

# VOLUNTEER POLICY

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### Appendices:

703-A	Chippewa County Volunteer Procedure
703-B	Volunteer Questionnaire
703-C	Volunteer Application
703-D	Background Information Disclosure Form
703-E	Volunteer Report of Injury or Accident

# VOLUNTEER POLICY

Volunteerism has a long tradition in American history and Chippewa County. People in the community who have special knowledge and particular talents can provide great contributions as volunteers. For the purpose of this policy, a volunteer is defined as: (1) a person performing the service recognized and authorized by the County to perform such volunteer services, (2) and receives no salary or remuneration – with the exception of specific out of pocket reimbursements such as meals or mileage reimbursement for driving tasks.

## 1. Onboarding

The proper screening of volunteers is of utmost importance to ensure that volunteers possess the necessary skills to carry out their tasks as a volunteer. Proper screening ensures a good fit that is of benefit to the volunteer, the county and those served.

The Department Head or their designee shall consult and follow Chippewa County Volunteer Procedures to ensure compliance with this Volunteer Policy. The Chippewa County Volunteer Procedures are included in Appendix 703-A.

### a. Volunteer Applications

A Chippewa County Volunteer Application shall be utilized to screen volunteer candidates. A completed Chippewa County Volunteer Application is required in order to be considered for an eligible volunteer opportunity. A Chippewa County Volunteer Application is included in Appendix 703-C.

### b. Interviews

Each department/division that offers eligible volunteer opportunities is responsible for conducting interviews. Verbal contact from the Department Head or their designee with the volunteer is required for all Chippewa County volunteers, unless otherwise approved by the Human Resources Director.

### c. Background Checks

The Human Resources Director shall have sole discretion to determine the structure and administration of background screens of volunteer candidates for each eligible volunteer activity. The Human Resources Director has sole discretion to delegate the administration of background screens of volunteer candidates to the department/division offering the eligible volunteer activity.

## 2. Record Retention

The Human Resources Division shall be the custodian of, and maintain all volunteer records and a roster of volunteers engaged.

### 3. Training

Training of volunteers is important to ensure they have the necessary skills and confidence to carry out their tasks. Each department/division that offers volunteer opportunities shall communicate to its volunteers what is expected of them as well as what the volunteers should expect from the department/division and the volunteer program. Training shall be provided to all volunteers and document in writing by each department/division offering volunteer opportunities. All training records, including signed acknowledgements, shall be retained by the Human Resources Division.

a. Administrative Policies and Procedures

Department/division policies and procedures pertinent to volunteers shall be explained to each volunteer prior to beginning training. The Department Head or their designee shall provide applicable policy acknowledgements to the volunteer candidate for review and signature. Applicable policy acknowledgements shall be signed and returned to the Department Head or their designee by the volunteer candidate prior to starting as a volunteer with Chippewa County. The Department Head or their designee shall submit all acknowledgments to the Human Resources Division to be retained.

b. Safety Policies and Procedures

The Department Head or their designee shall ensure volunteers are instructed in pertinent safety policies and procedures including such items as emergency evacuation & sheltering plans, safety rules, security procedures and proper use of equipment.

Volunteers within the Courthouse and Sheriff's Department shall be required to wear an ID badge administered by the Human Resources Division at all times. Please refer to the Identification and Access Card Policy.

### 4. Compensation and Certain Duties Prohibited

Monetarily compensating or otherwise rewarding a volunteer may convert an unpaid volunteer into an underpaid employee. The Fair Labor Standards Act (FLSA) only allows for specific reasonable reimbursements. County volunteers shall not be rewarded or compensated for volunteer services.

The FLSA also limits or restricts certain persons from volunteering for specified types of services. Employees of the County may not volunteer for the County when the volunteer service involves the same type of service for which the employee is employed to perform for the County. Similarly, regular employees of the County shall not be displaced to accommodate a volunteer. Specific restrictions regarding youth (18 years and younger) apply depending upon age. As part of the County Volunteer Procedure, the Human Resources Division will evaluate proposed volunteer activities for restrictions related to volunteer applicants under the age of 18 to determine volunteer eligibility.

## 5. Legal Relationship between Volunteers and the County

It is not the intent of the County to employ any volunteer, nor promise wages or other employee benefits. Based on Chippewa County's commitment to providing the highest quality service to the community, the County reserves the right to discontinue a volunteer's involvement in its volunteer program at any time as County volunteers have no vested right in volunteer participation.

## 6. Liability

The legal relationships that exist between the volunteer and the County result in two primary areas of potential liability: (1) the liability of the County for harm caused by the volunteer or harm to the volunteer, (2) the personal liability of the volunteer for injuries caused by the volunteer.

The County shall provide the same protection to volunteers for any claims arising from acts performed by the volunteer within the scope of the volunteer's tasks as is provided by law for Chippewa County employees.

Per WI Stats. 895.46, if a legal action is brought against a public employee that was acting within the scope of the employee's employment, the employer shall provide a legal defense for the employee. Damages and costs entered against the employee in excess of any insurance applicable to the employee shall be paid by the employer. The employee must give notice of the legal action as soon as reasonably possible to the employer and cooperate in the defense and litigation or indemnification protection will not be provided. The County's general liability insurance policy indicates any expressly authorized volunteer of the County is an insured under the policy provisions subject to policy terms, conditions and exclusions.

### a. Liability for Harm Caused by a Volunteer (Other than Caused by an Auto Accident)

If a volunteer's actions cause physical injury or property damage to another and the injured party files a claim against or sues the volunteer, the County and/or its insurer shall defend the volunteer and be responsible for any financial judgment incurred provided that the volunteer was acting within the scope of the volunteer's tasks, gives notice of the claim to the County, and cooperates in the defense and litigation.

### b. Liability for Harm Caused by a Volunteer Involved in an Automobile Accident

The County's automobile liability insurance policy shall secondarily cover a volunteer as a supplement to the volunteer's private automobile insurance. Volunteer candidates shall be responsible for providing proof of insurance and a valid driver's license if the volunteer opportunity requires the use of a personal vehicle. Volunteers whose volunteer activity in which they are engaged requires the use of a personal vehicle shall notify the Human Resources Division within 48 hours of receiving notice that the volunteer no longer has a valid driver's license or valid automobile insurance. The County's automobile liability insurance policy shall insure the actions of the properly sanctioned County volunteer while operating the volunteer's privately owned vehicle, subject to the below conditions. If a claim is made against the volunteer or the volunteer is sued:

1. The volunteer's personal automobile insurer is "primary" or responds first to any such liability.
2. The County and/or its insurer shall respond on an "excess" basis to provide protection for expressly authorized volunteers performing volunteer services on behalf of the County. "Excess" coverage means the County shall respond to such liability only after all other insurance available to the volunteer is exhausted.
3. The County shall not provide protection to the volunteer for damage to the volunteer's own automobile. The volunteer's personal automobile insurer should respond to such a loss.

**Note:** Coverage is not provided when the volunteer is going to or coming from the volunteer's normal volunteer work site. Volunteers shall not be allowed to operate County owned vehicles.

c. Injury to a Volunteer While Performing Volunteer Services

If a volunteer is injured while performing volunteer services on behalf of the County, the volunteer is not covered under Chippewa County's worker's compensation policy per Wis. Stat. §102.07(11), and shall, therefore, not receive worker's compensation benefits for that injury.

The County shall provide accident medical expense benefits under its Volunteer Accident Policy up to \$25,000 per covered accident for medically necessary care to a volunteer who sustains a covered injury while engaging in sanctioned volunteer activities for the County. Medical expense benefits under the County's Volunteer Accident Policy are subject to a \$1,000.00 deductible, payment of which shall be the responsibility of the injured volunteer. Coverage is limited to medical expense benefits and does not cover any lost economic benefit.

d. Incident/Accident Reporting Requirements

Prompt accident investigation is critical to determine possible causal factors and possible corrective actions to prevent such accidents from occurring in the future.

Volunteers shall report all incidents or accidents the volunteer is involved in during the course of engaging in volunteer activities to the Department Head, their designee, or the Corporation Counsel Division as soon as reasonably possible following any incident or accident. The Department Head or their designee shall instruct and assist the volunteer in the completion of a Chippewa County Volunteer Report of Injury or Accident form found in Appendix 703-F. The completed form shall be submitted to the Corporation Counsel Division within 24 hours of the incident or accident. The Department Head or their designee shall provide a verbal notification to the Corporation Counsel Division as soon as reasonably possible in the event of serious injury to the volunteer or others or extensive property damage. The Corporation

Counsel Division shall evaluate the County's liability exposure and direct the volunteer regarding the volunteer accident insurance claims process.

## **7. Policy Modification or Suspension in Declared Emergencies**

Provisions of this policy may be temporarily suspended in the event of a declared emergency by either the County Board Chair or the County Administrator.