

## **CITY OF STOUGHTON VOLUNTEER POLICY**

Issue Date: 6-13-2012

Revision(s):

### **I. PURPOSE**

The City recognizes the great contributions volunteers can make to the City of Stoughton. The potential liability exposure in engaging the services of volunteers is also recognized.

### **II. POLICY**

A volunteer is a person recognized and authorized by the City to perform services for the City without promise, expectation or receipt of compensation for services rendered. Management of volunteers insures that important work is done well and City liability is minimized. Volunteers are expected to perform in cooperation with City staff and comply with the same rules and regulations applicable to City employees.

#### **A. Screening and Background Checks**

1. Consistent use of appropriate screening and background checks will help assure that properly qualified individuals are selected to perform volunteer activities. Such techniques will also help screen out individuals whose background may render them unsuitable for particular activities.
2. Aggressive screening and background checks are required by law and are critical for volunteer positions that involve work or contact with children, youth, the elderly or other vulnerable groups.
3. As part of the screening process it may be necessary to obtain the applicant's authorization to conduct appropriate screening and background checks. The scope of screening and background checks will be determined by the particular volunteer activities and may include:
  - a. Forms requesting information on prior convictions and misconduct.
  - b. Contacting personal and employment references.
  - c. Criminal background checks, including the use of information from the National Crime Information Center (NCIC), state crime information center and state/local sex offender registries.
  - d. Motor vehicle records checks.
  - e. Prior employment and military background checks.
  - f. Verification of education, training, certification and licenses.
  - g. Personal, face-to-face interviews.

#### **B. Vehicle Operation**

1. Some volunteers may be required to operate their own motor vehicle during the course of their volunteer work.

- a. Volunteers must provide proof of insurance.
- b. A valid driver's license should be verified and documented.
- c. Volunteers shall not drive City owned vehicles or operate powered motor vehicle equipment such as tractors, forklifts, loaders or other equipment.

### **C. Safety Hazards**

1. Volunteers must be provided with the knowledge and skills necessary to perform their tasks in a safe manner. The supervisor shall be responsible for determining whether the volunteer has the skills and ability to perform assigned tasks safely, considering:

- a. The extent of safety training depends upon the type of activities assigned.
- b. The supervisor shall ensure that volunteers are properly trained to perform activities safely. Training shall be conducted by the supervisor or safety staff before the volunteer is assigned any potentially hazardous duty.

2. Volunteers shall be provided with personal protective equipment (PPE), where it is warranted.

- a. Personal protective equipment will depend on the specific activity, and may include: safety vests, eye protection, hand protection, hearing protection and head protection.
- b. Supervisors shall train volunteers on use of PPE and enforce its use when applicable.

### **D. Volunteer Liability**

1. Various laws limit the liability of volunteers. The most pertinent law is the Volunteer Protection Act of 1997, which includes volunteers who act on behalf of public entities. This act provides that no volunteer of a public entity is liable for harm caused by an act of omission when working on behalf of the entity. In order for a volunteer to be protected, the following requirements must be met:

- a. The volunteer must have been acting in the scope of their responsibilities for the City.
- b. Where appropriate or required, the volunteer must have been properly licensed, certified or authorized to perform the activity by state authorities.
- c. The harm must not have been caused by willful, reckless or criminal misconduct, gross negligence or a conscious, flagrant indifference to the rights or safety of the individual who suffered the harm; and
- d. The harm must not have been caused by the volunteer's operation of a vehicle for which the state requires the vehicle's owner or operator to possess a driver's license or to maintain insurance.

## **E. Compensation**

1. A volunteer is a person recognized and authorized by the City to perform services for the City without promise, expectation or receipt of compensation for services rendered. Failure to manage a volunteer under this premise can convert the volunteer to an "employee," whereby compensation and benefits might then be mandated.
2. Volunteers are not eligible for worker's compensation.
3. Volunteers must sign the City of Stoughton Volunteer Waiver Form.
4. Per the Fair Labor Standards Act (FLSA) (29 CFR 553.103) City employees are prohibited from volunteering without pay to perform the same type of services the individual is employed to perform.

## **F. Youth Volunteers**

1. During the summer the use of minor volunteers (children 17 years old or younger) may increase. To minimize risk, supervisors in departments should be aware of the laws governing work by minors:
  - a. No minor 17 years old or younger shall be permitted to perform activities in any occupation determined to be "particularly hazardous" under the FLSA. Outside of hazardous or potentially hazardous duties, the FLSA permits minors to perform most other types of work.
  - b. "Particularly hazardous" duties include and minors may not:
    1. Drive or help a driver, load or unload goods on or off trucks or conveyors.
    2. Risk falling 10 feet or more, work on a ladder, scaffold, etc.
    3. Operate power driven hoists.
    4. Operate power woodworking tools, circular saws, band saws, grinders, cutters, drills and any similar power hand tool or equipment.
    5. Work on construction or building repair projects.
    6. Operate power mowers.
    7. Work on wrecking, roofing, excavating and similar projects.
  - c. Hours of work
    1. Youth 16 and 17 years and older may generally work 8 hours per day on non-school weekdays.
    2. Youth 14 and 15 years old may work outside school hours:
      - a. No more than 3 hours on school days.
      - b. No more than 18 hours per week on school weeks.

- c. No more than 8 hours per day-on non-school days.
- d. No more than 40 hours per week when school is not in session.
- e. May generally work only between the hours of 7 a.m. and 7 p.m., except from June 1 through Labor Day, when permissible hours are extended to 9 p.m.
- f. Parental Consent: Volunteers under the age of 18 must have documented parental consent. The parent or legal guardian must sign the City of Stoughton Volunteer Waiver Form.

#### **G. Rights of Volunteers**

- 1. To be respected and valued and to know what their rights and responsibilities are.
- 2. To be provided necessary information to carry out their role as volunteers and to know what is expected of them.
- 3. To be provided with orientation and training appropriate to their tasks.
- 4. To be given support and supervision from a designated person in their work group.
- 5. To be provided a safe working environment.
- 6. To be free from harassment or discrimination.

#### **H. Volunteer Responsibilities**

- 1. To carry out the agreed upon duties to the best of their abilities.
- 2. To work with the aims, objectives, values and goals of the City.
- 3. To work under the City of Stoughton rules, regulations and policies, which include finance and purchasing policies when applicable.
- 4. To be honest and reliable.

#### **I. Responsibilities of City Supervisors Who Utilize Volunteers**

- 1. To provide orientation, training, personal protective equipment (PPE) and assistance to enable volunteers to meet the expectations of their volunteer positions.
- 2. To provide ongoing support and supervision.
- 3. To treat the volunteer as an equal partner in achieving the goals of the City.
- 4. To ensure compliance with all aspects of this policy.

