

REGULATION FOR VOLUNTEER POSITIONS

All potential volunteers must complete an Application to Volunteer and be screened utilizing an online criminal background screening service. Outside agencies that offer volunteers must have a process to provide information to the Superintendent (or designee) indicating proper background checks have been performed.

An individual may be considered a volunteer when the individual meets the following criteria:

1. Performs service for civic, charitable or humanitarian reasons, without promise, expectation or receipt of compensation for services rendered,
2. Offers services freely and without pressure or coercion, direct or implied, from an employer; AND
3. Is not otherwise employed by BVPS to perform the same type of services as those for which the individual proposed to volunteer.

Non-Employee Volunteers

Non-employee volunteers will complete an Application to Volunteer and be screened utilizing an online criminal background screening service. The Superintendent reserves the right to approve only activities that are deemed beneficial to the school division and will not be required to disclose reasons for denial of any application.

Parent Volunteers

Historically, the United States Wage and Hour Division has not asserted Fair Labor Standards Act violations for time spent by a public school employee who is also the parent (or who stands *in loco parentis*) of a child in that school, when the parent volunteers in activities directly involving the child's education and participation. However, the volunteer activities must be performed without expectation of compensation and without coercion or pressure by the employer.

Parents who are also employed in a non-exempt position with Bristol Virginia Public Schools must complete an Application to Volunteer and submit to the Superintendent for review and approval for each proposed volunteer activity. It is the intent of the Superintendent to provide approval for parents to work as parent volunteers in activities directly involving their child's education and participation. However, due to the complicated laws and regulations, each activity must be reviewed prior to approval.

Employee Volunteers

Teachers and other exempt employees can freely volunteer their time without additional paperwork or review.

Approvals for non-exempt employees will be very limited due to the stringent and often ambiguous labor law rules and regulations. Requests should not be made for repetitive activities.

Under no circumstance can volunteering occur during a non-exempt employee's regular working hours.

Determination of same or similar services for non-exempt employees:

- Superintendent will review O*Net Online (www.onetonline.org) to review the job classification of the employee's primary position with the school system and compare it to the job classification of the proposed volunteer activity.
- In accordance with DOL regulations, the Superintendent must consider all the facts and circumstances in a particular case including whether the volunteer service is closely related to the actual duties performed by or responsibilities assigned to the employee.
- After review, the Superintendent shall document his determination, and the reasons thereof, on the Application to Volunteer.
- The Superintendent shall only approve applications in which the proposed volunteer activity is significantly different from the employees' primary position with the school division.
- The Superintendent's determination shall be final.
- The Superintendent reserves the right to approve only activities that are deemed beneficial to the school division.

Individuals performing volunteer activities without the proper approval will be deemed out of compliance with the Bristol Virginia Public Schools policy for Volunteers and may be banned from performing future activities. Non-exempt employees who perform volunteer activities without proper approval will be considered for disciplinary action, up to and including, dismissal.

Approved: by Superintendent on September 11, 2017