



COUNCIL AGENDA: 06-02-09
ITEM: 5.4

Memorandum

TO: HONORABLE MAYOR AND
CITY COUNCIL

FROM: Lee Price, MMC
City Clerk

SUBJECT: SEE BELOW

DATE: 05-21-09

SUBJECT: PRNS DEPARTMENT VOLUNTEER POLICY

RECOMMENDATION

As recommended by the Neighborhood Services and Education Committee on May 14, 2009 and outlined in the attached memo previously submitted to the Neighborhood Services and Education Committee, adopt a resolution approving revision to Council Policy 3-1, the Parks, Recreation and Neighborhood Services Volunteer Policy.



Memorandum

TO: NEIGHBORHOOD SERVICES
AND EDUCATION COMMITTEE

FROM: Albert Balagso

SUBJECT: PRNS DEPARTMENT VOLUNTEER
POLICY

DATE: April 27, 2009

Approved

Date

5-4-09

COUNCIL DISTRICT: City-Wide
SNI AREA: N/A

RECOMMENDATION

Accept and approve the proposed Parks, Recreation and Neighborhood Services Department Volunteer Policy.

OUTCOME

Approval of the proposed Volunteer Policy (Attachment B) will support implementation of a framework for the recruitment, management and recognition of volunteers.

BACKGROUND

In Fiscal Year 2008 - 2009 the Parks, Recreation and Neighborhood Services (PRNS) Department created a Volunteer Management Unit. The mission of the PRNS Volunteer Management Unit is to encourage and facilitate opportunities for community participation, in partnership with PRNS staff, that support the successful completion of projects and programs that enhance the maintenance of public parks and the delivery of services for the benefit of the public.

Various opportunities for volunteer activity within PRNS currently exist such as Anti-Graffiti, Friends of the Rose Garden and San Jose Family Camp, Adopt-a-Park and the Sports Leagues to name a few.

April 27, 2009

Subject: PRNS Department Volunteer Policy

Page #2

One of the first tasks for the Volunteer Management Unit was to update a PRNS volunteer policy first adopted in May 1970 (Attachment A) and develop a complementary Implementation Manual. These documents provide a framework and process for the recruitment, management and recognition of volunteers.

In addition, since August 2008, the Volunteer Management Unit has met with staff from various PRNS and other City volunteer programs, talked with representatives from Friends organizations, and received input from community leaders and Neighborhood Action Committees from the Strong Neighborhoods Initiative. In these sessions, staff gathered input about the existing needs for volunteer support and related policy and procedural concerns. The Volunteer Management Unit also identified best practices from established policies and procedures from other jurisdictions.

ANALYSIS

As a result, the Volunteer Management Unit has identified principles and goals that will guide the PRNS Volunteer Policy and Implementation Manual. The summary and analysis of those principles follow:

Purpose – Mutually Beneficial Partnership

Fostering the community's stake and participation in neighborhood parks and community programs adds value to the mission of PRNS. At the same time, volunteer projects or services should be guided by the following complementing goals: 1) activities should enhance staff's ability to complete projects or services that currently are above and beyond their capacity; and 2) staff should make an effort to design and provide meaningful service opportunities for volunteers. Both staff and volunteers should agree on the projects or services to be provided.

Volunteer Qualifications

Definition - A volunteer is an individual, or group of individuals, who is non-elected or non-appointed and provides a one-time or continued service on behalf of PRNS for the benefit of the public without receiving financial or material compensation.

Activity - Volunteer activity includes the work of volunteers at all community, youth, and senior centers, parklands, as well as any other location where an event, sponsored by PRNS or supervised by its staff, is taking place.

Age - Persons under the age of 18 must obtain written consent from parent or legal guardian to volunteer. The minimum age of a PRNS volunteer shall be 13. Volunteers between the age of 13 and 15 must have a parent, legal guardian, or other parent-authorized program or school representative present during their service. A volunteer over the age of 15 may provide service without the presence of parent, legal guardian, or program supervisor.

NEIGHBORHOOD SERVICES AND EDUCATION COMMITTEE

April 27, 2009

Subject: PRNS Department Volunteer Policy

Page #3

Volunteer Fingerprinting and TB Test Requirements

State law requires that any City employee or volunteer in a supervising or disciplinary role over a person under 18 years of age shall submit to fingerprinting by the Santa Clara County Sheriff's Department and the Federal Department of Justice. Similarly, the proposed policy requires that any volunteer in contact with minors and/or participating in food processing or distribution must provide proof of a negative TB test taken within the 2 year period immediately preceding start of the volunteer service.

Volunteer Registration and Assignment

Length of Service

Volunteers who provide a one-time service or project must complete and sign the *Volunteer Service Agreement*. Those volunteers who wish to participate in a multiple-day service must fill out, date, and sign a *Volunteer Application*, which captures more information about the interested volunteer. The *Volunteer Application* also serves as the *Volunteer Service Agreement* for the volunteer participating in a multiple-day project or service.

Volunteers who show an ongoing commitment and/or mastery of their initial assignments may become a *Master Volunteer* by seeking the support and sponsorship of their immediate staff lead. PRNS is currently working with the City Attorney's Office to develop volunteer agreements applicable to each level of volunteer activity.

No Law Enforcement Tasks for Volunteers – volunteers shall not perform law enforcement services for PRNS.

Approval of Volunteer Project – In approving the scope of a volunteer project, several factors shall be considered, including but not limited to 1) staff's ability to provide qualify safety orientation, training, and supervision; 2) volunteers' physical and technical capacity; and 3) contributions to the operational needs of PRNS.

Volunteer Use of Tools, Equipment, and City Vehicles

PRNS staff has identified tools and equipment that may be used by volunteers to carry out their assignment with proper training. A certificate of tool or equipment use proficiency will be issued to the volunteer upon successful completion of the training session. A centralized list of certified volunteers shall be maintained by the Volunteer Management Unit. Minors shall not be allowed to operate any power tool. This list follows guidelines established by the City's Risk Management Office and has been reviewed by the City's Attorney Office.

Workers Compensation Program

All official PRNS volunteers are covered under the City of San José Workers' Compensation Program for injuries that occur while the volunteer is providing the service. The City's standard Workers' Compensation Incident report is to be used for the immediate recording of an injury. The use of volunteer's private car is not covered by the Program.

NEIGHBORHOOD SERVICES AND EDUCATION COMMITTEE

April 27, 2009

Subject: PRNS Department Volunteer Policy

Page #4

Volunteer Expectations

While performing their service, volunteers represent PRNS and the City of San José. Accordingly, volunteers must follow the City's Code of Ethics and PRNS' Code of Conduct for volunteers. Both of these documents shall be developed by PRNS and the City Attorney's Office.

Volunteer Recognition

PRNS will develop a system of volunteer recognition based on volunteer service hour thresholds. For example, each program or unit is to carry out recognition at each and every opportunity available to maintain positive partnerships with volunteers.

COORDINATION

This memo has been coordinated with Risk Management and City Attorney's Office.

FISCAL/POLICY ALIGNMENT

These recommendations align to the City's priority of full funding for Parks and Recreation Programs.

CEQA

Exempt

Attachments

Attachment A – Policy Number 3-1 (Adopted May 1970)

Attachment B – Proposed PRNS Volunteer Policy


ALBERT BALAGSO
Director of Parks, Recreation
and Neighborhood Services

For questions please contact NEIL RUFINO, RECREATION SUPERINTENDENT, at 535-3583

ATTACHMENT A

City of San José, California

COUNCIL POLICY

TITLE VOLUNTEER HELP FOR PARK IMPROVEMENT	PAGE 1 of 1	POLICY NUMBER 3-1
EFFECTIVE DATE May 18, 1970	REVISED DATE	
APPROVED BY COUNCIL ACTION	May 18, 1970	

BACKGROUND

Frequently, organizations, as well as individuals, volunteer their services for various park improvement projects, such as tree and shrub planting, installation of play apparatus, picnic tables and barbecue units, as well as pruning of shrubs and general park clean-up programs. Offers for volunteer help are also received occasionally for the planting of median strips.

PURPOSE

These types of park improvement programs lend themselves readily to community involvement through volunteer labor, increasing the citizen involvement in overall City beautification, and tend to increase the citizens' identification with the City.

POLICY

It is the policy of the City of San José to encourage and accept volunteer services from organizations, as well as individuals, for various park and landscape improvements. The projects are to be subject to authorization by the Department Head, and the volunteers must conform to any requirements or restrictions which may be imposed by the Department Head.

ATTACHMENT B

City of San José, California

COUNCIL POLICY

TITLE: PARKS, RECREATION, AND NEIGHBORHOOD SERVICES - VOLUNTEER POLICY	PAGE 1 of 10	POLICY NUMBER 3-1
	EFFECTIVE DATE 00/00/00	REVISED DATE 00/00/00

APPROVED BY COUNCIL ACTION ON

1. Purpose

To provide a framework and a process to guide the Department of Parks, Recreation and Neighborhood Services (“PRNS”) in the recruitment, management and recognition of volunteers in order to improve park maintenance, effective delivery of recreation services, and meaningful opportunities for civic engagement. Terms used but not defined in the body of this policy are defined in the Definitions Section at the end of this Policy.

2. Policy

The Department of Parks, Recreation, and Neighborhood Services of the City of San José (“City”) recognizes the value of community participation and welcomes the invaluable partnership with volunteers in the maintenance of public parks and delivery of quality services in community centers for the benefit of the public. The Volunteer Policy (“Volunteer Policy”) provides guidelines for staff to work with volunteers in the completion of approved meaningful projects and programs that supplement and enhance PRNS’s resources throughout the City’s neighborhoods.

This Volunteer Policy covers the work of volunteers on behalf of PRNS at all community, youth, and senior centers, parks, as well as any other locations, programs, and events it sponsors. The Volunteer Policy is founded on an understanding of volunteerism not as monolithic action but rather a continuum of civic engagement. Thus, it provides a procedural structure that adjusts to the different types of volunteer activities and levels of volunteer commitment.

ATTACHMENT B

3. Background

PRNS and the City of San José have a long tradition of providing a wide range of quality parks, recreational and community services to the city's diverse population. Complementary to this tradition are the enduring partnerships with many individuals and organizations that support PRNS's mission to "build healthy communities through people, parks, and programs." The Volunteer Policy will guide PRNS' efforts in the recruitment, management and recognition of volunteers.

4. Implementation Guidelines

VOLUNTEER REGISTRATION

1. Each new volunteer must fill out a volunteer or master volunteer application and/or a volunteer agreement(s) as developed by PRNS and the City Attorney's Office. Further, the volunteer must meet at appropriate fingerprinting and TB test requirements as necessary. A Volunteer Policy Implementation Manual will provide guidelines for selecting which form to fill out and sign as well as volunteer participation in the training workshops.

VOLUNTEER QUALIFICATIONS

1. Age: The minimum age of a City volunteer is 13 unless specified otherwise in federal and state laws or in the specific volunteer project description. Volunteers under the age of 15 must be accompanied by a parent or legal guardian during their service for the City. Alternatively, if approved by the parent or legal guardian, an authorized adult representative or supervisor of an educational or vocational organization, provided that the organization has signed an agreement with the City taking responsibility for the volunteers, may supervise volunteers below 15 years of age. All volunteers, both adults and persons under the age of 18, must sign and date, or have their parent or legal guardian sign and date, the appropriate volunteer applications and agreements as described in the Implementation Manual depending on the type and scope of the service. Volunteers under the age of 18 will only perform volunteer services during non-school hours, unless the City's volunteer service of a recognized part of the civic educational component of the school attended by the volunteer.
2. Fingerprinting and Background Check
 - a. Consistent with California Public Resources Code Section 5164, the City will fingerprint any volunteer, who may be assigned to a volunteer project in a position having supervisory or disciplinary authority over any minor, to screen for any and all criminal convictions as spelled out in above referenced section before s/he can begin delivering the services.

ATTACHMENT B

- b. Furthermore, PRNS reserves the right to conduct reference checks in order to improve safe and appropriate assignment of volunteers.
 - c. PRNS will follow appropriate City policy for record and file keeping guidelines to ensure the privacy of volunteers' sensitive information including but not limited to background checks, medical records, or other.
 - d. PRNS will cover the costs of fingerprinting and background checks of volunteers.
3. Requirement for TB Testing
- a. Consistent with California Public Resources Code 5163 which says (a) No person shall initially be employed in connection with a park, playground, recreational center, or beach used for recreational purposes by a city or county in a position requiring contact with children, or as a food concessionaire or other licensed concessionaire in that area, unless the person produces or has on file with the city or county a certificate showing that within the last two years the person has been examined and has been found to be free of communicable tuberculosis. City Council extends this requirement to volunteers.
 - b. For persons with a positive TB skin test reading, a physician's medical clearance must be obtained prior to services being provided as specified above. PRNS shall keep on file each "Certificate" of clearance for the persons described above. "Certificate" means a document signed by a licensed examining physician and surgeon or a notice from a public health agency or unit of the tuberculosis association which indicates freedom from active tuberculosis.

VOLUNTEER ASSIGNMENT

1. Volunteer positions may include assignments or projects that are:
 - a. Short-term or over multiple days;
 - b. To be completed by an individual, or
 - c. Shared among group members.
2. Every assignment or activity for which volunteers are utilized must have a written volunteer position description, which is to provide both staff and volunteers with a clear explanation of the project scope, start and end date, and follow up needed.
3. No volunteer shall perform any tasks or deliver any services that have not been requested or approved by the appropriate PRNS staff, as designated by the Director of PRNS in the Volunteer Policy Implementation Manual. Some of the factors to consider in approving the scope of volunteer activities or projects include staff's ability to provide quality volunteer orientation, training, and supervision as well as contributions to the operational needs of PRNS.
4. It is the goal of PRNS to assign appropriate and meaningful activities to volunteers while safeguarding the safety and well-being of the public and clients.

ATTACHMENT B

5. To the extent possible and necessary, PRNS will assign staff to supervise and/or evaluate the work of volunteers. Volunteer groups may also be supervised by approved adult program liaisons or coordinators who have received appropriate training and met all background requirements.
6. Volunteers shall not perform law enforcement services on behalf of PRNS.
7. Volunteers, who do not adhere to the rules, policies, and regulations of the City of San José or fail to perform their assignments satisfactorily, are subject to release from the program. Further, PRNS may release an existing volunteer from providing volunteer services with or without cause

USE OF TOOLS OR VEHICLES

1. In general, subject to approval of City staff, volunteers may use office equipment, recreation equipment and supplies, unpowered hand tools provided by staff and, with proper training and permission, some power equipment in the completion of the designated project or service. PRNS is to create a Policy on Volunteer Use of Tools and Equipment, along with a "List of Approved Hand Tools and Power Equipment for Volunteer Use," in coordination with the City Attorney's Office and the Risk Management Office. The appropriate certifications and conditions for use of these tools shall be identified in the administrative Implementation Manual for volunteers and PRNS staff. Staff is to keep a centralized database of volunteers who are trained and certified to use power equipment requiring additional training. No volunteer under the age of 18 shall be permitted to use power equipment requiring additional training.
2. From time to time, PRNS may determine that it is beneficial for volunteers to use their own tools or equipment to complete a project. While PRNS staff may request such assistance, volunteers will voluntarily assume full responsibility for use of their tools or equipment, specifically the potential wear and tear. The volunteer shall sign a release form ensuring that the City is not liable for damage, replacement or maintenance of privately-owned tools and equipment. Only those tools that are identified in the "List of Approved Hand tools and Power Equipment for Volunteer Use" will be permitted.
3. Volunteer use of City vehicles must be petitioned for by PRNS staff overseeing volunteer's activity and shall be approved by appropriate management level staff as designated by PRNS Director in the Volunteer Policy Implementation manual. Volunteers must complete all required procedures and trainings, including providing proof of auto insurance and driving record, and sign the appropriate volunteer applications and volunteer agreement, prior to operating a City vehicle. Staff is to keep centralized database of volunteers approved for City Vehicle use.
4. Based on the scope and time period of a proposed project, the age and skill of the volunteers, and the level of liability assumed by a given group or organization in writing, PRNS staff will determine the appropriate tools or equipment in conformance with

ATTACHMENT B

established City policy and guidelines on use of tools and equipment.

WORKERS' COMPENSATION COVERAGE

1. All volunteers must have signed and dated the appropriate volunteer application or volunteer service agreement, in order to establish his or her coverage under the City of San José Workers' Compensation Program for injuries that occur while the volunteer is providing the service. All volunteers shall immediately report all injuries or incidents to PRNS staff as outlined in the Volunteer Policy Implementation Manual.

REPORTING AND HANDLING OF ACCIDENTS OR INCIDENTS

1. Volunteers must report any and all incidents or accidents to their immediate City staff supervisor or PRNS volunteer administration staff. An incident report and a Workers' Compensation Benefits Claim are to be completed by City staff for each accident.

VOLUNTEER RECOGNITION

1. PRNS recognizes the importance of recognition and incentives to attract and reward volunteers' service to the public. In general, volunteers will be recognized based on length of service, special contributions, or initiative shown. Volunteer recognition and appreciation shall be practiced on an ongoing basis as well as through annual events, as feasible.

VOLUNTEER ROLES AND EXPECTATIONS

1. As representatives of PRNS and City, all volunteers are expected to follow PRNS's Code of Conduct and the City's Volunteer Code of Ethics as identified in the Volunteer Policy Implementation Manual for volunteers.
2. From time to time, volunteers may witness activity that is unsafe or illegal taking place at public parks, programs or facilities. Volunteers are to report any and all said activity, especially those that threaten persons under the age of 18, the elderly or persons with developmental disabilities, to their supervisors and/or by calling 911 when life threatening.
3. PRNS staff shall treat all volunteers with the same professionalism as provided to colleagues.

OTHER APPLICABLE POLICIES

1. PRNS staff will work with City Manager's Office and other key City staff to implement the Volunteer Policy in a manner that does not conflict with existing Municipal Code provisions or other City policies.

ATTACHMENT B

5. Department Process

GUIDELINES

1. PRNS's Volunteer Management Unit shall develop the guidelines, forms, and trainings to implement the Volunteer Policy, to be approved by PRNS Director, in coordination with the City Attorney's Office, the City's Office of Employee Relations, and the Risk Management Office.
2. The Volunteer Management Unit shall coordinate the creation and updating, as necessary, of a "List of Approved Tools and Power Equipment for Volunteer Use" and the development of trainings for volunteers, in coordination with department staff, the City Attorney's Office and the Risk Management Office.

6. GENERAL PROVISIONS

1. The Volunteer Policy aims to establish general guidelines to cover a broad range of volunteer activity and volunteers with whom PRNS works. Amendments may be considered and adopted by City Council as needed.
2. Volunteers provide a one-time project or a multiple-day service on behalf of PRNS for the benefit of the public, without receiving direct financial or other material compensation. Volunteers shall not be considered as "employees" of PRNS.
3. Both the volunteer and PRNS may end the volunteer's association with PRNS at any time, for any reason, with or without cause.
4. Volunteers are recruited, placed and managed without regard to race, religion, color, ancestry, gender, sexual orientation, age, creed, national origin, ethnicity, or physical disability. Volunteers must be physically able to perform the activity, which he or she has agreed to accomplish. PRNS staff reserves the right to determine volunteers' ability to perform an identified activity or project.
5. PRNS reserves the right to accept and/or reject an individual or group's offer to volunteer as well as determine the appropriate assignment.
6. The Federal Labor Standards Act prohibits City employees from volunteering to do the same activities that they are normally paid to perform. PRNS staff may, free of coercion, volunteer to carry out activities not significantly related to their paid positions and may do so only outside of their usual paid hours.

ATTACHMENT B

7. Definition of Terms

1. **Volunteer:** Any individual – person under and over 18 years of age – who provides services or park maintenance tasks free of charge or payment on behalf of the Department of Parks, Recreation and Neighborhood Services, with the exception of possible reimbursement of costs if agreed to by the City. The term includes a single individual as well as organized groups.
2. **Volunteer application and Volunteer Service Agreement:** Means department forms that are developed by PRNS with the City Attorney's Office, and which must be completed and signed by each volunteer, depending on nature and scope of service. This form 1) provides information about volunteer's skills and interests; 2) initiates volunteer coverage under the City's Worker's Compensation Liability Program, among other things.
3. **Master Volunteer:** An individual, who has shown at least a 6 month commitment and/or has shown sufficient skills and reliability on City volunteer projects, may be selected to complete training workshops to become a Master Volunteer. This volunteer level may involve use of permitted power tools and equipment or drive a City vehicle, being certified to provide more technical support, and signing the appropriate agreements for Master Volunteers. The individual must be fingerprinted and meet all other program requirements.
4. **Federal Labor Standards Act:** Federal law governing the standards for minimum and overtime wages of public and private employees.