

VOLUNTEER POSITIONS AND ELIGIBILITY

The Superintendent, from time to time and where practicable, is encouraged to create volunteer positions in the Bristol Virginia Public Schools in which the individuals filling the positions would be deemed to meet the definition of a volunteer under the Fair Labor Standards Act (the “Act”). For instance, volunteer positions may be appropriate for supervision of extracurricular activities for students, such as for sports teams, the marching band and clubs.

Under the Act, a person is deemed to be a volunteer for the Bristol Virginia Public Schools if the individual performs hours of service for the Bristol Virginia Public Schools for civic, charitable, or humanitarian reasons, without promise, expectation or receipt of compensation for services, although the Bristol Virginia Public Schools may choose to pay a volunteer expenses, reasonable benefits, a nominal fee (such as a stipend) as determined under the Act, or any combination thereof, for his or her service. A nominal fee shall not be a substitute for compensation, shall not be tied to productivity or the time the individual devotes to the volunteer position and shall be examined by the total amount of payments made in the context of the economic realities of the situation. A non-exempt employee of the Bristol Virginia Public Schools is not eligible to fill a volunteer position if such employee would perform the same type of services in the volunteer position as he or she does in his or her employment and/or does not meet the criteria above. A non-exempt employee of the Bristol Virginia Public Schools may offer his or her services for a volunteer position but must do so freely and without pressure or coercion, direct or implied, from the Bristol Virginia Public Schools. The individual shall not provide his or her services until after the Superintendent has approved the individual and the individual and the School System have completed the proper paperwork.

Although the School Board and/or other personnel of the Bristol Virginia Public Schools may recommend an individual for a volunteer position, the Superintendent, using his or her absolute and sole discretion, shall place an individual of his or her choosing in a volunteer position, taking into consideration the totality of the circumstances in determining whether the individual would be deemed to be a volunteer under the Act.

Adopted: by the Bristol Virginia School Board on December 5, 2011.