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**VOLUNTEER PROGRAM MANUAL** 

#### Purpose

Volunteers provide a means of building the capacity of nonprofits, supporting staff, and enhancing delivery of the nonprofit mission. The purpose of this manual is to provide guidance in developing a volunteer program that is sustainable and consistently applied. This manual provides ready to use forms, where applicable.

#### **Needs Assessments**

Although volunteer services do not cost money, per se, a volunteer program that builds (Nonprofit Name) capacity will take some investment of staff time. Therefore, it's important to identify and prioritize which volunteer services will be the most beneficial to (Nonprofit Name). There are two steps to assessing your needs: 1) categorize the areas of need and 2) interview all staff for needs within those categories.

Categories you might look to in order to assess needs are those common to most nonprofits:

- Communications / Outreach
- Programs / Services
- Resource Development / Fundraising
- People (Staff, Volunteers, Board)
- Operations / Administration

Needs in each category can be significant and as complex as conducting "capacity" research for donor profiles and writing grants to developing a social media calendar and professional storytelling. Needs can be as simple as answering phones or data entry. The best way to determine what is needed is to interview staff.

#### **Develop Job Descriptions**

Develop job descriptions for the needs that were identified. Treat them as you would a job description for paid staff. Some of what should be included in your job description are set out in the following list. Modify to fit your circumstances.

- 1. What is the Job Title?
- 2. What are the primary duties and responsibilities?
- 3. What skills, personal attributes, education, and training are required?
- 4. What are the goals and objectives of the position?
- 5. What are the required hours (flexible, set, regular, periodic)?
- 6. When and where will the activity / job will be performed?
- 7. What benefits will the volunteer gain?
- 8. Can the volunteer work from home?
- 9. Will the volunteer be required to travel to other locations?
- 10. What individuals or groups will the volunteer work with, if any at all?
- 11. What are the safety issues that need to be addressed?
- 12. Is the volunteer required to have any special equipment (e.g. computer, car, etc.)?

- 13. Are your facilities fully accessible?
- 14. Are there physical requirements for the job?
- 15. Who will supervise the volunteer?

Job descriptions also serve as a communication tool for staff and volunteers to understand their roles and expectations.

#### Recruitment

Recruitment is the process of identifying sources of suitable volunteer candidates and how to approach those sources. In the appendix to this Manual there is a list of 7 volunteer recruitment sources. See **Appendix A**. These are external specific resources for posting your volunteer positions. You will also want to tap your internal resources such as asking your board, staff, and current volunteers for a list of people they may know that might be interested in volunteering.

Potential recruitment sources for (Nonprofit Name) include clients that have participated in (Nonprofit Name) programs previously, donors, partners, stakeholders, relevant community agencies, and schools.

Other sources: (Nonprofit Name) may already have business connections in your town. Some of those businesses can be invited to share your volunteer needs with their employees. Some corporations and businesses have volunteer programs that will provide a group of volunteers for your specific projects, such as helping you to manage a yearly event. Some corporations will even provide you with funds to give their employees this opportunity and a few have programs that provide grants to those nonprofits that give their employees volunteer opportunities. For instance, check to see if you have an *Intel* in your area who has had generous programs like this in the past. Most of these corporations have a community relations person you will want to contact.

Another very viable source for volunteers is service clubs. Many will invite you to make a short presentation about your organization during a lunch (free to you – yummy!) and you can make your pitch for your volunteer needs. Sometimes, a service club such as a local rotary club will actually "adopt" your nonprofit for all their volunteering service projects.

There are numerous other methods for recruiting volunteers such as at volunteer fairs at colleges, farmer's markets, and university and college service groups.

You must always have a page on our own website to post on-going and periodic volunteer positions.

#### **Recruitment Message:**

The recruitment message you post online or in hard copy must be appealing. Include the following in your message:

<u>Need</u>: Describe a problem / issue / need. The need you stress may be yours, your client's, or a need of the volunteer.

<u>Solution</u>: Describe how the volunteer will help to solve the problem <u>Questions</u>: Is there some special skill set that is needed or not?

<u>Benefits</u>: Short description of what they will get from helping <u>Contact Point</u>: Name and contact information to get involved

#### **Screening of Volunteers**

The type and extent of screening will depend on the nature of the volunteer position. For instance, if the volunteer will be working directly with a client, or child, your screening process will need to include background checks. If you are screening for someone who can develop your website, you will want to see a portfolio of their prior work. If you are screening for administrative work requiring typing, you mand need to conduct a typing test.

The first step in your screening process will involve having your potential volunteer complete your application. A sample application form is included in **Appendix B**.

Upon reviewing your volunteer's application and deciding they are a potential candidate you will set up an interview. The interview should be no different than one for a paid position. You not only need to evaluate whether this candidate is a good fit but also provide them information about your nonprofit to gauge their interest level. Topics to discuss in the interview include:

Volunteer Job Description
Duties
Responsibilities
Requirements of position
Volunteer Application
Skills
Education, if relevant
Interests
Background and Experience
Mission of the organization
A short description of Programs
How the volunteer will provide support to staff and delivery of mission

You should invite their questions, as well.

Next you will need to compare the requirements of the volunteer position to the skills, experience, and other qualities of your potential candidate. Depending on the nature of the volunteer position you may also need to conduct a background check, reference check, or drug testing.

#### Selection of Volunteer

A best practice is to provide a written offer to your volunteer for the position. You will provide your Volunteer Handbook to your new volunteer and have them sign the required documents contained in the Appendix to your Handbook, including the Volunteer Handbook Acknowledgement, the Volunteer Confidentiality Statement and the Driver policy, if relevant. Depending on whether they will be driving as part of their volunteer work, they will also need to provide you with a copy of their driver's license and declaration page of their auto insurance.

If they are required to sign any type of Release, then this is the time to provide that to your volunteer for signing.

You will need to make a file for each volunteer to hold all the volunteer's documents along with their application for the volunteer position.

#### Volunteer Orientation / Onboarding and Training

Prior to placing a volunteer in their assignment, they should participate in orientation and training. Your orientation and training should consist of two parts. The first is orientation and onboarding. The second is specific training.

<u>Orientation and onboarding</u>: Provide your volunteer with information about your organization, policies, procedures as well as mission and programs. For instance, go over your Volunteer Handbook and ask if they have any questions. Pay attention to areas that may involve liability issues, such as safety and confidentiality. Make sure they understand whether they are covered under your nonprofit's worker's compensation or liability policies or not. You should also either advise them on or provide them with a copy of the Federal Volunteer Protection Act (Appendix C) and answer any questions they may have about this.

Orientation should also include ensuring your volunteer is fully aware of all policies and procedures of your operations including policies against harassment and procedures for filing complaints. They should also be provided with the names and contact information for all relevant supervisors as well as to whom they report emergencies.

Expectations regarding keeping a record of their volunteer hours will also be discussed. They should also have a clear understanding of the requirements of their position in terms of attendance as well as what conduct could result in termination.

A tour of any of your nonprofit facilities should include evacuation procedures.

<u>Training</u>: Some positions require very specific training before the volunteer begins working in the position while other positions may allow volunteers to learn hands-on or by shadowing someone else. The most effective training programs identify the skills, experience, and knowledge essential for successful job performance. The training program then instructs volunteers on these specific skills and knowledge they will need to perform their job.

Keep in mind that appropriate training is one of the most important risk management tools you can employ. For instance, if your nonprofit serves food, training should consist of proper food handling to prevent illness. Give thought to any potential risks associated with the volunteer position, including those that simply involve static positions such as sitting at a computer for many hours.

The complexity of your training program should reflect the complexity of the volunteer position. If your volunteer will work with youth, for instance, then training might include safety of the youth and volunteer but also how to respond to more unpredictable situations, how to use certain equipment and facilities and how to ask for help.

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Orientation, Onboarding, and training should also serve to bring your volunteer into your family; become a member of your team. This should be an intentional time to start embedding concepts into their heads (detailing program information), engaging their hearts (connecting volunteer to the mission) and putting tools into their hands (the "how to" of performing their duties). This is also a time to begin building the relationship that will fully engage them in serving for the long haul.

Connecting the volunteer to your mission can be accomplished through training that informs the volunteer of how their position enhances the mission and program objectives.

For standardization purposes it is suggested that you create a checklist for your orientation process to ensure you cover everything but also for consistency and succession planning.

#### **Record Keeping**

Tracking volunteer hours is important for a variety of reasons. Your public relations are enhanced by the number of hours you can report on your website, on social medial sites, in brochures, and other public outlets. Your annual report should always include the yearly volunteer hours worked. Many grant applications require the number of volunteer hours. Some auditors ask for this information, as well.

Internally, tracking volunteer hours aids you in evaluating your volunteer program and identifying trends in volunteering within your nonprofit. It reveals where you are heavy in the use of volunteers and where you might be vulnerable to overuse and whether your nonprofit might need to use paid staff in those areas. It helps to ensure that each volunteer is fulfilling the time expectations you set. Tracking volunteer hours also helps when you recognize volunteer contributions.

Valuing volunteer time might be relevant for several reasons, such as recognition at events, grant proposals, financial statements, annual reports, etc. You can find the current value of volunteer time on the website of the independent sector, here: <u>https://independentsector.org/value-of-volunteer-time-</u>2018/ which at the time of this writing is \$24.69 per hour.

Some organizations use software to report volunteer hours while others rely solely on sign-in sheets. These sheets can be input into a software program at a later date. However, each volunteer should also maintain a record of his/her hours and this will be kept in their individual files. A sample Volunteer Hours Record form is included in Appendix D.

#### **Volunteer Management**

Management of volunteers begins with establishing goals with your volunteer. The supervisor then monitors the volunteer's activities to ensure the goals are met, providing guidance when needed. Management of volunteers also involves evaluation, much in the same manner as paid staff are evaluated. Regular evaluations provide the supervisor and volunteer an opportunity to discuss job performance, any changes that might need to be made to duties, and level of the volunteer's job satisfaction. The supervisor needs to invite feedback about the volunteer's perception of the duties assigned and impact delivered by those duties. In other words, this is a valuable means for the nonprofit to make determinations about program effectiveness.

You might be more comfortable calling the evaluation "feedback" sessions. Failing to meet with your volunteers on some periodic basis could mean that volunteers and their assignments fall through the cracks. Regular meetings, feedback sessions, etc. should include:

- Scheduling volunteer activities
- Receiving updates on their activities, job performance, conduct
- Identifying need for further training and/or guidance
- Providing regular performance feedback/review
- Rewarding and acknowledging contribution

#### Volunteer Engagement

Volunteers who feel connected and appreciated will stick around for the long haul. To instill these feelings in your volunteers involves regular, consistent communication as well as formal recognition.

Think of volunteers in the same manner you would think of your donors. You steward your donors by communicating with them to strengthen your relationship with them. You communicate the difference they have made, and you thank them every time they contribute. Like donors, your retention rate of your volunteers will increase with proper stewardship or engagement.

Set up a "stewardship / engagement" plan just like you would for a donor. Start building a relationship with new volunteers with a friendly email a few days after they first volunteer. If you are the volunteer's direct supervisor make sure you are connecting with the volunteer on some regular basis, even if it is by an occasional email. If you are not their direct supervisor, it is a best practice to attempt to get to know your volunteers on a more personal level by inviting them to meet with you and perhaps other staff and volunteers on some regular basis, even if it is just quarterly. Have coffee and chat about how they are liking their jobs. These emails and little chats can be set out in regular intervals as part of your overall stewardship / engagement plan.

A stewardship / engagement plan should include the following:

- ✤ Welcome new volunteer
- Occasional thank you in person, by phone, or through email
  - If you are having your board sign donor thank you cards each time there is a board meeting, add your volunteers to this process
- Communication providing them with information about the impact they are making
  - You can use stories about a client you served or about one of your programs much the same way you would with a donor communication
- Ask them for their feedback in person, by phone, or through email
  - Questions you could ask:
    - As a volunteer with our organization, do you feel like part of a community?
    - What's one thing we could do to improve your volunteer experience?
    - How often would you like to hear from us about volunteer opportunities?

Once you receive their response make sure to follow through if their response requires that, so they feel that their feedback matters.

#### Recognition

Never permit an achievement or accomplishment of a volunteer go unrecognized. It is important to acknowledge that accomplishment or achievement as close in time as possible to the achievement. Strive to recognize your volunteer in public forums, especially among your organization's regular communication channels. If you have a social medial calendar such that each Wednesday, for instance, you honor a volunteer on your Facebook page, then this is an ideal way to provide recognition.

You can also implement what is sometimes called a "Bravo." You will ask staff, board, or other volunteers to nominate volunteers on some regular basis whom they suggest should be honored for outstanding work. You will want to print up a certificate to give to that volunteer. You will give the Bravo publicly on your website, in newsletters and eblasts and on social media.

Other ways to provide recognition is in your regular communications such as eblasts and newsletters. You should also periodically take group photos of your volunteers and use the photo on your Volunteer webpage, in eblast and newsletters.

At least one time per year it is considered a best practice to hold an appreciation event for your volunteers. There are many ways to accomplish this. If you google "ideas for volunteer appreciation event" you will find many great ideas. Of note is that you do need to make sure you have included this event in your annual budget.

# **APPENDIX A**

# 7 VOLUNTEER RECRUITMENT SOURCES

<u>Linkedin</u> allows you to post volunteer positions. You can also look for companies in your service area with Linkedin business pages to find out if they have a program to provide volunteers to nonprofits.

Facebook and all social medial may be good ways to reach volunteers.

<u>United Way</u> may help distribute your volunteer recruitment messages.

<u>Volunteer Match</u> allows you to post volunteer positions and is used by about 120, 000 nonprofits nationwide. They claim to be the largest network in the world matching volunteers to nonprofits. They seem to have a free version but list the additional benefits of \$9.95 per month membership. They match for your interest area and region.

<u>JustServe</u> is a website where the volunteer needs of organizations may be posted, and volunteers may search for places to serve in the community.

<u>Create the Good</u> is a free online resource where nonprofits can post volunteer opportunities.

Hands On Network is part of the Points of Light network of volunteer action centers

# **APPENDIX B**

# (NONPROFIT NAME) VOLUNTEER/INTERN APPLICATION

Name:	Date:
Address:	
Phone (home):	Phone (cell):
DOB:	
Education (circle last year completed) Grade 8 9 10 11 12 College 1	2 3 4 Other
Current Employment Status:	
Have you volunteered or worked for (Ne Yes No If yes, where and	onprofit Name)? when?
How did you learn about our Volunteer	Services Program?
Work experience:	
(use separate sheet if necessary)	
Volunteer experience:	
Special skills, interests, hobbies, etc: Are you fluent in a foreign language or i	in sign language? If so, please list.
Days available for volunteer work: (Circ	
Hours per week Prefer: morr	nings afternoons evenings
Why would you like to volunteer?	
	pleted by for
Community service: hrs neede	ed to be completed by
•	tion of law other than a minor traffic violation?
Areas of volunteer interests:	
•	Walk Other
Drivers License number	Name of Insurance Company

Phone:	
References: List two people who we can contact	
1 Name, Address, Phone	
2	
Name, Address, Phone	
Signature of applicant	Date:
I understand than any false information in this application will my application.	l be sufficient reason for rejection of
Signature of parent or guardian if applicant is under age 19	
	Date:
(For Office Use Only – Not to be completed by applicant)	
(Select the background checks appropriate for the position. D completed and by whom)	ate and initial when checks
Background checks: Copies on file:	
Confidentiality Statement	
Confidentiality Statement Release of information	
Confidentiality Statement Release of information Driver's License	
Confidentiality Statement Release of information Driver's License Car Insurance	
Confidentiality Statement Release of information Driver's License Car Insurance City Police	
Confidentiality Statement Release of information Driver's License Car Insurance City Police County Sheriff	
Confidentiality Statement Release of information Driver's License Car Insurance City Police County Sheriff Motor Vehicle Sex Offenders Registry	
Confidentiality Statement Release of information Driver's License Car Insurance City Police County Sheriff Motor Vehicle Sex Offenders Registry Date of Interview Interviewer	
Confidentiality Statement Release of information Driver's License Car Insurance City Police County Sheriff Motor Vehicle Sex Offenders Registry Date of Interview Interviewer	
Background checks: Copies on file: Confidentiality Statement Release of information Driver's License Car Insurance City Police County Sheriff Motor Vehicle Sex Offenders Registry Date of Interview Interviewer Date of Interview Interviewer Date of Interview Interviewer	
Confidentiality Statement Release of information Driver's License Car Insurance City Police County Sheriff Motor Vehicle Sex Offenders Registry Date of Interview Interviewer Date of Interview Interviewer Volunteer's preferences: (Refer to job description when applied	
Confidentiality Statement Release of information Driver's License Car Insurance City Police County Sheriff Motor Vehicle Sex Offenders Registry Date of Interview Interviewer Date of Interview Interviewer Volunteer's preferences: (Refer to job description when applied  Comments on experience and skills:	cable)
Confidentiality Statement Release of information Driver's License Car Insurance City Police County Sheriff Motor Vehicle Sex Offenders Registry Date of Interview Interviewer Date of Interview Interviewer Volunteer's preferences: (Refer to job description when applied  Comments on experience and skills:	cable)
Confidentiality Statement Release of information Driver's License Car Insurance City Police County Sheriff Motor Vehicle Sex Offenders Registry Date of Interview Interviewer Date of Interview Interviewer Volunteer's preferences: (Refer to job description when applied  Comments on experience and skills:  Assignment: Job Title	cable)

Supervisor	 
Work Schedule	 
Additional Comments:	

# **APPENDIX C**

# 42 U.S. Code Chapter 139 – VOLUNTEER PROTECTION

- § 14501 Findings and purpose
- § 14502 Preemption and election of State nonapplicability
- § 14503 Limitation on liability for volunteers
- §14504 Liability for noneconomic loss
- §14505 Definitions

# 42 U.S. Code § 14501 – Findings and purpose

(a) FINIDINGS: 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 provide 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 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 chapter is to promote the interest 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 U.S. Code § 14502 – Preemption and election of State nonapplicability

## (a) PREEMPTION

This chapter preempts the laws of any State to the extent that such laws are inconsistent with this chapter, except that this chapter 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 chapter 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 chapter shall not apply, as of a date certain, to such civil action in the State; and

(3) containing no other provisions

(Pub. L. 105-19, § 3, June 18, 1997, 111 Stat. 219.)

# 42 U.S. Code § 14503 – Limitation on liability for volunteers

(a) LIABILITY PROTECTION FOR VOLUNTEERS Except as provided in subsections (b) and (d), no volunteer of 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.

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(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 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 chapter shall not apply to any misconduct that –

(A) constitutes a crime of violence (as that term is defined in section 16 of title 18) 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 (28 U.S.C. 534 note);

(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)

(Pub. L. 105-19, § 4, June 18, 1997, 111 Stat. 219.)

# 42 U.S. Code § 14504 – Liability for noneconomic 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.

(Pub. L. 105-19, § 5, June 18, 1997, 111 Stat. 221.)

# 42 U.S. Code § 14505 – Definitions

For purposes of this chapter:

# (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 loss" 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 ORGANIATION The term "nonprofit organization" means -

(A) any organization which is described in section 501(c)(3) of title 26\_and exempt from tax under section 501(a) of such title 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 (28 U.S.C. 534 note); 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 (28 U.S.C. 534 note)

# (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.

(Pub. L. 105-19, § 6, June 18, 1997, 111 Stat. 221.)

# **APPENDIX D**

# (Nonprofit Name) Individual Volunteer/Intern Report Form

Name: \_\_\_\_\_\_ Month/Year: \_\_\_\_\_

Instructions: For each day worked, please record your time, hours, and duties, or as instructed by your Volunteer Coordinator. Turn this form in to your supervisor at the end of each month.

Date	Time In	Time Out	# of Hours	Duties performed	Destination

Total Client Contact hours for the month: \_\_\_\_\_\_ Total Non-Client Contact hours for the month:\_\_\_\_\_ Total Hours worked for the month: \_\_\_\_\_