



ADMINISTRATIVE REGULATION

Effective Date: August 5, 2021

Administrative Regulation: 1-12

Revision Date: N/A

Supersedes: N/A

Approved By: William H. Ashton, II

SUBJECT: Volunteer Management Policy

I. POLICY

The Town of Herndon enjoys the benefit of having community involvement through volunteerism. Volunteers both enhance and enrich the programs and events the town can offer. The town also has a duty to do its due diligence to ensure the safety of the participants and employees that support the programs and events it offers.

A **volunteer** is anyone who without compensation or expectation of compensation beyond reimbursement performs a task at the direction of and on behalf of the town. Volunteers shall not be considered as 'employees' of the town.

The following process is to be followed by all town employees when someone wishes to volunteer with and for the town.

II. SCREENING PROCESS

The town has a centralized volunteer application intake process accessed from the town website. All volunteers must initiate their service through this process, regardless of if a background screening will ultimately be required.

Upon receipt of an application, the town will determine if the screening process applies. If it does not, a log must be kept of those groups, persons and activities that have been exempted. If the process does apply, an email invitation to complete a background check will be sent. The applicant will be required to supply personal identifying information to a third-party vendor and complete a questionnaire to initiate the background screening. They will also be required to pass a Child Safety Training course. The town does not have access to any of the personal information supplied by the applicant to the third-party party vendor.

If the applicant meets the criteria established by the town, they will be notified and required to attend a volunteer orientation. If the applicant does not meet the criteria, they will be notified in accordance with the Fair Credit Reporting Act (FCRA).

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GENERAL

- Criminal background screenings are conducted by an outside third party who specializes in such work.
- The Town of Herndon also accepts satisfactory background checks completed by a U.S. based law enforcement agency in the last 60 days.
- Any person who has been found guilty, pled guilty; or pled no contest, regardless of adjudication, or has a pending charge pertaining to, any of the disqualifying offenses listed in this policy will be immediately disqualified from volunteer opportunities with the Town of Herndon.
- Town of Herndon also reserves the right to disqualify a person for any crime that would be considered a potential risk to children and/or vulnerable populations.
- An applicant who willfully (a) fails to comply with this background screening policy or (b) provides falsified data during the applicant process shall be automatically disqualified.
- Each volunteer will be re-screened every 12 months for as long as they continue to volunteer for the Town of Herndon.

BACKGROUND CHECKS

- The cost associated with background screenings will be paid for by the town to the extent provided in the adopted budget each fiscal year. If the cost of volunteer screenings in a fiscal year exceeds the adopted budget amount, a budget transfer may be requested, or the applicant may be required to bear the cost.
 - No other personal information (e.g. work history, financial, credit, etc.) is checked or researched.
 - The third-party contractor conducting the checks will cross-reference the screening results with the disqualifying crimes listed in this policy. A pass/fail/pass-check grade will then be relayed to the Town of Herndon based on the cross-reference.
 - A **pass grade** for any applicant that has zero disqualifying crime matches.
 - A **pass-check grade** requires manual review of the applicant's information by the third-party vendor.
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- A **fail grade** for any applicant that has one or more disqualifying crime matches.
- All information pertaining to the background check will remain with the third-party contractor, subject to the applicable laws requiring disclosure.
- The Town of Herndon will not view the specific results of any background check; rather, will only be issued a pass/fail grade for each applicant.
- If the third-party contractor reports any “fail” grades to the Town of Herndon, in addition to appeal information, the town shall notify the applicant that he or she is not permitted to volunteer for the town, until such time as their background screening meets the town’s criteria.

CONFIDENTIALITY

- To ensure confidentiality, the Town of Herndon will not view an applicant’s specific criminal history.
- The criminal background reports shall be kept in a secure location by the third-party contractor for a period as required by applicable law.

APPEAL PROCESS

If an applicant’s background check includes a charge set forth on the list of disqualifiers below, the town shall immediately disqualify a person from their volunteer opportunity. There shall be no appeal of a decision to disqualify an applicant, if the applicant’s relevant criminal history is accurate; all decisions are final.

If an applicant wishes to dispute the content of the profile report, the applicant shall contact the third-party responsible for conducting the background check by calling the telephone number listed on the report. The applicant is responsible for providing any or all documentation to support their claim, in accordance with the FCRA.

DISQUALIFYING CRIMES

The National Recreation and Park Association (NRPA) has reviewed the resources of the National Association of Professional Background Screeners and sought the counsel of recognized background screening experts to develop a set of Recommended Guidelines for Volunteer Background Screening in park and recreation settings. These guidelines were produced as a result of this review.

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If an applicant (1) has been convicted of, (2) has a charge pending against him or her in which it is alleged that he or she has committed any of the following crimes, or (3) has a record of a conviction of an equivalent offense in another state, the applicant will be disqualified from the volunteer opportunities by the Town of Herndon.

- A. **All Sex Offenses** - Examples include, but are not limited to: child molestation, rape, sexual assault, sexual battery, prostitution, solicitation, indecent exposure and other related crimes.
- B. **All Felony Violence Offenses** - Examples include, but are not limited to: murder, manslaughter, aggravated assault, kidnapping, robbery, aggravated burglary and other related crimes.
- C. **All Felony offenses other than violence or sex within the past ten (10) years** - Examples include, but are not limited to: drug offenses, theft, embezzlement, fraud, child endangerment and other related crimes.
- D. **All Misdemeanor Violence offenses within the past seven (7) years** - Examples include, but are not limited to: simple assault, battery, domestic violence, hit and run and other related crimes.
- E. **Two (2) Misdemeanor Alcohol offenses within the past five (5) years or three (3) or more offenses within the past ten (10) years** - Examples include, but are not limited to: driving under the influence, drunk and disorderly, public intoxication and other related crimes.
- F. **All Misdemeanor Drug offenses within the past five (5) years or two (2) or more offenses within the past ten (10) years** - Examples include, but are not limited to: simple drug possession, possession of drug paraphernalia and other related crimes.
- G. **Any other misdemeanor within the past five (5) years that would be considered a potential danger to children** - Examples include, but are not limited to: contributing to the delinquency of a minor, providing alcohol to a minor and other related crimes.

This section is intended to give a general overview of the process. Supplemental process maps can be used for step-by-step processing and guidance.



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III. SCOPE

While it is the town's intent to keep employees and participants safe, we acknowledge that some volunteer activities have less interaction with staff and participants than other volunteer activities. The following is intended to clarify this.

- This process applies to all town departments and enterprise funds except for the Herndon Police Department, which has a separate process for their volunteers.
- Volunteers who participate in town produced activities or events must adhere to this process.
- Members of committees or boards must adhere to this process if they volunteer at town produced events or activities. If their work remains in the planning capacity, they will be exempt from this process.
- Activities where Volunteers do not interact with staff, are not supervised by staff, and do not interact with other people on behalf of the town are exempt from this process.
- Corporate Volunteer Service Projects are exempt from this process.
- Group chaperones (ex. Scout leader, teacher, church leader, etc.) who only interact with their own group and are not in the presence of other groups are exempt from this process.
- Individuals volunteering as part of court ordered community service are exempt.
- Minors are exempt from this process, as any criminal record is sealed. Background screenings will begin when an applicant is 19 years old.
- Any additional exceptions must be requested through the Administrative Regulation approval process.

IV. VOLUNTEERING

Upon being approved as a volunteer for the town, additional training may be required.

When volunteers assisting with an event or engage with the public, a training/orientation will be needed.

Only those volunteers who have completed training with the Finance Department may handle money.

Volunteers shall not drive town vehicles. Where the need arises, volunteers who are licensed drivers over the age of 18 may operate golf carts.

People volunteering to satisfy court ordered community service are to have no direct customer contact. They will not engage in anything that would be deemed "safety sensitive". Court



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ordered volunteers must be under direct supervision and ideal job tasks are custodial, janitorial, and landscaping.

All volunteers, or their parents/legal guardians, must sign a Volunteer Waiver prior to volunteer service, regardless of if there was a background screening.

A handwritten signature in black ink, appearing to read "William H. Ashton, II", written over a horizontal line.

William H. Ashton, II
Town Manager