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Volunteers and a Return to "Normal"- Bringing More than Just Employees Back
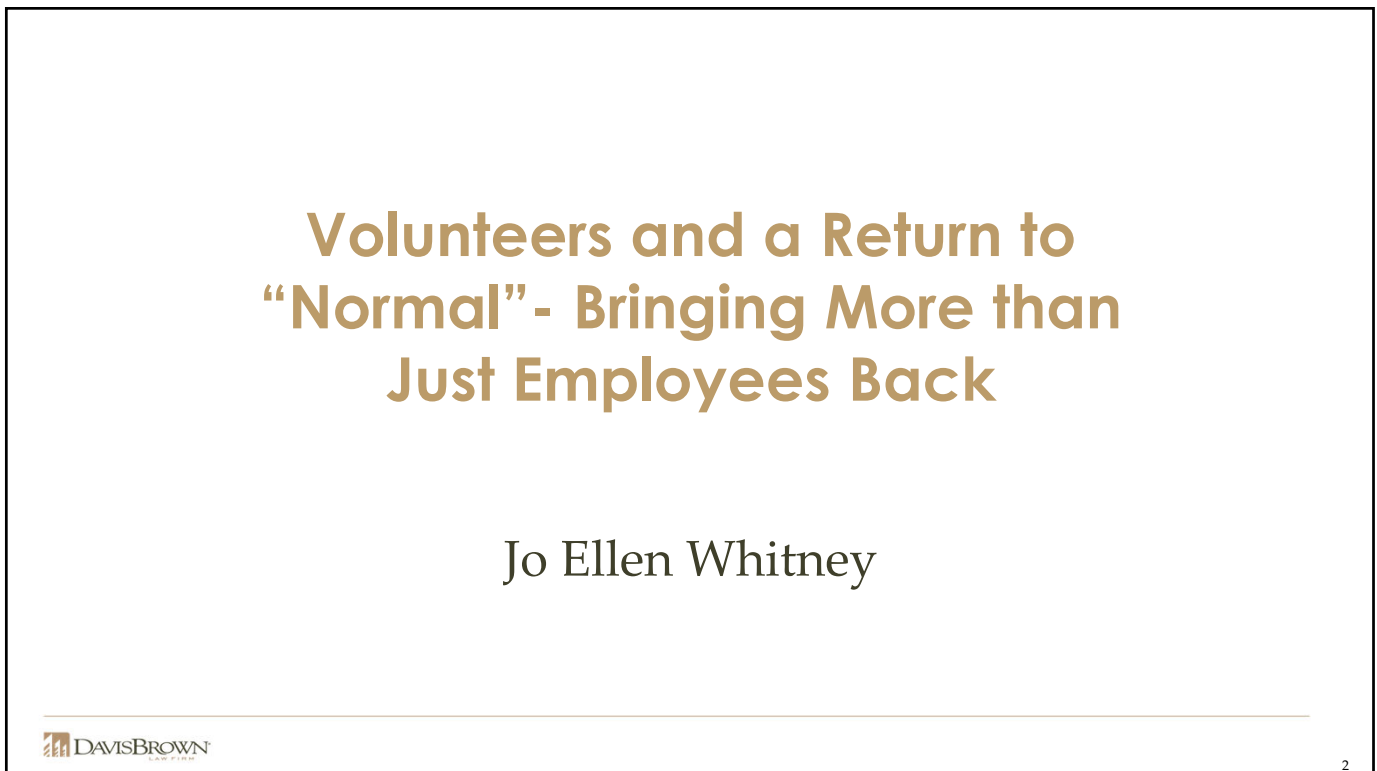
Jo Ellen Whitney

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Disclaimer

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What the Disclaimer Really Means

- I am not talking about you

- The facts change the answer

- There isn't always one right answer

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Common Questions About Volunteers (Same Page Time)

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Who Is A Volunteer?

- Interns

- Practicums / Residents

- Job Shadow

- "Volunteer" Community Member

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Volunteers……..

- Must volunteer their time freely and without anticipation of compensation

- Interns and others must have a clear educational component

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Volunteers

- Unpaid-clearly understood

- Charitable, civic, religious

- Activities are historically classified as volunteer

- Does not displace employees

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Compliment vs. Displace

- Are you not for profit?

- Is it less than full time?

- Are volunteer services offered freely without pressure?

- Are the services typically described as volunteer and/or intern?

- Will or has a regular employee been displaced?

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Questions in Background Checks

- There are DOT issues

- There is a SING Hit

- There is a Criminal Hit

- References are poor or don't match up

- Licensure

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OSHA

- While OSHA does not generally cover volunteers, OSHA standards are frequently used as best practices for common law claims.

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Is There Risk/Liability?

- Volunteer actions/behavior (social media to sociopath) (Let's talk about CMS)

- Inherent risk of the work (falling off a ladder)

- FLSA Classification/Other applicable regulations

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Volunteer Consent Form
To consent or not to consent

- Adults

- Minors

- Photo/Internet Use (not liable for misuse)

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Social Distancing

- Change seating

- Limit numbers

- Staggered schedules

- Capacity limits/areas

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COVID - Some Issues

- Closing common areas

- Minimizing non-essential travel

- Use of PPE

- Use of monitoring/tracking

- Stay at home policies

- Promote handwashing

- Sanitize work area

- Touch free fixtures/trash cans

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Training…..Training…and Training

- Training/enforcement

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Can I Ask Them About Underlying Conditions

- No, but you can give them an opportunity to talk

- Avoid age discrimination

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Setting Expectations

- Follow rules, including PPE/distancing

- Clean clothing should not be worn in other situations

- Assigned roles

- Testing where required

- Provide data for contact tracing

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Don't Forget Communication

- HIPPA

- Internal Issues

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Important Resources

- Remember: the situation is changing rapidly; monitor these frequently:

  - CDC Website: https://www.cdc.gov/coronavirus/2019-ncov/index.html

  - IDPH: https://idph.iowa.gov/Emerging-Health-Issues/Novel-Coronavirus

  - COVID-19 In Iowa: https://coronavirus.iowa.gov/

- Do you have a legal question relating to the coronavirus?

  - Email us your question: info@davisbrownlaw.com, subject line: Coronavirus

  - We'll publish updated blog posts and try to answer as many as we can

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QUESTIONS?

Thank you,

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