time anyway. I think it stems from our executive director, who is great, but probably works something like 80 hours in a week. She knows she works too much and says she doesn't want that for her employees. But here we are. How do I begin to make changes here? I want to be sensitive to leadership's feelings, but I'm also aware that we cannot have these employees working without pay help. Oh my gosh, this is so juicy.

Jess Birken 00:06:46 This is such a good question. Thank you in advance, listener, for sending this in. This is so good.

Rachel Platt 00:06:52 Wow. You are not making it easy on me. This is a double whammy, a triple whammy.

Jess Birken 00:06:59 Maybe there's a lot to unpack here.

Jess Birken 00:07:01 There is a.

Rachel Platt 00:07:02 Lot. Okay, so let's let's think about this as two issues. One is a culture of overwork that has become normalized. And you've got some legal risk because non-exempt staff are presumably working unpaid overtime.

Jess Birken 00:07:22 Assuming they're actually non-exempt. I mean.

Rachel Platt 00:07:25 Correct, but all of that and they both matter.

Jess Birken 00:07:30 Yes.

Rachel Platt 00:07:30 And both can be addressed without blaming anyone. So what would we recommend to this person?

Jess Birken 00:07:38 Well, where do you want to start?

Rachel Platt 00:07:41 Where do you start? You start by actually gathering the facts. I mean, you and I could make up. Are they actually non-exempt? Are they actually working? Are they, you know, all of these different things?

Jess Birken 00:07:53 Let's assume it's all real. Let's assume that.

Rachel Platt 00:07:56 We're talking with them.

Rachel Platt 00:07:57 They are working.

Jess Birken 00:07:59 Yeah.

Rachel Platt 00:07:59 Why? They're working outside those regular hours, what support they actually need, and keeping kind of the focus on understanding the patterns that are

there. That does give you credible information to bring to the executive director to raise a few flags there. I think that it's really important to have a private conversation with the executive director to be able to share the facts in a very calm way. I mean, you've got to put compliance on the table, and that's why they have you, Jess, to, like, help explain, you know, really the details of the Fair Labor Standards Act, what it means to be exempt, non-exempt. What it means if somebody. Oh, I'm just answering an email or I'm just doing, you know, some text or I'm just checking in. I feel better about it. But in short, you don't have to be an attorney to know this. I mean, the law requires that if they are non-exempt, that you are paying policy saying that you don't want somebody to do it, but you but they are is not a match.

Rachel Platt 00:09:14 So yeah, you don't want to have penalties claims. So like that's this person's this new leaders real like anchor for the conversation but remembering also that if you are working, if an employee is working it, whether you received approval in advance or not, you do need to pay it. And then you can discipline based upon, hey, you didn't follow the policy. You didn't get preapproval. You can set all of those things in place. Okay, now that we put that out there, I just I just feel better about having it.

Jess Birken 00:09:50 Yeah. No, like, you cannot not pay people if they're working overtime number one. That is absolutely a problem. And I would be curious if these people are not logging those hours because if they're hourly, then they have a time card and they're logging their time sheets and someone is reviewing and approving those timesheets. And my guess is this would have been addressed if we were paying time and a half to everybody all the time. This would have been a budget issue.

Jess Birken 00:10:18 So my inference is that we're not paying people for that overtime. And somebody somewhere has said like, well, they're just like volunteering. And just for anybody listening. You cannot ask your employee to volunteer for their job duties. That does not lead legally. That does not work. You cannot do that. So yeah, let's let's put that we'll be like, that's a that's an employment law. Pay wage an hour issue. So we put that to bed. Yeah.

Rachel Platt 00:10:49 And just before we get into like what I think is the interesting part about this. I do just want to point out like, so we're recording this. It's November 2025. Who knows when somebody is going to listen to this, but also on top of your paying overtime. January the top of the year. Quite a few states and jurisdictions are increasing their minimum wage. And so just while we're kind of on the hey, let's be on the up and up, just make sure you're staying on top of the changing laws in all the locations where you have employees.

Rachel Platt 00:11:24 Okay, now back to our regularly scheduled question here. Let's talk about culture. So leaders set the tone when the executive director is sending an evening email or is responding at all hours. People follow that lead. There's research, I think. It's Deloitte research. Don't actually quote me on that. But there's research from one of the major workplace research houses that shows that when leaders model healthy work habits, burnout drops, productivity actually improves. More gets done within the appropriate work hours than you think is getting done, because people are working nights and weekends and all of that. So framing this type of issue as a leadership opportunity is a real good direction to go. And there's quite a few really simple things that can help protect, you know, the employees and frankly, protect the organization first. Like obviously make sure your policies say it requires pre-approval. All of that teach everyone how to use Delayed send. That's what it's called in Microsoft.

Jess Birken 00:12:41 Yes.

Rachel Platt 00:12:42 Or it's called something else. I think in Google I can't remember.

Rachel Platt 00:12:47 But like, if you feel better yourself as the executive director or the flexibility works in your life, all of those different things. Fine. I'm not telling the executive director how to do their job. I'm telling you what the impact is on the rest of your team. And so let's delay that delivery until the next morning. Let's actually have some conversations. I'm working with one of my clients right now on setting shared norms and expectations about response times, because this is a very real issue for some of my clients right now. And so they are having discussions about, well, is this, you know, what makes something truly urgent? What means this can this can actually wait. so those

are some good tips. And then giving managers depending on how large the organization is. Some tools to plan for workloads. Shift priorities as things come and go so that people aren't needing to work overtime. Because if everything's urgent, then nothing's urgent.

Jess Birken 00:14:00 Amen. Preach. Yes. Also, you can't just expect to do great things if everyone is literally drinking out of the end of the fire hose.

Jess Birken 00:14:10 Like under the tyranny of the urgent all the time? Yes. And it reminds me, like, you know, if the Ed is working 80 hours a week.

Rachel Platt 00:14:19 That's not good for them either.

Jess Birken 00:14:20 That feels bad. That feels like you're probably doing too many things. It's like when I work with a trade association and they're like, the president has all of this responsibility. And I'm like, y'all, this is too much for a board member. Like, it's time to start thinking about getting staff right. This executive director is hanging on to probably too many things, and you know that there are potentially other organizational culture issues there because what what is the board expecting of the board, etc., etc.. I love that you took it in a like technology way, because I love stuff like that. And, you know, even like obviously the law firm is not a nonprofit, but we're a small group and we work with passionate people and we have our own mission. And frankly, working with mostly volunteer directors.

Jess Birken 00:15:09 When do you think they do their stuff? Nights and weekends. So if we let them dictate when we're sending email, it would be 24 over seven, right? And so I'm very mindful with my team. That's like, hey, first of all we communicate it to everyone that we interact with. This is when you can expect responses from us within 48 hours, during business hours, on business days. And then when I see one of my staff, like I can tell, like you're not at work right now, you're supposed to be on a day off or it's not your shift time yet. And they're sending a message in our internal slack. I'm like, hello? you're not supposed to be here right now. Don't don't do that. Don't do that. So

really, like, culture is set at the top. And I have absolutely worked at places and for people where yeah, the rule is this. But you watch what your boss does and if they're replying at 10:00 pm, you you feel the pressure.

Jess Birken 00:16:10 I love for this organization, assuming the person who's writing in can get the Ed on board. Yes, I, I love the idea that we might go to an IT director and say, okay, what are some technology tools that we have at our disposal with our Google Workspace or our Microsoft 365 environment where we can actually maybe limit people like maybe we need to go cold turkey, you know, and certain roles and certain people, organizational groups, whatever, are not going to be able to send email or we're going to default to an out of office reply after 6:00 or whatever it is, because stuff culture is like a cruise ship. It does not turn on a dime. And so to change a culture, I'm a little bit worried for this listener because they're saying that part of a major, part of the job is to help build a better culture. And it's a little worrisome that like that we're like, and it's you. You do that one person with a new job at this organization, I'm like, oh boy, okay, that's a lot to put on one person because culture is embedded.

Rachel Platt 00:17:24 And everyone needs to be part of being the culture carrier. So, you know, I talk about this very frequently is sure you want. Culture champions. But like, who are the people that set the tone? Who are the people that hear from others about what's working or what's not working? Those are your culture carriers. And if your executive director is, let's just say there's a gap between maybe their intention, their impact, what they say they want, what they're actually doing. You've got to find that way to, you know, this this new person coming in has their work cut out for them. Because not only is it building a culture, it's seeming to be shifting a culture from what has been allowed to be there previously. But there's there is a lot that's here, you know, with clarity on the facts with respect for the organization and the impact with curiosity about how do we get here? How can we get there? You can make progress. It's not going to fix or change overnight, but this is something that really could have a pretty significant impact on this organization's ability to attract future talent and to retain the talent that they have.

Rachel Platt 00:18:58 Because if people are feeling put out by the fact that they always need to be on and, you know, the executive director's hair is on fire all the time, that's not sustainable for most people. Yeah.

Jess Birken 00:19:12 No it's not. It's I've I've lived I've lived that. Yeah it is.

Rachel Platt 00:19:18 We got the t shirt. The whole deal.

Jess Birken 00:19:20 Yes, yes. So for this person, what would we suggest as sort of like, okay, here's your next, here's the next three things you're going to do tomorrow.

Rachel Platt 00:19:33 I think it's you're going to get your facts, facts about what the employees are actually doing and facts about what the executive director is actually role modeling. I think you're going to sit down and get your facts about what has been paid or not paid, what is being entered as time like, get all of that. And that's a little bit of two different things to different data points. And then it's having the conversation that melds together the compliance legal aspects of it. With the focus on the mission, the focus on wanting to have significant impact, fairness to staff, legal responsibility and culture.

Rachel Platt 00:20:23 And hey, this is the culture we need to have slash want to have. Okay, this is how we're going to get there. But you've got to have you've got to have the facts first and doing it with curiosity. Particularly if you're new to the organization not in a judgy sort of way is probably going to get you further.

Jess Birken 00:20:46 Yeah.

Rachel Platt 00:20:46 In this new role.

Jess Birken 00:20:48 Yeah. Good. Good clarification. So yeah, don't come in and be like, listen, you're a terrible role model. You mean don't say that, okay. No. Oh, I have some good nuggets here. Some takeaways I think. Let me try and sum up. So first and foremost, if you have hourly employees and they work overtime over 40 hours, you do have to pay them overtime wages. Even if you wish that you didn't have to. You can't just call them volunteers for that. And then second, please, please, please pay attention to employment law. It is changing rapidly all the time. There are all, especially in the last decade, you know, there's just lots of things that are shifting around about what the rules are.

Jess Birken 00:21:31 And as we go into a new year, as July 1st rolls around, like your state has probably enacted new things, and that's something you need to be paying attention to. And then third, really understanding that leaders do set the tone so you can put all your nice mission statement and your core values up on the wall. But if your leaders are doing something completely opposite, that's that's what your values are. So everyone needs to be on the same page of what culture we want and living that out. And then I think you mentioned something I really want to emphasize, which is some people get to be culture carriers and like we are all carrying the culture, but some of us can really step up and lead and set that culture through our action. And I think that's a really important concept, especially for our management level and up people, to really understand that I am carrying the culture like I am setting the culture every day with what I do. I love that concept. And then going back to the very beginning.

Jess Birken 00:22:40 Having a good culture is partly what keeps your people with you motivated and working on the mission. Did I miss any major takeaways?

Rachel Platt 00:22:49 I think you summed it up perfectly, but I.

Jess Birken 00:22:52 Think we could do like eight more podcasts on just this one question.

Rachel Platt 00:22:56 This was it's a doozy.

Jess Birken 00:22:58 It is a doozy. Rachel, you're amazing. I really enjoyed having you. Thank you so much for being here today.

Rachel Platt 00:23:05 Thank you for having me. It's been great.

Jess Birken 00:23:07 Yeah. If folks want to connect with you after the show, if maybe the, you know. Hey, listener, if you're listening to this, you might reach out to Rachel. Yes. If folks want to connect with you, where can they find you?

Rachel Platt 00:23:20 I post about people, strategy and leadership on LinkedIn almost every day. So Rachel, well, that's pretty, pretty simple.

Jess Birken 00:23:32 Awesome. We'll put all that in the show notes for everybody. Folks, if you enjoyed this episode, do me a huge favor and share it with a friend.

Jess Birken 00:23:40 Share it with your friend that is single handedly trying to change the culture of an organization and may need a little advice, a little support. Give us a rating review. Subscribe in your podcast app. It really does help people find the show. If you have a question or a story to share or even a reaction to this, I would love to hear from you. Send me a note online at Charity therapy. And thanks, as always for listening.

About the Author



Hi, I'm Jess Birken.

I'm the owner of Birken Law Office, I help nonprofits solve problems so they can quit worrying and get back to what matters most – The Mission. I'm not like most attorneys, I actually have an outgoing personality, and – like you – I like to think outside the box. Most of my clients are passionate and have an entrepreneurial spirit. I'm like that too. My goal is to help you crush it. Getting bogged down in the minutia sucks the joy out of the important stuff. My clients want to do the work – not the paperwork.

Let's connect!

jess@birkenlaw.com | [612.200.3679](tel:612.200.3679) | [@JessBirken](https://www.linkedin.com/in/jessbirken)
www.linkedin.com/in/jessbirken
www.facebook.com/birkenlaw