

Human Resources

AP 7500 VOLUNTEERS

References:

Education Code Section 72401;
Government Code Section 3119.5;
Labor Code Section 3364.5

The purpose of this procedure is to outline the District provisions related to volunteers. Volunteers may not be used in lieu of classified employees. The District may not refuse to employ a person in a vacant classified position and use volunteers instead, nor may it abolish any classified positions and use volunteers instead.

Each volunteer is subject to a criminal background check through the Department of Justice.

Volunteers serve the District in an "at will" capacity. The District may terminate a volunteer's services for any reason or no reason at all.

Pursuant to Government Code Section 3119.5, no person aged 60 years or older may be excluded from volunteer service if the person is physically, mentally, and professionally capable of performing the services involved. A person shall be deemed "professionally capable" if he/she can demonstrate reasonable proficiency or relevant certification and performs his/her professional duties in accordance with laws, regulations or the technical standards that govern his/her area of volunteer responsibility.

Screening/Background Checks

The District may use a Personnel Action Hiring Packet that requires, at a minimum, the volunteer's name, address, phone number, duties as a volunteer, and assigned department. Background checks provide the District with critical information regarding history of criminal convictions. Fingerprints of each volunteer shall be required. Volunteers with on-going assignments and volunteers who interact with minors shall be required to provide a complete set of fingerprints for the purpose of running a criminal background check.

A volunteer's service record shall be maintained by the District.

Subject to the limitations of this procedure, employees assigned to other positions within the District may serve as volunteers during off-hours.

No person may serve as a volunteer in the District if:

- He/she has been convicted of or if he/she has charges pending which pertains to any sex offense (as defined in Education Code Section 87010), or controlled substance offense (as defined in Education Code Section 87011).
- He/she has been convicted of a crime and Human Resources determines that:
 - the nature of the crime is too serious to serve as a volunteer;
 - the crime was too recent; and/or
 - the crime is inconsistent with obligations in performing assigned duties as a volunteer.
- He/she has a health condition that would preclude him/her from satisfactorily performing essential duties of the position.
- He/she makes a false statement or omits a statement as to any material fact in the Personnel Action Hiring Packet.

Benefits

Volunteers are employees of the District only for the purpose of worker's compensation benefits for injuries sustained while engaged in the performance of any service under the direction and control of the District. With the exception of worker's compensation (Education Code Section 72401), volunteers shall serve without any type of compensation or any other benefits granted to District employees. Volunteers shall not be entitled to defense and indemnity from the District.

Date Adopted: June 16, 2015

(This is a new procedure recommended by the Policy and Procedure Service.)