

Safety and Risk Management Manual

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Title: Volunteer Regulation

Overview

Volunteers are a tremendous community resource. These valued citizens willingly become involved in numerous activities such as open space activities, youth and senior services, and other community activities. The many hours and vital energy expended by volunteers for the good of our community cannot be overstated. It is always our intention to make a volunteer experience positive for everyone involved. With a little pre-planning, the liability risks associated with volunteers can be greatly minimized, and the shared experiences enhanced for everyone.

Volunteer Defined: Any person who donates goods or services to the County without any promise, expectation or receipt of compensation.

Volunteer Placement/Planning

First, decide what you need to accomplish and plan/write a job description for your volunteer.

1. Define the age group the volunteer will work with.
2. Is this a single volunteer or a group?
3. How long will the job last?
4. Is there a skills or physical requirement?
5. Who will supervise the volunteer(s) and where will you house the worker?
6. For positions that interact with youth and seniors, a background check is required.
7. For driving positions, a motor vehicle records check should be done.
8. Contact the Human Resources Department for assistance with job descriptions, if necessary. You must consult with Human Resources to determine whether background checks, criminal history checks, and motor vehicle checks are necessary. If so, Human Resources will handle these items.
9. Contact Risk Management for an assessment hazards and to determine whether insurance is in place.

General Guidelines

Supervision

Make sure that there is one person designated to supervise the volunteers. When the volunteer first arrives for the day, let the volunteer know what tasks need to be done that day, what s/he has been doing well, discuss any problem areas and be alert for frustration, boredom or other problems.

If your volunteer group includes teens, remember that teens need more supervision than adults do; teens need to be kept busy.

Risk Assessment

A site assessment should be conducted to identify risks that could result in various hazards such as falls, operation of machinery, lifting, office ergonomics, chemicals and weather extremes, (to name a few). Is personal protective equipment needed? Risk Management can assist you with these assessments.

If driving is required, then a motor vehicle record check and driver training, vehicle safety, mandatory use of seatbelts and accident reporting procedures should all be discussed and documented prior to the volunteer driving. The Human Resources Department will conduct the records check. Confidentiality issues should be considered.

Compensating Volunteers

Be cautious; compensating or rewarding a volunteer may convert an unpaid volunteer into an underpaid employee! The Fair Labor Standards Act (FLSA) allows payment of expenses, reasonable benefits, nominal fees, or a combination thereof. Examples of permissible rewards include:

- Uniform allowance and cleaning expenses
- Reimbursement of (pre-approved) out-of-pocket expenses
- Reasonable benefits such as the Accidental Death and Dismemberment Insurance (outlined below)
- Nominal fees (such as training expenses)

Employees as Volunteers

FLSA prohibits an employee from volunteering for "same type of services" which s/he is paid to perform. Some examples of authorized volunteerism by employees that are acceptable include:

Public Works engineer as 17-Mile House ticket taker

Human Resource analyst as Picnic Activity Coordinator

But, even then, an employee may only volunteer on an occasional basis. You must consult with the Human Resources Department to ensure that an employee is not volunteering for a position that would qualify as the "same type of services" position.

Protection for Children and Vulnerable Others

Children and adults with vulnerable conditions are rarely abused or neglected in service programs. Nonetheless, incidents do occur, and it is our responsibility to protect our young and vulnerable citizens and clients.

In order to fulfill their responsibility to protect the children and vulnerable clients in their care, supervisors, employees and volunteers must

- Understand what child and vulnerable client maltreatment is,
- Recognize the signs of abuse and neglect, and
- Be alert for those who are typical targets of abuse

Screening Volunteers

A background and/or criminal history investigation is a part of a screening process for anyone working with vulnerable citizens, such as children or the elderly and anyone handling financial transactions – it is not a selection criterion. There must be clear guidelines stating which offenses are relevant; which offenses will disqualify an applicant; what other factors will be considered and how the rights of the applicant will be preserved.

For example it is generally agreed that individuals should be permanently disqualified from volunteering for positions that require substantial contact with children if one's criminal record includes any of the following:

- Past history of sexual abuse of children
- Conviction for any crime in which children were involved.
- History of any violence or sexually exploitative behavior

As a general rule, screening criteria must be based upon convictions – not arrest information, however, the County may consider any arrests for which final disposition is pending in its decision process. We exercise care in our hiring decisions especially in public contact positions. Background and reference checks may be appropriate, especially for those working with vulnerable populations. Motor vehicle record checks are mandatory for any volunteer who intends to drive on behalf of the county. You must contact the Human Resources Department for all screening issues, including background and criminal history checks and motor vehicle record checks.

Human Resources will authorize releases for these checks, but as a general rule, the following guidelines apply:

- Get a release to authorize a background check and/or a motor vehicle record check.

For volunteers who come back multiple years:

- Get a release to authorize a background check every third year, or more frequently if required by your Department or Office. For drivers, get a release to authorize a motor vehicle records check annually.
- Review the County's Motor Vehicle Policies with the volunteer.
- Volunteers who will be driving should attend the county's *Decision Driving* class.
- Volunteers are not authorized to drive County vehicles. They should drive their own vehicles and be reimbursed for mileage expense by the County.

Criminal history databases are not perfect and sometimes a records check will falsely identify a person as having committed a crime. For this reason, the Human Resources Department must conduct these background checks. The Department will confer with you about the results.

Youth Volunteers

The recommended minimum age of volunteers for on-going volunteer positions is 16 years old. The FLSA and the Colorado Youth Employment Opportunity Act limit the types of work that minors can perform. Although directly pertinent in the context of paid work, these limitations apply to volunteer activities as well.

1. 14 – 15 year olds: The work must be performed:
 - Outside of school hours
 - For no more than 40 hours per week if school is not in session
 - For no more than 18 hours per week if school is in session.
 - For no more than 8 hours per day if school is not in session.
 - For no more than 3 hours per day if school is in session.
 - Between the hours of 7 a.m. and 7 p.m., except during the summer when work can be performed until 9 p.m.
 - Children ages 14 and 15 may not work in any occupation that is considered hazardous.
 - They may not operate food slicers or grinders of any kind.
 - They may work in gas stations, retail stores, offices, and retail food services.
 - They may not operate power mowers and cutters.
 - They may make deliveries by foot, bike, bus, and perform janitorial/grounds work.

2. 16 – 18 year olds: No particularly hazardous occupations including:
 - No greater risk of falling more than 10 feet (OSHA requires fall protection for greater than 6 feet)
 - No use of power-driven hoists
 - No use of woodworking machines,
 - No work with boilers,
 - No wrecking, roofing or excavating
 - Driving is prohibited under County policy
 - Youth 16 years old and older may generally work up to eight hours a day and forty hours a week.

3. Youth 13 years and younger and minors of any age: Under FLSA youth under the age of 14 may work in non-hazardous agricultural jobs.
 - Minors of any age may perform home chores
 - Work for parents, and
 - Work as newspaper carriers, models, actors or performers

Insurance Related to Volunteers

You must contact Risk Management at least annually to ensure that liability and medical insurance are available for volunteer positions. You can assist in this process by ensuring that you advise Risk Management annually about each volunteer position title. If you create a new volunteer position, advise Risk Management so that insurance coverage exists before the volunteer begins.

Liability

“Authorized Volunteers” are accorded the same liability insurance protection as regular employees of the County. The volunteer must be performing an act for the County’s benefit at the request of and subject to the control of the County. Written documentation of authorized status, responsibilities and supervision will validate the status of “authorized volunteer.” Negligent acts or omissions outside of the scope of duties, or willful/wanton behavior, by the volunteer will result in a loss of the volunteer’s County liability protections.

Medical

The County purchases Accidental Death & Dismemberment coverage for its volunteers. The insurance applies when the volunteer is otherwise uninsured for medical costs. The policy provides limited medical, dental and death/dismemberment coverage for injuries or illnesses resulting from the assigned work done for the County. The County does not provide workers’ compensation to volunteers. Any questions regarding insurance related to volunteers should be directed to Risk Management.

Volunteer Records

All records for employment are to be kept confidential.

A volunteer’s records need to be kept for three years from the date s/he finished the job, resigned or was terminated.

Keep the records of someone who never started volunteering for six months from the time the application was received.

Remember---

Volunteers add value to our organization. It’s important that we understand our responsibilities as supervisors to our volunteers and the citizens they will serve. In doing this, we will avoid potential liabilities associated with the work that volunteers provide.

VOLUNTEER CHECK LIST

- Plan the job
- Assess the risks, for safety concerns and consult with Risk Management.
- Follow guidelines for Youth Volunteers
- Prepare the job description
- Assign supervisory responsibilities
- Train supervisor
- Plan and execute recruiting efforts
- Interview to assure volunteer to job match
- Contact the Human Resources Department to conduct background, criminal, reference and motor vehicle record screening
- Contact Risk Management annually to ensure that AD&D insurance and other insurance policies are in place for volunteer positions. If you create a new volunteer position, advise Risk Management.
- Upon hire, train the volunteer before they start the assignment
- Evaluate the volunteer's performance
- Retain Records