

## CHAPTER 4: EMPLOYEES AND VOLUNTEERS

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*Which employment laws apply? How should you develop personnel policies?*

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## I. Employment Laws

Below is a discussion of the laws that apply to employment issues. Most of these laws apply to employees only and would not apply to volunteers unless otherwise noted. While the majority of these laws are federal laws, it is important to check for any state or local laws that would apply. This is merely a brief summary of the coverage of these particular laws; it will be necessary to consult the laws directly to be sure you comply. It is also important to keep in mind that when it comes to most if not all of these laws, good business sense would seem to require that they be followed voluntarily (whether or not the organization falls under the statute).

### A. Federal Laws

#### **Title VII of the Civil Rights Act of 1964** (Title VII), 42 U.S.C. 2000e

- Applies to all private and government employers with fifteen (15) or more employees.
- Purpose: Prohibit discrimination based on race, color, religion, sex, or national origin.
- “It shall be unlawful ... for an employer
  - To fail or refuse to hire, discharge, or otherwise discriminate against any individual with respect to compensation, terms, conditions, or privileges of employment because of race, color, religion, sex, or national origin, or
  - To limit, segregate, or classify employees or applicants in any way which would deprive or tend to deprive any individual of employment opportunities because of race, color, religion, sex, or national origin.”
- Pregnancy Discrimination Act amended Title VII and provided that pregnant women must be treated as other employees on the basis of their ability or inability to work.
- This law includes a prohibition on harassment of employees.<sup>1</sup>

#### **Civil Rights Act of 1991**, 42 U.S.C. § 1981

- Applies to all private and government employers with fifteen (15) or more employees.
- Purpose: To provide appropriate remedies for intentional discrimination and unlawful harassment in the workplace.

#### **Equal Pay Act of 1963** (EPA), 29 U.S.C. 206(d)

- Applies to all employers who are “covered enterprises” under the Fair Labor Standards Act because they are:
  - a federal, state, or local government agency;
  - a hospital or institution primarily engaged in the care of the sick, the aged, the mentally ill, or developmentally disabled who live on the premises;

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<sup>1</sup> See <http://www.eeoc.gov>

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- a pre-school, an elementary or secondary school, an institution of higher learning or a school for mentally or physically handicapped or gifted children; or
  - a organization/organization with annual dollar volume of sales or receipts in the amount of \$500,000 or more.
- Purpose: To protect men and women who perform substantially equal work in the same establishment from pay differentials based on sex.
  - “No employer ... shall discriminate ... between employees on the basis of sex by paying wages to employees ... at a rate less than the rate at which he pays wages to employees of the opposite sex for equal work on jobs the performance of which requires equal skill, effort, and responsibility, and which are performed under similar working conditions.”
- \* For more information refer to [www.eeoc.gov](http://www.eeoc.gov).

### **Age Discrimination in Employment Act of 1967 (ADEA), 29 U.S.C. 621**

- Applies to employers with twenty (20) or more employees.
  - Purpose: “Promote employment of older persons based on their ability rather than age and prohibit arbitrary age discrimination in employment.”
  - “It shall be unlawful for an employer
    - To fail or refuse to hire or to discharge or otherwise discriminate ... with respect to compensation, terms, conditions, or privileges of employment, because of an individual’s age;
    - To limit, segregate, or classify employees in any way which would deprive or tend to deprive any individual of employment opportunities because of such individual’s age; or
    - To reduce the wage rate of any employee in order to comply with this Act.”
  - These prohibitions are limited to individuals who are at least forty (40) years of age.
- \* For more information refer to [www.eeoc.gov/types/age.html](http://www.eeoc.gov/types/age.html).

### **Americans with Disabilities Act of 1990 (ADA), 42 U.S.C. 12101**

- Applies to all private and government employers with fifteen (15) or more employees.
  - Purpose: “To provide a clear and comprehensive national mandate for the elimination of discrimination against individuals with disabilities.”
  - “No entity shall discriminate against a qualified individual with a disability because of the disability ... in regard to job application procedures, the hiring, advancement, or discharge of employees, employee compensation, job training, and other terms, conditions, and privileges of employment.”
  - Reasonable accommodations must be provided unless they will result in undue hardship on the employer.
- \* For more information refer to [www.eeoc.gov/types/ada.html](http://www.eeoc.gov/types/ada.html).

**Vocational Rehabilitation Act of 1973, 29 U.S.C. 791**

- Applies to federal government contractors and subcontractors with contracts of \$10,000 or more and to employers receiving federal assistance.
- “No otherwise qualified individual with a disability ... shall, solely by reason of disability, be excluded from the participation in, be denied benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.”

\* For more information refer to [www.eeoc.gov](http://www.eeoc.gov).

**Fair Labor Standards Act, 29 U.S.C. 201**

- Applies to all employers who are “covered enterprises” under the statute because they are:
  - a federal, state, or local government agency;
  - a hospital or institution primarily engaged in the care of the sick, the aged, the mentally ill, or developmentally disabled who live on the premises;
  - a pre-school, an elementary or secondary school, an institution of higher learning or a school for mentally or physically handicapped or gifted children; or
  - a organization/organization with annual dollar volume of sales or receipts in the amount of \$500,000 or more.
- Does not apply to independent contractors.
- Purpose: To remedy and eliminate labor conditions that are harmful to employees.
- Requires employers to pay minimum wage and overtime pay to employees and bars child labor.
- In addition, applies separately to employees of employers providing contract services to the United States.
- Some exemptions apply including an exemption for administrative, executive and professional employees.

\* For more information refer to [www.dol.gov/esa](http://www.dol.gov/esa).

**Immigration Reform and Control Act of 1986; 8 U.S.C. 1324(b)**

- Applies to employers with four (4) or more employees.
- Purpose: Ban intentional discrimination on the basis of citizenship or national origin.
- “It is an unfair employment practice for an entity to discriminate against any individual ... with respect to the hiring for or discharging of an individual from employment
  - Because of such individual’s national origin, or
  - Because of such individual’s citizenship status.”
- It is also an unfair employment practice to request documentation other than that required under 8 U.S.C. §1324a(b) if done for the purpose of with the intent of discriminating against an individual.

\* For more information refer to <http://www.usda.gov/oce/oce/labor-affairs/ircasumm.htm>.

**The Family and Medical Leave Act; 5 U.S.C. 6381**

- Applies to employers with fifty or more employees.
- Purpose: To provide eligible employees with the right to take unpaid leave.
- “An employee shall be entitled to a total of twelve (12) weeks of leave during any twelve (12) month period for one or more of the following:
  - Because of the birth of a child of the employee.
  - Because of the placement of a child with the employee for adoption or foster care.
  - In order to care for the spouse, child, or parent of the employee, if such spouse, child, or parent has a serious health condition.
  - Because of a serious health condition that makes the employee unable to perform the functions of the employee’s position.”

\* For more information refer to <http://www.dol.gov/esa/whd/fmla>.

**Occupational Safety and Health Act, 29 U.S.C. 651**

- Applies to all employers.
- Purpose: to assure safe and healthful working conditions.
- “Each employer
  - Shall furnish to each employee employment and a place of employment which are free from recognized hazards that are causing or are likely to cause death or serious physical harm to employees;
  - Shall comply with occupational safety and health standards promulgated under this Act.”
- Many states, including Virginia, voluntarily assume enforcement responsibilities for this Act. Please refer to the State and Local Laws section of this manual for details regarding Virginia’s OSHA program.

\* For more information refer to [www.osha.gov](http://www.osha.gov).

**Volunteer Protection Act of 1997, 42 U.S.C. 14501**

- Purpose: “Promote the interests of social service program beneficiaries and taxpayers and sustain the availability of programs, nonprofit organizations, ... by reforming the laws to provide certain protections from liability abuses related to volunteers serving nonprofit organizations and governmental entities.”
- “No volunteer of a nonprofit organization or governmental entity shall be liable for harm caused by an act or omission of the volunteer on behalf of the organization or entity if—

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- the volunteer was acting within the scope of the volunteer’s responsibilities in the nonprofit organization ... at the time of the act or omission;
- if appropriate or required, the volunteer was properly licensed, certified, or authorized ... for the activities... in which the harm occurred...;
- the harm was not caused by willful or criminal misconduct, gross negligence, reckless misconduct, or a conscious, flagrant indifference to the rights or safety of the individual harmed by the volunteer; and
- the harm was not caused by the volunteer operating a motor vehicle, vessel, aircraft, or other vehicle for which the State requires the operator or the owner of the vehicle, craft, or vessel to—
  - possess an operator’s license; or
  - maintain insurance.”

\* A more in depth explanation of this Act follows in the volunteer section.

### **Drug Free Workplace Act, 21 U.S.C. 1501**

- Requires federal grantees to certify that they maintain a drug-free workplace.
- Grantees must publish a statement (e.g., as part of a personnel policy or manual) that informs employees that the manufacture, distribution, possession or use of a controlled substance in the grantee's workplace is prohibited.
- Grantees must establish a drug-free awareness program to inform employees of the dangers of drug abuse in the workplace, the grantee's policy of maintaining a drug-free workplace, and any available drug rehabilitation and employee assistance programs.

\* For more information refer to <http://www.dol.gov/elaws/drugfree.htm>.

### **Employee Retirement Income Security Act, 29 U.S.C. 1001**

- Applies to any employment benefit plan.
- Purpose: “To encourage the maintenance and growth of single-employer defined benefit pension plans and increase the likelihood that participants and beneficiaries ... will receive their full benefits.”
- ERISA requires plans to provide participants with plan information including important information about plan features and funding; provides fiduciary responsibilities for those who manage and control plan assets; requires plans to establish a grievance and appeals process for participants to get benefits from their plans; and gives participants the right to sue for benefits and breaches of fiduciary duty.

\* For more information refer to <http://www.dol.gov/dol/topic/health-plans/erisa.htm>.

**Consolidated Omnibus Budget Reconciliation Act (COBRA), 29 U.S.C. 1161**

- Purpose: Continuation of health care for certain individuals.
- Applies to employers with twenty (20) or more employees.
- Requires that a group health plan sponsor shall provide “that each qualified beneficiary who would lose coverage under the plan as a result of a qualifying event is entitled, under the plan, to elect ... continuation coverage,” at employee expense.
- A qualifying event includes death of the employee, termination of employment, divorce, etc.
- For more information refer to <http://www.dol.gov/dol/topic/health-plans/cobra.htm>.

**Federal Unemployment Tax Act, 26 U.S.C. 3301**

- Purpose: To provide payments to workers who have lost their jobs.
- Applies to nonprofit organizations with four (4) or more employees.
- Sets forth the rates of an excise tax to be paid by the employer.

**Federal Insurance Contributions Act (FICA), 26 U.S.C. 3101**

- Purpose: Old age, survivors, and disability insurance
- Applies to every individual and employer.
- Sets forth the rates of tax imposed on the income of the individual. Also sets forth the rates of an excise tax to be paid by every employer.

**B. State and Local Laws**

**Virginia Workers' Compensation Act, Va. Code §65.2**

- Applies to employers with three (3) or more employees.
- Purpose: To provide a no-fault remedy for workers who are hurt on the job.
- Employers must purchase and obtain workers' compensation insurance.
- Note: For nonprofits, unpaid officers are not considered employees.

\* Access the employer's guide at [http://www.vwc.state.va.us/employers\\_guide.htm](http://www.vwc.state.va.us/employers_guide.htm).

**Virginia Occupational Safety and Health Program**

- Purpose: To protect and promote the safety and health of Virginia's workers.
- For the most part, this program follows closely the federal OSHA guidelines but there are additional standards that are unique to Virginia.

\* For additional information refer to <http://www.doli.state.va.us/index.html>.

## Virginia Unemployment Compensation Act, Va. Code §60.2

- Works in conjunction with the Federal Unemployment Tax Act.
- Sets forth taxes to be paid by the employer.
- Va. Code §60.2 – 501 deals specifically with nonprofit organizations.
- For additional information refer to <http://www.vec.virginia.gov/vecportal/unins/insunemp.cfm>.

## II. Basic Employment Policies

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### A. Basic Legal Issues

When an organization has staff, it must develop employment policies. In the past employee policies were designed to provide user friendly information to employees about things like benefits and terms of employment; not a lot of thought was given to the need to protect employers.<sup>2</sup> Times have changed and personnel policies must be reviewed with the goal of protecting the employer from claims by employees that the policies create an employment contract. Obviously, organizations should consult with an employment law attorney if they are ever unsure of anything.

Employers are free under federal law and most state laws to design their workplace policies and procedures as they deem best for their situations. There are a few obvious exceptions when it comes to minimum wage and overtime pay, no illegal or discriminatory hiring/firing decisions, safety and OSHA regulations, etc. Actual policies adopted will vary from organization to organization and will depend to a large extent on size, number of employees, benefits offered, and other factors.<sup>3</sup>

Policies can be verbal, written, or both, but ideally all important policies should be in writing. Copies should be given to all employees; policies will do no good if no one is aware of them. Uninformed employees can also cause employers to lose unemployment compensation claims if they are unable to show that the claimant has been informed of the policies he or she violated. The policies are typically contained in a handbook format.

In most states policies or policy handbooks are not regarded as binding employment contracts. This is something the employer might want to explain to potential and current employees.<sup>4</sup> An example of the proper way to phrase this is contained in Appendix B.

Care needs to be taken, however, because in some states a contract can be created by using language that conveys rigid rules that must be followed exactly as written in all circumstances. Flexibility should be built into the wording to avoid making any promises that could be interpreted as a contract. Watch out for policies that state that the organization will “only” or

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<sup>2</sup> Online Women’s Business Center at [http://www.onlinewbc.gov/docs/manage/hrpol\\_idx.html](http://www.onlinewbc.gov/docs/manage/hrpol_idx.html)

<sup>3</sup> Id.

<sup>4</sup> Id.



“always” do something or “must” act in a particular way, one that describes employees as “permanent”, states that employees will be terminated only for “cause”, or makes promises of job security.<sup>5</sup>

One thing that must be shown in every discharge case is how the claimant either knew or should have known he or she could lose his job for the reason given; for example, if the policy in question talks about two verbal warnings, a written warning, a suspension and then discharge and the employee is fired after only two verbal warnings, the employer may lose the case, unless it can somehow be shown that a compelling reason existed for ignoring the policy in that particular employee’s case.<sup>6</sup>

## **B. Practical Issues**

Most employers put forth written policies as a means of setting forth their expectations for employee performance and conduct. The policies can also help to achieve consistency in treatment of employees. Some policies should be maintained in written form for legal reasons; for example, a sexual harassment policy and employee benefit plans. The Federal statute barring harassment only applies to employers with 15 or more employees, however.<sup>7</sup>

Many small employers simply rely upon occasional memoranda to employees to explain organization policy. This is not recommended because it is hard to track.

Again, although employers do have the right to change their policies at will, it may not be advisable to do so without at least attempting to give advance notice; if a policy change alters an employee’s work relationship so much and so adversely that a reasonable employee would quit under the circumstances, the employer could face a loss in an unemployment claim.

In addition to unemployment claims, employers could also encounter a loss in employee morale and productivity with ill advised or ill timed policy changes; employers should attempt to anticipate these potential problems and think of alternatives when considering policy changes.

It is critical for employers to try and follow their own policies as well, especially with respect to disciplinary matters. Enforcement of the policies must be even handed and consistent. Employers must also maintain proper documentation of performance problems to defend themselves effectively against employment claims. Poor and nonexistent documentation can severely undermine the defense of the employer.

For sample employment policies see Appendix, Chapter 4, [employmentpolicies](#)

For a sample handbook, see Appendix, Chapter 4, [samplehandbook](#)

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<sup>5</sup> Policy Writing and Updating: Myths and Truths at <http://www.instanthrpolicies.com/newdesign/policies.htm>.

<sup>6</sup> Wrongful Termination Claims at FindLaw.com at <http://employment.findlaw.com/employment/employment-employee-job-loss/employment-employee-wrongful-termination.html>.

<sup>7</sup> Employment Law-Free Advice at [http://employment-law.freeadvice.com/sexual\\_harassment/](http://employment-law.freeadvice.com/sexual_harassment/).

### C. Whistle-blowing Under the Sarbanes-Oxley Act

Retaliation claims can be easy for employees to bring and difficult and expensive for employers to defend. Establishing a claim under the Sarbanes-Oxley Act requires the following four elements; (1) participation in a protected activity by the employee (2) actual or constructive knowledge by the organization that the employee engaged in a protected activity (3) adverse employment action against the employee and (4) a showing that the protected activity was a contributing factor in the adverse employment action.<sup>8</sup>

The statutory definition of a “protected activity” is very broad. It covers both reports to government officials, reports to supervisors and participation in SEC or legal proceedings. Under the applicable case law, protected activity covers a wide range of conduct, including contacts with the news media.<sup>9</sup>

Any effective employment handbook will include a policy encouraging reporting of problems under the Act and the assurance of no retaliation. Most large organizations already have established procedures under the Act for anonymous receipt of employee complaints and concerns regarding accounting and audit matters. It is recommended that organizations consider additional steps they can take to avoid and respond effectively to retaliation claims under the Act.<sup>10</sup>

### D. Guidelines

The level of detail in a personnel policy should be sufficient to (i) advise employees of the employer’s expectations and the employee’s rights under the policy and (ii) guide managers seeking to enforce the employer’s rules.

Care should be taken to avoid excessive detail. Every personnel policy should include a policy on equal employment opportunities/nondiscrimination, and one on sexual and other unlawful harassment.<sup>11</sup>

## III. Staff Structure & Position Descriptions

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After formation of a Board of Directors for the organization, the process of fulfilling the mission can begin. As the needs of the community being served are identified and the network of resources grows, the addition of a staff member (Executive Director) to the organization may be required. This position usually develops because of the need to adequately meet the needs of the clients as well as the alleviate demands of time and resources placed on the board. Mature nonprofits may take years to develop. Over time, specialized staff may be necessary to assist in

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<sup>8</sup> Sarbanes Oxley at <http://www.sarbanes-oxley.com/>.

<sup>9</sup> Id.

<sup>10</sup> Id.

<sup>11</sup> Employee Handbooks That Work, January 12, 2005, at [http://www.fredlaw.com/articles/employment/empl\\_0501\\_rcb.html](http://www.fredlaw.com/articles/employment/empl_0501_rcb.html). See also: [www.eeoc.gov](http://www.eeoc.gov)

the mission. There is no magic formula to determine when to hire staff or how to organize staff. The nuances of the community and involvement of the board and volunteers will influence how this occurs.

See the Appendix for position descriptions. [jobdescriptions](#) The positions listed are a guide to developing staff roles and responsibilities. Please remember that initially all responsibilities would be housed in the position of Executive Director. The position descriptions are listed in order in which most organizations add staff. This is only a guide and an organization may find it necessary to make changes to the staff structure and position descriptions.

## **IV. Volunteers in Your Organization**

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### **A. Introduction**

Volunteers are generally people who perform services for or are otherwise employed by a nonprofit entity, and who either receive no compensation or do not receive anything of value in lieu of compensation in excess of \$500 per year. Volunteers are the “bread and butter” workforce of nonprofit organizations, and it is clear that everyone benefits from the nonprofit / volunteer relationship. For this reason, it is essential that you become skilled in recruiting and retaining this important element for your organization. However, it is equally true that volunteers can be a source of exposure to tort liability for organizations.

When actions of volunteers harm people—albeit unintentionally—organizations may very well have to pay for the consequences. A nonprofit group will not be relieved of liability simply because a person causing a liability is an uncompensated volunteer. Therefore, in order to make sure that balance is maintained between satisfying your organization’s resource needs and mitigating your organization’s exposure to risks—that is, in order to develop the degree of control over your volunteers that the law presumes to exist, but still manage to attract and motivate a beneficial volunteer workforce—the following policy guidelines for use of volunteers should be considered.

### **B. Addressing Risks to Prospective Volunteers**

Owing to our increasingly litigious society, it is important to address upfront the risks that prospective volunteers will face by volunteering with your organization. A significant impediment to volunteer recruiting is volunteers’ widespread fear of incurring unnecessary personal liability for their participation. Fortunately, helpful federal authority is available for you to communicate to recruits in hopes of assuaging their fears—and thereby persuading participation from quality workers.

As was noted in an earlier section, the Volunteer Protection Act (the “Act”)<sup>12</sup> was enacted on June 18, 1997, and was designed to establish uniform protections for volunteers nationwide. It was enacted in response to the withdrawal of volunteers from service to nonprofit organizations

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<sup>12</sup> See 42 U.S.C. §§ 14501 et seq. (2005).

owing to concerns about possible liability, and provides certain protections to volunteers of nonprofit organizations—including directors, officers, and volunteer workers—from liability for harm caused by ordinary negligence. Specifically, the Act states that no volunteer of a nonprofit organization or governmental entity shall be liable for harm caused by an act or omission if the following prerequisites are satisfied: (i) the volunteer was acting within the scope of his/her responsibilities at the time of the act or omission; (ii) the volunteer was properly licensed or certified, if necessary; (iii) the harm was not caused by willful or criminal misconduct, gross negligence, reckless misconduct or a conscious, flagrant indifference to the rights and safety of the person harmed; and (iv) the harm was not caused by the volunteer’s operation of a vehicle for which the state requires the owner or operator to possess an operators license or maintain insurance. The Act also prohibits the recovery of punitive damages against volunteers acting within the scope of their volunteer responsibilities unless the conduct was willful, criminal, or in conscious flagrant indifference to the rights and safety of the claimant.

You should feel free to hand out a copy of the Act to inform recruits of their rights and responsibilities. A copy of the Act in handout form is available in this section’s appendix, [infra VolunteerProtectionAct](#) Informing recruits that, generally, they will be protected from personal liability as long as they act within the scope of their responsibilities (notably, the next section addresses defining responsibilities for volunteers) is an effective recruiting tool.

It is also important to inform volunteers of the Act’s limitations. The Act does not protect a volunteer from liability arising from actions of willful or criminal misconduct, gross negligence, reckless misconduct, or a conscious indifference to the rights or safety of the harmed individual. The Act also does not protect a volunteer from liability arising from criminal acts, hate crimes, sexual offenses, violations of state or federal civil rights law, or when the volunteer was under the influence of drugs or alcohol. Establishing these boundaries will go a long way towards setting expectations of your volunteers and ensuring that all workers fully understand their rights and responsibilities under the law.

### **C. Addressing Risks to the Organization**

#### ***Guidelines for Successful Management***

Notably, nothing in the Volunteer Protection Act can be construed to affect the liability of any nonprofit *organization* with respect to harm caused to any person by an organization’s volunteers. When faced with a suit against an organization for an alleged injury caused by a volunteer, courts in jurisdictions without charitable immunity have applied the traditional doctrine of respondent superior, a legal doctrine which dictates that the master is liable for torts committed by the servant, regardless of the fault of the master. The message of the application of respondent superior doctrine to the torts of volunteers is that organizations must find ways of properly controlling the behavior of volunteers in order to reduce the chances of tort liability. It is crucial, therefore, that your organization understands that it must take care to manage its volunteer workforce—both for mitigating liability to the organization as well as ensuring organizational excellence and success. Attention needs to be paid to the recruitment, selection, training, evaluation, and management of volunteers. Though volunteers can be tremendous assets to any organization, they also present new human resources management challenges. Your nonprofit organization can be held liable for improper selection, assignment, training, and

supervision of volunteers, and, of course, for failure to act upon notice of some wrongdoing or inadequacy of a volunteer. For these reasons, management guidelines should be considered for recruiting and managing volunteer workers.

To protect your organization's clients, reputation, and staff, you should establish a basic screening process for volunteers that reduces risk. All applicants should be subject to the following:

- Application review.
- Interview and reference checks—even if the applicant is the board chair's nephew or the Mayor's sister!
- Depending on the position requirements (established in the position description), your screening process might include verification of licensure or educational credentials. This is especially relevant when screening prospective members of the Virginia Bar.

A general guideline for screening volunteers is that the more vulnerable the service recipient and the greater the opportunity for violations of trust, the more intensive the screening process should be. When initially planning to use volunteers, ask yourself:

- Do all volunteer positions have formal descriptions that describe the essential duties of each position?
  - Are all applicants for volunteer positions subject to a basic screening process consisting of:
    - An application?
    - A face-to-face interview and reference checks?
- Has the organization assessed all volunteer positions by the degree of risk posed? Is each group of positions subject to an appropriate screening process?

Consider these questions when developing volunteer positions and position guides:

- What are the characteristics, strengths, and needs of the target population?
- What qualifications will volunteers need in order to serve this population effectively through the program?
- What are the preferences of the target population regarding service delivery by paid staff or volunteers?
- How do the possible volunteer positions relate to the overall mission of the agency?

As you consider your volunteer needs, be aware that “existing employee” relationships with volunteers are critical. Often there is tension between employees and volunteers—for example,

when employees resent organizational “outsiders.” To eliminate this tension, plans for volunteer staffing should be developed in two distinct phases. First, the organization should examine the tasks that might best be performed by volunteer staff in light of the organization’s mission, structure, and personnel policies. Second, specific volunteer positions and position guides need to be developed. This step should involve the participation of board members, union leaders, paid staff, direct service volunteers, and clients. It serves to encourage broad support for the volunteer program, as well as to ensure that the creation of volunteer jobs balances the needs of clients, paid staff, and volunteers.

Before applications are solicited for a volunteer need, each volunteer assignment should have a clear and concise written position description. The position description clarifies—for the applicant and the nonprofit—the nature of the assignment, the expectations, the prohibitions, and the consequences. Position descriptions should be developed long before the first prospective volunteer appears for an interview. The document will clarify whom to report to, the time commitment, and other general matters regarding your organization. It will focus selection on the qualifications for the position, serve as a tool to choose the proper level of screening for the risks associated with that position, and establish limitations and barriers that may discourage undesirable individuals from infiltrating the program. See Example B in this section’s appendix, *infra*, for a basic example. [volunteerpositiondescription](#)

Unlike paid staff, who typically initiate the employment process themselves, volunteers need to be actively recruited. Communication is the key to finding volunteers. People need to know that the agency is looking for and receptive to volunteers. Word of mouth referrals from other volunteers or paid staff, newspaper articles and advertisements, radio and television spots, presentations before community or professional groups, and tapping relatives and friends of clients have proved to be successful methods for recruiting volunteers.

To match volunteer applicants with volunteer position descriptions, applicants should provide information about their skills and experience. A volunteer application form provides a uniform method for gathering such information. See Example C in this section’s appendix, *infra*. [volunteerapplication](#) To reduce your organization’s risk, the application form should include a disclaimer that makes it clear that completion of the application in no way guarantees a volunteer position with the nonprofit. See Example D. [volunteerdisclaimer](#)

When considering prospective volunteers, you should be as selective as possible in your “hiring.” No nonprofit has an unlimited number of positions to fill. Just as a nonprofit that takes on too many activities unrelated to their core mission risks losing sight of its core constituency and purpose, a nonprofit that tries to place every person seeking a volunteer opportunity runs the risk of taking on volunteers who are unsuitable or incompatible with the organization's needs. Moreover, the nonprofit may be accepting volunteers that it cannot properly supervise.

Use face-to-face interviews when selecting volunteers. The interview is an opportunity to compare your requirements with the talents and interests of persons seeking volunteer positions in your organization. Questions will vary from one position to the next. Prepared questions help keep the interview focused, discourage reliance on memory, and provide standard information for evaluation.

The temperament, education, and skills, as well as the criminal background of each volunteer bear investigation. Nonprofits have a duty to exercise care in managing their volunteers, particularly when they will interact with the public. It is worth noting, however, that you must also be sensitive to the privacy concerns of your recruits—so it is essential that you maintain balance between performing necessary due diligence and respecting privacy rights. You should investigate the good standing of all legal volunteers with the Virginia State Bar (Attorney Records Search: <http://www.vsb.org/attorney/attSearch.asp>). Additionally, you should always perform background criminal and credit checks on volunteers placed into sensitive or fiduciary duties. Also, when the situation requires it, you should inquire into the driving record of prospective applicants. Finally, you should ask for employment references and should contact the proffered individuals. A few very basic questions to ask references are included in [Example E. volunteerreferencequestions](#)

Document your actions in screening volunteers! It is difficult to overstate the importance of documenting your volunteer screening and placement activities. Keep written records and documents, for you must be able to later prove—sometimes years later—that you undertook appropriate due diligence of volunteer workers.

It is worth noting that the degree and rigor involved in screening prospective volunteers should be tied to the nature of the position recruited. That is, while a long-tenure attorney/client advocate volunteer position may warrant extensive screening procedures, intensive screening for “one time” or “event specific” volunteer positions—for example, telethon operators—likely would not make practical sense. The intensity of appropriate due diligence is a judgment call, determined by the requirements of your situation.

Proper training is an important step toward assuring safe activities and controlling the volunteer's actions. Training starts with making sure that a volunteer knows what is expected. Generally, volunteers want to meet the high standards set by your volunteer program. To help them do so, you must provide explicit direction about what you expect and what is required to volunteer in your program—e.g. direction regarding time commitments (minimum and maximum), briefings to attend, reports to submit, and other organizational procedures. You should also give volunteers a copy of their position description (which you drafted when soliciting the position, as noted above) so that they know exactly what responsibilities and obligations their duties entail. To minimize the frequency and severity of mistakes, volunteers need to receive general training concerning the agency's mission, policies, and regulations, as well as training that is tailored to the specialized tasks or responsibilities that they will perform.

You also need to spell out what's forbidden in your organization—even if you are uncomfortable discussing the topic. Discuss all prohibited behaviors. Describe the organization's policies on drugs/alcohol, sexual harassment, intra-organizational romances, and any other prohibited behaviors. You should emphasize that prohibited behaviors and their consequences apply to all staff regardless of pay status.

Make volunteers aware of the implications that staff performance—both paid and unpaid workers—has on clients, stakeholders, and members of the public. Explain what the volunteer's

role is in maintaining the public's trust, and how the way in which clients, stakeholders, and the public are treated reflects on the organization, overall.

Communicate what volunteers can expect from your organization. Where appropriate, volunteers need to know that the organization has a grievance process and that issues related to assignments or working conditions can be brought to the attention of the director of volunteers or another organization executive who is willing to work with volunteers to resolve problems.

Every new volunteer should be issued a “new volunteer pamphlet” providing basic information on the organization. Formal volunteer orientations and volunteer handbooks help introduce and reinforce what to do, what not to do, who to report to, how to handle a crisis or grievance—crucial considerations when most of your volunteers are new. Some items to include in your pamphlet include:

- Mission and history of the organization
- Description of essential programs
- Review of relevant information from the volunteer orientation
- Overview of volunteer screening process
- Expectations of volunteers and/or code of conduct
- Prohibited behavior/conduct
- Grievance policy for volunteers
- Operational guidance—that is, who to contact if volunteers are unable to make it to their assignments, who to speak to if they have questions about their positions, etc.

Volunteers should be supervised and managed like any other organizational employee. Note: supervising volunteers may be more problematic than supervising compensated employees because of the reduced impact of the threat of termination, the lack of the "gratitude factor" of non-compensated employees (i.e. volunteers may feel that they are owed more leniency since they are not compensated), and the variability of volunteers' time schedules and work sites. Nonetheless, proper supervision of volunteers will ensure that your organization continues to successfully meet its obligations to its clients.

Do not be reticent about discussing performance and behavioral expectations with your volunteers. Tolerating inappropriate or unsatisfactory behavior can drain a nonprofit's resources when, in fact, the involvement of volunteers is meant to maximize resources. When an organization addresses problematic situations, its staff and volunteers will be relieved and gratified. When organizations expect a certain level of performance from volunteers and establish standards of accountability, the attitude of the volunteers is affected. Rather than viewing the quality of their work as unimportant, volunteers feel responsible for their activities and take pride in their work. The result of this effort by management is that volunteers are more careful and thus less likely to perform negligently.

A schedule should be developed so that performance evaluations take place at regular intervals. The primary purposes of evaluation should be to provide feedback and to develop volunteers. Sometimes, however, a volunteer does not meet the agency's expectations. Should this occur, the following steps be taken:



- Re-supervise - You may have volunteers who do not understand the policies of the organization, or they may be testing the rules to see what can be expected.
- Reassign - Move volunteers to different positions. The volunteer coordinator may have misread the volunteer's skills, or the volunteer may not be getting along with paid staff or fellow volunteers.
- Retrain - Send the volunteers back for a second training program. Some people take longer to learn new techniques. Do not let the lack of knowledge lead you to believe that new volunteers are not motivated.
- Revitalize - Longtime volunteers may need a rest. They may not be aware that they are burned out.
- Refer - Refer volunteers to other agencies more appropriate to their needs.
- Retire - Allow longtime volunteers the dignity to resign.

Another important component of monitoring volunteer performance is recognizing excellent service to your organization.

- Thank your volunteers promptly - Send thank-you letters or emails within two weeks of an event or project being completed, when the experience is still fresh in volunteers' minds. It is impossible to say thank you too much or too often.
- Choose who to recognize and why with utmost care - The value of recognition may be diminished if it is given out to too many people for different levels of achievement. A simple oral "thank you" to individuals and groups whose efforts are too small to warrant a substantial recognition symbol is appropriate.
- Promote peer group recognition - This can be the greatest reward, and asking a recognized volunteer to talk about his/her achievements to other branches or at public events can instill a great sense of pride.
- The best rewards are often non-financial - If money is offered, it could be given as a donation to the charity of the individual's or group's choice. Here are a few alternative suggestions:
  - **Praise:** Recognize volunteers by offering small gifts, a recognition spot on your web site or in your newsletter, or public recognition at an event. Volunteers may also appreciate a letter thanking their boss, teacher, family, etc. for their help and/or a reference letter for a job or another volunteer position.
  - **Affiliation:** Thank volunteers through social get-togethers, organization t-shirts, name-badges, or posting a list of all organization volunteers in a public area.

- **Accomplishment:** You can offer volunteers certificates of accomplishment at specific stages in their work, continuing education, or credential credits.
- **Power and Influence:** Volunteers may appreciate titles or rank insignia, a special parking spot for the month, or involvement as a speaker at organization workshops.

A nonprofit that provides minimal or no direction to its volunteers and relies solely on volunteers' personal judgment may be successful in claiming that volunteers who caused harm were acting on their own, and not on the nonprofit's behalf. However, it is also true that volunteers who receive minimal training, supervision and guidance are more likely to act in a way that is contrary to the intentions of the nonprofit—and in most cases these actions may result in harm that the nonprofit could have avoided had it exercised greater care. It is for these reasons that close supervision and direction of volunteer workers is essential.

Supervision strategies should be developed that reflect the nature of the organization, the type of service to be performed, the resources available to the nonprofit, and the background, skills, and capabilities of the volunteers serving the organization. Essentially, you should manage and treat your volunteer workers the same as other paid staff.

As part of your ongoing volunteer training, you should define your expectations of Internet usage by your volunteer workers. This might include descriptions of acceptable and unacceptable content of e-mail and Web sites; how to handle errors, such as mistakenly forwarding harassing or racially derogatory jokes or locating a pornographic Web site; and consequences when these guidelines are breached.

An organization's pool of volunteer workers should be examined periodically to make sure that resources are appropriately matched with needs. All volunteers should maintain up-to-date records, which should be reviewed annually by a director. Make sure that you maintain up-to-date documentation of licensures and certifications—especially Virginia Bar membership. Additionally, periodically revisiting training through annual refresher orientations, skill upgrades, or training sessions can expand your volunteer pool's skill set and maintain current credentials.

Boards should play key roles in ongoing support of volunteer programs. Board members should expect reports on volunteer involvement, schedule time to discuss volunteers, refer volunteer candidates to the agency, participate in recruitment, and take part in volunteer recognition events. It is important that you remind board members that they, themselves, are volunteers despite their legal and fiduciary responsibilities, and attempts should be made to occasionally personally link board members and direct-service volunteers.

Additionally, organizations that have volunteer programs must decide whether they need to add a position such as a volunteer coordinator to administer the volunteer program or if existing employees can assume the responsibilities. Major program management responsibilities include the following:

- Obtaining and maintaining support for the volunteer program.
- Developing, monitoring, and evaluating the volunteer program budget.
- Keeping key officials informed about the scope of volunteer services.
- Establishing and monitoring program goals.
- Assigning volunteer responsibilities and monitoring results.
- Recommending policy changes or action steps to top management to maintain, improve, or expand the volunteer effort.

Make sure that your organization invests in adequate insurance to cover volunteer mishaps. While insurance is not *required* and usually does not safeguard volunteer program participants, per se, but it *can* help pay for insured losses and the cost of investigating or defending allegations of wrongdoing—for example, claims filed against the nonprofit that result from harm or loss suffered by volunteer workers while providing service for the organization or loss caused by volunteers while performing their service.

Unfortunately, insurance companies are reluctant to cover volunteers, believing that organizations do not control volunteers, that volunteers are not effectively screened or trained, that volunteers may not be motivated to succeed in their assignments, and that volunteers are inadequately supervised. As a result of these perceptions, volunteers are either excluded from many liability policies or are assigned to high-risk rate categories—and most organizations are charged correspondingly high premiums for coverage.

You should also make sure that all attorney volunteers carry adequate malpractice insurance. Attorneys should produce copies of their coverage. You should be prepared, however, to fund malpractice policies yourself if your situation demands it.

## **Summary**

Volunteers have become an integral part of nonprofit organizations. Volunteers are an attractive resource for organizations because they cost little, can give detailed attention to people for whom paid employees do not always have the time, often provide specialized skills, provide an expansion of staff in emergencies and peak load periods, enable organizations to expand levels of service despite budgetary limitations, and are good for public relations. Though volunteers can be tremendous assets to any organization, they also present new human resources management challenges. But by considering the guidelines listed here, an organization should be adequately prepared to successfully integrate volunteers into the organization—thereby facilitating entity goals and public service while providing valuable opportunities for personal and professional growth.

\*For additional information regarding countless aspects of using volunteers in your organization, please visit the free online library of Energize, Inc., an international training, consulting and publishing firm specializing in volunteerism: <http://www.energizeinc.com/art.html>.

## CHAPTER 4 APPENDIX: EMPLOYEE AND PERSONNEL ISSUES

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### *Recommended Policies and Example of an Employee Handbook*<sup>13</sup>

1. **Employee Acknowledgement:** it is the employee's responsibility to read and understand the company's policies.
  - a. Recommended that the employer set aside time for the employees to read the handbook during the orientation process. Encourage the asking of questions.
2. **Introduction to the Employee Handbook:** includes a welcoming message as well as a description of the company, its mission, values and beliefs.
  - a. Provide a few key statements so that employees have the opportunity to learn about the company.
  - b. Can also include additional items on the history of the company.
3. **Equal Opportunity Explanation:** incorporates a statement on the company's equal employment opportunities.
4. **General Policies:**
  - a. Personal information: requirements for personnel records such as proof of identity.
  - b. Attendance policy
    - i. Keep in mind laws and regulations such as FMLA. Best to just include a general statement on attendance.
  - c. Use of Company Property: such as copy machines, phones, supplies, etc.
    - i. Permit reasonable use as long as it does not interfere with business.
    - ii. Keep in mind restrictions on Internet access.
  - d. Confidentiality: some companies might have a need for employees to sign a confidentiality statement as a condition to employment. Some companies only require this if the employee is privy to confidential information.
  - e. Dress Code
  - f. Safety and Accident rules: an employer needs to provide a safe work environment and notify the employees that it is part of their responsibility to work safely.
    - i. Good idea to also have periodic training for employees on things such as escape routes and fire drills.
  - g. Anti Substance Abuse
    - i. This can get lengthy and technical due to the medical and legal issues involved. Best to just outline the policy in the handbook and then refer to a more complete document.
  - h. Sexual Harassment: employment attorney's place this on the must have list.
  - i. Smoking: consider local state laws as many have passed laws that govern the issue of smoking.

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<sup>13</sup> Online Women's Business Center at [http://www.onlinewbc.gov/docs/manage/hrpol\\_idx.html](http://www.onlinewbc.gov/docs/manage/hrpol_idx.html).

- j. Performance Reviews: what employees can expect.
  - i. This is essential to protecting the company in the event that an employee has to be terminated.
- k. Employment Categories: where to explain who is full time, part time, etc.
  - i. Critical in the determination of benefits and vacations, etc.
- l. Additional Policies: can change and be added as the business grows or changes.

## **5. Compensation and Benefits Policies**

- a. Payroll: outline payroll procedures.
- b. Work Hours and Reporting: outline policy when it comes to specific or flexible work hours.
- c. Holidays: typically small businesses start out with unpaid time off for holidays and then gradually add paid holidays.
- d. Vacation: this can be a problem for a small business with few employees.
- e. Sick Leave
  - i. Currently no legal requirements for paid sick leave unless the company is subject to FMLA (generally has 50 or more employees).
- f. Family and Medical Leave: professional legal help may be needed for drafting of this policy.
- g. Maternity Leave
- h. Funeral Leave
- i. Jury Duty
- j. Military Service
- k. Group Insurance Benefits: make a summary reference to the companies insurance benefits and eligibility, then refer the employee to the separate benefits handbook.
  - i. Your chosen insurance company will either provide you with or help you prepare detailed information about benefits.
- l. Short Term Disability: (if applicable)
  - i. Many companies offer optional long term disability insurance and short term disability insurance covers the employee during the gap between the two insurance policies.
  - ii. Companies with 15 or more employees are subject to the American's with Disabilities Act.
- m. Continuation of Medical/COBRA: if your company has grown to 20 more employees the law requires that you provide continuation of health/medical benefits to employees that leave the company in most circumstances.
- n. Workers Compensation: generally employers are required to have this insurance in most states.
- o. Retirement Plans
  - i. Keep in mind low cost options for small businesses.
- p. Tuition Assistance
- q. Employee Assistance Program
  - i. Helps employees recognize and deal with problems in their lives.
- r. Other Benefits: to be added as your company grows and changes.

## Sample Job Descriptions

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### XYZ Organization, Executive Director

#### Job Description

##### Staff Recruitment/Development/Supervision

Act as the staff's primary advocate for all organization issues through established staff and volunteer structures. Ensure compliance with policies and procedures. Provide staff performance management through individual goal development, constructive and continual feedback, and discipline, in accordance with established timelines. Recruit and develop individuals possessing the talent, experience, and qualifications required to meet goals and objectives as established by the Board of Directors.

##### Volunteer Recruitment

Ensure key volunteers attend training sessions. Ensure priority events and committees are in place within timelines. Expand organization's presence in the community through researching and developing volunteer resources for all priority initiatives. Serve as a staff resource for assigned volunteer committees and boards, and interpret policies for volunteers. Staff all operating boards; ensure adherence to operating board guidelines. Target and coordinate contacts and opportunities for all volunteers and staff.

##### Development

Adhere to priority special event standards and best practices. Compile accurate income projections and income reports as requested by Board of Directors. Conduct priority special event assessments in coordination with Director of Development. Ensure all priority special events are achieving benchmarks in accordance with event timelines. Lead annual goal planning and three-year planning process in all Board Committees within region. Serve as a primary staff resource for meeting major gift goals for assigned region. Work with Director of Development to identify and pursue income development opportunities.

##### Information Network

Ensure all activities are directly tied to organizations annual programs. Ensure all organization activities are achieving benchmarks in accordance with stated timelines. Manage all programs for the region.

##### Advocacy

Coordinate volunteers for information meetings. Inform others about the service of XYZ . Ensure the successful implementation of specific Area advocacy activities. Promote, coordinate, and support opportunities for active volunteer involvement in advocacy initiatives supported by

the Board of Directors. Support the meaningful dissemination of advocacy information, promote attitudes of political efficacy, and increase organizing efforts to enhance levels of participations.

#### **Job Requirements**

Bachelor's degree, and five to seven years management experience including fundraising, knowledge of volunteer recruitment, staff and volunteer training, and supervision in a related field of work, or an equivalent combination of education and experience. Demonstrated ability in fundraising, public relations, communications, project management, and community organization. Strong initiative and leadership skills; collaboration and integrated planning experience. Excellent interpersonal, written, and verbal communication skills. Demonstrated ability to influence others.

Reports to Chair of the Board of Directors.

## **XYZ Organization, Client Services Director**

### **Job Description**

#### **Staff and Volunteer Relations**

Provide staff and volunteers with the leadership, guidance, direction, and material resources to effectively implement organization client service programs in accordance with the overall policies, priorities, and objectives of the organization and organizational activities in the assigned area. Provide training for office staff and volunteers regarding call-in client services. Recruit, train, coordinate, motivate, and recognize volunteers for service programs. Maintain and strengthen staff and volunteer partnership team. Work with staff partners to identify and prioritize volunteer needs. Develop and implement systems/tools for aiding in volunteer retention, and quality of service offered by volunteers. Recruit, train, empower, and guide community volunteer committees to effectively achieve client service goals as determined annually.

#### **Client Services**

Acquire intimate knowledge of community resources; identify centers of influence. Answer client service policy questions (e-mail, phone, fax) using provided resources. Establish volunteer group to conduct outreach to providers to increase numbers of clients served. Maintain focus on region/area program of work.

#### **Job Requirements**

Bachelor's Degree in Social Work, Public Health, Law, Public Administration, or related field; or a combination of education and experience. Demonstrated ability to work with individuals from all walks of life including clients, family members, professionals, social workers, and volunteers. Excellent verbal and written communication skills. Experience in volunteer management and social work. Moderate travel within assigned geographic area. Reports to Executive Director.



## **XYZ Organization, Director of Development**

### **Job Description**

#### Staff Development

Ensure compliance with organizations policies and procedures. Deliver training related to donor identification and development to staff and volunteers as needed.

#### Development

Ensure that assigned areas continuously build capacity to increase and sustain growth in giving through assigned staff and volunteers. Ensure the successful implementation of all activities related to Development. Implement business methodologies for achievement of all Development goals and objectives. Identify and build relationships with prospective donors who have potential interest in supporting the organization. Qualify prospects and leads utilizing timely follow-up process including direct personal visitation, telephone, and other correspondence. Secure gift commitments. Assist in evaluating the acceptance of potential gifts including non-cash gifts of tangible or real property. Proven record of writing grant proposals a must. Reports to Executive Director.

#### Job Requirements

Bachelor's degree, and three years experience in Development, or an equivalent combination of education and experience. Demonstrated excellence in sales. Demonstrated excellence in cultivating and building relationships. Demonstrated knowledge of Development gift vehicles and methodologies. Demonstrated knowledge of tax laws (state and federal) and legal aspects related to charitable giving. Demonstrated ability to influence community and business leaders through strong presentation skills. Demonstrated excellence in interpersonal, written and verbal communication skills. Demonstrated strong initiative and leadership skills; collaboration and integrated planning experience. Demonstrated ability to interact and build relationships with people at all levels of society. Ability to adapt to changing environment.

## XYZ Organization, Finance Director

### Job Description

The Finance Director is responsible for providing the organization with budget development, fiscal oversight, financial reporting and bookkeeping, and for developing and maintaining efficient and effective fiscal operations and procedures. The Finance Director works under the direct supervision of the Executive Director.

#### A. Responsibilities

##### 1. Fiscal Operations and Oversight

- Work closely with the Executive director to oversee the annual budget, including developing, revising, and reporting on the budget,
- Provide leadership in the development of budgets,
- Maintain and continually improve a fiscal operations system that reflects and accommodates for organizational financial complexity and that supports the development and management of budgets and production of reports and analyses, and
- Be responsible for proactive communication and reporting on fiscal matters to Executive Director.

##### 2. Reporting

- Prepare timely and accurate monthly profit & loss and balance sheet reports for the Executive Director,
- Prepare financial reports for the Board of Directors, as guided and directed by the Executive Director,
- Prepare other financial multi-year financial projections as needed and directed, and
- Prepare financial analyses as needed and directed.

##### 3. Bookkeeping and Accounting

- Reconcile all accounts and allocate all expenses,
- Oversee payroll process,
- Maintain financial procedures and controls for fiscal operations and ensure appropriate controls and security are in place,
- Work with out side auditor to prepare and complete annual audit in a timely manner; maintain organized records to ensure fiscal accountability, and
- Other assigned duties as required.

#### B. Qualifications

1. Strong fiscal management skills
2. Three to five years experience
3. Knowledge of nonprofits and tax law

4. Bachelor's degree in accounting, and/or related experience, CPA preferred.
5. Strong organizational skills.

### **Where to Advertise**

Position descriptions can be publicly advertised in the Help Wanted section of The Roanoke Times newspaper ([www.roanoke.com](http://www.roanoke.com)). In addition to publicly soliciting volunteer assistance, you may also find the following resources helpful channels for reaching prospective volunteer workers:

#### United Way of Roanoke Valley

[www.uwrv.org](http://www.uwrv.org)

The United Way, in partnership with the Council of Community Services, a United Way Partner Agency, maintains several large on-line databases listing numerous volunteer opportunities in the Roanoke region. These databases include the “Volunteer Roanoke Valley” (<http://www.councilofcommunityservices.org/vrv/vrv.htm>), and “The Retired and Senior Volunteer Program” (<http://www.councilofcommunityservices.org/rsvp/rsvp.htm>)—excellent Resources for organizations seeking to be matched with volunteer assistants.

#### Points of Light Foundation & Volunteer Center National Network

[www.pointsoflight.org](http://www.pointsoflight.org)

The Points of Light Foundation (Foundation) is a nonpartisan and nonprofit organization that supports and organizes the vital work of community volunteers who help serious social problems by bringing people and resources together. The Foundation raises public awareness about the urgent need to solve serious social problems through volunteering; builds knowledge, skills and programs for volunteers to succeed; and provides leadership to mobilize volunteers in thousands of local communities across the country. The Foundation has organized the following volunteer resources:

#### Corporate Volunteer Councils (CVCs)

CVCs are local business networks of workplace volunteer program managers bringing area business people together to share, learn and participate in volunteering with one another. Currently, nearly 100 CVCs exist across the United States, and it is estimated that over 2,500 businesses are members of this CVC network. Typically, CVCs are affiliated with local nonprofit organizations such as Volunteer Centers or United Way agencies while some councils are incorporated as freestanding nonprofit organizations. To learn more about CVCs in the Roanoke area, email [CVC@PointsofLight.org](mailto:CVC@PointsofLight.org) (note: the United Way of Roanoke Valley is one participating organization).

#### Connect America

Connect America, an initiative of the Foundation, is a national partnership of diverse nonprofit organizations, businesses, civic associations, fraternal organizations,

communities of faith, and government agencies—working in collaboration to leverage knowledge, resources and volunteers to address social and community problems. For more information, email [ConnectAmerica@PointsofLight.org](mailto:ConnectAmerica@PointsofLight.org).

#### Volunteer Centers

Volunteer Centers mobilize people and resources to deliver creative solutions to community problems. A Volunteer Center is a convener for the community, a catalyst for social action and a key resource for volunteer involvement. The Volunteer Center's core identity is centered around bringing people and community needs together through a range of programs and services. The Volunteer Center's role is not to replace other agencies or organizations within the community, but rather to bridge the gap in services provided by agencies. To find the Volunteer Center in the Roanoke community, call or visit [1-800-VOLUNTEER.org](http://1-800-VOLUNTEER.org) or call Volunteer Roanoke Valley at 540-985-0131 ext. 501.

**EXAMPLE OF EMPLOYEE HANDBOOK**

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**XYZ Organization, Inc.<sup>14</sup>  
EMPLOYEE HANDBOOK**

This employee handbook has been prepared for your information and understanding of the policies, philosophies and practices and benefits of XYZ Organization. PLEASE READ IT CAREFULLY. Upon completion of your review of this handbook, please sign the statement below, and return to your personnel representative by the due date. A reproduction of this acknowledgment appears at the back of this booklet for your records.

I, \_\_\_\_\_, have received and read a copy of the XYZ Organization (The Organization) Employee Handbook which outlines the goals, policies, benefits and expectations of The Company, as well as my responsibilities as an employee.

I have familiarized myself, at least generally, with the contents of this handbook. By my signature below, I acknowledge, understand, accept and agree to comply with the information contained in Employee Handbook provided to me by The Organization. I understand this handbook is not intended to cover every situation which may arise during my employment, but is simply a general guide to the goals, policies, practices, benefits and expectations of The Organization.

I understand that The Organization Employee Handbook is not a contract of employment and should not be deemed as such, and that I am an employee at will.

\_\_\_\_\_  
(Employee signature)

Please return by: \_\_\_\_\_  
(put date here)

<sup>14</sup> Online Women's Business Center at [http://www.onlinewbc.gov/docs/manage/hrpol\\_idx.html](http://www.onlinewbc.gov/docs/manage/hrpol_idx.html).

**XYZ Organization, Inc.  
EMPLOYEE HANDBOOK**

Dear Employee,

Welcome to XYZ Organization!

We are excited to have you as part of our progressive team. You were hired because we believe you can contribute to the achievement of our goals and to the bottom line of success, and share our commitment to our mission statement.

XYZ is committed to distinctive quality and unparalleled customer service in all aspects of our business. As part of the team, you will discover that the pursuit of excellence is truly a rewarding aspect of your career with XYZ.

This employee handbook contains the key policies, goals, benefits, and expectations of XYZ Organization; and other information you will need as part of our team.

***Our mission statement:***  
*At XYZ, we pledge to provide distinctive quality and unparalleled customer service as we strive to gain the respect and trust of our customers, suppliers and partner vendors.*

The success of XYZ is determined by our success in operating as a unified team. We have to earn the trust and respect of our customers every day in order that the customer make the decision to choose our services. We sell service and service is provided by people. There are no magic formulas.

Our success is guaranteed by creative, productive employees who are empowered to make suggestions while thinking "outside the box." Your job, every job, is essential to fulfilling our mission to "provide distinctive quality and unparalleled customer service" everyday to more people who "trust and respect" us. The primary goal at XYZ, and yours, is to live our mission statement and continue to be an industry leader. We achieve this through dedicated hard work and commitment from every employee.

You should use this handbook as a ready reference as you pursue your career with XYZ. Additionally, the handbook should assure good management and fair treatment of all employees. At XYZ, we strive to recognize the contributions of all employees.

Welcome aboard. We look forward to your contribution.

Sincerely,

## **PURPOSE OF THIS HANDBOOK**

This Handbook contains official policies of XYZ Organization, as of April 22, 2005, superseding all other statements of policy including handbooks prepared and distributed by any department of organization.

This Handbook is provided for guidance only, and is not meant to create a binding contract. Policies are under continuous review and are subject to change without notice.

For further details on current personnel policies and employee benefits, contact the Human Resource Department. Employees should not rely on oral statements by supervisors or other persons concerning policies, benefits or conditions of employment.

### **Equal Opportunity**

XYZ Organization, Inc. is an Equal Opportunity Employer. This means that we will extend equal opportunity to all individuals without regard for race, religion, color, sex, national origin, age, disability, handicaps or veterans status. This policy affirms XYZ's commitment to the principles of fair employment and the elimination of all vestiges of discriminatory practices that might exist. We encourage all employees to take advantage of opportunities for promotion as they occur.

### **Personnel Records**

It is important that the personnel records of XYZ be accurate at all times. In order to avoid issues or compromising your benefit eligibility or having W2's returned, XYZ expects that employees will promptly notify appropriate personnel representative of any change in name, home address, telephone number, marital status, number of dependents, or any other pertinent information which may change.

### **Attendance**

Employees are expected to arrive at work before they are scheduled to start and be at their work station productively engaged in XYZ business by the scheduled start time. All time off must be requested in advance and submitted in writing, as outlined in the appropriate categories; except sick leave. See [Sick Leave](#) and other categories for specific details.

XYZ views attendance as one of the most important facets of your job performance review. All unapproved absences will be noted in the employee's personnel file. Excessive absences, including for Sick Leave, will result in disciplinary action, up to and including termination.

### **Equipment**

XYZ will provide you with the necessary equipment to do your job. None of this equipment should be used for personal use, nor removed from the physical confines of XYZ - unless it is

approved and your job specifically requires use of organization equipment outside the physical facility of XYZ.

Computer equipment, including laptops, may not be used for personal use - this includes word processing and computing functions. It is forbidden to install any other programs to a organization computer without the written permission of the department head. These forbidden programs include, but are not limited to, games, online services, screen savers, etc. The copying of programs installed on the organization computers is not allowed unless you are specifically directed to do so in writing by your supervisor.

The telephone lines at XYZ must remain open for business calls and to service our customers. Employees are requested to discourage any personal calls - incoming and outgoing - with the exception of emergency calls. No long distance calls are to be made on organization phones which are not strictly business related.

### **Confidentiality**

XYZ requires all employees to sign a confidentiality agreement as a condition of employment, due to the possibility of being privy to information which is confidential and/or intended for the organization use only. All employees are required to maintain such information in strict confidence. This policy benefits you, as an employee, by protecting the interests of The Organization in the safeguard of confidential, unique and valuable information from competitors or others.

Should an occasion arise in which you are unsure of your obligations under this policy, it is your responsibility to consult with your reporting manager. Failure to comply with this policy could result in disciplinary action, up to and including termination.

### **Dress Code**

As an employee of XYZ, we expect you to present a clean and professional appearance when you represent us, whether that is in, or outside of, the office. Management, sales personnel and those employees who come in contact with our public, are expected to dress in accepted corporate tradition. A specific list of suggested do's and definite don'ts, including a specific definition of business casual, is available from your personnel representative and will be posted in each work area.

It is just as essential that you act in a professional manner and extend the highest courtesy to co-workers, visitors, customers, vendors and clients. A cheerful and positive attitude is essential to our commitment to extraordinary customer service and impeccable quality.

### **Safety and Accident Rules**

Safety is a joint venture at XYZ. XYZ provides a clean, hazard free, healthy, safe environment in which to work in accordance with the Occupational Safety and Health Act of 1970. As an employee, you are expected to take an active part in maintaining this environment. You should



observe all posted safety rules, adhere to all safety instructions provided by your supervisor and use safety equipment where required. Your work place should be kept neat, clean and orderly. It is your responsibility to learn the location of all safety and emergency equipment, as well as the appropriate safety contact phone numbers. A copy of the Emergency Procedures will be kept in each work area on top of the supervisor's desk.

All safety equipment will be provided by XYZ, and employees will be responsible for the reasonable upkeep of this equipment. Any problems with or defects in, equipment should be reported immediately to management.

As an employee, you have a duty to comply with the safety rules of XYZ, assist in maintaining the hazard free environment, to report any accidents or injuries - including any breaches of safety - and to report any unsafe equipment, working condition, process or procedure, at once to a supervisor.

Employees may report safety violations or injuries anonymously to the Safety Committee, if they are not the injured or violating party. **NO EMPLOYEE WILL BE PUNISHED OR REPRIMANDED FOR REPORTING SAFETY VIOLATIONS OR HAZARDS.** However, any deliberate or ongoing safety violation, or creation of hazard, by an employee will be dealt with through disciplinary action by XYZ, up to and including termination.

All work related accidents are covered by Worker's Compensation Insurance pursuant to the laws of the various states in which we operate.

### **Anti-Substance Abuse**

XYZ takes seriously the problem of drug and alcohol abuse, and is committed to provide a substance abuse free work place for its employees. This policy applies to all employees of XYZ, without exception, including part-time and temporary employees.

No employee is allowed to consume, possess, sell or purchase any alcoholic beverage on any property owned by or leased on behalf of XYZ, or in any vehicle owned or leased on behalf of XYZ. No employee may use, possess, sell, transfer or purchase any drug or other controlled substance which may alter an individual's mental or physical capacity. The exceptions are aspirin or ibuprofen based products and legal drugs which have been prescribed to that employee, which are being used in the manner prescribed.

XYZ will not tolerate employees who report for duty while impaired by use of alcoholic beverages or drugs.

All employees should report evidence of alcohol or drug abuse to a supervisor or a personnel representative immediately. In cases where the use of alcohol or drugs pose an imminent threat to the safety of persons or property, an employee must report the violation. Failure to do so could result in disciplinary action for the non-reporting employee.

Employees who violate the Anti-Substance Abuse Policy will be subject to disciplinary action, including termination. It is our policy at XYZ to assist employees and family members who suffer from drug or alcohol abuse. You may be eligible for a medical leave of absence, and we encourage any employee with a problem to contact your personnel representative for details.

As a part of our policy to ensure a substance abuse free workplace, XYZ employees may be asked to submit to a medical examination and/or clinically tested for the presence of alcohol and/or drugs. Within the limits of federal and state laws, we reserve the right, at our discretion, to examine and test for drugs and alcohol. Some such situations may include, but not be limited, to the following:

1. All employees who are offered employment with XYZ;
2. Where there are reasonable grounds for believing an employee is under the influence of alcohol or drugs;
3. As part of an investigation of any accident in the workplace in which there are reasonable grounds to suspect alcohol and/or drugs contributed to the accident;
4. On a random basis, where allowed by statute;
5. As a follow-up to a rehabilitation program, where allowed by statute;
6. As necessary for the safety of employees, customers, clients or the public at large, where allowed by statute; and
7. When an employee returns to duty after an absence other than from accrued time off such as vacation or sick leave.

This is only a summary of XYZ's Anti-Substance Abuse Policy. You have been provided, and are required to read, the full policy. The full policy goes into greater detail and includes such subjects as definitions, testing methods, consequences of testing refusal, confidentiality, rights of employees and The Organization, appeal procedures, notice of applicable statutes, voluntary assistance, etc. It is your responsibility to obtain a copy from your personnel representative if one has not been provided to you. You will be required to sign a consent form agreeing to XYZ's Anti-Substance Abuse Policy in full.

It is a condition of your continued employment with XYZ that you comply with the Anti-Substance Abuse Policy. **NOTHING IN THE ANTI-SUBSTANCE ABUSE POLICY SHALL BE CONSTRUED TO ALTER OR AMEND THE AT-WILL EMPLOYMENT RELATIONSHIP BETWEEN XYZ AND ITS EMPLOYEES.**

### **Sexual Harassment**

XYZ Organization will not, under any circumstances, condone or tolerate conduct which may constitute sexual harassment on the part of its management, supervisors or non-management personnel. It is our policy that all employees have the right to work in an environment free from any type of illegal discrimination, including sexual harassment. Any employee found to have engaged in such conduct will be subject to immediate discipline up to and including discharge.

Any employee found to be engaged in the conduct of sexual harassment will be subject to immediate discipline up to and including discharge.

Sexual harassment is defined as:

1. Making submission to unwelcome sexual advances or requests for sexual favors a term or condition of employment;
2. Basing an employment decision on submission or rejection by an employee of unwelcome sexual advances, requests for sexual favors or verbal or physical contact of a sexual nature;
3. Creating an intimidating, hostile or offensive working environment or atmosphere either by
  - a) verbal actions, including calling employees by terms of endearment; using vulgar, kidding or demeaning language; or
  - b) physical conduct which interferes with an employee's work performance.

We, at XYZ, do encourage healthy fraternization among its employees; however, employees, especially management and supervisory employees, must be sensitive to acts of conduct which may be considered offensive by fellow employees and must refrain from engaging in such conduct.

It is, also, expressly prohibited for an employee to retaliate against employees who bring sexual harassment charges or assist in investigating charges. Retaliation is a violation of this policy and may result in discipline, up to and including termination. No employee will be discriminated against, or discharged, because of bringing or assisting in the investigation of a complaint of sexual harassment.

### **Smoking Policy**

XYZ endeavors to provide a healthy environment, therefore prohibits any form of tobacco consumed in organization buildings. Additionally, no smoking is allowed within ten (10) feet of exterior entranceways.

### **Job Objectives, Performance Reviews, Salary Reviews**

Within one week of employment, job change or promotion, every employee will be given job objectives which detail the requirements and expectations of the position for which the employee was hired. XYZ will measure your job performance against these objectives. After every evaluation, job objectives will be re-dated and reviewed, if no changes are made; or rewritten as appropriate. In either case, the reporting supervisor review and discuss the objectives with the employee and the employee will sign a statement indicating agreement with, and understanding of, these objectives.

Performance reviews are normally conducted every six (6) months from the date of hire, with the exception of a three month review at the end of your probationary period. All performance reviews are based on merit, achievement, job description fulfillment and performance at your position. Wage increases will be based upon this review, as well as past performance improvement; dependability; attitude; cooperation; any necessary disciplinary action; adherence

to all employment policies; and your position in your salary range. Your reporting supervisor will review and discuss your salary range and your position within that range during your performance reviews. When you are promoted to a higher level position, you are automatically eligible for an increase as dictated by the salary range of that position.

### **Employment Categories**

Permanent Full-Time is an employee who has no termination date and who is regularly scheduled to work 37.75 to 40 hours per week.

Permanent Part-Time is an employee whose position has no termination date and who is scheduled to work 20 or more hours, but less than 37.75 hours per week.

Temporary Full-Time is an employee who is hired or promoted for certain length of time and who is scheduled to work 37.75 hours per week.

Temporary Part-Time is an employee who is hired or promoted for a certain length of time and who is scheduled to work 20 hour or more, but less than 37.75 hours per week.

Eligibility for Overtime Pay under the Fair Labor Standards Act.

The Fair Labor Standards Act of 1938 (FLSA) established the expectation that American workers would have a normal workweek of 40 hours. For most workers, it guarantees the right to overtime pay—"time and a half"—for each hour beyond 40 worked in a week. In 1999, the U.S. Department of Labor estimated that almost 80% of the nation's 120 million wage and salary workers were entitled to overtime protection under the FLSA.<sup>1</sup>

Section 13(a)(1) of the FLSA states that the obligation of employers to pay an overtime pay premium (or even the minimum wage) for each hour beyond 40 worked per week does not apply to "any employee employed in a bona fide executive, administrative, or professional capacity." The regulations to implement that exemption have been in place since 1940, with few significant changes, except to the dollar amount of the salary-level test.

Qualifying for exempt status generally requires meeting three tests: (1) the amount of salary paid must meet minimum specified amounts (the "salary-level test"); (2) the employee must be paid a predetermined and fixed salary, not an hourly wage that is subject to reductions because of variations in the quality or quantity of work performed (the "salary basis test"); and (3) the employee's job duties must primarily involve managerial, administrative, or professional skills as defined by FLSA regulations (the "duties tests").

On March 31, 2003, the Department of Labor's Wage and Hour Administrator issued a Notice of Proposed Rulemaking to change the regulations governing the right to overtime pay for "white-collar" employees.<sup>15</sup>

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<sup>15</sup> Economic Policy Institute-Eliminating the Right to Overtime Pay at [http://www.epinet.org/content.cfm/briefingpapers\\_flsa\\_jun03](http://www.epinet.org/content.cfm/briefingpapers_flsa_jun03).

## **Payroll**

XYZ employees are paid bi-weekly. Our payroll process includes:

### **Direct Deposit**

While an employee can certainly have his/her actual pay check delivered direct to their desk each pay period, XYZ provides, and encourages, direct deposit of paychecks. This is a service which saves you time and provides added security. With this option, each paycheck will be automatically deposited to your checking or savings account (or divided between the two) as your direct. Each pay day, you still receive a pay stub for your records -- much like a voided check with all the same information which would appear on your regular check -- except the face of the check is voided. No trips to the bank are necessary because your salary appears in your bank account on payday, or in some cases the night before. Direct Deposit will be initiated one pay period following the receipt of the signed authorization form from the employee.

### **Payroll Deductions**

As required by law, XYZ will deduct Federal Social Security and Income Tax from your payroll check each pay period. Group Insurance premiums for eligible employee and dependent family members will be deducted from payroll check each pay period, once the employee completes the appropriate authorization forms.

## **Work Hours and Reporting**

### **Workday**

The normal workday is eight (8) hours for non-exempt, with 40 hours being a normal work week. Exempt employees generally work the same hours, but may be required to work more hours as the work dictates. While you are generally expected to work the number of hours stated above, XYZ does not guarantee that you will actually work that many hours in any given day or week (or to be paid for such hours if you do not work that many hours).

Overtime work is only performed when necessary and approved in advance by your department head. You are expected to work necessary overtime when requested to do so, and non-exempt employees will receive time and one-half pay for time worked exceeding 40 hours in any given work week. Full time employees will be paid double time for hours worked on a organization holiday, if they are not scheduled to work on that holiday. Part-time employees will be paid one and one-half times the regular rate of pay for working on a organization holiday. Exempt employees are not entitled to overtime pay. All overtime payments will be made in the pay period following the period the overtime was worked.

### **Time Clock and Time Cards**

Where applicable, XYZ employees must punch in before beginning their work shift and punch out at the end of their shift. All such employees are expected to work their entire shift. Any such employee punching five (5) minutes late will be docked fifteen (15) minutes of pay, or punches out later than the time their scheduled shift ends, without prior authorization, will be paid for the scheduled time only. Any digression from the above requirements could result in a reprimand to the employee.

You are not allowed to punch the time clock of another employee. Should your time card be incorrectly punched, for any reason, your supervisor will note the correct start and/or end time, and initial the correction. All time cards must be approved by your supervisor.

For employees required to complete time cards, the cards must be filled out with all hours worked and turned into your supervisor every other Friday as designated by XYZ, by 9:30 A.M. Vacations days, sick days, holidays, and absences such as jury duty, funeral leave or military training, must be specifically noted on the time cards for days on which they occur. Vacation and holidays should be counted as full work days. All time cards must be approved and signed by your supervisor prior to being sent to personnel.

### **Holidays**

XYZ RECOGNIZES THE FOLLOWING HOLIDAYS: NEW YEARS DAY, GOOD FRIDAY, MEMORIAL DAY, INDEPENDENCE DAY, LABOR DAY, THANKSGIVING, CHRISTMAS AND TWO FLOATING HOLIDAYS.

When a holiday falls on a weekend, XYZ will designate the Friday preceding or Monday following as the observed holiday at the discretion of The Organization. Regular full-time employees are paid eight (8) hours for each holiday, regular part-time employees are paid for holidays based upon the number of hours they are normally scheduled. Temporary employees are not paid for holidays, unless they are specifically requested to work on the designated holiday (see Overtime).

The two (2) floating holidays are available to all full-time employees beginning the first of January following the employees first anniversary. Once eligible, the floating holiday are available annually. Floating holidays must be scheduled with, and approved, by your supervisor at least three (3) weeks in advance of the requested date, and may not be taken consecutively. Floating holidays may not be carried forward to be used in the following year.

### **Vacation**

After December 31st, XYZ full-time employees are entitled to one paid day of vacation for each month or partial month of service during the previous year, up to a maximum of 10 working days during the first five (5) years. Part-time employees will receive prorated paid vacation hours based on the regular number of hours worked against an eight (8) hour work day.

Example: If you started work on June 16, 1997, you are entitled to seven (7) vacation days in 1998. Each calendar year succeeding the first year of service, XYZ employees receive ten (10) vacation days per year, earned on a monthly basis. In January following the fifth (5th) year of service, employees receive fifteen (15) vacation days, credited monthly, based on a twelve month calendar. In January, following the tenth (10th) year of service, each employee receives twenty (20) vacation days.

Example: The same employee who started on June 16, 1997, is entitled to ten (10) days in 1999 and twenty (20) days in 2008.

Vacation is earned and credited on January 1st of each year, is available for use after March 31st for vacation credited for the current year; and available immediately for vacation carried over from the previous year. Only up to five (5) days of vacation may be carried over into the next year.

A vacation schedule of all employees is to be completed for each department or location, by January 31st of each year, Changes may be made to the schedule with three weeks notice and the approval of the supervisor of the department. The vacation request change must be submitted in writing to the supervisor three weeks prior to the anticipated vacation date.

Every effort will be made by XYZ to accommodate vacation requests, unless business circumstances do not permit. Vacation may be taken in full or half days only.

Employees who resign in good standing and give proper notice of termination, are entitled to receive payment for accrued vacation, not yet taken. If the employee has taken more vacation than actually accrued at the time of resignation, the unearned vacation will be deducted from the employee's final pay check. Employees who terminate with less than 6 months service are not eligible to be paid for accrued vacation.

### **Sick Leave**

XYZ provides payment of income (sick leave) for eligible employees when that employee is away from work due to illness. Employees will be eligible for sick leave after completion of 90 calendar days of service, and if the work at least thirty (30) hours per week. Sick leave is payable the same as the employee's regular salary, and is subject to the same withholding elections. Sick leave will be accrued at the rate of a half (1/2) day for each month of service for eligible employees. The balance of unused, but accrued, sick leave days will be carried forward from one year to the next, up to a maximum of 30 days. All sick leave used by employees will be charged against the employee's total sick leave balance. Employees eligible for retirement from XYZ will be paid for all accrued, but unused, sick leave if the total is greater than 25 days.

Any employee that is out on sick leave longer than two days, must return to work with a doctor's certificate stating the nature of the illness and the employee's fitness to return to duty.

If an employee is unable to work due to illness, the employee must notify his immediate supervisor as soon as possible after the onset of the illness, and certainly by the time the employee was to report to work. It is not permissible to be gainfully employed elsewhere while out on sick leave. Any employee doing so will be considered to have voluntarily quit without notice and to not be in good standing at the time of resignation.

Sick leave may be taken in hourly increments for non-exempt employees, while exempt employees will be charged for sick leave for full day absences only, as exempt employees are not paid for overtime.

XYZ permits use of available sick leave for use during absence due to the birth or adoption of a child to an employee. The sick leave will be in addition to other available time (see Maternity section).

Industrial accidents and illness are covered by Worker's Compensation Insurance pursuant to the requirements of the laws in the various states in which XYZ operates. The sick leave policy outlined above does not apply to those illnesses or injuries that are covered by an applicable worker's compensation policy.

### **Family Medical Leave Act**

XYZ has a Family and Medical Leave Policy that is in compliance with The Family and Medical Leave Act of 1993 (FMLA), which is unpaid leave absence. Eligible employees must be employed by XYZ at least twelve (12) months (but this period need not be consecutive) and have worked at least 1250 hours of service during the twelve month period prior to the request. XYZ locations with less than 50 employees within a seventy-five mile radius is not covered under this leave policy or the FMLA. Forms for leave requests are available from your personnel representative.

Under the Leave Policy a total of up to twelve (12) weeks unpaid leave of absence is available to eligible employees under the following circumstances:

- The birth of a child, but only within the first twelve months of the birth. This may not be used in conjunction with the Maternity Leave policy or the Sick Leave exception policy regarding maternity.
- The placement of a child for adoption or other legal placement, within the first twelve months of the adoption or placement.
- The need to care for a dependent, spouse or parent who has a serious medical condition.
- The serious health condition of the requesting employee, which renders the employee unable to perform the functions of his/her position.
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During the unpaid leave, employees retain the same medical and dental coverage and must still contribute the same amount toward medical benefits as he/she paid before the leave began. (See benefits exception below) Upon return to XYZ at the end of the leave, the employee will be restored to his/her former position with the same rights, benefits, pay and other terms and conditions which existed prior to the leave; or to an equivalent position with equivalent rights, benefits, pay and other terms and conditions of employment.

The Organization reserves the right to deny leave reinstatement to key employees, where such denial is necessary to prevent substantial and grievous economic injury the organization's operations. Key employees will be notified of the organization's intention to deny reinstatement as soon as a determination is made that such injury would occur. In the event such employee decides not to return to work from unpaid leave, he/she will remain on leave for the balance of the leave period and then be terminated. Key employees are defined as the highest- paid ten percent of employees employed by the organization within seventy-five mile radius of the facility where the employee is employed.



Employees will be required to use all accrued vacation and floating holidays prior to being granted unpaid leave as outlined above for the birth or placement of a child, or to care for a seriously ill family member. The birth parent may choose to use the unpaid twelve week leave or to utilize the 6 week paid maternity leave, but cannot use both. If the employee requests the leave due to his/her own serious health condition, the employee may also be eligible for sick leave pay or short term disability payments if the condition of the leave meets the qualifications of those plans.

Employees requesting leave for their own or an eligible family member's serious health condition, will be required to provide medical certification. Medical certification must be provided thirty (30) days in advance of the request for leave when possible.

*XYZ may, at its discretion, require a second medical opinion on the health condition and periodic recertification s at The Organization's expense.*

Other exceptions/provisions:

- When both spouses work for XYZ, their aggregate leave in any twelve- month period may be limited to twelve weeks total, if the leave is taken for the birth or adoption of a child.
- Intermittent or reduced leave may be taken in case of a serious health condition, either an employee's own or that of a child, spouse or parent, when medically necessary. The birth or placement of a child does not qualify for intermittent or reduced leave.
- Employees out on unpaid leave will be required to contact their super- visors, at least every four (4) weeks, to report on their status and intention to return to work at the end of their leave.
- Benefits based on an accrual basis (e.g. vacation, sick leave, floating holidays, etc.) will not accrue during unpaid leave under this policy.
- While on unpaid leave, an employee will not accrue seniority or service time for eligibility for a performance review, salary review, salary review, adjustment or bonus.
- Employment benefits which are accrued prior to the unpaid leave will not be lost.
- As previously stated, group health insurance will continue on the same basis as prior to the leave, as long as the employee continues to pay his/her contribution as required before the unpaid leave.
- An employee on leave for his/her own serious health condition, will be required to provide certification from his/her health care provider that the employee is able to return to work and perform all of the functions of the job to which the employee is returning.

### **Maternity Leave**

XYZ employees are allowed up to six (6) weeks of leave after they have given birth to or following the adoption of a child. During this time, such employees will be paid at 70% of their regular salary. Additional time may be allowed under extraordinary circumstances (see Sick Leave) and with the permission of your supervisor and department head.

### **Funeral Leave**

XYZ allows three (3) days off, with pay, for a death in your immediate family. Immediate family includes parents, spouse, children, brothers, sisters, mother-in-law, father-in-law, grandparents, or grandchildren.

You may request up to an additional two (2) days, which must be approved by your immediate supervisor and the department head. If accrued vacation is available, this benefit will be used for the additional two days; otherwise, the additional two days will be unpaid.

Funeral leave for death of other than immediate family must be approved by your immediate supervisory and the department head. Absence for such a death is limited to two (2) days and will be unpaid.

### **Jury Duty**

We, at XYZ, support employees called to fulfill their civic duty to serve jury duty when called. You must provide your immediate supervisor with a copy of your jury summons as immediately, as possible, upon receiving the summons. Your regular salary will continue as before jury duty for each day served, up to 40 hours per week, for a maximum of four (4) weeks.

Adequate proof of service must be provided in order to receive your regular salary during your absence for jury duty. When you return to work, you should provide your immediate supervisor with verification from the court of the number of days you served on the jury, and the amount that you were paid per day.

If the amount you are compensated by the court, per day, exceeds twenty (\$20) dollars per day, your regular pay will be offset by the excess amount. Extenuating circumstances, which would cause this deduction to become a penalty, must be discussed with and approved by your immediate supervisor. If you are released from jury duty with at least four (4) hours remaining in your work day, you should return to work for the remainder of the day.

Should extraordinary circumstances exist, at the time of your call to jury duty, which would make your absence severely detrimental to the operation of our organization, we reserve the right to contact the court to request that your service be postponed.

### **Military Service**

XYZ proudly grants time off work for employees in the military reserve training program.

After six (6) consecutive months of employment with XYZ, an employee will receive one week's base regular pay for the two week period he/she is away serving reserve duty. You may elect to utilize accrued vacation for the second week you are away at training, if desired. If he/she is employed less than six (6) months, leave will be granted without pay for the time away for reserve duty.

All employees in the military reserve training program should provide a copy of their report orders to their immediate supervisor as immediately as possible.

### **Insurance Benefits**

XYZ Organization (The Organization) makes health insurance, life insurance and accidental death coverage (group benefits) available to eligible employees (see definitions) and their eligible family members. The Organization pays the majority of the premiums for the group benefits, with the employee sharing the balance of the cost. Single and family plans are set at different contribution rates. Long term disability benefits are also offered at no cost to employees.

The low cost of these benefits is an important part of each eligible employee's compensation package. Eligible employees may also purchase optional life insurance for spouses and dependents.

Eligible employees are all full-time employees who have completed ninety (90) calendar days of employment; and part-time employees who work at least twenty-five (25) regular hours a week and have completed ninety (90) calendar days of employment.

Specific details on coverage and benefits are outlined in XYZ's Health Benefit Handbook. It is provided to you during employee orientation. You will also receive authorization forms for all benefits at orientation. Please see your personnel representative if you have not been scheduled for orientation or have not received the Benefit Handbook.

### **Short-term Disability**

Short term disability (STD) benefits provide income continuation during periods of serious illness resulting in total disability. You are "totally disabled" if you are unable to perform your job due to major illness or accidental bodily injury. XYZ employees bear no cost for this plan benefit which provides up to 180 days of short term disability benefits within a twelve-month period.

The employee's total disability period must exceed ten (10) consecutive working days to qualify for STD benefits; and all Sick Leave benefits must be exhausted before an employee can request STD benefits. Once the initial ten (10) day waiting period is met, STD benefits will be retroactive to the first unpaid day of absence (if sick leave benefits are exhausted).

Regular full-time and regular part-time employees of XYZ are eligible for this benefit once they have completed ninety (90) calendar days of service and work at least thirty (30) days per week on a regular basis.

Under STD benefits, eligible employees are paid 80% of their normal base salary. This means the employee will be paid based upon your regular rate of pay excluding overtime, bonus, vacation, and any other accrued paid leave or additional compensation. STD benefits may not exceed 80% of your base salary, unless augmented by available accrued vacation. If additional

payments from worker's compensation or state disability, while you are on STD benefits, increase your overall benefits to exceed 80%, your STD benefits will be reduced accordingly.

Group health benefits will continue on the same basis as prior to the onset of STD benefits. STD benefits will be subject to all payroll withholding elections of the employee which were in effect prior to the short term disability.

It is important that an employee provide their supervisor with the treating doctor's statement as soon as you know an illness or injury will result in an absence greater than ten (10) days. The doctor's statement must identify the nature of your disability and the date you are expected to be able to return to work. XYZ may require a second medical opinion, at its own expense, and periodic recertification s. If there are discrepancies in the first and second opinions, we may require a third doctor to render a medical opinion. This third doctor will be selected jointly by XYZ and the employee, and the third opinion will be binding both on us and the employee.

Upon returning to work, you must provide a release, or return to work form, from the doctor treating your illness or injury.

### **Continuation of Medical/COBRA**

Upon termination from XYZ for any reason other than gross misconduct, an employee may elect to continue group medical coverage at group rates as long as the employee pays the required monthly premium. It is also possible to convert other group plans to individual plans. Details on the conversion of any benefits will be discussed with you at the time of your termination by a personnel representative. You may, of course, request information on this subject at any time prior to actual termination.

### **Worker's Compensation**

Employees who are injured on the job at XYZ are covered by Worker's Compensation Insurance. It is your responsibility to immediately notify your immediate supervisor - or in the absence of your supervisor, the next available supervisor - of any injuries you sustain while on the job at XYZ.

This supervisor will notify your personnel representative. We encourage injured employees to seek immediate medical attention. All medical expenses related to the treatment of an injury, sustained on the job, are paid in full direct to the medical providers. After a specified waiting period, you are also eligible for disability payments set forth by state law, where necessary.

The Worker's Compensation plan is administered by a separate insurance company who will be notified by your personnel representative. You will be contacted by a representative of the administering company. Information on the current company administering this plan will be provided to you by your personnel representative and is available on posters displayed in your work area. Additional information on Worker's Compensation Insurance is available through the Personnel office.

## **Retirement Plans**

XYZ employees have the opportunity to participate in a retirement plan which allows employees to save a portion of their compensation for retirement. After one year of service, employees are eligible to participate in the plan. Contributions to this plan are pre-tax dollars, which means the amount specified by the employee is taken from his/her salary before federal income is taken out. The employee is then taxed on the remaining salary, resulting in additional savings. It should be noted that any distribution from the 401(k) plan will be subject to tax, whether that be early or qualified distribution. Early distribution may also carry a monetary penalty. See your personnel representative for more details and a copy of the XYZ Employee Savings Plan.

Contributions by the organization are based on the amount contributed by the employee, with XYZ matching 30% of the employee's contribution. As with employee contributions, taxes on organization contributions and their related earnings, are deferred until distribution from the plan. Organization contributions are not fully vested to the employee until after a five year period; employee contributions are fully vested from the time of contribution.

Employees are urged to seek advice from a financial expert prior to any distribution from the 401(k) plan. XYZ also contributes to the 401(k) for employees participating in this plan.

## **Tuition Assistance**

It is our belief that education leads to self improvement which improves the value of the employee to XYZ. In that vein, we encourage higher education to prepare employees for greater responsibility within The Organization. XYZ will pay for courses which are directly related to your present job or which will help you prepare for more responsibilities or promotions. All courses must be approved by your supervisor and your personnel representative, who can provide more specific information on courses covered by this plan. Only employees working thirty (30) regular hours or more per week are eligible.

The plan reimburses expenses for any approved course started after your full-time employment with XYZ begins, but reimbursement of expenses will not begin until you have completed six (6) months of full-time employment. Courses and seminars, and related fees, books and materials, directly related to the general and customer service industry are reimbursed to eligible employees at 100%. Tuition for courses taken to complete an approved business degree is also reimbursed at 100%, except that related fees, and costs of books and materials are not covered.

To qualify for reimbursement, the employee must successfully complete the course or seminar with a grade of "C" or better; or where applicable, obtain a completion certificate.

The maximum reimbursement amounts are \$3,000 per year for courses in a degreed program, and \$1,500 per year for all other courses or seminars.

Contact your personnel representative for proper request forms. These forms must be completed and reviewed by your supervisor, and the Personnel Director, at least 10 business days prior to your enrollment in any course or seminar.

### **Employee Assistance Program**

We encourage our employees to seek assistance, as needed, from qualified professionals. When personal problems and difficulties are identified and appropriately treated in their early stages, the likelihood of a successful outcome is improved. Our Employee Assistance Program (EAP) helps employees deal with problems in a confidential and safe environment.

Should you require assistance with any problem which is impacting your personal and/or professional life, we encourage you to call.

The confidential number is 1-800-555-5555.

These calls are not monitored and are manned by a privately owned counseling referral service. We, at XYZ, will never be aware of your contact to this service, nor will any reports on your contact or treatment be forwarded to us.

All contact and sessions are strictly confidential. Should visits exceed four (4) times per month consecutively in a three (3) month period, the counselor may refer you to a private therapist or counselor which would be covered under your group benefits.

We cannot stress enough, that if you feel the need for counseling, we strongly encourage that you seek assistance.

## MATERIALS FOR VOLUNTEERS IN YOUR ORGANIZATION

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### Example A. Volunteer Protection Act of 1997

#### *Summary: What It Means To You*

1. The purpose of the Volunteer Protection Act of 1997 (VPA) is to provide certain protections to volunteers in lawsuits based on the activities of volunteers. No volunteers shall be liable for harm caused by the act or omission of the volunteer if...
  - A. The volunteer was acting within the scope of their responsibilities;
  - B. The volunteer was properly licensed, certified, or authorized to undertake the activities in question;
  - C. The harm was not caused by willful or criminal misconduct, gross negligence, reckless misconduct, or a conscious, flagrant indifference to the right or safety of the individual(s) harmed; and
  - D. The harm was not caused by a volunteer operating a vehicle that requires an operator's license or insurance.
  
2. The VPA prohibits the recovery of punitive damages unless the injured person proves by "clear and convincing evidence" that the volunteer caused the harm by an act constituting willful or criminal misconduct or by conscious, flagrant indifference to the person's safety or rights. This "clear and convincing" standard raises the burden of proof, making it more difficult to recover punitive damages from a volunteer.
  
3. A volunteer's liability for noneconomic damages will be limited to the proportion of harm for which that volunteer is found liable.
  
4. The VPA limits the liability of volunteers, but not the liability of the organizations that they serve.
  
5. The limitation on liability for volunteers does not extend to:
  - A. Crimes of violence or international terrorism for which the volunteer has been convicted by a court;
  - B. Hate crimes;
  - C. Sexual offenses;
  - D. Misconduct that violates State or Federal civil rights laws; or
  - E. Misconduct while under the influence of alcohol or drugs.

## RELEVANT SECTIONS OF ACTUAL LAW

### 42 USC § 14501. Findings and purpose

(a) Findings. The Congress finds and declares that—

(1) the willingness of volunteers to offer their services is deterred by the potential for liability actions against them;

(2) as a result, many nonprofit public and private organizations and governmental entities, including voluntary associations, social service agencies, educational institutions, and other civic programs, have been adversely affected by the withdrawal of volunteers from boards of directors and service in other capacities;

(3) the contribution of these programs to their communities is thereby diminished, resulting in fewer and higher cost programs than would be obtainable if volunteers were participating;

(4) because Federal funds are expended on useful and cost-effective social service programs, many of which are national in scope, depend heavily on volunteer participation, and represent some of the most successful public-private partnerships, protection of volunteerism through clarification and limitation of the personal liability risks assumed by the volunteer in connection with such participation is an appropriate subject for Federal legislation;

(5) services and goods provided by volunteers and nonprofit organizations would often otherwise be provided by private entities that operate in interstate commerce;

(6) due to high liability costs and unwarranted litigation costs, volunteers and nonprofit organizations face higher costs in purchasing insurance, through interstate insurance markets, to cover their activities; and

(7) clarifying and limiting the liability risk assumed by volunteers is an appropriate subject for Federal legislation because—

(A) of the national scope of the problems created by the legitimate fears of volunteers about frivolous, arbitrary, or capricious lawsuits;

(B) the citizens of the United States depend on, and the Federal Government expends funds on, and provides tax exemptions and other consideration to, numerous social programs that depend on the services of volunteers;

(C) it is in the interest of the Federal Government to encourage the continued operation of volunteer service organizations and contributions of volunteers because the Federal Government lacks the capacity to carry out all of the services provided by such organizations and volunteers; and

(D)(i) liability reform for volunteers, will promote the free flow of goods and services, lessen burdens on interstate commerce and uphold constitutionally protected



due process rights; and (ii) therefore, liability reform is an appropriate use of the powers contained in article 1, section 8, clause 3 of the United States Constitution, and the fourteenth amendment to the United States Constitution.

(b) Purpose. The purpose of this Act is to promote the interests of social service program beneficiaries and taxpayers and to sustain the availability of programs, nonprofit organizations, and governmental entities that depend on volunteer contributions by reforming the laws to provide certain protections from liability abuses related to volunteers serving nonprofit organizations and governmental entities.

#### **42 USC § 14502. Preemption and election of State nonapplicability**

(a) Preemption. This Act preempts the laws of any State to the extent that such laws are inconsistent with this Act, except that this Act shall not preempt any State law that provides additional protection from liability relating to volunteers or to any category of volunteers in the performance of services for a nonprofit organization or governmental entity.

(b) Election of State regarding nonapplicability. This Act shall not apply to any civil action in a State court against a volunteer in which all parties are citizens of the State if such State enacts a statute in accordance with State requirements for enacting legislation—

(1) citing the authority of this subsection;

(2) declaring the election of such State that this Act shall not apply, as of a date certain, to such civil action in the State; and

(3) containing no other provisions.

#### **42 USC § 14503. Limitation on liability for volunteers**

(a) Liability protection for volunteers. Except as provided in subsections (b) and (d), no volunteer of a nonprofit organization or governmental entity shall be liable for harm caused by an act or omission of the volunteer on behalf of the organization or entity if—

(1) the volunteer was acting within the scope of the volunteer's responsibilities in the nonprofit organization or governmental entity at the time of the act or omission;

(2) if appropriate or required, the volunteer was properly licensed, certified, or authorized by the appropriate authorities for the activities or practice in the State in which the harm occurred, where the activities were or practice was undertaken within the scope of the volunteer's responsibilities in the nonprofit organization or governmental entity;

(3) the harm was not caused by willful or criminal misconduct, gross negligence, reckless misconduct, or a conscious, flagrant indifference to the rights or safety of the individual harmed by the volunteer; and

(4) the harm was not caused by the volunteer operating a motor vehicle, vessel, aircraft, or other vehicle for which the State requires the operator or the owner of the vehicle, craft, or vessel to:

- (A) possess an operator's license; or
- (B) maintain insurance.

(b) Concerning responsibility of volunteers to organizations and entities. Nothing in this section shall be construed to affect any civil action brought by any nonprofit organization or any governmental entity against any volunteer of such organization or entity.

(c) No effect on liability of organization or entity. Nothing in this section shall be construed to affect the liability of any nonprofit organization or governmental entity with respect to harm caused to any person.

(d) Exceptions to volunteer liability protection. If the laws of a State limit volunteer liability subject to one or more of the following conditions, such conditions shall not be construed as inconsistent with this section:

(1) A State law that requires a nonprofit organization or governmental entity to adhere to risk management procedures, including mandatory training of volunteers.

(2) A State law that makes the organization or entity liable for the acts or omissions of its volunteers to the same extent as an employer is liable for the acts or omissions of its employees.

(3) A State law that makes a limitation of liability inapplicable if the civil action was brought by an officer of a State or local government pursuant to State or local law.

(4) A State law that makes a limitation of liability applicable only if the nonprofit organization or governmental entity provides a financially secure source of recovery for individuals who suffer harm as a result of actions taken by a volunteer on behalf of the organization or entity. A financially secure source of recovery may be an insurance policy within specified limits, comparable coverage from a risk pooling mechanism, equivalent assets, or alternative arrangements that satisfy the State that the organization or entity will be able to pay for losses up to a specified amount. Separate standards for different types of liability exposure may be specified.

(e) Limitation on punitive damages based on the actions of volunteers.

(1) General rule. Punitive damages may not be awarded against a volunteer in an action brought for harm based on the action of a volunteer acting within the scope of the volunteer's responsibilities to a nonprofit organization or governmental entity unless the claimant establishes by clear and convincing evidence that the harm was proximately caused by an action of such volunteer which constitutes willful or criminal misconduct, or a conscious, flagrant indifference to the rights or safety of the individual harmed.

(2) Construction. Paragraph (1) does not create a cause of action for punitive damages and does not preempt or supersede any Federal or State law to the extent that such law would further limit the award of punitive damages.

(f) Exceptions to limitations on liability.

(1) In general. The limitations on the liability of a volunteer under this Act shall not apply to any misconduct that—

(A) constitutes a crime of violence (as that term is defined in section 16 of title 18, United States Code) or act of international terrorism (as that term is defined in section 2331 of title 18) for which the defendant has been convicted in any court;

(B) constitutes a hate crime (as that term is used in the Hate Crime Statistics Act;

(C) involves a sexual offense, as defined by applicable State law, for which the defendant has been convicted in any court;

(D) involves misconduct for which the defendant has been found to have violated a Federal or State civil rights law; or

(E) where the defendant was under the influence (as determined pursuant to applicable State law) of intoxicating alcohol or any drug at the time of the misconduct.

(2) Rule of construction. Nothing in this subsection shall be construed to effect subsection (a)(3) or (e).

#### **42 USC § 14504. Liability for non-economic loss**

(a) General rule. In any civil action against a volunteer, based on an action of a volunteer acting within the scope of the volunteer's responsibilities to a nonprofit organization or governmental entity, the liability of the volunteer for noneconomic loss shall be determined in accordance with subsection (b).

(b) Amount of liability.

(1) In general. Each defendant who is a volunteer, shall be liable only for the amount of noneconomic loss allocated to that defendant in direct proportion to the percentage of responsibility of that defendant (determined in accordance with paragraph (2)) for the harm to the claimant with respect to which that defendant is liable. The court shall render a separate judgment against each defendant in an amount determined pursuant to the preceding sentence.

(2) Percentage of responsibility. For purposes of determining the amount of noneconomic loss allocated to a defendant who is a volunteer under this section, the trier of fact shall determine the percentage of responsibility of that defendant for the claimant's harm.

## 42 USC § 14505. Definitions

For purposes of this Act:

(1) Economic loss. The term "economic loss" means any pecuniary loss resulting from harm (including the loss of earnings or other benefits related to employment, medical expense loss, replacement services loss, loss due to death, burial costs, and loss of business or employment opportunities) to the extent recovery for such loss is allowed under applicable State law.

(2) Harm. The term "harm" includes physical, nonphysical, economic, and noneconomic losses.

(3) Noneconomic losses. The term "noneconomic losses" means losses for physical and emotional pain, suffering, inconvenience, physical impairment, mental anguish, disfigurement, loss of enjoyment of life, loss of society and companionship, loss of consortium (other than loss of domestic service), hedonic damages, injury to reputation and all other nonpecuniary losses of any kind or nature.

(4) Nonprofit organization. The term "nonprofit organization" means—

(A) any organization which is described in [section 501\(c\)\(3\) of the Internal Revenue Code](#) of 1986 and exempt from tax under section 501(a) of such Code and which does not practice any action which constitutes a hate crime referred to in subsection (b)(1) of the first section of the Hate Crime Statistics Act; or

(B) any not-for-profit organization which is organized and conducted for public benefit and operated primarily for charitable, civic, educational, religious, welfare, or health purposes and which does not practice any action which constitutes a hate crime referred to in subsection (b)(1) of the first section of the Hate Crime Statistics Act.

(5) State. The term "State" means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, the Northern Mariana Islands, any other territory or possession of the United States, or any political subdivision of any such State, territory, or possession.

(6) Volunteer. The term "volunteer" means an individual performing services for a nonprofit organization or a governmental entity who does not receive—

(A) compensation (other than reasonable reimbursement or allowance for expenses actually incurred); or

(B) any other thing of value in lieu of compensation, in excess of \$ 500 per year, and such term includes a volunteer serving as a director, officer, trustee, or direct service volunteer.

### Volunteer Position Description and Sample Worksheet

Consider using or adapting this worksheet to develop position descriptions for the volunteer positions in your nonprofit.

#### *Sections of the Explanation and Example Job Description*

**Purpose:** This section describes the specific purpose of the position in no more than two sentences. If possible, the purpose should be stated in relation to the nonprofit's mission and goals.

*Example:* The position of Patient Counselor supports XYZ Organization's Patient Advocacy program for cancer patients. The counseling program is designed to help cancer patients by providing support services such as applying for Medicare, Medicaid and Social Security Disability benefits; locating community resources; and managing debt and negotiating with creditors

**Job Title:** What title has been assigned to the position?

*Example:* XYZ Volunteer Patient Counselor

**Location:** Where will the volunteer work?

*Example:* The Patient Advocacy Program is conducted at the offices of XYZ Organization on Main Street in Roanoke, Virginia.

**Key Responsibilities:** List the position's major duties.

*Example:* The XYZ Volunteer Patient Counselor offers advice and assistance to help cancer patients:

- understand the intricacies of health insurance coverage
- apply for public benefits
- appeal denials of insurance and disability benefits
- protect their jobs
- locate community resources
- arrange for the care and custody of children
- forestall debt collection efforts
- plan for the future by drafting wills, powers of attorney and medical directives

**Reports to:** Indicate the title of the person to whom the volunteer reports.

*Example:* Executive Director of XYZ Organization

**Length of Appointment:** Note the time period in which the volunteer will serve, and include restrictions, if applicable.

*Example:* The XYZ Patient Counselor will serve for Fall 2005 and Spring 2006. The volunteer is eligible to further serve with approval from the Executive Director.

**Time Commitment:** Indicate the approximate number of days or hours required per week.

*Example:* The XYZ Volunteer Patient Counselor position requires a minimum commitment of two hours per week. In addition, each volunteer must attend a six-hour orientation during the week before participation begins. The orientation program is held from 3-9 p.m. each Wednesday.

**Qualifications:** List education, experience, knowledge, and skills required. If a criminal history record check or other background check will be conducted, it should be indicated here.

*Example:* Eligible candidates for the Patient Counselor position include adults over 21 years of age who have earned a Bachelor's Degree and Juris Doctor Degree, who pass a criminal history record check and other screening procedures, and who are currently members in good standing of the Virginia State Bar.

**Support Provided:** List resources that will be available to the volunteer.

*Example:* Training for this position will be provided at the six-hour orientation session. In addition, the Executive Director is available on an ongoing basis to answer questions and provide other assistance as needed.

*Other categories that an organization would include, if applicable, in a volunteer job description are:*

- *appointed by*
- *development opportunities*
- *relationships*
- *age requirement*
- *benefits provided (e.g., lunch, T-shirt or opportunity to assist a young person achieve academic success).*

**BASIC VOLUNTEER APPLICATION**

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Application Date \_\_\_\_\_

Volunteer Position Sought \_\_\_\_\_

Name \_\_\_\_\_

Home Address \_\_\_\_\_

Work Phone \_\_\_\_\_ Home Phone \_\_\_\_\_

**Education**

Highest Level of Education \_\_\_\_\_

**Employment**

Current Employer, if applicable \_\_\_\_\_

Position/Title \_\_\_\_\_

Dates of Employment (starting, ending) \_\_\_\_\_

Company/Employer \_\_\_\_\_

Address \_\_\_\_\_

Would you like us to keep your employer abreast of your volunteer service and achievement?

No\_\_ Yes\_\_

Special training, skills, hobbies \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Groups, clubs, organizational memberships \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Please describe your prior volunteer experience (include organization names and dates of service) \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

What experiences have you had that may prepare you to work as a volunteer in the field of cancer patient advocacy, or a related field? \_\_\_\_\_  
\_\_\_\_\_

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Why do you want to volunteer? What do you want to gain from this volunteer experience?

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Have you ever been convicted of a crime? If yes, please explain the nature of the crime and the date of the conviction and disposition. Conviction of a crime is not an automatic disqualification for volunteer work.

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Do you have: a driver's license? No\_\_ Yes\_\_  
Car insurance? No\_\_ Yes\_\_  
Car available for transporting others? No\_\_ Yes\_\_  
Malpractice insurance, if applicable? No\_\_ Yes\_\_

REFERENCES: Please list three people who know you well and can attest to your character, skills, and dependability. Include your current or last employer.

Name/Organization	Relationship to You	Phone	Length of relationship
1. _____			
2. _____			
3. _____			

***Please read the following carefully before signing this application:***

*I understand that this is an application for and not a commitment or promise of volunteer opportunity.*

*I certify that I have and will provide information throughout the selection process, including on this application for a volunteer position and in interviews with XYZ Organization that is true, correct and complete to the best of my knowledge. I certify that I have and will answer all questions to the best of my ability and that I have not and will not withhold any information that would unfavorably affect my application for a volunteer position. I understand that information contained on my application will be verified by XYZ Organization. I understand that misrepresentations or omissions may be cause for my immediate rejection as an applicant for a volunteer position with XYZ Organization or my termination as a volunteer.*

Signature \_\_\_\_\_ Date \_\_\_\_\_



## Disclaimer Language for a Volunteer Application\*

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*\*Please note that the disclaimer language featured below is not appropriate for all volunteer assignments. Low-risk volunteer positions should probably not be subject to the rigorous review and scrutiny contemplated in this disclaimer. Before using disclaimer language, give some thought to how it will be perceived by prospective volunteers and modify to meet the specific needs of your nonprofit.*

### Read Carefully Before Signing This Application

I hereby consent to permit XYZ Organization to contact anyone it deems appropriate to investigate or verify any information provided by me to discuss my suitability for a volunteer position, including my background, volunteer experience, education or related matters. I expressly give my consent to any discussions regarding the foregoing and I voluntarily and knowingly waive all rights to bring an action for defamation, invasion of privacy, or similar cause of action, against anyone providing such information.

I hereby authorize any organization affiliated with XYZ Organization to investigate my background as necessary for the consideration of my application for the position of \_\_\_\_\_

I further authorize all persons, schools, companies, organizations, credit bureaus and law enforcement agencies to supply all information concerning my background and to furnish reports thereon. I hereby release them and any organization affiliated with XYZ Organization from any and all liability and responsibility arising from their doing so.

I certify that the answers given by me to all questions on this application and any attachments are, to the best of my knowledge and belief, true and correct and that I have not knowingly withheld any pertinent facts or circumstances. I understand that any omission or misrepresentation of fact in this application may result in refusal of or separation from volunteer service upon discovery thereof.

I understand that this is an application for and not a commitment or promise of volunteer opportunity.

Applicant's Signature \_\_\_\_\_ Date \_\_\_\_\_

## QUESTIONS TO ASK A REFERENCE FOR A VOLUNTEER POSITION

### General questions

- In what capacity have you known the applicant and for how long?
- Would you rehire the applicant? If no, why not?
- How does the candidate handle frustration and criticism while on the job?
- Was the candidate punctual?

### Questions for applicants who will be working with children, the elderly, the disabled or other vulnerable clients

- When and where have you observed the candidate working with young children or the elderly?
- What is the candidate's philosophy about discipline?
- In your opinion, are there any reasons why placing vulnerable clients in the care of the candidate would expose the clients to undue risk or harm?

### Question for applicants for mentoring positions

- Would you be comfortable having the applicant assigned to mentor someone in your family?