

## **POLICY 819 VOLUNTEER SERVICES**

1. Purpose. Eau Claire County recognizes that people in the community can make great contributions as volunteers. Eau Claire County also recognizes the potential liability exposure that is commensurate with engaging the services of volunteers. Proactive risk management efforts can control and minimize liability exposures to help ensure that the use of volunteers is a positive experience for both the volunteers and Eau Claire County.
2. Policy.
  - 2.1 It is important that Eau Claire County employees and Elected Officials who are responsible for volunteer programs familiarize themselves with the concepts of liability, responsibility, and risk management as they apply to volunteer programs. This policy addresses several key areas pertaining to volunteer service, including: liability exposure and coverage, confidentiality, risk management, and volunteer recognition.
3. Definition.
  - 3.1 A Volunteer is a person who performs hours of service for Eau Claire County departments for civic, charitable, educational, health, humanitarian, recreational, public safety or general welfare reasons. Volunteers must be recognized and authorized by Eau Claire County or one of its officials, employees, or agents to perform services for Eau Claire County without receipt of salary or compensation for services rendered. An individual may not volunteer for Eau Claire County when the volunteer hours involve the same type of service which the individual is employed to perform for the same Department. Volunteers are not County employees; they assist paid staff or provide services to regular positions and augment the established and mandated services of the County.
4. Liability Exposures and Protection.
  - 4.1 General Liability Insurance.
    - 4.1.1 The County's general liability insurance policy provides that any expressly authorized volunteer of the County is covered by the policy, subject to its terms, conditions, and exclusions. Liability and accident insurance is provided for all volunteers engaged in County business. Volunteers are encouraged to consult with their own insurance agents in regards to the extension of their personal insurance to include volunteer work. To qualify for Eau Claire County's general liability insurance policy, the volunteer must be enrolled in a program, or activity that is sponsored by Eau Claire County, and adhere to

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established work assignments and guidelines. The department to which the volunteer is assigned will advise of the work duties and will keep an enrollment record to document the participation of the volunteer.

4.1.2 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 or its insurer will defend the volunteer and be responsible for any financial judgment incurred, provided that the volunteer was acting within the scope of his or her responsibilities, gives notice of claim to the County, and cooperates in the defense or litigation. If the injured party sues a County employee in addition to the volunteer, the County will defend its employee and be responsible for any financial judgment incurred.

#### 4.2 Automobile Liability Insurance.

4.2.1 The County's automobile liability insurance policy provides that anyone is an insured, subject to policy terms, conditions, and exclusions, while using a County owned vehicle with the County's permission.

4.2.2 For automobiles owned by a volunteer, the County's automobile liability policy provides that any volunteer expressly authorized by the County is an insured under the policy provisions with respect to the use of an automobile owned by a volunteer to conduct County business. However, such insurance protection is secondary, or excess, over any other insurance available to the volunteer.

#### 4.3 The limits of coverage a volunteer is required have are:

\$100,000 per person  
\$300,000 per bodily injury accident  
\$50,000 per property damage accident, or  
\$300,000 combined single unit  
Departments are responsible for verifying these limits of coverage.

#### 4.4 The County recommends the following limits of coverage:

\$500,000 per person  
\$500,000 per bodily injury accident  
\$50,000 per property damage accident, or  
\$500,000 combined single unit

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- 4.5 The County does not provide protection to the volunteer for damage to their own automobile.
- 4.6 Medical Expenses Incurred by Volunteers in Performance of Their Duties.
  - 4.6.1 Volunteers are not deemed employees under Wisconsin's workers compensation act, and they are not entitled to worker's compensation benefits if they are injured while performing volunteer services.
  - 4.6.2 The County does not provide any coverage for medical expenses incurred as a result of an injury sustained by a volunteer.
- 5. Confidentiality.
  - 5.1 Volunteers are responsible for maintaining confidentiality of all proprietary or privileged information pertaining to which they are exposed while serving as a volunteer. This includes information pertaining to employees, other volunteers, clients, or other related Department information. Each Department is responsible for educating its volunteers about Department confidentiality standards. Volunteers are required to sign a Confidentiality and Hold Harmless Agreement. Failure to maintain confidentiality will result in termination of the volunteer's relationship with the County.
- 6. Risk Management Techniques.
  - 6.1 Recognizing the liability exposure inherent with volunteer programs, risk management techniques should be used to help control and minimize liability exposures. The main principles of risk management for volunteer programs are volunteer screening, volunteer instruction, performance monitoring, and recognition of volunteer service. This section is not applicable to those volunteers working under the direct supervision of a County employee for a one day a year function. These volunteers will only be required to sign a registration form prior to beginning the volunteer duty.
- 7. Screening.
  - 7.1 The proper screening of volunteers serves a dual purpose. It ensures that the volunteer has the necessary skills to carry out the responsibilities of the position and that the responsibilities fit the interests of the volunteer. Proper screening will decrease the possibility of injury to the volunteer, decrease the potential of claims against the volunteer due to negligent performance of responsibilities and reduce the claims against the County by others served by the volunteer. Screening may include but is not limited to driving, criminal, and caregiver checks.

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Volunteers who do not agree to the screenings or who do not pass the screening process will be refused assignment.

- 7.1.1 Volunteer application forms can be obtained from the Department that will potentially be served by the volunteer and must be completed prior to beginning performance of volunteer duties. Volunteers who will be using an automobile to perform volunteer duties are required to supply a copy of their driver's license and a copy of a certificate of insurance or insurance identification card. The application and supporting information should be retained by the Elected Official, Department Director, or designee.
- 7.1.2 An interview provides the County an opportunity to clarify information provided on the volunteer application and allows the volunteer an opportunity to offer additional information about their interests and skills that may be difficult to reduce to writing.
- 7.1.3 Reference and background checks will be performed by the Department being served by the volunteer. Volunteers may be subject to periodic background checks for those positions that have been identified as warranting background checks. Background checks will be conducted on current or returning volunteers upon transfer, reinstatement, or restoration of duties.
- 7.1.4 Reference and criminal background checks are required for volunteers who will:
  - 7.1.4.1 Be responsible for providing services to the public without a County employee being present
  - 7.1.4.2 Have access to social security numbers
  - 7.1.4.3 Have access to medical treatment records
  - 7.1.4.4 Be assisting citizens with their personal or financial matters
  - 7.1.4.5 Transport others as part of their volunteer responsibilities
  - 7.1.4.6 Other cases deemed necessary by the Department served by the volunteer
- 7.1.5 Reference and caregiver background checks are required for volunteers who will:

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- 7.1.5.1 Work independently with children
- 7.1.5.2 Work independently with adults with vulnerable conditions
- 7.1.5.3 Provide independent services to the elderly in their homes
- 7.1.5.4 Other cases deemed necessary by the Department served by the volunteer

7.1.6 A motor vehicle driving record check will be performed by the Department for any volunteer who will be transporting other persons as part of their volunteer responsibilities. A volunteer must have a valid driver's license and meet the following:

- 7.1.6.1 No violations for Operating Under the Influence (OWI) within the last five years
- 7.1.6.2 No violations for Under the Influence (DUI) within the last five years
- 7.1.6.3 No at-fault accidents within the last two years
- 7.1.6.4 No moving violations within the last two years

8. Authorization Letter.

8.1 Issuing a welcome letter accepts the volunteer into the Department and provides a written record of the individual as a person authorized to provide services on behalf of the County.

9. Volunteer Instruction.

9.1 Instruction of volunteers ensures that they have the necessary skills and confidence to carry out their responsibilities will help minimize incidents involving the volunteer or persons served by the volunteer, and will deter claims against the volunteer and the County. Written documentation of all instruction given should be kept on file.

9.2 Because the County will only assume liability for volunteers acting within the scope of their responsibilities, it is very important to identify, in writing, what the volunteer's responsibilities actually are.

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- 9.3 All volunteers should receive instruction on how to carry out their responsibilities. The instruction given will vary depending on the nature and complexity of the volunteer's responsibilities. Instruction methods may include informal orientation, hands-on instruction, job site performance coaching and skills training, or a formalized training program with prepared training materials.
  - 9.4 Volunteers will be instructed in pertinent safety policies and procedures including such items as emergency evacuation, safety rules, and proper use of equipment.
  - 9.5 Volunteers will be instructed to report to their supervisor as soon as possible all incidents or accidents they are involved with during the course of their volunteer responsibilities. Prompt accident investigation is critical to determine possible causal factors and possible corrective actions to prevent such accidents from occurring in the future.
10. Performance Monitoring.
- 10.1 Throughout the volunteer's service to the County, supervisors need to monitor the performance of the volunteer. If performance does not match expectations, supervisors should try to assist the volunteer to improve performance in order to better carry out their responsibilities. If performance does not improve, the volunteer should be notified in writing that their service to the County has been appreciated, but that they are no longer authorized to perform services on behalf of the County.
11. Service at the Discretion of the County.
- 11.1 The County accepts the service of volunteers with the understanding that such service is at the sole discretion of the County. Volunteers agree that the County may at any time, for whatever reason, decide to terminate the volunteer's relationship with the County. The volunteer may at any time, for whatever reason, decide to sever the volunteer's relationship with the County. Notice of such a decision should be communicated as soon as possible to the volunteer's supervisor.
12. Recognition of Volunteer Service.
- 12.1 A brief thank you letter is recommended upon completion of the volunteer's service to the County. A thank you letter provides a written document confirming that the volunteer's services on behalf of the County has ended and the individual is no longer authorized to act on behalf of the County.

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- 12.2 All departments utilizing volunteers are encouraged to continually recognize the valued services of their volunteers. The appropriate and frequent use of informal recognition creates an atmosphere in which motivation is high. Examples of this include, but are not limited to, a simple “Thank You,” or a solicitation of input regarding the programs for which they volunteer.
- 13. Reimbursement.
  - 13.1 Reimbursement may be available for mileage and other expenses and must be pre-approved by the Department.
  - 13.2 The Fair Labor Standards Act (FLSA) only allows for specified reasonable reimbursements to volunteers. Be cautious about compensating or rewarding a volunteer so as not to violate FLSA rules.
- 14. Appendices.
  - 14.1 Volunteer Waiver Form (Appendix 819 A)

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